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EPA--REGION 10

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Aldis Manufacturing LTD;

Respondent.

Docket No. FIFRA-10-2007-0107

CONSENT AGREEMENT

1. This administrative proceeding is simultaneously being commenced and concluded by issuance of this Consent Agreement along with the accompanying Final Order. The authority for this procedure is set forth at 40 C.F.R. § 22.13(b). This Consent Agreement contains terms for the settlement of a claim between the United States Environmental Protection Agency ("EPA") and Aldis Manufacturing LTD ("Respondent"). The payment of a penalty by Respondent in settlement of this claim is authorized by Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a).

2. For the purpose of this proceeding, Respondent admits the jurisdictional allegations contained herein, but neither admits nor denies the specific factual allegations put forth by EPA. Nevertheless, Respondent waives the right to contest those allegations as well as the right to appeal the accompanying Final Order. Respondent also consents to payment of the penalty as stated below.

Consent Agreement

Aldis Manufacturing LTD
FIFRA-10-2007-0107

1 3. Respondent is the registrant of the pesticide product referred to as "Kull 62 MUP,"
2 and identified by EPA registration number 9468-34. In February of 2007, Respondent imported
3 into the United States approximately 95,400 kilograms of "Kull 62 MUP" from an establishment
4 in China which is authorized to produce this pesticide. The "Kull 62 MUP" arrived in containers
5 that were lacking labels with statements and information mandated by FIFRA. In particular, the
6 labels failed to set forth the EPA registration number, EPA establishment number, directions for
7 use, warning and caution statements, full ingredient statements, as well as other statements and
8 information required by Section 2(q) of FIFRA, 7 U.S.C. § 136(q), and 40 C.F.R. § 156.10.
9 These failures amount to a misbranding of "Kull 62 MUP," and by selling or distributing a
10 misbranded pesticide, Respondent has committed a violation of Section 12(a)(1)(E) of FIFRA, 7
11 U.S.C. § 136j(a)(1)(E). This violation subjects Respondent to the payment of a civil penalty in
12 accordance with Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

13 4. Respondent consents to the assessment of a civil penalty in the amount of three
14 thousand one hundred and twenty dollars (\$ 3,120). The payment of this penalty shall be made
15 by Respondent within thirty (30) days of the filing of the Final Order. This payment shall be by
16 cashier's or certified check made payable to the order of "Treasurer, United States of America."
17 The check shall be submitted to: United States Environmental Protection Agency, Region 10,
18 P.O. Box 371099M, Pittsburgh, Pennsylvania 15251. Along with payment, Respondent shall
19 provide a transmittal letter which sets forth the information contained in the caption of this case,
20 including the case title and docket number, together with a description of the obligation being
21 satisfied by Respondent. At the time of payment, Respondent shall also provide a copy of the
22 check and transmittal letter to Richard Mednick, Associate Regional Counsel, and Carol
23 Kennedy, Regional Hearing Clerk. The mailing address for Mr. Mednick and Ms. Kennedy is:
24 United States Environmental Protection Agency, 1200 Sixth Avenue, ORC-158, Seattle,
25 Washington 98101.

26 5. Should Respondent fail to pay the penalty assessed herein in full by its due date, the
27 entire unpaid balance of penalty and accrued interest shall become immediately due and owing.
28 Should such a failure to pay occur, Respondent may be subject to a civil action under Section
Consent Agreement

Aldis Manufacturing LTD
FIFRA-10-2007-0107

1 14(a)(5) of FIFRA, 7 U.S.C. § 1361(a)(5), to collect any unpaid penalties, together with interest,
2 handling charges, and nonpayment penalties, as set forth below.

3 6. Should Respondent fail to pay any portion of the penalty assessed herein in full by its
4 due date, Respondent shall also be responsible for payment of the following amounts:

5 a. Interest. Any unpaid portion of the assessed penalty shall bear interest at the
6 rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the
7 effective date of the accompanying Final Order, provided, however, that no interest shall be
8 payable on any portion of the assessed penalty that is paid within 30 days of the effective date of
9 the Final Order.

10 b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling
11 charge of \$15 shall be paid if any portion of the assessed penalty is more than 30 days past due.

12 c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment
13 penalty of 6% per annum shall be paid on any portion of the assessed penalty that is more than
14 90 days past due, which nonpayment penalty shall be calculated as of the date the underlying
15 penalty first becomes past due.


16 7. This Consent Agreement is binding upon Respondent, including all officers,
17 directors, servants, employees, agents, successors, and assigns of Respondent.

18 8. Respondent shall bear its own costs and attorneys fees in connection with this matter.

19 9. EPA and Respondent agree to the accompanying Final Order as presented to the
20 Regional Judicial Officer.

21
22 United States Environmental
23 Protection Agency

Aldis Manufacturing LTD

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25 
26 Richard D. Mednick

27 Associate Regional Counsel



28
Consent Agreement

Aldis Manufacturing LTD
FIFRA-10-2007-0107

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5 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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8 In the Matter of:
9 Aldis Manufacturing LTD;
10 Respondent.
11

Docket No. FIFRA-10-2007-0107

FINAL ORDER

12 1. It is hereby ordered that Aldis Manufacturing LTD ("Respondent") comply with all
13 terms of the Consent Agreement executed by the United States Environmental Protection
14 Agency ("EPA") and Respondent in this matter. This compliance obligation is effective upon
15 the date of filing of the Consent Agreement along with this Final Order.

16 2. This Final Order resolves only that cause of action that has been alleged by EPA in
17 the Consent Agreement. This Final Order does not waive, extinguish, or otherwise affect the
18 obligation of Respondent to comply with all applicable provisions of the Federal Insecticide,
19 Fungicide, and Rodenticide Act and the regulations promulgated thereunder.
20

21 
22 Richard G. McAllister
23 Regional Judicial Officer
24 EPA Region 10
25

26 
27 Date
28

Final Order

Aldis Manufacturing LTD
FIFRA-10-2007-00XX

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: ALDIS MANUFACTURING LTD, DOCKET NO.: FIFRA-10-2007-0107** was filed with the Regional Hearing Clerk on June 01, 2007.

On June 1, 2007 the undersigned certifies that a true and correct copy of the document was delivered to:

Richard Mednick, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on June 1, 2007, to:

Jamie A. Smith, VP of Operations
Ritter Chemical U.C.
Aldis Manufacturing, Ltd.
26099 SW 95th Avenue
Unit 601
Wilsonville, OR 97070

DATED this 1st day of June 2007.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10