

FILED

April 15, 2025

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**U.S. EPA REGION 7
HEARING CLERK**

**U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

BEFORE THE ADMINISTRATOR

In the Matter of

Logan Agri-Service, Inc.,
Griggsville, Illinois,

Respondent.

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Docket No. FIFRA-07-2024-0065

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and Logan Agri-Service, Inc. (Respondent) have agreed to a settlement of this action before the filing of a Complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Jurisdiction

1. This proceeding is an administrative action for the assessment of civil penalties initiated pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l and in accordance with the Consolidated Rules of Practice.

Parties

2. Complainant, by delegation from the Administrator of EPA and the Regional Administrator of EPA Region 7 is the Director of the Enforcement and Compliance Assurance Division of EPA Region 7.

3. The respondent is Logan Agri-Service, Inc., a corporation organized under the laws of the state of Illinois and doing business in the state of Missouri.

Statutory and Regulatory Background

4. Congress enacted FIFRA in 1947 and amended it in 1972 and in 1996. The general purpose of FIFRA is to provide the basis for regulation, sale, distribution and use of pesticides in the United States. 7 U.S.C. 136 *et. seq.*

5. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, or whose registration has been cancelled or suspended.
6. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states it shall be unlawful for any person in any state to distribute or sell to any person any pesticide which is adulterated or misbranded.
7. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “pest” to mean (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organism on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1).
8. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines “pesticide” to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
9. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines “person” to mean any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.
10. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines “to distribute or sell” to mean to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.
11. Section 2(w) of FIFRA, 7 U.S.C. § 136(w) defines “produce” to mean to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. 40 C.F.R. § 167.3 further defines “produce” to mean to package, repack, label, relabel, or otherwise change the container of any pesticide or device.
12. Section 2(w) of FIFRA, 7 U.S.C. § 136(w) defines “producer” to mean any person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide. 40 C.F.R. § 167.3 further defines “producer” to mean any person who packages, repackages, labels, or relabels any pesticide, active ingredient, or device.
13. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), authorizes a civil penalty of not more than \$5,000 for each offense. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties \$24,255, for violations that occur after November 2, 2015, and for which penalties are assessed on or after December 27, 2023, 2023.

General Factual Allegations

14. Respondent is, and at all times referred to herein was, a “person” within the meaning of FIFRA.

15. At all times relevant to this action, Respondent was a registered pesticide dealer, EPA Registration Number 49155-IL-01.

16. At all times relevant to this action, owned and operated a facility located at 20681 Highway 15, Paris, Missouri, (the “Paris Facility”) that was not registered with the EPA.

17. On July 4, 2023, the Missouri Department of Agriculture conducted an inspection of Respondent’s Paris Facility (the “Inspection”).

Allegations of Violations

18. The Complainant hereby states and alleges that Respondent has violated FIFRA and federal regulations promulgated thereunder, as follows:

Count 1

Production of Pesticides at an Unregistered Establishment

19. The facts stated in Paragraphs 1 through 18 above are herein incorporated.

20. Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), and 40 C.F.R. 167.20(a)(1) require that any establishment where a pesticidal product is produced must be registered with the EPA.

21. The Inspection revealed that Respondent’s Paris Facility was producing pesticides by repackaging pesticide product from bulk pesticide totes into containers brought to the facility by customers.

22. At the time of the Inspection, Respondent’s Paris Facility had not been registered with the EPA.

23. Respondent violated Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), and 40 C.F.R. 167.20(a)(1) by producing pesticide product without registering with the EPA as a pesticide producer.

Count 2

Sale and Distribution of Misbranded Pesticides

24. The facts stated in Paragraphs 1 through 18 above are herein incorporated.

25. Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), states, in pertinent part, a pesticide is misbranded if the labeling does not bear the registration number of the establishment in which it was produced.

26. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), and 40 C.F.R. § 156.10(a)(v) require that every pesticide product must clearly and prominently show the producing establishment number.

27. The Inspection revealed that, on the following fifteen occasions, Respondent's Paris Facility sold and distributed pesticides whose labels did not contain the proper establishment number where the pesticides were produced:

- (a) Invoice #1054, dated March 24, 2022, sale of 150 gal Parallel Plus MB (EPA Reg. No. 66222-132), 10 gal. Calleron 2x2.5 (EPA Reg. No. 104206-8), 40 gal Assure II 2x2.5 (EPA Reg. No. 352-541);
- (b) Invoice #1063, dated March 31, 2022, sale of 250 gal Roundup Powermax 3 MB (EPA Reg. No. 524-549), Parallel Plus MB (EPA Reg. No. 66222-132);
- (c) Invoice #1065, dated March 31, 2022, sale of 1,875 lbs. Altrazine 90 (pl) (EPA Reg. No. 35915-3-60062), 18 gal. Silencer VXN 4x1 (EPA Reg. No. 66222-223), 55 gal. Glory 4L (EPA Reg. No. 66222-256), 360 gal. Halex GT MB (EPA Reg. No. 100-1282), 250 gal. Enlist One MB (EPA Reg. No. 62719-695), 40 gal. Enlist One 2x2.5 (EPA Reg. No. 62719-695), 530 gal. Gly Star Plus 265MB (EPA Reg. No. 42750-61), 435 gal. Parallel PCS 270 (EPA Reg. No. 66222-86), 125 gal. Defy LV6 MB (EPA Reg. No. 66222-220);
- (d) Invoice #1106, dated April 28, 2022, sale of 270 gal Parallel Plus MB (EPA Reg. No. 66222-132), 100 gal. Gly Star Plus 265MB (EPA Reg. No. 42750-61), 13 gal. Argos 4x1 (EPA Reg. No. 74530-71), 7 gal. Silencer VXN 4x1 (EPA Reg. No. 66222-223);
- (e) Invoice #1303, dated June 16, 2022, sale of 100 gal. Glysupreme Extra MB (EPA Reg. No. 80967-5), 50 gal. Parallel PCS 2x2 5 (EPA Reg. No. 66222-86), 50 gal. Torment (EPA Reg. No. 66222-249), 8 gal. Silencer VXN 4x1 (EPA Reg. No. 66222-223), 100 gal. Enlist One MB (EPA Reg. No. 62719-695);
- (f) Invoice #1472, dated July 15, 2022, sale of 50 gal. Glysupreme Extra MB (EPA Reg. No. 80967-5), 50 gal. Enlist One MB (EPA Reg. No. 62719-695);
- (g) Invoice #1829, dated April 6, 2023, sale of 120 oz. Harmony Extra SG with total sol 12x15 (EPA Reg. No. 352-714), 5 gal. Propi-Star 2x2.5 (EPA Reg. No. 91234-76), 10 gal. Palisade Maxx (EPA Reg. No. 100-1677), 320.8 gal. Parallel Plus MB (EPA Reg. No. 66222-132), 17 gal. Argos 4x1 (EPA Reg. No. 74530-71), 265 Glysupreme Extra MB (EPA Reg. No. 70967-5), 100 lbs. Defy LV6 MB (EPA Reg. No. 66222-220);
- (h) Invoice #1857, date April 7, 2023, sale of 4 gal. Tank Cleaner Liquid (EPA Reg. No. 5481-9030), 60 gal. Glysupreme Extra MB (EPA Reg. No. 80967-5), 105 gal. Parallel PCS 270 (EPA Reg. No. 66222-86), 100 gal. Enlist One 2x2.5 (EPA

Reg. No. 62719-695), 3 gal. Brigade 2EC (EPA Reg. No. 279-3313), 17 gal. Silencer VXN 4x1 (EPA Reg. No. 66222-223), 35 gal. Aquila XL 2x2.5 (EPA Reg. No. 91234-76);

- (i) Invoice #1960, dated April 19, 2023, sale of 6 gal. Silencer (EPA Reg. No. 66222-103), 12 gal. Argos 4x1 (EPA Reg. No. 74530-71), 270 gal. Parallel Plus MB (EPA Reg. No. 66222-132), 275 gal. Glysupreme Extra MB (EPA Reg. No. 80967-5);
- (j) Invoice #1971, dated April 21, 2023, sale of 550 gal. Glysupreme Extra MB (EPA Reg. No.80967-5), 250 gal. Enlist One MB (EPA Reg. No.62719-695), 10 gal. Enlist One 2x2.5 (EPA Reg. No.62719-695), 25 gal. Anthem Maxx 2x2.5 (EPA Reg. No. 279-3468), 480 gal. Halex GT MB (EPA Reg. No. 100-1282), 1000 lbs. Altrazine 90 (pl) (EPA Reg. No. 35915-3-60063), 18 gal. Brigade 2EC (EPA Reg. No. 279-3313), 270 gal. Parallel PCS 270 (EPA Reg. No. 66222-86)
- (k) Invoice #2106, dated May 3, 2023, sale of 62.5 gal Buccaneer 5 Extra MB (EPA Reg. No. 55467-15), 7 gal. Anthem Maxx 2x2.5 (EPA Reg. No. 279-3468), 256 oz. Reviton 2x128 (EPA Reg. No. 71512-37-74530);
- (l) Invoice #2213, dated May 22, 2023, sale of 250 gal. Enlist One MB (EPA Reg. No.62719-695), 275 gal. Glypex5 / AGSAVER 265MB (EPA Reg. No.93033-1), 150 gal. Outlook MB (EPA Reg. No.7969-156), 20 gal. Silencer VXN 4x1 (EPA Reg. No.66222-223);
- (m) Invoice #2214, dated May 22, 2023, sale of 52.5 gal. Buccaneer 5 Extra MB (EPA Reg. No. 55467-15), 147 gal. Parallel Plus Bulk (EPA Reg. No. 66222-132), Argos 4x1 (EPA Reg. No.74530-71);
- (n) Invoice #2447, dated June 7, 2023, sale of 7.5 gal. Perpetuo 2x2.5 (EPA Reg. No. 59639-242), 4 gal. Argos 4x1 (EPA Reg. No. 74530-71), 60 gal. Parallel Plus MB (EPA Reg. No. 66222-132); and
- (o) Invoice #2439, dated June 30, 2023, sale of 40 gal. Altrazine 4L Cornbelt MB (EPA Reg. No. 1381-158).

28. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), and 40 C.F.R. § 156.10(a)(v), by selling and distributing pesticide products with labels that did not contain the proper establishment number where the pesticide product was produced.

Count 2

Failure to Maintain Required Repackaging Agreements

29. The facts stated in Paragraphs 1 through 18 above are herein incorporated.

30. Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i), and 40 C.F.R. 165.70(b)(3) require that a person repackaging a pesticide product must enter into a written contract with the registered producer to repack and to use the label of the registrant's pesticide produce.

31. The Inspection revealed that Respondent's Paris Facility was repackaging pesticide product from bulk pesticide totes into containers brought to the facility by customers.

32. The Inspection revealed that Respondent had not entered into written contracts with the registered producer of the respective pesticide products prior to repackaging the pesticide product.

33. Respondent violated Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i), and 40 C.F.R. 165.70(b)(3) by repackaging pesticide product without entering into a written contract with the pesticide product's producer.

CONSENT AGREEMENT

34. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the specific factual allegations stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;
- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

35. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

36. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

37. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

38. Respondent consents to receiving the filed Consent Agreement and Final Order electronically at the following e-mail address: jschaver@loganag.com.

Penalty Payment

39. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of Seventy-Four Thousand Eight Hundred Six Dollars (\$74,806), as set forth below.

40. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979078
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

41. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
R7_Hearing_Clerk_Filings@epa.gov

and

Sam Bennett, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219
bennett.sam@epa.gov

42. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717.

Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

43. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- (a) Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- (b) Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- (c) Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center at weidner.lori@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- (d) In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
 - (i) notify EPA’s Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of this Consent Agreement and Final Order; and
 - (ii) provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s issuance and receipt of the TIN.

Effect of Settlement and Reservation of Rights

44. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent’s liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of FIFRA or any other applicable law.

45. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in the paragraph directly below.

46. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of FIFRA and its implementing regulations.

47. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and regulations promulgated thereunder.

48. Complainant reserves the right enforce the terms and conditions of this Consent Agreement and Final Order.

49. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

General Provisions

50. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

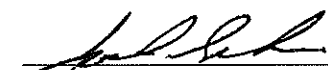
51. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon filing by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

52. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

53. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

RESPONDENT

LOGAN AGRI-SERVICE, INC.



Signature

4/11/24

Date

Josh Schaver

Printed Name

COO

Title

COMPLAINANT

U. S. ENVIRONMENTAL PROTECTION AGENCY

Jodi Bruno
Acting Director
Enforcement and Compliance Assurance Division

Date

Sam Bennett
Office of Regional Counsel

Date

FINAL ORDER

Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order in the matter of Logan Agri-Service, Inc., EPA Docket No. FIFRA-07-2024-0065, was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Sam Bennett
Office of Regional Counsel
bennett.sam@epa.gov

Mark Leshner
Enforcement and Compliance Assurance Division
lesher.mark@epa.gov

Milady Peters
Office of Regional Counsel
peters.milady@epa.gov

Copy via Email to Respondent:

Josh Schaver
Registered Agent
Logan Agri-Service, Inc.
30571 State Highway 107
P.O. Box 555
Griggsville, IL 62340
jschaver@loganag.com

Dated this _____ day of _____, _____.

Signed