



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 08 2010

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Mr. John V. Venegoni
Stepan Company
22 W. Frontage
Northfield, Illinois 60093
Receipt No. 7009 1680 0000 7662 0925

and

Mr. Ben Khalili
Parson Enterprise Incorporated
d/b/a United Chemical & Supplies
Kansas City, Missouri 64108
Receipt No. 7009 1680 0000 7662 0918

Consent Agreement and Final Order **FIFRA-05-2011-0002**

Dear Mr. Venegoni and Khalili:

Attached are two copies of a Consent Agreement and Final Order in resolution of a FIFRA action taken against the Respondents for the distribution or sale of pesticides, that were adulterated and/or misbranded. This document was filed on November 8, 2010, with the Regional Hearing Clerk.

The civil penalty in the amount of \$60,000.00 is to be paid in the manner described in paragraphs 123 thru 135. Please be certain that the number **BD 2751145P002** and the docket number are written on both the transmittal letter and on the check. Payment is due by December 8, 2010 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Estrella Calvo".

Estrella Calvo

Pesticides and Toxics Compliance Section

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2011-0002
)	
Stepan Company)	Proceeding to Assess a Civil Penalty
Northfield, Illinois)	Under Section 14(a) of the Federal
and)	Insecticide, Fungicide, and Rodenticide
Parson Enterprise Incorporated)	Act, 7 U.S.C. § 136l(a)
d/b/a United Chemical & Supplies)	
Kansas City, Missouri)	
Respondents.)	
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Consent Agreement and Final Order
Preliminary Statement

**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5 (EPA), has been delegated the authority to settle this matter.
3. The Respondents are Stepan Company (Stepan), a corporation doing business in the State of Illinois and Parson Enterprise Incorporated d/b/a United Chemical & Supplies (Parson), a corporation doing business in the State of Missouri.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the

adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

10. Section 3(c)(1)(C), 7 U.S.C. § 136a(c)(1)(C), states that each applicant for registration of a pesticide shall file with the Administrator a statement which includes a complete copy of the labeling of the pesticide, a statement of all claims to be made for it, and any directions for its use.

11. Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), states that it is unlawful for any person to distribute or sell to any person any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under Section 3 of FIFRA, 7 U.S.C. § 136a .

12. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it is unlawful for any person to distribute or sell to any person any pesticide which is adulterated or misbranded.

13. Section 2(c)(1) of FIFRA, 7 U.S.C. § 136(c)(1), defines a pesticide as “adulterated” if its strength or purity falls below the professed standard of quality as expressed on its labeling

under which it is sold.

14. Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), defines a pesticide as “misbranded” if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

15. Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), defines a pesticide as “misbranded” if the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under Section 3(d) of this Act, is adequate to protect health and the environment.

16. Section 2(q)(2)(C)(iii) of FIFRA, 7 U.S.C. § 136(q)(2)(C)(iii), defines a pesticide as “misbranded” if there is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing the net weight or measure of the content.

17. 40 C.F.R. § 152.132 states that a registrant may distribute or sell his registered product under another person’s name and address instead of (or in addition to) his own. The product is referred to as a “distributor product.”

18. 40 C.F.R. § 152.132 states that supplemental distribution is permitted upon notification to the Agency if all of the following conditions are met: (a) The registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor’s company number, the additional brand name(s) to be used, and the registration number of the registered product; (b) The distributor product is produced, packaged and labeled in a registered establishment operated by the same producer who produces, packages, and labels

the registered product; (c) The distributor product is not repackaged (remains in the producer's unopened containers); (d) The label of the distributor product is the same as that of the registered product, except that the product name of the distributor product may be different, the name and address of the distributor may appear instead of that of the registrant, the registration number of the registered product must be followed by a dash, followed by the distributor's company number, the establishment number must be that of the final establishment at which the product was produced, and specific claims may be deleted, provided that no other changes are necessary; and (e) Voluntary cancellation of a product applies to the registered product and all distributor products distributed or sold under that registration number.

19. 40 C.F.R. § 152.132 also specifies that a distributor is considered an agent of the registrant for all intents and purposes under FIFRA, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.

20. The term "person" as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s) "means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not."

21. The term "distribute or sell" means "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." 7 U.S.C. § 136(gg).

22. A "pesticide" is, among other things, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u).

23. A "pest" is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the

Administrator of EPA declares to be a pest under Section 25(c)(1) of FIFRA. 7 U.S.C. § 136(t).

24. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision of FIFRA of up to \$6,500 for each offense that occurred after March 15, 2004 through January 12, 2009 and of up to \$7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

25. Respondent, Stepan, is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

26. Respondent, Stepan, is a “registrant” as defined at Section 2(y) of FIFRA, 7 U.S.C. § 136(y).

27. At all times relevant to the Complaint, Stepan owned or operated a place of business located at 22 W. Frontage Road, Northfield, Illinois 60093.

28. Respondent, Parson, is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

29. At all times relevant to the Complaint, Parson owned and operated a place of business located at 2021 Washington Street, Kansas City, Missouri 64108.

30. The company number assigned to Parson by EPA is 623.

31. On or about February 23, 2009, an inspector employed by the Missouri Department of Agriculture and authorized to conduct inspections under FIFRA conducted an inspection at Respondent, Parson’s place of business.

32. During the February 23, 2009 inspection, the inspector collected physical samples,

and labels for the pesticide products, "Deter-San II," EPA Reg. No. 1839-96-623; "UC 256," EPA Reg. No. 1839-97-623 and "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, which Respondent, Parson, was holding for distribution or sale.

33. The physical samples collected during the February 23, 2009 inspection, were delivered to the University of Iowa Hygienic Laboratory located at 2220 S. Ankeny Boulevard, Ankeny, Iowa 50023, on or about March 9, 2009 for analysis.

Deter-San II
EPA Reg. No. 1839-96-623

34. On or about August 7, 1980, Stepan registered its pesticide product, "NP 9.0 (D & F) Detergent/Disinfectant" with EPA.

35. EPA assigned EPA Registration Number (EPA Reg. No.) 1839-96 to Stepan's pesticide product, "NP 9.0 (D & F) Detergent/Disinfectant."

36. On or about January 5, 2006, Stepan and Parson under its fictitious name, United Chemical & Supplies, submitted a Notice of Supplemental Registration of Distributor to EPA for the pesticide product, "NP 9.0 (D & F) Detergent/Disinfectant"

37. The Notice of Supplemental Registration of Distributor listed the distributor of "NP 9.0 (D & F) Detergent/Disinfectant" as Parson under its fictitious name, United Chemical & Supplies.

38. The Notice of Supplemental Registration of Distributor listed the distributor product name as "Deter-San II."

39. The EPA Reg. No. for the distributor product "Deter-San II" is 1839-96-623.

40. "Deter-San II," EPA Reg. No. 1839-96-623, is a "pesticide" as that term is defined

in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

41. Respondent, Parson, is considered an agent of the registrant, Stepan, for all intents and purposes under 40 C.F.R. § 152.132 of FIFRA with respect to its distributor product “Deter-San II,” EPA Reg. No. 1839-96-623.

42. The “Results of Analyses” prepared by the University of Iowa Hygienic Laboratory on or about May 12, 2009 after analyzing the physical sample of “Deter-San II,” EPA. Reg. No. 1839-96-623 collected on February 23, 2009, identified the average concentration of quaternary ammonium chlorides in “Deter-San II,” EPA Reg. No. 1839-96-623, as 8.110% on March 16, 2009 and as 8.079% on May 7, 2009.

43. The accepted label of March 1, 2006 for “Deter-San II,” EPA Reg. No. 1839-96-623, states that the pesticide product contains 9.0% quaternary ammonium compounds.

44. The label on the pesticide product, “Deter San II,” 1839-96-623, collected on or about February 23, 2009, also did not bear the net weight or measure of content of the pesticide product.

45. On or about February 23, 2009, Parson distributed or sold “Deter San II,” EPA Reg. No. 1839-96-623 at its distribution facility where it was held for distribution or sale.

UC 256
EPA Reg. No. 1839-97-623

46. On or about August 7, 1980, Stepan registered its pesticide product, “NP 12.5 (D & F)” with EPA.

47. EPA assigned EPA Reg. No. 1839-97 to Stepan’s pesticide product, “NP 12.5 (D & F).”

48. On or about November 16, 2005, Stepan and Parson, under its fictitious name, United Chemical & Supplies, submitted a Notice of Supplemental Registration of Distributor to EPA for the pesticide product "NP 12.5 (D & F)."

49. The Notice of Supplemental Registration of Distributor listed the distributor of "NP 12.5 (D & F)" as Parson, under its fictitious name, United Chemical & Supplies.

50. The Notice of Supplemental Registration of Distributor listed the distributor product name as "UC 256."

51. The EPA Reg. No. for the distributor product "UC 256" is 1839-97-623.

52. "UC 256," EPA Reg. No. 1839-97-623, is a "pesticide" as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

53. Respondent, Parson, is considered an agent of the registrant, Stepan, for all intents and purposes under 40 C.F.R. § 152.132 of FIFRA with respect to its distributor product "UC 256" EPA Reg. No. 1839-97-623.

54. The "Results of Analyses" prepared by the University of Iowa Hygienic Laboratory on or about May 12, 2009 after analyzing the physical sample of "UC 256," EPA Reg. No. 1839-97-623 collected on February 23, 2009, identified the average concentration of quaternary ammonium chlorides in "UC 256" as 11.547% on March 12, 2009.

55. The accepted label of December 23, 2003 for "UC 256," EPA Reg. No. 1839-97-623, states that the pesticide product contains 12.5% quaternary ammonium compounds.

56. The label on the pesticide product, "UC 256," 1839-97-623, collected on or about February 23, 2009, also did not bear the net weight or measure of content of the pesticide

product.

57. The label on the pesticide product, "UC 256," EPA Reg. No. 1839-97-623 collected on or about February 23, 2009 stated that it contained the following active ingredient: "n-alkyl (60% C₁₄, 30% C₁₂, 5% C₁₈) dimethyl benzyl ammonium chloride."

58. The accepted label of December 23, 2003 for "UC 256," EPA Reg. No. 1839-97-623, states that it contained the following active ingredient: "n-alkyl (60% C₁₄, 30% C₁₆, 5% C₁₂, 5% C₁₈) dimethyl benzyl ammonium chloride."

59. On April 30, 2009, Stepan approved an updated label for "UC 256," EPA Reg. No. 1839-97-623, for its supplemental registrant, Parson.

60. The April 30, 2009 approved label by Stepan for Parson continues to state that the pesticide product contains the following active ingredient: "n-alkyl (60% C₁₄, 30% C₁₂, 5% C₁₈) dimethyl benzyl ammonium chloride."

61. This ingredient statement still does not match the accepted label of December 23, 2003.

62. On or about February 23, 2009, Parson distributed or sold "UC 256," EPA Reg. No. 1839-97-623, at its distribution facility where it was held for distribution or sale.

63. On or about March 13, 2009, Parson distributed or sold "UC 256," EPA Reg. No. 1839-97-623, to Camelot Custodial Services, Inc.

64. On or about January 23, 2010, Parson distributed or sold "UC 256," EPA Reg. No. 1839-97-623, to Shawnee Mission Unified School District #512.

Pine Odor Disinfectant
EPA Reg. No. 1839-98-623

65. On or about February 2, 1981, Stepan registered its pesticide product, "PT 3.2 Pine Odor Disinfectant" with EPA.

66. EPA assigned EPA Reg. No. 1839-98 to Stepan's pesticide product, "PT 3.2 Pine Odor Disinfectant."

67. On or about October 31, 2001, Stepan and Parson, under its fictitious name, United Chemical & Supplies, submitted a Notice of Supplemental Registration of Distributor to EPA for the pesticide product "PT 3.2 Pine Odor Disinfectant."

68. The Notice of Supplemental Registration of Distributor listed the distributor of "PT 3.2 Pine Odor Disinfectant" as Parson, under its fictitious name, United Chemical & Supplies.

69. The Notice of Supplemental Registration of Distributor listed the distributor product name as "Pine Odor Disinfectant."

70. Therefore, the EPA Reg. No. for the distributor product "Pine Odor Disinfectant" is 1839-98-623.

71. "Pine Odor Disinfectant" EPA Reg. No. 1839-98-623, is a "pesticide" as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

72. Respondent, Parson, is considered an agent of the registrant, Stepan, for all intents and purposes under 40 C.F.R. § 152.132 of FIFRA with respect to its distributor product "Pine Odor Disinfectant" EPA Reg. No. 1839-98-623.

73. The "Results of Analyses" prepared by the University of Iowa Hygienic Laboratory on or about May 12, 2009 after analyzing the physical sample of "Pine Odor Disinfectant," EPA

Reg. No. 1839-98-623 collected on February 23, 2009, identified the average concentration of quaternary ammonium chlorides in "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, as 4.240% on March 12, 2009 and as 4.217% on May 7, 2009.

74. The accepted label of October 3, 2002 for "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, states that the pesticide product contains 3.2% quaternary ammonium compounds.

75. The label on the pesticide product, "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, collected on February 23, 2009, did not contain certain warning or caution statements which were necessary and if complied with together with any requirements under Section 3(d) of FIFRA, are adequate to protect health and the environment.

76. Specifically, the label for "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, collected during the February 23, 2009 inspection failed to include certain warning statements, first aid statements and certain storage and disposal statements.

77. On March 27, 2009, Stepan approved the updated label for "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, for its supplemental registrant, Parson.

78. On or about February 23, 2009, Parson distributed or sold "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, at its distribution facility where it was held for distribution or sale.

79. On or about February 27, 2009, Parson distributed or sold "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, to Kansas City Fire Department Storeroom.

80. On or about March 20, 2009, Parson distributed or sold "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, to Kansas City Water Services Dept Treatment Store.

81. On or about March 27, 2009, Parson distributed or sold "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, to City of Olathe City Hall.

82. On or about March 27, 2009, Parson distributed or sold “Pine Odor Disinfectant,” EPA Reg. No. 1839-98-623, to Kansas City Fire Department Storeroom.

Count 1

83. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

84. On February 23, 2009, Parson distributed or sold a pesticide, “Deter-San II,” EPA Reg. No. 1839-96-623, that was adulterated and misbranded as those terms are defined by Sections 2(c)(1), 2(q)(1)(A) and 2(q)(2)(C)(iii) of FIFRA, 7 U.S.C. § 136(c)(1), 2(q)(1)(A) and 2(q)(2)(C)(iii) by holding the distributor product for distribution or sale at its distribution facility.

85. Parson’s distribution or sale of “Deter-San II,” EPA Reg. No. 1839-96-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

86. Parson’s violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 2

87. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

88. On February 23, 2009, Parson distributed or sold a pesticide, “UC 256,” EPA Reg. No. 1839-97-623, that was adulterated and misbranded as those terms are defined by Sections 2(c)(1), 2(q)(1)(A) and 2(q)(2)(C)(iii) of FIFRA, 7 U.S.C. § 136(c)(1), 2(q)(1)(A) and 2(q)(2)(C)(iii) by holding the distributor product for distribution or sale at its distribution facility.

89. Parson’s distribution or sale of “UC 256,” Reg. No. 1839-97-623, constitutes an

unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

90. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 3

91. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

92. On March 13, 2009, Parson distributed or sold a pesticide, "UC 256," EPA Reg. No. 1839-97-623, that was adulterated and misbranded as those terms are defined by Sections 2(c)(1), 2(q)(1)(A) and 2(q)(2)(C)(iii) of FIFRA, 7 U.S.C. § 136(c)(1), 2(q)(1)(A) and 2(q)(2)(C)(iii) to Camelot Custodial Services, Inc.

93. Parson's distribution or sale of "UC 256," Reg. No. 1839-97-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

94. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 4

95. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

96. On January 23, 2010, Parson distributed or sold a pesticide, "UC 256," EPA Reg. No. 1839-97-623, that was adulterated and misbranded as those terms are defined by Sections 2(c)(1), 2(q)(1)(A) and 2(q)(2)(C)(iii) of FIFRA, 7 U.S.C. § 136(c)(1), 2(q)(1)(A) and

2(q)(2)(C)(iii) to Shawnee Mission Unified School District #512.

97. Parson's distribution or sale of "UC 256," Reg. No. 1839-97-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

98. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 5

99. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

100. On February 23, 2009, Parson distributed or sold a pesticide, "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, that was misbranded as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G) by holding the distributor product for distribution or sale at its distribution facility.

101. Parson's distribution or sale of "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

102. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 6

103. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

104. On February 23, 2009, Parson distributed or sold a pesticide, "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, whose composition differed at the time of distribution or sale from its composition as described in the statement required in connection with its registration under Section 3 of FIFRA in violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C) by holding the distributor product for distribution or sale at its distribution facility.

105. Parson's violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 7

106. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

107. On February 27, 2009, Parson distributed or sold a pesticide, "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, that was misbranded as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G) to Kansas City Fire Department Storeroom.

108. Parson's distribution or sale of "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

109. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 8

110. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

111. On March 20, 2009, Parson distributed or sold a pesticide, "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, that was misbranded as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G) to Kansas City Water Services Dept Treatment Store.

112. Parson's distribution or sale of "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

113. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 9

114. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

115. On March 27, 2009, Parson distributed or sold a pesticide, "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, that was misbranded as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G) to City of Olathe City Hall.

116. Parson's distribution or sale of "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

117. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 10

118. Complainant incorporates paragraphs 1 through 82 of this complaint, as if set forth in this paragraph.

119. On March 27, 2009, Parson distributed or sold a pesticide, "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, that was misbranded as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G) to Kansas City Fire Department Storeroom.

120. Parson's distribution or sale of "Pine Odor Disinfectant," EPA Reg. No. 1839-98-623, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

121. Parson's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects Stepan and Parson to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Civil Penalty

122. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$60,000. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of both Respondents' businesses, the effect on both Respondents' ability to continue in business, and the gravity of the violation. Complainant also considered EPA's *Enforcement Response Policy for*

FIFRA (ERP), dated December 2009.

123. Within 30 days after the effective date of this CAFO, Respondents must pay a \$60,000 civil penalty for the *FIFRA* violations. Respondents must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

[for a check sent by regular U.S. Postal Service mail:]

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

[for a check sent by overnight mail:]

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

124. The check must note the case title, the docket number of this CAFO and the billing document (BD) number.

125. A transmittal letter, stating, Respondents' name, the case title, Respondents' complete address, the case docket number and the BD number must accompany the payment.

Respondents must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Ms. Estrella Calvo (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Mrs. Nidhi O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

126. This civil penalty is not deductible for federal tax purposes.

127. If Respondents do not pay the civil penalty timely, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

128. Pursuant to 31 C.F.R. § 901.9, Respondents must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondents must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondents must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

129. This CAFO resolves only Respondents' liability for federal civil penalties for the violation and facts alleged in the CAFO.

130. This CAFO does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

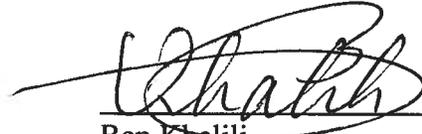
131. This CAFO does not affect Respondents' responsibility to comply with FIFRA and other applicable federal, state, and local laws.

132. This CAFO is a “final order” for purposes of EPA’s ERP for FIFRA.
133. The terms of this CAFO bind Respondents, its successors, and assigns.
134. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
135. Each party agrees to bear its own costs and attorney’s fees in this action.
136. This CAFO constitutes the entire agreement between the parties.

In the Matter of:

**Stepan Company and
Parson Enterprise Incorporated d/b/a United Chemical & Supplies
Docket No.**

10/15/10
Date



Ben Khalili
General Manager
Parson Enterprise Incorporated
d/b/a United Chemical & Supplies

In the Matter of:

**Stepan Company and
Parson Enterprise Incorporated d/b/a United Chemical & Supplies
Docket No.**

10/14/10
Date



John V. Venegoni
Vice President and General Manager
Surfactants
Stepan Company

In the Matter of:
Stepan Company and
Parson Enterprise Incorporated d/b/a United Chemical & Supplies
Docket No. FIFRA-05-2011-0002

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-3-10

Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

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U.S. ENVIRONMENTAL
PROTECTION AGENCY

CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Stepan Company and Parson Enterprise Incorporated d/b/a United Chemical & Supplies, was filed on November 8, 2010, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt Numbers, 7009 1680 0000 7662 0925 and 7009 1680 0000 7662 0918 and a copy of the original to the Respondents:

Mr. John V. Venegoni
Stepan Company
22 W. Frontage
Northfield, Illinois 60093

and

Mr. Ben Khalili
Parson Enterprise Incorporated
d/b/a United Chemical & Supplies
Kansas City, Missouri 64108

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Nidhi O'Meara, Regional Judicial Officer, ORC/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Docket No. FIFRA-05-2011-0002

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PROTECTION AGENCY