

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

09 OCT 28 AM 11:56
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
Advanced Products Technology, Inc.) Docket No. FIFRA-07-2008-0036
Washington, Missouri)
)
Respondent)
)

COMPLAINANT'S PREHEARING EXCHANGE

Comes now the Complainant and makes the following pre-hearing exchanges as directed by the order dated August 26, 2009

I. Place of Hearing and Estimated Duration

Complainant requests that the hearing be held in Kansas City, Kansas. Complainant estimates that it needs 1 day to present its case.

II. Intended Witnesses and Summary of Expected Testimony

1. Mark Leshner
Case Review Officer
U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, Kansas 66101

Mr. Leshner will testify as to his review of the evidence compiled during the investigation of the pesticide producing facility at 50 and 60 Highline Drive in Union, Missouri, and the collection of information regarding purchases of the pesticide STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, from Respondent by L. W. Chemicals, Inc. of Mt. Olive, Illinois, and the factual basis for the

Agency's determination that Respondent was in violation of the FIFRA statute and regulations charged in the Complaint. Mr. Leshner will also testify as to the published policy of the Agency in assessing penalties for such violations and the application of that policy to the instant case.

2. Mark Nachreiner
Pesticide Use Investigator
Missouri Department of Agriculture
Division of Plant Industries
Bureau of Pesticide Control
P.O. Box 630
Jefferson City, MO 65102

Mr. Nachreiner will testify regarding his inspection of the pesticide producing facility at 50 and 60 Highline Drive in Union, Missouri in December of 2005, and again in October of 2008. He will also testify regarding his communications with company officials and employees of Advanced Products Technology, Inc., FRM Chem, Inc., Custom Compounders, Inc., Synisys, Inc., and Industrial Specialties, Inc., as well as regarding documents received during the course of his investigation and the contents of the inspection reports on this matter.

III. Exhibits

1. Missouri Department of Agriculture Inspection Report for FRM Chem, Inc. dated December 21, 2005 – Record of Missouri inspection of FRM Chem, Inc. at its facility at 50-60 Highline Drive in Union, MO on December 21 and 28, 2005, including:

- a. Narrative;
- b. Notices of Inspection for FRM Chem, Inc signed by Karlan C. Kastendieck;
- c. Receipts for samples collected from FRM Chem, Inc.;
- d. Copy of label of STERI-DINE DISINFECTANT;
- e. Photos of STERI-DINE DISINFECTANT product held for sale on December 21, 2005; and
- f. Statements of Karlan C. Kastendieck dated December 21, 2005.

2. Missouri Department of Agriculture Inspection Report for FRM Chem, Inc., Advanced Products Technology, Inc., Industrial Specialties, Inc., Custom Compounders, Inc., and Synisys, Inc., dated October 8, 2008 – Record of Missouri inspection of FRM Chem, Inc. at its facility at 50-60 Highline Drive in Union, MO on October 8 and 15, 2008, including:

- a. Narrative;
- b. Notices of Inspection for FRM Chem, Inc signed by Keith Kastendieck; and
- c. Statements of Keith Kastendieck dated October 8 and 15, 2008. (4 pages)

3. Statement and affidavit of Leonard Weiss, and sales invoices detailing sales of STERI-DINE DISINFECTANT by Advanced Products Technology to LW Chemicals, Inc., of Mt. Olive, Illinois:

- a. Copy of statement/Questionnaire signed and dated May 27, 2008 by Leonard Weiss, Vice-President of LW Chemicals, Inc., of Mt. Olive, Illinois, identifying multiple purchases by LW Chemicals of STERI-DINE DISINFECTANT from FRM Chem, Inc., in 2002-2006, and four purchases from Advanced Products Technology in August, September, October, and December 2007;
- b. Copies of Advanced Products Technology invoices number 21965, 22011, 22015, and 22119, provided by Leonard Weiss along with the May 27, 2008 Statement/Questionnaire; and
- c. Copy of affidavit of Leonard Weiss notarized September 1, 2009, attesting that LW Chemicals provided documentation of purchases of STERI-DINE DISINFECTANT from Advanced Products Technology, including the four invoices referenced above.

4. Cancellation of STERI-DINE DISINFECTANT Registration

- a. Cancellation Order for Section 3 Pesticide Product Registrations issued by EPA on July 19, 1995, showing product registration cancellation dates and stocks date for distribution for the pesticide product with EPA product registration number 48211-70, STERI-DINE DISINFECTANT; and
- b. Office of Pesticide Programs Information Network Query Database Report showing product registration cancellation dates and stocks date for distribution for the pesticide product with EPA product registration number 48211-70.

5. Missouri Secretary of State Information for Advanced Products Technology, Inc.

IV. Other Matters

In establishing its case, Complainant requests the right to call all witnesses called by Respondent and to use all documentary evidence submitted by Respondent.

Complainant requests that, after reasonable notice and opportunity for review, the Presiding Officer admit into evidence any additional testimonial or documentary evidence that is relevant or material to the case.

Respectfully submitted,

U.S. ENVIRONMENTAL PROTECTION AGENCY

BY: _____

CHRIS R. DUDDING
Office of Regional Counsel
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101
(913) 551-7524

ATTORNEY FOR COMPLAINANT

PRODUCER ESTABLISHMENT INSPECTION REPORT

Sequence number 122105F447101

December 21, 2005

FRM CHEM INC.
PO Box 207
Washington, Mo. 63090
EPA Establishment Number 010366-MO-001
636-583-4360

PERSONS INTERVIEWED AND INDIVIDUAL RESPONSIBILITIES

On December 21, 2005 at 10:30 AM Paul Bailey, The Bureau of Pesticide Control's Enforcement Coordinator, and I presented credentials and a Notice of Inspection to Karlan C. Kastendieck, Sales Manager of Advanced Products Technology located in Washington, Mo. The inspection was at the request of the EPA Regional office in Kansas City, Kansas and was to be a routine Producer Establishment Inspection. Karlan Kastendieck said he was the person responsible for the daily operations of FRM CHEM INC. He supplied all the information for this report and was the only person interviewed.

HISTORY

Karlan Kastendieck stated that FRM CHEM INC. hereafter referred as FRM CHEM was incorporated in St. Louis in 1969. He said FRM CHEM is a sister company of Advanced Products Technologies (Box 1656 Washington, Mo.) and FRM CHEM still operates under the FRM CHEM name. FRM CHEM is a family owned business dealing primarily with soaps, detergents and sanitizers. Mr. Kastendieck said FRM CHEM subregisters and formulates for Custom Compounds Inc., Steelcote Manufacturing and Industrial Specialties.

Corporate officers are;

President, Ray Kastendieck
Vice President, Kieth Kastendieck
Secretary, Ann Kastendieck
Treasurer, Ann Kastendieck
Legal counsel: The firm does not retain any legal counsel at this time.

LABEL AGREEMENTS AND GUARANTEES

FRM CHEM has supplemental label agreements with Stepan and Intercon of St. Louis. #1839 represents Stepan Co. and #048211 represents Intercon. There are no other label agreements or guarantees.

CONSUMER COMPLAINT FILE

A consumer complaint file is kept at the facility however there have been no complaints concerning efficacy. Mr. Kastendieck said the only complaint has been the size of the letters or wording on the labels.

EXPERIMENTAL USE PERMITS

FRM CHEM does not have any EUP permits with EPA.

MANUFACTURING CODES

Karlan Kastendieck said the manufacturing code is product number followed by date (month, day, year) and expire date. For example #2012215 indicates product #20 December 21, 2005. He also provided me the manufacturing code explanation.

RECORDS INSPECTION

The firm retains records of production. No Devices are produced. Receiving, shipping and inventory records are maintained. No RUP's are produced. The firm uses a two year expiration date. All shipments are within the US. No disposal records are maintained however Mr. Kastendieck said FRM CHEM has their own approved sewer treatment facility that is inspected regularly by DNR and there have been no disposal problems. There are no tests on humans and FRM CHEM is not a registrant. Mr. Kastendieck said some products packed in less than one gallon containers have CRP caps. He said no CRP file is maintained. Samples collected on this day were in one gallon containers and did not have CRP caps.

PROMOTION AND DISTRIBUTION

FRM CHEM products are primarily industrial use and related to the Dairy Industry. There are five sales representatives for 400 products. No advertising is done other than word of mouth.

STORAGE

This site has 20,000 square feet of storage in one warehouse and at this time 500 square feet is pesticide storage. The warehouse was clean and there were no spills or stains.

DISPOSAL

Karlan Kastendieck said they use a vacuum system for mixing and/or production and they do not have any problems with spills. He said in the event of a spill, soda ash would be used to react on the floor and large amounts of water would be used to flush the spill down the drain to their own approved sewer treatment facility that is inspected regularly by DNR.

There are no outdated products or unwanted pesticides on site. No disposal records are maintained.

TOTAL ANNUAL SALES

Total annual sales for the company is approximately \$750,000.00 and pesticide sales assume \$5,000.00 of that total.

PESTICIDE DEVICES

The firm does not produce any pesticide devices.

CHILD RESISTANT PACKAGING

Mr. Kastendieck said only containers less than one gallon have CRP caps and have production records to show they are filled with CRP. Products are primarily for industrial use. Products sampled today do not have CRP.

QUALITY CONTROL SAMPLES

Quality control samples are also taken, maintained on site for two years and eventually reworked.

INSPECTOR'S COMMENTS

Two samples were taken from salable inventory packed, labeled and released for shipment;

Sample #122105F447101-

01-one one gallon STERI-DINE Disinfectant EPA #48211-70-10366

02-one one gallon FRM-CHLOR-1250 EPA#48211-20001-10366

FRM CHEM is also a contract manufacturer for Custom Compounds Inc., Steelcote Manufacturing and Industrial Specialties. Mr. Kastendieck said FRM CHEM formulates for others and puts the other company's label on the product. EPA #'s ending in -009645 indicate Custom Compounds Inc. Finished product is shipped back then distributed by the other company. Mr. Kastendieck mentioned they may drop the Brite San 45 and combine registrations once the company restructures. A PO#357989 was obtained from MDA for 39.80 to purchase samples. Duplicate samples were provided. I left Mr. Kastendieck a USEPA Small Business form.

37 digital photos were taken to document the inspection. I issued Karlan Kastendieck a Receipt for Samples.

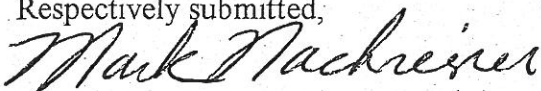
I returned to FRM CHEM on December 28, 2005 and once again presented credentials and a Notice of Inspection to Mr. Kastendieck for cover letters and shipping records. I once again issued him a Receipt for Samples.

All samples will be transported to UHL Iowa City for analysis and all chain of custody procedures were followed.

ATTACHMENTS

Notice of Inspection signed by Karlan C. Kastendieck x2
Statement signed by Karlan C. Kastendieck
Receipt for Samples signed by Karlan C. Kastendieck x2
Books and Records Maintenance Form
Cover letters signed by Karlan C. Kastendieck x3
Cover Letter to UHL
Copies of shipping records
Labels x10
Digital photos
Digital photo description sheet
Digital photo history
FTTS Inspection Form
FTTS Sample Form x2
History of Official Sample

Respectively submitted,



Mark Nachreiner
Pesticide Use Investigator
Missouri Department of Agriculture
Bureau of Pesticide Control
PO Box 63 Jefferson City, Mo. 65102
(573) 751-5504

Mark.Nachreiner@mda.mo.gov

January 06, 2006



U. S. ENVIRONMENTAL PROTECTION AGENCY

ADDRESS (EPA Regional Office)

KANSAS CITY, KS

NOTICE OF INSPECTION

DATE

12/21/05

HOUR

10:30 A.M. P.M.

NAME OF INDIVIDUAL

Karlanc. Kastendieck

TITLE

Sales Mgr

FIRM NAME

FRM Chem Inc.

FIRM ADDRESS (Number, Street, City, State and Zip Code)

P.O. Box 207
Washinston, MO. 63090

SIGNATURE OF EPA EMPLOYEE

Mark Stachewicz

TITLE

Inspector

REASON FOR INSPECTION

FOR THE PURPOSE OF INSPECTING AND OBTAINING SAMPLES OF ANY PESTICIDES OR DEVICES PACKAGED, LABELED, AND RELEASED FOR SHIPMENT, AND SAMPLES OF ANY CONTAINERS OR LABELING FOR SUCH PESTICIDES OR DEVICES, IN PLACES WHERE PESTICIDES OR DEVICES ARE HELD FOR DISTRIBUTION OR SALE (Sec. 9(a) and 12(a)(2)(B)).

FOR THE PURPOSE OF INSPECTING AND OBTAINING COPIES OF THOSE RECORDS SPECIFIED IN SECTION 8 AND 40 CFR PART 169. (Sec. 8 and 12(a)(2)(B)).

VIOLATION SUSPECTED:

Routine Producer Establishment
Inspection 122105F447101. NO
Violations Suspected.
EST # 010366-MO-001

Mark Stachewicz 12-21-05

Section 8, 9 (a) and 12 (a) (2) (B) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) are quoted on the reverse of this form.



U. S. ENVIRONMENTAL PROTECTION AGENCY

ADDRESS (EPA Regional Office)

Kansas City KS

NOTICE OF INSPECTION

DATE

12/28/05

HOUR

10:15 A.M.

NAME OF INDIVIDUAL

Karl A.C. Kastendieck

TITLE

Sales Mgr

FIRM NAME

FRICHEM INC.

FIRM ADDRESS (Number, Street, City, State and Zip Code)

PO Box 207
Washington, MO. 63090

SIGNATURE OF EPA EMPLOYEE

[Handwritten Signature]

TITLE

Inspector

REASON FOR INSPECTION

- FOR THE PURPOSE OF INSPECTING AND OBTAINING SAMPLES OF ANY PESTICIDES OR DEVICES PACKAGED, LABELED, AND RELEASED FOR SHIPMENT, AND SAMPLES OF ANY CONTAINERS OR LABELING FOR SUCH PESTICIDES OR DEVICES, IN PLACES WHERE PESTICIDES OR DEVICES ARE HELD FOR DISTRIBUTION OR SALE (Sec. 9 (a) and 12 (a) (2) (B)).
- FOR THE PURPOSE OF INSPECTING AND OBTAINING COPIES OF THOSE RECORDS SPECIFIED IN SECTION 8 AND 40 CFR PART 169. (Sec. 8 and 12 (a) (2) (B)).

VIOLATION SUSPECTED:

Routine PEI #122105F447101
NO violations suspected
EST #010366-MO-001

[Handwritten Signature]
12-28-05

Section 8, 9 (a) and 12 (a) (2) (B) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) are quoted on the reverse of this form.



U.S. ENVIRONMENTAL PROTECTION AGENCY

ADDRESS (EPA Regional Office)

Kansas City, KS

RECEIPT FOR SAMPLES

DATE

12/21/05

NAME OF INDIVIDUAL

Carlton C. Kasterdieck

TITLE

Sales Mgr

FIRM NAME

FRM CHEM INC.

ADDRESS (Street, City, State and Zip Code)

P.O. Box 207
Washington, MO. 63090

SAMPLE NUMBERS

122105 F447101

SAMPLES COLLECTED (Describe fully. List Registration, Lot, Batch, Model, Serial Numbers and other positive identifications.)

The following samples were collected by the U.S. Environmental Protection Agency and receipt is hereby acknowledged pursuant to Section 9.(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 g). This section is quoted on the reverse of this form.

122105F447101-01 1-1gal STERI-DINE Disinfectant
EPA # 48211-70-10366, EST # 10366-MO-1
122105F447101-02 1-1gal FRM-CHLOR 1250
EPA # 48211-20001-10366, EST # 10366-MO-1

122105F447101
Docs. current inventory, statement, cover letter,
manuf. code explanation, Digital Photos, 20 pgs shipping docs,
labels for FRM CHLOR 1250, STERI-DINE DISINFECTANT, FRM CHLOR
BRITE SAN 45, Brite SAN 75, JOHNNY ON THE SPOT, BRITE
SAN 32, BRITE PINEX, BRITE SAN 90.

ACKNOWLEDGMENT OF PRODUCER/REGISTRANT

The undersigned acknowledges that the samples shown above were obtained from pesticides or devices that were packaged, labeled, and released for shipment.

SIGNATURE (Owner, Operator, or Agent)

[Signature]

TITLE (Owner, Operator or Agent)

Sales Mgr

DUPLICATE SAMPLES REQUESTED AND PROVIDED

DUPLICATE SAMPLES NOT REQUESTED

SAMPLES WERE

PURCHASED

BORROWED

AMOUNT PAID FOR SAMPLES

\$ 31.00

CASH

VOUCHER

TO BE BILLED

NAME OF COLLECTOR (Print or type)

Mark Nachreiner

TITLE OF COLLECTOR

Inspector

SIGNATURE OF COLLECTOR

[Signature]

PN# 351789



Dec. 122105 F947101 pg 1221105

STERI-DINE DISINFECTANT

FOR UNDERWASHING; FOR CLEANING, DISINFECTING, AND SANITIZING ANIMAL HOUSING AND EQUIPMENT; FOR SANITIZING POULTRY DRINKING WATER; FOR USE AS A SHOE BATH PRIOR TO ENTERING BARNS AND POULTRY HOUSES; FOR USE AS A DEODORANT; FOR SANITIZING FOOD-PROCESSING EQUIPMENT.

STERI-DINE DISINFECTANT is TUBERCULOCIDAL at a dilution of 3 ounces of STERI-DINE DISINFECTANT to five gallons of water. STERI-DINE DISINFECTANT destroys hog cholera virus. STERI-DINE DISINFECTANT is not adversely affected by water hardness or low-temperature water. STERI-DINE DISINFECTANT has its own built-in indicator of germicidal activity. (When the amber color disappears a fresh solution should be prepared.)

ACTIVE INGREDIENTS:

Iodine	1.75%
Inert Ingredients	98.25%
*From Nonylphenoxypolyethoxyethanol-iodine complex.	
Total	100.00%

Manufactured by: **FRM-CHEM, INC.**, P.O. Box 207, Washington, MO. 63090
EPA REG. NO. 48211-70 - 10366
EPA EST. NO. 10366-MO-1
NET CONTENTS: 1 GALLON

Keep Out of The Reach of Children

DANGER: CORROSIVE. CAUSES EYE DAMAGE AND SKIN IRRITATION

Do not get in eyes, on skin, or on clothing. Protect eyes and skin when handling. Harmful if swallowed. See side panel for FIRST AID.

STERI-DINE DISINFECTANT

DIRECTIONS FOR USE:

Udderwashing:

Use a clean towel for each cow. Wet in STERI-DINE DISINFECTANT solution, one-half ounce in 10 qts. (2 - 2½ gal.) warm water (100°F.) which provides 25 ppm titratable iodine.

Sanitizing Buildings and Equipment on the Farm:

To sanitize surfaces of buildings, equipment, or utensils which have previously been thoroughly cleaned, use 1 ounce of STERI-DINE DISINFECTANT in 5 gallons of water. Spray or swab solution on surfaces to be sanitized. Allow to drain dry without rinsing.

Sanitizing Poultry Drinking Water:

Add 1 ounce of STERI-DINE DISINFECTANT to every 10 gallons of drinking water. The regular use in the drinking water also keeps the waterers free of slime and mineral deposits.

Food Plant Sanitization:

Use 1 ounce of STERI-DINE DISINFECTANT in each 5 gallons of water as the final sanitizing rinse on previously cleaned food-processing equipment and utensils. Drain, but do not rinse. When used at this dilution (1:640), STERI-DINE DISINFECTANT does not require a final potable water rinse, as prescribed in Federal Food Additive Regulation 121.2547.

Shoe Bath:

To help prevent tracking disease organisms into poultry houses, farrowing houses, and hog barns, place a shoe bath inside the doorway, containing 3 ounces of STERI-DINE DISINFECTANT per gallon of water. After scraping shoes outside doorway, stand in shoe bath for 30 seconds prior to entering building interior. Change shoe bath daily.

Deodorant:

STERI-DINE DISINFECTANT destroys many odors as it sanitizes and disinfects. For general deodorant applications (garbage pails, refuse containers, etc.), swab or spray on a solution of 1 ounce of disinfectant per gallon of water.

Cleaning and Disinfecting Buildings and Equipment on the Farm:

BEFORE PROCEEDING AS INDICATED BELOW, remove all animals and feeds from premises, cars, boats, trucks, and other equipment. Remove all litter and manure from floors, walls, and surfaces of barns, pens, stalls, chutes, and other facilities and fixtures occupied or traversed by animals. Empty all troughs, racks, and other feeding and watering appliances, saturating all surfaces with STERI-DINE DISINFECTANT solution. Immerse all halters, ropes, and other types of equipment used in handling and restraining animals, as well as forks, shovels, and scrapers. Ventilate buildings, cars, boats and other closed spaces. Ventilate house livestock or employ equipment until treatment has been absorbed, set, or dried. All treated feed racks, mangers, troughs, automatic feeders, fountains, and waterers must be thoroughly rinsed with potable water prior to reuse.

THEN, clean and disinfect in one easy step with STERI-DINE DISINFECTANT. Use ½ ounce STERI-DINE DISINFECTANT per gallon water. Scrub surfaces to be cleaned and disinfected with a good brush or with a power sprayer. Start at the highest point of the building or equipment being cleaned, and work down. Let solution drain dry without rinsing.

STORAGE AND DISPOSAL

Storage:

Keep container closed when not in use. Do not store below 25°F. or above 100°F. for extended periods.

Disposal:

Do not contaminate water, food, or feed by storage or disposal, or cleaning of equipment. In case of spill, flood area with large quantity of water, washing to sewer or collection vessel.

Wastes resulting from use of this product may be disposed of on site or at an approved waste disposal facility. Do not reuse empty container. Triple rinse, puncture, and dispose of container in a sanitary landfill or by incineration.

FIRST AID:

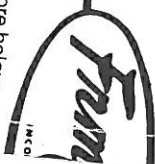
In case of contact, immediately flush eyes or skin with plenty of water for at least 15 minutes. For eyes, call a physician. Remove and wash contaminated clothing before reuse.

If swallowed, drink promptly a large quantity of milk, egg whites gelatin solution or if these are not available, drink large quantities of water. Call a physician immediately.

NOTE TO PHYSICIAN:

Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, respiratory depression, and convulsions may be needed.

RINSE EMPTY CONTAINER THOROUGHLY WITH WATER AND DISCARD IT.



STERI-DINE DISINFECTANT

FOR UDDERWASHING; FOR CLEANING, DISINFECTING,
AND SANITIZING ANIMAL HOUSING AND EQUIPMENT;
FOR SANITIZING POULTRY DRINKING WATER; FOR USE AS A
SHOE BATH PRIOR TO ENTERING BARNS AND POULTRY HOUSES,
AND AS A DEODORANT; FOR SANITIZING FOOD-PROCESSING EQUIPMENT.

STERI-DINE DISINFECTANT is TUBERCULOCIDAL at a dilution of 3 ounces of STERI-DINE DISINFECTANT in
one gallon of water. STERI-DINE DISINFECTANT destroys hog cholera virus, STERI-DINE DISINFECTANT is also
effective against the causative agent of foot-and-mouth disease, swine vesicular disease, and vesicular stomatitis
virus. STERI-DINE DISINFECTANT is also effective against the causative agent of rabies. STERI-DINE DISINFECTANT
is also effective against the causative agent of brucellosis. STERI-DINE DISINFECTANT has its own deodorant
action. When the amber color disappears a fresh solution should be prepared.

ACTIVE INGREDIENTS:
Sodium hypochlorite
1.5%
Sodium hydroxide
0.25%
Formaldehyde
0.1%
Sodium peroxide
0.1%
Sodium hypochlorite
0.1%
Sodium hydroxide
0.1%
Sodium peroxide
0.1%
Sodium hypochlorite
0.1%

Manufactured by **FRM-CHEM, INC.**, P.O. Box 207, Washington, MO 63090
EPA EST. NO. 10386-MO-1
NET CONTENTS: 1.5 GAL

Keep Out of The Reach of Children
NET CONTENTS: 1.5 GAL

Keep Out of The Reach of Children
NET CONTENTS: 1.5 GAL

Keep Out of The Reach of Children
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NET CONTENTS: 1.5 GAL

Keep Out of The Reach of Children
NET CONTENTS: 1.5 GAL

Keep Out of The Reach of Children
NET CONTENTS: 1.5 GAL

USAGE AND DISPOSAL

NOTE:
This product should never be used in use. Do not store below 50°F (10°C) for extended periods.

Spills:
Invert container, water, food, or feed by storage or use of a variety of equipment. In case of spill, hood area or spill area of water, washing to sewer or collection system.

Emptying:
When emptying this product may be disposed of in a well equipped waste disposal facility.

Emptying:
This is a non-hazardous waste disposal facility. This is a well equipped waste disposal facility.

Emptying:
This is a well equipped waste disposal facility. This is a well equipped waste disposal facility.

Emptying:
This is a well equipped waste disposal facility. This is a well equipped waste disposal facility.

Emptying:
This is a well equipped waste disposal facility. This is a well equipped waste disposal facility.

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Emptying:
This is a well equipped waste disposal facility. This is a well equipped waste disposal facility.



STERI-DINE

FOR UNDERWEAR AND SANITIZING SHOE BATH PRIOR TO USE AS A DEODORANT

STERI-DINE DISINFECTANT & TUBICIDAL
gallons of water. STERI-DINE will be affected by water, harness or other germicidal activity. When the face and

ACTIVE INGREDIENTS
Iodine
Inert ingredients
*From Nonylphenolpolyoxyethylene

EPA REG. NO. 48211-70-1088

KEEP OUT OF REACH OF CHILDREN
KEEP AWAY FROM FOOD AND FEED
KEEP AWAY FROM WATER
KEEP AWAY FROM EYES
KEEP AWAY FROM SKIN
KEEP AWAY FROM CLOTHING
KEEP AWAY FROM TOYS
KEEP AWAY FROM VEHICLES
KEEP AWAY FROM ELECTRICAL EQUIPMENT
KEEP AWAY FROM FUEL
KEEP AWAY FROM OILS
KEEP AWAY FROM GREASE
KEEP AWAY FROM LUBRICANTS
KEEP AWAY FROM PAINTS
KEEP AWAY FROM SOLVENTS
KEEP AWAY FROM ACIDS
KEEP AWAY FROM ALKALIS
KEEP AWAY FROM OXIDIZERS
KEEP AWAY FROM CORROSIVES
KEEP AWAY FROM TOXICS
KEEP AWAY FROM IRRITANTS
KEEP AWAY FROM SENSITIZERS
KEEP AWAY FROM ALLERGENS
KEEP AWAY FROM MUTAGENS
KEEP AWAY FROM CARCINOGENS
KEEP AWAY FROM REPRODUCTIVE TOXICANTS
KEEP AWAY FROM DEVELOPMENTAL TOXICANTS
KEEP AWAY FROM IMMUNOTOXICS
KEEP AWAY FROM NEUROTOXICS
KEEP AWAY FROM RESPIRATORY IRRITANTS
KEEP AWAY FROM EYE IRRITANTS
KEEP AWAY FROM SKIN IRRITANTS
KEEP AWAY FROM MUCOUS MEMBRANE IRRITANTS
KEEP AWAY FROM GERMICIDALS
KEEP AWAY FROM ANTIBIOTICS
KEEP AWAY FROM ANTIFUNGALS
KEEP AWAY FROM ANTIPARASITICS
KEEP AWAY FROM ANTI-INFLAMMATORIES
KEEP AWAY FROM PAINKILLERS
KEEP AWAY FROM ANESTHETICS
KEEP AWAY FROM SEDATIVES
KEEP AWAY FROM HYPNOTICS
KEEP AWAY FROM PSYCHOTROPICS
KEEP AWAY FROM PSYCHOMOTOR IMPAIRERS
KEEP AWAY FROM PSYCHOACTIVES
KEEP AWAY FROM PSYCHOMOTOR IMPAIRERS
KEEP AWAY FROM PSYCHOACTIVES
KEEP AWAY FROM PSYCHOMOTOR IMPAIRERS
KEEP AWAY FROM PSYCHOACTIVES

DO NOT GET IN EYES, ON SKIN, OR ON CLOTHING

KEEP AWAY FROM CHILDREN

KEEP AWAY FROM FOOD AND FEED

KEEP AWAY FROM WATER

KEEP AWAY FROM SKIN

KEEP AWAY FROM CLOTHING

KEEP AWAY FROM TOYS

KEEP AWAY FROM VEHICLES

KEEP AWAY FROM ELECTRICAL EQUIPMENT

KEEP AWAY FROM FUEL

KEEP AWAY FROM OILS

KEEP AWAY FROM GREASE

KEEP AWAY FROM LUBRICANTS

KEEP AWAY FROM PAINTS

KEEP AWAY FROM SOLVENTS

KEEP AWAY FROM ACIDS

KEEP AWAY FROM ALKALIS

KEEP AWAY FROM OXIDIZERS

KEEP AWAY FROM CORROSIVES

KEEP AWAY FROM TOXICS

KEEP AWAY FROM IRRITANTS

KEEP AWAY FROM MUCOUS MEMBRANE IRRITANTS

KEEP AWAY FROM GERMICIDALS

KEEP AWAY FROM ANTIBIOTICS

KEEP AWAY FROM ANTIFUNGALS

KEEP AWAY FROM ANTIPARASITICS

KEEP AWAY FROM ANTI-INFLAMMATORIES

KEEP AWAY FROM PAINKILLERS

KEEP AWAY FROM ANESTHETICS

KEEP AWAY FROM SEDATIVES

KEEP AWAY FROM PSYCHOTROPICS

KEEP AWAY FROM PSYCHOMOTOR IMPAIRERS

KEEP AWAY FROM PSYCHOACTIVES

Doc. # 12/21/05
PEI 122105F447101



FRM Chem Inc. P.O. Box 207 Washington, MO. 63090

Per Inspectors Request PEI # 122105F447101

- 1.) Please see attached for explanation of manufacturing code.
- 2.) Samples of FRM Chlor 1250 and Steridine were taken from salable pesticides in inventory and ready for shipment.
- 3.) All other Pesticides listed and not sampled because product is produced to customer order.
- 4.) All containers less than 1 gallon are packaged in child resistant closures. Filling work orders show types of closures used.
- 5.) Paper label not available for FRM Chlor 1250 because product is packaged in silk screened 1 gallon container.

A handwritten signature in black ink, appearing to read "K. Kastendieck", is written over the typed name.

12/21/05

Karlan C. Kastendieck
Sales Manager
FRM Chem Inc.

MR 12/21/05

STATEMENT

I, Karlanc. Kastendieck under affirmation say:

I am a sales manager and am responsible for the daily operations for FRM CHEM INC. The company was incorporated in St. Louis in 1969. FRM CHEM is a sister company of Advanced Product Technologies, we are still operating as FRM CHEM INC. We have label agreements with STEPAN and INTERCON of St. Louis. We do not have any EUP permits with EPA. The manufacturing code is product # followed by date and expire date. Example Product # 2012215 month/day/year. We primarily make soaps and detergents and sanitizers, for industrial use. There are five sales reps and we do not do any advertising, we have a 29,000 sq ft warehouse with @ 5000 sq ft devoted to pesticide. We do not maintain any disposal records. We have our own approved sewer treatment facility that is inspected by DNR. We produce no devices. Anything we produce in less than one gallon has a CRP cap. Production records show it filled with CRP. Quality control samples are kept here for two years. Products sampled today are taken from inventory packed, labeled and sealed for shipment.

I hereby affirm that the above is true to the best of my knowledge.

Signature: [Signature] Title: Sales Mgr

Date: 12/21/05

Firm Name: FRM CHEM INC.

Address: PO BOX 207

City: Washington, MO.

State: MO. Zip Code: 63090

Signature of Witness: Mark Machreiner

FOR CAUSE PRODUCER ESTABLISHMENT INSPECTION REPORT

Sequence number 100808184401

10/08/08

FRM Chem Inc. EST #10366-M0-001
PO Box 207
Hwy 47 South
Washington, Mo. 63090
636-583-4360
Fax 636-583-5218

FRM Chem Inc.
PO Box 207
60 Highline Drive
Union, Mo. 63084

Advanced Products Technology Inc.
PO Box 1656
Washington, Mo 63090
50 Highline Drive
Union, Mo. 63084

Industrial Specialities Inc.
50 Highline Drive
Union, Mo. 63084

Custom Compounders Inc. EST #9645-M0-001
60 Highline Drive
Union, Mo. 63084

SYNISYS Inc. EST #83858-M0-001
50 Highline Drive
Washington, Mo. 63090
636-583-5486

PERSONS INTERVIEWED AND INDIVIDUAL RESPONSIBILITIES

On 10/03/08 I received an EPA request from MDA to conduct a Federal For Cause Producer Establishment inspection at FRM Chem Inc. and associated companies regarding suspected production and distribution of cancelled pesticides. Recent shipping and sales indicated distribution of two cancelled pesticides STERI-DINE EPA #48211-70-10366 and FRM CHLOR EPA # 48211-20001-10366. Information was to be collected concerning each company's connection to the production, holding for sale and distribution of these products. EPA determined these registrations were cancelled 7/19/05 by the registrant, Intercon Chemical Company, St. Louis, Mo. Agreements/contracts,

labels, inventory/production records, shipping documents/invoices and statements were collected to determine how these products were produced and distributed. Accompanying me on the inspection was Walter Roachell, EPA Project Officer for Missouri.

INSPECTION

On October 8, 2008 at 9:16 AM I presented credentials and a Notice of Inspection to Cindy Carey, secretary, Keith Kastendieck, owner and person most responsible, and Ann Kastendieck then explained the purpose of the inspection. I took a statement from Mr. Kastendieck who said Raymond Kastendieck is the primary owner of the businesses located at 50 and 60 Hi-Line Drive Union, Mo. It was explained that all the fore mentioned businesses are located under one roof at this location and a PO Box was used before the physical address for mail delivery. Keith Kastendieck explained FRM Chem has ceased production for two years and the company ceased operation on December 31, 2006. He said Advanced Products Technologies Inc. (APT), Industrial Specialties Inc., Custom Compounders Inc. (CCI), and Synisys all operate from this location. Mr. Kastendieck explained APT sells speciality cleaners while Industrial Specialties sells industrial chemicals/supplies/equipment to industrial companies. CCI sells ultrasonic cleaners and Synisys sells speciality chemicals and cleaners. He explained CCI has a supplemental agreement with STEPAN and Synisys is a contract manufacturer for the product Brite San 75. Mr. Kastendieck said they no longer produce STERI-DINE or FRM CHLOR 1250 and hold no inventory for such. He also said he does not have a supplemental registration agreement from Intercon however provided EPA related documents for their production. He said FRM Chem transferred the registrations to Intercon so they would not have to pay the registration fees. He further said they never received a cancellation for these registrations from Intercon. Mr. Kastendieck said they continued to produce these products until they ran out of the basic to make them. STERI-DINE was said to be last produced April 2006 and FRM CHLOR 1250 December 2006. Mr. Kastendieck said they are no longer producing, labeling, selling or distributing these products.

Keith Kastendieck provided documentation from EPA regarding registration changes from FRM Chem to Intercon Chemical Company and the supplemental agreement from Stepan granted to CCI to produce Brite San 75. He said the Brite San products were produced by FRM Chem until the end of 2006 through a supplemental agreement with Stepan. Six, one gallon Brite San 75 in inventory were said to have been contract manufactured by Synisys for CCI who has a supplemental agreement with Stepan. Ann Kastendieck provided sales invoices for this product. I also collected a certified label as well as photos of inventory and the basic used for production of Brite San 75. Keith Kastendieck provided a cover letter regarding the production of pesticides from FRM Chem and associated companies. Production records and customers for STERI-DINE and FRM CHLOR 1250 were also collected. I requested all shipping records relating to the two cancelled products and told Mr. Kastendieck I would return in one week for any

additional documentation he could provide. He said the businesses do not retain any legal counsel.

Walter Roachell delivered EPA Region VII prepared SSUROs for the two cancelled products to both Keith Kastendieck and Ann Kastendieck.

INSPECTOR'S COMMENTS

There was no inventory of STERI-DINE or FRM CHLOR 1250. Walter Roachell and I toured the warehouse and Mr. Kastendieck pointed out inventory for Brite San 75 and the basic used to produce it. It was noted the basic is registered as STEPAN #1839-63 and did not display net contents. The Brite San 75 final product is registered #1839-152-9645. Mr. Kastendieck said about 100 gallons are produced a year.

On 10/15/08 at 10:30 am I presented credentials and a Notice of Inspection for the purpose of collecting shipping documents for the cancelled pesticides and an additional statement. Mr. Kastendieck said he provided all available shipping documents relating to the two cancelled pesticides. He said he spoke to Intercon regarding a supplemental agreement and said Intercon did not know of any agreement with Frm Chem. He also said Frm Chem did not receive any cancellation for these two registrations. I also collected more digital photographs, a physical sample #100808184401-01 and provided a duplicate of Brite San 75#1839-152-9645. \$38.50 was billed to MDA PO #377759 for the sample taken. Mr. Kastendieck said the Stepan basic on site is the only one used to manufacturer the Brite San 75. I issued Mr. Kastendieck a Receipt for Samples and he was very cooperative. The physical address for all the businesses is 50 or 60 Hi-Line Drive Union, Mo. 63084 located south of Washington, Mo.

ATTACHMENTS

Notices of Inspection signed by Keith Kastendieck (4)
 Statements (3) signed by Keith Kastendieck
 Receipt for Samples signed by Keith Kastendieck (2)
 Cover letter
 EPA registration changes explanation STERI-DINE and FRM CHLOR 1250, 3 pages
 Production records/customer list STERI-DINE and FRM CHLOR 1250, 5 pages
 Shipping records STERI-DINE and FRM CHLOR 1250, 23 pages
 Brite San 75 label
 Supplemental agreement Brite San 75, two pages
 Sales invoices Brite San 75, 32 pages
 FTTS Inspection Forms (3)
 FTTS sample form
 Digital photos
 Digital photo description sheets 10/08/08, 10/15/08
 Digital photo history (2)
 History of Official Sample

100808184401

Respectively submitted,

Mark Nachreiner

Mark Nachreiner
Pesticide Use Investigator
Missouri Department of Agriculture
Bureau of Pesticide Control
PO Box 630
Jefferson City, Mo. 65102
(573) 751-5504
Mark.Nachreiner@mda.mo.gov
October 16, 2008

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



NOTICE OF INSPECTION

ADDRESS (EPA Regional Office)

KANSAS CITY, KS

DATE

10/08/08

HOUR

9:16

A.M.
P.M.

NAME OF INDIVIDUAL

Keith Kastendiek

TITLE

owner

FIRM NAME

FRM CHEM INC.

FIRM ADDRESS (Number, Street, City, State, and ZIP Code)

PO BOX 207 5060 Hillside Drive
HWY 475 SOUTH
UNION, MO. 63084

EST# 10366-10-001

SIGNATURE OF EPA EMPLOYEE

Mark Machiner

TITLE

Inspector

REASON FOR INSPECTION

FOR THE PURPOSE OF INSPECTING AND OBTAINING SAMPLES OF ANY PESTICIDES OR DEVICES PACKAGED, LABELED, AND RELEASED FOR SHIPMENT, AND SAMPLES OF ANY CONTAINERS OR LABELING FOR SUCH PESTICIDES OR DEVICES, IN PLACES WHERE THE PESTICIDES OR DEVICES ARE HELD FOR DISTRIBUTION OR SALE (Sec. 9(a) and 12(a)(2)(B)); AND FOR THE PURPOSE OF INSPECTING AND OBTAINING COPIES OF THOSE RECORDS SPECIFIED IN SECTION 8 AND 40 CFR PART 169. (Sec. 8 and 12(a)(2)(B)).

VIOLATION SUSPECTED: For cause PEI, Suspected
Production and Distribution of Canceled
Pesticides Relating to;
STERI-DINE Disinfectant # 48211-70-10366
FRM CHLOR 1250 # 48211-20001-10366
Inspection # 100808184401

W. Machiner 10/08/2008

Section 8, 9(a) and 12(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) are quoted on the reverse of this form.

4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ADDRESS (EPA Regional Office)



NOTICE OF INSPECTION

Kansas City, KS

DATE

HOUR

10-15-08

10:30

A.M. P.M.

NAME OF INDIVIDUAL Keith Kastendieck

TITLE owner

FIRM NAME FRM CHEM Inc.
EST #10366-MO-001

FIRM ADDRESS (Number, Street, City, State, and ZIP Code)
PO Box 227 5065 Hillside Drive
HWY 47 South
Union, MO. 63084

SIGNATURE OF EPA EMPLOYEE Mark Hachmeyer

TITLE Inspector

REASON FOR INSPECTION

FOR THE PURPOSE OF INSPECTING AND OBTAINING SAMPLES OF ANY PESTICIDES OR DEVICES PACKAGED, LABELED, AND RELEASED FOR SHIPMENT, AND SAMPLES OF ANY CONTAINERS OR LABELING FOR SUCH PESTICIDES OR DEVICES, IN PLACES WHERE THE PESTICIDES OR DEVICES ARE HELD FOR DISTRIBUTION OR SALE (Sec. 9(a) and 12(a)(2)(B)); AND FOR THE PURPOSE OF INSPECTING AND OBTAINING COPIES OF THOSE RECORDS SPECIFIED IN SECTION 8 AND 40 CFR PART 169. (Sec. 8 and 12(a)(2)(B)).

VIOLATION SUSPECTED: FC PEI, Suspected Production and Distribution of cancelled Pesticides relating to;

STERI-DINE Disinfectant #48211-70-10366
FRM CHLOR 1250 # 48211-20001-10366

Inspection # 100808184401

[Signature] 10-15-2008

Section 8, 9(a) and 12(a)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) are quoted on the reverse of this form.

11 808184401 Doc.
MFL
10/8/08

STATEMENT

I, Keith Kastendieck under affirmation say:

Raymond Kastendieck is still the owner of the businesses located at 60 + 50 Hillside Drive Union, MO. I am part owner and the person responsible for the information collected this day. FRM CHEM has had no production in two years and the company ceased operation on Dec 31, 2006. APT Inc, Industrial Specialties Inc, Custom Compounds Inc and SyniSYS all operate from this location. These businesses all operate out of this building. APT sells speciality cleaners. Industrial Specialties sells industrial chemicals, supplies and equipment to industrial companies. Custom Compounds (CCI) sells alcohols, cleaners and SyniSYS has some speciality chemicals and cleaners. CCI has a supplemental agreement with STEPAN. SYNiSYS is a contract manufacturer for this product. We have 6 x 1 gal Brite San 75 in stock. We no longer produce the STERP-DINE Disinfectant or the FRM CHLOR 1250. I do not have the Supplemental Registration agreement from Enticon but have provided related EPA documents for it's production. We never received anything about any cancellation from Enticon.

I hereby affirm that the above is true to the best of my knowledge.

Signature: [Signature] Title: owner

Date: 10-8-08

Firm Name: FRM CHEM Inc.
Address: PO Box 207 Hwy 47 South
City: Washington
State: Mo. Zip Code: 63090

Signature of Witness: [Signature]

STATEMENT

I, Keith Kasterdick, under affirmation say:

We do not have any inventory for STERI-DINE or FRM CHLOR 1250. I have provided available production and shipping records for these. The products were produced until we ran out of the Tech/Basic used to produce them. We no longer have any of the Basic on site to make these. There is no production or distribution of these products. We last produced STERI-DINE April 06 and we last produced FRM CHLOR 1250 Dec 06. We are not presently producing, labeling, selling or distributing these products. FRM CHEM produced the Brite San products until the end of 06 through a supplemental agreement with STEPAN. We do not have any legal counsel at this time.

I hereby affirm that the above is true to the best of my knowledge.

Signature: [Signature] Title: owner

Date: 10-8-08

Firm Name: FRM CHEM Inc.
Address: PO Box 207 50160 Highline Pt. Hwy 47 South
City: Union
State: MO. Zip Code: 63084

Signature of Witness: [Signature]

311

11 808184401 Doc,

MA
10/15/08

STATEMENT

I, Keith Kastendiek, under affirmation say:

Today I have provided all available shipping documents for STERI-DINE and FRM CHLOR 1250. I spoke to Intrac Chemical this last week who said they didn't know of any supplemental agreement with us. We did not get any cancellation from Intrac for these products. We do not have any labels left for these products. The STEPAN basis we have on site is the only one used to manufacture the Brite San 75. The corporate office or parent for CCI is located PO Box 2094 Woodstock, GA 30188 and Synisis is located here and is an independent company. The Brite San 75 sampled was taken from inventory packaged, labeled and released for shipment.

I hereby affirm that the above is true to the best of my knowledge.

Signature: [Signature] Title: owner

Date: 10-15-08

Firm Name: FRM CHEM INC.
Address: PO Box 207 5060 H. L. Irwin Blvd Hwy 47 South
City: Union
State: Mo. Zip Code: 63089

Signature of Witness: [Signature]

780800184401 RSC.
8/18/01 JMC
10/8/08



P.O. BOX 1656
WASHINGTON, MO 63090
PHONE: 1-636-583-5486
FAX: 1-636-583-5218

October 8, 2008


Frm Chem Inc. ceased operations on December 31, 2006.
All inventory of Frm Chlor 1250 and Steridine had been sold before that date.

Advanced Products Technology, Inc., P.O. Box 1656, 50 Hiline Drive, Washington, MO 63090
and Industrial Specialties Inc. P.O. Box 1656, 50 Hiline Drive, Washington, MO 63090 are not involved in
the production of pesticides.

Custom Compounders, Inc. P.O. Box 493, 60 Hiline Drive, Union, MO 63084 has an Establishment
registration #9645 and a pesticide sub-registration from Stepan, Inc. for Brite San 75, Product # 1839-152-
9645.

Synisys, Inc., P.O. Box 1656, 50 Hiline Drive, Washington, MO 63090 has an Establishment registration
#83858 and manufactures Brite San 75 for Custom Compounders, Inc.

Keith Kastendieck

 10-8-08

PLEASE ANSWER THESE QUESTIONS FULLY AND TO THE BEST OF YOUR ABILITY AND RETURN IN THE ENVELOPE PROVIDED TO:

U.S. Environmental Protection Agency, Region 7
Attn: Mark K. Leshner,
FIFRA Enforcement Officer
901 N. 5th Street
Kansas City, KS 66101

(1) On December 27, 2002, L W Chemical purchased 13 units consisting of 573 pounds of product identified as "Cleaning Compound Liquid or Dry" from FRM Chem, Inc. as documented by Shipping Order No. 25572. Was the product purchased labeled or marketed as "STERI-DINE DISINFECTANT"? Y N If not, then please identify the product.

(2) On September 29, 2003, L W Chemical purchased 8 units consisting of 369 pounds of product identified as "Cleaning Compound Liquid or Dry" from FRM Chem, Inc. as documented by Shipping Order No. 26054. Was the product purchased labeled or marketed as "STERI-DINE DISINFECTANT"? Y N If not, then please identify the product.

(3) On October 31, 2003, L W Chemical purchased 10 units consisting of 423 pounds of product identified as "Cleaning Compound Liquid or Dry" from FRM Chem, Inc. as documented by Shipping Order No. 26130. Was the product purchased labeled or marketed as "STERI-DINE DISINFECTANT"? Y N If not, then please identify the product.

(4) On July 29, 2002, L W Chemical purchased 10 units consisting of 427 pounds of product identified as "Cleaning Compound Liquid or Dry" from FRM Chem, Inc. as documented by Shipping Order No. 26739. Was the product purchased labeled or marketed as "STERI-DINE DISINFECTANT"? Y N If not, then please identify the product.

(5) Has L W Chemical purchased the above mentioned product STERI-DINE DISINFECTANT from FRM Chem, Inc. on any other occasion(s)? Y N

(6) If the answer to question 5 above is "yes," please list dates of purchase and amount purchased (be as specific as you can – attach a copy of invoices or records if available, and use additional sheets of paper if needed):

See Attached

(7) Has L W Chemical purchased from FRM Chem, Inc. a product labeled or marketed as "FRM CHLOR 1250"? (Y/N)

If yes, please list dates of purchase and amount purchased (be as specific as you can – attach a copy of invoices or records if available, and use additional sheets of paper if needed):

(8) What other products, if any, has L W Chemical purchased from FRM Chem, Inc., and when were these purchases made? (Please list amounts, and be as specific as you can – attach a copy of invoices or records if available, and use additional sheets if needed):

N/A

(9) Please list other products, if any, that L W Chemical has purchased from FRM Chem, Inc., and when these purchases were made. (In addition to the name and registration number of the product(s), please list amounts purchased, and be as specific as you can – attach a copy of invoices or records if available, and use additional sheets if needed):

N/A

(10) Has L W Chemical purchased products from any of the following businesses:
Advanced Products Technolc Inc., Industrial Specialties, Inc., Custom Compounders,
Inc., or SYNISYS Inc.?(Y) N Yes

If yes, please list the products and dates purchased and name and address of
Company from which the product or products were purchased. (Please list amounts, and
be as specific as you can - attach a copy of invoices or records if available, and use
additional sheets if needed):

Advanced Products

8-27-07	INV 21968	5 CS	Steridine
9-28-07	INV 22011	7 CS	Steridine
10-3-07	INV 22015	3 CS	Steridine
12-19-07	INV 22119	10CS	Steridine

Thank you for your time and efforts in filling out this questionnaire and providing EPA
with additional information.

Leonard Weiss
Company Officer (Please Print)

Vice President
Title (Please Print)

Leonard Weiss
Signature

9-27-08
Date



LW Chemicals, Inc.

P.O. Box 205 • Mt. Olive, Illinois 62069
• Phone (217) 999-4444 • Fax (217) 999-6051

5/30/08

Frm Chem Invoices

2003

1/2/03	32594	2 Cases Steridine
2/4/03	32739	7 Cases Steridine
3/6/03	32875	5 Cases Steridine
3/31/03	32966	12 Cases Steridine
6/30/03	33354	4 Cases Steridine
8/5/03	33511	10 Cases Steridine
11/24/03	34005	1 Case Steridine
12/3/03	34039	5 Cases Steridine

2004

3/1/04	34364	5 Cases Steridine
3/31/04	34481	4 Cases Steridine
8/3/04	34953	20 Cases Steridine
10/4/04	35006	20 Cases Steridine
10/28/04	35024	20 Cases Steridine

2005

1/4/05	35082	10 Cases Steridine
10/4/05	35267	40 Cases Steridine
10/25/05	35282	1 Case Steridine

2006

4/4/06	35385	10 Cases Steridine
10/3/06	35469	10 Cases Steridine
10/30/06	35483	10 Cases Steridine

✓ 31299
8-31-07

ADVANCED PRODUCTS TECHNOLOGY
P.O. BOX 1656
WASHINGTON MO 63090
Phone: 1-636-583-4360
Fax: 1-636-583-5218 ✓

INVOICE

Invoice Number: 21965
Invoice Date: 8/27/2007
P.O. Number: 6233
Terms: 2/10 N30
Ship Date: 8/27/2007

Billing Address
510250
L W CHEMICAL
PO BOX 205

MT OLIVE IL 62069

Ship Address
1
(217) 999-4444
L W CHEMICAL
502 EAST ROUTE 66
MT OLIVE IL 62069

Our Order Number

Shipped Via
UPS

F.O.B.
PLANT

Salesman
HSE

Quantity	UM	Item	Description	Price	Amount
5.00	CS	1014104000	STERIDINE CS 4/1 GAL	45.100	225.50
1.00	EA	UPS	UPS CHARGES	58.730	58.73

Thank You!

Please remit to: **ADVANCED PRODUCTS TECHNOLOGY**
P.O. BOX 1656
WASHINGTON MO 63090

Subtotal:	284.23
Freight:	0.00
Tax:	0.00
Pay This Amount:	284.23

Thank you for your business !

... WORLD
... INVOICES.
... annual percentage rate of 24%.

ADVANCED PRODUCTS TECHNOLOGY
 P.O. BOX 1656
 WASHINGTON MO 63090
 Phone: 1-636-583-4360
 Fax: 1-636-583-5218

10-1-07
INVOICE

Invoice Number: 22011
 Invoice Date: 9/28/2007
 P.O. Number: 6271
 Terms: 2/10 N30
 Ship Date: 9/28/2007

✓ 31509
 10-19-07

Billing Address
 510250
 L W CHEMICAL
 PO BOX 205
 MT OLIVE IL 62069

Ship Address
 1
 (217) 999-4444
 L W CHEMICAL
 502 EAST ROUTE 66
 MT OLIVE IL 62069

Our Order Number

Shipped Via
 D&H/MIDST

F.O.B.
 PLANT

Salesman
 HSE

Quantity	UM	Item	Description	Price	Amount
7.00	CS	1014104000	STERIDINE CS 4/1 GAL FREIGHT	45.100 89.250	315.70

Please remit to: ADVANCED PRODUCTS TECHNOLOGY
 P.O. BOX 1656
 WASHINGTON MO 63090

Subtotal: 315.70
 Freight: 89.25
 Tax: 0.00
 Pay This Amount: 404.95

Thank you for your business !

Late payment charge of 2% per month
 will be charged on past due invoices.
 Amounts in parentheses are net of tax.

ADVANCED PRODUCTS TECHNOLOGY
 P.O. BOX 1656
 WASHINGTON MO 63090
 Phone: 1-636-583-4360
 Fax: 1-636-583-5218

INVOICE

Invoice Number: 22015
 Invoice Date: 10/03/2007
 P.O. Number: 6271
 Terms: 2/10 N30
 Ship Date: 10/03/2007

10-24-07
 ✓ 31932

Billing Address
 510250
 L W CHEMICAL
 PO BOX 205
 MT OLIVE IL 62069

Ship Address
 3
 BILLY PALMER
 EQUITY GROUP
 507 INDUSTRIAL PARKWAY
 EAST GADSDEN AL 35903

Our Order Number

Shipped Via
 UPS

F.O.B.
 PLANT

Salesman
 HSE

Quantity	UM	Item	Description	Price	Amount
3.00	CS	1014104000	STERIDINE CS 4/1 GAL	45.100	135.30
1.00	EA	UPS	UPS CHARGES	57.390	57.39

THANK YOU!

Please remit to: ADVANCED PRODUCTS TECHNOLOGY
 P.O. BOX 1656
 WASHINGTON MO 63090

Subtotal: 192.69
 Freight: 0.00
 Tax: 0.00
 Pay This Amount: 192.69

Thank you for your business !

Late payment charge of 2% per month
 will be charged on past due invoices.
 Annual percentage rate of 24%.

ADVANCED PRODUCTS TECHNOLOGY
 P.O. BOX 1656
 WASHINGTON MO 63090
 Phone: 1-636-583-4360
 Fax: 1-636-583-5218

INVOICE

Invoice Number: 22119
 Invoice Date: 12/19/2007
 P.O. Number: 6370
 Terms: 2/10 N30
 Ship Date: 12/19/2007

✓ 31814
 12-28-07

Billing Address
 510250
 L W CHEMICAL
 PO BOX 205
 MT OLIVE IL 62069

Ship Address
 1
 (217) 999-4444
 L W CHEMICAL
 502 EAST ROUTE 66
 MT OLIVE IL 62069

Our Order Number
 O-11160

Shipped Via
 RLC

F.O.B.
 PLANT

Salesman
 HSE

Quantity	UM	Item	Description	Price	Amount
10.00	CS	1014104000	STERIDINE CS 4/1 GAL FREIGHT	45.100 95.160	451.00

Thank You!

Please remit to: ADVANCED PRODUCTS TECHNOLOGY
 P.O. BOX 1656
 WASHINGTON MO 63090

Subtotal: 451.00
 Freight: 95.16
 Tax: 0.00
 Pay This Amount: 546.16

Thank you for your business !

9.02
 - 2%
 537.14

Late payment charge of 2% per month
 will be charged on past due invoices.
 Annual percentage rate of 24%

AFFIDAVIT OF LEONARD WEISS

1. My name is Leonard Weiss, and I am the Vice-President for LW Chemicals, Inc. in Mt. Olive, Illinois.
2. On or about May 30, 2008, I provided information to EPA Region 7 confirming sales by FRM Chem, Inc. to LW Chemicals, Inc. of a product called STERI-DINE DISINFECTANT, and provided further documentation to EPA Region 7, including copies of 9 invoices from FRM Chem, Inc. for the following purchases:
 - a. On or about August 3, 2004, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 34953.
 - b. On or about October 4, 2004, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35006.
 - c. On or about October 28, 2004, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35024.
 - d. On or about January 4, 2005, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35082.
 - e. On or about October 4, 2005, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35267.
 - f. On or about October 25, 2005, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35282.
 - g. On or about April 4, 2006, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35385.
 - h. On or about October 3, 2006, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35469.

- i. On or about October 30, 2006, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from FRM Chem, Inc, as documented by invoice No. 35483.
3. On or about May 30, 2008, I provided information to EPA Region 7 confirming sales by Advanced Products Technology, Inc. to LW Chemicals, Inc. of a product called STERI-DINE DISINFECTANT" and provided further documentation to EPA Region 7, including copies of 4 invoices from Advanced Products Technology, Inc. for the following purchases:
 - a. On or about August 27, 2007, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from Advanced Products Technology, Inc, as documented by invoice No. 21965.
 - b. On or about September 28, 2007, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from Advanced Products Technology, Inc, as documented by invoice No. 22011.
 - c. On or about October 03, 2007, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from Advanced Products Technology, Inc, as documented by invoice No. 22015.
 - d. On or about December 19, 2007, LW Chemicals, Inc. purchased a quantity of the product STERI-DINE DISINFECTANT from Advanced Products Technology, Inc, as documented by invoice No. 22119.

By: Leonard Weiss
Leonard Weiss

Subscribed and sworn to before me this 1st day of September, 2009

Shelly M. Broughton
Notary Public

My Commission Expires: September 6, 2011





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 19 1995

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Sir or Madam:

SUBJECT: Cancellation Order for Section 3 Pesticide Product
Registration(s)

This letter is a final cancellation order, advising you that under Section 4(i)(5)(D) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA hereby cancels the registrations listed on the enclosure for non-payment of the annual registration maintenance fee due January 15, 1995. The effective date of this cancellation order is the date of this letter.

As the registrant of the listed product(s) you may legally distribute or sell existing stocks of the cancelled products until January 15, 1996, the due date for the next annual registration maintenance fee. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of this cancellation order.

Some registrations listed on the enclosure may actually have been cancelled in the past for reason other than non-payment of the maintenance fee. If this is true for any of your registrations, the effective date of cancellation, the disposition date for existing stocks, and all other provisions of any earlier cancellation order are controlling.

It would be a violation of FIFRA for you or any supplemental distributor of your product(s) to distribute or sell any stocks currently in the United States which have been produced, packaged, labeled or released for shipment after the effective date of cancellation or to distribute or sell any existing stocks after the indicated disposition date. The Agency also expressly reserves the right to amend the existing stocks provisions of this Order if events should so warrant.

It is your responsibility as the registrant to notify any and all supplemental distributors of your product(s) that this cancellation order also applies to their distributor product(s). You may be held liable for violations committed by such distributors.



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contains at least 50% recycled fiber

Unless the provisions of an earlier order apply, dealers and users may continue to legally distribute, sell or use existing stocks of the listed pesticide(s) on hand until their supply is exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s).

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel M. Barolo', with a large, sweeping flourish extending to the left.

Daniel M. Barolo, Director
Office of Pesticide Programs

Enclosure

EPA CO NR: 048211

INTERCON CHEMICAL
1100 CENTRAL INDUSTRIAL DR
ST. LOUIS MO

63110

EPA REGISTRATION =====	PRODUCT DISP DATE =====	PRODUCT NAME =====
048211-00005	01/15/96	PERFORM
048211-00010	01/15/96	WINTERGREEN
048211-00011	01/15/96	BIG PINE
048211-00014	01/15/96	DOUBLE PINE
048211-00017	01/15/96	RPA
048211-00020	01/15/96	LDC - 39
048211-00021	01/15/96	LDC-19
048211-00024	01/15/96	HWS 256
048211-00025	01/15/96	XTRACTSAM
048211-00026	01/15/96	BRITE
048211-00027	01/15/96	LIQUI-CIDE 1.5%
048211-00028	01/15/96	LIQUI-CIDE 2.5%
048211-00029	01/15/96	LIQUI - CIDE 3.75%
048211-00031	01/15/96	BRUTE
048211-00033	01/15/96	INTERDYNE
048211-00034	01/15/96	HWS 128
048211-00037	01/15/96	WINTERGREEN CLEANER, DISINFECTANT DEOD., VIRUSIDE,
048211-00063	01/15/96	NO-BAC BACTERIACIDE
048211-00070	01/15/96	STERI-DINE DISINFECTANT
048211-00074	01/15/96	MOSQUITO LARVACIDE 98
048211-00075	01/15/96	SYNTHA-FOG 20
048211-20001	01/15/96	CHLOR 1250.



U.S. Environmental Protection Agency

Office of Pesticide Programs Information Network

Results
1 Items Found

Registration #
▶ 1) [48211-70](#)

◀ ◁ ▷ ▶

Summary Information For Product Registration - Section 3 48211-70

Registration #: 48211-70

Registration Name: [STERI-DINE DISINFECTANT](#)

Company: [48211 - INTERCON CHEMICAL CO](#)

Current Status: [Inactive - Cancelled \(19-Jul-1995\)](#)

Restricted Use: No

Active Ingredients

PC Code	CAS #	Ingredient Name
046903	11096-42-7	Nonylphenoxypolyethoxyethanol - iodine complex

Total Rows: 1

Organization: AD / RMB2

Team: Antimicrobials Division, Risk Management Team 32
Brennis, Robert (703) 308-6264

Child Resistant Package:

Signal Word: Danger

Physical Form: Soluble Concentrate

Pesticide Category: DISINFECTANT
SANITIZER

Label Image: [View Label Image](#)

Inert Ingredients

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Status Details

Current Status

Date	Status	Reason	Criteria	Existing Stock
19-Jul-1995	Inactive - Cancelled	Maint. Fee Non-Payment - Registrant Req.		<u>Stock</u>
Total Rows: 1				

Status History

Date	Status	Reason	Criteria	Existing Stock
17-Oct-1991	Pending - Under Review			
31-Jan-1990	Active - Registered			
Total Rows: 2				

Close

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Missouri Secretary of State, Robin Carnahan

SOS Home :: Business Services :: Business Entity Search

Search

- By Business Name
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- File Fictitious Name
- Registration
- File Online
- Renew Online
- File LLC Registration
- File Online
- Online Orders
- Register for Online
- Orders
- Order Good Standing
- Order Certified Documents

Filed Documents

Date: 10/27/2009 (Click above to view filed documents that are available.)

Business Name History

Name	Name Type
Advanced Products Technology, Inc.	Legal

General Business - Domestic - Information

Charter Number:	00561523
Status:	Good Standing
Entity Creation Date:	12/29/2003
State of Business.:	MO
Expiration Date:	Perpetual
Last Annual Report Filed Date:	4/29/2009
Last Annual Report Filed:	2009
Annual Report Month:	January

Registered Agent

Agent Name:	Kastendieck, Ann P.
Office Address:	50 HI-LINE DR PO BOX 1656 WASHINGTON MO 63090

Mailing Address:

File Number: 200400911659

Charter # 00561523

Date Filed: 12/29/2003

Matt Blunt

Secretary of State

ARTICLES OF INCORPORATION

HONORABLE MATT BLUNT
SECRETARY OF STATE
STATE OF MISSOURI
JEFFERSON CITY, MISSOURI 65102

The undersigned natural persons of the age of eighteen years or more, for the purpose of forming a corporation under The General and Business Corporation Law of Missouri, adopt the following Articles of Incorporation:

ARTICLE ONE

The name of the corporation is: **Advanced Products Technology, Inc.**

ARTICLE TWO

The address, including street and number of the corporation's initial registered office in this state is: 50 Highline Drive, P.O. Box 207, Washington, MO 63090 and the name of its initial agent at such address is Ann P. Kastendieck.

ARTICLE THREE

The aggregate number, class and par value of shares which the corporation shall have authority to issue shall be 30,000 shares of common stock at \$1.00 par value, per share.

The preferences, qualifications, limitations, restrictions, and the special or relative rights, including convertible rights, if any, in respect of the shares of each class are as follows: none, except that the stockholders may enter into any written agreement they so desire to modify, expand or limit these rights and more specifically, determine these rights among themselves.

ARTICLE FOUR

The extent, if any, to which the preemptive right of a shareholder to acquire additional shares is limited or denied is as follows: none.

ARTICLE FIVE

The name and place of residence of each incorporator is as follows:



Ann P. Kastendieck
50 Highline Drive
Washington, MO 63090

ARTICLE SIX

The number of directors to constitute the board of directors is five.

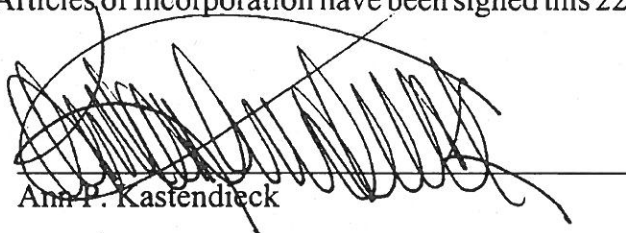
ARTICLE SEVEN

The duration of the corporation is perpetual.

ARTICLE EIGHT

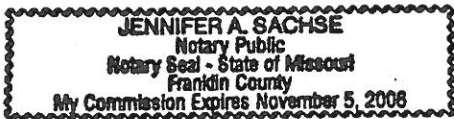
The corporation is formed for the following purposes: to conduct the wholesale distribution of industrial supplies; to purchase, sell, lease, sub-lease, transfer and encumber real and personal property of every kind and description or any interest therein; to borrow and lend money; to pledge assets as collateral for loans; to transact such other business and to do any other things incident to and connected with these purposes and to engage in any legitimate business authorized or permitted by law.

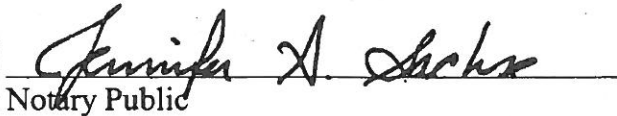
IN WITNESS WHEREOF, these Articles of Incorporation have been signed this 22nd day of December, 2003.


Ann P. Kastendieck

STATE OF MISSOURI)
) SS.
COUNTY OF FRANKLIN)

I, Jennifer A. Sachse, a notary public, do hereby certify that on the 22nd day of December, 2003, personally appeared before me Ann P. Kastendieck, who being by me first duly sworn, declared that she is the person who signed the foregoing document as incorporator, and that the statements therein contained are true.




Notary Public

State of Missouri



Matt Blunt
Secretary of State

CERTIFICATE OF INCORPORATION

WHEREAS, duplicate originals of Articles of Incorporation of

Advanced Products Technology, Inc.
00561523

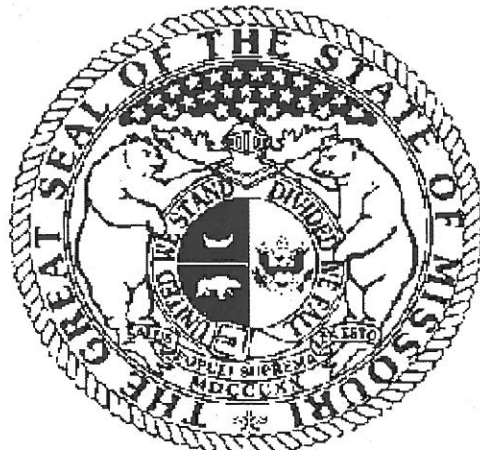
have been received and filed in the Office of the Secretary of State, which Articles, in all respects, comply with the requirements of General and Business Corporation Law.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do hereby certify and declare this entity a body corporate, duly organized this date and that it is entitled to all rights and privileges granted corporations organized under the General and Business Corporation Law.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 29th day of December, 2003.

Matt Blunt

Secretary of State



Robin Carnahan Secretary of State
 2009 ANNUAL REGISTRATION REPORT
 BUSINESS

File Number: 200911993233
 00561523
 Date Filed: 04/29/2009
 Robin Carnahan
 Secretary of State

REPORT DUE BY: 04/30/2009

ANNUAL REPORT MONTH:
January

00561523
 Advanced Products Technology, Inc.
 Kastendieck, Ann P.
 50 HI-LINE DR PO BOX 1656
 WASHINGTON, MO 63090

1 PRINCIPAL PLACE OF BUSINESS OR CORPORATE HEADQUARTERS:
50 HILINE DRIVE (Required)
 STREET
WASHINGTON, MO 63090
 CITY/STATE ZIP

2 If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information.
 The new registered agent
IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT.
 The new registered office address _____
Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.

OFFICERS		BOARD OF DIRECTORS	
NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). (MUST LIST PRESIDENT AND SECRETARY BELOW) A		NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT ACCEPTABLE). (MUST LIST AT LEAST ONE DIRECTOR BELOW) B	
<u>PRES</u>	Raymond E Kastendieck (Required)	<u>NAME</u>	Ann P Kastendieck (Required)
STREET/RT	50 HiLine Drive	STREET/RT	50 HiLine Drive
CITY/STATE/ZIP	Washington, MO 63090	CITY/STATE/ZIP	Washington, MO 63090
V-PRES	.....	NAME	.....
STREET/RT	.....	STREET/RT	.....
CITY/STATE/ZIP	.....	CITY/STATE/ZIP	.....
<u>SECY</u>	Ann P Kastendieck (Required)	NAME	.....
STREET/RT	50 HiLine Drive	STREET/RT	.....
CITY/STATE/ZIP	Washington, MO 63090	CITY/STATE/ZIP	.....
TREAS	.....	NAME	.....
STREET/RT	.....	STREET/RT	.....
CITY/STATE/ZIP	.....	CITY/STATE/ZIP	.....

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS ARE ATTACHED

4 The undersigned understands that false statements made in this report are punishable for the crime of making a false declaration under Section 575.060 RSMo. Photocopy or stamped signature not acceptable.

Authorized party or officer sign here ANN P KASTENDIECK (Required)

Please print name and title of signer: ANN P KASTENDIECK / TREASURER
 NAME TITLE

REGISTRATION REPORT FEE IS:
 ___ \$20.00 If filed on or before 4/30
 ___ \$35.00 If filed on or before 5/31
 ___ \$50.00 If filed on or before 6/30
 ___ \$65.00 If filed on or before 7/31

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE, BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE

E-MAIL ADDRESS (OPTIONAL) _____

REQUIRED INFORMATION MUST BE COMPLETE OR THE REGISTRATION REPORT WILL BE REJECTED

MAKE CHECK PAYABLE TO DIRECTOR OF REVENUE

RETURN COMPLETED REGISTRATION REPORT AND PAYMENT TO THE SECRETARY OF STATE - P.O. BOX 1366, JEFFERSON CITY, MO 65102

October 28, 2009

SUBJECT: Penalty Calculation for Advanced Products Technology, Inc.
Docket No. FIFRA-07-2008-0036

FROM: Mark K. Leshner
Case Review Officer
Pesticides Branch

TO: Chris R. Dudding
Attorney, Office of Regional Counsel

The following information supports the appropriateness of the U.S. Environmental Protection Agency, Region 7's assessment of a civil penalty in regard to the subject administrative action. The proposed penalty was calculated based on the facts of the case, on the size of Advanced Products Technology's (APT's) business, the effect on APT's ability to continue in business and the gravity of the violation, and pursuant to the July 2, 1990, Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Section 14(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides for the assessment of a civil penalty of not more than \$5,000 for each violation against any commercial applicator who violates any provisions of said Act. The Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, increased the maximum civil monetary penalties under FIFRA to \$6,500 for all violations which take place after March 15, 2004 through January 12, 2009. In determining the amount of the civil penalty, Section 14(a)(4) of FIFRA requires the Agency to consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation.

The Enforcement Response Policy (ERP) is designed to provide fair and equitable treatment of the regulated community by ensuring that similar enforcement responses and comparable penalty assessments will be made for comparable violations. Furthermore, the policy aims to serve as a deterrent from future violations of FIFRA. The ERP states that a civil penalty is the preferred enforcement remedy for most violations. A civil penalty is appropriate where the violation (1) presents an actual or potential risk of harm to humans or the environment; (2) was apparently committed as a result of ordinary negligence (as opposed to criminal negligence), inadvertence, or mistake; and the violation involves a violation under the Act by any registrant, commercial applicator, "for hire" applicator, wholesaler, dealer, retailer, or other distributor (no prior warning is required by FIFRA for violators in this category).

The ERP states that the determination of the penalty amount is made according to a five stage process in consideration of the FIFRA Section 14(a)(4) criteria. These steps are (1) determination of the gravity or "level" of the violation using Appendix A of the ERP; (2) determination of the size of business category for the violator, found in Table 2 of the ERP; (3)

use of the FIFRA civil penalty matrices found in Table 1 of the ERP to determine the dollar amount associated with the gravity level of violation and the size of business category of the violator; (4) further gravity adjustments of the base penalty in consideration of the specific characteristics of the pesticide involve, the actual or potential harm to human health and/or the environment, the compliance history of the violator, and the culpability of the violator, using the "Gravity Adjustment Criteria" found in Appendix B, and (5) consideration of the effect that payment of the total civil penalty will have on the violator's ability to continue in business.

Respondent Information

APT (Respondent) is a Missouri corporation incorporated on December 29, 2003, and is active and in good standing. According to our review of Respondent's publicly available financial information, Respondent's annual sales were unknown. Therefore, in accordance with the ERP, the Respondent's size of business is determined to be unknown and was placed in Category I.¹

Summary of Alleged Violations

Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136(a)(1)(A), by distribution or sales of a unregistered pesticide. Four counts were documented on sales to a customer on four different occasions in August, September, October, and December 2007.

Penalty Calculations

Gravity Level: The gravity of the violation and the size of the business are considered in the FIFRA Civil Penalty Matrices shown in Table 1. Each cell of the matrix represents the Agency's assessment of the appropriate civil penalty, within the statutory maximum, for each gravity level of a violation and for each size of business category.

Size of Business: In order to provide equitable penalties, the civil penalties generally decrease as the size of the business decreases, and vice versa. Size of business is determined from a company's gross revenues from all sources during the prior calendar year. If the revenue data for the previous year appears to be unrepresentative of the general performance of the business, an average of the gross revenues for the three previous years may be used. Further, the size of business and gross revenue figures are based on the entire corporation rather than a specific subsidiary or division of the company which is involved with the violation. According to our review of Respondent's publicly available financial information, Respondent's annual sales were unknown. Therefore, in accordance with the ERP, the Respondent's size of business is determined to be unknown and was placed in Category I.

Determination of Dollar Amount Associated with Gravity Level and Size of Business:

Ability to Continue in Business/Ability to Pay: Section 14(a)(4) of FIFRA requires the

¹ From ERP: "When information concerning an alleged violator's size of business is not readily available, the penalty is to be calculated using the Category I size of business. The Category I size of business will remain the base penalty value unless the violator can establish, at their expense and to the Agency's satisfaction, that it should be considered in a smaller size of business category."

Agency to consider the effect of the penalty on Respondent's ability to continue in business when determining the amount of the civil penalty. EPA will generally not collect a total civil penalty which exceeds a violator's ability to pay. The Enforcement Response Policy (ERP) states that it can be assumed that the respondent has the ability to pay at the time the complaint is issued if information concerning the alleged violator's ability to pay is not readily available. The Respondent has been notified in the civil complaint of its right under the statute to have its ability to continue in business considered in the issue of ability to pay/ability to continue in business in his answer to the civil complaint, or during the course of settlement negotiations. Respondent's violation was not identified as the result of Respondent seeking compliance assistance.

Summary of Proposed Penalties

Statutory Violation - Section 12(a)(1)(A) - It shall be unlawful for any person to violate any of the provisions of section 12 of FIFRA. A penalty calculation was done for four counts of this violation for sales on four different dates of an unregistered pesticide product.

Level of Violation - Level 2

Violator Category - Section 14(a)(1) - Respondent is a producer of pesticides.

Size of Business- Category I (unknown)

Base Penalty - \$6,500 (based on above criteria, the Civil Penalty Matrix and the Civil Monetary Inflation Adjustment Rule)

Gravity Adjustments

Pesticide Toxicity - Value is 2. The pesticide contains the active ingredient iodine which puts the pesticide into the Toxicity Category I and should bear the signal word "Danger".

Harm to Human Health - Value is 3. There is a potential for harm to human health. Active ingredient can cause skin, eye, and respiratory damage, and it is corrosive.

Environmental Harm - Value is 3. There is a potential for harm to the environment. The active ingredient is toxic to fish.

Violative History - Value is 0. Respondent had no prior violations.² (Prior violations are assessed a point value).

Culpability - Value is 2. Violation resulting from negligence.

No other gravity adjustments are appropriate.

² Note, in assessing the violative history for Advanced Products Technology, Inc., EPA Region 7 did not attribute to the company prior violations by FRM Chem., Inc., a corporation owned/operated by the same principals, from the same physical place of business, and selling some of the same products, including the product at issue in this matter.

The base penalty for the administrative Complaint is \$6,500 and the total gravity points add up to 10. Following the Gravity Adjustment Criteria, a value of 10 results in the issuance of the base penalty, with no adjustments. Since no gravity adjustments are appropriate, Respondent was assessed a proposed penalty of \$26,000 for the Administrative Civil Complaint.