

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
Blue Valley Laboratories, Inc.) Docket No. FIFRA-07-2005-0370
)
Respondent)
)

ANSWER

COMES NOW RESPONDENT, by and through its attorneys and for its answer to the Complaint herein:

1. Admits the allegations contained in paragraphs 1-4 of the Complaint
2. Denies the allegations contained in paragraph 5 of the Complaint
3. Admits the allegations contained in paragraphs 6-12 of the Complaint to the extent that they represent the current law
4. Denies the allegations contained in paragraphs 13-15 of the Complaint
5. Admits that an inspection occurred in 2003 and denies the remaining allegations contained in paragraph 16 of the Complaint
6. Admits that an inspection occurred in May of 2005 and denies the remaining allegations contained in paragraph 17 of the Complaint
7. Denies the allegations contained in paragraphs 18-114

FURTHER ANSWERING RESPONDENT STATES AFFIRMATIVELY THAT:

8. Even if the violations are proven, the proposed penalty is not appropriate relative to the gravity of the alleged violations
9. Imposition of the proposed penalty will severely jeopardize or destroy the ability of Respondent to continue in business
10. The proposed penalty exceeds 4% of Respondents' income

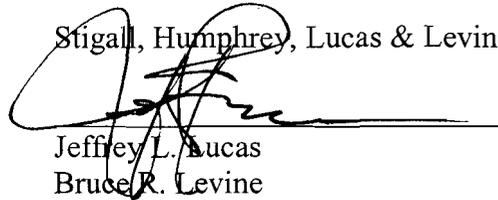
11. Complainant failed to advise Respondent that any re-registrations were required
12. Complainant failed to give Respondent adequate notice that its relevant registrations had been cancelled
13. Complainant failed to warn Respondent of any potential violations prior to issuance of its 2005 Stop Sale Order or the Complaint
14. Complainant failed to issue a Stop Sale, Use, or Removal Order after the cancellations of the relevant registrations and prior to any alleged sale of previously registered products, which would have avoided the alleged violations

FURTHER ANSWERING, RESPONDENT:

15. Requests a Settlement Conference
16. Demands a Hearing

WHEREFORE, Respondent prays that the Complaint be dismissed.

Stigall, Humphrey, Lucas & Levine



Jeffrey L. Lucas
Bruce R. Levine
1100 Main St., Suite 2620
Kansas City, MO 64105
816-221-3447
816-421-2391 (fax)

Attorneys for Respondent Blue Valley
Laboratories, Inc.

CERTIFICATE OF MAILING

The foregoing Answer was mailed ^{HAND DELIVERED} ~~mailed~~, postage prepaid, this 21 day of November, 2005 to:

Regional Hearing Clerk
EPA – Region 7
901 N. 5th Street
Kansas City, KS 66101

