



ELDON C. STUTSMAN, INCORPORATED

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Regional Hearing Clerk
EPA-Region 7
901 North 5th Street
Kansas City, Kansas 66101

June 14, 2006

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

Dear Sirs:

I am writing in reference to:

Docket No. FIFRA-07-2006-0210.

Re: selling a restricted herbicide (Guardsman Max) to an uncertified person, Mr. Tom Lehman.

Mr. Tom Lehman has been a customer of Eldon C. Stutsman, Inc. for nearly 20 years. Up to this date, Mr. Lehman has always had a restricted certification for pesticide purchase. As stated in Mr. Lehman's affidavit, he took the certification test in Vinton, Iowa, but inadvertently failed to receive his renewal.

The pesticide number we, at Eldon C. Stutsman, Inc., had on record for Mr. Lehman were actually for someone who lives several miles away from our location and does not use our business for their fertilizer needs.

Our computer system, at Eldon C. Stutsman, Inc., does not allow a transaction to resume without a current pesticide number. Unfortunately, the pesticide number we had listed under Mr. Lehman's account was not accurate. The number was possibly given to us in error from Mr. Lehman's, keyed into our computer into our computer in error, or given to us in error from the IDALS in Des Moines. At the time of order processing for Mr. Lehman, there was a current license that showed. We had no idea that our records were inaccurate at the time of transaction.

Given this information, the fine of \$5850.00 is quite steep. We request a reevaluation of this fine.

Thank you for your time into this matter. We look forward to hearing a response from you.

Sincerely Yours

Steve Meyerholz
Steve Meyerholz
Agronomy Manager

Products We Take Pride in Providing