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7 UNITED STATES
8 ENVIRONMENTAL PROTECTION AGENCY
9 REGION IX

10 In the Matter of:

) Docket No. FIFRA-09-2008-00 07

11 Nevada Onion,

)
)
) COMPLAINT AND NOTICE OF
) OPPORTUNITY FOR HEARING

12
13 Respondent.
14

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16 I. AUTHORITY AND PARTIES

17 1. This is a civil administrative action brought pursuant to Section 14(a) of the Federal
18 Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136l(a), for the assessment of
19 a civil administrative penalty against Nevada Onion ("Respondent") for the use of registered
20 pesticides in a manner inconsistent with their labeling in violation of Section 12(a)(2)(G) of
21 FIFRA, 7 U.S.C. § 136j(a)(2)(G), and the Worker Protection Standard set forth at 40 C.F.R. Part
22 170.

23 2. Complainant is the Associate Director for Agriculture of the Communities and
24 Ecosystems Division, United States Environmental Protection Agency ("EPA"), Region IX. The
25 Administrator of EPA delegated to the Regional Administrator of Region IX the authority to
26 bring this action under FIFRA by EPA Delegation Order Number 5-14, dated May 11, 1994. The
27 Regional Administrator of Region IX further delegated the authority to bring this action under
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1 FIFRA to the Associate Director for Agriculture of the Communities and Ecosystems Division by
2 EPA Regional Order Number 1255.08 CHG1, dated June 9, 2005.

3 3. Respondent is Nevada Onion, a corporation headquartered in Yerington, Nevada.

4 II. GENERAL ALLEGATIONS

5 4. Respondent is a corporation and therefore fits within the definition of “person” as that
6 term is defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s). As such, Respondent is subject to
7 FIFRA and the implementing regulations promulgated thereunder.

8 5. At all times relevant to this matter, Respondent owned and/or operated a facility (the
9 “Facility”) located at 61 Bowman Lane in Yerington, Nevada.

10 6. This Facility is a “farm” and therefore an “agricultural establishment” as those terms
11 are defined at 40 C.F.R. § 170.3.

12 7. Respondent is an “agricultural employer” as that term is defined at 40 C.F.R. § 170.3.

13 8. Respondent is a “handler employer” as that term is defined at 40 C.F.R. § 170.3.

14 9. Pursuant to 40 C.F.R. § 170.3, “worker” means any person, including a self-employed
15 person, who is employed for any type of compensation and who is performing activities relating
16 to the production of agricultural plants on an agricultural establishment.

17 10. Lannate LV (EPA Reg. No. 352-384), Champ Dry Prill (EPA Reg. No. 55146-57),
18 Dithane DF (EPA Reg. No. 62719-402), Thiosperse (EPA Reg. No. 55429-4-AA), Thiolum (EPA
19 Reg. No. 100-1138), and Diatec II (EPA Reg. No. 42850-4) are registered “pesticides” as that
20 term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

21 11. At all times relevant to this matter, Fields 3 and 5 at the Facility were “treated areas”
22 as that term is defined at 40 C.F.R. § 170.3.

23 12. Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G), makes it unlawful for any
24 person to use any registered pesticide in a manner inconsistent with its labeling.

25 13. Pursuant to 40 C.F.R. § 170.9(b), a person who has a duty under 40 C.F.R. Part 170,
26 as referenced on the pesticide label, and who fails to perform that duty, violates Section
27 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G), and is subject to a civil penalty under Section
28 14 of FIFRA, 7 U.S.C. § 136l.

1 III. ALLEGED VIOLATIONS

2 COUNT 1: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
3 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

4 14. Paragraphs 4 through 13 above are hereby incorporated in this Count 1 by reference
5 as if the same were set forth herein in full.

6 15. Pursuant to 40 C.F.R. § 170.122(c), when workers are on an agricultural
7 establishment and a pesticide has been applied on the establishment in the production of
8 agricultural plants within the past 30 days, the agricultural employer shall display the following
9 information about the pesticide: (1) the location and description of the treated area; (2) the
10 product name, EPA registration number, and active ingredient(s) of the pesticide; (3) the time
11 and date the pesticide is to be applied; and (4) the restricted-entry interval for the pesticide.

12 16. Pursuant to 40 C.F.R. § 170.122(b)(2), the pesticide information shall be posted
13 before the application takes place if workers will be on the establishment during application.

14 17. Pursuant to 40 C.F.R. § 170.3, "treated area" means any area to which a pesticide is
15 being directed, or has been directed.

16 18. On or about August 1, 2007, Respondent applied the registered pesticide Lannate LV
17 (EPA Reg. No. 352-384), or had it applied, to Field 3 at the Facility.

18 19. Lannate LV is a pesticide that was applied in the production of agricultural plants.

19 20. At all times relevant to this complaint, the labeling of the pesticide Lannate LV
20 included language referencing the pesticide information display requirement of 40 C.F.R. §
21 170.122(c).

22 21. On or about August 1, 2007, Respondent had workers at the Facility.

23 22. On or about August 1, 2007, Respondent failed to display any of the pesticide
24 information required by the labeling of Lannate LV and 40 C.F.R. § 170.122(c).

25 23. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
26 information required by the labeling of Lannate LV and 40 C.F.R. § 170.122(c) constitutes a
27 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).
28

1 COUNT 2: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
2 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

3 24. Paragraphs 4 through 23 above are hereby incorporated in this Count 2 by reference
4 as if the same were set forth herein in full.

5 25. On or about August 1, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
6 Reg. No. 55146-57), or had it applied, to Field 3 at the Facility.

7 26. Champ Dry Prill is a pesticide that was applied in the production of agricultural
8 plants.

9 27. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
10 included language referencing the pesticide information display requirement of 40 C.F.R. §
11 170.122(c).

12 28. On or about August 1, 2007, Respondent had workers at the Facility.

13 29. On or about August 1, 2007, Respondent failed to display any of the pesticide
14 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.122(c).

15 30. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
16 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.122(c) constitutes a
17 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

18 COUNT 3: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
19 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

20 31. Paragraphs 4 through 23 above are hereby incorporated in this Count 3 by reference
21 as if the same were set forth herein in full.

22 32. On or about August 1, 2007, Respondent applied the pesticide Dithane DF (EPA
23 Reg. No. 62719-402), or had it applied, to Field 3 at the Facility.

24 33. Dithane DF is a pesticide that was applied in the production of agricultural plants.

25 34. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
26 included language referencing the pesticide information display requirement of 40 C.F.R. §
27 170.122(c).

28 35. On or about August 1, 2007, Respondent had workers at the Facility.

1 36. On or about August 1, 2007, Respondent failed to display any of the pesticide
2 information required by the labeling of Dithane DF and 40 C.F.R. § 170.122(c).

3 37. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
4 information required by the labeling of Dithane DF and 40 C.F.R. § 170.122(c) constitutes a
5 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

6 COUNT 4: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
7 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

8 38. Paragraphs 4 through 23 above are hereby incorporated in this Count 4 by reference
9 as if the same were set forth herein in full.

10 39. On or about August 1, 2007, Respondent applied the pesticide Thiosperse (EPA Reg.
11 No. 55429-4-AA), or had it applied, to Field 3 at the Facility.

12 40. Thiosperse is a pesticide that was applied in the production of agricultural plants.

13 41. At all times relevant to this complaint, the labeling of the pesticide Thiosperse
14 included language referencing the pesticide information display requirement of 40 C.F.R. §
15 170.122(c).

16 42. On or about August 1, 2007, Respondent had workers at the Facility.

17 43. On or about August 1, 2007, Respondent failed to display any of the pesticide
18 information required by the labeling of Thiosperse and 40 C.F.R. § 170.122(c).

19 44. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
20 information required by the labeling of Thiosperse and 40 C.F.R. § 170.122(c) constitutes a
21 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

22 COUNT 5: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
23 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

24 45. Paragraphs 4 through 23 above are hereby incorporated in this Count 5 by reference
25 as if the same were set forth herein in full.

26 46. On or about June 2, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
27 Reg. No. 55146-57), or had it applied, to Field 3 at the Facility.

28 47. Champ Dry Prill is a pesticide that was applied in the production of agricultural

1 plants.

2 48. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
3 included language referencing the pesticide information display requirement of 40 C.F.R. §
4 170.122(c).

5 49. On or about June 2, 2007, Respondent had workers at the Facility.

6 50. On or about June 2, 2007, Respondent failed to display the pesticide information
7 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
8 C.F.R. § 170.122(c).

9 51. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
10 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.122(c) constitutes a
11 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

12 COUNT 6: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
13 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

14 52. Paragraphs 4 through 23 above are hereby incorporated in this Count 6 by reference
15 as if the same were set forth herein in full.

16 53. On or about June 2, 2007, Respondent applied the pesticide Thiolut (EPA Reg. No.
17 100-1138), or had it applied, to Field 3 at the Facility.

18 54. Thiolut is a pesticide that was applied in the production of agricultural plants.

19 55. At all times relevant to this complaint, the labeling of the pesticide Thiolut included
20 language referencing the pesticide information display requirement of 40 C.F.R. § 170.122(c).

21 56. On or about June 2, 2007, Respondent had workers at the Facility.

22 57. On or about June 2, 2007, Respondent failed to display the pesticide information
23 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolut and 40 C.F.R. §
24 170.122(c).

25 58. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
26 information required by the labeling of Thiolut and 40 C.F.R. § 170.122(c) constitutes a
27 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

1 COUNT 7: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
2 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

3 59. Paragraphs 4 through 23 above are hereby incorporated in this Count 7 by reference
4 as if the same were set forth herein in full.

5 60. On or about June 2, 2007, Respondent applied the pesticide Dithane DF (EPA Reg.
6 No. 62719-402), or had it applied, to Field 3 at the Facility.

7 61. Dithane DF is a pesticide that was applied in the production of agricultural plants.

8 62. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
9 included language referencing the pesticide information display requirement of 40 C.F.R. §
10 170.122(c).

11 63. On or about June 2, 2007, Respondent had workers at the Facility.

12 64. On or about June 2, 2007, Respondent failed to display the pesticide information
13 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
14 § 170.122(c).

15 65. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
16 information required by the labeling of Dithane DF and 40 C.F.R. § 170.122(c) constitutes a
17 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

18 COUNT 8: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
19 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

20 66. Paragraphs 4 through 23 above are hereby incorporated in this Count 8 by reference
21 as if the same were set forth herein in full.

22 67. On or about June 2, 2007, Respondent applied the pesticide Ditatec II (EPA Reg. No.
23 42850-4), or had it applied, to Field 3 at the Facility.

24 68. Ditatec II is a pesticide that was applied in the production of agricultural plants.

25 69. At all times relevant to this complaint, the labeling of the pesticide Ditatec II
26 included language referencing the pesticide information display requirement of 40 C.F.R. §
27 170.122(c).

28 70. On or about June 2, 2007, Respondent had workers at the Facility.

1 71. On or about June 2, 2007, Respondent failed to display the pesticide information
2 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Ditatec II and 40 C.F.R. §
3 170.122(c).

4 72. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
5 information required by the labeling of Ditatec II and 40 C.F.R. § 170.122(c) constitutes a
6 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

7 COUNT 9: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
8 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

9 73. Paragraphs 4 through 23 above are hereby incorporated in this Count 9 by reference
10 as if the same were set forth herein in full.

11 74. On or about June 2, 2007, Respondent applied the pesticide Lannate LV (EPA Reg.
12 No. 352-384), or had it applied, to Field 3 at the Facility.

13 75. Lannate LV is a pesticide that was applied in the production of agricultural plants.

14 76. At all times relevant to this complaint, the labeling of the pesticide Lannate LV
15 included language referencing the pesticide information display requirement of 40 C.F.R. §
16 170.122(c).

17 77. On or about June 2, 2007, Respondent had workers at the Facility.

18 78. On or about June 2, 2007, Respondent failed to display the pesticide information
19 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Lannate LV and 40 C.F.R.
20 § 170.122(c).

21 79. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
22 information required by the labeling of Lannate LV and 40 C.F.R. § 170.122(c) constitutes a
23 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

24 COUNT 10: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
25 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

26 80. Paragraphs 4 through 23 above are hereby incorporated in this Count 10 by reference
27 as if the same were set forth herein in full.

1 81. On or about June 2, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
2 Reg. No. 55146-57), or had it applied, to Field 5 at the Facility.

3 82. Champ Dry Prill is a pesticide that was applied in the production of agricultural
4 plants.

5 83. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
6 included language referencing the pesticide information display requirement of 40 C.F.R. §
7 170.122(c).

8 84. On or about June 2, 2007, Respondent had workers at the Facility.

9 85. On or about June 2, 2007, Respondent failed to display the pesticide information
10 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
11 C.F.R. § 170.122(c).

12 86. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
13 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.122(c) constitutes a
14 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

15 COUNT 11: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
16 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

17 87. Paragraphs 4 through 23 above are hereby incorporated in this Count 11 by reference
18 as if the same were set forth herein in full.

19 88. On or about June 2, 2007, Respondent applied the pesticide Thiolux (EPA Reg. No.
20 100-1138), or had it applied, to Field 5 at the Facility.

21 89. Thiolux is a pesticide that was applied in the production of agricultural plants.

22 90. At all times relevant to this complaint, the labeling of the pesticide Thiolux included
23 language referencing the pesticide information display requirement of 40 C.F.R. § 170.122(c).

24 91. On or about June 2, 2007, Respondent had workers at the Facility.

25 92. On or about June 2, 2007, Respondent failed to display the pesticide information
26 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolux and 40 C.F.R. §
27 170.122(c).

1 93. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
2 information required by the labeling of Thiolutax and 40 C.F.R. § 170.122(c) constitutes a
3 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

4 COUNT 12: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
5 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

6 94. Paragraphs 4 through 23 above are hereby incorporated in this Count 12 by reference
7 as if the same were set forth herein in full.

8 95. On or about June 2, 2007, Respondent applied the pesticide Dithane DF (EPA Reg.
9 No. 62719-402), or had it applied, to Field 5 at the Facility.

10 96. Dithane DF is a pesticide that was applied in the production of agricultural plants.

11 97. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
12 included language referencing the pesticide information display requirement of 40 C.F.R. §
13 170.122(c).

14 98. On or about June 2, 2007, Respondent had workers at the Facility.

15 99. On or about June 2, 2007, Respondent failed to display the pesticide information
16 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
17 § 170.122(c).

18 100. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
19 information required by the labeling of Dithane DF and 40 C.F.R. § 170.122(c) constitutes a
20 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

21 COUNT 13: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
22 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

23 101. Paragraphs 4 through 23 above are hereby incorporated in this Count 13 by
24 reference as if the same were set forth herein in full.

25 102. On or about June 2, 2007, Respondent applied the pesticide Ditatec II (EPA Reg.
26 No. 42850-4), or had it applied, to Field 5 at the Facility.

27 103. Ditatec II is a pesticide that was applied in the production of agricultural plants.

28 104. At all times relevant to this complaint, the labeling of the pesticide Ditatec II

1 included language referencing the pesticide information display requirement of 40 C.F.R. §
2 170.122(c).

3 105. On or about June 2, 2007, Respondent had workers at the Facility.

4 106. On or about June 2, 2007, Respondent failed to display the pesticide information
5 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Ditatec II and 40 C.F.R. §
6 170.122(c).

7 107. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
8 information required by the labeling of Ditatec II and 40 C.F.R. § 170.122(c) constitutes a
9 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

10 COUNT 14: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
11 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

12 108. Paragraphs 4 through 23 above are hereby incorporated in this Count 14 by
13 reference as if the same were set forth herein in full.

14 109. On or about June 2, 2007, Respondent applied the pesticide Lannate LV (EPA Reg.
15 No. 352-384), or had it applied, to Field 5 at the Facility.

16 110. Lannate LV is a pesticide that was applied in the production of agricultural plants.

17 111. At all times relevant to this complaint, the labeling of the pesticide Lannate LV
18 included language referencing the pesticide information display requirement of 40 C.F.R. §
19 170.122(c).

20 112. On or about June 2, 2007, Respondent had workers at the Facility.

21 113. On or about June 2, 2007, Respondent failed to display the pesticide information
22 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Lannate LV and 40 C.F.R.
23 § 170.122(c).

24 114. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
25 information required by the labeling of Lannate LV and 40 C.F.R. § 170.122(c) constitutes a
26 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

1 COUNT 15: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
2 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

3 115. Paragraphs 4 through 23 above are hereby incorporated in this Count 15 by
4 reference as if the same were set forth herein in full.

5 116. On or about June 10, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
6 Reg. No. 55146-57), or had it applied, to Field 3 at the Facility.

7 117. Champ Dry Prill is a pesticide that was applied in the production of agricultural
8 plants.

9 118. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
10 included language referencing the pesticide information display requirement of 40 C.F.R. §
11 170.122(c).

12 119. On or about June 10, 2007, Respondent had workers at the Facility.

13 120. On or about June 10, 2007, Respondent failed to display the pesticide information
14 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
15 C.F.R. § 170.122(c).

16 121. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
17 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.122(c) constitutes a
18 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

19 COUNT 16: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
20 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

21 122. Paragraphs 4 through 23 above are hereby incorporated in this Count 16 by
22 reference as if the same were set forth herein in full.

23 123. On or about June 10, 2007, Respondent applied the pesticide Thiolum (EPA Reg.
24 No. 100-1138), or had it applied, to Field 3 at the Facility.

25 124. Thiolum is a pesticide that was applied in the production of agricultural plants.

26 125. At all times relevant to this complaint, the labeling of the pesticide Thiolum
27 included language referencing the pesticide information display requirement of 40 C.F.R. §
28 170.122(c).

1 126. On or about June 10, 2007, Respondent had workers at the Facility.

2 127. On or about June 10, 2007, Respondent failed to display the pesticide information
3 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolux and 40 C.F.R. §
4 170.122(c).

5 128. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
6 information required by the labeling of Thiolux and 40 C.F.R. § 170.122(c) constitutes a
7 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

8 COUNT 17: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
9 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

10 129. Paragraphs 4 through 23 above are hereby incorporated in this Count 17 by
11 reference as if the same were set forth herein in full.

12 130. On or about June 10, 2007, Respondent applied the pesticide Dithane DF (EPA
13 Reg. No. 62719-402), or had it applied, to Field 3 at the Facility.

14 131. Dithane DF is a pesticide that was applied in the production of agricultural plants.

15 132. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
16 included language referencing the pesticide information display requirement of 40 C.F.R. §
17 170.122(c).

18 133. On or about June 10, 2007, Respondent had workers at the Facility.

19 134. On or about June 10, 2007, Respondent failed to display the pesticide information
20 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
21 § 170.122(c).

22 135. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
23 information required by the labeling of Dithane DF and 40 C.F.R. § 170.122(c) constitutes a
24 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

25 COUNT 18: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
26 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

27 136. Paragraphs 4 through 23 above are hereby incorporated in this Count 18 by
28 reference as if the same were set forth herein in full.

1 137. On or about June 10, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
2 Reg. No. 55146-57), or had it applied, to Field 5 at the Facility.

3 138. Champ Dry Prill is a pesticide that was applied in the production of agricultural
4 plants.

5 139. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
6 included language referencing the pesticide information display requirement of 40 C.F.R. §
7 170.122(c).

8 140. On or about June 10, 2007, Respondent had workers at the Facility.

9 141. On or about June 10, 2007, Respondent failed to display the pesticide information
10 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
11 C.F.R. § 170.122(c).

12 142. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
13 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.122(c) constitutes a
14 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

15 COUNT 19: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
16 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

17 143. Paragraphs 4 through 23 above are hereby incorporated in this Count 19 by
18 reference as if the same were set forth herein in full.

19 144. On or about June 10, 2007, Respondent applied the pesticide Thiolut (EPA Reg.
20 No. 100-1138), or had it applied, to Field 5 at the Facility.

21 145. Thiolut is a pesticide that was applied in the production of agricultural plants.

22 146. At all times relevant to this complaint, the labeling of the pesticide Thiolut
23 included language referencing the pesticide information display requirement of 40 C.F.R. §
24 170.122(c).

25 147. On or about June 10, 2007, Respondent had workers at the Facility.

26 148. On or about June 10, 2007, Respondent failed to display the pesticide information
27 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolut and 40 C.F.R. §
28 170.122(c).

1 149. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
2 information required by the labeling of Thiolux and 40 C.F.R. § 170.122(c) constitutes a
3 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

4 COUNT 20: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
5 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122.

6 150. Paragraphs 4 through 23 above are hereby incorporated in this Count 20 by
7 reference as if the same were set forth herein in full.

8 151. On or about June 10, 2007, Respondent applied the pesticide Dithane DF (EPA
9 Reg. No. 62719-402), or had it applied, to Field 5 at the Facility.

10 152. Dithane DF is a pesticide that was applied in the production of agricultural plants.

11 153. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
12 included language referencing the pesticide information display requirement of 40 C.F.R. §
13 170.122(c).

14 154. On or about June 10, 2007, Respondent had workers at the Facility.

15 155. On or about June 10, 2007, Respondent failed to display the pesticide information
16 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
17 § 170.122(c).

18 156. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
19 information required by the labeling of Dithane DF and 40 C.F.R. § 170.122(c) constitutes a
20 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

21 COUNT 21: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
22 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

23 157. Paragraphs 4 through 13 above are hereby incorporated in this Count 21 by
24 reference as if the same were set forth herein in full.

25 158. Pursuant to 40 C.F.R. § 170.222(c), when handlers are on an agricultural
26 establishment and a pesticide has been applied on the establishment in the production of
27 agricultural plants within the past 30 days, the handler employer shall display the following
28 information about the pesticide: (1) the location and description of the treated area; (2) the

1 product name, EPA registration number, and active ingredient(s) of the pesticide; (3) the time
2 and date the pesticide is to be applied; and (4) the restricted-entry interval for the pesticide.

3 159. Pursuant to 40 C.F.R. § 170.222(b)(2), the pesticide information shall be posted
4 before the application takes place if workers will be on the establishment during application.

5 160. Pursuant to 40 C.F.R. § 170.3, “treated area” means any area to which a pesticide is
6 being directed, or has been directed.

7 161. On or about August 1, 2007, Respondent applied the registered pesticide Lannate
8 LV (EPA Reg. No. 352-384), or had it applied, to Field 3 at the Facility.

9 162. Lannate LV is a pesticide that was applied in the production of agricultural plants.

10 163. At all times relevant to this complaint, the labeling of the pesticide Lannate LV
11 included language referencing the pesticide information display requirement of 40 C.F.R. §
12 170.122(c).

13 164. On or about August 1, 2007, Respondent had handlers at the Facility.

14 165. On or about August 1, 2007, Respondent failed to display any of the pesticide
15 information required by the labeling of Lannate LV and 40 C.F.R. § 170.222(c).

16 166. Pursuant to 40 C.F.R. § 170.9(b), Respondent’s failure to display the pesticide
17 information required by the labeling of Lannate LV and 40 C.F.R. § 170.222(c) constitutes a
18 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

19 COUNT 22: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
20 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

21 167. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
22 Count 22 by reference as if the same were set forth herein in full.

23 168. On or about August 1, 2007, Respondent applied the pesticide Champ Dry Prill
24 (EPA Reg. No. 55146-57), or had it applied, to Field 3 at the Facility.

25 169. Champ Dry Prill is a pesticide that was applied in the production of agricultural
26 plants.

27 170. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
28 included language referencing the pesticide information display requirement of 40 C.F.R. §

1 170.222(c).

2 171. On or about August 1, 2007, Respondent had handlers at the Facility.

3 172. On or about August 1, 2007, Respondent failed to display any of the pesticide
4 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.222(c).

5 173. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
6 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.222(c) constitutes a
7 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

8 COUNT 23: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
9 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

10 174. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
11 Count 23 by reference as if the same were set forth herein in full.

12 175. On or about August 1, 2007, Respondent applied the pesticide Dithane DF (EPA
13 Reg. No. 62719-402), or had it applied, to Field 3 at the Facility.

14 176. Dithane DF is a pesticide that was applied in the production of agricultural plants.

15 177. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
16 included language referencing the pesticide information display requirement of 40 C.F.R. §
17 170.222(c).

18 178. On or about August 1, 2007, Respondent had handlers at the Facility.

19 179. On or about August 1, 2007, Respondent failed to display any of the pesticide
20 information required by the labeling of Dithane DF and 40 C.F.R. § 170.222(c).

21 180. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
22 information required by the labeling of Dithane DF and 40 C.F.R. § 170.222(c) constitutes a
23 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

24 COUNT 24: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
25 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

26 181. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
27 Count 24 by reference as if the same were set forth herein in full.

28 182. On or about August 1, 2007, Respondent applied the pesticide Thiosperse (EPA

1 Reg. No. 55429-4-AA), or had it applied, to Field 3 at the Facility.

2 183. Thiosperse is a pesticide that was applied in the production of agricultural plants.

3 184. At all times relevant to this complaint, the labeling of the pesticide Thiosperse
4 included language referencing the pesticide information display requirement of 40 C.F.R. §
5 170.222(c).

6 185. On or about August 1, 2007, Respondent had handlers at the Facility.

7 186. On or about August 1, 2007, Respondent failed to display any of the pesticide
8 information required by the labeling of Thiosperse and 40 C.F.R. § 170.222(c).

9 187. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
10 information required by the labeling of Thiosperse and 40 C.F.R. § 170.222(c) constitutes a
11 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

12 COUNT 25: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
13 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

14 188. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
15 Count 25 by reference as if the same were set forth herein in full.

16 189. On or about June 2, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
17 Reg. No. 55146-57), or had it applied, to Field 3 at the Facility.

18 190. Champ Dry Prill is a pesticide that was applied in the production of agricultural
19 plants.

20 191. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
21 included language referencing the pesticide information display requirement of 40 C.F.R. §
22 170.222(c).

23 192. On or about June 2, 2007, Respondent had handlers at the Facility.

24 193. On or about June 2, 2007, Respondent failed to display the pesticide information
25 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
26 C.F.R. § 170.222(c).

27 194. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
28

1 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.222(c) constitutes a
2 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

3 COUNT 26: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
4 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

5 195. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
6 Count 26 by reference as if the same were set forth herein in full.

7 196. On or about June 2, 2007, Respondent applied the pesticide Thiolutax (EPA Reg. No.
8 100-1138), or had it applied, to Field 3 at the Facility.

9 197. Thiolutax is a pesticide that was applied in the production of agricultural plants.

10 198. At all times relevant to this complaint, the labeling of the pesticide Thiolutax
11 included language referencing the pesticide information display requirement of 40 C.F.R. §
12 170.222(c).

13 199. On or about June 2, 2007, Respondent had handlers at the Facility.

14 200. On or about June 2, 2007, Respondent failed to display the pesticide information
15 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolutax and 40 C.F.R. §
16 170.222(c).

17 201. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
18 information required by the labeling of Thiolutax and 40 C.F.R. § 170.222(c) constitutes a
19 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

20 COUNT 27: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
21 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

22 202. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
23 Count 27 by reference as if the same were set forth herein in full.

24 203. On or about June 2, 2007, Respondent applied the pesticide Dithane DF (EPA Reg.
25 No. 62719-402), or had it applied, to Field 3 at the Facility.

26 204. Dithane DF is a pesticide that was applied in the production of agricultural plants.

1 205. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
2 included language referencing the pesticide information display requirement of 40 C.F.R. §
3 170.222(c).

4 206. On or about June 2, 2007, Respondent had handlers at the Facility.

5 207. On or about June 2, 2007, Respondent failed to display the pesticide information
6 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
7 § 170.222(c).

8 208. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
9 information required by the labeling of Dithane DF and 40 C.F.R. § 170.222(c) constitutes a
10 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

11 COUNT 28: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
12 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

13 209. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
14 Count 28 by reference as if the same were set forth herein in full.

15 210. On or about June 2, 2007, Respondent applied the pesticide Ditatec II (EPA Reg.
16 No. 42850-4), or had it applied, to Field 3 at the Facility.

17 211. Ditatec II is a pesticide that was applied in the production of agricultural plants.

18 212. At all times relevant to this complaint, the labeling of the pesticide Ditatec II
19 included language referencing the pesticide information display requirement of 40 C.F.R. §
20 170.222(c).

21 213. On or about June 2, 2007, Respondent had handlers at the Facility.

22 214. On or about June 2, 2007, Respondent failed to display the pesticide information
23 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Ditatec II and 40 C.F.R. §
24 170.222(c).

25 215. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
26 information required by the labeling of Ditatec II and 40 C.F.R. § 170.222(c) constitutes a
27 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

1 COUNT 29: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
2 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

3 216. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
4 Count 29 by reference as if the same were set forth herein in full.

5 217. On or about June 2, 2007, Respondent applied the pesticide Lannate LV (EPA Reg.
6 No. 352-384), or had it applied, to Field 3 at the Facility.

7 218. Lannate LV is a pesticide that was applied in the production of agricultural plants.

8 219. At all times relevant to this complaint, the labeling of the pesticide Lannate LV
9 included language referencing the pesticide information display requirement of 40 C.F.R. §
10 170.222(c).

11 220. On or about June 2, 2007, Respondent had handlers at the Facility.

12 221. On or about June 2, 2007, Respondent failed to display the pesticide information
13 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Lannate LV and 40 C.F.R.
14 § 170.222(c).

15 222. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
16 information required by the labeling of Lannate LV and 40 C.F.R. § 170.222(c) constitutes a
17 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

18 COUNT 30: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
19 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

20 223. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
21 Count 30 by reference as if the same were set forth herein in full.

22 224. On or about June 2, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
23 Reg. No. 55146-57), or had it applied, to Field 5 at the Facility.

24 225. Champ Dry Prill is a pesticide that was applied in the production of agricultural
25 plants.

26 226. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
27 included language referencing the pesticide information display requirement of 40 C.F.R. §
28 170.222(c).

1 227. On or about June 2, 2007, Respondent had handlers at the Facility.

2 228. On or about June 2, 2007, Respondent failed to display the pesticide information
3 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
4 C.F.R. § 170.222(c).

5 229. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
6 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.222(c) constitutes a
7 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

8 COUNT 31: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
9 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

10 230. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
11 Count 31 by reference as if the same were set forth herein in full.

12 231. On or about June 2, 2007, Respondent applied the pesticide Thiolux (EPA Reg. No.
13 100-1138), or had it applied, to Field 5 at the Facility.

14 232. Thiolux is a pesticide that was applied in the production of agricultural plants.

15 233. At all times relevant to this complaint, the labeling of the pesticide Thiolux
16 included language referencing the pesticide information display requirement of 40 C.F.R. §
17 170.222(c).

18 234. On or about June 2, 2007, Respondent had handlers at the Facility.

19 235. On or about June 2, 2007, Respondent failed to display the pesticide information
20 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolux and 40 C.F.R. §
21 170.222(c).

22 236. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
23 information required by the labeling of Thiolux and 40 C.F.R. § 170.222(c) constitutes a
24 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

25 COUNT 32: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
26 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

27 237. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
28 Count 32 by reference as if the same were set forth herein in full.

1 238. On or about June 2, 2007, Respondent applied the pesticide Dithane DF (EPA Reg.
2 No. 62719-402), or had it applied, to Field 5 at the Facility.

3 239. Dithane DF is a pesticide that was applied in the production of agricultural plants.

4 240. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
5 included language referencing the pesticide information display requirement of 40 C.F.R. §
6 170.222(c).

7 241. On or about June 2, 2007, Respondent had handlers at the Facility.

8 242. On or about June 2, 2007, Respondent failed to display the pesticide information
9 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
10 § 170.222(c).

11 243. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
12 information required by the labeling of Dithane DF and 40 C.F.R. § 170.222(c) constitutes a
13 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

14 COUNT 33: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
15 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

16 244. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
17 Count 33 by reference as if the same were set forth herein in full.

18 245. On or about June 2, 2007, Respondent applied the pesticide Ditatec II (EPA Reg.
19 No. 42850-4), or had it applied, to Field 5 at the Facility.

20 246. Ditatec II is a pesticide that was applied in the production of agricultural plants.

21 247. At all times relevant to this complaint, the labeling of the pesticide Ditatec II
22 included language referencing the pesticide information display requirement of 40 C.F.R. §
23 170.222(c).

24 248. On or about June 2, 2007, Respondent had handlers at the Facility.

25 249. On or about June 2, 2007, Respondent failed to display the pesticide information
26 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Ditatec II and 40 C.F.R. §
27 170.222(c).

1 250. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
2 information required by the labeling of Ditatec II and 40 C.F.R. § 170.222(c) constitutes a
3 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

4 COUNT 34: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
5 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

6 251. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
7 Count 34 by reference as if the same were set forth herein in full.

8 252. On or about June 2, 2007, Respondent applied the pesticide Lannate LV (EPA Reg.
9 No. 352-384), or had it applied, to Field 5 at the Facility.

10 253. Lannate LV is a pesticide that was applied in the production of agricultural plants.

11 254. At all times relevant to this complaint, the labeling of the pesticide Lannate LV
12 included language referencing the pesticide information display requirement of 40 C.F.R. §
13 170.222(c).

14 255. On or about June 2, 2007, Respondent had handlers at the Facility.

15 256. On or about June 2, 2007, Respondent failed to display the pesticide information
16 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Lannate LV and 40 C.F.R.
17 § 170.222(c).

18 257. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
19 information required by the labeling of Lannate LV and 40 C.F.R. § 170.222(c) constitutes a
20 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

21 COUNT 35: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
22 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

23 258. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
24 Count 35 by reference as if the same were set forth herein in full.

25 259. On or about June 10, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
26 Reg. No. 55146-57), or had it applied, to Field 3 at the Facility.

27 260. Champ Dry Prill is a pesticide that was applied in the production of agricultural
28 plants.

1 261. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
2 included language referencing the pesticide information display requirement of 40 C.F.R. §
3 170.222(c).

4 262. On or about June 10, 2007, Respondent had handlers at the Facility.

5 263. On or about June 10, 2007, Respondent failed to display the pesticide information
6 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
7 C.F.R. § 170.222(c).

8 264. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
9 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.222(c) constitutes a
10 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

11 COUNT 36: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
12 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

13 265. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
14 Count 36 by reference as if the same were set forth herein in full.

15 266. On or about June 10, 2007, Respondent applied the pesticide Thiolut (EPA Reg.
16 No. 100-1138), or had it applied, to Field 3 at the Facility.

17 267. Thiolut is a pesticide that was applied in the production of agricultural plants.

18 268. At all times relevant to this complaint, the labeling of the pesticide Thiolut
19 included language referencing the pesticide information display requirement of 40 C.F.R. §
20 170.222(c).

21 269. On or about June 10, 2007, Respondent had handlers at the Facility.

22 270. On or about June 10, 2007, Respondent failed to display the pesticide information
23 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolut and 40 C.F.R. §
24 170.222(c).

25 271. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
26 information required by the labeling of Thiolut and 40 C.F.R. § 170.222(c) constitutes a
27 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

1 COUNT 37: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
2 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

3 272. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
4 Count 37 by reference as if the same were set forth herein in full.

5 273. On or about June 10, 2007, Respondent applied the pesticide Dithane DF (EPA
6 Reg. No. 62719-402), or had it applied, to Field 3 at the Facility.

7 274. Dithane DF is a pesticide that was applied in the production of agricultural plants.

8 275. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
9 included language referencing the pesticide information display requirement of 40 C.F.R. §
10 170.222(c).

11 276. On or about June 10, 2007, Respondent had handlers at the Facility.

12 277. On or about June 10, 2007, Respondent failed to display the pesticide information
13 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
14 § 170.222(c).

15 278. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
16 information required by the labeling of Dithane DF and 40 C.F.R. § 170.222(c) constitutes a
17 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

18 COUNT 38: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
19 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

20 279. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
21 Count 38 by reference as if the same were set forth herein in full.

22 280. On or about June 10, 2007, Respondent applied the pesticide Champ Dry Prill (EPA
23 Reg. No. 55146-57), or had it applied, to Field 5 at the Facility.

24 281. Champ Dry Prill is a pesticide that was applied in the production of agricultural
25 plants.

26 282. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
27 included language referencing the pesticide information display requirement of 40 C.F.R. §
28 170.222(c).

1 283. On or about June 10, 2007, Respondent had handlers at the Facility.

2 284. On or about June 10, 2007, Respondent failed to display the pesticide information
3 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Champ Dry Prill and 40
4 C.F.R. § 170.222(c).

5 285. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
6 information required by the labeling of Champ Dry Prill and 40 C.F.R. § 170.222(c) constitutes a
7 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

8 COUNT 39: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
9 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

10 286. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
11 Count 39 by reference as if the same were set forth herein in full.

12 287. On or about June 10, 2007, Respondent applied the pesticide Thiolux (EPA Reg.
13 No. 100-1138), or had it applied, to Field 5 at the Facility.

14 288. Thiolux is a pesticide that was applied in the production of agricultural plants.

15 289. At all times relevant to this complaint, the labeling of the pesticide Thiolux
16 included language referencing the pesticide information display requirement of 40 C.F.R. §
17 170.222(c).

18 290. On or about June 10, 2007, Respondent had handlers at the Facility.

19 291. On or about June 10, 2007, Respondent failed to display the pesticide information
20 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Thiolux and 40 C.F.R. §
21 170.222(c).

22 292. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
23 information required by the labeling of Thiolux and 40 C.F.R. § 170.222(c) constitutes a
24 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

25 COUNT 40: Use of a registered pesticide in a manner inconsistent with its labeling (failure to
26 display required pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222.

27 293. Paragraphs 4 through 13 and 157 through 166 above are hereby incorporated in this
28 Count 40 by reference as if the same were set forth herein in full.

1 294. On or about June 10, 2007, Respondent applied the pesticide Dithane DF (EPA
2 Reg. No. 62719-402), or had it applied, to Field 5 at the Facility.

3 295. Dithane DF is a pesticide that was applied in the production of agricultural plants.

4 296. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
5 included language referencing the pesticide information display requirement of 40 C.F.R. §
6 170.222(c).

7 297. On or about June 10, 2007, Respondent had handlers at the Facility.

8 298. On or about June 10, 2007, Respondent failed to display the pesticide information
9 (*i.e.*, the active ingredients of the pesticide) required by the labeling of Dithane DF and 40 C.F.R.
10 § 170.222(c).

11 299. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failure to display the pesticide
12 information required by the labeling of Dithane DF and 40 C.F.R. § 170.222(c) constitutes a
13 violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

14 COUNTS 41-46: Use of a registered pesticide in a manner inconsistent with its labeling (failure
15 to provide decontamination supplies to workers), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. §
16 170.150.

17 300. Paragraphs 4 through 13 above are hereby incorporated in these Counts 41-46 by
18 reference as if the same were set forth herein in full.

19 301. Pursuant to 40 C.F.R. § 170.150(a), the agricultural employer must provide
20 decontamination supplies for workers in accordance with 40 C.F.R. § 170.150 whenever any
21 worker on the agricultural establishment is performing an activity in the area where a pesticide
22 was applied or a restricted-entry interval was in effect within the last 30 days and the worker
23 contacts anything that has been treated with the pesticide, including, but not limited to, soil,
24 water, plants, plant surfaces, and plant parts.

25 302. On or about August 1, 2007, Respondent applied the registered pesticide Lannate
26 LV (EPA Reg. No. 352-384), or had it applied, to Field 3 at the Facility.

1 303. At all times relevant to this complaint, the labeling of the pesticide Lannate LV
2 included language referencing the worker decontamination supplies requirement of 40 C.F.R. §
3 170.150(a).

4 304. At all times relevant to this complaint, Mariana Mesa Hurtado, Moises Preciados
5 Guardo, Roberto Carlos Pacheco de la Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago,
6 and Donaciano Bravo Perez were “workers” at the Facility as that term is defined at 40 C.F.R. §
7 170.3.

8 305. On or about August 1, 2007, workers Mariana Mesa Hurtado, Moises Preciados
9 Guardo, Roberto Carlos Pacheco de la Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago,
10 and Donaciano Bravo Perez were performing activities in the area where the pesticide Lannate
11 LV was applied.

12 306. On or about August 1, 2007, Respondent failed to provide decontamination supplies
13 to workers Mariana Mesa Hurtado, Moises Preciados Guardo, Roberto Carlos Pacheco de la
14 Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago, and Donaciano Bravo Perez as required
15 by the labeling of Lannate LV and 40 C.F.R. § 170.150(a).

16 307. Pursuant to 40 C.F.R. § 170.9(b), Respondent’s failures to provide decontamination
17 supplies to each of these workers, as required by the labeling of Lannate LV and 40 C.F.R. §
18 170.150(a), constitute six separate violations of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. §
19 136j(a)(2)(G).

20 COUNTS 47-52: Use of a registered pesticide in a manner inconsistent with its labeling (failure
21 to provide decontamination supplies to workers), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. §
22 170.150.

23 308. Paragraphs 4 through 13 and 300 through 307 above are hereby incorporated in
24 these Counts 47-52 by reference as if the same were set forth herein in full.

25 309. On or about August 1, 2007, Respondent applied the registered pesticide Champ
26 Dry Prill (EPA Reg. No. 55146-57), or had it applied, to Field 3 at the Facility.

27 310. At all times relevant to this complaint, the labeling of the pesticide Champ Dry Prill
28 included language referencing the worker decontamination supplies requirement of 40 C.F.R. §

1 170.150(a).

2 311. On or about August 1, 2007, workers Mariana Mesa Hurtado, Moises Preciados
3 Guardo, Roberto Carlos Pacheco de la Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago,
4 and Donaciano Bravo Perez were performing activities in the area where the pesticide Champ
5 Dry Prill was applied.

6 312. On or about August 1, 2007, Respondent failed to provide decontamination supplies
7 to workers Mariana Mesa Hurtado, Moises Preciados Guardo, Roberto Carlos Pacheco de la
8 Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago, and Donaciano Bravo Perez as required
9 by the labeling of Champ Dry Prill and 40 C.F.R. § 170.150(a).

10 313. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failures to provide decontamination
11 supplies to each of these workers, as required by the labeling of Champ Dry Prill and 40 C.F.R. §
12 170.150(a), constitute six separate violations of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. §
13 136j(a)(2)(G).

14 COUNTS 53-58: Use of a registered pesticide in a manner inconsistent with its labeling (failure
15 to provide decontamination supplies to workers), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. §
16 170.150.

17 314. Paragraphs 4 through 13 and 300 through 307 above are hereby incorporated in
18 these Counts 53-58 by reference as if the same were set forth herein in full.

19 315. On or about August 1, 2007, Respondent applied the registered pesticide Dithane
20 DF (EPA Reg. No. 62719-402), or had it applied, to Field 3 at the Facility.

21 316. At all times relevant to this complaint, the labeling of the pesticide Dithane DF
22 included language referencing the worker decontamination supplies requirement of 40 C.F.R. §
23 170.150(a).

24 317. On or about August 1, 2007, workers Mariana Mesa Hurtado, Moises Preciados
25 Guardo, Roberto Carlos Pacheco de la Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago,
26 and Donaciano Bravo Perez were performing activities in the area where the pesticide Dithane
27 DF was applied.

28 318. On or about August 1, 2007, Respondent failed to provide decontamination supplies

1 to workers Mariana Mesa Hurtado, Moises Preciados Guardo, Roberto Carlos Pacheco de la
2 Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago, and Donaciano Bravo Perez as required
3 by the labeling of Dithane DF and 40 C.F.R. § 170.150(a).

4 319. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failures to provide decontamination
5 supplies to each of these workers, as required by the labeling of Dithane DF and 40 C.F.R. §
6 170.150(a), constitute six separate violations of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. §
7 136j(a)(2)(G).

8 COUNTS 59-64: Use of a registered pesticide in a manner inconsistent with its labeling (failure
9 to provide decontamination supplies to workers), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. §
10 170.150.

11 320. Paragraphs 4 through 13 and 300 through 307 above are hereby incorporated in
12 these Counts 59-64 by reference as if the same were set forth herein in full.

13 321. On or about August 1, 2007, Respondent applied the registered pesticide Thiosperse
14 (EPA Reg. No. 55429-4-AA), or had it applied, to Field 3 at the Facility.

15 322. At all times relevant to this complaint, the labeling of the pesticide Thiosperse
16 included language referencing the worker decontamination supplies requirement of 40 C.F.R. §
17 170.150(a).

18 323. On or about August 1, 2007, workers Mariana Mesa Hurtado, Moises Preciados
19 Guardo, Roberto Carlos Pacheco de la Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago,
20 and Donaciano Bravo Perez were performing activities in the area where the pesticide Thiosperse
21 was applied.

22 324. On or about August 1, 2007, Respondent failed to provide decontamination supplies
23 to workers Mariana Mesa Hurtado, Moises Preciados Guardo, Roberto Carlos Pacheco de la
24 Cruz, Nabor Gomez Cruz, Sabino de Leon de Santiago, and Donaciano Bravo Perez as required
25 by the labeling of Thiosperse and 40 C.F.R. § 170.150(a).

26 325. Pursuant to 40 C.F.R. § 170.9(b), Respondent's failures to provide decontamination
27 supplies to each of these workers, as required by the labeling of Thiosperse and 40 C.F.R. §
28

1 170.150(a), constitute six separate violations of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. §
2 136j(a)(2)(G).

3 **IV. PROPOSED CIVIL PENALTY**

4 Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and the Civil Monetary Penalty
5 Inflation Adjustment Rule, 40 C.F.R. Part 19, authorize the assessment of a civil administrative
6 penalty of up to \$6,500 for each violation of FIFRA occurring on or after March 15, 2004. For
7 purposes of determining the amount of the civil penalty to be assessed, FIFRA Section 14(a)(4)
8 requires EPA to consider the size of Respondent's business, the effect on Respondent's ability to
9 continue in business and the gravity of the violations alleged. Based on the violations alleged in
10 this Complaint, and after consideration of the statutory factors enumerated above, EPA proposes
11 to assess the following civil penalty pursuant to FIFRA Section 14(a) and the FIFRA
12 Enforcement Response Policy dated July 2, 1990 (a copy of which is enclosed with this
13 Complaint), which provides a rational, consistent and equitable calculation methodology for
14 applying the statutory penalty factors enumerated above:

15 Counts 1-20 (Use of the registered pesticides Lannate LV, Champ Dry Prill, 16 Dithane DF, Thiosperse, Thiolut, and Diatec II in a manner inconsistent with 17 their labeling (failure by agricultural employer to display specific pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.122)	\$22,000
18 Counts 21-40 (Use of the registered pesticides Lannate LV, Champ Dry Prill, 19 Dithane DF, Thiosperse, Thiolut, and Diatec II in a manner inconsistent with their labeling (failure by handler employer to display specific pesticide information), 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.222)	\$22,000
20 Counts 41-64 (Use of the registered pesticides Lannate LV, Champ Dry Prill, 21 Dithane DF, and Thiosperse in a manner inconsistent with their labeling (failure 22 by agricultural employer to provide decontamination supplies to six separately identifiable workers, 7 U.S.C. § 136j(a)(2)(G) and 40 C.F.R. § 170.150)	\$26,400
TOTAL	\$70,400

23
24 **V. NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

25 You have the right to request a formal hearing to contest any material fact set forth in this
26 Complaint or to contest the appropriateness of the proposed penalty. Any hearing requested will
27 be conducted in accordance with the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, and
28 the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties

1 and the Revocation or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part
2 22. A copy of the Consolidated Rules of Practice is enclosed with this Complaint.

3 **You must file a written Answer within thirty (30) days of receiving this Complaint to**
4 **avoid being found in default, which constitutes an admission of all facts alleged in the**
5 **Complaint and a waiver of the right to a hearing, and to avoid having the above penalty**
6 **assessed without further proceedings.** If you choose to file an Answer, you are required by the
7 Consolidated Rules of Practice to clearly and directly admit, deny, or explain each of the factual
8 allegations contained in this Complaint to which you have any knowledge. If you have no
9 knowledge of a particular fact and so state, the allegation is considered denied. Failure to deny
10 any of the allegations in this Complaint will constitute an admission of the undenied allegation.

11 The Answer shall also state the circumstances and arguments, if any, which are alleged to
12 constitute the grounds of defense, and shall specifically request an administrative hearing, if
13 desired. If you deny any material fact or raise any affirmative defense, you will be considered to
14 have requested a hearing. The Answer must be filed with:

15 Regional Hearing Clerk (ORC-1)
16 U.S. Environmental Protection Agency, Region IX
17 75 Hawthorne Street
18 San Francisco, CA 94105

19 In addition, please send a copy of the Answer and all other documents that you file in this action
20 to:

21 Edgar P. Coral
22 Office of Regional Counsel (ORC-2)
23 U.S. Environmental Protection Agency, Region IX
24 75 Hawthorne Street
25 San Francisco, CA 94105

26 You are further informed that the Consolidated Rules of Practice prohibit any *ex parte*
27 (unilateral) discussion of the merits of any action with the Regional Administrator, Regional
28 Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the
decision of the case, after the Complaint is issued.

1 VI. INFORMAL SETTLEMENT CONFERENCE

2 EPA encourages all parties against whom a civil penalty is proposed to pursue the
3 possibility of settlement through informal conferences. Therefore, whether or not you request a
4 hearing, you may confer informally with EPA through Mr. Coral, the EPA attorney assigned to
5 this case, regarding the facts of this case, the amount of the proposed penalty, and the possibility
6 of settlement. **An informal settlement conference does not, however, affect your obligation
7 to file an Answer to this Complaint.**

8 VII. ALTERNATIVE DISPUTE RESOLUTION

9 The parties also may engage in any process within the scope of the Alternative Dispute
10 Resolution Act, 5 U.S.C. § 581 *et seq.*, which may facilitate voluntary settlement efforts.
11 Dispute resolution using alternative means of dispute resolution does not divest the Presiding
12 Officer of jurisdiction nor does it automatically stay the proceeding.

13 VIII. QUICK RESOLUTION

14 Instead of requesting an informal settlement conference or filing an Answer requesting a
15 hearing, you may choose to resolve the proceeding by paying the specific penalty proposed in the
16 Complaint and filing a copy of the check or other instrument of payment with the Regional
17 Hearing Clerk within thirty (30) days after receiving the Complaint. If you wish to resolve the
18 proceeding in this manner instead of filing an answer but need additional time to pay the penalty,
19 you may file a written statement stating that you agree to pay the proposed penalty in accordance
20 with 40 C.F.R § 22.18(a)(1) with the Regional Hearing Clerk within 30 days after receiving the
21 Complaint. The written statement need not contain any response to, or admission of, the
22 allegations in the Complaint. Within sixty (60) days after receiving the Complaint, the full
23 amount of the proposed penalty must be paid. Failure to make such payment within this sixty-
24 day period may subject you to default. Upon receipt of payment in full, the Regional Judicial
25 Officer will issue a Final Order. Payment by a respondent shall constitute a waiver of the
26 respondent's rights to contest the allegations and to appeal the Final Order. In addition, full
27 payment of the proposed penalty shall only resolve Respondent's liability for Federal civil
28 penalties for violations and facts alleged in the Complaint and does not affect the right of EPA or

