



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
February 5, 2015

REPLY TO THE ATTENTION OF:  
LC-8J

**CERTIFIED MAIL**

**RECEIPT No. 7011 1150 0000 2643 8272**

Ms. Eileen B. Salathe' Gernhard  
Dow AgroSciences LLC  
9330 Zionsville Rd.  
Indianapolis, Indiana 46268

**In The Matter of Dow AgroSciences LLC, Docket No. FIFRA-05-2015-0023**

Dear Ms. Salathe':

Enclosed, you will find a corrected copy of page 17, of a Consent Agreement and Final Order (CAFO) that was filed here in Region 5; on January 27, 2015. Paragraph number 125 was amended to show the payment type as agreed to by the parties.

We apologize for the error and any inconvenience this mistake may have caused you. If you have any questions feel free to contact me at the following number (312) 353 -8931.

Sincerely,

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

Estrella Calvo  
Pesticides and Toxic Compliance Section

Enclosures

Kasuy Barton  
1/30/2015

in Shelby, Iowa.

111. Each of the sixty sales and/or distributions by Eau Claire of Menards Premium Crabgrass Preventer 26-2-3, EPA Reg. No. 62719-483-57131, described in paragraphs 51 through 110 above, constitutes a distribution and/or sale of a pesticide with claims that substantially differ from claims made for it as part of the statement required in connection with its registration under Section 136a of FIFRA, in violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B).

112. As provided in 40 C.F.R. § 152.132, Respondent, as the registrant of the distributor product, is liable for each of the sixty sales and/or distributions that made claims which substantially differed from claims made in connection with the registration of Menards Premium Crabgrass Preventer 26-2-3, EPA Reg. No. 62719-483-57131, as described in paragraphs 51 through 110 above.

Civil Penalty

113. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$137,280. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the violation. Complainant also considered EPA's Enforcement Response Policy, dated December 2009.

125. Within 30 days after the effective date of this CAFO, Respondent must pay a \$137,280 civil penalty by an electronic funds transfer, payable to "Treasurer, United States of America," and sent to the address below. The comment or description field must state Respondent's name and the docket number of this CAFO.

