

U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101  
BEFORE THE ADMINISTRATOR

10 DEC 16 AM 10:30  
ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

In the Matter of

ADM Alliance Nutrition, Inc.

Respondent

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Docket No. FIFRA-07-2010-0043

**CONSENT AGREEMENT AND FINAL ORDER**

The U.S. Environmental Protection Agency (EPA), Region 7 and ADM Alliance Nutrition, Inc. (Respondent) have agreed to a settlement of this action before filing of a Complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Renovation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

**Section I**

**Jurisdiction**

1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l.

2. This Consent Agreement and Final Order (CAFO) serves as notice that EPA has reason to believe that Respondent has violated Section 12 of FIFRA, 7 U.S.C. § 136j.

## Section II

### Parties

3. The Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA, Region 7, is the Director of the Water, Wetlands and Pesticides Division, EPA, Region 7.

4. The Respondent is ADM Alliance Nutrition, Inc. and is registered to do business in the State of Illinois.

## Section III

### Statutory and Regulatory Background

5. Congress enacted FIFRA in 1947 and amended in 1972 and in 1996. The general purpose of FIFRA is to provide the basis for regulation, sale, distribution and use of pesticides in the United States. 7 U.S.C. 136 *et. seq.*

6. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “pest” to mean (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organism on or in living man or other living animal) which the Administrator declares to be a pest under Section 25(c)(1).

7. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

8. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines the term “person” to mean any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

9. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “to distribute or sell” to mean to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

10. The term “produce” is defined by Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and by 40 C.F.R. § 167.3 as meaning to manufacture, prepare, propagate, compound, or process any pesticide or device or active ingredient or to package, repack, label, relabel, or otherwise change the container of any pesticide or device.

11. The term “producer” is defined by Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and by 40 C.F.R. § 167.3 as any person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide (such actions include packaging, repackaging, labeling, and relabeling a pesticide).

12. Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), states, in pertinent part, a pesticide is misbranded if its labeling bears any statement which is false or misleading in any particular.

13. Section 2(q)(1)(E) of FIFRA, 7 U.S.C. § 136(q)(1)(E), states a pesticide is misbranded if any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness and in such terms as to render it likely to be read and understood by the

ordinary individual under customary conditions of purchase and use.

14. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it shall be unlawful for any person to distribute or sell any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, or whose registration has been cancelled or suspended.

15. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states it shall be unlawful for any person to distribute or sell any pesticide that is adulterated or misbranded.

16. According to 40 C.F.R. § 152.132, a registrant may distribute or sell its registered product under another person's name and address in addition to or instead of its own (termed "supplemental distribution"), if certain conditions are met. One requirement is that the registrant and the distributor both sign and submit to EPA a statement, known as the supplemental agreement, indicating the names and addresses of the registrant and the distributor, the distributor's company number, the additional brand name to be used, and the registration number of the registered product. 40 C.F.R. 152.32(a). If the supplemental agreement has expired, the supplementally distributed product is considered unregistered and both the registrant and the distributor may be held liable for violations pertaining to the distributor product. 40 C.F.R. 152.32(a).

#### **Section IV**

##### **General Factual Allegations**

17. Respondent is, and at all times referred to herein was a "person" within the meaning of FIFRA.

18. Respondent is the Registrant for ADM Alliance Nutrition IGR Mineral 0.005% Tub EPA Registration Number (EPA Reg. No.) 1157-51.

19. Pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, EPA registered to Respondent a pesticide known as ADM Alliance Nutrition IGR Mineral 0.005% Tub EPA Registration Number (EPA Reg. No.) 1157-51.

20. ADM Alliance Nutrition IGR Mineral 0.005% Tub EPA Reg. No. 1157-51 was registered with EPA on July 14, 2006, and its label was accepted by EPA July 14, 2006.

21. On January 14, 2010, a representative of the Missouri Department of Agriculture (MDA) inspected the Missouri Livestock facility located at 5605 North Highway 13, Brighton, Missouri.

22. During the inspection, the MDA inspector collected invoices for the sale of Pasture Advantage and photographs of the product being distributed, including the label.

23. Documents collected during the inspection showed that Missouri Livestock Supplements was distributing Pasture Advantage Fly Control AP-5/IGR, using EPA Reg. No. 1157-51-84311 (hereinafter ("Pasture Advantage")), a supplemental distributor product, which was registered to ADM Alliance Nutrition. At the time of the distributions documented, ADM Alliance Nutrition did not have a supplemental distribution agreement in place with Missouri Livestock Supplements.

24. The label for Pasture Advantage Fly Control AP-5/IGR .005 product being distributed by Missouri Livestock failed to bear required language regarding pesticide container storage and disposal and directions for use that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

#### Violations

25. The Complainant hereby states and alleges that Respondent has violated FIFRA

and federal regulations promulgated thereunder, as follows:

**Count 1**

26. The facts stated in paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

27. On or about May 28, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

28. On the date of the sale and/or distribution mentioned in Paragraph 27 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

29. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

30. On the date of the sale and/or distribution mentioned in Paragraph 27 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label that did not have the required label information, and in fact, bore false and misleading information and was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and (E).

31. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

32. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by selling or distributing a pesticide that was misbranded.

33. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136i, and based on the facts stated above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

**Count 2**

34. The facts stated in paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

35. On or about June 17, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

36. On the date of the sale and/or distribution mentioned in Paragraph 35 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

37. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

38. On the date of the sale and/or distribution mentioned in Paragraph 35 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label that did not have the required label information, and in fact, bore false and misleading information and was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and (E).

39. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

40. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by

selling or distributing a pesticide that was misbranded.

41. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

**Count 3**

42. The facts stated in paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

43. On or about June 18, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

44. On the date of the sale and/or distribution mentioned in Paragraph 43 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

45. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

46. On the date of the sale and/or distribution mentioned in Paragraph 43 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label that did not have the required label information, and in fact, bore false and misleading information and was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and (E).

47. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

48. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by selling or distributing a pesticide that was misbranded.

49. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

**Count 4**

50. The facts stated in paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

51. On or about June 19, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

52. On the date of the sale and/or distribution mentioned in Paragraph 51 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

53. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

54. On the date of the sale and/or distribution mentioned in Paragraph 51 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label that did not have the required label information, and in fact, bore false and misleading information and was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and (E).

55. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered

under Section 3 of FIFRA, 7 U.S.C. § 136a.

56. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) by selling or distributing a pesticide that was misbranded.

57. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

**Count 5**

58. The facts stated in paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

59. On or about July 1, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

60. On the date of the sale and/or distribution mentioned in Paragraph 59 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

61. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

62. On the date of the sale and/or distribution mentioned in Paragraph 59 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label that did not have the required label information, and in fact, bore false and misleading information and

was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and (E).

63. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

64. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) by selling or distributing a pesticide that was misbranded.

65. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

#### **Count 6**

66. The facts stated in paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

67. On or about July 3, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

68. On the date of the sale and/or distribution mentioned in Paragraph 67 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

69. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

70. On the date of the sale and/or distribution mentioned in Paragraph 67 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label did not have the required label information and in fact bore false and misleading information and was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A)

and (E).

71. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

72. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) by selling or distributing a pesticide that was misbranded.

73. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

**Count 7**

74. The facts stated in Paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

75. On or about July 13, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

76. On the date of the sale and/or distribution mentioned in Paragraph 75 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

77. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

78. On the date of the sale and/or distribution mentioned in Paragraph 75 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label that did not have the required label information, and in fact, bore false and misleading information and

was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and (E).

79. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

80. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) by selling or distributing a pesticide that was misbranded.

81. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

**Count 8**

82. The facts stated in Paragraphs 17 through 24 are realleged and incorporated as if fully stated herein.

83. On or about July 16, 2009, Respondent sold or distributed a quantity of Pasture Advantage, EPA Reg. No. 1157-51-84311.

84. On the date of the sale and/or distribution mentioned in Paragraph 83 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

85. The label for Pasture Advantage product being distributed by Missouri Livestock failed to bear required language that was on the EPA-accepted label for the registrant product, EPA Reg. No. 1157-51.

86. On the date of the sale and/or distribution mentioned in Paragraph 83 of the pesticide product sold as Pasture Advantage, EPA Reg. No. 1157-51-84311 had a label that did

not have the required label information, and in fact, bore false and misleading information and was therefore, misbranded pursuant to Section 2(q)(1)(A) and (E) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and (E).

87. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

88. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) by selling or distributing a pesticide that was misbranded.

89. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated above, it is proposed that a civil penalty of \$4,200 be assessed against Respondent.

## **Section V**

### **Consent Agreement**

90. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above.

91. Respondent neither admits nor denies the factual allegations set forth above.

92. Respondent waives its right to contest any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

93. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

94. Nothing contained in the Final Order portion of this CAFO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

95. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

96. Respondent certifies that by signing this CAFO that, to its knowledge, it is presently in compliance with FIFRA, 7 U.S.C. § 136 et. seq., and all regulations promulgated thereunder.

97. The effect of settlement described in Paragraph 98 below is conditioned upon the accuracy of the Respondent's representations to EPA, as memorialized in Paragraph 96 above.

98. Payment of this civil penalty in full shall resolve all civil and administrative claims for all violations of FIFRA alleged in this document. Complainant reserves the right to take any enforcement action with respect to any other violations of FIFRA or any other applicable law and/or regulation administered by the EPA.

99. Respondent consents to the issuance of the Final Order hereinafter recited and consent(s) to the payment of a civil penalty as specified in the Final Order.

100. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Respondent understands that its failure to timely pay any portion of the civil penalty described in Paragraph 1 of the Final Order below may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil or stipulated penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed

after thirty (30) days and an additional \$15 will be charge for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

## **Section VI**

### **Final Order**

Pursuant to Section 14 of FIFRA, as amended, 7 U.S.C. §136*l*, and according to the terms of the Consent Agreement set forth above, **IT IS HEREBY ORDERED THAT:**

1. Respondent shall pay a civil penalty of Thirty-Three Thousand Six Hundred Dollars (\$33,600) within thirty (30) days of the effective date of this Final Order. Such payment shall identify Respondent by name and docket number and made as follows:

If by certified or cashier's check, payment should be made payable to the "United States Treasury" and sent to the following address:

US Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979077  
St. Louis, Missouri 63197-9000.

If by wire transfer, payment should be directed to the Federal Reserve Bank of New York as follows:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read  
“D 68010727 Environmental Protection Agency.”

2. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101;

and

Demetra O. Salisbury, Attorney  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101.

3. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this CAFO shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

4. This CAFO shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

**RESPONDENT  
ADM ALLIANCE NUTRITION, INC.**

Date: 11/17/2010

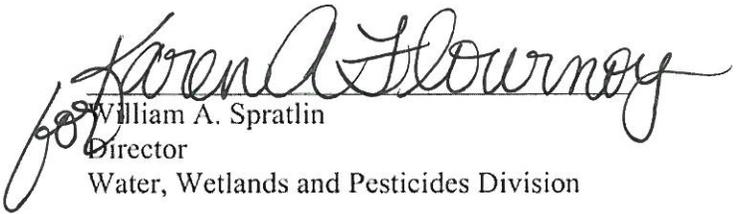
By: *Mike Manning*

Mike Manning  
Print Name

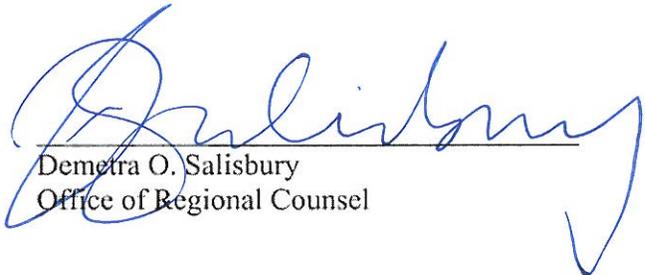
VP Operations North America  
Title

**COMPLAINANT  
U. S. ENVIRONMENTAL PROTECTION AGENCY**

Date: 12-2-10

  
William A. Spratlin  
Director  
Water, Wetlands and Pesticides Division

Date: 12-3-10

  
Demetra O. Salisbury  
Office of Regional Counsel

**IT IS SO ORDERED.** This Order shall become effective immediately.

Date: Dec. 16, 2010   
ROBERT L. PATRICK  
Regional Judicial Officer

IN THE MATTER OF ADM Alliance Nutrition, Inc., Respondent  
Docket No. FIFRA-07-2010-0043

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to  
Attorney for Complainant:

Demetra O. Salisbury  
Assistant Regional Counsel  
Region 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Lee R. Cunningham, Esq.  
Corporate Environmental Counsel  
Archer Daniels Midland Co.  
4666 Faires Parkway  
Decatur, Illinois 62526

Dated: 12/16/10



Kathy Robinson  
Kathy Robinson  
Hearing Clerk, Region 7