

**ANSWER and REQUEST FOR HEARING**

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA

IN THE MATTER OF : ) CIVIL COMPLAINT AND  
E-Z CLEANERS, LLC ) NOTICE OF OPPORTUNITY FOR HEARING  
RESPONDENT ) DOCKET NO. FIFRA-04-2007-3033

HEARING CLERK

2007 NOV 14 AM 7:41

RECEIVED  
EPA REGION IV

**Now comes Defendant who denies the following paragraphs of Plaintiff's Complaint**

- 1- Defendant has insufficient knowledge to determine the validity of this statement
  - 2- E-Z Cleaners has not violated sections of FIFRA
  - 3- Defendant has insufficient knowledge to determine the validity of this statement
  - 6- The Respondent is not a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C §136(s) and as such is not subject to the regulations promulgated thereunder.
  - 7- E-Z Cleaners does not manufacture pesticides
  - 8 - E-Z Cleaners is not a "producer" as defined by Section 2(w) of FIFRA, 7 U.S.C §136(w), and 40 C.F.R. §167.3 and 40 C.F.R. §169.1.
  - 8B – Statements of facts and violations are false therefore are denied
- Counts 1-10 - Deny
- 9- Defendant denies paragraphs 1-9 inclusive except 4 & 5
  - 10 – E-Z Cleaners does not have sufficient factual knowledge to determine the validity of this statement as per definition of "proper inspection"
  - 11- Inaccurate description of products obtained
  - 12 – Inaccurate description of products and bill of ladings obtained
  - 13– E-Z Clean Hand Cleaner products are not pesticides as stated in complaint paragraph 13
  - 14 – E-Z Cleaners does not "distribute or sell" pesticides as stated in paragraph 14
  - 15 – E-Z Cleaners does not manufacture pesticides so registering with the EPA is not applicable
  - 16 – E-Z Cleaners does not distribute or sell pesticides
  - 17 – E-Z Cleaners, LLC did not violate FIFRA sections and is not subject to penalties
  - 18- Defendant denies paragraphs 1-18 inclusive except 4 & 5

19 – E-Z Cleaners’ products are not misbranded because they are not pesticides therefore labeling for these products to include EPA establishment number and ingredient statement are not required.

20- Defendant has insufficient knowledge to determine the validity of this statement; however, if this statement is true it is not applicable to E-Z Cleaners because E-Z Cleaners does not manufacture, distribute or sell pesticides.

21 - E-Z Cleaners’ products are not pesticides therefore they are not mislabeled or misbranded. Additionally this is an inaccurate description of products obtained.

22- E-Z Cleaners, LLC did not violate FIFRA sections and is not subject to penalties

#### COUNT 21

23 - Defendant denies paragraphs 1-23 inclusive except 4 & 5

24 – E-Z Cleaners does not produce pesticides so registering with the EPA is not applicable

25- E-Z Cleaners does not manufacture pesticides so registering with the EPA is not applicable

26- E-Z Cleaners does not manufacture pesticides so registering with the EPA is not applicable

27- Defendant has insufficient knowledge to determine the validity of this statement; however, if this statement is true it is not applicable to E-Z Cleaners because E-Z Cleaners did not violate said sections of FIFRA.

28 - E-Z Cleaners, LLC did not violate Section 12(a) (2)(L) of FIFRA, 7 U.S.C §136j (a)(2)(L) and is therefore not subject to the assessments of penalties under Section 14 of FIFRA, 7 U.S.C §136l. Sections are referenced from paragraph 28 of this Civil Complaint Docket no. FIFRA-04-2007-3033

C- Proposed Penalty: E-Z Cleaners, LLC did not violate Section 12(a) (2) (L) of FIFRA, 7 U.S.C §136j (a) (2) (L) and is therefore not subject to the assessments of penalties under Section 14 of FIFRA, 7 U.S.C §136l. Sections are referenced from paragraph 28 of this Civil Complaint Docket no. FIFRA-04-2007-3033

#### **Defendant admits the following paragraphs of Plaintiff’s Complaint:**

4  
5

WHEREFORE, Defendant demands that Plaintiff’s Complaint be dismissed and for such further relief to which Defendant may be entitled. Additionally Defendant is entitled to and requests a formal administrative hearing as per Part II; Section A, Paragraph 3 of this Civil Complaint Docket no. FIFRA-04-2007-3033.

#### **Written Answer & Request for Hearing sent to:**

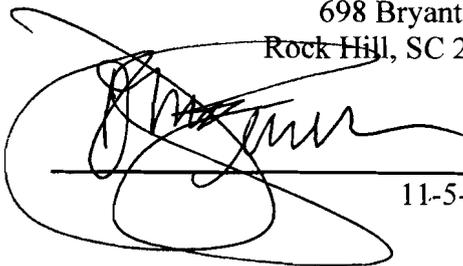
Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303  
Telephone: (404) 562-9511

**Copy of Written Answer & Request for Hearing sent to:**

Elizabeth O'Sullivan  
Associate Regional Counsel  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth St., SW  
Atlanta, Georgia 30303

Dawn Johnson  
Environmental Protection Specialist  
U.S. EPA, Region 4  
Pesticides 7 Toxic Substances branch  
61 Forsyth St., SW  
Atlanta, Georgia 30303

Donna Seeman  
Owner  
E-Z Cleaners, LLC  
698 Bryant Blvd  
Rock Hill, SC 29732



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11-5-2007

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Answer and Request for Hearing In the Matter of: E-Z Cleaners, LLC Docket no. FIFRA-04-2007-3033, on the parties listed in the manner indicated.

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303  
Telephone: (404) 562-9511

Via Certified Mail- Return receipt requested &  
UPS Second Day

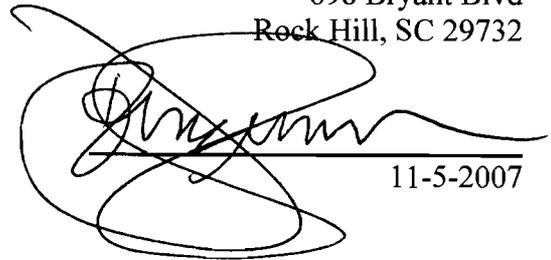
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