

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

FRM Chem, Inc.
Washington, Missouri

Respondent

) Docket No. FIFRA-07-2008-0035

)

) COMPLAINT AND NOTICE OF
) OPPORTUNITY FOR HEARING

)

)

COMPLAINT

Section I

Jurisdiction

1. This 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 Complaint serves as notice that the United States Environmental Protection Agency (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 VII, is the Director of the Water, Wetlands and Pesticides Division, EPA, Region VII.
4. The Respondent is FRM Chem, Inc., a pesticide producer and distributor, located at 50 Highline Drive, Washington, Missouri. The Respondent is and was at all times referred to in this Complaint, a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

Section III

Statutory & Regulatory Background

5. 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).
6. 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.
7. 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.
8. 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.
9. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. § 167.3 define the term “produce” to mean to manufacture, prepare, propagate, compound, or process any pesticide or device or active ingredient or to package, repackage, label, relabel, or otherwise change the container of any pesticide or device.
10. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. § 167.3 define the term “producer” to mean 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).
11. 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.
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.
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.

Section IV

Factual Allegations

14. Pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, EPA registered to Intercon Chemical Company (the registrant) a pesticide known as STERI-DINE DISINFECTANT, EPA Registration Number (EPA Reg. No.) 48211-70. Thereafter, in accordance with 40 C.F.R. Section 152.132, the registrant entered into an agreement with the Respondent for Respondent to supplementally distribute the registrant's product under the name of STERI-DINE DISINFECTANT, using EPA Reg. No. 48211-70-10366. On July 19, 1995, the registration of STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70, was cancelled as were all supplemental distribution agreements. Sales of existing stock by the registrant and supplemental distributors were prohibited after January 15, 1996.

15. Pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, EPA registered to the registrant a pesticide known as CHLOR 1250, EPA Reg. No. 48211-20001. Thereafter, in accordance with 40 C.F.R. Section 152.132, the registrant entered into an agreement with the Respondent for Respondent to supplementally distribute the registrant's product under the name of FRM CHLOR 1250, using EPA Reg. No. 48211-20001-10366. On July 19, 1995, the registration of CHLOR 1250, EPA Reg. No. 48211-20001, was cancelled, as were all supplemental distribution agreements. Sales of existing stock by the registrant and supplemental distributors were prohibited after January 15, 1996.

16. On or about December 21, 2005, December 28, 2005, and October 8, 2008, a representative of the Missouri Department of Agriculture (MDA) conducted inspections at Respondent's facility in Washington, Missouri, to determine the status of Respondent's compliance with FIFRA.

17. During the inspections referenced in paragraph 16, the MDA representative documented that Respondent was holding for sale or distribution STERI-DINE DISINFECTANT, the cancelled pesticide product referenced in paragraph 14.

18. During the inspections referenced in paragraph 16, the MDA representative documented that Respondent was holding for sale or distribution FRM CHLOR 1250, the cancelled pesticide product referenced in paragraph 15.

19. On or about May 20, 2008, EPA issued Request For Information Letters regarding sales, distribution, and shipments of the cancelled pesticides referenced in paragraphs 14 and 15 to the following customers of Respondent: McFleeg, Inc., Watertown, South Dakota; Allen's Sales &

Service, Ottawa, Kansas; Dairy Concepts, Lesueur, Minnesota; L W Chemicals, Mt. Olive, Illinois; Preston Dairy Supply, Monticello, Iowa; Tony Howell Equity Group, East Gadsden, Alabama; and, Billy Palmer Equity Group, East Gadsden, Alabama. In or about June and/or July 2008 these customers of the Respondent documented multiple sales by the Respondent of the cancelled pesticides referenced in paragraphs 14 and 15.

Violations

20. The Complainant hereby states and alleges that Respondent has violated FIFRA as follows:

Count 1

21. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

22. On or about December 21, 2005, Respondent held for sale or distribution a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366.

23. At the time the Respondent was documented as holding for sale or distribution STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, as referenced in paragraph 22, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

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

25. The STERI-DINE DISINFECTANT product label bore the false EPA Registration Number 48211-70-10366.

26. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by holding for sale or distribution a misbranded pesticide.

27. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 21 through 26, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 2

28. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

29. On or about December 21, 2005, Respondent held for sale or distribution a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366.
30. At the time the Respondent was documented as holding for sale or distribution FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, as referenced in paragraph 29, the product was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
31. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by holding for sale or distribution a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
32. The FRM CHLOR 1250 product label for the products documented bore the false EPA Registration Number 48211-20001-10366.
33. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by holding for sale or distribution a misbranded pesticide.
34. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 28 through 33, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 3-6 – Sales/Distributions to McFleeg, Inc.

Count 3

35. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.
36. On or about November 21, 2005, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to McFleeg, Inc., Watertown, South Dakota.
37. On the date of the sale and/or distribution referenced in paragraph 36, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
38. For the sale or distribution referenced in paragraph 36, 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.

39. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 35 through 38, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 4

40. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

41. On or about July 5, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to McFleeg, Inc., Watertown, South Dakota.

42. On the date of the sale and/or distribution referenced in paragraph 41, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

43. For the sale or distribution referenced in paragraph 41, 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.

44. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 40 through 43, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 5

45. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

46. On or about April 1, 2007, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to McFleeg, Inc., Watertown, South Dakota.

47. On the date of the sale and/or distribution referenced in paragraph 46, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

48. For the sale or distribution referenced in paragraph 46, 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.

49. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 45 through 48, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 6

50. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

51. On or about January 21, 2008, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to McFleeg, Inc., Watertown, South Dakota

52. On the date of the sale and/or distribution referenced in paragraph 51, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

53. For the sale or distribution referenced in paragraph 51, 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.

54. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 50 through 53, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 7 – Sale/Distribution to Allen’s Sales & Service

Count 7

55. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

56. On or about May 18, 2005, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Allen’s Sales & Service, Ottawa, Kansas.

57. On the date of the sale and/or distribution referenced in paragraph 56, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

58. For the sale or distribution referenced in paragraph 56, 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.

59. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 55 through 58, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 8-11 – Sales/Distributions to Funk Sales & Service

Count 8

60. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

61. On or about January 3, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Funk Sales & Service, Ottawa, Kansas.

62. On the date of the sale and/or distribution referenced in paragraph 61, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

63. For the sale or distribution referenced in paragraph 61, 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. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 60 through 63, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 9

65. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

66. On or about June 19, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Funk Sales & Service, Ottawa, Kansas.

67. On the date of the sale and/or distribution referenced in paragraph 66, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

68. For the sale or distribution referenced in paragraph 66, 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.

69. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 65 through 68, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 10

70. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

71. On or about July 26, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Funk Sales & Service, Ottawa, Kansas.

72. On the date of the sale and/or distribution referenced in paragraph 71, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

73. For the sale or distribution referenced in paragraph 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.

74. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 70 through 73, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 11

75. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

76. On or about December 12, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Funk Sales & Service, Ottawa, Kansas.

77. On the date of the sale and/or distribution referenced in paragraph 76, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

78. For the sale or distribution referenced in paragraph 76, 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.

79. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 75 through 78, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 12-16 – Sales/Distributions to Dairy Concepts

Count 12

80. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

81. On or about January 9, 2006, Respondent sold or distributed and shipped a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Dairy Concepts, Lesueur, Minnesota.

82. On the date of the sale and/or distribution referenced in paragraph 81, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

83. For the sale or distribution referenced in paragraph 81, 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.

84. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 80 through 83, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 13

85. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

86. On or about February 14, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Dairy Concepts, Lesueur, Minnesota.

87. On the date of the sale and/or distribution referenced in paragraph 86, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

88. For the sale or distribution referenced in paragraph 86, 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.

89. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 85 through 88, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 14

90. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

91. On or about July 10, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Dairy Concepts, Lesueur, Minnesota.

92. On the date of the sale and/or distribution referenced in paragraph 91, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

93. For the sale or distribution referenced in paragraph 91, 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.

94. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 90 through 93, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 15

95. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

96. On or about September 15, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Dairy Concepts, Lesueur, Minnesota.

97. On the date of the sale and/or distribution referenced in paragraph 96, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

98. For the sale or distribution referenced in paragraph 96, 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.

99. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 95 through 98, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 16

100. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

101. On or about December 13, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Dairy Concepts, Lesueur, Minnesota.

102. On the date of the sale and/or distribution referenced in paragraph 101, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

103. For the sale or distribution referenced in paragraph 101, 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.

104. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 100 through 103, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 17-25
Sales/Distributions to L W Chemicals

Count 17

105. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

106. On or about August 3, 2004, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

107. On the date of the sale and/or distribution referenced in paragraph 106, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

108. For the sale or distribution referenced in paragraph 106, 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.

109. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 105 through 108, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 18

110. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

111. On or about October 4, 2004, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

112. On the date of the sale and/or distribution referenced in paragraph 111, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

113. For the sale or distribution referenced in paragraph 111, 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.

114. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 110 through 113, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 19

115. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

116. On or about October 28, 2004, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

117. On the date of the sale and/or distribution referenced in paragraph 116, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

118. For the sale or distribution referenced in paragraph 116, 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.

119. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 115 through 118, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 20

120. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

121. On or about January 4, 2005, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

122. On the date of the sale and/or distribution referenced in paragraph 121, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

123. For the sale or distribution referenced in paragraph 121, 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.

124. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 120 through 123, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 21

125. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

126. On or about October 4, 2005, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

127. On the date of the sale and/or distribution referenced in paragraph 126, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

128. For the sale or distribution referenced in paragraph 126, 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.

129. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 125 through 128, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 22

130. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

131. On or about October 25, 2005, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

132. On the date of the sale and/or distribution referenced in paragraph 131, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

133. For the sale or distribution referenced in paragraph 131, 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.

134. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 130 through 133, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 23

135. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

136. On or about April 4, 2006, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

137. On the date of the sale and/or distribution referenced in paragraph 136, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

138. For the sale or distribution referenced in paragraph 136, 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.

139. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 135 through 138, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 24

140. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

141. On or about October 3, 2006, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

142. On the date of the sale and/or distribution referenced in paragraph 141, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

143. For the sale or distribution referenced in paragraph 141, 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.

144. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 140 through 143, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 25

145. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

146. On or about October 30, 2006, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to L W Chemicals, Mt. Olive, Illinois.

147. On the date of the sale and/or distribution to L W Chemicals referenced in paragraph 146, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

148. For the sale or distribution referenced in paragraph 146, 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.

149. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 145 through 148, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 26-27

Sales/Distributions to Preston Dairy Supply

Count 26

150. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

151. On or about March 30, 2005, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Preston Dairy Supply, Monticello, Iowa.

152. On the date of the sale and/or distribution referenced in paragraph 151, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

153. For the sale or distribution referenced in paragraph 151, 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.

154. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 150 through 153, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 27

155. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

156. On or about July 5, 2005, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Preston Dairy Supply, Monticello, Iowa.

157. On the date of the sale and/or distribution referenced in paragraph 156, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

158. For the sale or distribution referenced in paragraph 156, 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.

159. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 155 through 158, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 28-31

Sales/Distributions to Tony Howell Equity Group

Count 28

160. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

161. On or about July 7, 2004, Respondent sold or distributed and shipped a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Tony Howell Equity Group, East Gadsden, Alabama.

162. On the date of the sale and/or distribution referenced in paragraph 161, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

163. For the sale or distribution referenced in paragraph 161, 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.

164. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 160 through 163, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 29

165. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

166. On or about August 4, 2004, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Tony Howell Equity Group, East Gadsden, Alabama.

167. On the date of the sale and/or distribution referenced in paragraph 166, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

168. For the sale or distribution referenced in paragraph 166, 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.

169. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 165 through 168 it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 30

170. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

171. On or about October 4, 2004, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Tony Howell Equity Group, East Gadsden, Alabama.

172. On the date of the sale and/or distribution to referenced in paragraph 171, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

173. For the sale or distribution referenced in paragraph 171, 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.

174. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 170 through 173, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 31

175. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

176. On or about November 1, 2004, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Tony Howell Equity Group, East Gadsden, Alabama.

177. On the date of the sale and/or distribution referenced in paragraph 176, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

178. For the sale or distribution referenced in paragraph 176, 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.

179. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 175 through 178, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 32 – Sale/Distribution to Charles Rademacher

Count 32

180. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

181. On or about January 11, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Charles Rademacher, Owensville, Missouri.

182. On the date of the sale and/or distribution referenced in paragraph 181, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

183. For the sale or distribution referenced in paragraph 181, 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.

184. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 180 through 183, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 33-41 – Sales/Distributions to Riegel Farms

Count 33

185. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

186. On or about February 13, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

187. On the date of the sale and/or distribution referenced in paragraph 186, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

188. For the sale or distribution referenced in paragraph 186, 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.

189. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 185 through 188, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 34

190. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

191. On or about March 10, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

192. On the date of the sale and/or distribution referenced in paragraph 191, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

193. For the sale or distribution referenced in paragraph 191, 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.

194. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 190 through 193, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 35

195. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

196. On or about April 4, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

197. On the date of the sale and/or distribution referenced in paragraph 196, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

198. For the sale or distribution referenced in paragraph 196, 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.

199. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 195 through 198, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 36

200. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

201. On or about June 2, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

202. On the date of the sale and/or distribution referenced in paragraph 201, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

203. For the sale or distribution referenced in paragraph 201, 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.

204. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 200 through 203, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 37

205. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

206. On or about June 23, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

207. On the date of the sale and/or distribution referenced in paragraph 206, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

208. For the sale or distribution referenced in paragraph 206, 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.

209. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 205 through 208, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 38

210. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

211. On or about July 31, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

212. On the date of the sale and/or distribution referenced in paragraph 211, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

213. For the sale or distribution referenced in paragraph 211, 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.

214. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 210 through 213, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 39

215. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

216. On or about September 14, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

217. On the date of the sale and/or distribution referenced in paragraph 216, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

218. For the sale or distribution referenced in paragraph 216, 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.

219. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 215 through 218, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 40

220. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

221. On or about October 9, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

222. On the date of the sale and/or distribution referenced in paragraph 221, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

223. For the sale or distribution referenced in paragraph 221, 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.

224. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 220 through 223, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 41

225. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

226. On or about November 22, 2006, Respondent sold or a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Riegel Farms, South Solon, Ohio.

227. On the date of the sale and/or distribution referenced in paragraph 226, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

228. For the sale or distribution referenced in paragraph 226, 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.

229. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 225 through 228, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 42-52 – Sales/Distributions to Billy Palmer Equity Group

Count 42

230. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

231. On or about July 31, 2004, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

232. On the date of the sale and/or distribution referenced in paragraph 231, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

233. For the sale or distribution referenced in paragraph 231, 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.

234. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 230 through 233, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 43

235. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

236. On or about January 4, 2005, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

237. On the date of the sale and/or distribution referenced in paragraph 236, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

238. For the sale or distribution referenced in paragraph 236, 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.

239. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 235 through 238, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 44

240. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

241. On or about August 3, 2005, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

242. On the date of the sale and/or distribution referenced in paragraph 241, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

243. For the sale or distribution referenced in paragraph 241, 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.

244. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 240 through 243, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 45

245. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

246. On or about October 6, 2005, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

247. On the date of the sale and/or distribution referenced in paragraph 246, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

248. For the sale or distribution referenced in paragraph 246, 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.

249. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 245 through 248, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 46

250. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

251. On or about April 5, 2006, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

252. On the date of the sale and/or distribution referenced in paragraph 251, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

253. For the sale or distribution referenced in paragraph 251, 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.

254. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 250 through 253, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 47

255. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

256. On or about October 5, 2006, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

257. On the date of the sale and/or distribution referenced in paragraph 256, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

258. For the sale or distribution referenced in paragraph 256, 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.

259. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 255 through 258, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 48

260. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

261. On or about November 2, 2006, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

262. On the date of the sale and/or distribution referenced in paragraph 261, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

263. For the sale or distribution referenced in paragraph 261, 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.

264. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 260 through 263, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 49

265. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

266. On or about September 4, 2007, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

267. On the date of the sale and/or distribution referenced in paragraph 266, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

268. For the sale or distribution referenced in paragraph 266, 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.

269. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 265 through 268, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 50

270. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

271. On or about October 3, 2007, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

272. On the date of the sale and/or distribution referenced in paragraph 271, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

273. For the sale or distribution referenced in paragraph 271, 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.

274. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 270 through 273, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 51

275. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

276. On or about December 20, 2007, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

277. On the date of the sale and/or distribution referenced in paragraph 276, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

278. For the sale or distribution referenced in paragraph 276, 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.

279. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 275 through 278, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 52

280. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

281. In January 2008, Respondent sold or distributed a quantity of the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, to Billy Palmer Equity Group, East Gadsden, Alabama.

282. On the date of the sale and/or distribution referenced in paragraph 281, the product STERI-DINE DISINFECTANT, EPA Reg. No. 48211-70-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

283. For the sale or distribution referenced in paragraph 281, 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.

284. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 280 through 283, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 53-56 – Sales/Distributions to Weir Farm Supply

Count 53

285. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

286. On or about February 22, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Weir Farm Supply, La Veta, Colorado.

287. On the date of the sale and/or distribution referenced in paragraph 286, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

288. For the sale or distribution referenced in paragraph 286, 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.

289. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 285 through 288, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 54

290. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

291. On or about April 25, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Weir Farm Supply, La Veta, Colorado.

292. On the date of the sale and/or distribution referenced in paragraph 291, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

293. For the sale or distribution referenced in paragraph 291, 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.

294. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 290 through 293, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 55

295. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

296. On or about September 22, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Weir Farm Supply, La Veta, Colorado.

297. On the date of the sale and/or distribution referenced in paragraph 296, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

298. For the sale or distribution referenced in paragraph 296, 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.

299. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 295 through 298, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 56

300. The facts stated in paragraphs 14 through 19 are realleged and incorporated as if fully stated herein.

301. On or about December 11, 2006, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Weir Farm Supply, La Veta, Colorado.

302. On the date of the sale and/or distribution referenced in paragraph 301, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

303. For the sale or distribution referenced in paragraph 301, 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.

304. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 300 through 303, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Section V

Total Proposed Penalty

305. Section 14 of FIFRA, 7 U.S.C. § 136l, and the Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, authorize the issuance of this Complaint for the assessment of a civil penalty for each violation. For any such violation occurring between January 30, 1997 and March 15, 2004, the maximum statutory penalty per violation is Five Thousand Five Hundred Dollars (\$5,500). For any such violation occurring on or after March 15, 2004 through January 12, 2009, the maximum statutory penalty per violation is Six Thousand Five Hundred Dollars (\$6,500). EPA proposes to assess a total civil penalty of Three Hundred Sixty Four Thousand Dollars (\$364,000) against Respondent for the above-described violations.

Appropriateness of Proposed Penalty

306. The penalty proposed above has been calculated after consideration of the statutory factors set forth in Section 14 of FIFRA, 7 U.S.C. § 136l. Specifically, EPA considered the size of the business of Respondent, the effect of the proposed penalty on Respondent's ability to continue in business and the gravity of the alleged violations. In its calculation of the proposed penalty, EPA has taken into account the particular facts and circumstances of the alleged violations, with specific reference to EPA guidance for the calculation of proposed penalties under FIFRA (See Enclosure, July 2, 1990, Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)).

307. For purposes of calculating the proposed penalty, Respondent was placed in Category I size of business (total business revenues in excess of \$1,000,000 per year) when Complainant was unable to obtain specific information as to Respondent's gross revenues. If this categorization is incorrect, the proposed penalty will be adjusted upon submittal of reliable financial information indicating another category is appropriate.

308. Respondent has the right, upon submittal of certified financial information, to consideration of Respondent's financial condition in mitigation of the proposed penalty insofar as is necessary to permit Respondent to continue in business.

309. The proposed penalty constitutes a demand *only if* Respondent fails to raise *bona fide* issues of ability to pay, or other *bona fide* affirmative defenses relevant to the determination of any final penalty.

310. Said issues of ability to pay or other affirmative defenses relevant to a final penalty may and should be brought to the attention of Complainant at the earliest opportunity in this proceeding.

311. Payment of the total penalty - \$364,000 - may be made by certified or cashier's check payable to the Treasurer, United States of America, and remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

312. If Respondent does not contest the findings and assessments set forth above, payment of the penalty assessed herein may be remitted as described in the preceding paragraph, including a reference to the name and docket number of the Complaint. In addition, a copy of the check should be sent to:

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

and a copy to:

Chris R. Dudding
Assistant Regional Counsel
EPA - Region VII
901 North 5th Street
Kansas City, Kansas 66101

NOTICE OF OPPORTUNITY FOR HEARING

Section VI

Answer and Request for Hearing

313. Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 1361(a), Respondent has the right to request a hearing to contest any material fact contained in this Complaint or to contest the appropriateness of the penalty proposed herein. If Respondent wishes to avoid being found in default, Respondent must file a written answer and request for hearing with:

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

within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing. Said answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge, or shall clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The answer shall also state:

- A. The circumstances or arguments that are alleged to constitute the grounds of defense;
- B. The facts that Respondent intends to place at issue; and
- C. Whether a hearing is requested.

Failure to deny any of the factual allegations in the Complaint constitutes an admission of the undenied allegations.

314. Any hearing that is requested shall be held and conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (copy enclosed).

315. If Respondent fails to file a written answer and request for hearing within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing, such failure will constitute a binding admission of all of the allegations in this Complaint, and a waiver of Respondent's right to a hearing under FIFRA. A Default Order may thereafter be issued by the Regional Administrator, and the civil penalties proposed therein shall become due and payable without further proceedings.

316. Respondent is advised that, after the Complaint is issued, the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of any action with the EPA Regional Administrator, members of the Environmental Appeals Board, the Regional Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of the case.

Section VII

Settlement Conference

317. Whether or not a hearing is requested, an informal settlement conference may be arranged at Respondent's request. Respondent may confer with the EPA concerning: (1) whether or not the alleged violation occurred; or (2) the appropriateness of the proposed penalty in relation to the size of Respondent's business, the gravity of the violation, and the effect of the proposed penalty on Respondent's ability to continue in business. Additionally, the proposed penalty may be adjusted if Respondent establishes a bona fide issue of ability to pay. To explore the possibility of settlement in this matter, contact:

Chris R. Dudding
Assistant Regional Counsel
EPA Region VII
901 North 5th Street
Kansas City, Kansas 66101
Telephone: (913) 551-7524

318. A request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued as an alternative to and simultaneously with the adjudicatory hearing procedure.

319. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement. However, no penalty reduction will be made simply because an informal settlement conference is held. If settlement is reached, the parties will enter into a written Consent Agreement, and a Final Order will be issued. The issuance of such a Consent

Agreement and Final Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

6-26-09
Date

for Karen A. Howmoy
William A. Spratlin
Director
Water, Wetlands and Pesticides Division

CRD
Chris R. Dudding
Assistant Regional Counsel
Office of Regional Counsel

Enclosures:

1. FIFRA Civil Penalty Calculation Worksheet
2. Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22
3. July 2, 1990, Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act
4. SBREFA Fact Sheet
5. Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings

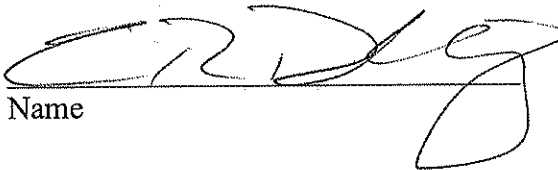
CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one copy of this Complaint and Notice of Opportunity for Hearing to the Regional Hearing Clerk, EPA, 901 North 5th Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent by certified mail, return receipt requested, a copy of the signed original Complaint and Notice of Opportunity for Hearing; a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22; a copy of the July 2, 1990, Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act; a copy of the FIFRA Civil Penalty Calculation Worksheet; the SBREFA Fact Sheet; and the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings, to the following:

Raymond Kastendieck
Registered Agent for FRM Chem, Inc.
P.O. Box 207
Highway 47 South
Washington, MO 63090

6/26/09
Date


Name