



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL RECEIPT RETURN REQUESTED

November 2, 2022

Brett Bruggeman
EVP & Winfield United Chief Operating Officer
Winfield Solutions, LLC
4001 Lexington Ave N
Arden Hills, MN 55126

Re: Stop Sale, Use, or Removal Order (SSURO) to Winfield Solutions, LLC

Dear Mr. Bruggeman:

As discussed in earlier communications between the United States Environmental Protection Agency (EPA or "the Agency") and Winfield Solutions, LLC (Winfield Solutions), enclosed is a Stop Sale, Use, or Removal Order ("Order" or "SSURO") concerning the misbranded chlorpyrifos products Winfield Solutions has in their custody at their warehouse locations in Geneseo, IL; Manchester, IA; and Norfolk, NE. This Order requires Winfield Solutions, LLC to immediately cease the distribution or sale of such products except for product movement to effectuate storage until final disposition is carried out in accordance with this Order or subsequent Orders. ***This Order is effective immediately upon receipt.***

Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a), authorizes the Administrator of the EPA to issue an order prohibiting the sale, use, or removal of any pesticide or device by any person who owns, controls, or has custody of such pesticide or device whenever there is reason to believe that the pesticide or device is in violation of any provision of FIFRA, or has been or is intended to be distributed in violation of any provision of FIFRA.

Based on communications received from Winfield Solutions, it is our understanding that Winfield Solutions has in its custody the following chlorpyrifos-containing pesticide products (henceforth referred to as the "Chlorpyrifos Products" or "these products").

1. Tundra Supreme (EPA Reg. No. 1381-243),
2. CPF 4E (EPA Reg. No. 83222-20),
3. Yuma 4E (EPA Reg. No. 62719-220-1381),
4. Cobalt Advanced (EPA Reg. No. 62719-615),
5. Chlorpyrifos 15G (EPA Reg. No. 19713-505), and
6. Chlorpyrifos 4E AG (EPA Reg. No. 66222-19)

These products are contained in three warehouses operated by Winfield Solutions, located in Geneseo, IL; Manchester, IA; and Norfolk, NE. These products have labels that allow for their application on food crops. Because the tolerances expired on February 28, 2022, 86 Fed. Reg. 48315 (Aug. 30, 2021) (amending 40 C.F.R. § 180.342), the products' labels provide directions for use on foods that are no longer supported by a tolerance. With the absence of an applicable tolerance, the use of the products pursuant to their labels' directions could result in the unlawful introduction of adulterated or misbranded foods into interstate commerce under FFDCA § 301(a), 21 U.S.C. 331(a). As described in more detail in the enclosed SSURO, because these products are now misbranded, they can no longer be lawfully distributed or sold unless authorized to do so pursuant to a cancellation order issued under FIFRA section 6, 7 U.S.C. § 136d, or a SSURO issued under FIFRA section 13, 7 U.S.C. § 136k. EPA recognizes that in response to the revocation of the tolerances, Winfield Solutions is voluntarily cancelling the registrations for certain products affected by the revocation.

Winfield Solutions has informed EPA's Office of Pesticide Programs (OPP) that these warehouses will be closing in early November and that it must move the Chlorpyrifos Products to new warehouses for storage until final disposition occurs. While OPP intends to issue the necessary final cancellation orders governing the distribution and final disposition of the Chlorpyrifos Products with expired tolerances, those orders will not be issued before the three warehouses must close. Consequently, on September 8, 2022, Winfield Solutions requested that EPA issue a SSURO providing for transfer of the misbranded Chlorpyrifos Products from certain warehouses to new locations. Pursuant to that request and the relevant authority under FIFRA, EPA is issuing this Order.

Winfield Solutions must comply with all terms and conditions in this Order. Failure to do so could result in liability under FIFRA section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E), for the unlawful distribution or sale of misbranded pesticides and/or liability under FIFRA section 12(a)(2)(I), 7 U.S.C. § 136j(a)(2)(I), for violating the terms of the SSURO.

The issuance of this Order shall not act as a waiver by EPA of any enforcement or other authority available to the Agency under Federal law, including the Agency's authority to seek civil penalties under section 14(a) of FIFRA, 7 U.S.C. 136l(a), for violations that may occur outside the coverage of this Order.

If you have any questions about this matter or wish EPA to consider a modification to the Order, you may contact Christine Trostler, Attorney-Advisor, at 202-564-2240 or trostler.christine@epa.gov.

Sincerely,

Michael Bellot, Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE**

| | | |
|--------------------------------|---|---|
| IN THE MATTER OF: |) | |
| |) | |
| Winfield Solutions, LLC |) | STOP SALE, USE, OR REMOVAL ORDER |
| 4001 Lexington Ave N |) | |
| Arden Hills, MN 55126 |) | Docket No. FIFRA-HQ-2023-5002 |
| |) | |
| |) | |
| Respondent |) | |
| <hr/> |) | |

I. AUTHORITIES

1. Section 13(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. § 136k(a), authorizes the Administrator of the U.S. Environmental Protection Agency (EPA) to issue an order prohibiting the sale, use or removal (SSURO) of any pesticide or device by any person who owns, controls or has custody of such pesticide or device whenever there is reason to believe that the pesticide or device is in violation of any provision of FIFRA, or the pesticide or device has been or is intended to be distributed or sold in violation of any provision of FIFRA.
2. This authority has been delegated from the EPA Administrator to the Assistant Administrator of Enforcement and Compliance Assurance (OECA), who in turn delegated this authority to the Director of the Civil Enforcement (OCE), who in turn delegated this authority to the Director of the Waste and Chemical Enforcement Division (WCED).¹
3. The EPA regulates pesticides under FIFRA, 7 U.S.C. §§ 136-136y, and the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. §§ 301-392.
4. Subject to exceptions that are not relevant here, section 3 of FIFRA, 7 U.S.C. § 136a, requires that all pesticides distributed or sold in the United States be registered with the EPA, and if use of a pesticide results in residues in or on food, then a tolerance (or an exemption from a tolerance) is required under sections 408(a)-(c) of the FFDCA, 21 U.S.C. §§ 346a(a)-(c).
5. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it is unlawful for any person in any State to distribute or sell to any person any pesticide which is adulterated or misbranded.

¹ EPA Administrator Delegation of Authority 5-12. Issuance of Stop Sale, Use or Removal Orders (1200 TN 350 5-12) (Jan 18, 2017); OECA Redelelegation 5-12 (January 2017); OCE Redelelegation 5-12 (January 2017).

6. Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), provides that it is unlawful for any person to violate any order issued under section 13 of FIFRA.
7. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a “person” as “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”
8. Section 2(gg) of FIFRA, 7 U.S.C § 136(gg), defines “to distribute or sell” as “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. The regulation set forth at 40 C.F.R. § 152.3 further explains that “[d]istribute or sell’ and other grammatical variations of the term such as ‘distributed or sold’ and ‘distribution or sale,’ means the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any State.”
10. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a “pesticide,” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”
11. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as “(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 microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) [of FIFRA].”
12. Pursuant to Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), a pesticide is “misbranded” if among other things, “its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular,” 7 U.S.C. § 136(q)(1)(A), or if “the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of [FIFRA], are adequate to protect health and the environment,” 7 U.S.C. § 136(q)(1)(F).
13. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines “label” as the “written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.”
14. Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2), defines “labeling” as “all labels and all other written, printed, or graphic matter—
 - a) accompanying the pesticide or device at any time; or

- b) to which reference is made on the label or in literature accompanying the pesticide....”
15. Section 3(c)(5)(C) of FIFRA, 7 U.S.C. § 136a(c)(5)(C), provides that EPA may not register a pesticide if it determines that the pesticide would cause “unreasonable adverse effects on the environment.”
 16. Pursuant to 40 C.F.R. § 152.50(f)(1), an applicant for pesticide registration is required to submit information to aid the Administrator in determining whether the use of the pesticide will not generally cause unreasonable adverse effects on the environment.
 17. Section 2(bb) of FIFRA, 7 U.S.C. § 136(bb), defines the term “unreasonable adverse effects on the environment” to mean “(1) any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a). . . .”
 18. Section 408(b)(2)(A)(i) of the FFDCFA, 21 U.S.C. § 346a(b)(2)(A)(i), provides that EPA may establish or leave in effect a tolerance for a pesticide chemical residue in or on a food only if EPA determines that the tolerance is safe.
 19. Section 408(b)(2)(A)(ii) of the FFDCFA, 21 U.S.C. § 346a(b)(2)(A)(ii), provides that the term “safe” with respect to a tolerance for a pesticide chemical residue means that the EPA has determined that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.
 20. Under section 408(a)(1) of the FFDCFA, 21 U.S.C. § 346a(a)(1), “the term ‘food’, when used as a noun without modification.... mean[s] a raw agricultural commodity or processed food.”
 21. Under 40 C.F.R. § 180.1(d), “raw agricultural commodities” include, *inter alia*, “fresh fruits, whether or not they have been washed and colored or otherwise treated in their unpeeled natural form; vegetables in their raw or natural state, whether or not they have been stripped of their outer leaves, waxed, prepared into fresh green salads, etc.; grains, nuts, eggs, raw milk, meats, and similar agricultural produce. It does not include foods that have been processed, fabricated, or manufactured by cooking, freezing, dehydrating, or milling.”
 22. Under 40 C.F.R. § 180.1(n), the term “food commodity” is defined as, “(1) [a]ny raw agricultural commodity (food or feed) as defined in section 201(r) of the FFDCFA; and (2) [a]ny processed food or feed as defined in section 201(gg) of the FFDCFA.”

23. Section 201(q)(1)(A) of the FFDCA, 21 U.S.C. § 321(q)(1)(A) defines a “pesticide chemical” to mean, *inter alia*, “any substance that is a pesticide within the meaning of [FIFRA] including all active and inert ingredients of such pesticide.”
24. Section 201(q)(2) of the FFDCA, 21 U.S.C. § 321(q)(2), defines the term “pesticide chemical residue” to mean “a residue in or on raw agricultural commodity or processed food of -- (A) a pesticide chemical; or (B) any other added substance that is present on or in the commodity or food primarily as a result of the metabolism or other degradation of a pesticide chemical.”
25. Under the authority of section 408(b)(1) of the FFDCA, 21 U.S.C. § 346a(b)(1), EPA promulgated regulations for establishing, modifying, or revoking tolerances for pesticide chemical residues in or on food at 40 C.F.R. Part 180.
26. Section 408(d)(2)(A) of the FFDCA, 21 U.S.C. § 346a(d)(2)(A), and EPA’s regulations at 40 C.F.R. § 180.7 require petitions to establish a tolerance for a pesticide chemical residue in or on foods to be supported by such data and information to include, *inter alia*, the following:
 - a) Full reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on the food, including a description of the analytical methods used. (See §180.34 for further information about residue tests);
 - b) A practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food, or for exemptions, a statement why such a method is not needed;
 - c) Proposed tolerances for the pesticide chemical residue if tolerances are proposed;
 - d) Practicable methods for removing any amount of the residue that would exceed any proposed tolerance;
 - e) Such other data and information as the Administrator may require by regulation to support the petition; and
 - f) Reasonable grounds in support of the petition.
27. Section 408(a)(1) of the FFDCA, 21 U.S.C. § 346a(a)(1), provides unless a tolerance of a pesticide chemical residue in or on food is in effect and the quantity of the residue is within the limits of the tolerance, or an exemption from the requirement of a tolerance is in effect for the pesticide chemical residue, any pesticide chemical residue in or on food is deemed unsafe for purposes of section 402(a)(2)(B) of the FFDCA, 21 U.S.C. § 342(a)(2)(B).

28. Section 402(a)(2)(B) of the FFDCA, 21 U.S.C. § 342(a)(2)(B), provides, in part, that “[a] food shall be deemed to be adulterated- . . . if it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 346a(a) of this title. . .”.
29. Section 301(a) of the FFDCA, 21 U.S.C. § 331(a), prohibits the introduction or delivery for introduction into interstate commerce any food that is adulterated.
30. Section 303(f)(2)(A) of the FFDCA, 21 U.S.C. § 333(f)(2)(A), provides for civil penalties for any person who introduces (or delivers for introduction) into interstate commerce food that is adulterated. Section 304 of the FFDCA, 21 U.S.C. § 334, further provides that adulterated food can be seized by the Food and Drug Administration.
31. The regulation set forth at 40 C.F.R. § 152.132 provides that a registrant may distribute or sell his registered product under another person’s name and address instead (or in addition to) his own. Such distribution or sale is termed “supplemental distribution” and the product is referred to as a “distributor product.” The distributor is considered an agent of the registrant for all intents and purposes under the Act, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.
32. Section 6(a)(1) of FIFRA, 7 U.S.C. § 136d(a)(1), provides that “[t]he Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is suspended or canceled under this section, or section 3 or 4, to such extent, under such conditions, and for such uses as the Administrator determines that such sale or use is not inconsistent with the purposes of this Act.
33. Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), provides that after receipt of a SSURO, “no person shall sell, use, or remove a pesticide or device except in accordance with the provisions of that order.”

II. BACKGROUND

34. The regulation set forth at 40 C.F.R. § 180.342 listed chlorpyrifos tolerances for certain food commodities.
35. On September 12, 2007, the Natural Resources Defense Council (NRDC) and Pesticide Action Network North America (PANNA) submitted a petition to EPA under FFDCA section 408, 21 U.S.C. § 346a, requesting that EPA revoke all chlorpyrifos tolerances and cancel all chlorpyrifos registrations.
36. On April 5, 2017, EPA issued an order denying the 2007 petition from NRDC and PANNA. 82 Fed. Reg. 16581 (April 5, 2017). In June 2017, several interested parties filed their objections to the denial of the 2007 petition.
37. On July 24, 2019, EPA issued an order denying the objections to the April 5, 2017, order. 84 Fed. Reg. 35555 (July 24, 2019).

38. Environmental advocacy groups and several States challenged EPA's denial orders in the U.S. Court of Appeals for the Ninth Circuit. On April 29, 2021, the Ninth Circuit Court of Appeals ordered EPA to issue a final rule that would either revoke all chlorpyrifos tolerances or modify the tolerances and issue a finding that the modified tolerances are safe. *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021).
39. On August 30, 2021, EPA published the final rule revoking all chlorpyrifos tolerances contained in 40 C.F.R. 180.342. The final rule set February 28, 2022, as the expiration date for all chlorpyrifos tolerances. 86 Fed. Reg. 48315 (August 30, 2021) (amending 40 C.F.R. § 180.342).
40. On February 28, 2022, EPA published its denial of all objections, hearing requests, and requests to stay the final rule. Because EPA denied all requests to stay the final rule, all chlorpyrifos tolerances formally expired on February 28, 2022. 87 Fed. Reg. 11222 (February 28, 2022).
41. EPA intends to issue several other cancellation orders at some date in the future, each of which will address some of the chlorpyrifos products that are still registered with food uses.
42. Winfield Solutions LLC is a corporation located and incorporated in the state of Minnesota. Winfield Solutions LLC is a "person" as defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
43. This Order refers to Winfield Solutions, LLC and all its divisions, offices and branches, collectively, as "Respondent."
44. Respondent is the registrant for the following two chlorpyrifos products currently registered with the EPA:
 - a) Tundra Supreme (EPA Reg. No. 1381-243); and
 - b) CPF 4E (EPA Reg. No. 83222-20).
45. Tundra Supreme (EPA Reg. No. 1381-243) was first registered by the Respondent on September 16, 2010. The product is approved for use on the following food crops: citrus fruits, corn, and soybeans.
46. CPF 4E (EPA REG No. 83222-20) was first registered by the Respondent on December 15, 2009. The product is approved for use on the following food crops: alfalfa, asparagus, cherries, citrus fruits, corn, cranberries, figs, grapes, legume vegetables, mint, onions, peanuts, pears, sorghum, soybeans, strawberries, sugar beets, sunflowers, sweet potatoes, tree fruits, tree nuts, vegetables (Brassica/cole crops), and wheat.
47. Respondent is a supplemental distributor of Yuma 4E (EPA Reg. No. 62719-220-1381) which is distributed under the terms of a Supplemental Distributor Agreement with

Corteva Agriscience LLC. Corteva Agriscience LLC holds the primary registration for the underlying registered product Lorsban 4E (EPA Reg. No. 62719-220).

48. Corteva Agriscience LLC first registered Lorsban 4E (EPA Reg. No. 62719-220) with EPA on October 28, 1993. The product is approved for use on the following food crops: alfalfa, asparagus, citrus fruits, corn, cranberries, figs, grapes, legume vegetables, mint, onions, peanuts, pears, sorghum, soybeans, strawberries, sugar beets, sunflowers, sweet potatoes, tree fruits, tree nuts, vegetables (Brassica/cole crops), and wheat.
49. Respondent distributes the following three chlorpyrifos products registered with EPA:
 - a) Cobalt Advanced (EPA Reg. No. 62719-615);
 - b) Chlorpyrifos 15G (EPA Reg. No. 19713-505); and
 - c) Chlorpyrifos 4E AG (EPA Reg. No. 66222-19).
50. Cobalt Advanced (EPA Reg No. 62719-615) is a product first registered by Corteva Agriscience LLC on May 5, 2010. Respondent obtained ownership of the amount it currently has on hand in its warehouse on February 25, 2022. The product is approved for use on the following food crops: alfalfa, brussels sprout, corn, sorghum, soybean, sunflower, tree fruits, tree nuts, and wheat.
51. Chlorpyrifos 15G (EPA Reg. No. 19713-505) is a product first registered by Drexel Chemical Company on August 9, 1999. Respondent obtained ownership of the amount it currently has on hand in its warehouses on May 10, 2021, and December 6, 2021. The product is approved for use on the following food crops: alfalfa, asparagus, citrus fruits, corn, onions, peanuts, radish, sorghum, soybeans, sugar beets, sunflowers, sweet potatoes, and vegetables (Brassica/cole crops).
52. Chlorpyrifos 4E AG is a product first registered by ADAMA on November 6, 1995. Respondent obtained ownership of the amount it currently has on hand in its warehouses on May 10, 2022, and May 19-20, 2022. The product is approved for use on the following food crops: alfalfa, asparagus, cherries, citrus fruits, corn, cranberries, figs, grapes, legume vegetables, mint, onions, peanuts, pears, sorghum, soybeans, strawberries, sugar beets, sunflowers, sweet potatoes, tree fruits, tree nuts, vegetables (Brassica/cole crops), and wheat.
53. In the three (3) warehouses identified in Appendix A, Respondent has in its control, custody, or possession varying quantities of the six (6) products described in Paragraphs 44 through 52. Henceforth, these products are collectively referred to in this Order as “Respondent’s Chlorpyrifos Products” or “Products”.

III. BASIS FOR THE ORDER

54. EPA has reason to believe that the labels for the Respondent’s Chlorpyrifos Products are misbranded as defined in section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), since as described in Paragraphs 34 - 41 above, the labels provide directions for use on foods that

are no longer supported by a tolerance. Therefore, the labels bear statements that are false or misleading.

55. EPA also has reason to believe that labels for Respondent's Chlorpyrifos Products are misbranded as defined in section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), since in the absence of an applicable tolerance, the use of these pesticides pursuant to these labels on food commodities could result in the unlawful introduction of adulterated or misbranded foods into interstate commerce under FFDCA § 301(a), 21 U.S.C. § 331(a). Therefore, the label does not contain directions for use that are necessary for effecting the purpose for which the products are intended, and if complied with, are inadequate to protect human health and the environment.
56. EPA has reason to believe that Respondent intends to distribute misbranded pesticide products when it transfers the Respondent's Chlorpyrifos Products to new warehouse locations.
57. Unless authorized to do so pursuant to a cancellation order under FIFRA section 6, 7 U.S.C. § 136d, or a SSURO issued under FIFRA section 13, 7 U.S.C. § 136k, it is unlawful for any person in any State to distribute or sell any pesticide which is misbranded.

IV. ORDER

58. Respondent is ordered to immediately cease any distribution, sale, use, or removal of all Respondent's Chlorpyrifos Products under its ownership, control, or custody, wherever such products are located except in accordance with provisions of this Order.
59. The Products shall not be sold, offered for sale, held for sale, shipped, delivered for shipment, received; or, having been so received, delivered, offered for delivery, moved, or removed, for any reason, other than in accordance with the provisions of this Order or subsequent Orders.
60. In its Product Movement Plan, Respondent has proposed to transfer the Products to new warehouses for storage prior to final disposition. The Plan's details are appended in Appendix A. Respondent has stated that it intends to use company resources (employees and fleet trucks) to move the Products to these new locations.
61. This Order authorizes Respondent's movement of the Products as outlined in its Product Movement Plan and the following provisions are established as part of this Order:
 - a) No Products shall be distributed except for the sole purpose of transferring the product to new warehouse locations as provided in the Product Movement Plan.
 - b) Respondent shall, for each set of warehouse transfers, establish and maintain a chain of custody documenting the Products and quantities transferred, who had initial

custody and control of the Products, and when and to whom custody and control were transferred at each step of the transfer processes.

- c) Respondent shall within thirty (30) days of completing the Products' transfers, submit the completed chain of custody to the EPA.
 - d) Upon Products' arrival at the destination warehouse, Products must be appropriately segregated and labeled stating that it is not for distribution or sale until Respondent receives written approval from the EPA to take any further action regarding the Products.
 - e) Additional movement for any purpose is prohibited unless authorized by a modification to this Order or subsequent Orders.
62. All reporting to the EPA provided by this Order and the Product Movement Plan shall be submitted to Christine Trostler at trostler.christine@epa.gov.

V. OTHER MATTERS

63. Respondent may assert a business confidentiality covering all or part of the above information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by the EPA, the information may be made available to the public by the EPA without further notice.
64. This Order shall be effective immediately upon receipt by an agent, owner, or operator of Respondent.
65. It is unlawful for any person to violate any order issued under section 13 of FIFRA, 7 U.S.C. § 136j(a)(2)(I).
66. Any agent, owner, or operator of Respondent violating the terms or provisions of this order may be subject to civil or criminal penalties as prescribed by Section 14 of FIFRA, 7 U.S.C. 136l.
67. The issuance of this Order shall not constitute a waiver by EPA of any enforcement or other authority available to EPA under federal law.
68. This Order shall remain in effect unless and until terminated or modified in writing by the EPA.
69. If any provision or provisions of this Order is/are subsequently held to be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and they shall remain in full force and effect.

70. Respondent may seek federal judicial review of this Order pursuant to Section 16 of FIFRA, 7 U.S.C. § 136n.

71. For any additional information about this Order, please contact Christine Trostler, Attorney-Advisor, by telephone at 202-564-2240 or by email at trostler.christine@epa.gov.

Date

Michael Bellot, Associate Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

APPENDIX A

| Geneseo, IL | | | | |
|---|--------------------|---|---------------------------|---|
| Current Location (Warehouse closing): Winfield Solutions, LLC 114 Progress Lane Geneseo, IL 61254 BRANCH PLANT #601219 | | Inventory Will Be Transferred To: Winfield Solutions, LLC 1203 W. Niccum Ave. Ste. C Effingham, IL 62401-4218 BRANCH PLANT #601220 | | |
| Winfield Item Number | Product Name | EPA Reg. No./Registrant | Container Size | On Hand - Amount that needs to be moved |
| 10134422 | TUNDRA SUPREME | 1381-243 (Winfield) | 2.5 Gallon Jug | 95 Gallons |
| 10128405 | COBALT ADVANCED | 62719-615 (Corteva) | 2.5 Gallon Jug | 2.5 Gallons |
| 1613955 | CHLORPYRIFOS 15G | 19713-505 (Drexel) | 50 Pound Bag | 2000 Pounds |
| Manchester, IA | | | | |
| Current Location (Warehouse closing): Winfield Solutions, LLC 1672 220TH ST. Manchester, IA 52057 BRANCH PLANT #602370 | | Inventory Will Be Transferred To: Winfield Solutions, LLC 1701 Broad St. Story City, IA 60248. BRANCH PLANT #601321 | | |
| Winfield Item Number | Product Name | EPA Reg. No./Registrant | Container Size | On Hand - Amount that needs to be moved |
| 10134422 | TUNDRA SUPREME | 1381-243 (Winfield) | 2.5 Gallon Jug | 7.5 Gallons |
| 1659151 | CHLORPYRIFOS 4E AG | 66222-19 (ADAMA) | 2.5 Gallon Jug | 210 Gallons |
| 1421439 | CPF 4E | 83222-20 (Winfield) | 2.5 Gallon Jug | 75 Gallons |
| 10001630 | YUMA 4E | 62719-220-1381 (Winfield - Corteva Distributor Registration) | 2.5 Gallon Jug | 2.5 Gallons |
| Norfolk, NE | | | | |
| Current Location (Warehouse closing): Winfield Solutions, LLC 83788 555th Ave. Norfolk, NE 68701 BRANCH PLANT #602376 | | Inventory Will Be Transferred To: Winfield Solutions, LLC 1227 280th RD. Seward, NE 68434 BRANCH PLANT #601249 | | |
| Winfield Item Number | Product Name | EPA Reg. No./Registrant | Container Size | On Hand - Amount that needs to be moved |
| 1713037 | CHLORPYRIFOS 4E AG | 66222-19 (ADAMA) | 260 Gallon Mini-bulk Tote | 520 Gallons |
| 1659151 | CHLORPYRIFOS 4E AG | 66222-19 (ADAMA) | 2.5 Gallon Jug | 1572.5 Gallons |
| 1690448 | TUNDRA SUPREME | 1381-243 (Winfield) | 265 Gallon Mini-bulk tote | 265 Gallons |
| 10134422 | TUNDRA SUPREME | 1381-243 (Winfield) | 2.5 Gallon Jug | 1010 Gallons |
| 1717416 | YUMA | 83222-20 (Winfield) Note: Yuma is a registered ABN for CPF 4E | 265 Gallon Mini-bulk Tote | 530 Gallons |
| 10001630 | YUMA 4E | 62719-220-1381 (Winfield - Corteva Distributor Registration) | 2.5 Gallon Jug | 5 Gallons |
| 1613955 | CHLORPYRIFOS 15G | 19713-505 (Drexel) | 50 Pound Bag | 300 Pounds |