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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. FIFRA-10-2011-0138
)	
NUFARM AMERICAS, INC.,)	CONSENT AGREEMENT AND
)	FINAL ORDER
)	
Respondent.)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement and Final Order ("CAFO") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136l(a).

1.2. The Administrator has delegated the authority to issue the Final Order contained in Part V of this CAFO to the Regional Administrator of EPA Region 10, who in turn has redelegated this authority to the Regional Judicial Officer.

1.3. Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA hereby issues, and Nufarm Americas, Inc. ("Respondent") hereby agrees to issuance of, the Final Order contained in Part V of this CAFO.

1 appeal the accompanying Final Order. Respondent acknowledges that this settlement will be
2 considered prior history under FIFRA once finalized and consents to payment of the penalty as
3 stated below.

4 4.2. Respondent consents to the assessment of a civil penalty in the amount of
5 SIXTY THOUSAND SIXTY DOLLARS (\$60,060.00). Respondent consents to issuance of the
6 Final Order set forth in Part V, below, and agrees to pay the total civil penalty set forth in this
7 paragraph within thirty (30) days of the effective date of this Final Order.

8 4.3. Payment under this CAFO shall be made by cashier's check or certified check,
9 payable to the order of "Treasurer, United States of America" and delivered to the following
10 address:

11 US Bank - USEPA - Region 10
12 Fines and Penalties
13 Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

14 Respondent shall note on the check the title and docket number of this action.

15 4.4. Respondent shall serve photocopies of the checks described in Paragraph 4.3,
16 above, on the Regional Hearing Clerk and the EPA Region 10 Office of Compliance and
17 Enforcement at the following addresses:

18 Regional Hearing Clerk
19 U.S. Environmental Protection Agency Region 10
Office of Regional Counsel, ORC-158
20 1200 Sixth Avenue, Suite 900
Seattle, WA 98101

21 U.S. Environmental Protection Agency Region 10
22 Pesticides and Toxics Unit, OCE-084
23 1200 Sixth Avenue, Suite 900
Seattle, WA 98101
24 Attn: Erin Halbert

1 4.5. Should Respondent fail to pay the penalty assessed herein in full by its due date,
2 the entire unpaid balance of penalty and accrued interest shall become immediately due and
3 owing. Should such a failure to pay occur, Respondent may be subject to a civil action under
4 Section 14(a)(5) of FIFRA, 7 U.S.C. § 1361(a)(5), to collect any unpaid penalties, together with
5 interest, handling charges, and nonpayment penalties, as set forth below.

6 4.6. Should Respondent fail to pay any portion of the penalty assessed herein in full by
7 its due date, Respondent shall also be responsible for payment of the following amounts:

8 a. Interest: Any unpaid portion of the assessed penalty shall bear interest at the rate
9 established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1)
10 from the effective date of the accompanying Final Order, provided, however, that
11 no interest shall be payable on any portion of the assessed penalty that is paid
12 within 30 days of the effective date of the Final Order.

13 b. Handling Charge: Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge
14 of \$15 shall be paid if any portion of the assessed penalty is more than 30 days
15 past due.

16 c. Nonpayment Penalty: Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty
17 of 6% per annum shall be paid on any portion of the assessed penalty that is more
18 than 90 days past due, which nonpayment penalty shall be calculated as of the
19 date the underlying penalty first becomes past due.

20 4.7. The penalty described in Paragraph 4.2, above, including any additional costs
21 incurred under Paragraph 4.6, above, represents an administrative civil penalty assessed by EPA
22 and shall not be deductible for purposes of federal taxes.

23 4.8. The undersigned representative of Respondent certifies that he is fully authorized
24 to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

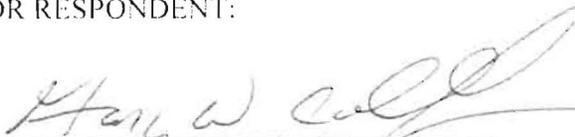
1 4.9. Except as described in Paragraph 4.6 of this CAFO, each party shall bear its own
2 costs in bringing or defending this action. The provisions of this CAFO shall bind Respondent
3 and its agents, servants, employees, successors, and assigns.

4 4.10. The above provisions are STIPULATED AND AGREED upon by Respondent
5 and EPA.

7 DATED:

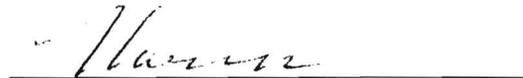
FOR RESPONDENT:

8
9 9-12-11



10 GARY W. CALLAHAN, P. C.
11 Counsel
Nufarm Americas, Inc.

12
13 9-10-11



Signature

14 Print Name: Thomas Lyons

15 Title: EVP, Operations

16
17 9-10-



Signature

18 Print Name: G. A BARBER

19 Title: EVP, FINANCE

21 DATED:

FOR COMPLAINANT:

22
23 9/12/2011



24 EDWARD J. KOWALSKI
25 Director, Office of Compliance and Enforcement
EPA Region 10

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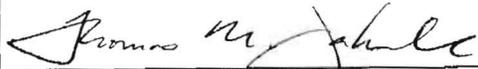
V. FINAL ORDER

5.1. The terms of the foregoing Parts I-IV are hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the foregoing terms of the settlement.

5.2. This CAFO shall constitute a settlement by EPA of all claims for civil penalties pursuant to FIFRA for the violations alleged above. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of FIFRA and the regulations promulgated thereunder.

5.3. This Final Order shall become effective upon filing.

SO ORDERED this 16th day of September, 2011.



Thomas M. Jahnke
Regional Judicial Officer
EPA Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: Nufarm Americas, Inc., DOCKET NO.: FIFRA-10-2011-0138** was filed with the Regional Hearing Clerk on September 16, 2011.

On September 16, 2011 the undersigned certifies that a true and correct copy of the document was delivered to:

Socorro Rodriguez, Associate Regional Counsel
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Suite 900
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on September 16, 2011, to:

Gary W. Callahan, P.C.
Nufarm Americas, Inc.
4550 Westridge Drive
Ft. Collins, CO 80526

DATED this 16th day of September 2011.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10