

NEVADA ONION, INC.
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Received
October
21,
2008
[Signature]

July 18, 2008

Regional Hearing Clerk (ORC-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Federal Insecticide, Fungicide, and Rodenticide Act
Complaint and Notice of Opportunity for Hearing

To Whom It May Concern:

This letter is in response to your complaint dated June 25, 2008. We admit to all of the citations, but have concerns regarding counts 1-20 (Use of the registered pesticides Lannate LV, Champ Dry Prill, Dithane DF, Thiosperse, Thiolut, and Diatec II in a manner inconsistent with their labeling (failure by agricultural employer to display specific pesticide information), 7 U.S.C.- 136j(a)(2)(G) and 40 C.F.R. - 170.122) and counts 21-40 (Use of the registered pesticides Lannate LV, Champ Dry Prill, Dithane DF, Thiosperse, Thiolut, and Diatec II in a manner inconsistent with their labeling (failure by handler employer to display specific pesticide information), 7 U.S.C.- 136j(a)(2)(G) and 40 C.F.R. - 170.222).

We waive our right to a hearing, but we feel that the penalties seem quite severe. Therefore, we are hoping for a reduction.

We have a staff of four employees, Rigoberto Martinez, Bill Tate, Cesar Vargas and Curtus Bachstein that have been certified as pesticide applicators through the Nevada Pesticide Applicator Training Program. Rigoberto, Bill and Cesar have an 'A' rating and Curtus has an 'AU' rating.

We have thoroughly looked at the labels for Champ Dry Prill, Dithane DF, Thiosperse, Thiolut, and Diatec II for information that says their use must be displayed. We cannot find anything that indicates that these pesticides are required to be posted in the field when applied. The label for Lannate LV only says it must be posted for table grapes. Furthermore, our PCA contact also informed us that their use did not need to be posted. Again, we feel that these two particular penalties of \$22,000 each for the counts listed above are unfair.

We, at Nevada Onion, are law abiding, tax paying citizens who want to comply with every law of our nation. We hope that you can see our side and will please reduce these penalties, as it will put a burden on the company.

Sincerely,



David Little
President

cc: Edgar P. Coral

DL/sc