

**U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219**

2020 FEB -4 PM 2: 24

**BEFORE THE ADMINISTRATOR**

**In the Matter of:**

Farmers Cooperative Services, Inc.,

**Respondent.**

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**Docket No. FIFRA-07-2020-0002**

**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

1. The U.S. Environmental Protection Agency (EPA) alleges that Farmers Cooperative Services, Inc. (Respondent) failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c).

2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating an establishment registered under Section 7 of FIFRA, 7 U.S.C. § 136e(c), to inform the EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which the producer is currently producing, which the producer has produced during the past year, and which the producer has sold or distributed during the past year. The information required by Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), must be kept current and submitted to the EPA annually as required under any regulation issued pursuant to Section 7 of FIFRA, 7 U.S.C. § 136e.

3. The regulations at 40 C.F.R. Part 167 set out the registration and reporting requirements for pesticide and active ingredient producing establishments. Pursuant to 40 C.F.R. § 167.85(d), a producer operating an establishment must submit an initial report no later than 30 days after the first registration of each establishment the producer operates. Thereafter, the producer must submit an annual report on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.

4. Respondent operates establishments in Ewing, Missouri, assigned Establishment No. 53751-MO-1, and Palmyra, Missouri, assigned Establishment No. 53751-MO-2.

5. Respondent failed to timely submit annual pesticide production reports on or before March 1, 2019 for Establishment Nos. 53751-MO-1 and 53751-MO-2.

6. Respondent's failure to timely submit annual pesticide production reports on or before March 1, 2019 for Establishment Nos. 53751-MO-1 and 53751-MO-2 is a violation of Section 7(c) of FIFRA, 7 U.S.C. § 136e(c).

7. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) and it is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and 40 C.F.R. § 22.13(b).

8. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements set forth above; (b) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the results of the ability to pay analysis; and (e) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.

9. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the alleged violations, and has submitted true and accurate documentation of such correction along with this Agreement.

10. EPA has considered the seriousness of the violations and any good faith efforts to comply with the applicable requirements pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l(a)(4), and has determined that the appropriate penalty for the violations is \$8,600. However, ability to pay is considered a mitigating factor in EPA's Enforcement Response Policy for FIFRA Section 7(c) (May 2010). Respondent has demonstrated that it is unable to pay any penalty in this matter. Because of Respondent's inability to pay any of the penalty, therefore, Complainant conditionally agrees to resolve the claims alleged herein.

11. Settlement of this matter based on Respondents substantiated ability to pay shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of FIFRA or any other applicable law.

12. Upon signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to FIFRA.

13. Each party shall bear its own costs and fees, if any.

14. This Agreement authorized by the EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

15. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

**RESPONDENT**  
**FARMERS COOPERATIVE SERVICES, INC.**

Date: 1/28/20

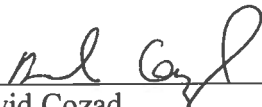
By: 

DAN DELANEY  
Print Name

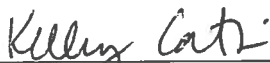
GENERAL MANAGER  
Title

**COMPLAINANT**  
**U. S. ENVIRONMENTAL PROTECTION AGENCY**

Date: 11/30/2020



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David Cozad  
Director  
Enforcement and Compliance Assurance Division



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Kelley Catlin  
Office of Regional Counsel

**FINAL ORDER**

Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 1361(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.



Karina Borromeo  
Karina Borromeo  
Regional Judicial Officer



Feb. 3, 2020  
Date

**CERTIFICATE OF SERVICE**

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:


*catlin.kelley@epa.gov*

AND

Copy via First Class Mail to:

Dan Delaney  
Farmers Cooperative Services, Inc.  
1313 South Main  
P.O. Box 312  
Palmyra, Missouri 63461

Dated this 4<sup>th</sup> day of February, 2020.

  
Signed  
for Lisa Haugen  
Region 7  
Hearing Clerk