

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

In the Matter of:

Corteva Agriscience, LLC

Respondent.

Docket No. FIFRA-04-2022-0700(b)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is an administrative penalty assessment proceeding brought under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136l(a) (FIFRA or the Act), and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.) Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions of FIFRA and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, who has been delegated the authority on behalf of the Administrator of the United States Environmental Protection Agency to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).
5. Respondent is Corteva Agriscience, LLC (hereinafter Corteva), a limited liability company headquartered in Indiana, who accepts responsibility for entering into this CAFO for the alleged violations asserted herein against Corteva and its wholly owned subsidiary E.I. du Pont De Nemours and Company (hereinafter DuPont). This proceeding pertains to Respondent's shipments of pesticide products into the Ports of Charleston, South Carolina, Jacksonville, Florida, Savannah,

Georgia, Memphis, Tennessee, and Atlanta, Georgia.

III. GOVERNING LAW

6. Pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), it is unlawful for any person to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
7. Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person to distribute or sell to any person any pesticide that is misbranded.
8. Pursuant to Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), a pesticide is misbranded 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 this Act, are adequate to protect health and the environment.
9. Pursuant to Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), a pesticide is misbranded if the labeling accompanying it does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment.
10. Pursuant to Section 2(q)(2)(C)(iii) of FIFRA, 7 U.S.C. § 136(q)(2)(C)(iii), a pesticide is misbranded if there is not affixed to its container, a label that bears the net weight or measure of the content.
11. Pursuant to Section 2(q)(2)(C)(iv) of FIFRA, 7 U.S.C. § 136(q)(2)(C)(iv), a pesticide is misbranded if there is not affixed to its container, when required by regulation of the Administrator to effectuate the purposes of this Act, the registration number assigned to the pesticide under this Act.
12. A “pest” is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (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, 7 U.S.C. § 136w(c)(1).
13. The term “pesticide” is defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u), to mean, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
14. The term “establishment” is defined at Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd) and 40 C.F.R. § 167.3, to mean, any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.
15. The term “produce” is defined by Section 2(w) of FIFRA, 7 U.S.C. § 136(b), to mean in part, to manufacture, prepare, compound, propagate, or process any pesticide or active ingredient used in producing a pesticide.
16. The term “to distribute or sell” as defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), includes to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, or to release for shipment.

17. Civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a) may be assessed by administrative order.

IV. FINDINGS OF FACTS

18. Respondent is a “person” as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.
19. On or around October 4, 2018, BDP International (BDP), the licensed customs broker for DuPont, filed a Notice of Arrival of Pesticides and Devices (NOA) in the U.S. Customs and Border Protection’s (CBP) Automated Commercial Environment (ACE) system for the importation of 40 bags of the registered pesticide DuPont Zorvec Technical (EPA Reg. No. 352-890), which arrived at the Port of Charleston, South Carolina under entry number 916-37435420 on or around October 8, 2018. Upon review of the labels, the product appeared to be misbranded in that the labels on all 40 bags stated that the bags contained a net weight of 350 kilograms, however, 11 of the bags had an additional label stating that those bags weighed 351 kilograms.
20. On or around January 29, 2019, BDP, the licensed customs broker for Corteva, filed a NOA in the CBP ACE system for the importation of 500,131 kilograms of the registered pesticide Telone II (EPA Reg. No. 62719-32) in a bulk transport vessel, which arrived at the Port of Jacksonville, Florida under entry number 916-38518794 on or around February 4, 2019. Through communications with Corteva, the EPA discovered that the product on the vessel was misbranded in that it did not meet the requirement of 40 CFR § 156.10(4)(ii) whereby for any registered pesticide product transported in a tank car, tank truck or other mobile or portable bulk container, a copy of the accepted label must be attached to the shipping papers and left with the consignee at the time of delivery. Corteva confirmed that there was no EPA-accepted label attached to the shipping papers and left with the consignee at the time of delivery.
21. On or around May 28, 2019, BDP filed a NOA in the CBP ACE system, on behalf of Corteva, for the importation of 40 bags of the registered pesticide Isoxaben Technical (EPA Reg. No. 62719-144) weighing 300 kilograms each, which arrived at the Port of Savannah, Georgia under entry number 916-39222727 on or around June 1, 2019. Upon review of the label, the EPA determined that the product was misbranded in that the pesticide product was labeled with the net weight only in kilograms, rather than in avoirdupois pounds and ounces, as required by 40 CFR § 156.10(d)(3).
22. On or around June 13, 2019, BDP filed a NOA in the CBP ACE system on behalf of DuPont for the importation of two tanks of the registered pesticide DuPont Vydate L (EPA Reg. No. 352-372) weighing 4,491 gallons each, which arrived at the Port of Charleston, South Carolina under entry number 916-39265429 on or around June 14, 2019. Upon review of the label, the EPA determined that the product was misbranded in that the pesticide product was labeled with the phrase “Refer to accompanying labelling for additional precautions, complete Directions for Use, and Storage and Disposal,” however this phrase was not included on the EPA-approved Master label.
23. On or around August 9, 2019, BDP filed a NOA on behalf of DuPont for the importation of 480 drums of the unregistered pesticide Oxamyl Technical weighing 50 kilograms each, which arrived at the Port of Charleston, South Carolina under entry number 916-39750404 on or around August 16, 2019. Upon review of the entry documentation, the import of this product appeared to be in violation of FIFRA Section 12 (a)(1)(A). Specifically, the unregistered pesticide was being imported under the exemption provided by 40 CFR § 152.30(d) whereby it was being transferred

solely for export. However, the foreign manufacturer PT. Inti Everspring Indonesia (EPA Est. No. 92417-IDN-1) did not appear to be in compliance with FIFRA as required under Section 17(a)(1) and interpreted by PRN 99-1 in that it was not reporting production of the unregistered pesticide on its annual Pesticide Production Report as required under FIFRA Section 7(c)(1). Between August 9, 2019 and November 13, 2019, five additional shipments of the unregistered pesticide Oxamyl Technical with the same apparent violation were imported into the Port of Charleston, South Carolina under entry numbers 916-39859056 (480 drums, 50 kilograms each), 916-40151675 (480 drums, 50 kilograms each), 916-40211255 (320 drums, 50 kilograms each), 916-40312400 (160 drums, 50 kilograms each), and 916-40262167 (160 drums, 50 kilograms each).

24. On or around October 8, 2019, BDP filed a NOA in the CBP ACE system on behalf of Corteva for the importation of 1,440 containers of the registered pesticide Lesco 4 Flowable Mancozeb (EPA Reg. No. 62719-396-10404) weighing 2.5 gallons each, which arrived at the Port of Charleston, South Carolina under entry number 916-40271093 on or around October 7, 2019. Upon review of the label, the EPA determined that the product was misbranded in that the pesticide product was labeled with the phrase “For guidance on materials that are chemical resistant to this product, follow the instructions for category A on an EPA chemical-resistance category selection chart,” however, this phrase was not included on the EPA-approved Master label.
25. On or around November 26, 2019, BDP filed a NOA in the CBP ACE system on behalf of Corteva, for the importation of 219,370 gallons of the registered pesticide Telone II (EPA Reg. No. 62719-32) in a bulk transport vessel, which arrived at the Port of Jacksonville, Florida under entry number 916-40738695 on or around December 4, 2019. Upon review of the label, the EPA determined that the product was misbranded in that (1) the signal word in Spanish appeared as “VISOA” rather than as “AVISO,” and (2) the reported net contents was the gross weight and appeared in kilograms and metric tons, rather than avoirdupois pounds and ounces, as required by 40 CFR § 156.10(d)(3).
26. On or around July 7, 2020, BDP filed a NOA in the CBP ACE system on behalf of Corteva, for the importation of one 20 milliliter container of the unregistered pesticide GF-4616, which arrived at the Port of Memphis, Tennessee under entry number 916-42178809 on or around July 20, 2020. Upon review of the product label and entry documentation, the import of this product appeared to be in violation of FIFRA Section 12(a)(1)(A). Specifically, the unregistered pesticide was being imported under the exemption provided by 40 CFR § 152.30(c)(2) where an unregistered pesticide may be distributed or sold in accordance with the provisions of 40 CFR § 172.3, pertaining to use of a pesticide for which an experimental use permit is not required. However, the product did not appear to be labeled in compliance with 40 CFR § 156.10(f), in that it included the EPA Establishment number of the domestic facility rather than the number of the foreign establishment where the product was produced.
27. On or around November 21, 2020, BDP filed a NOA in the CBP ACE system on behalf of Corteva, for the importation of 21 bags of the registered pesticide Goal Technical Purified (EPA Reg. No. 62719-399) weighing 500 kilograms each, which arrived at the Port of Savannah, Georgia under entry number 916-42890056 on or around November 21, 2020. Upon review of the label, the EPA determined that the product was misbranded in that it was labeled with an invalid EPA Registration number.
28. On or around February 26, 2021, BDP filed a NOA in the CBP ACE system on behalf of DuPont, for the importation of 40 bags of the unregistered pesticide Diuron Technical weighing 460 kilograms each, which arrived at the Port of Savannah, Georgia under entry number 916-43597452

on or around February 23, 2021. Upon review of the entry documentation, the import of this product appeared to be in violation of FIFRA Section 12(a)(1)(A). Specifically, the product was being imported under the exemption provided by 40 CFR § 152.30(d) whereby it was being transferred solely for export. However, the product did not appear to be labeled in compliance with FIFRA as required under Section 17(a)(1) and interpreted under PRN 99-1. Specifically, the product was labeled with the EPA Registration Number “352-703.” Between February 26, 2021 and March 15, 2021, three additional shipments of the unregistered pesticide Diuron Technical with the same apparent violations were imported into the Port of Savannah, Georgia under entry numbers 916-43597502 (40 bags, 460 kilograms each), 916-43634529 (40 bags, 460 kilograms each), and 916-43634495 (40 bags, 460 kilograms each).

29. On or around March 23, 2021, BDP filed a NOA in the CBP ACE system on behalf of Corteva, for the importation of 20 bags of the registered pesticide Sulfoxaflor Technical (EPA Reg. No. 62719-631) weighing 230 kilograms each, which arrived at the Port of Savannah, Georgia under entry number 916-43689838 on or around March 23, 2021. Corteva informed the EPA that the product was misbranded in that there was no EPA-approved pesticide label on the product. On or around April 25, 2021, two additional shipments of Sulfoxaflor Technical imported by Corteva arrived at the Port of Savannah, Georgia without an EPA-approved label under entry numbers 916-43859597 (20 bags, 230 kilograms each) and 916-43859407 (20 bags, 230 kilograms each).
30. On or around May 17, 2021, BDP filed a NOA in the CBP ACE system on behalf of DuPont, for the importation of 29 bags of the unregistered pesticide Reklamel Tech weighing 375 kilograms each, which arrived at the Port of Atlanta, Georgia under entry number 916-44441700 on or around May 17, 2021. Upon review of the entry documentation, the import of this product appeared to be in violation of FIFRA Section 12(a)(1)(A). Specifically, the product was being imported under the exemption provided by 40 CFR § 152.30(d) whereby it was being transferred solely for export, however the product did not appear to be labeled in compliance with FIFRA as required under FIFRA Section 17(a)(1) and interpreted under PRN 99-1. Specifically, the product was labeled with the phrase “It is a violation of Federal law to use this product in a manner inconsistent with its labeling,” however, such phrasing is not appropriate for an unregistered pesticide label.

V. ALLEGED VIOLATIONS

31. The EPA alleges that by importing and distributing unregistered pesticides that did not meet the various exemptions set forth in Section IV above, the Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least eleven occasions and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.
32. The EPA alleges that by importing and distributing misbranded pesticides, the Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on at least seven occasions and is therefore subject to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).
33. Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), in conjunction with 40 C.F.R. Part 19, Adjustments of Civil Monetary Penalties for Inflation, authorizes the assessment of a civil penalty.

VI. STIPULATIONS

34. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).

35. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
- (a) admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
 - (b) neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
 - (c) consents to the assessment of a civil penalty as stated below;
 - (d) consents to the conditions specified in this CAFO;
 - (e) waives any right to contest the alleged violations of law set forth in Section V (Alleged Violations) of this CAFO; and
 - (f) waives its rights to appeal the Final Order accompanying this CAFO.
36. For the purpose of this proceeding, Respondent:
- (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;
 - (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
 - (c) waives any right it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
 - (d) by executing this CAFO, certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of FIFRA and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected;
 - (e) waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept or issue this CAFO; and
 - (f) agrees to comply with the terms of this CAFO.
37. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

38. Respondent consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of **ONE HUNDRED-NINE THOUSAND FOUR-HUNDRED DOLLARS (\$109,400.00)**, which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.

39. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

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

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station: SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737
Contact: Craig Steffen (513) 487-2091
REX (Remittance Express): 1-866-234-5681

40. Respondent shall send proof of payment within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. EPA Region 4

61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
R4_Regional_Hearing_Clerk@epa.gov

and

Kanoelehua Ho
Pesticides Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
ho.kanoelehua@epa.gov

41. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the Facility name and Docket No. FIFRA-04-2022-0700(b).
42. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:
 - (a) Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO, interest is waived. However, if the civil penalty is not paid in full within 30 days of the Effective Date of this CAFO, interest will continue to accrue on any unpaid portion until the unpaid portion of the penalty and accrued Interest is paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b), and 40 C.F.R. § 13.11(a).
 - (b) Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).
 - (c) Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.
43. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, pursuant to Section 14 (a)(5) of FIFRA 7 U.S.C. § 136l(a)(5), the EPA may:

- (a) refer the debt to a credit reporting agency or a collection agency pursuant to Section 14(a) of FIFRA 7 U.S.C. § 136l(a), 40 C.F.R. §§ 13.13 and 13.14;
- (b) collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;
- (c) suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or
- (d) request that the Attorney General bring a civil action in the appropriate district court to recover the amount assessed pursuant to Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5).

44. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

VIII. EFFECT OF CAFO

- 45. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.
- 46. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c),
- 47. Any violation of this CAFO may result in a civil judicial action for civil penalties as provided in Section 14(a) of the Act, 42 U.S.C. § 136l(a), as well as criminal sanctions as provided in Section 14(b) of the Act, 42 U.S.C. § 136l(b). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.
- 48. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of FIFRA and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
- 49. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
- 50. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
- 51. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, authorized representatives, successors, and assigns.

52. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
53. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
54. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
55. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
56. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
57. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
58. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.
59. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

IX. EFFECTIVE DATE

60. This CAFO shall become effective upon execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages]

The foregoing Consent Agreement In the Matter of Corteva Agriscience, LLC, Docket Number FIFRA-04-2022-0700(b) Is Hereby Stipulated, Agreed and Approved for Entry.

FOR RESPONDENT:



Signature

12-09-2021

Date

Printed Name:

Aylin A. Bartlett

Title:

Vice President, Supply Chain

Address:

9330 Zionsville Rd,
Indianapolis, IN 46268

The foregoing Consent Agreement In the Matter of **Corteva Agriscience, LLC**, Docket Number **FIFRA-04-2022-0700(b)** Is Hereby Stipulated, Agreed and Approved for Entry.

FOR COMPLAINANT:

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

In the Matter of:

Corteva Agriscience, LLC

Respondent.

Docket No. **FIFRA-04-2022-0700(b)**

FINAL ORDER

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with 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 Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the Matter of **Corteva Agriscience, LLC** Docket No. **FIFRA-04-2022-0700(b)**, were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: M. Tammie Jones-Jefferson
Corteva Agriscience, LLC
tammie.jones-jefferson@corteva.com
9330 Zionsville Road,
Indianapolis, Indiana 46268

To EPA: Kanoelehua Ho, Life Scientist
ho.kanoelehua@epa.gov
(404) 562-9162

Robert Caplan, Senior Counsel
caplan.robert@epa.gov
(404) 562-9530

U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Shannon L. Richardson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960