



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
April 29, 2013

REPLY TO THE ATTENTION OF:
LC-8J

CERTIFIED MAIL

Receipt No. 7009 1680 0000 7641 4524

Mr. Russ Garrison
Stepan Company
22 W. Frontage Road
Northfield, Illinois 60093

Consent Agreement and Final Order In the Matter of
Stepan Company, Docket No. **FIFRA-05-2013-0006**

Dear Mr. Garrison:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on April 29, 2013 with the Regional Hearing Clerk.

The civil penalty in the amount of \$57,200 is to be paid in the manner described in paragraphs 95 and 96. Payment is due by May 29, 2013 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Terence Bonace".

Terence Bonace
Pesticides and Toxics Compliance Section

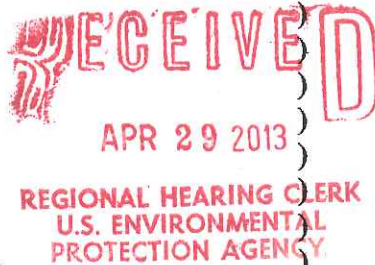
Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Stepan Company
Northfield, Illinois

Respondent.



Docket No. FIFRA-05-2013-0006

Proceeding to Assess a Civil Penalty
Under Section 14(a) of the Federal
Insecticide, Fungicide, and Rodenticide
Act, 7 U.S.C. § 136l(a)

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5, has been delegated the authority to settle this matter.
3. The Respondent is Stepan Company (Stepan), a corporation doing business in the State of Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

10. Section 3(c)(1)(C), 7 U.S.C. § 136a(c)(1)(C), states that each applicant for registration of a pesticide shall file with the Administrator a statement which includes a complete copy of the labeling of the pesticides, a statement of all claims to be made for it, and any directions for its use.

11. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it is unlawful for any person in any state to distribute or sell to any person any pesticide that is misbranded.

12. Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), states that a pesticide is “misbranded” if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

13. 40 C.F.R. § 152.132 states that supplemental distribution is permitted upon notification to EPA if all of the following conditions are met: (a) The registrant has submitted to EPA for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor’s company

number, the additional brand name(s) to be used, and the registration number of the registered product, (b) The distributor product is produced, packaged and labeled in a registered establishment operated by the same producer who produces, packages, and labels the registered product, (c) The distributor product is not repackaged (remains in the producer's unopened containers), (d) The label of the distributor product is the same as that of the registered product, except that the product name of the distributor product may be different, the name and address of the distributor may appear instead of that of the registrant, the registration number of the registered product must be followed by a dash, followed by the distributor's company number, the establishment number must be that of the final establishment at which the product was produced, and specific claims may be deleted, provided that no other changes are necessary, and (e) Voluntary cancellation of a product applies to the registered product and all distributor products distributed or sold under that registration number.

14. 40 C.F.R. §152.132 also specifies that a distributor is considered an agent of the registrant for all intents and purposes under FIFRA, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.

15. The term "person" as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s) "means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not."

16. The term "distribute or sell" means "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." 7 U.S.C. § 136(gg).

17. A "pesticide" is, among other things, any substance or mixture of substances

intended for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u).

18. A “pest” is 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 which the Administrator of EPA declares to be a pest under Section 25(c)(1) of FIFRA. 7 U.S.C. § 136(t).

19. The Administrator of EPA may assess a civil penalty against any registrant who violates any provision of FIFRA of up to \$6,500 for each offense that occurred after March 15, 2004 through January 12, 2009 pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

20. Respondent is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

21. Respondent is a “registrant” as defined at Section 2(y) of FIFRA, 7 U.S.C. § 136(y).

22. At all times relevant to this Complaint, Respondent owned or operated a place of business located at 22 W. Frontage Road, Northfield, Illinois.

23. On or about November 27, 1995, EPA approved the transfer of the registration of **Sasco Quat**, EPA Registration Number (EPA Reg. No.) 1967-43 to Stepan.

24. EPA assigned EPA Reg. No. 1839-173 to Stepan as a result of the transfer of the **Sasco Quat** registration.

25. Stepan’s pesticide product, EPA Reg. No. 1839-173 is named **7.5% BTC 885 Disinfectant/Sanitizer**.

26. On or about July 22, 1999, Stepan and Arcot Manufacturing Corporation (Arcot), submitted a Notice of Supplemental Registration of Distributor to EPA for the pesticide product,

7.5% BTC 885 Disinfectant/Sanitizer, EPA Reg. No. 1839-173.

27. The Notice of Supplemental Registration of Distributor listed the distributor of **7.5% BTC 885 Disinfectant/Sanitizer** as Arcot.

28. The Notice of Supplemental Registration of Distributor listed the distributor product name as **Refresh Sanitizer**.

29. EPA assigned the distributor product, **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818.

30. Refresher Sanitizer, EPA Reg. No. 1839-173-57818, is a "pesticide" as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

31. The distributor, Arcot, is an agent of the registrant, Stepan, for all intents and purposes under 40 C.F.R. § 152.132 with respect to its distributor product Refresher Sanitizer, EPA Reg. No. 1839-173-57818.

32. On June 5, 2008, an inspector employed by the Texas Department of Agriculture and authorized to conduct inspections under FIFRA conducted an inspection at Arcot, 2950 Mowery Road, Houston, Texas.

33. During the June 5, 2008 inspection, the inspector collected a physical sample of the product, Refresh Sanitizer, EPA Reg. No. 1839-173-57818, from pesticides that were being held for distribution or sale.

34. During the June 5, 2008 inspection, the inspector also collected shipping records for the product Refresh Sanitizer, EPA Reg. No. 1839-173-57818.

35. On or about June 6, 2008, the physical sample collected during the June 5, 2008 inspection, was received by the North Carolina Department of Agriculture & Consumer Services

(NCDA) for analysis.

36. On or about June 18, 2008, the NDCA Constable Laboratory performed an antibacterial efficacy test on the Refresh Sanitizer, EPA Reg. No. 1839-173-57818, sample collected on June 5, 2008.

- a. The Association of Official Analytical Chemists (AOAC) Use-Dilution Test was used with a contact time of 10 minutes at 20 ° Celsius and a 5% organic soil load (horse serum) to conduct the hospital disinfectant testing.
- b. The test results showed that the sample of **Refresh Sanitizer** was not effective against *Staphylococcus aureus* (using one part disinfectant plus 287 parts sterile deionized water) and *Pseudomonas aeruginosa* (using one part disinfectant plus 164 parts sterile deionized water).

37. On or about June 2, 2009, the NDCA Constable Laboratory performed a second antibacterial efficacy test on the **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818, sample collected on June 5, 2008.

- a. The AOAC Use- Dilution Test was used with a contact time of 10 minutes at 20 ° Celsius and a 5% organic soil load (horse serum) to conduct the hospital disinfectant testing.
- b. The test results showed that the sample of **Refresh Sanitizer** was not effective against *Staphylococcus aureus* (using one part disinfectant plus 164 parts sterile deionized water).

38. The label of Refresh **Sanitizer**, states, among other things:

"DISINFECTION - To disinfect inanimate, hard, non-porous surfaces, apply this

product with mop, cloth, sponge, low pressure coarse sprayer or hand pump trigger sprayer so as to wet all surfaces thoroughly. Allow treat surfaces to remain wet for 10 minutes, then remove excess liquid...

HOSPITAL DIFINFECTION - add 3.5 ounces of this product per 4.5 gallons (0.44 ounce per gallon) of water for disinfection against Staphylococcus aureus, Salmonella choleraesuis and Pseudomonas aeruginosa...

EFFICACY TESTS HAVE DEMONSTRATED THAT THIS PRODUCT IS AN EFFECTIVE BACTERICIDE, VIRUCIDE AND FUNGICIDE IN THE PRESENCE OF ORGANIC SOIL (5% BLOOD SERUM)."

39. The **Refresh Sanitizer** label is false and misleading because the pesticide **Refresh Sanitizer** is ineffective against *Staphylococcus aureus* and *Pseudomonas aeruginosa*.

40. On June 5, 2008, Arcot was holding Refresh Sanitizer, EPA Reg. No. 1839-173-57818 for distribution or sale at its facility.

41. On May 29, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

42. On May 13, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

43. On May 8, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

44. On May 2, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

45. On April 14, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No.

1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

46. On April 9, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

47. On April 4, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

48. On April 1, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

49. On March 13, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

50. On March 7, 2008, Arcot distributed or sold Refresh Sanitizer, EPA Reg. No. 1839-173-57818 to Premier Companies Inc. located in Houston, Texas.

Count 1

51. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

52. On June 5, 2008, Arcot distributed or sold a pesticide, Refresh Sanitizer, EPA Reg. No. 1839-173-57818, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), by holding the distributor product for distribution or sale at its distribution facility.

53. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

54. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint

assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 2

55. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

56. On May 29, 2008, Arcot distributed or sold a pesticide, **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A) .

57. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

58. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 3

59. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

60. On May 13, 2008, Arcot distributed or sold a pesticide, **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

61. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

62. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil

penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 4

63. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

64. On May 8, 2008, Arcot distributed or sold a pesticide, Refresh Sanitizer, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

65. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

66. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 5

67. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

68. On May 2, 2008, Arcot distributed or sold a pesticide, Refresh Sanitizer, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

69. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

70. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil

penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 6

71. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

72. On April 14, 2008, Arcot distributed or sold a pesticide, Refresh Sanitizer, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

73. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

74. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 7

75. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

76. On April 9, 2008, Arcot distributed or sold a pesticide, **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818, to Premier Companies Inc., located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

77. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

78. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil

penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 8

79. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

80. On April 4, 2008, Arcot distributed or sold a pesticide, **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

81. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

82. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 9

83. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

84. On April 1, 2008, Arcot distributed or sold a pesticide, **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

85. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

86. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil

penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 10

87. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

88. On March 13, 2008, Arcot distributed or sold a pesticide, **Refresh Sanitizer**, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

89. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

90. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 11

91. Complainant incorporates paragraphs 1 through 50 of this complaint, as if set forth in this paragraph.

92. On March 7, 2008, Arcot distributed or sold a pesticide, Refresh Sanitizer, EPA Reg. No. 1839-173-57818, to Premier Companies Inc. located in Houston, Texas, that was misbranded as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

93. Arcot's distribution or sale of Refresh Sanitizer, EPA Reg. No. 1839-173-57818, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

94. Arcot's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E) subjects the registrant, Stepan, to the issuance of an Administrative Complaint assessing a civil

penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136I(a).

Civil Penalty

95. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136I(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$57,200. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of both Respondents' businesses, the effect on both Respondents' ability to continue in business, and the gravity of the violation. Complainant also considered EPA's *Enforcement Response Policy for FIFRA* (ERP), dated December 2009.

96. Within 30 days after the effective date of this CAFO, Respondents must pay a \$57,200 civil penalty for the FIFRA violations. Respondents must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

[for a check sent by regular U.S. Postal Service mail:]

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

[for a check sent by overnight mail:]

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

97. The check must note the case title and the docket number of this CAFO.

98. A transmittal letter, stating, Respondents' name, the case title, Respondents' complete address, and the case docket number must accompany the payment. Respondents

must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Mr. R. Terence Bonace (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Mrs. Nidhi O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

99. This civil penalty is not deductible for federal tax purposes.

100. If Respondents do not pay the civil penalty timely, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

101. Pursuant to 31 C.F.R. § 901.9, Respondents must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondents must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondents must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

102. This CAFO resolves only Respondents' liability for federal civil penalties for the violation and facts alleged in the CAFO.

103. This CAFO does not 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.

104. This CAFO does not affect Respondents' responsibility to comply with FIFRA and other applicable federal, state, and local laws.

105. This CAFO is a "final order" for purposes of EPA's ERP for FIFRA.

106. The terms of this CAFO bind Respondents, its successors, and assigns.

107. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

108. Each party agrees to bear its own costs and attorney's fees in this action.

109. This CAFO constitutes the entire agreement between the parties.

In the Matter of:

**Stepan Company
Docket No.**

4/1/13
Date


John V. Venegoni
John V. Venegoni
Vice President, General Manager, Surfactants
Stepan Company

In the Matter of:

**Stepan Company
Docket No.**

U.S. Environmental Protection Agency, Complainant

April 18, 2013
Date



Margaret M. Guerriero
Director
Land and Chemicals Division

**In the Matter of:
Stepan Company
Docket No.**

FIFRA-05-2013-0006

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

4-25-2013

Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5



APR 29 2013

REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Stepan Company, was filed on April 29, 2013, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that a true copy was sent by Certified Mail, Receipt No.7009 1680 0000 7641 4524, to the Respondent:

Mr. Russ Garrison
Stepan Company
22 W. Frontage Road
Northfield, Illinois 60093

and forwarded copies (intra-Agency) to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Nidhi O'Meara, Regional Judicial Officer, ORC/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Docket No. FIFRA-05-2013-0006


APR 29 2013
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY