



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

July 16, 2014

REPLY TO THE ATTENTION OF:

LC- 8J

CERTIFIED MAIL

Receipt No. 7009 1680 0000 7649 6780

Ms. Deborah Chadbourne, LLC
529 Bierys Bridge Road
Bethlehem, Pennsylvania 18017

Consent Agreement and Final Order In the Matter of
Control Solutions, Inc. Docket No. FIFRA-05-2014-0024

Dear Ms. Chadbourne:

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 July 16, 2014, with the Regional Hearing Clerk.

The civil penalty in the amount of \$33,600 is to be paid in the manner described in paragraphs 75 and 76. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by Aug 15, 2014 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Terence Bonace

Terence Bonace
Pesticides and Toxics Compliance Section

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. FIFRA-05-2014-0024
)	
Control Solutions, Inc.)	Proceeding to Assess a Civil Penalty
Pasadena, Texas)	Under Section 14(a) of the Federal
)	Insecticide, Fungicide, and Rodenticide
Respondent.)	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, for violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), and its implementing regulations.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is Control Solutions, Inc., a corporation doing business in the State of Texas.
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 and alleged violations in this CAFO, including Counts 1 through 8 below.

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 the final order accompanying this Consent Agreement.

9. Respondent certifies that it is in compliance with all requirements of FIFRA, 7 U.S.C. §§ 136-136y.

Statutory and Regulatory Background

10. Section 3(c)(2) of FIFRA, 7 U.S.C. § 136a(c)(2), provides that the Administrator of EPA shall publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide and shall revise such guidelines from time to time.

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

12. Section 3(c)(5)(B) of FIFRA, 7 U.S.C. § 136a(c)(5)(B), provides that the Administrator of EPA shall register a pesticide if the Administrator determines that, when considered with any restrictions imposed under subsection (d), its labeling and other material required to be submitted comply with the requirements of FIFRA.

13. 40 C.F.R. § 152.112 provides that EPA will approve an application for registration of a pesticide under the criteria of FIFRA Section 3(c)(5) only if, among other things, the Agency has determined that the product is not misbranded as that term is defined in FIFRA Section 2(q) and 40 C.F.R. Part 156, and its labeling and packaging comply with the applicable requirements of the Act and 40 C.F.R. Parts 152, 156 and 157.

14. 40 C.F.R. § 156.10 provides that every pesticide product shall bear a label containing the information specified by FIFRA and the applicable regulations, and further provides that the contents of a label must show clearly and prominently, among other things, the following: hazard and precautionary statements as prescribed in 40 C.F.R. Part 156, Subparts D and E; and directions for use that must be stated in terms which can be easily read and that, when followed, must be adequate to protect the public from fraud and from personal injury and to prevent unreasonable adverse effects on the environment.

15. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it is unlawful for any person to distribute or sell to any person any pesticide which is adulterated or misbranded.

16. Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), provides that 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 FIFRA, are adequate to protect health and the environment.

17. Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), provides that a pesticide is “misbranded” if the label 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 FIFRA, is adequate to protect health and the environment.

18. 40 C.F.R. § 152.132 provides that a registrant may distribute or sell his registered product under another person's name and address instead of (or in addition to) his own. Such distribution and sale is termed "supplemental distribution" and the product is referred to as a "distributor product."

19. 40 C.F.R. § 152.132 provides 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.

20. 40 C.F.R. § 152.132 provides 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: (1) the product name of the distributor product may be different (but may not be misleading), (2) the name and address of the distributor may appear instead of that of the registrant, (3) the registration number of the registered product must be followed by a dash, followed by the distributor's company number, (4) the establishment number must be that of the final establishment at which the product was produced, and (5) 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.

21. The term “distribute or sell” as defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), 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.”

22. The term “label” as defined in Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), means “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.”

23. The term “labeling” as defined in Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2), means “all labels and all other written, printed or graphic matter accompanying the pesticide or device at any time or to which reference is made on the label or in literature accompanying the pesticide or device” with exceptions not relevant here.

24. 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.”

25. The term “pesticide” as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), means, among other things, “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”

26. The term “pest” as defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), means 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.

27. The term “registrant” as defined in Section 2(y) of FIFRA, 7 U.S.C. § 136(y), means “a person who has registered any pesticide pursuant to the provisions of FIFRA.”

28. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of FIFRA of up to \$7,500 for each offense that occurred after 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

29. Respondent is a corporation, and is therefore a “person” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

30. At all times relevant to this CAFO, Respondent owned or operated a place of business located at 5903 Genoa Red Bluff, Pasadena, Texas.

31. Eau Claire Cooperative Oil Company (Eau Claire) is a corporation with a place of business located at 4970 Kane Road, Eau Claire, Wisconsin.

32. Eau Claire is a “person” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

33. An inspector employed by Wisconsin Department of Agriculture, Trade and Consumer Protection and authorized to conduct inspections under FIFRA conducted an inspection at Eau Claire’s place of business at 4970 Kane Road, Eau Claire, Wisconsin on the following dates in 2010: May 20 and 27; July 14, 27, 28, 29; August 2, 6, 9, 10, 12, 13, 16, 17, 18, 19, 20, 23 through 27, 30, 31; September 1, 2, 7 through 10, 13 through 16, 21, 22, 23, 24, and 27 (the “inspection”).

34. On August 26, 2003, EPA issued a conditional notice of pesticide registration to Respondent for the pesticide product *Bifenthrin 0.1% Lawn Granules* and assigned it EPA Registration Number (EPA Reg. No.) 53883-121.

35. *Bifenthrin 0.1% Lawn Granules* is a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating pests, and is therefore a “pesticide” as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

36. Respondent registered a pesticide pursuant to the provisions of FIFRA, and is therefore a “registrant” as defined in Section 2(y) of FIFRA, 7 U.S.C. § 136(y).

37. During calendar year 2010, *Bifenthrin 0.1% Lawn Granules*, EPA Reg. No. 53883-121, was a registered pesticide with EPA accepted labels, including but not limited to an accepted label dated August 22, 2006, which was amended on July 25, 2008 by notification to EPA consistent with Pesticide Registration Notice 2007-4 and 40 C.F.R. § 152.46 (“accepted label”).

38. During the inspection, the inspector collected a copy of a “Notice of Supplemental Distribution of a Registered Pesticide Product” (EPA Form 8570-5) dated September 30, 2005 signed by Respondent and Eau Claire for the pesticide product *Bifenthrin 0.1% Lawn Granules*, EPA Reg. No. 53883-121.

39. The September 30, 2005 Notice of Supplemental Distribution of a Registered Pesticide Product listed Eau Claire as a distributor of *Bifenthrin 0.1% Lawn Granules*, EPA Reg. No. 53883-121, with a distributor company number of 57131.

40. The September 30, 2005 Notice of Supplemental Distribution of a Registered Pesticide Product listed the distributor product name as *MaxLawn Lawn Insect Control*.

41. The EPA Reg. No. for the distributor product *MaxLawn Lawn Insect Control* is 53883-121-57131.

42. The September 30, 2005 Notice of Supplemental Distribution of a Registered Pesticide Product notified EPA of Eau Claire’s intent to distribute *Bifenthrin 0.1% Lawn Granules*, EPA Reg. No. 53883-121, under the brand name *MaxLawn Lawn Insect Control*, EPA

Reg. No. 53883-121-57131, subject to the requirements of FIFRA, as required by 40 C.F.R. § 152.132.

43. *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, is a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating pests, and is therefore a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

44. Under 40 C.F.R. § 152.132, Eau Claire is considered an agent of Respondent for all intents and purposes under FIFRA, and Respondent may be held liable for violations pertaining to the distributor product *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131.

45. During the inspection, the inspector collected an empty container with the preprinted label (“Eau Claire’s label”) and trailer loading records for the pesticide product *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131.

46. Eau Claire’s trailer loading records collected during the inspection are distribution and/or sale records within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

47. The accepted label for *Bifenthrin 0.1% Lawn Granules* states “Bifenthrin 0.1% Lawn Granules is a broad spectrum ready to use granular insecticide that when applied properly will control a wide verity [sic] of insects feeding above and below the ground”

48. Eau Claire’s label for *MaxLawn Lawn Insect Control* did not include the qualifying instruction “when applied properly” before the statement that *MaxLawn Lawn Insect Control* “controls a wide variety of insects above and below the lawn’s surface”

49. The accepted label for *Bifenthrin 0.1% Lawn Granules* provides the following storage, disposal and spill instructions:

<p style="text-align: center;">STORAGE AND DISPOSAL</p> <p>Do not contaminate water, food, or feed by storage or disposal.</p> <p>PESTICIDE STORAGE: Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use close tightly.</p> <p>In case of spill: Avoid contact, isolate area and keep out animals and unprotected persons. Confine spills.</p> <p>To confine spill: Cover to prevent dispersal. Place damaged package in a holding container and identify contents.</p> <p>Pesticide Disposal: Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spilled bait, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label directions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for Guidance.</p> <p>Container Disposal: Non-refillable container. Do not reuse or refill this container. Empty container through use according to label directions. Offer for recycling, if available. If recycling is not available, then dispose of container in a sanitary landfill or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.</p>

50. Eau Claire's label for *MaxLawn Lawn Insect Control* included the following instructions for storage and disposal:

<p style="text-align: center;">STORAGE AND DISPOSAL</p> <p>STORAGE: Store in original bags/containers only. Store in a cool, dry place and avoid excess heat. Carefully open bags/containers. After partial use close tightly. Do not contaminate water, food or feed by storage and disposal.</p> <p>DISPOSAL: If empty: Do not reuse this container. Place in trash or offer for recycling if available. If partly filled: Call your local solid waste agency or 1-800-CLEAN-UP for disposal instructions. Never place unused product down any indoor or outdoor drain.</p>

51. Eau Claire's label for *MaxLawn Lawn Insect Control* did not place the statement, "Do not contaminate water, food or feed by storage and disposal" in bold font type directly beneath the heading for "Storage and Disposal" but instead placed it at the end of the "Storage" instructions in unbolded font type.

52. Eau Claire's label for *MaxLawn Lawn Insect Control* did not include the following instructions for the occurrence and containment of spills: "In case of spill: Avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. To confine spill: Cover to prevent dispersal. Place damaged package in a holding container and identify contents."

53. Eau Claire's label for *MaxLawn Lawn Insect Control* did not include the following instructions for disposal: "Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spilled bait, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label directions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for Guidance," and "Non-refillable container. Do not reuse or refill this container. Empty container through use according to label directions. Offer for recycling, if available. If recycling is not available, then dispose of container in a sanitary or, if allowed by State and local authorities, by burning. If burned, stay out of smoke."

54. Eau Claire's label for *MaxLawn Lawn Insect Control* did not include the following instructions for storage: "Keep out of reach of children and animals."

55. The accepted label for *Bifenthrin 0.1% Lawn Granules* includes the statement, "For residential lawn use only."

56. Eau Claire's label for *MaxLawn Lawn Insect Control* did not include the use direction "For residential lawn use only."

57. The accepted label for *Bifenthrin 0.1% Lawn Granules* state, under Precautionary Statements, Hazards to Humans and Domestic Animals:

CAUTION: Harmful if swallowed. Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

58. Eau Claire's label for *MaxLawn Lawn Insect Control* did not include the precautionary statement "and before eating, drinking, chewing gum or using tobacco" after the statement "Wash thoroughly with soap and water after handling."

59. The omitted and obscured directions for use described in paragraphs 47 through 56 above, are necessary for effecting the purpose for which the label for MaxLawn Lawn Insect Control is intended and if complied with are adequate to protect health and the environment.

60. Based on paragraphs 47 through 56, above, MaxLawn Lawn Insect Control was "misbranded" within the meaning of Section 2(a)(1)(F) of FIFRA, 7 U.S.C. § 136(a)(1)(F), because the label did not contain directions for use which may be 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 FIFRA, 7 U.S.C. § 136a(d), are adequate to protect health and the environment.

61. The omitted warning and/or caution statements from Eau Claire's label for MaxLawn Lawn Insect Control described in paragraphs 57 through 58 above, may be necessary and if complied with are adequate to protect health and the environment.

62. Based on paragraphs 57 through 58, above, MaxLawn Lawn Insect Control was "misbranded" within the meaning of Section 2(a)(1)(G) of FIFRA, 7 U.S.C. § 136(a)(1)(G), because the label did not contain warning or caution statements which may be necessary and if complied with, together with any requirements imposed under Section 3(d) of FIFRA, 7 U.S.C. § 136a(d), are adequate to protect health and the environment.

Counts 1 through 8

63. Complainant incorporates by reference the allegations contained in paragraphs 29 through 62 of this CAFO.

64. On or about March 5, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to United Suppliers, located in Eldora, Iowa.

65. On or about March 24, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to JRK, located in Eagan, Minnesota.

66. On or about March 29, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to Reinders Inc., located in New Berlin, Wisconsin.

67. On or about April 5, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to Running's Supply Inc., located in Pierre, South Dakota.

68. On or about April 15, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to Reinders, located in Plymouth, Minnesota.

69. On or about April 21, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to Crop Production Services, located in Big Lake, Minnesota.

70. On or about May 3, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to Running's Supply, Inc., located in Marshall, Minnesota.

71. On or about May 3, 2010, Eau Claire distributed or sold *MaxLawn Lawn Insect Control*, EPA Reg. No. 53883-121-57131, to Running's Supply, Inc., located in Pierre, South Dakota.

72. Each of the sales and/or distributions by Eau Claire of *MaxLawn Lawn Insect Control* listed in paragraphs 64 through 71 constitutes a distribution and/or sale of a misbranded pesticide in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

73. As provided in 40 C.F.R. § 152.132, Respondent, as the registrant of the distributor product, is liable for each of the unlawful sales and/or distributions of MaxLawn Lawn Insect Control listed in paragraphs 64 through 71.

Civil Penalty

74. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$33,600. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the violation. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

75. Within 30 days after the effective date of this CAFO, Respondent must pay a \$33,600 civil penalty by one of the following options:

- (a) Sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
Post Office Box 979077
St. Louis, Missouri 63197-9000

The check must note Control Solutions, Inc. and the docket number of this CAFO; or

- (b) Making an electronic funds transfer, payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state Respondent's name and the docket number of this CAFO.

76. Respondent must send a notice of payment that states Respondent's name, complete address and the case docket number to EPA at the following addresses when it pays the penalty:

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

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

Kasey Barton (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

78. If Respondent does not pay timely the civil penalty, 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. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

79. Pursuant to 31 C.F.R. § 901.9, Respondent 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. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

80. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

81. Compliance with this CAFO shall fully and finally resolve Respondent's liability for the alleged violations described herein regarding Eau Claire's shipments of MaxLawn Lawn Insect Control, EPA Reg. No. 53883-121-57131.

82. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

83. Within 30 days of the effective date of this CAFO, Respondent will adopt a policy of notifying affected supplemental distributors of label changes for Respondent's products approved by EPA, including notifications submitted by Respondent to EPA, and requiring that such distributors submit copies of its labels to Respondent for review and approval prior to reprinting and/or incorporating any changes.

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

85. This CAFO is a "final order" for purposes of EPA's FIFRA Enforcement Response Policy.

86. The terms of this CAFO bind Respondent, its successors and assigns.

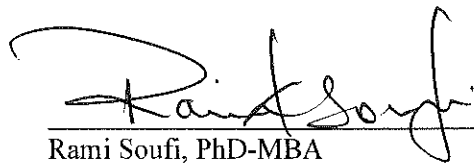
87. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

88. Each party agrees to bear its own costs and attorneys' fees in this action.

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


Control Solutions, Inc., Respondent

June 9, 2014
Date


Rami Soufi, PhD-MBA
Vice President, Development & Regulatory
Control Solutions, Inc.

United States Environmental Protection Agency, Complainant

7/7/2014
Date


Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Control Solutions, Inc.
Docket No. FIFRA-05-2014-0024

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.

7-11-2014

Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

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 Control Solutions, Inc., was filed on July 16, 2014, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7009 1680 0000 7649 6780, a copy of the original to the Respondent:

Ms. Deborah Chadbourne, LLC
529 Bierys Bridge Road
Bethlehem, Pennsylvania 18017

and forwarded copies (intra-Agency) to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J
Kasey Barton, 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-05-2014-0024**