

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2010 JAN 15 PM 2:25
REGIONAL HEARING
CLERK

In the Matter of

Lanco Manufacturing Corporation,

Respondent.

Proceeding under the Federal Insecticide,
Fungicide and Rodenticide Act, as
amended.

COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING

Docket No. FIFRA-02-2009-5302

ANSWER TO THE ADMINISTRATIVE COMPLAINT

Comes now Lanco Manufacturing Corporation ("Respondent" or "Lanco"), and by way of its answer to the Complaint issued in the above-referenced action, alleges and prays as follows:

RESPONSE TO FACTUAL ALLEGATIONS

1. Paragraphs 1 through 18 of the Complaint are statements and/or conclusions made by the Complainant and, thus, do not require a response.
2. Paragraphs 19 through 22 of the Complaint are admitted.
3. Paragraphs 23 through 25 of the Complaint are conclusions by defendant that require no response.
4. Paragraph 26 of the Complaint is admitted.
5. Paragraph 27 of the Complaint is denied for lack of information.
6. Paragraph 28 of the Complaint does not require a response.
7. Paragraphs 29 through 31 of the Complaint are admitted.
8. Paragraphs 32 and 33 of the Complaint are denied.

9. From paragraph 34 of the Complaint, Respondent admits that the statements set forth in subsections a and b were printed on the LMGLE label. Respondent denies having made any claims, express statements or implied assertions that LMGLE could be used as a pesticide.

10. Paragraph 35 of the complaint is denied.

11. Paragraphs 36 through 39 of the Complaint are conclusions by Complainant that do not require a response.

12. Paragraph 40 of the Complaint does not require a response.

13. Paragraphs 41 through 43 of the Complaint are admitted.

14. Paragraphs 44 through 47 of the Complaint are denied.

15. Paragraphs 48 through 51 of the Complaint are conclusions by Complainant that do not require a response.

PROPOSED CIVIL PENALTY

16. Respondent disputes the penalty proposed by Complainant as excessive and unwarranted, based on the facts and circumstances alleged in this case.

17. The claims made in the labeling of the products meet the "treated article exemption" under FIFRA.

REQUEST FOR A HEARING

Based on the above, Respondent hereby requests a hearing to dispute the allegations of the Complaint, as well as the proposed penalty assessment.

I CERTIFY: That on this same date, a copy of this document was delivered by regular and electronic mail to Lee A. Spielmann, Esq., Assistant Regional Counsel, Office of Regional Counsel, spielmann.lee@epamail.epa.gov; Helen S. Ferrara, Regional Judicial Officer, ferrara.helen@epamail.epa.gov; and Karen Maples, Regional Hearing Clerk, maples.karen@epamail.epa.gov; and at their postal address: United States Environmental Protection Agency, Region 2, 290 Broadway, 16th Floor, New York, New York 1007-1866.

In San Juan, Puerto Rico, this 11th day of January 2010.

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By: 

José A. Cepeda Rodríguez