

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

<b>In the Matter of:</b>	<b>: Consent Agreement and Final Order</b>
	:
C&S Farms, Inc.	: U.S. EPA Docket Number
31509 Dogwood Lane	: FIFRA-03-2020-0042
Laurel, Delaware 19956	:
	: Proceeding Under Section 14 of the
Respondent.	: Federal Insecticide, Fungicide and
	: Rodenticide Act, as amended, 7 U.S.C.
	: § 136l
	:

**CONSENT AGREEMENT**

Preliminary Statement

This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”), and by C&S Farms, Inc. (“Respondent”), pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), *as amended*, 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits* (“*Consolidated Rules of Practice*”), 40 C.F.R. §§ 22.13(b) and 22.18(b). This Consent Agreement (“CA”) and the attached Final Order (collectively, “CAFO”) resolve Complainant’s civil penalty claims against the Respondent arising from the violations of FIFRA alleged herein.

This CAFO simultaneously initiates and concludes this proceeding in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

Jurisdiction

1. The U.S. Environmental Protection Agency (“EPA”) has jurisdiction over the above-captioned matter pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and 40 C.F.R. §§ 22.1(a)(1) and 22.4.

General Provisions

2. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this CAFO.

3. Except as provided in Paragraph 2 herein, for purposes of this proceeding, Respondent neither admits nor denies the specific factual allegations and conclusions of law set forth in this CAFO.
4. Respondent agrees not to contest EPA's jurisdiction with respect to the execution of this CA, the issuance of the attached Final Order, or the enforcement of this CAFO.
5. For the purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this CA and any right to appeal the accompanying Final Order.
6. Respondent consents to the issuance of this CAFO and agrees to comply with its terms.
7. Respondent shall bear its own costs and attorney's fees.
8. Respondent agrees not to deduct for civil taxation purposes the civil penalty paid pursuant to this CAFO.

EPA's Findings of Fact and Conclusions of Law

9. In accordance with Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice*, Complainant alleges the following findings of fact and conclusions of law.
10. Section 25(a)(1) of FIFRA, 7 U.S.C. § 136w(a)(1), authorizes EPA to prescribe regulations to carry out the provisions of FIFRA.
11. Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G), makes it unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling.
12. Pursuant to 40 C.F.R. § 170.9(a), When [40 C.F.R. Part 170] is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product-specific instructions on the labeling. For the purposes of this part, EPA interprets the term "use" to include:
  - a. (1) Preapplication activities, including, but not limited to: (i) Arranging for the application of the pesticide; (ii) Mixing and loading the pesticide; and (iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.
  - b. (2) Application of the pesticide.
  - c. (3) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues

during the restricted-entry interval plus 30 days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

13. Pursuant to 40 C.F.R. § 170.9(b), a person who has a duty under 40 C.F.R. Part 170, as referenced on the pesticide label, and who fails to perform that duty, violates Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G), and is subject to a civil penalty under Section 14 of FIFRA, 7 U.S.C. § 136l.
14. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines “person” to mean any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.
15. Respondent is a corporation organized in Delaware and operated a facility (the “Facility”) located at 31509 Dogwood Lane in Laurel, Delaware 19956.
16. Respondent is a “person” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).
17. EPA conducted an inspection of the Facility on August 2, 2016 (the “Inspection”).
18. This Facility is a “farm” and therefore an “agricultural establishment” as those terms are defined at 40 C.F.R. § 170.3.
19. At all times relevant to this matter, the individuals employed by Respondent for the performance of activities relating to the production of agricultural plants at the Facility were “workers” as that term is defined at 40 C.F.R. § 170.3.
20. At all times relevant to this matter, Respondent was an “agricultural employer” as that term is defined at 40 C.F.R. § 170.3.
21. Kocide 2000 Fungicide-Bactericide (EPA Reg. No. 352-656); Echo 90 DF Agricultural Fungicide (EPA Reg. No. 60063-10); Inspire Super (EPA Reg. No. 100-1317); Intensity One (EPA Reg. No. 34704-976); Reaper 0.15 EC (EPA Reg. No. 34704-923); and Warrior II with Zeon Technology (EPA Reg. No. 100-1295) are registered “pesticides” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).
22. Each label for the registered pesticides listed in Paragraph 21 states: “Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 C.F.R. Part 170.

**Count I**  
**(Failure to Display Pesticide Safety Information)**

23. The allegations of the preceding paragraphs are incorporated by reference as though fully set forth herein.

24. Pursuant to 40 C.F.R. § 170.135, when workers are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information on or near a pesticide safety poster in a central location where it can be readily seen and read by workers.
25. On or about July 3, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, Respondent failed to post pesticide safety information in a central location after these pesticides had been applied at the Facility within the preceding 30 days.
26. On or about July 11, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Echo 90 DF Agricultural Fungicide, Inspire Super, and Intensity One at the Facility. Specifically, Respondent failed to post pesticide safety information in a central location after these pesticides had been applied at the Facility within the preceding 30 days.
27. On or about July 18, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Echo 90 DF Agricultural Fungicide, Reaper 0.15 EC, and Warrior II with Zeon Technology at the Facility. Specifically, Respondent failed to post pesticide safety information in a central location after these pesticides had been applied at the Facility within the preceding 30 days.
28. On or about July 25, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, Respondent failed to post pesticide safety information in a central location after these pesticides had been applied at the Facility within the preceding 30 days.
29. On or about July 31, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, Respondent failed to post pesticide safety information in a central location after these pesticides had been applied at the Facility within the preceding 30 days.
30. Pursuant to 40 C.F.R. § 170.9(a)(3) and (b), by failing to comply with 40 C.F.R. § 170.135, Respondent used registered pesticides in a manner inconsistent with their

labeling, which is thus a violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

**Count II**  
**(Failure to Display Pesticide Application Information)**

31. The allegations of the preceding paragraphs are incorporated by reference as though fully set forth herein.
32. Pursuant to 40 C.F.R. § 170.122, when workers are on an agricultural establishment and a pesticide has been applied on the establishment in the production of agricultural plants within the past 30 days, the agricultural employer shall display, in accordance with this section, specific information about the pesticide, including: (1) the location and description of the treated area; (2) the product name, EPA registration number, and active ingredient(s) of the pesticide; (3) the time and date the pesticide is to be applied; and (4) the restricted-entry interval for the pesticide.
33. On or about July 3, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, Respondent failed to post pesticide safety information in a central location after these pesticides had been applied at the Facility within the preceding 30 days.
34. On or about July 11, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Echo 90 DF Agricultural Fungicide, Inspire Super, and Intensity One at the Facility. Specifically, Respondent failed to provide workers with specific information about the application of these pesticides at the Facility within the past 30 days.
35. On or about July 18, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Echo 90 DF Agricultural Fungicide, Reaper 0.15 EC, and Warrior II with Zeon Technology at the Facility. Specifically, Respondent failed to provide workers with specific information about the application of these pesticides at the Facility within the past 30 days.
36. On or about July 25, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, Respondent failed to provide workers with specific information about the application of these pesticides at the Facility within the past 30 days.

37. On or about July 31, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, Respondent failed to provide workers with specific information about the application of these pesticides at the Facility within the past 30 days.
38. Pursuant to 40 C.F.R. § 170.9(a)(3) and (b), by failing to comply with 40 C.F.R. § 170.122, Respondent used registered pesticides in a manner inconsistent with their labeling, which is thus a violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

**Count III**  
**(Failure to Assure Worker Training)**

39. The allegations of the preceding paragraphs are incorporated by reference as though fully set forth herein.
40. Pursuant to 40 C.F.R. § 170.130(a), the agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last 5 years.
41. On or around the day of the Inspection, August 2, 2016, Respondent used, “in a manner inconsistent with its labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, after the application of these pesticides at the Facility within the preceding 30 days, Respondent failed to assure that each of its workers had received pesticide safety training during the preceding five years.
42. Pursuant to 40 C.F.R. § 170.9(a)(3) and (b), by failing to comply with 40 C.F.R. § 170.130(a), Respondent used registered pesticides in a manner inconsistent with their labeling, which is thus a violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

**Count IV**  
**(Failure to Provide Decontamination Supplies)**

43. The allegations of the preceding paragraphs are incorporated by reference as though fully set forth herein.
44. Pursuant to 40 C.F.R. § 170.150(a), the agricultural employer must provide decontamination supplies for workers in accordance with this section whenever: (1) any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval was in effect within the last 30 days;

and (2) the worker contacts anything that has been treated with the pesticide, including, but not limited to, soil, water, plants, plant surfaces, and plant parts.

45. On the day of the Inspection, August 2, 2016, Respondent used, “in a manner inconsistent with [their] labeling” as that term is defined by Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), the registered pesticides Kocide 2000 Fungicide-Bactericide and Echo 90 DF Agricultural Fungicide at the Facility. Specifically, Respondent failed to provide decontamination supplies for the nineteen workers present at the time of the Inspection after these pesticides had been applied at the Facility within the preceding 30 days.
46. Pursuant to 40 C.F.R. § 170.9(a)(3) and (b), by failing to comply with 40 C.F.R. § 170.150(a), Respondent used registered pesticides in a manner inconsistent with their labeling, which is thus a violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

#### Civil Penalty

47. In settlement of the above-captioned action Respondent consents to the assessment of a civil penalty of **TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)**. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent agrees to pay the penalty of \$25,000 for the violations alleged in this using one of the methods identified in Paragraph 49, below.
48. The Parties represent that the settlement terms are reasonable and are based upon Complainant’s consideration of a number of factors, including, but not limited to, the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), *i.e.*, the size of Respondent’s business, the effect of the penalty on Respondent’s ability to continue in business, the gravity of the violation, and the Respondent’s good faith efforts. These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s December 2009 *FIFRA Enforcement Response Policy Federal Insecticide, Fungicide, and Rodenticide Act* and 40 C.F.R. Part 19.
49. Payment of the civil penalty amount required under the terms of Paragraph 47, above, shall be made as follows:
- a. All payments by Respondent shall reference Respondent’s name and address, and the Docket Number of this action, that is, FIFRA-03-2020-0042;
  - b. All checks shall be made payable to “**United States Treasury**”;
  - c. All payments made by check and sent by regular mail shall be addressed for delivery to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center

P.O. Box 979077  
St. Louis, MO 63197-9000  
Contact: 513-487-2091

- d. All payments made by check and sent by overnight delivery service (FedEx, DHL, UPS, etc.) shall be addressed for delivery to:

U.S. Environmental Protection Agency  
Government Lockbox 979077  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Contact: 314-418-1028

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance  
US EPA, MS-NWD  
26 W ML King Drive  
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfers shall be made through the Federal Reserve Bank of New York using the following information:

ABA = 021030004  
Account No. = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:  
“D 68010727 Environmental Protection Agency”

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver  
ABA = 051036706  
Account No.: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:  
5700 Rivertech Court  
Riverdale, MD 20737



Contact: Randolph Maxwell 202-874-3720 or REX 866-234-5681

h. On-Line Payment Option:

WWW.PAY.GOV/PAYGOV

Enter sfo 1.1 in the search field. Open and complete the form.

i. Additional payment guidance is available at the following internet address:

[www2.epa.gov/financial/makepayment](http://www2.epa.gov/financial/makepayment)

50. At the same time that any payment is made, Respondent shall mail copies of any corresponding check, or provide written notification confirming any electronic wire transfer, automated clearinghouse or online payment to the following addressees:

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

and

Mark Bolender  
Senior Assistant Regional Counsel (3RC42)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
[bolender.mark@epa.gov](mailto:bolender.mark@epa.gov)

51. The person signing this CA on behalf of the Respondent certifies to Complainant that, upon investigation, to the best of their knowledge and belief, the Respondent is in compliance with all applicable requirements of FIFRA, 7 U.S.C. § 136 *et seq.*

Other Applicable Laws

52. Nothing in this CAFO shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations nor does this CAFO constitute a waiver, suspension or modification of the requirements of FIFRA, 7 U.S.C. § 136 *et seq.*, or any regulations promulgated thereunder.

Reservation of Rights

53. This CAFO resolves only EPA's civil claims for penalties for the specific violations of FIFRA alleged in this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition that EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*. Further, EPA reserves any rights and remedies available to it under FIFRA, the regulations promulgated thereunder, and any other Federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

Parties Bound

54. This CAFO shall apply to and be binding upon EPA, Respondent, and the successors and assigns of Respondent. By his signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he is fully authorized by Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this CAFO.

Effective Date

55. The effective date of this CAFO is the date on which the Consent Agreement and the Final Order, signed by the Regional Administrator, EPA, Region III, or his designee, the Regional Judicial Officer, are filed with the Regional Hearing Clerk pursuant to the *Consolidated Rules of Practice*.

Entire Agreement

56. This Consent Agreement, the Appendix, and the accompanying Final Order constitute the entire agreement and understanding of the parties regarding settlement of all claims pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CA and the attached Final Order.

For Respondent:

Date: 10/25/19

By: 


Name: Scott Givens

Title: President

For the Complainant:


After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Date: NOV 19 2019

By:   
Karen Melvin  
Director, Enforcement and Compliance  
Assurance Division  
U.S. EPA – Region III  
Complainant

Attorney for the Complainant:

Date: 11/13/19

By:   
Mark J. Bolender  
Senior Assistant Regional Counsel  
U.S. EPA, Region III

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

<b>In the Matter of:</b>	: <b>Consent Agreement and Final Order</b>
	:
C&S Farms, Inc.	: U.S. EPA Docket Number
31509 Dogwood Lane	: FIFRA-03-2020-0042
Laurel, Delaware 19956	:
Respondent.	: Proceeding Under Section 14 of the
	: Federal Insecticide, Fungicide and
	: Rodenticide Act, as amended, 7 U.S.C.
	: § 136l
	:

**ADDENDUM TO CONSENT AGREEMENT**

Civil Penalty Payment Schedule

The parties to the attached Consent Agreement, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”), and C&S Farms, Inc. (“Respondent”) agree that Respondent may pay the penalty assessed in the attached Consent Agreement according to the following schedule:

1. Respondent agrees to pay the penalty of \$25,000 for the violations alleged in the attached Consent Agreement in six (6) installments with interest on the outstanding principal balance in accordance with the following schedule, with each and every payment identified with “EPA Docket No. FIFRA-03-2020-0042” and using one of the methods identified in Paragraph 49 of the attached Consent Agreement.
  - a. 1st Payment: The first payment in the amount of \$500.00, consisting of a principal payment of \$500.00 and an interest payment of \$0, shall be paid within thirty (30) days of the Effective Date of the attached Consent Agreement;
  - b. 2nd Payment: The second payment in the amount of \$500.00, consisting of a principal payment of \$457.81 and an interest payment of \$42.19, shall be paid within sixty (60) days of the Effective Date of the attached Consent Agreement;
  - c. 3rd Payment: The third payment in the amount of \$500.00, consisting of a principal payment of \$459.93 and an interest payment of \$40.07, shall be paid within ninety (90) days of the Effective Date of the attached Consent Agreement;

- d. 4th Payment: The fourth payment in the amount of \$500.00, consisting of a principal payment of \$459.39 and an interest payment of \$40.61, shall be paid within one hundred twenty (120) days of the Effective Date of the attached Consent Agreement;
- e. 5th Payment: The fifth payment in the amount of \$500.00, consisting of a principal payment of \$460.18 and an interest payment of \$39.82, shall be paid within one hundred fifty (150) days of the Effective Date of the attached Consent Agreement; and,
- f. 6th Payment: The sixth payment in the amount of \$22,700.46, consisting of a principal payment of \$22,662.69 and an interest payment of \$37.77, shall be paid within one hundred (180) days of the Effective Date of the attached Consent Agreement.

**BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**In the Matter of:**

C&S Farms, Inc.  
31509 Dogwood Lane  
Laurel, Delaware 19956

**Respondent.**

:  
:  
: **FINAL ORDER**  
:  
: U.S. EPA Docket Number  
: FIFRA-03-2020-0042  
:  
: Proceeding Under Section 14 of the  
: Federal Insecticide, Fungicide and  
: Rodenticide Act, as amended, 7 U.S.C.  
: § 136l

**FINAL ORDER**

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and C&S Farms, Inc. (“Respondent”) have executed a document entitled “Consent Agreement” which I hereby ratify as a Consent Agreement 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 (“Consolidated Rules of Practice”). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA’s December 2009 *FIFRA Enforcement Response Policy Federal Insecticide, Fungicide, and Rodenticide Act*, and the statutory factors set forth in Section 14(a)(4) of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(4).

**NOW, THEREFORE, PURSUANT TO** Section 14(a) of FIFRA, as amended, 7 U.S.C. § 136l(a) and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of ***TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00)***, as set forth in the Consent Agreement, and to comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive,

extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

\_\_\_\_\_  
Date

JOSEPH LISA  
Digitally signed by  
JOSEPH LISA  
Date: 2020.04.23  
09:36:23 -04'00'  
\_\_\_\_\_  
Joseph J. Lisa  
Regional Judicial and Presiding Officer  
U.S. EPA, Region III




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<b>Respondent.</b>	: § 136f
	:
	:

**CERTIFICATE OF SERVICE**

I certify that on April 23, 2020, the original and one (1) copy of the foregoing ***Consent Agreement and Final Order***, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via email to:

Scot Givens, President  
C&S Farms, Inc.  
31509 Dogwood Lane  
Laurel, Delaware 19956  


Copy served via email to:

Mark Bolender  
Sr. Assistant Regional Counsel  
U.S. EPA, Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Bolender.mark@epa.gov

Dated: April 23, 2020

**BEVIN**  
**ESPOSITO**  
Digitally signed by BEVIN  
ESPOSITO  
Date: 2020.04.23 13:26:17  
-04'00'

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region III