



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

MAY 12 2010

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7667 3181

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

FIFRA-05-2010-0015

Sears, Roebuck and Co. and Stepan Company, Docket No. _____

Dear Mr. Garrison:

Enclosed is a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on May 12, 2010 with the Regional Hearing Clerk.

The civil penalty in the amount of \$272,800 is to be paid in the manner described in paragraphs 241, 242 and 243. Please be certain that the number BD 2751045P015 and the docket number are written on both the transmittal letter and on the check. Payment is due by June 11, 2010 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Estrella Calvo
Pesticides and Toxics Compliance Section
Chemicals Management Branch

Enclosures



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

MAY 12 2010

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7667 3174

Mr. Mark D. Molay
Law Department
Sears Holdings Management Corp.
f/k/a Sears, Roebuck & Company
3333 Beverly Road, B6-324A
Hoffman Estates, Illinois 60179

FIFRA-05-2010-0015

Sears, Roebuck and Co. and Stepan Company, Docket No. _____

Dear Mr. Molay:

Enclosed is a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on May 12, 2010 with the Regional Hearing Clerk.

The civil penalty in the amount of \$272,800 is to be paid in the manner described in paragraphs 241, 242 and 243. Please be certain that the number BD 2751045P015 and the docket number are written on both the transmittal letter and on the check. Payment is due by June 11, 2010 (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 "Estrella Calvo".

Estrella Calvo
Pesticides and Toxics Compliance Section
Chemicals Management Branch

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

| | | |
|---------------------------|---|---|
| In the Matter of: |) | Docket No. FIFRA-05-2010-0015 |
| |) | |
| Sears, Roebuck and Co. |) | Proceeding to Assess a Civil Penalty |
| Hoffman Estates, Illinois |) | Under Section 14(a) of the Federal |
| |) | Insecticide, Fungicide, and Rodenticide |
| and |) | Act, 7 U.S.C. § 136l(a) |
| |) | |
| Stepan Company |) | |
| Northfield, Illinois |) | |
| |) | |
| Respondents. |) | |
| _____ |) | |

RECEIVED
MAY 12 2010

Consent Agreement and Final Original
Preliminary Statement REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY.

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 Respondents are Sears, Roebuck and Co. (Sears), a corporation doing business in the State of Illinois and 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. Respondents consent 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. Respondents admit the jurisdictional allegations in this CAFO and neither admit nor deny the factual allegations in this CAFO.

8. Respondents waive their 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 their right to appeal this CAFO.

9. Respondents certify that they are complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

10. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states, in pertinent part, that it is unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a or whose registration has been canceled.

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

12. A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states,

or implies (by labeling or otherwise) that the substance can or should be used as a pesticide.
40 C.F.R. § 152.15(a)(1).

13. 40 C.F.R. § 152.132 states 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. The product is referred to as a "distributor product."

14. 40 C.F.R. § 152.132 states that supplemental distribution is permitted upon notification to the Agency if all of the following conditions are met: (a) The registrant has submitted to the Agency 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.

15. 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.

16. 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.”

17. The term “distribute or sell” is defined, in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) and 40 C.F.R. § 152.3, as “to distribute, sell, offer for sale, hold for distribution, hold for shipment, or receive and (having so received) deliver or offer to deliver.”

18. The term “pests” is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t) and further defined in 40 C.F.R. § 152.5(c) “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...”

19. The term “pesticide” is defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u) and 40 C.F.R. § 152.3 and is generally regarded as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

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

21. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision of FIFRA of up to \$6,500 for each offense that occurred after March 15, 2004 through January 12, 2009 and 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

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

23. On or about June 10, 1982, Stepan, located at 22 W. Frontage Road, Northfield, Illinois 60093, registered its pesticide product, “Humidifier Bacteria-Algae Treatment” with EPA.

24. EPA assigned EPA Registration Number (EPA Reg. No.) 1839-120 to Stepan’s pesticide product, “Humidifier Bacteria-Algae Treatment.”

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

26. On or about January 10, 1989, Stepan and Sears submitted a Notice of Supplemental Registration of Distributor to EPA for the pesticide product “Humidifier Bacteria-Algae Treatment.”

27. The Notice of Supplemental Registration of Distributor listed the distributor as Sears, Roebuck and Company.

28. Sears is located at 3333 Beverly Road, Hoffman Estates, Illinois 60179.

29. The Notice of Supplemental Registration of Distributor listed the distributor product name as “Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment.”

30. The company number assigned to Sears is 539.

31. Therefore, the EPA Reg. No. for the pesticide product “Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment” was 1839-120-539.

32. “Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment,” EPA Reg. No. 1839-120-539, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

33. On about January 29, 1990, Stepan and Sears submitted “Quiet Comfort (R) Evaporative Humidifier Bacteriostat” as an alternate name for pesticide product “Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment,” EPA Reg. No. 1839-120-539.

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

35. Respondent, Sears, is considered an agent of the registrant, Stepan, for all intents and purposes under FIFRA. See 40 C.F.R. § 152.132.

36. On April 23, 2002, Stepan voluntarily submitted a Notice of Cancellation for its pesticide product with EPA Reg. No. 1839-120-539.

37. As of June 5, 2002, EPA cancelled the distributor product with EPA Reg. No. 1839-120-539.

Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment
32 oz. Container

38. On or about July 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

39. On or about August 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

40. On or about September 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

41. On or about October 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

42. On or about November 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

43. On or about December 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

44. On or about January 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

45. On or about February 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

46. On or about March 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

47. On or about April 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

48. On or about May 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

49. On or about June 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

50. On or about July 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

51. On or about August 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

52. On or about September 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

53. On or about October 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

54. On or about November 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

55. On or about December 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

56. On or about January 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

57. On or about February 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

58. On or about March 2009, Sears distributed or sold the distributor product with EPA

Reg. No. 1839-120-539 to an undisclosed recipient.

59. On or about April 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

60. On or about May 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

61. On or about June 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

62. On or about July 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

63. The labels of the distributor products listed in paragraphs 38 through 62 of this CAFO, including but not limited to the “Directions for Use,” did not match the EPA-accepted label for Stepan’s pesticide product, EPA Reg. No. 1839-120, dated October 3, 2002.

Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment
1 Gallon Container

64. On or about July 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

65. On or about August 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

66. On or about September 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

67. On or about October 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

68. On or about November 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

69. On or about December 2007, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

70. On or about January 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

71. On or about February 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

72. On or about March 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

73. On or about April 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

74. On or about May 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

75. On or about June 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

76. On or about July 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

77. On or about August 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

78. On or about September 2008, Sears distributed or sold the distributor product with

EPA Reg. No. 1839-120-539 to an undisclosed recipient.

79. On or about October 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

80. On or about November 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

81. On or about December 2008, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

82. On or about January 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

83. On or about February 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

84. On or about March 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

85. On or about April 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

86. On or about May 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

87. On or about June 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

88. On or about July 2009, Sears distributed or sold the distributor product with EPA Reg. No. 1839-120-539 to an undisclosed recipient.

89. On or about July 14, 2009, EPA issued a Stop Sale, Use or Removal Order to Sears for its pesticide product with EPA Reg. No. 1839-120-539.

Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment
32 oz. Container

Count 1

90. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

91. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about July 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

92. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

93. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

94. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about August 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

95. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

96. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

97. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about September 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

98. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

99. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

100. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about October 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

101. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

102. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

103. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about November 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

104. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

105. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

106. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about December 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

107. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

108. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

109. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about January 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

110. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

111. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

112. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about February 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

113. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

114. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

115. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about March 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

116. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

117. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

118. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about April 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

119. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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

120. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

121. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about May 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

122. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 12

123. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

124. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about June 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

125. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 13

126. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

127. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about July 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

128. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 14

129. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

130. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about August 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

131. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 15

132. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

133. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about September 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

134. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 16

135. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

136. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about October 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

137. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 17

138. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

139. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about November 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

140. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 18

141. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

142. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about December 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

143. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 19

144. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

145. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about January 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

146. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 20

147. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

148. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about February 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

149. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 21

150. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

151. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about March 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

152. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 22

153. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

154. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about April 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

155. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 23

156. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

157. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about May 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

158. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 24

159. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

160. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about June 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

161. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 25

162. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

163. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about July 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

164. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).

**Quiet Comfort Evaporative Humidifier Bacteriostatic Treatment
1 Gallon Container**

Count 26

165. Complainant incorporates by reference the allegations contained in paragraphs

1 through 89 of this CAFO.

166. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about July 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

167. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 27

168. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

169. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about August 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

170. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 28

171. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

172. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about September 2007, constitutes a violation of Section 12(a)(1)(A) of

FIFRA, 7 U.S.C. § 136j(a)(1)(A).

173. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 29

174. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

175. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about October 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

176. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 30

177. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

178. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about November 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

179. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 31

180. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

181. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about December 2007, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

182. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 32

183. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

184. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about January 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

185. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 33

186. Complainant incorporates by reference the allegations contained in paragraphs

1 through 89 of this CAFO.

187. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about February 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

188. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 34

189. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

190. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about March 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

191. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 35

192. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

193. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about April 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA,

7 U.S.C. § 136j(a)(1)(A).

194. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 36

195. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

196. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about May 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

197. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 37

198. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

199. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about June 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

200. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 38

201. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

202. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about July 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

203. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 39

204. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

205. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about August 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

206. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 40

207. Complainant incorporates by reference the allegations contained in paragraphs

1 through 89 of this CAFO.

208. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about September 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

209. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 41

210. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

211. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about October 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

212. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 42

213. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

214. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about November 2008, constitutes a violation of Section 12(a)(1)(A) of

FIFRA, 7 U.S.C. § 136j(a)(1)(A).

215. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 43

216. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

217. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about December 2008, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

218. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 44

219. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

220. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about January 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

221. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 45

222. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

223. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about February 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

224. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 46

225. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

226. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about March 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

227. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 47

228. Complainant incorporates by reference the allegations contained in paragraphs

1 through 89 of this CAFO.

229. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about April 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

230. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 48

231. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

232. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about May 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

233. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 49

234. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

235. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about June 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA,

7 U.S.C. § 136j(a)(1)(A).

236. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears 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 50

237. Complainant incorporates by reference the allegations contained in paragraphs 1 through 89 of this CAFO.

238. Sears' distribution or sale of a cancelled distributor product with EPA Reg. No. 1839-120-539, on or about July 2009, constitutes a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

239. Sears' violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Stepan and Sears to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).

Civil Penalty

240. 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 \$272,800. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondents' businesses, the effect on Respondents' ability to continue in business, and the gravity of the violation. Complainant also considered EPA's *Enforcement Response Policy for FIFRA* (ERP), dated July 2, 1990.

241. Within 30 days after the effective date of this CAFO, Respondents must pay a

\$272,800 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

242. The check must note the case title, the docket number of this CAFO and the billing document (BD) number.

243. A transmittal letter, stating, Respondents' name, the case title, Respondents' complete address, the case docket number and the BD 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

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

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

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

245. 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. § 136I(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

246. 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

247. This CAFO resolves Respondents' liability for federal civil penalties for the violations and facts alleged in the CAFO.

248. This CAFO does not 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.

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

250. This CAFO is a “final order” for purposes of EPA’s ERP for FIFRA.

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

252. 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.

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

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

**In the Matter of:
Sears, Roebuck and Co. and
Stepan Company, Respondents**

Sears, Roebuck and Co., Respondent


4/19/10
Date

MARY Tortorice
Mary Tortorice
Vice President/Deputy General Counsel
Retail Operations
Sears Holdings Management Corporation,
as agent for Sears, Roebuck and Co.

**In the Matter of:
Sears, Roebuck and Co. and
Stepan Company, Respondents**

Stepan Company, Respondent

March 30, 2010
Date

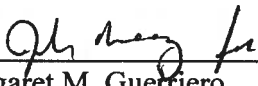


John V. Venegoni
Vice President and General Manager
Surfactants
Stepan Company

**In the Matter of:
Sears, Roebuck and Co. and
Stepan Company, Respondents**

U.S. Environmental Protection Agency, Complainant

5/3/10
Date



Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Sears, Roebuck and Co. and
Stepan Company
Docket No. FIFRA-05-2010-0015

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.

5/5/10
Date

Walter W. Karaduta
for
Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
Region 5

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**REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY**

U.S. ENVIRONMENTAL
PROTECTION AGENCY
MAY 12 2010
OFFICE OF REGIONAL
COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that an original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Sears, Roebuck and Co. and Stepan Company was filed on May 12, 2010, 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 7667 3174, a original signed copy to:

Mr. Mark D. Molay
Law Department
Sears Holdings Management Corp.
f/k/a Sears, Roebuck & Company
3333 Beverly Road, B6-324A
Hoffman Estates, Illinois 60179

and forwarded copies (intra-Agency) to:

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



Frederick Brown
Chemicals Management Branch
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Docket No. FIFRA-05-2010-0015

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