

Message Confirmation Report

JAN-18-2007 03:39 PM THU

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Start Time : JAN-18-2007 03:38PM THU
Elapsed Time : 00' 46"
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 N. 5TH STREET
KANSAS CITY, KANSAS 66101

07 JAN 18 PM 3:17
CIVIL PENALTY SECTION
REGIONAL OFFICE
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IN THE MATTER OF)
) Docket No. FIFRA-07-2006-0284
Cornhusker State Industries)
800 Pioneers Blvd.) CONSENT AGREEMENT
Lincoln, Nebraska 68502) AND
) FINAL ORDER
Respondent)

PRELIMINARY STATEMENT

This is a civil penalty proceeding pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C §§ 136 to 136y, and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22. Complainant is the United States Environmental Protection Agency, Region 7 ("EPA"). Respondent is Cornhusker State Industries.

This proceeding was initiated on September 29, 2006, pursuant to Section 14 of FIFRA when Complainant issued a Complaint and Notice of Opportunity For Hearing ("Complaint") to Respondent. The Complaint charged Respondent with violations of Sections 12(a)(1)(A) and (E) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(A) and (E), because they distributed, sold, or made available for any use, unregistered, misbranded and adulterated pesticides. The Complaint proposed a total civil penalty of Twenty-One Thousand and One Hundred Dollars (\$21,100.00) against Respondent for these violations.

The parties subsequently entered negotiations in an attempt to settle the allegations