



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 JUL -2 PM 10:00
REGIONAL HEARING
CLERK

JUL - 1 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cynthia L. Taub, Esq.
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Re: In the Matter of Lonza Inc.
Docket No. FIFRA-02-2009-5102

Dear Ms. Taub:

Please find enclosed a copy of the Consent Agreement and Final Order ("CA/FO") in the above-referenced matter, signed by the Regional Administrator of the United States Environmental Protection Agency, Region 2.

Please have your client, Lonza Inc., arrange payment of the civil penalty in accordance with the terms of the CA/FO.

Thank you in advance for your cooperation in this matter. If you have any questions, I may be reached by phone at (212) 637-3637, by facsimile at (212) 637-3199, or by e-mail at Taylor.Karen@epa.gov.

Sincerely,

Karen L. Taylor, Esq.
Office of Regional Counsel

Enclosure

cc: Marcedius Jameson
Administrator, Pesticides Control Program
New Jersey Department of Environmental Protection
P.O. Box 411
Trenton, NJ 08625-0411

bcc: Richard Koustas, 2DECA-PTSB
Adrian Enache, DECA-PTSB
Karen Taylor, 2ORC-WTS
Coles Phinizy, 2ORC-WTS
Beth Totman, PAD-POB
Linda Hall, 2DECA-PTSB

Blake Edwards, Accounts Receivable
United States Environmental Protection Agency
26 West Martin Luther King Drive
Attention: FINANCE
MS: NWD
Cincinnati, Ohio 45268

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

-----X
In the Matter of :
 :
Lonza Inc., :
 :
Respondent. :
 :
Proceeding Under the Federal :
Insecticide, Fungicide and :
Rodenticide Act, as amended. :
-----X

**CONSENT AGREEMENT
AND FINAL ORDER**

Docket No.
FIFRA-02-2009-5102

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REGION II
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PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty is being resolved pursuant to Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. Section 136l(a). Complainant in this proceeding is the Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 ("EPA"). Pursuant to Title 40 of the Code of Federal Regulations ("C.F.R.") Section 22.13(b) of 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, where the parties agree to settlement of one or more causes of action before filing an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Order pursuant to 40 C.F.R. Sections 22.18(b)(2) and 22.18(b)(3). Complainant and Respondent agree that settling this matter by entering into this Consent Agreement and Final Order ("CA/FO"), pursuant to 40 C.F.R. Sections 22.13(b), 22.18(b)(2) and 22.18(b)(3) of the revised Consolidated Rules of Practice, is an appropriate means of resolving this matter without litigation.

EPA's FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is Lonza Inc., a Delaware corporation.
2. Respondent is a "person" as defined by FIFRA Section 2(s), 7 U.S.C. § 136(s), and as such, is subject to FIFRA and the regulations promulgated thereunder.
3. Respondent maintains an "establishment," as defined in Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd), located at 90 Boroline Road, Allendale, New Jersey 07401.
4. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a "pest" as any insect, rodent, nematode, fungus, weed, or any form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism.
5. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term "pesticide" as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
6. Respondent is a "distributor or seller" within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).
7. "To distribute or sell" is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), as "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."
8. Section 2(q) of FIFRA, 7 U.S.C. § 136(q), states that a pesticide is "misbranded" if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.
9. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it shall be unlawful for any person in any state to distribute or sell to any person a pesticide which is adulterated or misbranded.

10. Under 40 C.F.R. § 152.132, the 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.

Saniphor No. 450

11. Respondent was the primary registrant of the antimicrobial pesticide “Saniphor No. 450” (M-2205 Disinfectant/Sanitizer/Cleaner, EPA Reg. No. 47371-26).

12. Hydrite Chemical Co. was authorized to distribute “Saniphor No. 450” product as a supplemental registrant (EPA Registration No. 47371-26-2686).

13. On or about December 7, 2004, a duly authorized inspector representing EPA’s Region 7 office inspected Hydrite Chemical Co., located at 2815 WCF & N Drive, Waterloo, IA 50703, having also a location at 300 N Patrick Blvd., Brookfield, WI 53045, in order to examine and collect samples of pesticides formulated, packaged, labeled and released for shipment, as authorized under Section 9 of FIFRA, 7 U.S.C. § 136g.

14. During the aforementioned inspection, the inspector collected a physical sample of the “Saniphor No. 450” product in a factory sealed container and assigned the container the sample no. 12070413650101.

15. During the aforementioned inspection, the inspector also collected sales invoices and/or shipping documents substantiating distribution or sale of “Saniphor No. 450” by Hydrite Chemical Co. on ten (10) occasions as follows:

<u>Shipment/Sale</u>	<u>Date</u>
1	07/26/04
2	08/09/04
3	08/23/04
4	09/07/04
5	09/20/04
6	09/30/04
7	10/04/04
8	11/01/04
9	11/02/04
10	12/06/04

16. “Saniphor No. 450” was an antimicrobial pesticide as defined in Section 2(mm) of FIFRA, 7 U.S.C. § 136(mm), in that the product was intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms. “Saniphor No. 450” was registered for use as a tuberculocide; the label of the product bore a claim that the product was effective against *Mycobacterium bovis BCG*.
17. The sample of “Saniphor No. 450” was analyzed using the Association of Official Analytical Chemists (AOAC) Confirmative *In Vitro* Test for Determining Tuberculoidal Activity and found ineffective against *Mycobacterium bovis BCG* when tested at a 1:256 dilution in presence of 400 ppm synthetic hard water (calculated as CaCO₃) and 5% organic soils for a contact time of 10 minutes at 20 degrees centigrade on hard, non-porous, inanimate surfaces.
18. The label of “Saniphor No. 450” as packaged when offered for sale by Hydrite Chemical Co., was false and misleading regarding its control of the *Mycobacterium bovis BCG* microorganism.
19. Therefore, the distributions or sales of “Saniphor No. 450” product constituted violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).
20. Respondent, through its supplemental registrant the Hydrite Chemical Co., distributed or sold a misbranded pesticide in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

Klear Guard Tub & Tile Foaming Germicidal Cleaner

21. Respondent was the primary registrant of the antimicrobial pesticide “Klear Guard Tub & Tile Foaming Germicidal Cleaner” (Formulation AE-90, EPA Reg. No. 47371-89). On or about March 17, 2005, the Ohio Department of Agriculture, Pesticide and Fertilizer Section, inspected International Market Brands – Northern Hasserot, a retail store located at 21500 Alexander Road, Cleveland, OH 44146.

22. International Market Brands Co. – Northern Hasserot was authorized to distribute the “Klear Guard Tub & Tile Foaming Germicidal Cleaner” product as a supplemental registrant (EPA Registration No. 47371-89-41633).
23. During the aforementioned inspection, the inspector found “Klear Guard Tub & Tile Foaming Germicidal Cleaner” product (EPA Reg. No. 47371-89-41633) offered for sale.
24. During the aforementioned inspection, the inspector collected one (1) sales invoice and one (1) Bill of Lading documenting sale or distribution of “Klear Guard Tub & Tile Foaming Germicidal Cleaner” on January 20, 2005 and January 13, 2005, respectively, and assigned them sample nos. 050317-2161-04 and 050317-2161-06.
25. The “Klear Guard Tub & Tile Foaming Germicidal Cleaner” was an antimicrobial pesticide as defined in Section 2(mm) of FIFRA, 7 U.S.C. § 136(mm), in that the product was intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.
26. The “Klear Guard Tub & Tile Foaming Germicidal Cleaner” product label, as offered for sale by International Market Brands - Northern Hasserot, did not contain the “First Aid” or “Statement of Practical Treatment” statements.
27. The above statement appears on the EPA-approved label for “Formulation AE-90,” EPA Reg. No. 47371-89, as required by 40 C.F.R. Section 156.68.
28. The label of the “Klear Guard Tub & Tile Foaming Germicidal Cleaner” as offered for sale by International Market Brands - Northern Hasserot was misbranded in that statements required by the Act were not prominently placed on the label.
29. Therefore, the distribution or sale of the “Klear Guard Tub & Tile Foaming Germicidal Cleaner” product constituted a violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

30. Respondent, through its supplemental registrant International Market Brands – Northern Hasserot, distributed or sold a misbranded pesticide in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

7 Healthcare Disinfectant Neutral Cleaner

31. Respondent was the primary registrant of the antimicrobial pesticide “7 Healthcare Disinfectant Neutral Cleaner” (Formulation HWS-256, EPA Reg. No. 47371-129).
32. National Chemical Laboratories, Inc. was authorized to distribute the “7 Healthcare Disinfectant Neutral Cleaner” product (EPA Reg. No. 47371-129-2296) as a supplemental registrant.
33. On or about June 6, 2005, duly authorized EPA Region 3 pesticide inspectors inspected National Chemical Laboratories, Inc., located at 401 N 10th Street, Philadelphia, PA 19123, as part of the EPA’s Antimicrobial Testing Program.
34. During the aforementioned inspection, the inspectors collected a physical sample of the “7 Healthcare Disinfectant Neutral Cleaner” product from a factory sealed container and assigned the container sample no. 060705-24021-01-05.
35. During the aforementioned inspection, the inspectors collected a 22-page document titled History of Sales Report for 2004, and assigned it sample # 06062005KLTM24049-19; pages 20-22 of this document indicates the sale/distribution by National Chemical Laboratories, Inc. of “7 Healthcare Disinfectant Neutral Cleaner” on one hundred fifty four (154) occasions as follows:

No.	Invoice No.	Invoice Date	No.	Invoice No.	Invoice Date
1	131887	1/6/2004	13	133160	2/21/2004
2	131884	1/6/2004	14	133161	2/21/2004
3	131949	1/8/2004	15	133162	2/21/2004
4	132196	1/20/2004	16	133163	2/21/2004

5	132309	1/26/2004	17	133122	2/25/2004
6	132397	1/27/2004	18	133127	2/25/2004
7	132577	2/4/2004	19	133272	3/1/2004
8	132758	2/11/2004	20	133273	3/1/2004
9	132953	2/18/2004	21	133463	3/8/2004
10	132996	2/19/2004	22	133472	3/9/2004
11	133033	2/20/2004	23	133499	3/10/2004
12	133023	2/20/2004	24	133548	3/12/2004
Post-March 15, 2004					
25	133753	3/18/2004	89	137600	8/16/2004
26	133785	3/19/2004	90	137672	8/17/2004
27	133780	3/19/2004	91	137663	8/17/2004
28	133841	3/23/2004	92	137827	8/23/2004
29	133886	3/25/2004	93	137860	8/24/2004
30	133943	3/26/2004	94	137974	8/27/2004
31	133915	3/27/2004	95	138034	8/31/2004
32	134104	4/2/2004	96	138164	9/7/2004
33	134096	4/2/2004	97	138208	9/9/2004
34	134141	4/5/2004	98	138227	9/10/2004
35	134195	4/7/2004	99	138256	9/13/2004
36	134304	4/13/2004	100	138329	9/15/2004
37	134296	4/13/2004	101	138375	9/17/2004
38	134333	4/14/2004	102	138474	9/22/2004
39	134453	4/20/2004	103	138488	9/23/2004
40	134474	4/21/2004	104	138490	9/23/2004

41	134483	4/21/2004	105	138547	9/27/2004
42	134633	4/27/2004	106	138580	9/28/2004
43	134745	5/3/2004	107	138626	9/29/2004
44	134744	5/3/2004	108	138639	9/30/2004
45	134811	5/5/2004	109	138640	9/30/2004
46	134921	5/10/2004	110	138663	10/1/2004
47	134975	5/12/2004	111	138692	10/4/2004
48	135039	5/14/2004	112	138702	10/4/2004
49	135225	5/20/2004	113	138789	10/7/2004
50	135437	5/27/2004	114	138814	10/7/2004
51	135444	5/27/2004	115	138856	10/11/2004
52	135475	5/28/2004	116	138900	10/12/2004
53	135574	6/2/2004	117	138950	10/13/2004
54	135625	6/4/2004	118	138978	10/14/2004
55	135668	6/7/2004	119	138983	10/14/2004
56	135755	6/10/2004	120	139046	10/18/2004
57	135811	6/11/2004	121	139043	10/18/2004
58	135850	6/15/2004	122	139171	10/22/2004
59	135902	6/17/2004	123	139207	10/25/2004
60	135933	6/18/2004	124	139225	10/26/2004
61	136037	6/22/2004	125	139353	10/28/2004
62	136117	6/24/2004	126	139470	11/2/2004
63	136252	6/29/2004	127	139519	11/3/2004
64	136304	6/30/2004	128	139549	11/4/2004
65	136348	7/1/2004	129	139548	11/4/2004

66	136349	7/1/2004	130	139614	11/8/2004
67	136475	7/7/2004	131	139667	11/10/2004
68	136441	7/7/2004	132	139679	11/11/2004
69	136506	7/9/2004	133	139704	11/12/2004
70	136589	7/13/2004	134	139780	11/17/2004
71	136591	7/13/2004	135	139805	11/18/2004
72	136622	7/14/2004	136	139802	11/18/2004
73	136700	7/16/2004	137	139810	11/18/2004
74	136701	7/16/2004	138	139816	11/18/2004
75	136832	7/21/2004	139	139976	11/23/2004
76	136900	7/23/2004	140	139872	11/23/2004
77	137017	7/27/2004	141	139992	11/29/2004
78	137098	7/28/2004	142	140079	11/30/2004
79	137155	7/30/2004	143	140060	11/30/2004
80	137204	8/2/2004	144	140155	12/3/2004
81	137249	8/3/2004	145	140190	12/6/2004
82	137250	8/3/2004	146	140246	12/9/2004
83	137290	8/4/2004	147	140286	12/10/2004
84	137309	8/5/2004	148	140291	12/10/2004
85	137347	8/6/2004	149	140494	12/20/2004
86	137479	8/11/2004	150	140540	12/22/2004
87	137537	8/13/2004	151	140537	12/22/2004
88	137601	8/16/2004	152	140530	12/22/2004
			153	140657	12/29/2004
			154	140663	12/29/2004

36. "7 Healthcare Disinfectant Neutral Cleaner" was an antimicrobial pesticide as defined in Section 2(mm) of FIFRA, 7 U.S.C. § 136(mm), in that the product was intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.
37. "7 Healthcare Disinfectant Neutral Cleaner" was registered for use as a hospital disinfectant; the label of the product bore a claim that the product was effective against *Pseudomonas aeruginosa* and *Staphylococcus aureus*.
38. The sample of "7 Healthcare Disinfectant Neutral Cleaner" disinfectant was analyzed using the AOAC Use Dilution Test and found ineffective against *Pseudomonas aeruginosa* when tested fresh at a 1:256 dilution in 5 percent horse serum and 400 ppm hard water for a contact time of 10 minutes.
39. The label of "7 Healthcare Disinfectant Neutral Cleaner," as packaged when offered for sale by National Chemical Laboratories, Inc., was false and misleading regarding its control of the *Pseudomonas aeruginosa* microorganism.
40. Therefore, the distributions or sales of "7 Healthcare Disinfectant Neutral Cleaner" constituted violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).
41. Respondent, through its supplemental registrant the National Chemical Laboratories, Inc., distributed or sold a misbranded pesticide in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

CONSENT AGREEMENT

Based upon the foregoing, and pursuant to Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18, it is hereby agreed, and accepted by Respondent that it shall hereafter the date of execution of this Consent

Agreement comply with the following terms:

1. For the purposes of this proceeding, Respondent: (i) admits that EPA has jurisdiction pursuant to Section 14 of FIFRA, 7 U.S.C. Section 136l(a), to commence a civil administrative proceeding for the allegations in the Conclusions of Law section above; and (ii) neither admits nor denies the above Findings of Fact and Conclusions of Law.

2. Respondent shall pay a civil penalty in the amount of **Five Hundred Fifty Two Thousand Four Hundred Dollars (\$552,400)**. Such payment shall be made by cashier's or certified check or by Electronic Fund Transfer (EFT). If the payment is made by check, then the check shall be made payable to the "**Treasurer, United States of America,**" and shall be identified with a notation of the name and docket number of this case as follows: In the Matter of Lonza Inc., Docket No. FIFRA-02-2009-5102.

The check shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045.
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727.
- 4) Federal Reserve Bank of New York ABA routing number: 021030004.
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency."
- 6) Name of Respondent: Lonza Inc.
- 7) Case Number: FIFRA-02-2009-5102.

Respondent shall also send copies of the check or furnish reasonable proof that electronic payment has been made to each of the following:

Karen L. Taylor, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

and

Ms. Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866

The payment must be received on or before 45 calendar days after the date of signature of the Final Order, which is located at the end of this CA/FO (the date by which payment must be received shall hereafter be referred to as the “due date”).

a. Failure to pay the penalty in full according to the above provisions will result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection.

b. Furthermore, if payment is not received on or before its due date, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of fifteen dollars (\$15.00) will be assessed for each thirty (30) day period (or any portion thereof) following the due date in which the balance remains unpaid.

c. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

3. This CA/FO is being voluntarily and knowingly entered into by the parties to resolve (conditional upon full payment of the civil penalty herein and upon the accuracy of Respondent’s representations in this proceeding) the civil and administrative claims alleged in the Complaint.

Nothing herein shall be read to preclude the EPA or the United States, however, from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of the settlement are set forth herein.

4. This CA/FO does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and the regulations promulgated thereunder.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty and stipulated penalties as set forth in this Consent Agreement, and agrees to pay these penalties in accordance with the terms of this Consent Agreement.

6. The civil penalties and stipulated penalties provided herein are penalties within the meaning of Title 26, Section 162(f) of the United States Code, 26 U.S.C. § 162(f), and are not deductible expenditures for purposes of federal, state or local law.

7. Respondent explicitly and knowingly waives its right to request or to seek any Administrative Hearing in the above captioned matter, on this Consent Agreement, on the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.

8. Respondent explicitly waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement, and issue the attached Final Order.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

10. The provisions of this CA/FO shall be binding upon Respondent, its officers, directors, agents, servants, authorized representatives and successors, or assigns.
11. Each party hereto agrees to bear its own costs and fees in this matter.
12. Respondent consents to service upon Respondent by a copy of this CA/FO by an EPA employee other than the Regional Hearing Clerk.
13. Pursuant to 40 C.F.R. § 22.31(b), the effective date of the Final Order herein shall be the date when filed with the Regional Hearing Clerk of the United States Environmental Protection Agency, Region 2.

RESPONDENT: **Lonza Inc.**

BY: Joseph R. Robinson
(Authorized Signature)

NAME: Joseph R. Robinson
(PLEASE PRINT)

TITLE: VP Commercial Regulatory Services

DATE: June 22, 2009

COMPLAINANT:

Dore LaPosta

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, NY 10007-1866

DATE: JUNE 25, 2009

In the Matter of Lonza Inc.
Docket No. FIFRA-02-2009-5102

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Consent Agreement, entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA, Region 2, New York, New York.

George Pavlou
Acting Regional Administrator
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, NY 10007-1866

DATE:  6/30/09

In the Matter of Lonza Inc.
Docket No. FIFRA-02-2009-5102

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy
by Hand:

Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th floor
New York, NY 10007-1866

Copy by Certified Mail,
Return Receipt Requested:

Cynthia L. Taub, Esq.
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Dated: JUL - 1 2009
New York, NY

Mildred N. Baez