

UNITED STATES ENVIRONMENTAL AGENCY

REGION 2

IN MATTER OF JAVIER QUILES TORRES JAVIER QUILES FARM ROAD NO. 526 KM 2.4 ADJUNTAS, PR. 00601 RESPONDENT	DOCKET NO.: FIFRA-02-2008-5302
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ANSWER TO THE COMPLAINT

Here comes Respondent represented by the undersigned Attorney who's **ALLEGED, PRAY** and **REQUEST** as follows.

1. Paragraphs 1 to 3 do not required responsive answer from Respondent.
2. Paragraphs 4 to 15 are accepted by Respondent.
3. Paragraphs 16 to 17 are denied by Respondent.
4. Paragraph 18 is denied.
5. Paragraphs 19 to 20 are accepted by Respondent.
6. Paragraph 21 is denied by Respondent.
7. Paragraph 22 is denied for lack Information.
8. Paragraph 23 is accepted by Respondent.
9. Paragraph 24 is denied for lack of Information.
10. Paragraph 25 is denied for lack of Information.
11. Paragraphs 26 to 28 are accepted by Respondents.
12. Paragraph 29 is denied for lack of information about the content of the affidavit.
13. Paragraphs 30 to 35 are accepted.

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14. Paragraph 36 is denied for lack of information about the content of the affidavit.
15. Paragraphs 37 to 39 are accepted.
16. Paragraph 40 is denied for lack of knowledge.
17. Paragraphs 41 is denied, the Honcho was apply by Respondent.
18. Paragraph 42 is accepted by Respondent.
19. Paragraphs 43 to 45 do not require responsive answer from Respondent.
20. Paragraph 46 was answer above.
21. Paragraphs 47 to 49 do not require responsive answer from Respondent.
22. Paragraph 50 is denied.
23. Paragraphs 51 to 52 are accepted.
24. Paragraph 53 is denied due to lack of knowledge of the content of the affidavits.
25. Paragraphs 54 to 56 are accepted.
26. Paragraph 57 was answer above.
27. Paragraphs 58 do not require responsive answer from Respondent.
28. Paragraphs 59 to 62 are accepted.
29. Paragraph 63 is denied for lack of information of the affidavits.
30. Paragraphs 64 to 66 are accepted.
31. Paragraph 67 was answer above.
32. Paragraph 68 do not required responsive answer by Respondent.
33. Paragraphs 69 to 71 are accepted.
34. Paragraphs 72 are denied due to lack of information of the content of the affidavits.
35. Paragraphs 73 to 74 are accepted.

36. Paragraph 75 was answer above.
37. Paragraph 76 to 78 do not required responsive answer from Respondent.
38. Paragraph 79 is denied, the application was done by Respondent.
39. Paragraph 80 is denied due to lack of information of the content of the affidavits.
40. Paragraphs 81 to 84 are accepted.
41. Paragraph 85 was answer above.
42. Paragraph 86 do not required responsive answer from Respondent.
43. Paragraph 87 is denied, the application was done by Respondent.
44. Paragraph 88 is denied due to lack of information of the content of the affidavits.
45. Paragraphs 89 to 91 are accepted
46. Paragraph 92 was answer above.
47. Paragraphs 93 to 95 do not required responsive answer from Respondent.
48. Paragraphs 96 to 120 are accepted.
49. Paragraph 121 was answer above.
50. Paragraph 122 to 123 do not required responsive answer from Respondent.
51. Paragraphs 124 to 125 are accepted.
52. Paragraph 126 is denied due to lack of information about the content of the affidavits.
53. Paragraphs 127 to 130 are accepted.
54. Paragraph 131 was answer above.
55. Paragraph 132 do not require responsive answer from Respondent.
56. Paragraph 133 is denied due to lack of information.

57. Paragraphs 134 to 135 are accepted.

SUMMARY OF COUNT ACCEPTED

58. Respondent accepted non compliance with the following counts:

- a. Count one
- b. Count two
- c. Count three
- d. Count four
- e. Count nine

59. Respondent denied the following counts:

- a. Count five
- b. Count six
- c. Count seven
- d. Count eight

AFFIRMATIVES DEFENSES

60. Respondent was the handler that applies the Honcho Pesticide during the period covered by the inspection. Respondent is not covered by the definition of handler employer.

CORRECTIVE ACTION TAKEN BY RESPONDENT

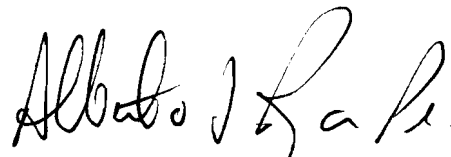
61. Respondent will posted information about pesticide prior to the application in the bulletin board, provide for it; see attached photos. This corrections action applies to workers and handler.

62. Respondent will provide private training to workers and handler in addition to the training provide by the Agrological laboratory of the Department of Agriculture.

63. Respondents will provide decontamination material to handler in the bathrooms and some disposable decontaminations material to be carried out to the field in case that the application site exceeded that ¼ mile.

I certify that copy of this motion was sent to Mr. Bruce Aber, Assistance Regional Counsel, 290 Broadway Ave. 16th Floor, New York, NY. 10007-1866.

Respectfully submitted today January 15, 2008.

A handwritten signature in black ink, appearing to read 'Alberto L. Ramos Perez'.

ALBERTO L. RAMOS PEREZ, ESQ.

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