



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-UFO

DEC 7 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ladd G. Hales  
Pahvant Growers, LLC  
360 North 400 West  
Delta, Utah 84624

RE: Order to Stop the Sale, Use or Removal of  
StrikeOut Extra

Dear Mr. Hales:

Please find enclosed an Order from the United States Environmental Protection Agency (EPA) concerning StrikeOut Extra. The enclosed Order requires that you stop the sale, distribution or use of the pesticide StrikeOut Extra in containers without an appropriate EPA approved label. This Order shall extend to all quantities of this product wherever located within the ownership, control or custody of Pahvant Growers, LLC. This Order is effective immediately.

Under Section 13 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k (a), EPA has the authority to stop the sale, distribution or removal of any pesticide believed to be in violation of the statute. The repackaging of pesticides is defined in FIFRA as production and can only be done when there are agreements between the registrant, in this case Libertas Now, Inc., and the distributor (Pahvant Growers). As explained in the enclosed Order, Pahvant Growers' activities of transferring pesticides into unlabeled containers or into containers with hand written labels constitutes production in violation of FIFRA.

If you have questions concerning this Order, you are encouraged to contact Dennis Jaramillo from my staff at 303-312-6203

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A.R. Chalfant".

Mark A.R. Chalfant, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

cc: Clark Burgess, Utah Department of Agriculture  
Dennis Jaramillo, EPA

Clark Burgess, Program Manager  
Utah Department of Agriculture  
PO Box 146500  
350 North Redwood Rd  
Salt Lake City, UT 84114-6500



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

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TO: )  
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Pahvant Growers )  
360 North 400 West )  
Delta, Utah 84624 )  
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FILED  
EPA REGION VIII  
HEARING CLERK

STOP SALE, USE  
OR REMOVAL ORDER

DOCKET NO. FIFRA-08-2010-0004

**A. INTRODUCTION**

1. The United States Environmental Protection Agency (EPA) is authorized under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. § 136k (a), to issue orders prohibiting the sale, use, or removal of any pesticide whenever there is reason to believe the pesticide is in violation of any provision of FIFRA.
2. The Director of the Technical Enforcement Program has been duly delegated the authority to issue such orders.
3. FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j (a)(1)(A), provides that it shall be unlawful for any person in any State to distribute or sell to any person any unregistered pesticide under FIFRA Section 3, 7 U.S.C. § 136a.
4. By repacking StrikeOut Extra (EPA Reg No 81142-3) into containers without EPA approval is considered selling unregistered pesticide and prohibited by FIFRA.
5. EPA hereby orders Pahvant Growers to stop the sale, use, or removal of StrikeOut Extra into containers without an EPA approved label.

**B. ORDER**

6. This Order pertains to all quantities and sizes of StrikeOut Extra being sold or distributed in containers without EPA approved labels within the ownership, control, or custody of Pahvant Growers. The product shall not be sold, used, or removed other than in accordance with the provisions of this Order or any further Stop Sale, Use, or Removal Order that may be issued in connection with StrikeOut Extra.

7. Any person violating the terms or provisions of this Order shall be subject to CIVIL or CRIMINAL PENALTY or both as set forth in FIFRA § 14, 7 U.S.C. § 136l.

8. This order shall be EFFECTIVE IMMEDIATELY upon receipt by any representative of Pahvant Growers.

### C. BASIS FOR ORDER

9. On April 9, 2009, an inspector from the Utah Department of Agriculture conducted an inspection to determine compliance with FIFRA. Subsequent to that inspection, it was determined that Pahvant Growers is illegally repacking and selling an unregistered/adulterated pesticide by transferring StrikeOut Extra (EPA Reg No. 81142-3) into containers without the appropriate EPA approved label or only indicating the product inside the container was "glyphosate".

10. As the seller and distributor of a pesticide, you are in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j (a)(1)(A), which provides in relevant part that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under FIFRA Section 3, 7 U.S.C. § 136a.

### D. OTHER MATTERS

11. This Order specifically exempts the delivery of StrikeOut Extra to any authorized agent of the United States Government.


12. For resolution of this Order, you are encouraged to contact:

Dennis Jaramillo  
US EPA Region 8 (ENF-UFO)  
1595 Wynkoop Street  
Denver, CO 80202

13. This Stop, Sale, Use or Removal Order must be supervised by the US EPA Region 8 Technical Enforcement Program unless you are otherwise notified.

DEC 7 2009

Date

  
Mark A.R. Chalfant, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice