

355. Between on or about September 24, 2009 and on or about February 23, 2010, Respondent offered for sale, “Rozol,” EPA Reg. No. 7173-244, to 48 separate distributor partners (*See* Attachment I).

356. Between on or about September 24, 2009 and on or about February 23, 2010, Respondent offered for sale, “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, to 48 separate distributor partners (*See* Attachment I).

### **Prefiling Notices**

357. On September 18, 2009, Complainant issued a Notice of Intent to File an Administrative Complaint against Liphatech, Inc. to Respondent.

358. On April 1, 2010, Complainant issued an Updated Notice of Intent to File an Administrative Complaint (Updated Notice) against Liphatech, Inc. to Respondent.

359. In the Updated Notice, EPA advised Respondent that it was planning to file an administrative complaint for civil penalties against Liphatech, Inc., for violations of FIFRA as follows: (a) Liphatech distributed or sold registered pesticides, “Rozol Pocket Gopher Bait Burrow Builder Formula,” EPA Reg. No. 7173-244, and “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, with claims made for them as part of their distribution or sale that substantially differed from claims made for them as part of the statements required in connection with their registrations under Section 3 of FIFRA in violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B); (b) Liphatech distributed or sold “Rozol Pocket Gopher Bait Burrow Builder Formula,” EPA Reg. No. 7173-244, and “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, which were misbranded in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E); and (c) Liphatech advertised “Rozol Pocket Gopher Bait Burrow Builder Formula,” EPA Reg. No. 7173-244, a product registered under FIFRA for restricted use, without giving the

classification of the product assigned to it under Section 3 of FIFRA in violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E).

360. The April 1, 2010 Updated Notice identified a proposed penalty of \$2,941,456, although the letter specified that the notice was not a demand to pay a penalty.

361. The Updated Notice advised Respondent to submit the following financial documentation if Respondent believed it was unable to pay the proposed penalty because of financial reasons: audited or certified complete financial statements including balance sheets, income statements and all notes to the financial statements, and the company's signed income tax returns with all schedules and amendments for the last three years. The Respondent was also advised to send this financial information for itself as well as for all its parent corporations up to and including the ultimate parent of the corporate family.

362. Respondent, Liphatech Inc., is a wholly owned subsidiary of DeSangosse, located in France.

363. DeSangosse's Headquarters is located in Pont Du Casse, France.

364. On March 25, 2010, DeSangosse's website, [www.desangosse.com](http://www.desangosse.com), stated "the company (DeSangosse) in 2009 recorded a turnover of €272 million."

365. The Dun & Bradstreet, Inc., Corporate Leads Portal report for Liphatech, Inc., dated April 2, 2008 estimated its annual sales to be \$39,500,000.

366. To date, Respondent has not submitted any financial information to support a claim that it is unable to pay the proposed penalty of \$2,941,456.

367. Respondent has the ability to continue in business if it pays the proposed penalty of \$2,941,456.

368. For purposes of calculating the proposed penalty under EPA's *Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act*, dated December 2009, Respondent's gross revenues from all revenue sources based on Respondent's entire corporate family, including its parent company, during calendar year 2009 were over \$10,000,000.

**Counts 1 through 120**

369. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

370. On or about October 8, 2007 to on or about December 21, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 120 separate occasions by broadcasting 120 separate radio advertisements on *KXXX-AM* regarding "Rozol," EPA Reg. No. 7173-244, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction. (*See* Attachment E).

371. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 120 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 120 separate occasions.

**Counts 121 through 349**

372. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

373. On or about January 15, 2008 to on or about March 2, 2008, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 229 separate occasions by broadcasting 229 separate radio advertisements on *KBUF* regarding "Rozol," EPA Reg. No.

7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment F).

374. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 229 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 229 separate occasions.

**Counts 350 through 671**

375. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

376. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions by broadcasting 322 separate radio advertisements on *KICX-AM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment G).

377. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 322 separate occasions.

**Counts 672 through 993**

378. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

379. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions by

broadcasting 322 separate radio advertisements on *KBRL-AM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment G*).

380. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 322 separate occasions.

**Counts 994 through 1053**

381. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

382. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions by broadcasting 60 separate radio advertisements on *KRKU-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment G*).

383. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 60 separate occasions.

**Counts 1054 through 1349**

384. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

385. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 296 separate occasions by broadcasting 296 separate radio advertisements on *KJBL-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment G*).

386. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 296 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 296 separate occasions.

**Counts 1350 through 1488**

387. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

388. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 139 separate occasions by broadcasting 139 separate radio advertisements on *KFNF-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment G*).

389. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 139 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 139 separate occasions.

**Counts 1489 through 1548**

390. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

391. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions by broadcasting 60 separate radio advertisements on *KADL-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment G*).

392. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 60 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 60 separate occasions.

**Counts 1549 through 1870**

393. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

394. On or about September 26, 2007 to on or about December 31, 2007, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions by broadcasting 322 separate radio advertisements on *KSTH-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See Attachment G*).

395. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 322 separate occasions subjects Respondent to the issuance of an

Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 322 separate occasions.

**Counts 1871 through 2058**

396. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

397. On or about November 20, 2007 to on or about April 26, 2008, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 188 separate occasions by broadcasting 188 separate radio advertisements on *KGNC-AM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment H).

398. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 188 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 188 separate occasions.

**Counts 2959 through 2117**

399. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

400. On or about November 20, 2007 to on or about April 26, 2008, Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 59 separate occasions by broadcasting 59 separate radio advertisements on *KXGL-FM* regarding “Rozol,” EPA Reg. No. 7173-244, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction. (*See* Attachment H).



401. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), on 59 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of the 59 separate occasions.

**Count 2118**

402. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

403. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the October 2007 issue of *Cattle Guard*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

404. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2119**

405. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

406. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the October 2007 issue of *Kansas Stockman*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

407. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2120**

408. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

409. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the November 2007 issue of *Kansas Stockman*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

410. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2121**

411. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

412. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the January 2008 issue of *Kansas Stockman*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

413. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2122**

414. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

415. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 2008 issue of *Kansas Stockman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

416. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2123**

417. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

418. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the October 2007 issue of *Nebraska Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

419. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2124**

420. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

421. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the November 2007 issue of *Nebraska Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

422. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2125**

423. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

424. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the December 2007 issue of *Nebraska Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

425. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2126**

426. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

427. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the January 2008 issue of *Nebraska Cattleman*,

which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

428. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2127**

429. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

430. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 2008 issue of *Nebraska Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

431. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2128**

432. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

433. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 2008 issue of *Oklahoma Cowman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

434. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2129**

435. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

436. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the October 2007 issue of *The Cattleman*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

437. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2130**

438. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

439. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the November 2007 issue of *The Cattleman* which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

440. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2131**

441. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

442. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 2008 issue of *The Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

443. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2132**

444. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

445. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the April 2008 issue of *The Cattleman*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

446. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2133**

447. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

448. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 16, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

449. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2134**

450. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

451. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the February 23, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

452. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2135**

453. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

454. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 1, 2008, weekly issue of *Wyoming*



*Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

455. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2136**

456. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

457. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 8, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

458. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2137**

459. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

460. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the March 15, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

461. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2138**

462. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

463. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the March 22, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

464. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2139**

465. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

466. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising "Rozol," EPA Reg. No. 7173-244, in the March 29, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement "Restricted Use Pesticide" nor a statement of the terms of restriction.

467. Respondent's violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2140**

468. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

469. Respondent violated Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), by advertising “Rozol,” EPA Reg. No. 7173-244, in the April 5, 2008, weekly issue of *Wyoming Livestock Roundup*, which did not include either a statement “Restricted Use Pesticide” nor a statement of the terms of restriction.

470. Respondent’s violation of Section 12(a)(2)(E) of FIFRA, 7 U.S.C. § 136j(a)(2)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 2141**

471. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

472. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 1, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to United Suppliers Inc., located at 30473 260<sup>th</sup> Street, Eldora, Iowa 50627, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

473. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

474. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2142**

475. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

476. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 8, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Agrilience Service Center, located at East Highway 23 and 61, Grant, Nebraska 69341, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

477. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

478. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2143**

479. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

480. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 19, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Agrilience Service Center, located at 1250 Rundell Road, Gering, Nebraska 69341, with claims

made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

481. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

482. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2144**

483. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

484. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about October 29, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Jim Knuth, located at 104 Applewood Court, Council Bluffs, Iowa 51503, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

485. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

486. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2145**

487. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

488. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 3, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, Inc., located at 11333 East 55<sup>th</sup> Avenue, Unit C, Denver, Colorado 80239, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

489. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

490. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2146**

491. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

492. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 4, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, (Shipper’s No./Carrier’s No. 012559) to Van Diest Supply, located at 1434 220<sup>th</sup> Street, Webster

City, Iowa 50595, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

493. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

494. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2147**

495. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

496. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 4, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, (Shipper’s No./Carrier’s No. 012563) to Van Diest Supply, located at 1434 220<sup>th</sup> Street, Webster City, Iowa 50595, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

497. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

498. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2148**

499. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

500. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 6, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest Supply, located at 1434 220<sup>th</sup> Street, Webster City, Iowa 50595, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

501. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

502. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2149**

503. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

504. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 7, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at 425 Railroad Avenue, Bridgeport, Nebraska 69336, with claims



made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

505. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

506. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2150**

507. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

508. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 12, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Wilbur Ellis, located at 2765 FM 2397, Frionia, Texas 79035, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

509. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

510. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2151**

511. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

512. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about December 19, 2007, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

513. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

514. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2152**

515. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

516. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 18, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to UAP Distribution North, located at 2025 South Old Highway 83, Garden City, Kansas 67846, with

claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

517. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

518. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2153**

519. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

520. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 23, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Pro-Chem, located at 900 Ross Street, Amarillo, Texas 79404, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

521. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

522. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2154**

523. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

524. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 24, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

525. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

526. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2155**

527. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

528. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about January 25, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, located at 4302 Locust Street, Lubbock, Texas 79404, with claims made for the product as part

of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

529. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

530. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2156**

531. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

532. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about February 5, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Pro-Chem, located at 900 Ross Street, Amarillo, Texas 79404, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

533. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

534. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2157**

535. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

536. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about February 8, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, located at Highway 183, Route 1, Box 431, Clinton, Oklahoma 73601, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

537. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

538. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2158**

539. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

540. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about February 14, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for

the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

541. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

542. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2159**

543. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

544. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about February 14, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Wilbur-Ellis, located at 1 Mile Southwest U.S. Highway 60, Hereford, Texas 79045, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

545. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

546. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2160**

547. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

548. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about February 15, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Arrow Seed, located at 126 N. 10<sup>th</sup> Street, Broken Bow, Nebraska 68822, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

549. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

550. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2161**

551. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

552. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 6, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest, located at 71703 US Highway 83, McCook, Nebraska 69001, with claims made for the



product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

553. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

554. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2162**

555. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

556. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 6, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Heritage Seed, located at 324 Main Street, Crawford, Nebraska 69339, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

557. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

558. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2163**

559. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

560. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 7, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest Supply, located at 1434 220<sup>th</sup> Street, Webster City, Iowa 50595, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

561. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

562. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2164**

563. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

564. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 10, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Pro-Chem, located at 900 Ross Street, Amarillo, Texas 79404, with claims made for the product as

part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

565. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

566. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2165**

567. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

568. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 13, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest Supply, located at 71703 U.S. Highway 83, McCook, Nebraska 69001, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

569. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

570. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2166**

571. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

572. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 13, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Arrow Seed Company, located at 126 North 10<sup>th</sup> Street, Broken Bow, Nebraska 68822, with claims made for the product as part of distribution or sale that substantially differed from the claims that were approved in the March 2, 2005 “accepted label.”

573. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

574. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2167**

575. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

576. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 14, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at 601 West 1<sup>st</sup> Avenue, Holdrege, Nebraska 68949, with claims made for the

product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

577. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

578. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2168**

579. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

580. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 17, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest Supply, located at 71703 U.S. Highway 83, McCook, Nebraska 69001, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

581. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

582. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2169**

583. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

584. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 18, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, located at 4302 Locust Street, Lubbock, Texas 79404, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

585. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

586. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2170**

587. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

588. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 19, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Farmers Coop Grain, located at 102 West G Street, Trenton, Nebraska 69044 , with claims made for the

product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

589. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

590. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2171**

591. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

592. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 24, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Arrow Seed Company, located at 126 North 10<sup>th</sup> Street, Broken Bow, Nebraska 68822, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

593. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

594. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2172**

595. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

596. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 24, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to McCoy Farms, located at HC 72 Box 1, Crookston, Nebraska 69212, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

597. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

598. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2173**

599. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

600. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about March 31, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for the



product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

601. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

602. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2174**

603. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

604. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about April 4, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Arrow Seed Company, located at 126 North 10<sup>th</sup> Street, Broken Bow, Nebraska 68822, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

605. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

606. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2175**

607. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

608. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about April 15, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Richard Robbins, located at 20500 County Road 52, Walsh, Colorado 81092, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

609. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

610. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2176**

611. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

612. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about April 15, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for the

product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

613. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

614. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2177**

615. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

616. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about April 18, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Van Diest, 71703 U.S. Highway 83, McCook, Nebraska 69001, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

617. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

618. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2178**

619. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

620. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about April 18, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Mark Newman, located at 6702 Silverbell Lane, Amarillo, Texas 79124, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

621. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

622. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2179**

623. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

624. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about April 25, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, located at Highway 183, Route 1, Box 431, Clinton, Oklahoma 73601, with claims made for the

product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

625. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

626. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2180**

627. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

628. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about May 1, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Bayne Seed & Supply, located at 3900 North Lamont Road, Hershey, Nebraska 69143, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

629. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

630. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2181**

631. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

632. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about May 9, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Estes, located at 4302 Locust Street, Lubbock, Texas 79404, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

633. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

634. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2182**

635. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

636. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about May 15, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Helena Chemical, located at North Highway 385/87, Hartley, Texas 79044, with claims made for the

product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

637. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

638. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Count 2183**

639. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

640. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), on or about May 30, 2008, by distributing or selling “Rozol,” EPA Reg. No. 7173-244, to Gross Feed, located at Highway Contract Route 66 Box 13, Johnstown, Nebraska 69214, with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

641. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

642. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE

SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Counts 2184 through 2231**

643. Complainant incorporates by reference the allegations contained in paragraphs 1 through 371 of this Complaint.

644. Respondent violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), between on or about November 18, 2009 and on or about February 23, 2010, by offering for sale, “Rozol,” EPA Reg. No. 7173-244, to 48 separate distributor partners (*See* Attachment I), with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the March 2, 2005 “accepted label.”

645. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

646. Respondent also violated Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), between on or about November 18, 2009 and on or about February 23, 2010, by offering for sale, “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286, to 48 separate distributor partners (*See* Attachment I), with claims made for the product as part of distribution or sale that substantially differed from the claims approved in the May 13, 2009 “accepted label.”

647. PARAGRAPH IN THE ORIGINAL COMPLAINT REMOVED IN AMENDED COMPLAINT.

648. Respondent’s violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). [PORTION OF THE



SENTENCE IN THE ORIGINAL COMPLAINT REMOVED IN THE AMENDED COMPLAINT.]

**Proposed Civil Penalty**

649. Complainant proposes that the Administrator assess a civil penalty against Respondent for FIFRA violations alleged in this Complaint as follows:

**Counts 1 through 2140**

Radio and Print Advertisement of Rozol .....\$2,268,500

**Counts 2141 through 2183**

Distribution or Sale of Rozol .....\$279,500

**Counts 2184 through 2231**

Distribution or Sale of Rozol .....\$343,200

Economic Benefit: REDUCED TO ZERO IN AMENDED COMPLAINT

**Total proposed civil penalty .....\$2,891,200**

Complainant determined the proposed civil penalty according to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). In determining the penalty amount, Complainant considered the size of Respondent's business, the effect on Respondent's ability to continue in business and the gravity of the violations. Complainant also considered EPA's *Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act*, dated December 2009, a copy of which is enclosed with this Complaint.

**Rules Governing this Proceeding**

The *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (the Consolidated Rules), at

40 C.F.R. Part 22, govern this proceeding to assess a civil penalty. Enclosed with the Complaint served on Respondent is a copy of the Consolidated Rules.

**Filing and Service of Documents**

Respondent must file with the EPA Regional Hearing Clerk the original and one copy of each document Respondent intends as part of the record in this proceeding. The Regional Hearing Clerk's address is:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Respondent must serve a copy of each document filed in this proceeding on each party pursuant to Section 22.5 of the Consolidated Rules. Complainant has authorized Nidhi K. O'Meara, Erik Olson, Associate Regional Counsels, and Gary E. Steinbauer, Assistant Regional Counsel, to receive any answer and subsequent legal documents that Respondent serves in this proceeding. You may telephone Ms. O'Meara at (312) 886-0568. You may telephone Mr. Olson at (312) 886-6829. You may telephone Mr. Steinbauer at (312) 886-4306. Their address is:

Nidhi K O'Meara (C-14J)  
Erik Olson (C-14J) and  
Gary E. Steinbauer (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

**Terms of Payment**

Respondent may resolve this proceeding at any time by paying the proposed penalty by sending a certified or cashier's check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

Respondent must include the case name, docket number and billing document number on the check and in the letter transmitting the check. Respondent must simultaneously send copies of the check and transmittal letter to the Regional Hearing Clerk and Nidhi O'Meara at the addresses given above, and to:

Claudia Niess (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

**Answer and Opportunity to Request a Hearing**

If Respondent contests any material fact upon which this Complaint is based, contends that the proposed penalty is inappropriate, or contends that it is entitled to judgment as a matter of law, Respondent may request a hearing before an Administrative Law Judge. To request a hearing, Respondent must file a written Answer within 30 days of receiving this Complaint and must include in that written Answer a request for a hearing. Any hearing will be conducted according to the Consolidated Rules.

In counting the 30-day period, the date of receipt is not counted, but Saturdays, Sundays, and federal legal holidays are counted. If the 30-day period expires on a Saturday, Sunday, or federal legal holiday, the time period extends to the next business day.

To file an Answer, Respondent must file the original written Answer and one copy with the Regional Hearing Clerk at the address specified above and must serve copies of the Answer on the other parties.

Respondent's written Answer must clearly and directly admit, deny, or explain each of the factual allegations in the Complaint; or must state clearly that Respondent has no knowledge of a particular factual allegation. Where Respondent states that it has no knowledge of a particular factual allegation, the allegation is deemed denied. Respondent's failure to admit, deny, or explain any material factual allegation in the Complaint constitutes an admission of the allegation.

Respondent's answer must also state:

- a. The circumstances or arguments which Respondent alleges constitute grounds of defense;
- b. The facts that Respondent disputes;
- c. The basis for opposing the proposed penalty; and
- d. Whether Respondent requests a hearing.


#### **Settlement Conference**

Whether or not Respondent requests a hearing, Respondent may request an informal conference to discuss the facts alleged in the Complaint and to discuss settlement. To request an informal settlement conference, Respondent may contact Ms. Nidhi O'Meara at (312) 886-0568. Respondent's request for an informal settlement conference will not extend the 30-day period for filing a written Answer to this Complaint. Respondent may simultaneously pursue both an informal settlement conference and the adjudicatory hearing process. The Complainant encourages all parties against whom it proposes to assess a civil penalty to pursue settlement through an informal conference. Complainant, however, will not reduce the proposed penalty because the parties hold an informal settlement conference.

**Continuing Obligation to Comply**

Payment of a civil penalty will not affect Respondent's continuing obligation to comply with FIFRA and any other applicable federal, state or local law.

1/5/11  
Date

  
Bruce F. Sypniewski  
Acting Director  
Land and Chemicals Division

### List of Attachments

- Attachments A-D: Transcripts of four different versions of radio advertisements to be broadcast for Respondent regarding “Rozol,” EPA Reg. No. 7173-244.
- Attachment E: List of dates that Golden Plains AC Network broadcast radio advertisements for Respondent regarding “Rozol,” EPA Reg. No. 7173-244.
- Attachment F: List of dates that Western Kansas Broadcast broadcast radio advertisements for Respondent regarding “Rozol,” EPA Reg. No. 7173-244.
- Attachment G: List of dates that High Plain Radio broadcast radio advertisements for Respondent regarding “Rozol,” EPA Reg. No. 7173-244.
- Attachment H: List of dates that KGNC-AM and KXGL-FM in Texas broadcast radio advertisements for Respondent regarding “Rozol,” EPA Reg. No. 7173-244.
- Attachment I: List of forty-eight (48) distributor partners that were asked to destroy/disregard advertisements regarding “Rozol,” EPA Reg. No. 7173-244 and “Rozol Prairie Dog Bait,” EPA Reg. No. 7173-286 after EPA issued a Federal SSURO on March 4, 2010, to the Respondent.
- Attachment J: EPA’s *Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act*, dated December 2009.
- Attachment K: Copy of 40 C.F.R. Part 22, Consolidated Rules of Practice

*In the Matter of Liphatech, Inc.*  
**Docket No. FIFRA-05-2010-0016**

CLERK  
JAN 6 2011  
2011 JAN -6 PM 3:20

CERTIFICATE OF SERVICE

I hereby certify that the original and one true, accurate and complete copy of *Complainant's First Amended Complaint, along with Attachments A through K*, was filed with the Regional Hearing Clerk, U.S. EPA, Region 5, on the date indicated below. True, accurate and complete copies were sent to Honorable Barbara Gunning, Administrative Law Judge (via UPS overnight delivery) at the following address:

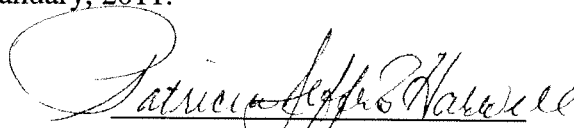
Honorable Barbara A. Gunning  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900L  
1099 14<sup>th</sup> Street, NW, Suite 350  
Franklin Court  
Washington, D.C. 20005

and to Mr. Michael H. Simpson, Counsel for Respondent, Liphatech, Inc., (via UPS overnight delivery), at the following address:

Mr. Michael H. Simpson  
Reinhart Boerner Van Deuren s.c  
1000 North Water Street, Suite 1700  
Milwaukee, WI 53202

on the date indicated below:

Dated in Chicago, Illinois, this 6<sup>th</sup> day of January, 2011.



Patricia Jeffries – Harwell  
Legal Technician  
U.S. EPA, Region 5  
Mail Code C-14J  
77 West Jackson Blvd.  
Chicago, IL 60604  
(312) 353-7464