

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101
ENVIRONMENTAL PROTECTION AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF) Docket No. FIFRA-07-2009-0041
)
Synisys, Inc.) COMPLAINT AND NOTICE OF
Union, Missouri) OPPORTUNITY FOR HEARING
)
)
Respondent)

COMPLAINT

Section I

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l.
2. This Complaint serves as notice that the United States Environmental Protection Agency (EPA) has reason to believe that Respondent has violated Section 12 of FIFRA, 7 U.S.C. § 136j.

Section II

Parties

3. The Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA, Region 7, is the Director of the Water, Wetlands and Pesticides Division, EPA, Region 7.
4. The Respondent is Synisys, Inc., a pesticide producer and distributor and a company incorporated under the laws of the State of Missouri, located at 50 and 60 Highline Drive in Union, Missouri. The Respondent is and was at all times referred to in this Complaint, a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

Section III

Statutory & Regulatory Background

5. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines the term “person” to mean any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

6. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “pest” to mean (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organism on or in living man or other living animal) which the Administrator declares to be a pest under Section 25(c)(1).

7. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

8. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it shall be unlawful for any person to distribute or sell any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, or whose registration has been cancelled or suspended.

9. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “to distribute or sell” to mean 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.

10. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. § 167.3 define the term “produce” to mean to manufacture, prepare, propagate, compound, or process any pesticide or device or active ingredient or to package, repack, label, relabel, or otherwise change the container of any pesticide or device.

11. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. § 167.3 define the term “producer” to mean any person who manufactures, prepares, compounds, propagates or processes any pesticide or device or active ingredient used in producing a pesticide (such actions include packaging, repackaging, labeling, and relabeling a pesticide).

Section IV

Factual Allegations

12. Pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, EPA registered to Intercon Chemical Company (the registrant) a pesticide known as CHLOR 1250, EPA Reg. No. 48211-20001. Thereafter, in accordance with 40 C.F.R. Section 152.132, the registrant entered into an agreement with FRM Chem, Inc. (FRM) for FRM to supplementally distribute the registrant's product under the name of FRM CHLOR 1250, using EPA Reg. No. 48211-20001-10366. On July 19, 1995, the registration of CHLOR 1250, EPA Reg. No. 48211-20001, was cancelled, as were all supplemental distribution agreements. Sales of existing stock by the registrant and supplemental distributors were prohibited after January 15, 1996.
13. Both FRM and the Respondent share or shared the same physical facility at 50 and 60 Highline Drive in Union, Missouri.
14. Both FRM and the Respondent listed as corporate officers Raymond E. Kastendieck, President, and Ann P. Kastendieck, Secretary, according to Missouri Secretary of State records.
15. Keith G. Kastendieck is listed as the corporate Vice-President for FRM in FRM's 2006 Annual Registration Report, filed with the Missouri Secretary of State.
16. Keith G. Kastendieck was the manager for FRM since approximately 1981.
17. Keith G. Kastendieck is the manager and part owner of Synisis, Inc, Advanced Products Technology, Inc. (APT), Custom Compounds, Inc., and Industrial Specialties, Inc., all operating from a facility located at 50 and 60 Highline Drive in Union, Missouri.
18. On or about July 1, 2008, FRM was administratively dissolved as a corporation by the Missouri Secretary of State for failure to file a correct and current annual report.
19. On or about October 8, 2008, a representative of the Missouri Department of Agriculture (MDA) conducted inspections at Respondent's facility in Union, Missouri, to determine the status of Respondent's compliance with FIFRA.
20. On October 8, 2008, Keith G. Kastendieck informed inspectors for the MDA and EPA that FRM had ceased operation effective December 31, 2006.
21. On October 8, 2008, Keith G. Kastendieck informed inspectors for the MDA and EPA that no FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, had been produced or distributed by Respondent or the other businesses located at 50 and 60 Highline Drive in Union, Missouri, since December of 2006.
22. On October 8, 2008, Keith G. Kastendieck, in his capacity as a representative of FRM and APT, was served with two orders issued to FRM and APT pursuant to Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), prohibiting the distribution, sale, use, or removal of FRM CHLOR 1250, EPA

Reg. No. 48211-20001-10366.

23. On or about July 10, 2009, EPA issued Request For Information Letters regarding sales, distribution, and shipments of FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to several customers of Respondent, including, McFleeg, Inc., in Watertown, South Dakota, and Graber Equipment, in Oden, Indiana. Responses were received by EPA in July and/or August 2009, documenting multiple sales or distributions of FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, all after December 31, 2006, including at least two documented sales or distributions of the product that occurred after the October 8, 2008, service of the order issued pursuant to Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), prohibiting the distribution, sale, use, or removal of the pesticides FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 and STERIDINE DISINFECTANT, EPA Reg. No. 48211-70-10366.

Violations

24. The Complainant hereby states and alleges that Respondent has violated FIFRA as follows:

Counts 1-3 – Sales/Distributions to McFleeg, Inc.

Count 1

25. The facts stated in paragraphs 12 through 24 are realleged and incorporated as if fully stated herein.

26. On or about January 8, 2007, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to McFleeg, Inc., in Watertown, South Dakota.

27. On the date of the sale and/or distribution referenced in paragraph 26, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

28. The sale and/or distribution referenced in paragraph 26 is documented by Invoice No. 35522.

29. Invoice No. 35522 is on FRM Chem, Inc. letterhead, and contains the instruction “PLEASE MAKE CHECK PAYABLE TO SYNISYS INC.” at the bottom of the document.

30. For the sale or distribution referenced in paragraph 26, Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

31. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 25 through 30, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 2

32. The facts stated in paragraphs 12 through 31 are realleged and incorporated as if fully stated herein.

33. On or about March 28, 2007, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to McFleeg, Inc., in Watertown, South Dakota.

34. The sale and/or distribution referenced in paragraph 33 is documented by Invoice No. 35567.

35. Invoice No. 35567 is on FRM Chem, Inc. letterhead, and contains the instruction "PLEASE MAKE CHECK PAYABLE TO SYNISYS INC." at the bottom of the document.

36. On the date of the sale and/or distribution referenced in paragraph 33, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

37. For the sale or distribution referenced in paragraph 33, Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

38. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 32 through 37, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 3

39. The facts stated in paragraphs 12 through 38 are realleged and incorporated as if fully stated herein.

40. On or about January 21, 2008, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to McFleeg, Inc., Watertown, South Dakota.

41. The sale and/or distribution referenced in paragraph 40 is documented by Invoice No. 35684.
42. Invoice No. 35684 is on FRM Chem, Inc. letterhead, and contains the instruction "PLEASE MAKE CHECK PAYABLE TO SYNISYS INC." at the bottom of the document.
43. On the date of the sale and/or distribution referenced in paragraph 40, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
44. For the sale or distribution referenced in paragraph 40, Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
45. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 39 through 44, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Counts 4-7 – Sales/Distributions to Graber Equipment

Count 4

46. The facts stated in paragraphs 12 through 45 are realleged and incorporated as if fully stated herein.
47. On or about February 6, 2007, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Graber Equipment in Oden, Indiana.
48. On the date of the sale and/or distribution referenced in paragraph 47, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
49. The sale and/or distribution referenced in paragraph 47 is documented by Invoice No. 35539.
50. Invoice No. 35539 is on FRM Chem, Inc. letterhead, and contains the instruction "PLEASE MAKE CHECK PAYABLE TO SYNISYS INC." at the bottom of the document.
51. For the sale or distribution referenced in paragraph 47, Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose

registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

52. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 46 through 51, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 5

53. The facts stated in paragraphs 12 through 52 are realleged and incorporated as if fully stated herein.

54. On or about February 13, 2008, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Graber Equipment in Oden, Indiana.

55. On the date of the sale and/or distribution referenced in paragraph 54, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

56. The sale and/or distribution referenced in paragraph 54 is documented by Invoice No. 35690.

57. Invoice No. 35690 is on FRM Chem, Inc. letterhead, and contains the instruction "PLEASE MAKE CHECK PAYABLE TO SYNISYS INC." at the bottom of the document.

58. For the sale or distribution referenced in paragraph 54, Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

59. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 53 through 58, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 6

60. The facts stated in paragraphs 12 through 59 are realleged and incorporated as if fully stated herein.

61. On or about October 13, 2008, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Graber Equipment in Oden, Indiana.

62. On the date of the sale and/or distribution referenced in paragraph 61, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

63. The sale and/or distribution referenced in paragraph 61 is documented by Invoice No. 35762.

64. Invoice No. 35762 is on FRM Chem, Inc. letterhead, and contains the instruction "PLEASE MAKE CHECK PAYABLE TO SYNISYS INC." at the bottom of the document.

65. For the sale or distribution referenced in paragraph 61, Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

66. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 60 through 65, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Count 7

67. The facts stated in paragraphs 12 through 66 are realleged and incorporated as if fully stated herein.

68. On or about November 26, 2008, Respondent sold or distributed a quantity of the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366, to Graber Equipment, Oden, Indiana.

69. On the date of the sale and/or distribution referenced in paragraph 68, the product FRM CHLOR 1250, EPA Reg. No. 48211-20001-10366 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

70. The sale and/or distribution referenced in paragraph 68 is documented by Invoice No. 35782.

71. Invoice No. 35782 is on FRM Chem, Inc. letterhead, and contains the instruction "PLEASE MAKE CHECK PAYABLE TO SYNISYS INC." at the bottom of the document.

72. For the sale or distribution referenced in paragraph 68, Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by selling or distributing a pesticide whose registration has been cancelled or which is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

73. Pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l, and based on the facts stated in paragraphs 67 through 72, it is proposed that a civil penalty of \$6,500 be assessed against Respondent.

Section V

Total Proposed Penalty

74. Section 14 of FIFRA, 7 U.S.C. § 136l, and the Debt Collection Improvement Act of 1996, as implemented by the Civil Monetary Penalties Inflation Adjustment Rule, 40 C.F.R. Part 19, authorize the issuance of this Complaint for the assessment of a civil penalty for each violation. For any such violation occurring on or after March 15, 2004, through January 12, 2009, the maximum statutory penalty per violation is Six Thousand Five Hundred Dollars (\$6,500). EPA proposes to assess a total civil penalty of Forty-Five Thousand Five Hundred Dollars (\$45,500) against Respondent for the above-described violations.

Appropriateness of Proposed Penalty

75. The penalty proposed above has been calculated after consideration of the statutory factors set forth in Section 14 of FIFRA, 7 U.S.C. § 136l. Specifically, EPA considered the size of the business of Respondent, the effect of the proposed penalty on Respondent's ability to continue in business and the gravity of the alleged violations. In its calculation of the proposed penalty, EPA has taken into account the particular facts and circumstances of the alleged violations, with specific reference to EPA guidance for the calculation of proposed penalties under FIFRA (See Enclosure, July 2, 1990, Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)).

76. For purposes of calculating the proposed penalty, Respondent was placed in Category I size of business (total business revenues in excess of \$1,000,000 per year) when Complainant was unable to obtain specific information as to Respondent's gross revenues. If this categorization is incorrect, the proposed penalty will be adjusted upon submittal of reliable financial information indicating another category is appropriate.

77. Respondent has the right, upon submittal of certified financial information, to consideration of Respondent's financial condition in mitigation of the proposed penalty insofar as is necessary to permit Respondent to continue in business.

78. The proposed penalty constitutes a demand only if Respondent fails to raise bona fide issues of ability to pay, or other bona fide affirmative defenses relevant to the determination of any final penalty.

79. Said issues of ability to pay or other affirmative defenses relevant to a final penalty may and should be brought to the attention of Complainant at the earliest opportunity in this proceeding.

80. Payment of the total penalty - \$45,500 - may be made by certified or cashier's check payable to the Treasurer, United States of America, and remitted to:

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

81. If Respondent does not contest the findings and assessments set forth above, payment of the penalty assessed herein may be remitted as described in the preceding paragraph, including a reference to the name and docket number of the Complaint. In addition, a copy of the check should be sent to:

Regional Hearing Clerk
EPA - Region 7
901 North 5th Street
Kansas City, Kansas 66101

and a copy to:

Chris R. Dudding
Assistant Regional Counsel
EPA - Region 7
901 North 5th Street
Kansas City, Kansas 66101.

NOTICE OF OPPORTUNITY FOR HEARING

Section VI

Answer and Request for Hearing

82. Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), Respondent has the right to request a hearing to contest any material fact contained in this Complaint or to contest the appropriateness of the penalty proposed herein. If Respondent wishes to avoid being found in default, Respondent must file a written answer and request for hearing with:

Regional Hearing Clerk
EPA - Region 7
901 North 5th Street
Kansas City, Kansas 66101

within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing. Said answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with respect to which Respondent has any knowledge, or shall clearly state that Respondent has no knowledge as to particular factual allegations in the Complaint. The answer shall also state:

- A. The circumstances or arguments that are alleged to constitute the grounds of defense;
- B. The facts that Respondent intends to place at issue; and
- C. Whether a hearing is requested.

Failure to deny any of the factual allegations in the Complaint constitutes an admission of the undenied allegations.

83. Any hearing that is requested shall be held and conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (copy enclosed).

84. If Respondent fails to file a written answer and request for hearing within thirty (30) days of service of this Complaint and Notice of Opportunity for Hearing, such failure will constitute a binding admission of all of the allegations in this Complaint, and a waiver of Respondent's right to a hearing under FIFRA. A Default Order may thereafter be issued by the Regional Administrator, and the civil penalties proposed therein shall become due and payable without further proceedings.

85. Respondent is advised that, after the Complaint is issued, the Consolidated Rules of Practice prohibit any ex parte (unilateral) discussion of the merits of any action with the EPA Regional Administrator, members of the Environmental Appeals Board, the Regional Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of the case.

Section VII

Settlement Conference

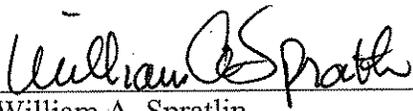
86. Whether or not a hearing is requested, an informal settlement conference may be arranged at Respondent's request. Respondent may confer with the EPA concerning: (1) whether or not the alleged violation occurred; or (2) the appropriateness of the proposed penalty in relation to the size of Respondent's business, the gravity of the violation, and the effect of the proposed penalty on Respondent's ability to continue in business. Additionally, the proposed penalty may be adjusted if Respondent establishes a bona fide issue of ability to pay. To explore the possibility of settlement in this matter, contact:

Chris R. Dudding
Assistant Regional Counsel
EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101
Telephone: (913) 551-7524.

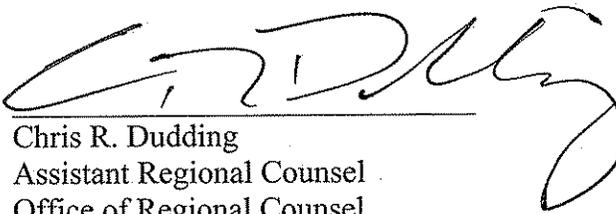
87. A request for an informal settlement conference does not extend the thirty (30) day period during which a written answer and request for a hearing must be submitted. The informal conference procedure may be pursued as an alternative to and simultaneously with the adjudicatory hearing procedure.

88. EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement. However, no penalty reduction will be made simply because an informal settlement conference is held. If settlement is reached, the parties will enter into a written Consent Agreement, and a Final Order will be issued. The issuance of such a Consent Agreement and Final Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

9/23/09
Date



William A. Spratlin
Director
Water, Wetlands and Pesticides Division



Chris R. Dudding
Assistant Regional Counsel
Office of Regional Counsel

Enclosures:

1. FIFRA Civil Penalty Calculation Worksheet
2. Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22
3. July 2, 1990, Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act
4. SBREFA Fact Sheet
5. Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one copy of this Complaint and Notice of Opportunity for Hearing to the Regional Hearing Clerk, EPA, 901 North 5th Street, Kansas City, Kansas 66101.

I further certify that on the date noted below I sent by certified mail, return receipt requested, a copy of the signed original Complaint and Notice of Opportunity for Hearing; a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22; a copy of the July 2, 1990, Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act; a copy of the FIFRA Civil Penalty Calculation Worksheet; the SBREFA Fact Sheet; and the Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings, to the following:

Ann P. Kastendieck
Registered Agent for Synisys, Inc.
P.O. Box 1656
Washington, Missouri 63090

9/23/2009
Date

APK
Name:

FIFRA CIVIL PENALTY CALCULATION WORKSHEET
ENFORCEMENT RESPONSE POLICY for FIFRA - Reference

RESPONDENT: Synisys, Inc.
 ADDRESS: P.O.Box 1656
 50 Highline Drive
 Washington, MO 63090

Prepared By: Mark K. Leshner
 Date: 08/13/09

	Count 1	Count 2	Count 3	Count 4
Appendix A	Distribution of FRM Chlor 1250 to McFleeg, Inc. on 1/8/07,	Distribution of FRM Chlor 1250 to McFleeg, Inc. on 3/28/07	Distribution of FRM Chlor 1250 to McFleeg, Inc. on 1/21/08	Distribution of FRM Chlor 1250 to Graber Equipment on 2/6/07
1. Statutory Violation	Sec. 12(a)(1)(A)	Sec. 12(a)(1)(A)	Sec. 12(a)(1)(A)	Sec. 12(a)(1)(A)
2. FTTS Code	IAA	IAA	IAA	IAA
3. Violation Level	2	2	2	2
Appendix C - Table 2 - Size of Business Category				
4. Violator Category * § 14(a)(1) or § 14(a)(2)	§ 14(a)(1)	§ 14(a)(1)	§ 14(a)(1)	§ 14(a)(1)
5. Size of Business Category	I	I	I	I
Appendix C - Table 1 - FIFRA Civil Penalty Matrix				
6. BASE PENALTY	\$6,500	\$6,500	\$6,500	\$6,500
Appendix B - Gravity Adjustments				
7a. Pesticide Toxicity	2	2	2	2
7b. Human Harm	3	3	3	3
7c. Environmental Harm	3	3	3	3
7d. Compliance History	2	2	2	2
7e. Culpability	2	2	2	2
7f. Total Gravity Adjustment Value (add items 7a - 7e)	12	12	12	12
Appendix C - Table 3 - Adjustments				
7g. Percent Adjustment	None	None	None	None
7h. Dollar Adjustment	None	None	None	None
8. Final Penalty** (item 7h from item 6)	\$6,500	\$6,500	\$6,500	\$6,500
Combined Total Penalty (total of all columns for line 8, above)				

* Section 14(a)(1) of FIFRA - Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this subchapter may be assessed a civil penalty by the Administrator of not more than \$5,000 for each offense.

Section 14(a)(2) of FIFRA - Any private applicator or other person not included in paragraph (1) who violates any provision of this subchapter subsequent to receiving a written warning from the Administrator or following a citation for a prior violation, may be assessed a civil penalty by the Administrator of not more than \$1,000 for each offense, except that any applicator not included under paragraph (1) of this subsection who holds or applies registered pesticides, or use dilutions of registered pesticides, only to provide a service of controlling pests without delivering any unapplied pesticide to any person so served, and who violates any provision of this subchapter may be assessed a civil penalty by the Administrator of not more than \$500 for the first offense nor more than \$1,000 for each subsequent offense.

**The final penalty in each column of line 8 cannot exceed the statutory maximum.

FIFRA CIVIL PENALTY CALCULATION WORKSHEET
ENFORCEMENT RESPONSE POLICY for FIFRA - Reference

RESPONDENT: Synisys, Inc.
 ADDRESS: P.O. Box 1656
 50 Highline Drive
 Washington, MO 63090

Prepared By: Mark K. Leshner
 Date: 08/13/09

	Count 5	Count 6	Count 7	
Appendix A	Distribution of FRM Chlor 1250 to Graber Equipment on 2/13/08	Distribution of FRM Chlor 1250 to Graber Equipment on 10/13/08	Distribution of FRM Chlor 1250 to Graber Equipment on 11/26/08	
1. Statutory Violation	Sec. 12(a)(1)(A)	Sec. 12(a)(1)(A)	Sec. 12(a)(1)(A)	
2. FTTS Code	IAA	IAA	IAA	
3. Violation Level	2	2	2	
Appendix C - Table 2 - Size of Business Category				
4. Violator Category * § 14(a)(1) or § 14(a)(2)	§ 14(a)(1)	§ 14(a)(1)	§ 14(a)(1)	
5. Size of Business Category	I	I	I	
Appendix C - Table 1 - FIFRA Civil Penalty Matrix				
6. BASE PENALTY	\$6,500	\$6,500	\$6,500	
Appendix B - Gravity Adjustments				
7a. Pesticide Toxicity	2	2	2	
7b. Human Harm	3	3	3	
7c. Environmental Harm	3	3	3	
7d. Compliance History	2	2	2	
7e. Culpability	2	2	2	
7f. Total Gravity Adjustment Value (add items 7a - 7e)	12	12	12	
Appendix C - Table 3 - Adjustments				
7g. Percent Adjustment	None	None	None	
7h. Dollar Adjustment	None	None	None	
8. Final Penalty** (item 7h from item 6)	\$6,500	\$6,500	\$6,500	
Combined Total Penalty (total of all columns for line 8, above)	\$45,500			

* Section 14(a)(1) of FIFRA - Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this subchapter may be assessed a civil penalty by the Administrator of not more than \$5,000 for each offense.

Section 14(a)(2) of FIFRA - Any private applicator or other person not included in paragraph (1) who violates any provision of this subchapter subsequent to receiving a written warning from the Administrator or following a citation for a prior violation, may be assessed a civil penalty by the Administrator of not more than \$1,000 for each offense, except that any applicator not included under paragraph (1) of this subsection who holds or applies registered pesticides, or use dilutions of registered pesticides, only to provide a service of controlling pests without delivering any unapplied pesticide to any person so served, and who violates any provision of this subchapter may be assessed a civil penalty by the Administrator of not more than \$500 for the first offense nor more than \$1,000 for each subsequent offense.

**The final penalty in each column of line 8 cannot exceed the statutory maximum.