



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
NOV 16 2018

REPLY TO THE ATTENTION OF:
LC-17J

VIA EMAIL

Mr. Stephen Axtell
Partner
Thompson Hine LLP
10050 Innovation Drive, Suite 400
Dayton, Ohio 45342

Steve.Axtell@ThompsonHine.com

Consent Agreement and Final Order In the Matter of Chemstation International,
Docket Number FIFRA-05-2019-0002

Mr. Axtell:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on November 16, 2018 with the Regional Hearing Clerk.

The civil penalty in the amount of \$35,000 is to be paid in the manner described in paragraphs 106 and 107. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudia Niess".

Claudia Niess
Pesticides and Toxics Compliance Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5



In the Matter of:)
)
Chemstation International, Inc.)
Dayton, Ohio)
)
Respondent)
_____)

Docket No. FIFRA-05-2019-0002
Proceeding to Assess a Civil Penalty
Under Section 14(a) of the Federal
Insecticide, Fungicide, and Rodenticide
Act, 7 U.S.C. § 136l(a)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is, by lawful delegation, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. The Respondent is Chemstation International, Inc. (Chemstation), an Ohio corporation doing business in the State of Ohio.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).
5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

10. Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), states that it is unlawful for any person in any state to distribute or sell to any person any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under FIFRA.

11. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it is unlawful for any person in any state to distribute or sell to any person any pesticide which is misbranded.

12. Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D), defines a pesticide as “misbranded” if its label does not bear the registration number assigned to each establishment in which it was produced.

13. Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), defines a pesticide as “misbranded” if the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under Section 3.

14. 40 C.F.R. § 152.132 states that a registrant may distribute or sell his registered product under another person's name and address instead of (or in addition to) his own. The product is referred to as a "distributor product."

15. 40 C.F.R. § 152.132 states that supplemental distribution is permitted upon notification to the Agency if all of the following conditions are met: (a) The registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor's company number, the additional brand name(s) to be used, and the registration number of the registered product, (b) The distributor product is produced, packaged and labeled in a registered establishment operated by the same producer who produces, packages, and labels the registered product, (c) The distributor product is not repackaged (remains in the producer's unopened containers), (d) The label of the distributor product is the same as that of the registered product, except that the product name of the distributor product may be different, the name and address of the distributor may appear instead of that of the registrant, the registration number of the registered product must be followed by a dash, followed by the distributor's company number, the establishment number must be that of the final establishment at which the product was produced, and specific claims may be deleted, provided that no other changes are necessary, and (e) Voluntary cancellation of a product applies to the registered product and all distributor products distributed or sold under that registration number.

16. The term "distribute or sell," as defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), means "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." 7 U.S.C. § 136(gg).

17. The term “person,” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s) means “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”

18. A “pest,” as defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the Administrator of EPA declares to be a pest under Section 25(c)(1) of FIFRA.

19. A “pesticide,” as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u) means, among other things, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

20. A “registrant,” as defined in Section 2(y) of FIFRA, 7 U.S.C. § 136(y) means, a person who has registered any product pursuant to the provisions of FIFRA.

21. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision of FIFRA of up to \$7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

General Allegations

22. Respondent, Chemstation, is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

23. At all times relevant to the Complaint, Respondent owned or operated a place of business at 3400 Encrete Lane, Dayton, Ohio 45439 (the Dayton establishment).

24. At all times relevant to the Complaint, Respondent also owned or operated a place of business located at 50 Frontier Way, Bensenville, Illinois 60106 (the Bensenville establishment).

25. On or about December 16, 1980, EPA approved the registration for the pesticide product Bardac 205M-7.5B.

26. Lonza, Inc. (Lonza), located at 90 Boroline Road, Allendale, New Jersey 07401, is the registrant of Bardac 205M-7.5B.

27. EPA assigned EPA Registration Number (EPA Reg. No.) 6838-70 to Lonza's pesticide product, Bardac 205M-7.5B.

28. On or about April 14, 2008, Lonza submitted a Notice of Supplemental Registration of Distributor to EPA for the pesticide product, NP 4.5 Detergent/Disinfectant, EPA Reg. No. 6836-70.

29. The Notice of Supplemental Registration of Distributor listed Respondent, Chemstation International, Inc., located at 3400 Encrete Lane, Dayton, Ohio 45439, as the distributor of Lonza's pesticide product, Bardac 205M-7.5, EPA Reg. No. 6836-70.

30. The Notice of Supplemental Registration of Distributor listed the distributor product name as KP 3510.

31. EPA assigned EPA Reg. No. 6836-70-65702 to the distributor product KP 3510.

32. KP 3510, EPA Reg. No. 6836-70-65072, is a "pesticide" as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

33. On February 9, 2012, EPA accepted, with comments, a label for Bardac 205M-7.5B, EPA Reg. No. 6836-70.

34. The accepted dilution rate in the directions for use for KP 3510, EPA Reg. No. 6836-70-65072, in the February 9, 2012 label states: “2 oz. of KP 3510 per $7\frac{3}{4}$ – $2\frac{7}{8}$ gallons of water (0.25 – 0.68 oz. of KP 3510 per gallon of water)(150-400 ppm active quat).”

35. On or about February 10 through February 18, 2014 (the February 10, 2014 inspection), inspectors employed by the Ohio Department of Agriculture (ODA) and authorized to conduct inspections under FIFRA conducted an inspection at Respondent’s Dayton, Ohio establishment.

36. During the February 10, 2014 inspection, the ODA inspectors observed KP 3510, EPA Reg. No. 6836-70-65072, being held for distribution or sale at the Dayton establishment.

37. During the February 10, 2014 inspection, the ODA inspectors collected a bin label, digital photographs, and a shipping record of KP 3510, EPA Reg. No. 6836-70-65072, at the Dayton establishment.

38. During the February 10, 2014 inspection, Respondent confirmed that the label collected by the ODA inspectors is representative of the label affixed to totes of KP 3510, EPA Reg. No. 6836-70-65072, which are distributed or sold by Respondent.

39. The label affixed to the quantity of KP 3510, EPA Reg. No. 6836-70-65072, held for distribution at the Dayton establishment and collected by the ODA inspectors provided the following dilution rate in the directions for use: “2 oz. of KP 3510 per $2\frac{7}{8}$ – $7\frac{3}{4}$ gallons of water (0.25 – 0.68 oz. of KP 3510 per gallon of water)(150-400 ppm active quat).”

40. The label affixed to the quantity of KP 3510, EPA Reg. No. 6836-70-65072, held for distribution at the Dayton establishment and collected by the ODA inspectors bore the following EPA establishment numbers: 65072-CO-001, 65072-IL-001, 65072-OH-005, 65072-OH-006, 65072-PA-001, 65072-PA-002, 65072-PA-003, 65072-TX-001, 65072-WA-001.

41. The label affixed to the quantity of KP 3510, EPA Reg. No. 6836-70-65072, held for distribution or sale at the Dayton establishment and collected by the ODA inspectors did not clearly identify the establishment number assigned to the establishment in which the quantity of KP 3510, EPA Reg. No. 6836-70-65072, was produced.

42. On or about February 10, 2014, Respondent distributed or sold KP 3510, EPA Reg. No. 6836-70-65072, to At-Chem, Inc., located at 1225 West Main Street, Wilmington, Ohio 45177.

43. On or about February 10, 2014, Respondent distributed or sold KP 3510, EPA Reg. No. 6836-70-65072, at the Dayton establishment.

44. On February 11, 2014, the ODA inspectors conducted an inspection at Rudolph Foods Company, located at 6575 Bellefontaine Road, Lima, Ohio 45804.

45. During the February 11, 2014 inspection, the ODA inspectors observed and collected digital photographs of and a receiving record for KP 3510, EPA Reg. No. 6836-70-65072.

46. On or about January 20, 2014, Respondent distributed or sold KP 3510, EPA Reg. No. 6836-70-65072, to Rudolph Foods Company in Lima, Ohio.

47. On February 11, 2014, the ODA inspectors conducted an inspection at Hemmelgarn and Sons, Inc., located at 3763 Philothea Road, Coldwater, Ohio 45828.

48. During the February 11, 2014 inspection, the ODA inspectors observed and collected digital photographs of and a receiving record for KP 3510, EPA Reg. No. 6836-70-65072.

49. On or about December 17, 2013, Respondent distributed or sold KP 3510, EPA Reg. No. 6836-70-65072, to Hemmelgarn and Sons, Inc. in Coldwater, Ohio.

50. The quantities of KP 3510, EPA Reg. No. 6836-70-65072, distributed or sold on four occasions on or about December 17, 2013, January 20, 2014 and February 10, 2014 were misbranded, as that term is defined at Sections 2(q)(1)(D) and (F) of FIFRA, 7 U.S.C. §§ 163(q)(1)(D) and (F).

51. On or about April 8, 2014, an inspector employed by the Illinois Department of Agriculture (IDA) and authorized to conduct inspections under FIFRA conducted an inspection at Respondent's Bensenville establishment.

52. During the April 8, 2014 inspection, the IDA inspector collected a sample from a 250-gallon tote of the pesticide product KP 3510, EPA Reg. No. 6836-70-65072, that was packaged, labeled and released for shipment.

53. On or about April 11, 2014, the Illinois Department of Agriculture, Pesticide Laboratory (Illinois Pesticide Laboratory), received the physical sample of KP 3510, EPA Reg. No. 6836-70-65072, collected during the April 8, 2014 inspection at Respondent's Bensenville establishment for a formulation analysis.

54. On or about May 5, 2014, the Illinois Pesticide Laboratory analyzed the physical sample of KP 3510, EPA Reg. No. 6836-70-65072, that was collected on April 8, 2014.

55. The May 5, 2014 analysis showed that the average concentration of the quaternary ammonium chlorides in the sample of KP 3510, EPA Reg. No. 6836-70-65072, was 7.94%.

56. The label of KP 3510, EPA Reg. No. 6836-70-65072, states that the pesticide product contains 7.5% quaternary ammonium compounds.

57. During the April 8, 2014 inspection, the inspector collected bin label and production and shipping records of KP 3510, EPA Reg. No. 6836-70-65072.

58. The owner, operator, or agent in charge of the Bensenville establishment affirmed the bin label and shipping records collected represented quantities of KP 3510, EPA Reg. No. 6836-70-65072, from the same batch or lot of this product from which the physical sample was collected for analysis.

59. The bin label of KP 3510, EPA Reg. No. 6836-70-65072, collected by the IDA inspector provided the following dilution rate in the directions for use: "2 oz. of KP 3510 per 2 $\frac{7}{8}$ – 7 $\frac{3}{4}$ gallons of water (0.25 – 0.68 oz. of KP 3510 per gallon of water)(150-400 ppm active quat)."

60. On or about April 8, 2014, Respondent, through the Bensenville establishment, distributed or sold KP 3510, EPA Reg. No. 6836-70-65072, to Richlieu Foods, located at 1325 Chase Avenue, Elk Grove Village, Illinois 60007.

61. On or about April 8, 2014, Respondent, through the Bensenville establishment, distributed or sold KP 3510, EPA Reg. No. 6836-70-65072, to Little Lady Foods – Gurnee, located at 1920 Swanson Court, Gurnee, Illinois 60031.

62. On or about April 8, 2014, Respondent held for distribution or sale KP 3510, EPA Reg. No. 6836-70-65072, at its Bensenville establishment.

63. The batch of KP 3510, EPA Reg. No. 6836-70-65072, distributed or sold on three occasions on or about April 8, 2014 was misbranded, as that term is defined at Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 163(q)(1)(F).

64. The composition of the batch of KP 3510, EPA Reg. No. 6836-70-65072, distributed or sold on three occasions on or about April 8, 2014 differed from the composition as described in the statement required in connection with its registration under FIFRA.

Count 1 – Differing Composition

65. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

66. On or about April 8, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, with a composition different from that described in the statement required in connection with its registration under FIFRA, to Richlieu Foods.

67. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

68. Respondent's violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 2 – Differing Composition

69. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

70. On or about April 8, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6386-70-65072, with a composition different from that described in the statement required in connection with its registration under FIFRA, to Little Lady Foods.

71. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6386-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

72. Respondent's violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 3 – Differing Composition

73. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

74. On or about April 8, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, with a composition different from that described in the statement required in connection with its registration under FIFRA, by holding the product for distribution or sale at its Bensenville establishment.

75. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

76. Respondent's violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 4 - Misbranding

77. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

78. On or about April 8, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, that was misbranded to Richlieu Foods.

79. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

80. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 5 - Misbranding

81. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

82. On or about April 8, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, that was misbranded to Little Lady Foods.

83. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

84. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 6 - Misbranding

85. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

86. On or about April 8, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, that was misbranded by holding the distributor product for distribution or sale at its Bensenville establishment.

87. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

88. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 7 - Misbranding

89. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

90. On or about December 17, 2013, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, that was misbranded to Hemmelgarn and Sons.

91. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

92. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 8 - Misbranding

93. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

94. On or about January 20, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, that was misbranded to Rudolph Foods Company.

95. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

96. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 9 - Misbranding

97. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

98. On or about February 10, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, that was misbranded to At-Chem.

99. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

100. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 10 - Misbranding

101. Complainant incorporates paragraphs 1 through 64 of this CAFO, as if set forth in this paragraph.

102. On or about February 10, 2014, Respondent distributed or sold a pesticide, KP 3510, EPA Reg. No. 6836-70-65072, that was misbranded by holding the distributor product for distribution or sale at its Dayton establishment.

103. Respondent's distribution or sale of KP 3510, EPA Reg. No. 6836-70-65072, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

104. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Civil Penalty

105. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$35,000. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity

of the violation. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

106. Within 30 days after the effective date of this CAFO, Respondent must pay a \$35,000 civil penalty for the FIFRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

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

107. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

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

Claudia Niess (LC-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Luis Oviedo (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

108. This civil penalty is not deductible for federal tax purposes.

109. If Respondent does not pay timely the civil penalty, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

110. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

111. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: oviedo.luis@epa.gov (for Complainant), and Steve.Axtell@ThompsonHine.com (for Respondent).

112. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

113. This CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

114. This CAFO does not affect Respondent's responsibility to comply with FIFRA and other applicable federal, state and local laws.

115. This CAFO is a "final order" for purposes of EPA's FIFRA Enforcement Response Policy.

116. The terms of this CAFO bind Respondent, its successors and assigns.


117. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

118. Each party agrees to bear its own costs and attorney fees, in this action.

119. This CAFO constitutes the entire agreement between the parties.

Chemstation International, Inc., Respondent

10/31/2018
Date


Bruce Philippi
Director of Research & Manufacturing
Chemstation International, Inc.

United States Environmental Protection Agency, Complainant

11/14/18
Date

Michael D. Harris ^{for T.H.}
Tinka Hyde
Director
Land and Chemicals Division

In the Matter of:
Chemstation International, Inc.
Docket No. FIFRA-05-2019-0002

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11/14/18
Date

Ann L. Coyle
Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the Matter of: Chemstation International
Docket Number: **FIFRA-05-2019-0002**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Consent Agreement and Final Order, docket number **FIFRA-05-2019-0002**, which was filed on November 16, 2018, in the following manner to the following addressees:

Copy by E-mail to
Attorney for Complainant:

Mr. Luis Oviedo
oviedo.louis@epa.gov

Copy by E-mail to Respondent:

Mr. Stephen Axtell
Steve.Axtell@ThompsonHine.com

Copy by E-mail to
Regional Judicial Officer:

Ms. Ann Coyle
coyle.ann@epa.gov

Dated: November 16, 2018



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5