UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA GEORGIA 30303-8960

JUL 28 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James C. Shipp
President
Shipp Chemical Company Inc.
1360 Business Center Drive
Conyers, Georgia 30094

Re: Shipp Chemical Company Inc., EPA Est. No. 43900-GA-001
Ratified Section 7 Expedited Settlement Agreement
and Final Order
Docket No. FIFRA-04-2015-3146(b)

Dear Mr. Shipp:

Enclosed is a copy of the ratified Expedited Settlement Agreement and Final Order in the above referenced matter. The original ESA has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

The U. S. Environmental Protection Agency, Region 4, has received proof of payment as per paragraph 6 of the ESA so no further action is required in this regard. Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the Environmental Protection Agency. Should you have any questions about this matter or your compliance status in the future, please contact Mr. Phillip Beard of the EPA Region 4 staff at (404) 562-9012.

Sincerely,

Anthony G. Toney, Chief
Chemical Safety and Enforcement Branch

Enclosures

cc: Jennifer Wren, Georgia Department
of Agriculture

Nancy Hall, Georgia Department
of Agriculture

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:	)	**Docket No.: FIFRA-04-2015-3146(b)**
	)	
Shipp Chemical Company, Inc.	)	**EXPEDITED SETTLEMENT**
	)	**AGREEMENT AND**
Respondent.	)	**FINAL ORDER**
	)	

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protection Agency ("EPA") alleges that Shipp Chemical Company, Inc. ("Respondent") failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c).

2. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136*l* and 40 C.F.R. § 22.13(b).

3. Respondent is a "person" and a "producer" as those terms are defined in Section 2 of FIFRA, 7 U.S.C. § 136.

4. Pursuant to Section 7(c)(1) of FIFRA, 7 U.S.C. § 136e(c)(1), and 40 C.F.R. § 167.85, any producer of pesticides at a registered pesticide producing establishment must submit to the Administrator of the EPA an annual report which indicates the types and amounts of pesticides or active ingredients which were produced during the past year, which were sold or distributed during the past year, and which are estimated to be produced during the current year.

5. Submittal of the annual report of pesticide production for calendar year 2013 was due on or before March 1, 2014.

6. Respondent failed to submit its annual report for calendar year 2013 by the due date.

7. Pursuant to Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), it is unlawful for any person who is a producer of pesticides to violate any of the provisions of Section 7 of FIFRA. By failing to submit the annual production report required by the due date, Respondent failed to comply with Section 7 of FIFRA. Therefore, Respondent violated Section 12(a)(2)(L) of FIFRA.

8. The EPA and Respondent agree that settlement of this matter for a civil penalty of ONE THOUSAND TWO HUNDRED DOLLARS ($1,200) is in the public interest.

9. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirement(s) in Paragraph 4 above; (b) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of, and agrees to pay the penalty set forth in paragraph 8 herein within fifteen (15) days after the effective date of this Agreement; and (e) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.

10. Respondent is assessed a civil penalty of ONE THOUSAND TWO HUNDRED DOLLARS ($1,200) which shall be paid within 15 days from the effective date of this Agreement.

11. Respondent shall remit the penalty by either a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the penalty payment by one of the methods below. **The check shall reference on its face the name of the Respondent and Docket Number of this Agreement.**

Address for payment submittal using the United States Postal Service (excluding USPS overnight mail):

U.S. Environmental Protection Agency
Cincinnati Finance Center
Box 979077
St. Louis, Missouri 63197-9000.

Address for payments by USPS overnight mail or other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.):

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1818.

12. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this Agreement, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA – Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960;

Phillip Beard
Pesticides Section
U.S. EPA – Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960; and

Saundi J. Wilson
Office of Environmental Accountability
U.S. EPA – Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

13. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this Agreement. Any attempt by Respondent to deduct any such payments shall constitute a violation of this Agreement.

14. Pursuant to 31 U.S.C. § 3717, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the effective date of this Agreement, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.

15. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

16. This Agreement shall be binding upon the Respondent, its successors and assigns. Each undersigned representative of the parties to this Agreement certifies that he or she is fully authorized by the party represented to enter into this Agreement and hereby legally binds that party to it.

17. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the alleged violation(s).

18. Upon the effective date of this Agreement, payment of the civil penalty shall resolve only Respondent's liability for Federal civil penalties for the violations and facts alleged herein. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

19. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

20. The Agreement authorized by the EPA's execution of the Final Order attached hereto constitute a Final Order under 40 C.F.R. Part 22.

21. Effective Date. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

Name (print): James C. Shipp

Title (print): President

Signature: James C. Shipp Date 6/30/15

APPROVED BY EPA:

Beverly H. Banister, Director
Air, Pesticides and Toxics Management Division

Date 7-14-15

FINAL ORDER

Pursuant to the authority of Section 14(a) of FIFRA, 7 U.S.C. § 136*l* and 40 C.F.R. § 22.13(b), and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

Respondent shall pay a civil penalty in the amount of one thousand two hundred dollars ($1,200) to the EPA within fifteen (15) days after the effective date of this Expedited Settlement Agreement and Final Order. This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA Region 4. Unless otherwise stated, all time periods herein shall be calculated in calendar days from such date.

IT IS SO ORDERED:

Tanya Floyd

~~Carol F. Baschon~~ Tanya Floyd
~~Acting~~ Regional Judicial Officer

Date July 24, 2015

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Expedited Settlement Agreement and Final Order and served a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order In the Matter of Shipp Chemical Company Inc., Docket Number: FIFRA-04-2015-3146(b), to the addressees listed below:

Mr. James C. Shipp
President
Shipp Chemical Company Inc.
1360 Business Center Drive
Conyers, Georgia 30094

(via Certified Mail, Return Receipt Requested)

Phillip Beard
Pesticides Section
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

(via EPA's internal mail)

Robert Caplan
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

(via EPA's internal mail)

Date: 7-28-15

Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303
(404) 562-9511