

## EXHIBIT B

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:** ) **Docket No. FIFRA-05-2010-0016**  
 )  
**Liphatech, Inc.** )  
**Milwaukee, Wisconsin,** )  
**Respondent.** )  
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**DECLARATION OF MR. PIERRE PAYNE**

State of Wisconsin  
County of Milwaukee

I, Pierre Payne, declare and state as follows:


1. The statements I make in this declaration are based on my personal knowledge, information and belief.
2. I am and have been a/the President at MGI Communications, Inc. ("MGI") since 1999.
3. MGI provides website development services to Liphatech, Inc. ("Liphatech") and adds and removes content from Liphatech's website at the request of Liphatech.
4. The "Rozol-Overview" webpage referenced in the Declaration of Ms. Claudia Niess dated June 12, 2012 had been removed and was not accessible through the menu on Respondent's website www.liphatech.com on the dates referenced in her Declaration.
5. An explanation of how the "Rozol-Overview" webpage could have remained accessible through an internet search engine despite being removed from Liphatech's webpage is attached hereto as Exhibit A.
6. The observations and statements I make in this declaration are truthful.



7. If called to testify as a witness, I am prepared to testify under oath to the accuracy of the observations and statements contained in this declaration, based on my personal knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on August <sup>th</sup> 9, 2012.

  
Pierre Payne

8890960



Mr. Chuck Hathaway  
Marketing  
Liphatech Company  
Milwaukee, WI

Mr. Hathaway,  
Further to your inquiry regarding the persistent presence of web pages on the internet after they are removed from a site, here are the considerations and most likely causes for this type of an occurrence:

#### **Internet web caching**

The main item to understand about web pages and content in this context is that the internet is structured to improve delivery speed of all content, regardless of the geographical location of an individual page request.

In order to accomplish this, there are thousands of web servers around the globe that store duplicate copies of HTML web page content. This means that when a page is requested from a specific site, the content tends to be delivered from a web server that is in the closest possible proximity to the request. This cached content – information that is stored on web servers other than the original website host - is not necessarily or automatically updated when a website is changed.

In addition, similar content caches exist within companies and government organizations. It is common that a specific website's content must be flushed from an organization's server before users who access the web via that server actually see current website content.

Finally, depending on browser settings on individual computers, it is common that a visitor to a particular website will store page content directly in their computer's web cache, and will continue to see "outdated" content unless they force a content refresh by emptying that local cache.

#### **Search Engine Indexing**

When a website is created, and its structure and content are subsequently indexed, the indexing information is stored on servers that are independent of the site itself. It is typical for search engines to re-index websites every 30 to 60 days. So even if a change is made to a site, and the content is changed, the change will not necessarily be reflected in the search engine's database until the site is indexed again. Some search engines cache pages, some do not.

#### **Local Content Archiving**

In some instances, a page is removed from the menu of a website, so that it is not accessible to visitors via the menu structure or any subordinate links within other pages on the site. So for all practical purposes, the page is not accessible to anyone but a web developer who has access to the development side of a website. In this instance, it is entirely possible that the site has a page indexed, which is subsequently removed, but that the page can still be accessed via random or direct typing of the "old html address" or for a period, because it is still in search engine indexes that have not been updated.

#### **Conclusion**

With respect to the Rozol product information pages on the Liphatech website, any of these circumstances may have been causal or contributory to the temporary persistence of product information availability on the web. Perhaps a more reasonable approach on the part of regulators would be to allow a 30-60 day information cleansing period, since most of these circumstances are beyond the webmaster's control.

Sincerely  
Pierre Payne