

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

In the Matter of:	)	DOCKET NO: FIFRA-03-2015-0248
	)	
FMC Corporation,	)	COMPLAINANT'S INITIAL
	)	PREHEARING EXCHANGE
Respondent.	)	

**COMPLAINANT'S INITIAL PREHEARING EXCHANGE**

Pursuant to 40 C.F.R. § 22.19(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice") and in response to Administrative Law Judge Christine Coughlin's May 6, 2016 Prehearing Order ("Prehearing Order"), Complainant, the United States Environmental Protection Agency, hereby sets forth its Initial Prehearing Exchange. Complainant respectfully reserves its right to supplement this Initial Prehearing Exchange in accordance with 40 C.F.R. § 22.19(f).

**I. WITNESSES**

At this time, Complainant expects to call as witnesses the following individuals, whose testimony is expected to include, but may not be limited to, the matters described generally below. Complainant reserves the right to revise and supplement the matters to which each witness identified below may testify. Complainant anticipates that it may be appropriate to present the testimony of certain witnesses in written or affidavit form. Consequently, Complainant reserves the right to seek leave of the Court to present in written or affidavit form, all or part of the testimony of some of the witnesses described below. In addition, Complainant anticipates that the parties will be able to stipulate that the exhibits are what they purport to be. In the event that parties are unable to so stipulate, Complainant reserves the right to present the testimony of the appropriate records custodians or other witnesses, live or in written form, for the sole purposes of establishing that certain documents are what they purport to be.

To the extent that the parties can agree on stipulations and narrow the issues, or the issues are narrowed by accelerated decision, the number of witnesses, and/or length of their testimonies, may be reduced.

1. Dana Friedman (7508P)  
Environmental Protection Agency  
Office of Pesticide Programs  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Ms. Friedman is an Environmental Protection Specialist in the Pesticide Re-evaluation Division of the U.S. Environmental Protection Agency (“EPA”) Office of Pesticide Programs (“OPP”). As a Chemical Review Manager in Risk Management and Implementation Branch 2, she manages or has managed cases involving the pesticide active ingredients chlorpyrifos and cypermethrin.

In connection with her position serving as a Chemical Review Manager for chlorpyrifos and with her prior position serving as Chemical Review Manager for cypermethrin, Ms. Friedman may be called to testify as a FACT WITNESS and/or as an EXPERT WITNESS with respect to: a) her relevant education, training, and experiences; b) her roles and duties working in EPA OPP’s Re-evaluation Division; c) EPA’s Registration Review and Reregistration Review processes; d) the history and current status of EPA’s risk assessments for chlorpyrifos/organophosphates and cypermethrin; e) EPA’s determinations of risk to human health and to the environment associated with chlorpyrifos/organophosphates and with cypermethrin; f) EPA’s indicated label language for pesticide products containing chlorpyrifos and cypermethrin to address risks to human health and to the environment; and g) the bases for EPA’s restricted use pesticide (“RUP”) classification of products containing chlorpyrifos or cypermethrin.

A copy of Ms. Friedman’s curriculum vitae is included as an exhibit in accordance with the Prehearing Order. Ms. Friedman may also be called to testify as a rebuttal witness to provide testimony in rebuttal to that provided by Respondent’s witnesses.

2. Linda Arrington (7506C)  
Environmental Protection Agency  
Office of Pesticide Programs  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Ms. Arrington is an Environmental Protection Specialist in EPA’s OPP, and is the Branch Chief of Risk Management and Implementation Branch V in the Pesticide Re-evaluation Division. Ms. Arrington has held many positions throughout her career with EPA’s OPP including serving as Ombudsman and Notification Team Leader in the Registration Division where she played a lead role in developing and implementing EPA’s Pesticide Regulation (PR) Notice 98-10: Notifications, Non-Notifications and Minor Formulation Amendments (“PR Notice 98-10”).

In connection with her prior position serving as an Ombudsman and Notification Team Leader with EPA OPP’s Registration Division, Ms. Arrington may be called to testify as a FACT WITNESS and/or as an EXPERT WITNESS with respect to: a) her relevant education, training, and experiences; b) her various roles and duties working in EPA OPP’s Registration Division; c) the circumstances surrounding EPA’s development of PR Notice 98-10; and c) the provisions of PR Notice 98-10 relevant to adding brand names and the bases for such provisions.

A copy of Ms. Arrington's curriculum vitae is included as an exhibit in accordance with the Prehearing Order. Ms. Arrington may also be called to testify as a rebuttal witness to provide testimony in rebuttal to that provided by Respondent's witnesses.

3. Julie Chao (7505P)  
Regulatory Management Branch I (RMBI)  
Antimicrobials Division  
U.S. EPA Ariel Rios Building  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Ms. Chao is a Lead Environmental Protection Specialist/Product Manager in the Antimicrobials Division of EPA's OPP. From October 2007 through August 2015, she worked as a Risk Manager Reviewer in the Insecticide Rodenticide Branch and Invertebrate-Vertebrate Branch 1 in OPP's Registration Division where she managed a diverse portfolio of insecticides to ensure safety to human health and the environment, assisted with the development of chlorpyrifos spray drift mitigation language, and worked under the supervision of the Product Manager for *F9047-2 EC Insecticide*, EPA Reg. No. 279-9545.

In connection with her prior position serving as a Risk Manager Reviewer, Ms. Chao may be called to testify as a FACT WITNESS and/or as an EXPERT WITNESS with respect to: a) her relevant education, training, and experiences; b) her roles and duties working in EPA OPP's Registration Division; c) communications between EPA's Registration Division and Respondent concerning the registration of and alternate brands names to FMC's *F9047-2 EC Insecticide*, EPA Reg. No. 279-9545; d) the bases for EPA's classification of FMC's *F9047-2 EC Insecticide*, EPA Reg. No. 279-9545 as a RUP; e) EPA's determination that the brand name "Stallion Insecticide" is false and misleading and the bases for such determination; and f) EPA's indicated label language to address spray drift for pesticide products containing chlorpyrifos.

A copy of Ms. Chao's curriculum vitae is included as an exhibit in accordance with the Prehearing Order. Ms. Chao may also be called to testify as a rebuttal witness to provide testimony in rebuttal to that provided by Respondent's witnesses.

4. Christine Convery (3LC62)  
Pesticides and Asbestos Programs Branch  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103

Ms. Convery is an Environmental Scientist with EPA Region III's Pesticides and Asbestos Programs Branch ("PAPB"). Ms. Convery is the case development officer in this matter.

In her capacity as case development officer, Ms. Convery may be called to testify as a FACT WITNESS with respect to: a) her education, training, and experiences prior to working for EPA; b) her roles and duties with EPA's Region III PAPB, c) her training and experiences

conducting inspections and developing cases for statutes enforced by EPA Region III's PAPB, including FIFRA, d) her case development activities obtaining information relevant to Respondent's liability and EPA's penalty calculation for the violations alleged in the Complaint, f) the factual bases supporting the violations alleged in the Complaint, and g) the calculation and appropriateness of EPA's proposed penalty, in consideration and application of the FIFRA Section 14(a)(4) statutory factors and applicable penalty policies.

Ms. Convery may also be called to testify as a rebuttal witness to provide testimony in rebuttal to that provided by Respondent's witnesses.

5. Upon adequate notice to Respondent, Complainant reserves the right to call: a) witnesses listed by Respondent in its Prehearing Exchange, b) additional witnesses to rebut the testimony of Respondent's witnesses, and c) such other witnesses as otherwise may become necessary.

## II. EXHIBITS

Complainant intends to introduce the following exhibits at hearing, copies of which are attached hereto:

- |  |                     |
|--|---------------------|
| 1. Curriculum vitae – Dana Friedman  | EPA 0001 – EPA 0002 |
| 2. Reregistration Eligibility for Cypermethrin (revised 01/14/08)  | EPA 0003 – EPA 0115 |
| 3. Reregistration Eligibility for Chlorpyrifos (07/31/06)  | EPA 0116 – EPA 0375 |
| 4. Chlorpyrifos, Evaluation of Potential Risks from Spray Drift and Impact of Potential Risk Reductions Measures (07/13/12)        | EPA 0376 – EPA 0436 |
| 5. Chlorpyrifos; Tolerance Revocations. Proposed Rule, 80 Fed. Reg. 69080 (11/6/15)  | EPA 0437 – EPA 0467 |
| 6. Curriculum vitae – Linda Arrington  | EPA 0468 – EPA 0469 |
| 7. Pesticide Registration (PR) Notice 98-10: Notifications, Non-Notifications and Minor Formulation Amendments (10/22/98)          | EPA 0470 – EPA 0492 |
| 8. Curriculum vitae – Julie Chao   | EPA 0493 – EPA 0494 |
| 9. Notice of Pesticide Registration - F9047-2 EC Insecticide (01/21/11)  | EPA 0495 – EPA 0521 |
| 10. Letter to Thomas Harris (EPA) from Jill Holihan (FMC) re: F9047-2 EC Insecticide (01/24/11) (attachments)                      | EPA 0522 – EPA 0550 |
| 11. Email to Jill Holihan (FMC) from Thomas Harris (EPA) re: Three actions for 279-9545 (04/26/11) (w/ attachment No. 2)           | EPA 0551 - EPA 0581 |
| 12. Letter to Jill Holihan (FMC) from Thomas Harris (EPA) re: F9047-EC Insecticide, EPA Reg. # 279-9545 (04/28/11)                 | EPA 0582            |
| 13. Email chain between Thomas Harris (EPA) and Jill Holihan (FMC) re: F9047-2 EC Insecticide Question (09/26/11) (no attachments) | EPA 0583            |
| 14. Email chain between Shannon Yanocha (FMC) and Thomas Harris (EPA) re: EPA Reg. No. 279-9545 ABN DRAFT (01/31/12)               | EPA 0584 – EPA 0585 |
| 15. Letter to Venus Eagle from Shannon Yanocha re: Notification for F9047-2 Insecticide to Add Alternate Brand Name (03/02/12)     | EPA 0586 – EPA 0587 |

16.	Email thread between Shannon Yanocha (FMC) and Julie Chao (EPA) re: Alternate Brand Name Notification per Pesticide Registration Notice 98-10 (03/19/12)(w/ attachment)	EPA 0588 – EPA 0590
17.	Letter to John Cummings (FMC) from Meredith Laws (EPA) re: Amended Labeling, Proposed Alternate Brand Name “Stallion Insecticide (Not for use on horses) (04/02/12)	EPA 0591 – EPA 0592
18.	Letter to Venus Eagle (EPA) from Shannon Yanocha (FMC) re: Amendment for F9047-2 EC Insecticide (EPA Reg. No. 279-9545) (04/13/12)	EPA 0593 - EPA 0594
19.	Letter to Shannon Yanocha (FMC) from Venus Eagle (EPA) re: (1) Amended Labeling to update the Agricultural Use Requirements per the Chlorpyrifos RED (2) Addition of alternate brand name “Stallion Insecticide (Not for use on horses)” (04/23/12) (attachment)	EPA 0595 – EPA 0620
20.	Letter to John Cummings (FMC) from Mark Corbin re: Stewardship plan to address worker protection and products in the channels of trade (04/24/12)	EPA 0621 – EPA 0625
21.	Pesticide Registration (PR) Notice 2002-X Draft: False or Misleading Pesticide Product Brand Name (03/14/02)	EPA 0626 – EPA 0634
22.	Pesticide Regulation (PR) Notice 93-6 False or Misleading Statements Related to Efficacy; Revision of PR Notice 91-7 (03/31/93)	EPA 0635 – EPA 0637
23.	Summary Report of Products Coded with “Horse” as a Use Site (06/05/16)	EPA 0638 – EPA 0676
24.	Letter to Pierre Brondeau (FMC) from Fatima El-Abdaoui (EPA) re: Request for Information (06/06/13) (attachment)	EPA 0677 – EPA 0680
25.	Letter to Christine Convery from Steven Herman (Beveridge & Diamond) re: Response to Information Request (07/18/13)	EPA 0681 – EPA 0682
	ARCHIVED Projects:	
	F100-20477_STALLION POS POSTERS_Alfalfa_X1a.pdf	EPA 0683
	F100-20477_STALLION POS POSTERS_SUNFLOWERS_X1a.pdf	EPA 0684
	F100-21220_HalfPage_StallionAlfalfaPrintAd_X1a.pdf	EPA 0685
	F100-21444-1_X1A.pdf	EPA 0686
	F100-022104-1_Stallion_PlotSign_X1A.pdf	EPA 0687
	F100-22333-1_Stallion_PrintAd_HayandForageGrower-X1A.pdf	EPA 0688
	F100-22333-1_Stallion_PrintAd_ProgressiveForageGrower-X1A.pdf	EPA 0689
	F100-22333-1_Stallion_PrintAd_Sunflower-X1A.pdf	EPA 0690
	F100-22694-01_Stallion_DM-Vs3-X1A.pdf	EPA 0691 – EPA 0692
	F100-22694-02_Stallion_DM-Retailers-X1A.pdf	EPA 0693 – EPA 0694
	F100-23603-Stallion.PullUpBanner-X1A.jpg	EPA 0695
	F100-027552-2_Stallion Testimonial Sell Sheet-X1A.pdf	EPA 0696
	F100-28875-1_Stallion2013PrintAd-Hay-X1A.jpg	EPA 0697
	F100-28875-1_Stallion2013PrintAd-Hay-X1A.pdf	EPA 0698
	F100-28875-1_Stallion2013PrintAd-Progressive-X1A.pdf	EPA 0699
	F100-028888-2_Stallion Pull-Up Banner Re-print-X1A.pdf	EPA 0700
	LC-08-09ER-0111 Stallion General Tech Sheet (Final).pdf	EPA 0701
	STALLION_NRFfinal.docx	EPA 0702 – EPA 0703
	STALLION_NRFfinal.pdf	EPA 0704 – EPA 0705

CURRENT Projects:		
	F100-28884-01_Stallion_2013_DM_Rescue_Grower-5-10-13.pdf	EPA 0706 – EPA 0707
	F100-28884-02_Stallion_2013_DM_Rescue_Retailer-5-10-13.pdf	EPA 0708 – EPA 0709
	F100-31101_StallionPlotSigns.pdf	EPA 0710
	Stallion Brand Logo on FMCcrop-Insecticides Page. PNG	EPA 0711
	Stallion Brand Logo on FMCcrop-Stallion Product Page. PNG	EPA 0712
	StallionCropProModule_Vs5.pptx	EPA 0713 – EPA 0738
	<b>CONFIDENTIAL-CBI-Stallion Sales_Jan 21 2011 - June 6 2013.xlsx</b>	<b>EPA 0739 – EPA 0747*</b>
26.	Letter to Pierre Brondeau (FMC) from Fatima El-Abdaoui (EPA) re: Opportunity to Show Cause (05/07/14) (attachment)	EPA 0748 – EPA 0753
27.	Letter to Christine Convery (EPA) from Steven Herman (Beveridge & Diamond) re: Response to Information Request (07/15/14)	EPA 0754 – EPA 0756
28.	Letter to Pierre Brondeau (FMC) from Fatima El-Abdaoui (EPA) re: Request for Information (06/23/15) (attachment)	EPA 0757 – EPA 0761
29.	<b>Letter to Christine Convery (EPA) from Kathryn Szmuszkowicz (Beveridge &amp; Diamond) re: Response to Information Request (07/21/15)</b>	<b>EPA 0762 – EPA 0764*</b>
	<b>CONFIDENTIAL – CBI – Stallion Sales_Jan 21 2011 – June 6 2013.xlsx</b>	
	<b>“21July2015 FMC Letter Enclosure A FMC Sales List”</b>	<b>EPA 0765 – EPA 0769*</b>
	<b>Enclosure A FMC Information Request Response Sales Confidential Business....xlsx</b>	
	<b>“21July2015 FMC Letter Enclosure A Removed Identical Sold-to Name”</b>	<b>EPA 0770*</b>
	<b>“21July2015 FMC Letter Enclosure A Removed Returns &amp; Same Sale Ord”</b>	<b>EPA 0771 – EPA 0775*</b>
	<b>Enclosure B FMC Information Request Response Retailer Confidential Busin....xlsx</b>	
	<b>“21July2015 FMC Letter Enclosure B Retailer Duplicates Removed”</b>	<b>EPA 0776 – EPA 0782*</b>
	<b>“21July2015 FMC Letter Enclosure B RETAILER_ORIGINAL_FIELDS”</b>	<b>EPA 0783 – EPA 0833*</b>
	<b>Enclosure C FMC Information Request Response Grower Confidential Busines...xlsx</b>	<b>EPA 0834 – EPA 0959*</b>
	<b>“21JULY2015 FMC Letter Enclosure C Grower Duplicates Removed”</b>	
	<b>“21July2015 FMC Letter Enclosure C GROWER_ORIGINAL_FIELDS”</b>	<b>EPA 0960 – EPA 1145*</b>
30.	Letter to Jennifer Abramson (EPA) from Daniel Schulson (Beveridge & Diamond) re: FMC clarification response (08/11/15)	EPA 1146 – EPA 1147*
31.	FMC Stallion advertisement in “Progressive Forage Grower” (April, May and July 2012)	EPA 1148 – EPA 1150
32.	FMC Stallion advertisement in “The Sunflower” (March/April 2012)	EPA 1151 – EPA 1153
33.	FMC Stallion “testimonial sell sheet” advertisement (January 2012)	EPA 1154
34.	Email chain to Christine Convery (EPA) from Kristie Scott (PRWeb) re: Press Release Inquiry (07/27/15)	EPA 1155 – EPA 1158
35.	FMC Announces Stallion Insecticide for Multi-crop Use, PRWeb (02/10/11)	EPA 1159 – EPA 1163
36.	2011 Stallion Insecticide Web Advertisements	EPA 1164 – EPA 1172
37.	FIFRA Enforcement Response Policy, December 2009	EPA 1173 – EPA 1211
38.	Amendments to U.S. Environmental Protection Agency’s Civil	EPA 1212 – EPA 1229

	Penalty Policies to Account for Inflation (Effective December 6, 2013) (12/6/13)	
39.	Dun & Bradstreet Report re: FMC Corporation (02/04/14)	EPA 1230 – EPA 1246
40.	Figure of Subsample Research Results: 2012 Certified Applicator Status of Farm/Grower Consumers Sent Direct Mailers	EPA 1247
	<b>Subsample Research Data</b>	<b>EPA 1248 – EPA 1249*</b>
41.	Consent Agreement and Final Order re: FMC Docket No. FIFRA-03-2010-0348 (09/02/10)	EPA 1250 – EPA 1257
42.	Notice of Determination and Notice of Non-Compliance, Docket No. FIFRA-03-2010-6049 (06/29/10)	EPA 1258 – EPA 1260
43.	Consent Agreement and Final Order FIFRA-07-2014-0002 (08/11/2014)	EPA 1261 – EPA 1274
44.	FMC North America Crop LACA Technical Update (02/10/11)	EPA 1275 – EPA 1291
45.	FMC Agricultural Products re: Stallion (03/14/12)	EPA 1292 – EPA 1294
46.	May/June 2012 RUP Web Advertisements	EPA 1295 – EPA 1307
47.	2013 FMC Star Retailer Program information sheet (10/01/12-09/30/13)	EPA 1308 – EPA 1310

***\* In accordance with 40 C.F.R. § 22.5(d) and the Prehearing Order, Complainant is filing these designated exhibits (or parts of exhibits) under seal as they contain information claimed confidential by Respondent.***

**Note:** At hearing, Complainant may present enlargements of one or more of these exhibits in the nature of demonstrative aids.

Upon adequate notice to Respondent, Complainant reserves the right to introduce: a) exhibits included by Respondent in its Prehearing Exchange, b) additional exhibits to rebut evidence presented by Respondent, and c) such other exhibits as otherwise may become necessary.

### **III. TIME NEEDED FOR HEARING AND TRANSLATION SERVICE NEEDS**

At this time, Counsel for Complainant estimates that the time needed to present Complainant's case in chief will require three full days. Complainant does not anticipate that translation services will be necessary in regard to the testimony of any of its witnesses.

### **IV. SERVICE OF THE COMPLAINT**

A copy of the "proof of service" filed pursuant to Section 22.5(b)(1) of the Consolidated Rules of Practice in this matter is attached hereto.

### **V. BASES FOR FACTUAL ALLEGATIONS DENIED/NOT ADMITTED**

In paragraphs 11 and 77, Respondent denies Complainant's characterization of the submittal it made to EPA on or about January 24, 2011 concerning the addition of the alternate brand name *Stallion Insecticide*. Complainant plans to introduce Complainant's Exs. 7, 9 and

10 as well as the testimonies of Linda Arrington, Julie Chao, and Christine Convery into evidence in support of its allegations.

In paragraph 12, Respondent denies in part that it began referring to *F9047-2 EC Insecticide*, EPA Reg. No. 279-9545 as *Stallion™ Insecticide*, *Stallion® Insecticide*, *Stallion Insecticide* and/or *Stallion* in advertising “on or after January 24, 2011”, and asserts that “[s]uch references began February 16, 2011.” Complainant plans to introduce Complainant’s Exs. 24, 25, 26, 27, 30, 35, 36 and 44 as well as the testimony of Christine Convery in support of its allegation.

In paragraphs 22, 25, 26, and 28, Respondent denies Complainant’s use of plural “direct mailers”, asserting that “it took a single action to cause a single direct mailer to be sent.” Complainant plans to introduce Complainant’s Exs. 24, 25, 26, 27, 28 and 29 as well as the testimony of Christine Convery in support of its allegations.

In paragraph 29, Respondent asserts that Complainant’s allegation that the direct mailers about *F9047-2 EC Insecticide*, EPA Reg. No. 279-9545 were sent without regard as to whether or not the farm/grower consumers were certified applicators, is “a legally irrelevant statement to which no response is required”. Complainant plans to introduce Complainant’s Ex. 40 as well as the testimony of Christine Convery in support of its allegation.

In paragraphs 32, 35, 36, and 38, Respondent denies Complainant’s use of plural “direct mailers”, asserting that “it took a single action to cause a single direct mailer to be sent.” Complainant plans to introduce Complainant’s Exs. 24, 25, 26, 27, 28 and 29 as well as the testimony of Christine Convery in support of its allegations.

In paragraphs 41, 44, and 45, Respondent denies Complainant’s use of plural “ads”, asserting that “it took a single action to cause a single advertisement to appear” in the April, May and July 2012 issues of the *Progressive Forage Grower* magazine. Complainant plans to introduce Complainant’s Exs. 24, 25, 26, 27, and 31 as well as the testimony of Christine Convery in support of its allegations.

In paragraph 65, Respondent denies as to the document’s date, asserting that the document was dated February 16, 2011. Complainant plans to introduce Complainant’s Exs. 24, 25 (reference only), 26, 27, 35 and 36 as well as the testimony of Christine Convery in support of its allegation.

In paragraph 81, Respondent denies Complainant’s characterization of the submittal it made to EPA on March 2, 2012 concerning the addition of the alternate brand name *Stallion Insecticide (not for use on horses)*. Complainant plans to introduce Complainant’s Exs. 7, 9 and 15 as well as the testimonies of Linda Arrington, Julie Chao, and Christine Convery into evidence in support of its allegation.

In paragraph 82, Respondent denies Complainant’s allegation that on March 19, 2012, EPA sent Respondent a letter finding Respondent’s March 2, 2012 submission to require further review, determining that the request needed to be processed as an amendment (i.e., Respondent’s

submission did not qualify under PRN 98-10 for notification), and clarifying that the proposed label accompanying Respondent's March 2, 2012 submission is being considered as a "proposed draft", asserting that "FMC does not have a record of such letter". Complainant plans to introduce Complainant's Ex. 16 as well as the testimonies of Julie Chao and Christine Convery into evidence in support of its allegation.

**VI. INFORMATION AND DOCUMENTATION RELEVANT TO PENALTY**

In Sections I. and II. above, EPA has included a description of all factual information, supporting documentation, and guidances it currently is intending to rely on to calculate a proposed penalty. Other known information relevant to EPA's proposed penalty calculation may be found at 39 Fed. Reg. 6,730 (February 22, 1974), 39 Fed. Reg. 36,446 (October 9, 1974) and 80 Fed. Reg. 51,356 (August 24, 2015).

**VII. RELEVANT GUIDANCES AND POLICES**

In Section II. above, EPA has included a description of all EPA guidance documents and/or policies it currently is intending to rely on to support the allegations set forth in the Complaint.

**JUN 15 2016**

Date



Jennifer M. Abramson  
Senior Assistant Regional Counsel  
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Philadelphia, PA 19103  
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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

IN RE:	)	DOCKET NO. FIFRA-03-2015-0248
	)	
FMC Corporation	)	ADMINISTRATIVE COMPLAINT AND
1735 Market Street	)	NOTICE OF OPPORTUNITY FOR
Philadelphia, PA 19103	)	HEARING
	)	
Respondent.	)	
	)	

CERTIFICATE AND PROOF OF SERVICE

I hereby certify that on October 2, 2015, I caused to be hand-delivered to the Regional Hearing Clerk, EPA Region III, the original and one (1) copy of the certified mail return receipt "green" card which evidence delivery and service of the Complaint, in the above-captioned matter, upon:

Pierre R. Brondeau, President  
FMC Corporation  
1735 Market Street  
Philadelphia, PA 19103

I further certify that a true and correct copy of the same were placed in EPA counsel's case file.

OCT 02 2015  
\_\_\_\_\_  
Date

  
 Jennifer M. Abramson (3RC50)  
 Senior Assistant Regional Counsel  
 U.S. EPA, Region III  
 1650 Arch Street  
 Philadelphia, PA 19103-2029  
[Abramson.Jennifer@epa.gov](mailto:Abramson.Jennifer@epa.gov)  
 Tel. (215) 814-2066

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Pierre R. Brondeau, President  
FMC Corporation  
1735 Market Street  
Philadelphia, PA 19103

2. Article Number

(Transfer from service label)

70001670000600606960

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent  
 Addressee

B. Received by (Printed Name) \_\_\_\_\_ Date of Delivery \_\_\_\_\_

D. Is delivery address different from item 1?  Yes

If Yes, enter delivery address below:  No

3. Service Type

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 Registered         Return-Receipt for Merchandise  
 Insured Mail        C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes