

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

** FILED **
16JAN2018 - 01:33PM
U.S.EPA - Region 09

)
In the Matter of:)

)
)
Syngenta Seeds, LLC,)
d/b/a/ Syngenta Hawaii, LLC,)

)
Respondent.)
_____)

U.S. EPA Docket No.
FIFRA-09-2017-0001

JOINT RESPONSE TO THE REGIONAL JUDICIAL OFFICER'S ORDER TO SHOW CAUSE

On December 19, 2017, Steven Jawgiel, the Region IX Regional Judicial Officer (RJO), issued the parties to the above-captioned proceeding an Order to Show Cause, ordering them to file a response by January 16, 2018, explaining how the Consent Agreement and Final Order (CAFO) they filed in December 2017 complies with a 1999 Agency policy statement in the Federal Register about 40 C.F.R. § 22.18, and with the Agency's 2015 Supplemental Environmental Projects Policy.

Consolidating 2016 and 2017 Allegations in an Amended Complaint: In response to the Order to Show Cause, and upon consideration of the main concern that appears to be the basis for the specific issues set forth therein, the parties hereby request, by their undersigned representatives, to withdraw the CAFO currently before the RJO. Further, the parties report to the RJO that Complainant intends to soon file an Unopposed Motion for Leave to Amend the Complaint ("Motion") seeking leave to file an amended pleading that sets forth all allegations of FIFRA § 12(a)(2)(G) liability against Respondent arising out of a January 20, 2016 incident and a January 12, 2017 incident. Should Complainant's Motion be granted by the Presiding

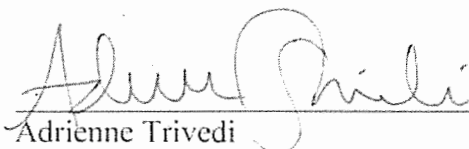
Officer and the parties' amended pleadings be filed, the parties intend to promptly execute a revised Consent Agreement resolving the Amended Complaint and submit a proposed Final Order to the RJO for ratification.

Nexus Between Alleged Violations and Supplemental Environmental Project: The parties respectfully submit that there is a nexus between the violations alleged in the Amended Complaint and the SEP in the parties' settlement. Specifically, the Amended Complaint alleges that Respondent, on January 20, 2016, and January 12, 2017, did not observe certain required Worker Protection Standard practices at an agricultural facility on the island of Kauai, Hawaii. 40 C.F.R. part 170. Respondent has agreed to implement a SEP within three years of the effective date of the revised CAFO, which shall consist of Respondent developing and implementing a training program on the requirements of the Worker Protection Standard for growers in Hawaii (Oahu, Kauai, Maui and Hawaii), Guam, and Saipan.

In summary, the parties respectfully submit that their joint effort to consolidate all of the allegations at issue in an Amended Complaint, and resolve that Amended Complaint in one CAFO, directly addresses both issues set forth in the Order to Show Cause. Should the RJO find it useful, the parties are available to discuss this response or any other related matter with him. The contact information for the parties' representatives are set forth below.

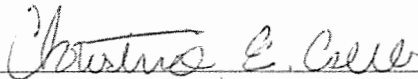
Counsel for Complainant:

1/14/18
Date


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Waste and Chemical Enforcement Division
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Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency

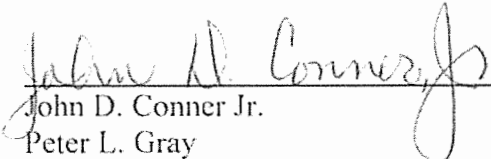
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Certificate of Filing

I certify that on January 16, 2018, a copy of this Joint Response to the Regional Judicial Officer's Order to Show Cause was delivered in person to the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, 12th Floor (ORC), San Francisco, CA 94105, for submission to the Regional Judicial Officer.

I also certify that a copy of this Joint Response to the Regional Judicial Officer's Order to Show Cause was sent to Respondent by e-mail, on this date, to:

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Eric Magnan
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U.S. EPA Region IX