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

IN THE MATTER OF:)	
)	Docket No.: FIFRA-09-2017-0001
)	
SYNGENTA SEEDS, LLC)	ANSWER TO AMENDED COMPLAINT
d/b/a Syngenta Hawaii, LLC,)	AND
)	REQUEST FOR HEARING
Respondent.)	
)	

On March 10, 2017, Respondent filed its Answer and Request for Hearing (Original Answer) in the captioned matter. Complainant has moved to file an Amended Complaint and Notice of Opportunity for Hearing. Respondent does not oppose Complainant's Motion and hereby answers Region 9's Amended Answer by (1) restating and incorporating by reference the entirety of its Original 22-page Answer and (2) further responding as set forth below to the new or amended paragraphs in Complainant's Amended Complaint:

New Amended paragraph 4: Admitted.

New Amended paragraph 11: This is a summary of the history of 1992 Worker Protection Standard, to which no response is required.

**Respondent's Amended Answer In Response
To Complainant's New and Amended Paragraphs Concerning
The 2015 Worker Protection Standard:**

New Amended paragraph 17: This is a summary of the 2015 revisions to the 1992 Worker Protection Standard, to which no response is required.

New Amended paragraph 18: This is a summary of the effective date of 2015 Worker Protection Standard, to which no response is required.

New Amended paragraph 19: This is a citation to and quotation of the 2015 Worker Protection Standard, to which no response is required.

New Amended paragraph 20: This is a citation to and quotation of the 2015 Worker Protection Standard, to which no response is required.

New Amended paragraph 21: This is a citation to and quotation of the 2015 Worker Protection Standard, to which no response is required. Also, it is a citation to FIFRA § 12(a)(2)(G), to which no response is required.

Amended paragraph 25: Admitted as to Syngenta Hawaii LLC, denied as to Syngenta Seeds.

Amended paragraph 29: Admitted as to Syngenta Hawaii LLC, denied as to Syngenta Seeds.

Amended paragraph 30: Admitted as to Syngenta Hawaii, denied as to Syngenta Seeds.

Amended paragraph 31: Admitted as to Syngenta Hawaii, denied as to Syngenta Seeds.

New Amended paragraph 45: Denied.

**Respondent's Amended Answer In Response
to Complainant's New and Amended Paragraphs
Concerning a January 12, 2017 Incident:**

New Amended paragraph 76: Admitted upon information and belief.

New Amended paragraph 77: This paragraph claims a restricted entry interval (REI) based on the text of the pesticide label for Lorsban Advanced, to which no response is required.

New Amended paragraph 78: This paragraph refers to certain business records (work orders), the terms of which speak for themselves. To the extent the allegations in the paragraph are inconsistent with such business records, they are denied.

New Amended paragraph 79: This paragraph refers to certain business records (work orders), the terms of which speak for themselves. To the extent the allegations in the paragraph are inconsistent with such business records, they are denied. Respondent denies that any workers were assigned to work near or adjacent to a field then under an REI.

New Amended paragraph 80: Denied.

New Amended paragraph 81: Respondent lacks sufficient information to form a belief as to the truth of the allegations; otherwise denied.

New Amended paragraph 82: Respondent lacks sufficient information to form a belief as to the truth of the allegations; otherwise denied.

New Amended paragraph 83: Respondent admits that HDOA Inspector Kam and EPA Inspector Miller-Bowen inspected the Kauai farm on January 12 and 17, 2017. Respondent lacks sufficient information to form a belief as to the truth of the remaining allegations.

New Amended paragraph 84: Respondent lacks sufficient information to form a belief as to the truth of the allegations; otherwise denied.

New Amended paragraph 85: Respondent lacks sufficient information to form a belief as to the truth of the allegation; otherwise denied.

New Amended paragraph 86: Admitted.

New Amended paragraph 87: Admitted.

New Amended paragraph 88: This is a legal conclusion, to which no response is required.

Respondent's Amended Answer In Response To
Allegations In Claimant's Amended Answer
Adding Additional Counts 262- 388
Arising Out Of A January 12, 2017 Incident:

Counts 262-303: Allegations in Complainant's Amended Answer Concerning Failure to Provide Oral Warnings of Treated Areas' Description and Location:

New Amended paragraph 132: Respondent incorporates by reference the admissions, denials, and assertions contained in paragraphs 1 through 131 of its Original Answer as though fully set forth again and incorporated by reference.

New Amended paragraph 133: This is a citation to and quotation from a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 134: This is a citation to and summary of a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 135: This is a citation to and quotation of a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 136: This is a citation to and quotation of a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 137: This is a citation to and quotation of a 2015 Worker Protection requirement, to which no response is required.

Amended paragraph 138: Denied.

Amended paragraph 139: Denied.

Amended paragraph 140: Respondent incorporates by reference the admissions, denials, and assertions contained in paragraphs 1 through 139 of this Answer as though fully set forth again.

New Amended paragraph 141: This is a citation to and quotation of a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 142: Denied.

New Amended paragraph 143: Denied.

Counts 346-387: Allegations in Complainant's Amended Answer Concerning Failure to Provide Oral Warnings Instructing Workers Not to Enter the Treated Areas:

New Amended paragraph 144: Respondent incorporates by reference the admissions, denials, and assertions contained in paragraphs 1 through 143 of its Original Answer as though fully set forth again and incorporated by reference.

New Amended paragraph 145: This is a citation to and quotation from a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 146: Denied.

New Amended paragraph 147: Denied.

Count 388: Allegations in Complainant's Amended Answer Concerning Failure to Post Accessible Pesticide Application Information:

New Amended paragraph 148: Respondent incorporates by reference the admissions, denials, and assertions contained in paragraphs 1 through 147 of its Original Answer as though fully set forth again and incorporated by reference.

New Amended paragraph 149: This is a citation to and quotation from a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 150: This is a citation to and quotation from a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 151: This is a citation to and quotation from a 2015 Worker Protection requirement, to which no response is required.

New Amended paragraph 152: Denied.

New Amended paragraph 153: Denied.

CIVIL PENALTY

Complainant's Amended Complaint captioned "Civil Penalty" does not set forth a specific penalty demand (40 C.F.R. § 22.19(a)(4)) but sets forth the statutory penalty authority applicable to each violation, the number of violations for which a penalty is sought, and the severity of the alleged violation. Complainant's penalty allegations are in the nature of a prayer for relief as to which no response is required. To the extent that a response is required, Respondent denies that FIFRA § 14(a)(1) provides statutory penalty authority to support 388 counts, denies the gravity assigned to each violation and denies that application of the FIFRA Enforcement Response Policy or the WPS Penalty Policy would result in an "appropriate" penalty under FIFRA § 14(a)(4).

REQUEST FOR HEARING

Respondent requests a hearing to contest certain matters of law and fact in the Amended Complaint and to contest Complainant's proposed number of violations, severity of each

violation and statutory penalty authority which may lead to an inappropriate proposed penalty.

DATED: 1/16/2018

SYNGENTA SEEDS, LLC

BY: John D. Conner, Jr.
John D. Conner, Jr.
Peter L. Gray
Amy Symonds
Counsel for Respondent

Case Name: In the Matter of Syngenta Seeds, LLC
Case No.: FIFRA-09-2017-0001

CERTIFICATE OF SERVICE

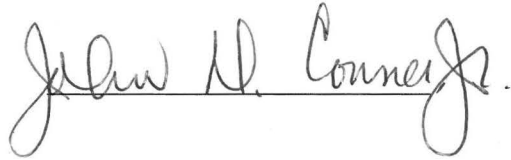
I certify that the foregoing ANSWER TO AMENDED COMPLAINT AND

REQUEST FOR HEARING was sent this 16th day of January 2018, in the following manner, to the below addressees:

Copy by hand delivery and by
E-mail to:

Adrienne Trivedi
Christina E. Cobb
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W. (MC: 2843)
Washington, DC 20460
E-mail: Trivedi.Adrienne@epa.gov
E-mail: Cobb.Christina@EPA.gov

Dated: January 16, 2018

A handwritten signature in cursive script, reading "John H. Conner Jr.", is written over a horizontal line.