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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE REGIONAL ADMINISTRATOR

In the matter of

Redwood Chemical Corporation,	)	I. F. & R. Docket No. VI-63C
	)	
Respondent	)	INITIAL DECISION

I.

Preliminary Statement

This is a proceeding under section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended[1/] (FIFRA) for assessment of civil penalties for violations of said Act. The proceeding was initiated by complaint dated October 22, 1975 issued by the Director, Enforcement Division EPA, Region VI, charging respondent with violations of the Act.[2/] Two of respondent's products are involved: (1) Redwood's Dieldrin 15 Oil Concentrate (Dieldrin Concentrate); and (2) Redwood's Dieldrin 15 Emulsifiable (Dieldrin Emulsifiable).

With regard to Dieldrin Concentrate, it is alleged that on April 8, 1975 respondent formulated the registered product, Shell Technical Dieldrin (Shell product) into Dieldrin Concentrate; that the labeling of the Shell product stated "For use only in formulating products bearing EPA-approved registration"; that Dieldrin Concentrate did not bear EPA-approved FIFRA registration at time of formulation; and that respondent violated 12(a)(2)(G) of FIFRA in that it used the Shell product in a

1/ The Act is codified in 7 U.S.C. 136 et seq. (Supp. V, 1975). A table of parallel citations showing Statutes at Large and United States Code is attached hereto.
2/ The proceedings were conducted pursuant to the Rules of Practice which were promulgated for the conduct of such hearings. 39 F.R. 27658 et seq., 40 CFR, Part 168.

manner inconsistent with its labeling. It is also alleged that respondent violated 12(a)(2)(J) of FIFRA in that on July 22, 1975 it offered for sale Dieldrin Concentrate in violation of EPA suspension order of October 1, 1974.

With regard to Dieldrin Emulsifiable it is alleged that on July 17, 1965, respondent formulated the Shell product with the above labeling into Dieldrin Emulsifiable, which product did not bear an EPA-approved FIFRA registration, and that respondent violated 12(a)(2)(G) of FIFRA in that it used the Shell product in a manner inconsistent with its labeling. It is further alleged that on July 22, 1975, respondent violated 12(a)(2)(J) in that it offered for sale Dieldrin Emulsifiable in violation of the EPA suspension order of October 1, 1974.

For the alleged misuse violations, a penalty of $1,020 is proposed in each instance and for the violation of the suspension order, a penalty of $5,000 is proposed in each instance. Thus, total proposed penalties are $12,040. The proposed penalties are derived from the Guidelines for Assessment of Civil Penalties, 39 F.R. 27711, July 31, 1974.

The respondent filed an answer which was superseded by an amended answer.

With regard to the misuse charge relating to Dieldrin Concentrate, the respondent admitted the violation of 12(a)(2)(G) on April 8, 1975, in that it used the Shell product in a manner inconsistent with its labeling. It alleged that this was an unintentional violation.

With regard to the alleged violation of 12(a)(2)(J) (violation of suspension order) relating to Dieldrin Concentrate, respondent denied the violation. It admitted offering for sale on July 22, 1975, the pesticide. It alleged that this product was used by Pest Control Operators for subsurface ground insertions for termite control and that "this use was specifically exempted from the cancellation orders issued by the Administrator".

With regard to the 12(a)(2)(G) (misuse) violation of Dieldrin Emulsifiable, respondent denied the violation. It alleged that it formulated the Shell product into the registered pesticide Dieldrin Emulsifiable which has EPA Registration Number 4981-3. It alleged that this product was "For use by Pest Control Operators only" and is used primarily for subsurface ground insertions for termite control which the label indicated and that formulation for this purpose was authorized by orders issued by the Administrator.

With regard to the 12(a)(2)(J) charge of Dieldrin Emulsifiable (offering for sale after suspension) respondent denied the violation. It admitted offering for sale this product but alleged that the product was registered and labeled for use authorized by the Administrator, i.e., subsurface ground insertions for termite control.

A hearing was held in the case on January 11, 1977 in Houston, Texas. The complainant was represented by John H. Sandlin, Esq., attorney of the EPA legal staff, Region VI, and the respondent was represented by Monroe R. Talley, Esq., Houston, Texas.

At the commencement of the hearing counsel for respondent objected to the proceedings and demanded a jury trial. It was his position that the failure of the statute to provide for a jury trial deprived respondent of due process of law contrary to the Constitution of the United States. The objection was overruled and the respondent participated in the proceeding without waiving its objection. The complainant presented evidence through two witnesses and 13 exhibits. The respondent presented no witnesses and two exhibits were received on its behalf.

Counsel for the parties have submitted proposed findings of fact, conclusions, and supporting briefs. These have been duly considered.

II

Findings of Fact

1. The respondent, Redwood Chemical Corporation, is engaged in formulating and distributing pesticides and has a place of business in Houston, Texas.

2. The respondent has obtained registration from EPA for a number of products including Redwood's Dieldrin 15 Oil Concentrate, Registration No. 4981-2 and Redwood's Dieldrin 15 Emulsifiable, Registration No. 4981-3. The formula of both of these products showed that they contained 1.5 pounds of technical Dieldrin per gallon. The respondent used technical Dieldrin, a product of

Shell Chemical Company (Shell product) as an ingredient to formulate these two products.

3. The labeling of Deildrin Concentrate showed that the product was to be used for household pest control (roaches, silverfish, ants, brown dog ticks, carpet beetles) and gave directions for these uses. Termite control was not included amount the uses. The labeling also stated "For use by Pest Control Operators only".

4. The labeling of Dieldrin Emulsifiable showed that the product was to be used for household pest control (roaches, silverfish, ants, brown dog ticks) and gave directions for these uses. The labeling also showed that the product was to be used for termite control and gave directions for subsurface applications for this use. The labeling also stated "For use by Pest Control Operators only."

5. On March 18, 1971 the Administrator of EPA, acting pursuant to FIFRA, as then in effect, 7 U.S.C. 135b(c), commenced administrative proceedings to cancel the registrations of all registered products containing Aldrin or Dieldrin. (Dieldrin is a product manufactured as such and is also a metabolic degredation product of Aldrin.) The registrants contesting the cancellation took administrative appeal from the cancellation order and pursuant to FIFRA, as then in effect, filed petitions for referral of

the matter to a scientific advisory committee, thereby deferring cancellation. The scientific advisory committee submitted its report on March 28, 1972. The Administrator, after reviewing the report of the committee, concluded that cancellations for most uses must be affirmed and on June 26, 1972 he issued the following order which was published in the Federal Register on June 29, 1972, 37 F.R. 12906:

> Order. For the foregoing reasons, the cancellation of the registrations of all products containing aldrin or dieldrin is affirmed, except that the cancellation is lifted with respect to those registered uses involving (1) the dipping of roots or tops of nonfood plants; (2) subsurface ground insertions for termite control; and (3) mothproofing by manufacturing processes which utilize the pesticide in a closed system.

The notice which included this order informed registrants, and others who had standing to seek judicial review, of their right under 7 U.S.C. 135b(b) to take administrative appeals. The respondent as registrant of its two products in question (Registration Nos. 4981-2 and 4981-3) was one of the number of registrants that took administrative appeal. On October 16, 1972, 42 proceedings relating to the cancellations of Aldrin-Dieldrin were consolidated by order of the Chief Administrative Law Judge who was in charge of the proceedings and on October 19, 1972 notice of the consolidation was given to this respondent through its attorney.

6. Oral hearings in the cancellation proceeding commenced on August 7, 1973 and were in progress until August 2, 1974. At that time the Administrator issued a notice of intention to suspend the registrations and prohibit the production for use of all pesticide products containing Aldrin or Dieldrin which are subject to and for which appeals were filed in the Aldrin-Dieldrin cancellation order issued on June 26, 1972, 39 F.R. 37246. The notice of intention to suspend contained findings of an "imminent hazard" [7 U.S.C. 136d(c)]. The result of a final order of suspension would not prohibit the manufacture for the three uses permitted by the order of June 26, 1972 which included restricted termite use.

7. Following the notice of suspension an expedited hearing was held and on September 20, 1974, the Chief Administrative Law Judge who heard the case issued a recommended decision suspending the registrations of the pesticides Aldrin and Dieldrin involved in the proceedings. On October 1, 1974, the Administrator issued an opinion and order in the suspension proceedings. This order, which was published in the Federal Register on October 18, 1974, 39 F.R. 37272, is as follows:

> In accordance with the foregoing Opinion, the registrations issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 U.S.C. Sec. 135, et seq., for all pesticide products containing Aldrin or Dieldrin which are subject to and for which appeals were duly filed from the Aldrin-Dieldrin cancellation order

> issued by the Administrator of the Environmental Protection Agency on June 26, 1972, are hereby suspended and the production for use of all such pesticide products is prohibited. Any stocks of technical grade Aldrin or Dieldrin formulated into products after August 2, 1974, may not be placed in commerce, sold, or used for any purposes other than those specifically exempted in the June 26, 1972 cancellation order, as confirmed in the December 7, 1972 order (see Opinion, p. 6, note 1).
>
> All registrations of Aldrin and Dieldrin held by registrants subject to the Aldrin-Dieldrin cancellation order issued on June 26, 1972 which may be now suspended by operation of law for failure to file timely appeals or objections also are hereby deemed suspended.
>
> Notwithstanding the foregoing, for the reasons stated in my notice of Intention to Suspend dated August 2, 1974, and in accordance with the "Special Rule" provisions of section 15(b)(2) of FIFRA, the continued sale and use of existing stocks of registered products containing Aldrin or Dieldrin which were formulated prior to August 2, 1974 shall be permitted.

8. The effect of this order was to suspend the registrations of both of the respondent's products involved in this proceeding for the reason that the labeling of both contained uses which were subject to the suspension order. The respondent has notice of this order prior to April 8, 1975.

9. On April 8, 1975, the respondent using the registered pesticide, Shell Technical Dieldrin, which according to its label was 100% Dieldrin, formulated this product into the pesticide Redwood's Dieldrin 15 Oil Concentrate. The label of the Shell product bore the statement, "For Use Only in Formulating Products Bearing EPA-approved FIFRA Registrations". At the time the respondent

formulated the Shell product into Dieldrin Concentrate, an EPA-approved FIFRA registration was not in effect, it having been suspended by the order of October 1, 1974. The respondent on this occasion used the Shell product in a manner inconsistent with its labeling in violation of section 12(a)(2)(G) of FIFRA.

10. On July 22, 1975 the respondent offered for sale the pesticide Redwood's Dieldrin 15 Oil Concentrate. This was in violation of the suspension order of October 1, 1974 and was a violation of section 12(a)(2)(J) of FIFRA.

11. On July 17, 1975 the respondent using the registered pesticide Shell Technical Dieldrin formulated this product into the pesticide Redwood's Dieldrin 15 Emulsifiable. The label of the Shell product bore the statement "For Use Only in Formulating Products Bearing EPA-approved FIFRA Registration". At the time the respondent formulated the Shell product in Dieldrin Emulsifiable an EPA-approved FIFRA registration was not in effect, it having been suspended by the order of October 1, 1974. The respondent on this occasion used the Shell product in a manner inconsistent with its labeling in violation of section 12(a)(2)(G) of FIFRA.

12. On July 22, 1975 the respondent offered for sale the pesticide Redwood's Dieldrin 15 Emulsifiable. This was in violation of the suspension order of October 1, 1974 and was a violation of section 12(a)(2)(J) of FIFRA.

13. By reason of the foregoing violations the respondent is subject to the imposition of penalties under section 14(a)(1) of FIFRA.

III

Discussion and Conclusions

A. The Constitutional Question

At the outset I consider it appropriate to dispose of respondent's objection to the proceeding on constitutional grounds.

The respondent contends that the civil penalty provision of FIFRA, which results in an in personam money judgment, is unconstitutional since it deprives respondent of a jury trial which is guaranteed by the Seventh Amendment. In support of this contention the respondent cites Frank Irey, Jr., Inc. v. Occupational Safety and Health Review Commission, 519 F.2d 1200 (3rd Cir. 1975). The Irey case does not stand for the proposition advanced by respondent. On the contrary, the panel majority, one judge dissenting, upheld administrative imposition of civil penalties after due process notice and hearing. On rehearing, the court en banc (four judges dissenting) decided "that the judgment of the panel should stand".[3/]

3/ The Irey case and also Atlas Roofing Co., v. Occupational S.& H. Rev. Commission, 518 F.2d 990 (5th Cir. 1975), where the same issue is presented, are now before the Supreme Court on writs of certiorari which have been granted. I cannot foretell whether the opinion of the Supreme Court in those cases will affect this case and I see no reason for not issuing this decision at this time.

B. Notice

Respondent contends that complainant failed to prove that it violated section 12(a)(2)(J) (offered for sale in violation of suspension order) on July 22, 1975 either with respect to Dieldrin Concentrate or Dieldrin Emulsifiable for the reason that there was no proof that respondent had notice of the suspension order of October 1, 1974. I conclude that this contention is without merit.

The suspension order of October 1, 1974 was published in the Federal Register on October 18, 1974, 39 F.R. 37272. Publication in the Federal Register "is sufficient to give notice of the contents of the document to a person subject to or affected by it". 44 U.S.C. 1507. See Federal Corp Ins. Corp. v. Merrill, 332 U.S. 380, 385; Kempe v. U.S., 151 F.2d 680, 684 (8th Cir. 1945); Wolfson v. U.S., 492 F.2d 1386, 1392 (Ct. Cl. 1974).

Aside from this, the evidence of record supports the conclusion that Charles K. Glasse, president of the respondent company, had notice of the order and was aware of its contents. Mr. Glasse was interviewed on July 23, 1975, by the EPA Consumer Safety Officer who performed the inspection at respondent's establishment. Without previously having told Mr. Glasse of the suspension order, the officer asked him why the products in question, with the suspended uses appearing on the label, had been produced after the October 1, 1974 suspension order. Mr.

Glasse replied that he had misinterpreted the suspension order. This testimony stands unchallenged in the record. It is obvious that if Mr. Glasse misinterpreted the suspension order he had notice of it and was aware of its contents. On this evidence it is reasonable to conclude, as I do, that the respondent had actual knowledge of the suspension order. The fact that he misinterpreted it is no defense.

The respondent, in support of the assertion that there was no proof that it had notice of the suspension order, states that complainant's witnesses testified that they only assumed that respondent had notice of the suspension order. Respondent cites two statements in the transcript to support this argument (Tr. 86, 103).

The two statements appear in connection with the testimony of Alex Gimble, Chief, Pesticides Enforcement Section, EPA Region VI. It was Mr. Gimble who had recommended the issuance of the complaint and he was testifying concerning the amount of the proposed penalties he had recommended. According to the Guidelines, whether or not a person had knowledge of the suspension order is an element to be considered in proposing the amount of the penalty. On the basis of the documents submitted to Mr. Gimble he had determined that the two products in question were subject to the suspension order (Tr. 75-76). The witness had testified (Tr. 80) that "because of the fact that the respondent had been involved as a party

to the cancellation proceedings, as far as both of these products were concerned, we felt that they had knowledge of the suspension order and, therefore, I placed the penalty in sub-category (a), knowledge of the order, which assesses or calls for a penalty of $5 thousand".

The first cited statement by respondent (Tr. 86) is a statement by counsel for complainant explaining "why we picked the penalty that refers to knowledge" (Tr. 87). The second cited statement is that of the witness Gimble. The question by counsel for respondent refers to the earlier testimony of the witness "in connection with the calculation of the proposed penalties". In calculating the amount of penalty it was based on the assumption that the respondent had knowledge of the suspension order. The witness explained the basis of this assumption. (Tr. 80 and see also Comp. Exs. 11, 12, 13.) It turned out, as set forth in this decision, that this assumption was warranted.

C. The Violations

The respondent has admitted the misuse violation of section 12(a)(2)(G) with regard to the Dieldrin Concentrate product. It argues that it was an unintentional violation "which can only be explained by the fact that this was the way it had been done for the past 27 years", and "it was in fact used for subsurface ground insertions for termite control".

Intent is not a required element in a violation for the assessment of a civil penalty under section 14(a). In statutes that are designed for social betterment or for the welfare of the public (as in FIFRA), the Congress has often authorized the imposition of penalties even though there is no intent to violate and no awareness of wrongdoing. U.S. v. Dotterweich, 320 U.S. 277; U.S. v. Balint, 258 U.S. 250. See also Morissette v. U.S., 342 U.S. 246, 256.

This product, as shown by its labeling, was registered only for use in household pest control. There is no evidence to support the assertion that it was in fact used for subsurface ground insertion for termite use.

With regard to Dieldrin Concentrate, the respondent admits that it offered this product for sale on July 22, 1975 but denies that it violated the suspension order contrary to section 12(a)(2)(J) because it did not have prior notice of the suspension order of October 1, 1974. For the reasons set forth above, I have concluded that the respondent did have notice of the suspension order and was aware of its contents. The violation of section 12(a)(2)(J) with regard to this product is established.

The respondent denies the misuse violation [12(a)(2)(G)] relating to Dieldrin Emulsifiable and contends that its registration

was not suspended since its label had a use that was exempted from the suspension order. I reject his contention.

It is true that the label of Dieldrin Emulsifiable contained directions for use for subsurface ground insertion for termite control and this use was exempted from the suspension order. However, this product was also registered for use in household pest control and the label contained directions for this use.[4/] This use was not exempt from the order of October 1, 1974 and consequently, the registration was suspended by said order. At the time the respondent formulated the Shell product in to Dieldrin Emulsifiable, the latter product did not have an EPA-approved registration and the respondent violated section 12(a)(2)(G) by using the Shell product in a manner inconsistent with its labeling.

With regard to the 12(a)(2)(J) violation of Dieldrin Emulsifiable, the respondent admits that it offered this product for sale on July 22, 1975. The registration of this product was suspended by the order of October 1, 1974. For reasons above stated it is concluded that the respondent had notice of this order and was aware of its contents. The violation of section 12(a)(2)(J) with regard to this product is also established.

The respondent seems to attach some significance to the fact that the labels of the products bore the statements that they were for use by pest control operators only. The implication is that pest control operators would use the products for termite control.

4/ If the respondent had amended its registration to cover only permitted use for termite control and the labeling was in accordance therewith, the situation would have been different.

There is no evidence that pest control operators used or would use these products exclusively for that purpose. Both products were intended for household pest control use and contained directions for such use. The sale and use of these products (which were formulated after August 2, 1974) for household pest control use by all persons was prohibited by the suspension order.

D. Amount of Penalties

1. General

Having determined that there were violations and that civil penalties are imposable, I reach the question as to the amount of the penalties.

In determining the amount of penalty that should be imposed for a violation, section 14(a)(3) of the Act, sets forth the following factors that shall be considered: size of respondent's business; effect on respondent's ability to continue in business; and gravity of the violation. Section 168.60(b)(2) provides that there shall also be considered respondent's history of compliance with the Act and evidence of good faith or lack thereof.

The proposed civil penalties were derived from the Guidelines for Assessment of Civil Penalties under section 14(a) of FIFRA, 39 F.R. 27711, et seq., July 31, 1974. As to size of

business,the respondent was placed in Category IV - business having annual gross sales between $700,000 and $1 million. This was based on a Dun & Bradstreet report. The respondent does not challenge this category assignment. The respondent in its answer has made the bald assertion that the proposed penalty would effect its ability to continue in business. It has presented no evidence to support this assertion.

I then reach the point of determining appropriate penalties based on "gravity of the violation". It has generally been accepted by Administrative Law Judges that "gravity of the violation" should be considered from two aspects - gravity of harm and gravity of misconduct.

2. Gravity of Harm

The attempts to regulate the use of Dieldrin and its associated chemical, Aldrin, have been before the courts and EPA since 1970. A summary of the "lengthly and involved" history is set forth in the "Background" discussion in Comp. Ex. 1, 39 F.R. 37246, et seq. One of the principal questions regarding the use of these chemicals was with respect to their carcinogenicity in humans. In March 1971 the Administrator of EPA issued a notice of cancellation based on findings of "a substantial question as to safety". I do not repeat the

history of developments, but on August 2, 1974, (37 F.R. 37248) the Administrator issued a notice of intention to suspend the registration of Aldrin and Dieldrin based on a finding that there exists an "imminent hazard" within the meaning of the statute. The "imminent hazard" related to the question of carcinogenicity. Following a hearing before the Chief Administrative Law Judge of EPA, he found that Aldrin-Dieldrin "pose a carcinogenic hazard to man" (39 F.R. 37252, Finding 26) and he recommended the suspension of the registrations of these chemicals (Order p. 37265).

The Administrator affirmed the recommendation of suspension. Based on studies of laboratory animals the Administrator concluded that Aldrin-Dieldrin were carcinogens and "a threat to human health" p.37270. The Administrator concluded "that the continued use of Aldrin-Dieldrin during the time required to reach a decision in the cancellation proceeding would be likely to result in unreasonable human health risks and, therefore, that an 'imminent hazard' within the meaning of section 2(l) of FIFRA would result during pendency of the cancellation proceeding". Except for three exempted uses[5/] the order of October 1, 1974, suspended the registration of pesticides containing Aldrin-Dieldrin and the production for

5/ The three exempted uses are restricted termite use, the dipping of roots and tops of non-food plants, and use in a total effluent-free mothproofing system (see Finding of Fact No. 5, supra).

use of all such pesticide products was prohibited. The suspension order, so far as material to this proceeding, was affirmed. Environmental Defense Fund v. Environmental Protection Agency, 510 F.2d 1292 (D.C. Cir. 1975).

From the foregoing it is seen that the Dieldrin containing products that the respondent offered for sale with labels for household pest control use were suspended because of potential carcinogenicity. The gravity of harm was of a high degree.

In an attempt to show that this was a minor violation the respondent asserts that Mr. Gimble concluded "that it was possible that the rules and regulations of EPA would have been served by simply issuing a warning letter to Redwood Chemical Company concerning these two products". Other portions of the testimony of this witness on this subject must be considered. He testified that this was not a minor violation, that the violations were substantial enough to warrant the imposition of civil penalties; and that he had no reason to believe that a warning letter would not have been sufficient to prevent respondent from continuing the same types of violations (Tr. 93-95, 103-104).

I have not overlooked the exhibits introduced by respondend. There are two letters from EPA to respondent in July

and August 1976 granting permission to release quantities of the two products in question to a pest control company to be used only for subterranean termites.[6/] Such use was permitted by the suspension order and the granting of such permission does not minimize the gravity of the violations.

With respect to both Dieldrin Concentrate and Dieldrin Emulsifiable, the individual responsible for proposing the penalties determined with regard to the misuse violations that adverse effects merely from formulating the product (which did not include offering it for sale) would probably not result in adverse effects. In accordance with the Guidelines, a penalty of $1020 for each of these violations was proposed to be assessed.

The gravity of harm in offering for sale both of these products was of a high degree. "The suspension hearing was confined to whether the pesticides present a cancer hazard to man." Environmental Defense Fund v. Environmental Protection Agency, supra at 1298. The Court characterized this matter involving cancer as "sensitive and fright-laden", idem.

It is apparent that the Administration considers that the violation of a suspension order (which is only issued after a

6/ At the time of the inspection of respondent's establishment on July 23, 1975, a Stop Sale, Use, or Removal Order, pursuant to section 13 of the Act, was issued to Mr. Glasse, president of the respondent. The letters vacated this order to the extent stated.

determination of "imminent hazard") to be in the class of the most serious violations of the Act and the penalty in the Guidelines for such a violation, with knowledge, in all size categories of business is the maximum of $5,000.

3. Gravity of Misconduct

One of the important elements in assessing gravity of misconduct is whether or not the respondent acted with knowledge of the wrongful act. For the reasons about set forth, it is concluded that respondent did act with knowledge of the suspension order. Since the respondent did have knowledge of the suspension order I cannot find that it acted in good faith. The gravity of misconduct was of a high degree.

There was no evidence presented to show that respondent had a previous history of non-compliance with the Act. I have taken this factor in account and in view of the seriousness with which I regard these violations I do not consider this as a basis for mitigating the penalties.

. . .

I have considered carefully the amount of civil penalties that should be imposed for these violations. While I am not bound by the Guidelines for Assessment of Civil Penalties, and may at my discretion increase or decrease the penalties from the amounts proposed in the complaint[7/], I am of the view, after taking into account all of the elements that should be considered, that the amount of penalties proposed in the complaint are

7/ Rules of Practice, section 168.45(b).

appropriate. A penalty of $1,020 for each of the violations of section 12(a)(2)(G) is imposed and a penalty of $5,000 for each of the violations of section 12(a)(2)(J) is imposed. The total penalties are in the amount of $12,040.

I have considered the entire record in the case and the arguments of the parties and based on the Findings of Fact, and Discussion and Conclusions herein it is proposed that the following order be issued.

Final Order[8/]

Pursuant to section 14(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended [7 U.S.C. 136 l(a)(1)] civil penalties totaling $12,040 are hereby assessed against respondent, Redwood Chemical Corporation, for the violations which have been established on the basis of the complaint issued on October 22, 1975.

Bernard D. Levinson
Administrative Law Judge

March 18, 1977

8/ Unless appeal is taken by the filing of exceptions pursuant to section 168.51 of the Rules of Practice, or the Regional Administrator elects to review this decision on his own motion, the order shall become the final order of the Regional Administrator. [See section 168.40(c).]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, (FIFRA) AS AMENDED ON OCTOBER 21, 1972, 86 STAT. 973, PUBLIC LAW 92-516 AND NOVEMBER 28, 1975, 89 STAT. 751, PUBLIC LAW 94-140

Parallel Citations

Statutes at Large	7 U.S.C.	Statutes at Large	7 U.S.C.
Section 2	Section 136	Section 15	Section 136m
3	136a	16	136n
4	136b	17	136o
5	136c	18	136p
6	136d	19	136q
7	136e	20	136r
8	136f	21	136s
9	136g	22	136t
10	136h	23	136u
11	136i	24	136v
12	136j	25	136w
13	136k	26	136x
14	136 l	27	136y