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PESTICIDES ENFORCEMENT CASE PROCEEDINGS MANUAL

INTRODUCTION

The Pesticides Enforcement Case Proceedings Manual has been prepared to serve as a training guide and as a day to day working tool for persons involved in the preparation of enforcement actions.

It is difficult to make a manual of this sort entirely satisfactory to all potential users. This manual is designed to bring together the essential information needed to prepare enforcement cases and to familiarize the user with the different types of pesticides enforcement actions.

It is hoped that it will be useful to the experienced pesticide enforcement worker as well as the person just starting out in enforcement work and that it may serve as a useful reference in all pesticides enforcement activities.

Whenever possible, the reader is referred to other publications for additional information. In many cases, the procedures used in this manual are outlined in considerable detail. Therefore, it may not be necessary to refer back to these other publications.

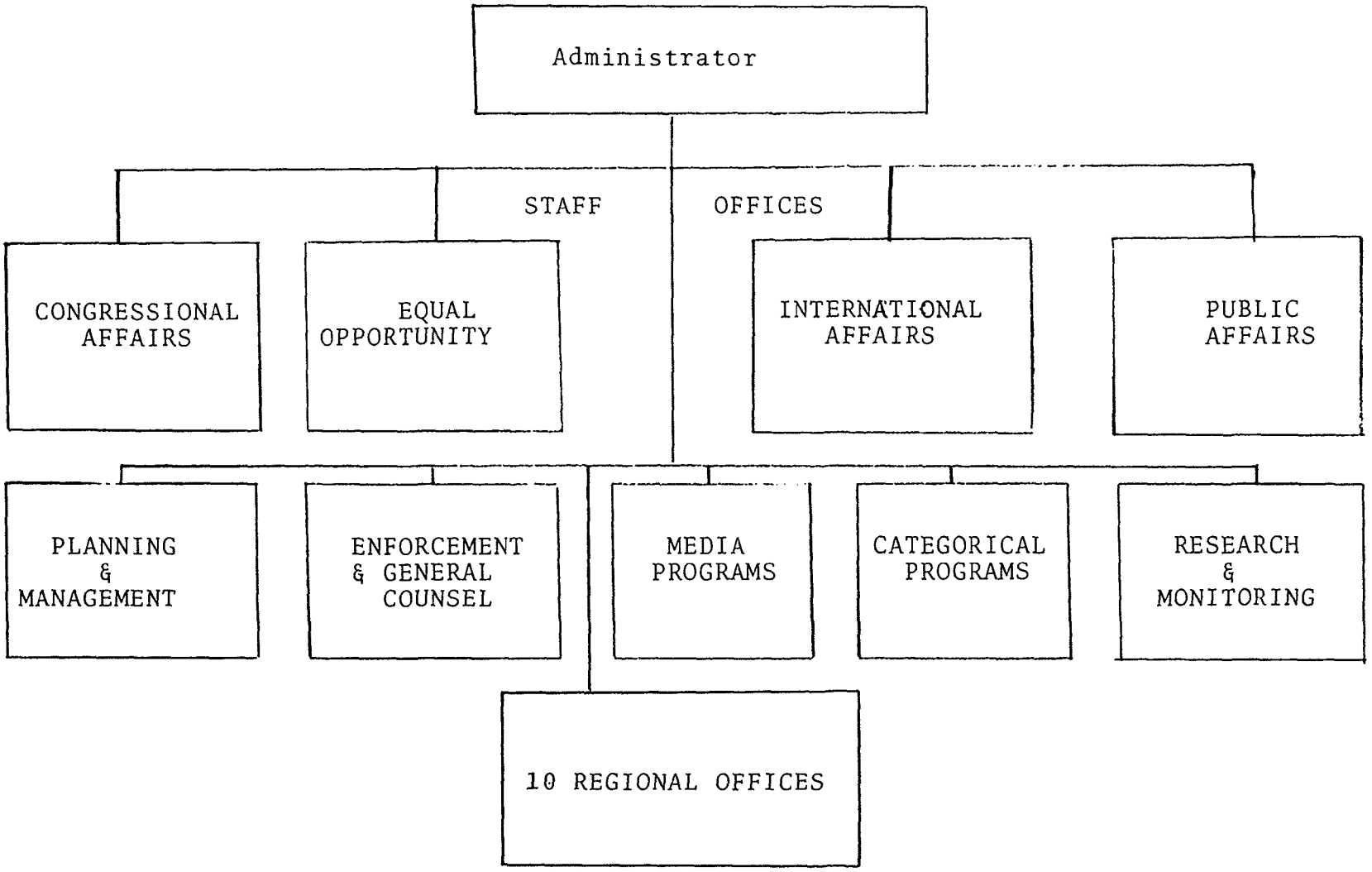
The method of presentation is varied according to the subject under consideration. Most of the procedures are outlined in sequential order, so that they can be followed step by step.

Numerous exhibits have been included in the manual to facilitate the writing of various enforcement actions. While the exhibits and narrations provide the basic materials for the preparation of an enforcement case, they can never replace good judgment in evaluating individual cases.

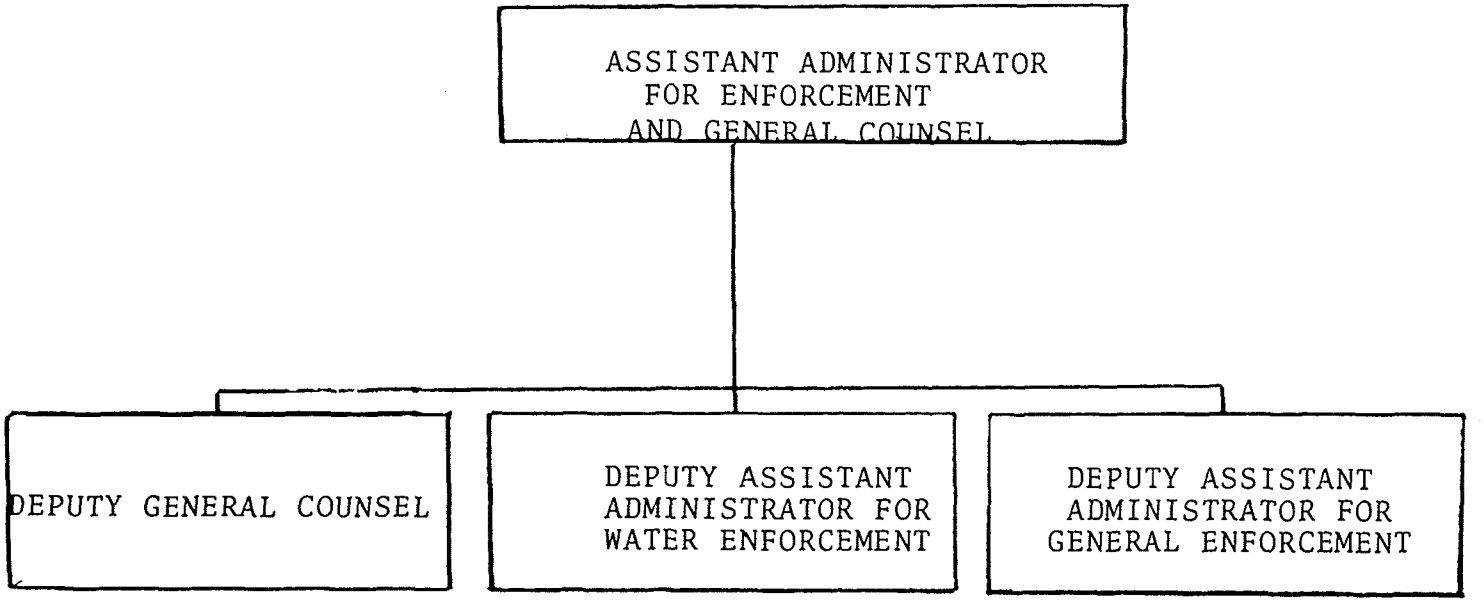
SECTION 1

ORGANIZATIONAL CONTACTS

ENVIRONMENTAL PROTECTION AGENCY



OFFICE OF THE ASSISTANT ADMINISTRATOR
FOR
ENFORCEMENT AND GENERAL COUNSEL



OFFICE OF GENERAL COUNSEL

The Office of General Counsel has the following functions and responsibilities:

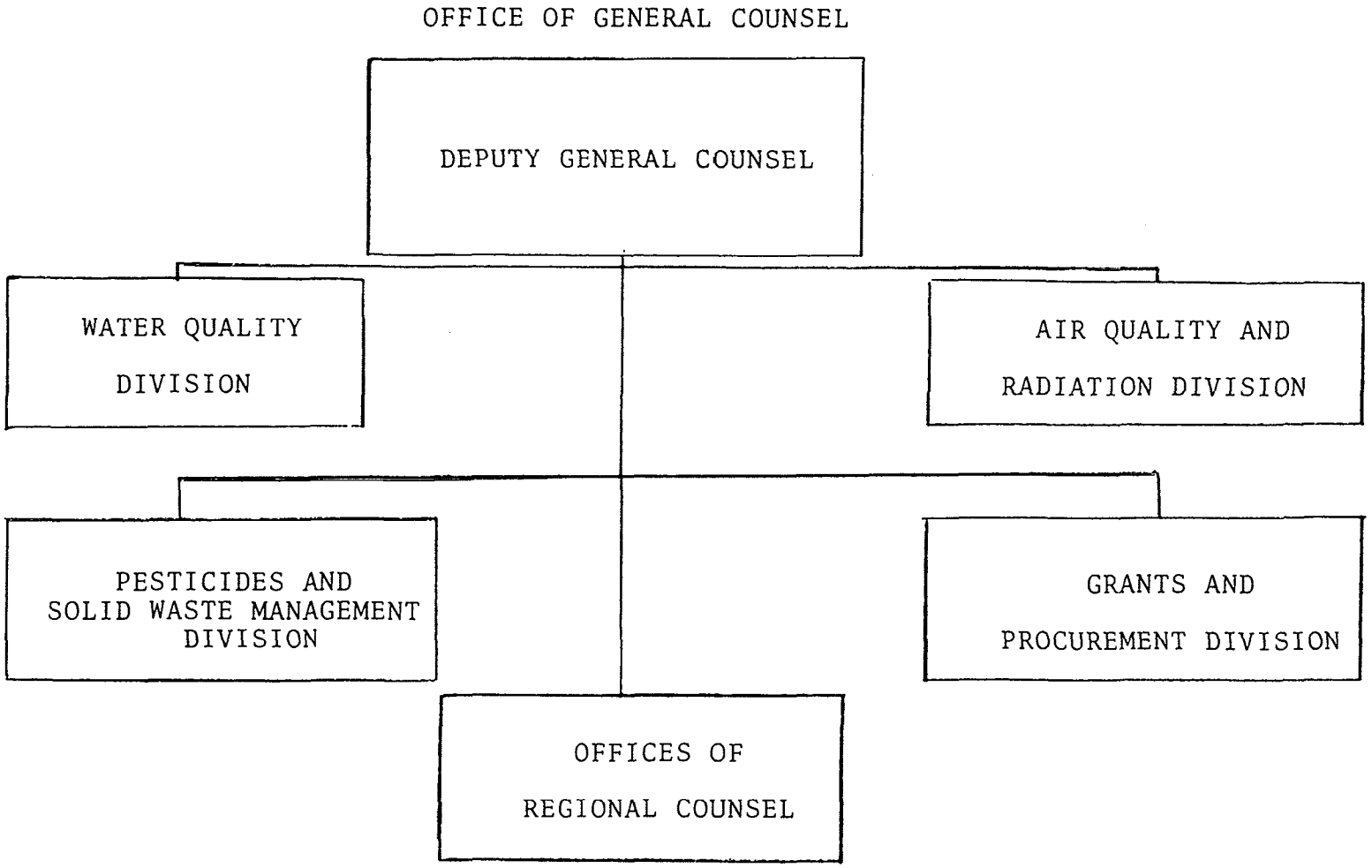
a. To provide legal services to all of the organizational elements of EPA with respect to all programs and activities.

b. To provide legal opinions and legal counsel.

c. To prepare, review, and obtain clearance of proposed legislation and report on legislation, perform drafting services, coordinate preparation of testimony, and review transcripts of hearings.

d. In its capacity as the Administrator's legal advisor, to assist in the formulation and administration of EPA's policies and programs.

e. To provide functional supervision of performance of assigned functions at EPA field offices.


OFFICE OF GENERAL COUNSEL
DEPUTY GENERAL COUNSEL
WATER QUALITY DIVISION
AIR QUALITY AND RADIATION DIVISION
PESTICIDES AND SOLID WASTE MANAGEMENT DIVISION
GRANTS AND PROCUREMENT DIVISION
OFFICES OF REGIONAL COUNSEL

Office of General Counsel

Pesticides and Solid Waste Management Division

Anson Keller - Assistant General Counsel

George Robertson - Attorney

Tom Kemp - Attorney

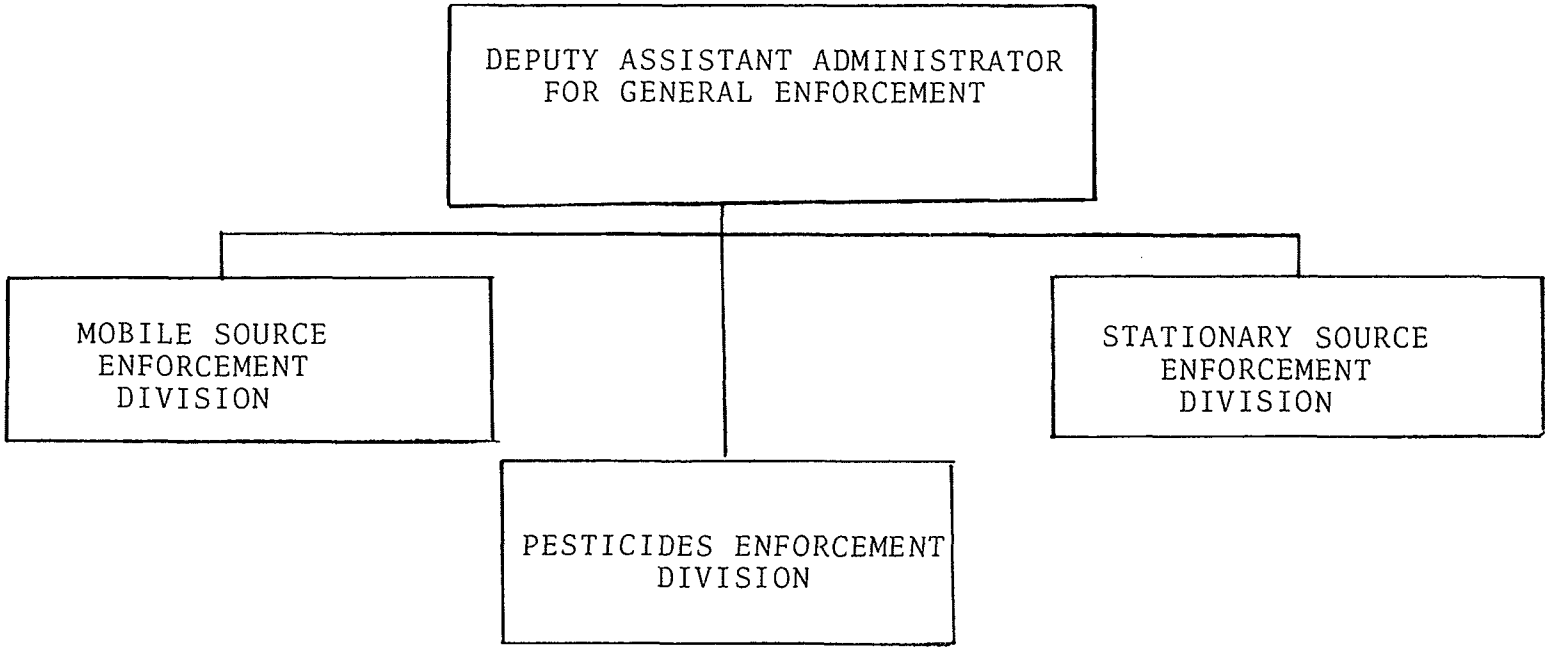
Blaine Fielding - Attorney

John Kolojeski - Attorney

Timothy Harker - Attorney

Edward Lyle - Attorney

OFFICE OF DEPUTY ASSISTANT ADMINISTRATOR
FOR GENERAL ENFORCEMENT



PESTICIDES ENFORCEMENT DIVISION

The Pesticides Enforcement Division (PED) operates under the Deputy Assistant Administrator for General Enforcement in a staff capacity and is responsible for planning, directing, and coordinating the enforcement programs conducted within each EPA region.

In connection with its operating functions, PED coordinates enforcement actions with the Registration Division (RD) in order to determine possible violations of the Act.

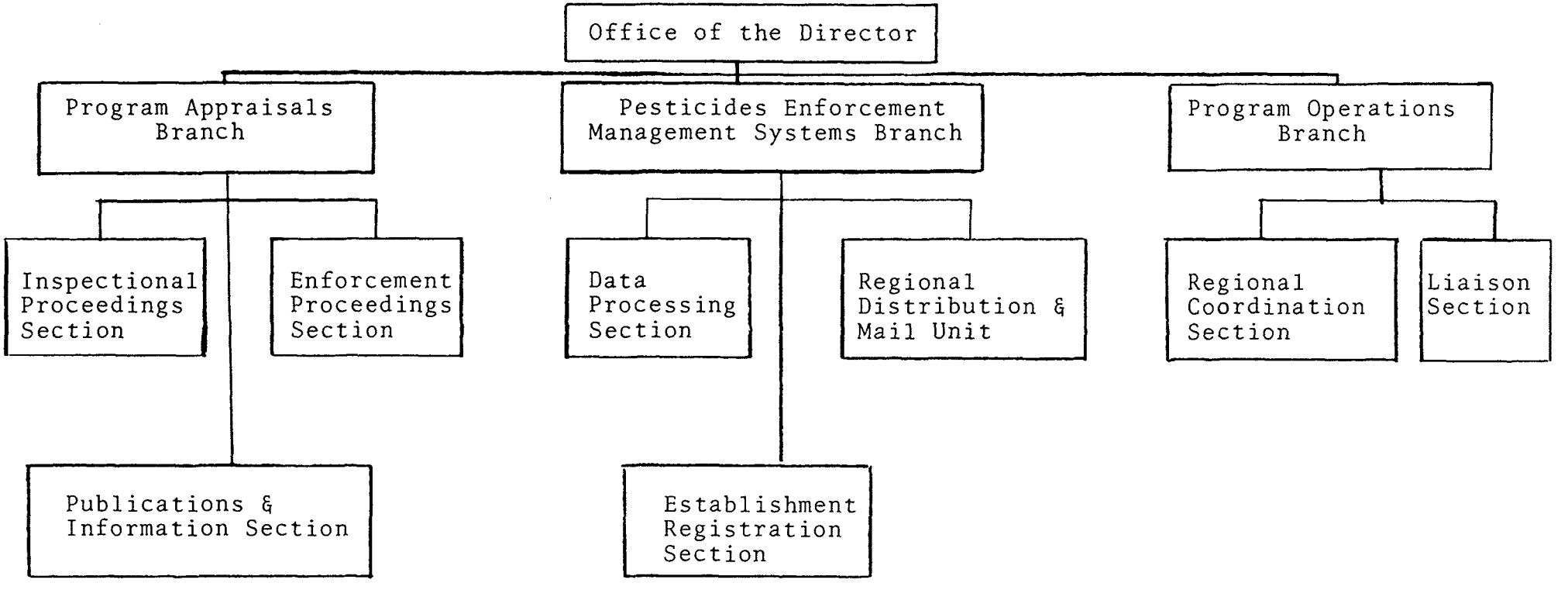
In order to accomplish its functions, PED is divided into three branches: a Program Operations Branch, a Programs Appraisals Branch, and a Pesticides Enforcement Management Systems Branch.

The Program Operations Branch is responsible for maintaining liaison with RD and for reviewing RD's scientific analyses of product samples. This branch also coordinates all regional pesticides enforcement activities.

The Program Appraisals Branch reviews enforcement and inspectional activities and publishes information relating to PED actions and policies.

The Pesticides Enforcement Management Systems Branch processes all data and mail relating to Pesticides Enforcement activities.

PESTICIDES ENFORCEMENT DIVISION



PESTICIDES ENFORCEMENT DIVISION

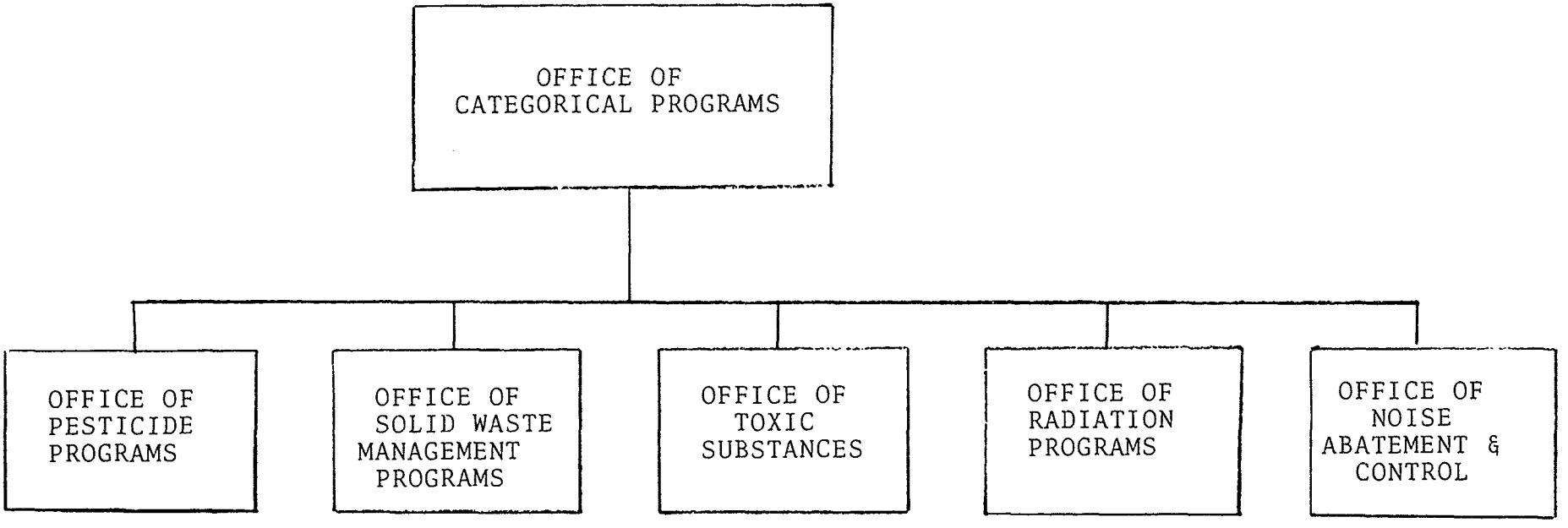
Name	Title	Mailing Address
A. E. Conroy, II	Division Director	Pesticides Enforcement Division EPA 401 M Street S.W. Washington, D.C. 20460
Ralph Turpin	Associate Director	"
Anthony Dellavecchia	Program Operations Branch Chief	"
John Martin	Program Appraisals Branch Chief	"
Ken Shiroishi	Pesticides Enforcement Management Systems Branch Chief	"

KEY PED CONTACTS

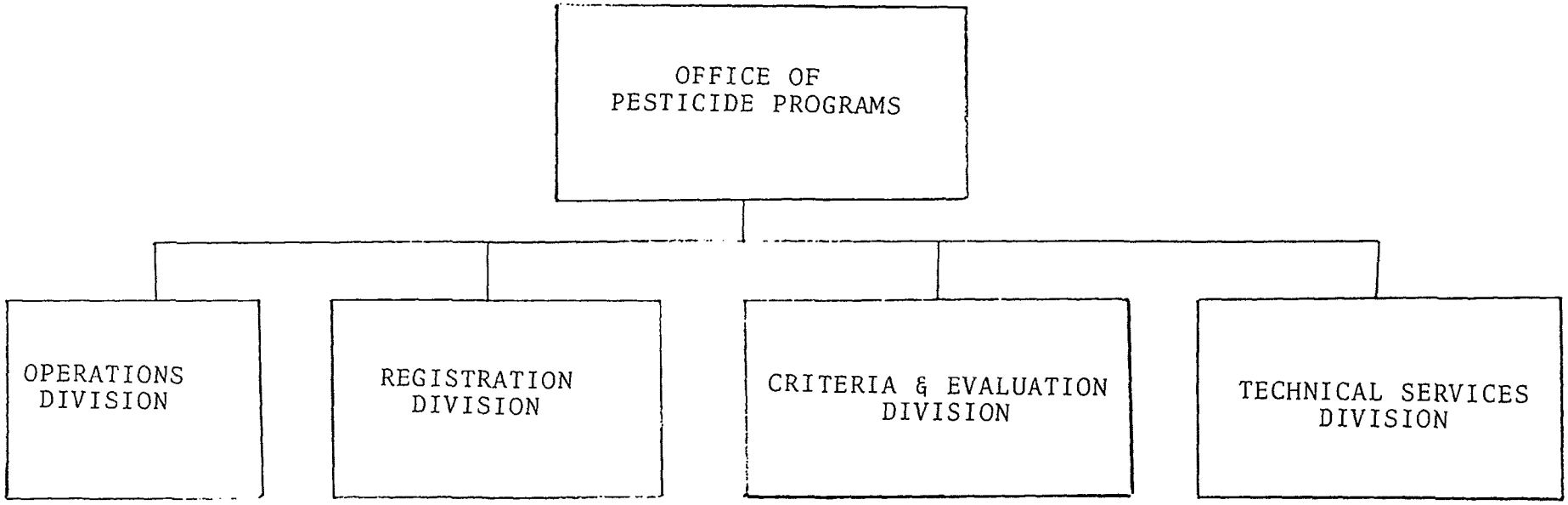
Region No.	Coordinator/Program Specialist	Unit
I & II	John Love	A
III & IV	John Seitz/Tom Morgan	C
V & VII	John Foley/Ron DeBerry	B
VI & VIII	Darl Mount	D
IX & X	Mary McDonnell	E

NOTE: ALL CONTACTS ARE TO BE MADE THROUGH YOUR REGIONAL COORDINATOR IN PED, WASHINGTON, D.C.

OFFICE OF CATEGORICAL PROGRAMS

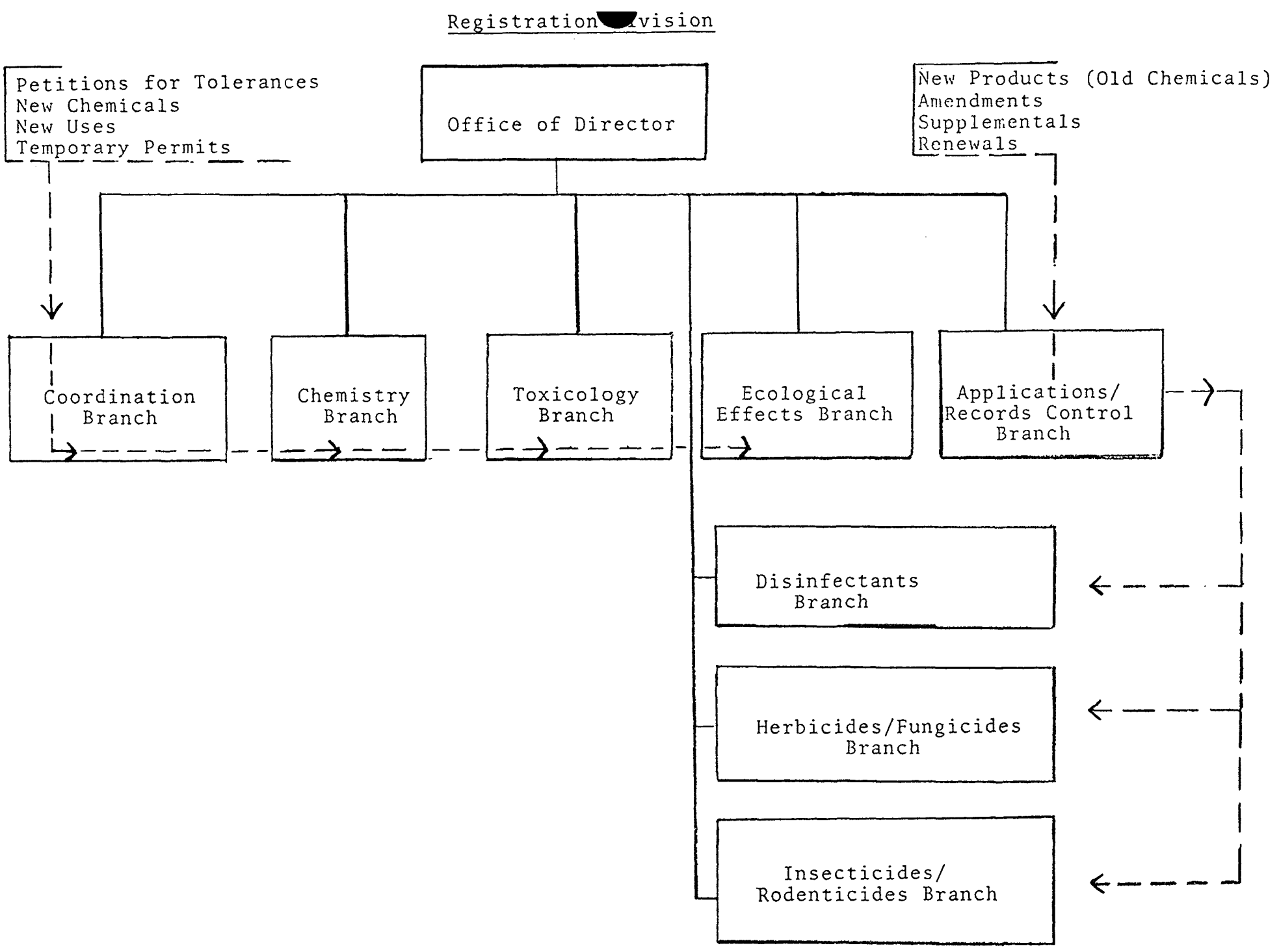


OFFICE OF PESTICIDE PROGRAMS



REGISTRATION DIVISION

The Registration Division, under the supervision of a Director, is responsible for the registration of pesticides and the establishment of experimental permits to assure human safety as well as the protection of environmental quality. Makes recommendations to the Office of General Enforcement with respect to enforcement actions, provides technical support for such actions, and coordinates certain cancellation and suspension actions with the Office of General Enforcement. Works closely with the Criteria and Evaluation Division in identifying the need for new standards and guidelines applicable to the registration process, and in identifying the need for conducting reviews of registered products.


Registration Division
Petitions for Tolerances
New Chemicals
New Uses
Temporary Permits
Office of Director
New Products (Old Chemicals)
Amendments
Supplementals
Renewals
Coordination Branch
Chemistry Branch
Toxicology Branch
Ecological Effects Branch
Applications/ Records Control Branch
Disinfectants Branch
Herbicides/Fungicides Branch
Insecticides/ Rodenticides Branch

Registration Division

Division Director - John B. Ritch Jr.

Chemistry Branch - Carroll W. Collier

Toxicology Branch - Dr. Orville Paynter

Ecological Effects Branch - Dr. William Welles

Applications/Records Control Branch - Alvin Chock

Disinfectants Branch - Elijah F. Brown

Herbicides/Fungicides Branch - Thomas E. Adamczyk

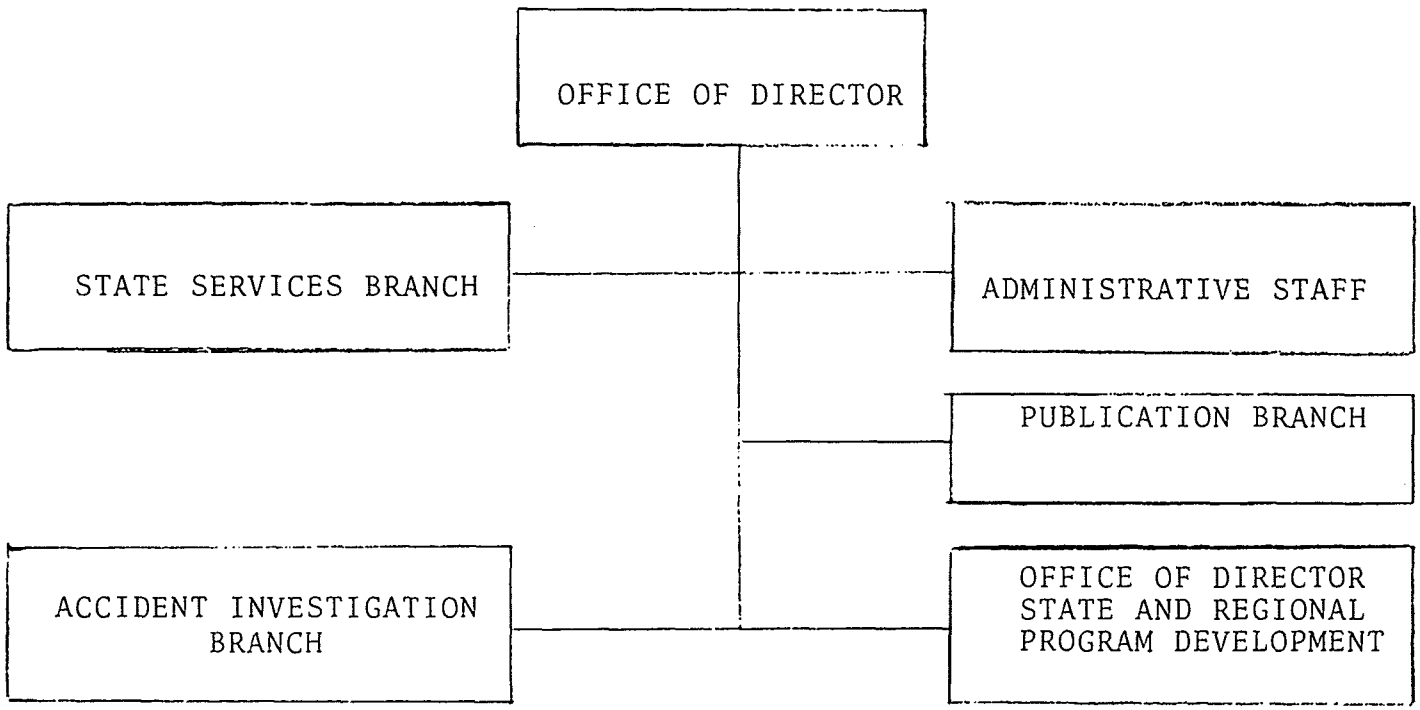
Insecticides/Rodenticides Branch - Herbert S. Harrison

Coordination Branch - Lee Terbush

OPERATIONS DIVISION

The Operations Division, under the supervision of a Director, is responsible for the development of programs to enhance the effectiveness of governmental activities in the pesticide area. Provides program policy direction to technical assistance and training programs in the pesticide area. Develops and recommends program content and model legislation for states and, through the EPA Regional Offices, assists states in developing and enhancing their programs along recommended lines. Participates in Federal interagency activities in the pesticide area. Conducts investigations of pesticides accidents and incidents.

OPERATIONS DIVISION



Operations Division

Dr. John Osmun - Division Director

Accident Investigation Branch

Charles Mitchell - Program Management Officer

Dennis McLane - Wildlife Biologist

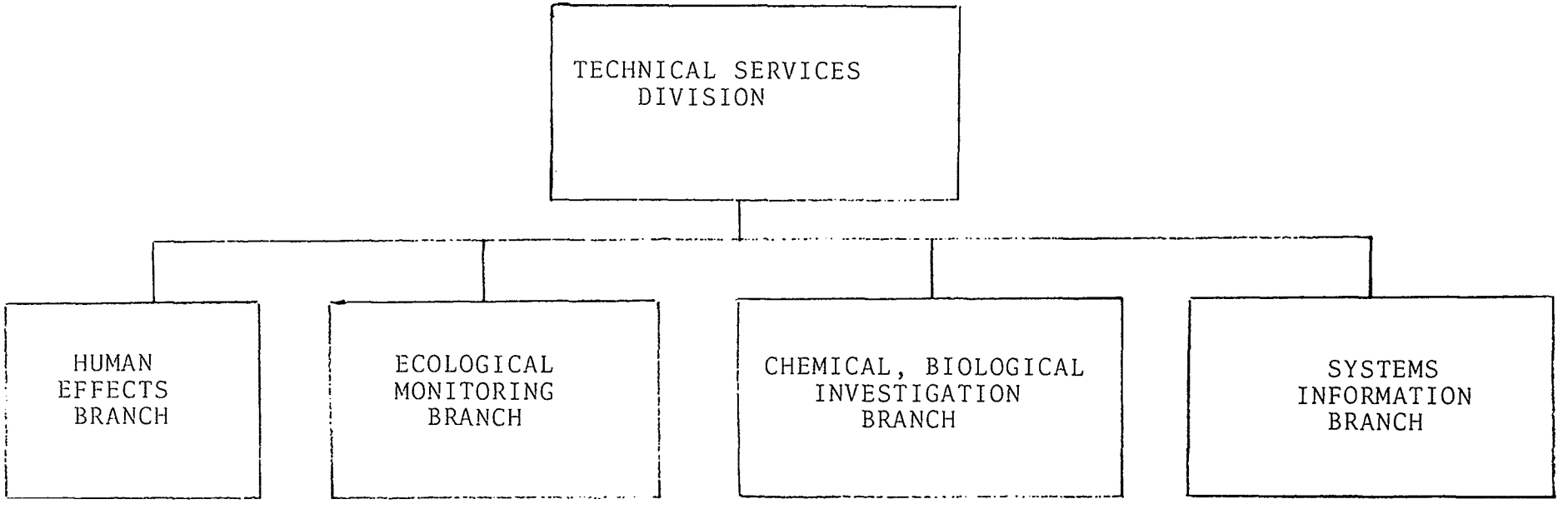
Frank Davido - Biologist

Walt Waldrop - Chemist

TECHNICAL SERVICES DIVISION

The Technical Services Division, under the supervision of a Director, is responsible for providing technical data and information to support the work of other Divisions concerned with pesticides activities. Plans, directs, and operates, within the framework of the overall Agency information system, computer data systems designed to meet the operating needs of EPA and to provide routine information on accepted uses and tolerances to states and other agencies on a timely basis. Provides statistical analysis, decision modeling, and computer programming support to the other Divisions of the Office of Pesticide Programs. Conducts monitoring programs to assess pesticide residue levels in air, water, soil, crops, livestock, aquatic and land animals, and the effects of human exposure to pesticides. Develops or provides for the development of scientific publications related to the pesticides program, and provides library and reference services of a highly specialized nature. Provides policy, technical, and program guidance and supervision to the laboratory operations conducted by the Office of Pesticides Programs. Develops and maintains analytical reference standards for pesticides to support research and regulatory activities.

TECHNICAL SERVICES DIVISION



TECHNICAL SERVICES DIVISION - LABORATORY SERVICES BRANCH

AND OTHER EPA LABORATORIES

HEADQUARTERS OFFICE PERSONNEL

Environmental Protection Agency
Building 402, ARC
Beltsville, Maryland 20705
FTS & Local Tel: 301-344-2487

Dr. Ronald A. Davis — Branch Chief

Section Heads

Dr. Robert L. Jasper — Biological & Safety Section
FTS & Local Tel: 301-344-2443

Dr. Bruce G. Wiersma — Monitoring Section
FTS & Local Tel: 301-344-2156 or 2069

Coleman Hall — Analytical Section
FTS & Local Tel: 301-344-2232

Coordination Staff

Kenneth F. Kissler — Program Coordinator
EPA
Building 402, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2443

A. J. Culver, Jr. — Biological Methods Coordinator
EPA Plant Biology Lab
3320 Orchard Street
Corvallis, Oregon 97331
FTS & Local Tel: 503-752-4337

J. Dean Hansen — Biological Methods Coordinator
EPA
Sample Storage Building 409-1
ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2015

TECHNICAL SERVICES DIVISION - LABORATORY SERVICES BRANCH

EPA - ANIMAL BIOLOGY LAB
Building 288, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2576

EPA - CHEMISTRY LAB
Room 101, S. Lab Bldg. 306, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2233/2246/2266

EPA - ENTOMOLOGY LAB
Building 402, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2292

EPA - MICROBIOLOGY LAB
Building 406, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2563 or 2564

EPA - MONITORING LAB
Building 402, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2156 or 2069

EPA - PHARMACOLOGY LAB
Building 225, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2038 or 2053

EPA - PLANT BIOLOGY LAB
Building 402, ARC
Beltsville, Md. 20705
FTS & Local Tel: 301-344-2221

EPA - CHEMISTRY LAB
MTF, Building 1105
Bay St. Louis, Mississippi 39520
FTS Tel: 601-688-3252
Local Tel: 601-688-2211, Ext. 3252

EPA - PLANT BIOLOGY LAB
3320 Orchard Street
Corvallis, Oregon 97331
FTS & Local Tel: 503-752-4277 or 4278

EPA - CHEMISTRY LAB
Bldg. 45-C, Federal Center
Denver, Colorado 80225
FTS & Local Tel: 303-234-3751

EPA - CHEMISTRY LAB
Room 1000, 201 Varick Street
New York, New York 10014
FTS & Local Tel: 212-620-3474/3475/3476

EPA - CHEMISTRY LAB
Room 545, Federal Office Bldg.
50 Fulton Street
San Francisco, California 94102
FTS & Local Tel: 415-556-6805

EPA - MONITORING LAB
MTF, NASA
Building 1105
Bay St. Louis, Miss. 39520
FTS & Local Tel: 601-688-3170/3171/3172/3212/3292

Regional Enforcement Contacts

EPA, Region I
Mr. Richard H. Johnson
Director, Enforcement Division
John F. Kennedy Federal Building
Room 2303
Boston, Massachusetts 02203

EPA, Region II
Mr. Weems Clevenger
Director, Categorical Progs. Div.
26 Federal Plaza
New York, New York 10007

EPA, Region III
Mr. William Riley
Director, Enforcement Division
6th & Walnut Streets
Philadelphia, Pa. 19106

EPA, Region IV
Mr. Roy P. Clark
Chief, Pesticides Branch
1421 Peachtree Street NE.
2nd Floor
Atlanta, Georgia 30309

EPA, Region V
Mr. James O. McDonald
Director, Enforcement Division
1 North Wacker Drive
Chicago, Illinois 60606

EPA, Region VI
Mr. Thomas P. Harrison II
Director, Enforcement Division
1600 Patterson Street
Dallas, Texas 75201

EPA, Region VII
Mr. John Wicklund
Chief, Pesticides Prog. Branch
1735 Baltimore Avenue Rm. 249
Kansas City, Missouri 64106

EPA, Region VIII
Mr. Irwin L. Dickstein
Director, Enforcement Division
1860 Lincoln Street
Denver, Colorado 80203

EPA, Region IX
Mr. Richard L. O'Connell
Director, Enforcement Division
100 California Street
San Francisco, Calif. 94111

EPA, Region X
Mr. Leonard A. Miller
Director, Enforcement Division
1200 Sixth Avenue
Seattlé, Washington 98101

SECTION 2

PRODUCT REGISTRATION PROCESS

REGISTRATION PROCESS

A. New Registration (Authority) Sec. 4. (a) of the old FIFRA*

When applying for a new registration of a product, the following forms should be submitted to the Registration Division:

1) 5 draft copies of the proposed labeling including brochures and additional directions

2) completed PR Form 9-199 (application) (Exhibit 1)

3) completed PR Form 9-196 (confidential formula) (Exhibit 2)

NOTE: AN APPLICATION DOES NOT CONSTITUTE REGISTRATION

The company, upon filing an initial application, is assigned a permanent registrant number. This number followed by a hyphen and letters is the file symbol. This file symbol will translate into the product registration number when the product is accepted for registration.

Ex:	Before Acceptance	After Acceptance
	File Symbol	Registration Number
	339-R	339-1

B. Amended Registration

When a change in claims or directions for use is desired, the following should be submitted:

1) 5 draft copies of the amended labeling

2) PR Form 9-198 (application for amended registration) (Exhibit 3)

* The term new FIFRA refers to the 1947 FIFRA as amended by P.L. 92-516, dated October 21, 1972. The term old FIFRA refers to the 1947 FIFRA as amended prior to P.L. 92-516.

When a minor change in the product's formula is desired, the following form should also be submitted:

PR Form 9-196 (confidential formula)

NOTE: A NEW PRODUCT REGISTRATION IS REQUIRED WHEN THERE IS A MAJOR CHANGE IN THE PRODUCT'S FORMULA. (See PR Notice 70-20) (Exhibit 4)

After the effective date of a change in labeling or formula (the date of acceptance), the product may be marketed only under the new claims or formula. However, the Director may permit a reasonable time for the disposition of stocks of the discontinued product. - Paragraph 362.10 (g) (2) of the Regulations.

C. Supplemental Registration (Authority) Sec. 4. (a) of the old FIFRA.

When a company other than the registrant wishes to distribute a basic registrant's product under his distributor label, the following application must be submitted by the registrant.

PR Form 9-1 (Exhibit 5)

NOTE: AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE OF THE DISTRIBUTOR. A COPY OF THE ACCEPTED 9-1 FORM MUST BE RECEIVED BY THE REGISTRANT BEFORE THE DISTRIBUTOR PRODUCT CAN BE LEGALLY MARKETED*

* The term, marketed, means: To distribute, sell, offer for sale, ship deliver for shipment, or receive and (having so received) deliver or offer to deliver.

D. Rejection

When an application for new registration or amended registration is unacceptable, the firm receives a rejection on either:

PR Form 9-14 (rejection-labeling) (Exhibit 6)

PR Form 9-24 (rejection-labeling and data) (Exhibit 7)

NOTE: THE NEW PRODUCT OR THE PRODUCT WITH THE AMENDED LABELING MAY NOT YET BE LEGALLY MARKETED.

E. Acceptance

When a product is accepted for new or amended registration, the firm receives a notice and a stamped accepted label. These notices are listed below:

PR Form 9-25 (Exhibit 8) - Minor corrections are listed which are required to be incorporated in the label at its next printing. However, in the interim, the firm may legally market the product without incorporating the minor corrections in the label.

PR Form 9-26 (Exhibit 9) - Major corrections are listed. These corrections must be incorporated into the labeling before the product can be legally marketed.

PR Form 9-225 (Exhibit 10) - A combined form listing the 9-25 and 9-26 paragraphs. This form is issued only when the product is initially registered.

PR Form 9-265 (Exhibit 11) - No corrections are requested, the product may be legally marketed bearing the accepted label.

Cancellation (Authority) Sec. 6.(a) (b) of the new FIFRA

Unless revised labeling is submitted or a hearing is requested, a cancellation of registration is effective 30 days after the receipt of a notice of intent to cancel. These notices include:

1. PR Form 9-289 - Notice of five year renewal (Exhibit 12)
2. PR Notice
3. Letter of Intent to Cancel (evidence from samples of continued product failure)

In each case, the notice of intent to cancel is sent be certified mail and the certified receipt is filed by RD as evidence that the notice was received by the firm.

A final notice of cancellation, PR Form 9-288, is often sent to the firm several months after the actual date of cancellation. However, the effective date of cancellation is 30 days after receipt of the notice of intent to cancel. (Exhibit 13)

Suspension (Authority) Sec. 6.(c) of the new FIFRA

The registration of a pesticide is suspended if it is determined that such action is necessary to prevent an imminent hazard during the time required for cancellation or change in classification proceedings. The order of suspension may not be issued unless a notice of intention to cancel or to change the classification of the pesticide is also issued.

The registrant has the opportunity to appeal the suspension order by requesting an expedited hearing before the Agency on the question of whether an imminent hazard exists. The registrant may not market the product in question while the suspension order is in effect even though he has requested a hearing.

NOTE: FOR FURTHER INFORMATION ON THE REGISTRATION PROCESS, CONSULT THE "GUIDELINES FOR REGISTERING PESTICIDES IN THE UNITED STATES."

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

FORM APPROVED: BUDGET BUREAU NO. 40-R1746

APPLICATION FOR NEW REGISTRATION OF ECONOMIC POISONS

(Under the Federal Insecticide, Fungicide, and Rodenticide Act)

1. DATE OF APPLICATION

2. NAME OF ECONOMIC POISON *(Must be same product name as on label-do not list active ingredients)*

IMPORTANT: READ INSTRUCTIONS ON REVERSE

3. TYPE OF PESTICIDE *(Check each applicable item for combination products)*
INSECTICIDE ☐ FUNGICIDE ☐ HERBICIDE ☐
RODENTICIDE ☐ GERMICIDE-DISINFECTANT ☐
OTHER *(Specify)*

4. NAME & MAILING ADDRESS OF FIRM TO WHOM REGISTRATION IS TO BE ISSUED *(Include Zip Code)*

5. IS THE REGISTRANT SHOWN IN ITEM 4 THE MANUFACTURER?
YES ☐ NO ☐
(If "No", see instruction 5 on reverse)

6. TYPE OF FORMULATION
DUST ☐ WETTABLE POWDER ☐ PRESSURIZED PRODUCT ☐
GRANULAR ☐ EMULSIFIABLE LIQUID ☐ BAIT ☐
OTHER *(Specify)*

7. TYPE OF CONTAINER
METAL ☐ GLASS ☐
PLASTIC ☐ PAPER ☐
OTHER *(Specify)*

8. NET CONTENTS OR CONTAINER SIZES

9. MANNER IN WHICH LABEL IS AFFIXED TO PRODUCT
LITHOGRAPHED ☐ PAPER, GLUED ☐ STENCILED ☐
OTHER *(Specify)*

10. PLACE WHERE DIRECTIONS FOR USE APPEAR
ON LABEL ☐ IN PRINTED MATTER ACCOMPANYING PRODUCT ☐

11. DATA SUBMITTED WITH THIS APPLICATION *(Identify and submit in triplicate)*
EFFICACY DATA ☐ TOXICOLOGY DATA ☐ RESIDUE DATA ☐ PETITION FOR TOLERANCE ☐
OTHER *(Specify)*:

12. ANY ADDITIONAL PERTINENT INFORMATION *(Do not enter confidential formula here-see item 13, below)*

13. THE FOLLOWING MUST BE SUBMITTED WITH APPLICATION

- Five (5) copies of proposed labeling, including all printed or graphic matter which may accompany the sale of this product. Copies must be clearly legible and identical.
- Five (5) copies of the complete formula, showing the precise name and percentage of each active and each inert ingredient. *(This information is treated confidentially.)*

14. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE

15. TITLE

16. DATE SIGNED

17. **RECEIVED BY USDA – PESTICIDES REGULATION DIVISION, WASHINGTON, D. C.**

IN ANY CORRESPONDENCE ON THIS PRODUCT, REFER TO THIS FILE SYMBOL NO.:

PR FORM 9-199
MAY 1969

EXISTING STOCK OF PRFORM 9-199 (JULY 1968) WILL BE USED UNTIL EXHAUSTED

Exhibit 1a

FORM APPROVED: BUDGET BUREAU NO. 40-R1746

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE
PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20250

APPLICATION FOR [NEW] REGISTRATION OF ECONOMIC POISONS

(Under the Federal Insecticide, Fungicide, and Rodenticide Act)

IMPORTANT: READ INSTRUCTIONS ON REVERSE

1. DATE OF APPLICATION

2. NAME OF ECONOMIC POISON *(Must be same product name as on label-do not list active ingredients)*

3. TYPE OF PESTICIDE *(Check each applicable item for combination products)*
INSECTICIDE ☐ FUNGICIDE ☐ HERBICIDE ☐
RODENTICIDE ☐ GERMICIDE-DISINFECTANT ☐
OTHER *(Specify)*

4. NAME & MAILING ADDRESS OF FIRM TO WHOM REGISTRATION IS TO BE ISSUED *(Include Zip Code)*

5. IS THE REGISTRANT SHOWN IN ITEM 4 THE MANUFACTURER?
YES ☐ NO ☐
(If "No", see instruction 5 on reverse)

6. TYPE OF FORMULATION
DUST ☐ WETTABLE POWDER ☐ PRESSURIZED PRODUCT ☐
GRANULAR ☐ EMULSIFIABLE LIQUID ☐ BAIT ☐
OTHER *(Specify)*

7. TYPE OF CONTAINER
METAL ☐ GLASS ☐
PLASTIC ☐ PAPER ☐
OTHER *(Specify)*

8. NET CONTENTS OR CONTAINER SIZES

9. MANNER IN WHICH LABEL IS AFFIXED TO PRODUCT
LITHOGRAPHED ☐ PAPER, GLUED ☐ STENCILED ☐
OTHER *(Specify)*

10. PLACE WHERE DIRECTIONS FOR USE APPEAR
ON LABEL ☐ IN PRINTED MATTER ACCOMPANYING PRODUCT ☐

11. DATA SUBMITTED WITH THIS APPLICATION *(Identify and submit in triplicate)*
EFFICACY DATA ☐ TOXICOLOGY DATA ☐ RESIDUE DATA ☐ PETITION FOR TOLERANCE ☐
OTHER *(Specify)*:

12. ANY ADDITIONAL PERTINENT INFORMATION *(Do not enter confidential formula here-see item 13, below)*

13. THE FOLLOWING MUST BE SUBMITTED WITH APPLICATION

- Five (5) copies of proposed labeling, including all printed or graphic matter which may accompany the sale of this product. Copies must be clearly legible and identical.
- Five (5) copies of the complete formula, showing the precise name and percentage of each active and each inert ingredient. *(This information is treated confidentially.)*

14. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE

15. TITLE

16. DATE SIGNED

PR FORM 9-199
MAY 1969

EXISTING STOCK OF PRFORM 9-199 (JULY 1968) WILL BE USED UNTIL EXHAUSTED

APPLICANT'S COPY

Exhibit 1b

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20250

CONFIDENTIAL STATEMENT OF FORMULA

(Under the Federal Insecticide, Fungicide, and Rodenticide Act)

FORM APPROVED
BUDGET BUREAU NO. 40-R1746

1. PAGE NO. *This Formula)*

OF

IMPORTANT: *Read instructions on reverse before completing form. All information will be treated confidentially.*

2. DATE OF APPLICATION

3. REASON FOR SUBMISSION *(Check one)*

APPLICATION FOR NEW REGISTRATION ☐

APPLICATION FOR AMENDED OR RENEWAL REGISTRATION ☐

SUBMITTED BY BASIC SUPPLIER *(See instruction C on reverse)* ☐

4. NAME & MAILING ADDRESS OF APPLICANT OR REGISTRANT *(Include Zip Code)*

5. NAME OF ECONOMIC POISON *(Must be same product name as on label-do not list active ingredients)*

6. REGISTRATION NO. OR FILE SYMBOL *(If known)*

7. NAME & MAILING ADDRESS OF BASIC SUPPLIER *(If applicable) (Include zip code)*

8. NAME OF INGREDIENT (PRODUCT) PROVIDED BY BASIC SUPPLIER FOR WHICH FORMULATION IS UNKNOWN *(If any)*

9. IS THE INGREDIENT (PRODUCT) NAMED IN ITEM 8 REGISTERED WITH THE EPA? YES ☐ NO ☐

10. IF "YES" IN ITEM 9, GIVE REGISTRATION NO.

11. NAME OF EACH ACTIVE AND EACH INERT INGREDIENT USED IN THE FORMULATION *(List both the common name and the precise chemical name of each)*	12. PERCENT OF EACH BY WEIGHT
All ingredients listed in item 11 above and on additional pages must total →	100%

☐ CONTINUED ON ATTACHMENT(S)

13. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE

14. TITLE

15. DATE SIGNED

16. **RECEIVED BY EPA –PESTICIDES REGULATION DIVISION, WASHINGTON, D. C.**

PR FORM 9-196
(MAY 1970)

Exhibit 2a

INSTRUCTIONS FOR PR FORM 9-196

A. The complete chemical composition of each economic poison must be known so it can be evaluated for registration under the Federal Insecticide, Fungicide, and Rodenticide Act. This information is also necessary to determine the status of ingredients, both active and inert, under the Pesticide Chemicals Amendment to the Federal Food, Drug, and Cosmetic Act.

B. This form is designed for reporting the ingredients used in the formulation of an economic poison. Its use will speed the review. It must be completed and submitted with each "Application for New Registration of Economic Poisons" (PR Form 9-199), or with each "Application for Amended Registration of Economic Poisons" (PR Form 9-198) if revision involves a formula change, or with each "Application for Renewal Registration of Economic Poisons" (PR Form 9-197).

C. If the complete chemical composition of formulated ingredients, either active or inert, used in this product's formulation is not known to you, send a separate set of these forms for each such ingredient to your Basic Supplier. When you do this, it is important that you first fill in items 2 thru 8 so that we may positively identify the supplier's product with your economic poison. The Basic Supplier is then requested to complete item 1, and items 9 thru 15, and submit the form to this Division. This Statement is treated confidentially. It cannot be used to support a customer's (formulator's) application for subsequent registration without written authorization from the Basic Supplier.

ITEM NO.

1. PAGES OF THIS FORMULA. Show "1 of 1", "1 of 2", etc. If space on this form is insufficient to list all ingredients, continue on additional sheets and number in sequence.
2. DATE OF APPLICATION. Enter the same date as the related application form.
3. REASON FOR SUBMISSION. Read instruction B above.
4. NAME AND MAILING ADDRESS OF APPLICANT OR REGISTRANT. Enter the name and mailing address of your firm.
5. NAME OF ECONOMIC POISON. Enter the product name of this economic poison as it will appear on the finished label.
6. REGISTRATION NO. OR FILE SYMBOL. These reference items are assigned by the PR Division. If unknown, leave blank.
7. NAME AND MAILING ADDRESS OF BASIC SUPPLIER.
8. NAME OF INGREDIENT (PRODUCT) PROVIDED BY BASIC SUPPLIER FOR WHICH FORMULATION IS UNKNOWN

Complete only if required by Instruction C above.

9. IS THE INGREDIENT (PRODUCT) NAMED IN ITEM 8 REGISTERED WITH EPA ? "YES" or "NO".
10. IF "YES" IN ITEM 9, GIVE REGISTRATION NO. Self-Explanatory.

Completed only by the Basic Supplier.

11. NAME OF EACH ACTIVE AND EACH INERT INGREDIENT USED IN THE FORMULATION. List both the common name and the precise chemical name of each active and each inert ingredient used in formulating this product.
    a. First list the active ingredients. List them in the very same order as they appear or will appear in the ingredient statement on the finished label.
    b. Next, list the name of each inert ingredient.
    c. When a formulated product is listed in the formula, name its basic manufacturer and give its EPA Registration Number, if known, in parenthesis following the name of the product. (Also see Instruction C above).
    d. The trade name and manufacturer of surfactants and other adjuvants (dyes, emulsifiers, solvents, perfumes) must be listed. The complete chemical composition of emulsifiers and surfactants must be listed. Enclose the manufacturer's name in parenthesis following the product listed by trade name. (Also see Instructions C above).
    e. If a dye or other coloring material is used, state the color.
12. PERCENT OF EACH BY WEIGHT. Enter in this column the percentage by weight of each active and each inert ingredient listed in item 11. Each entry must be opposite that ingredient to which it applies. The percentages by weight for the active ingredients must agree with those appearing in the ingredient statement on the label. The sum of all the percentages listed must equal 100 percent.
13. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE. When completed, the authorized representative of the firm must sign this form.
14. TITLE. Self-explanatory.
15. DATE SIGNED. Self-explanatory.

OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

APPLICATION FOR AMENDED REGISTRATION OF ECONOMIC POISONS

(Under the Federal Insecticide, Fungicide, and Rodenticide Act)

FORM APPROVED
BUDGET BUREAU NO. 40-R1746

1. DATE OF APPLICATION

IMPORTANT: READ INSTRUCTIONS ON REVERSE

2. NAME OF ECONOMIC POISON *(Must be same product name as on label—do not list active ingredients)*

3. NAME & MAILING ADDRESS OF REGISTRANT *(Include Zip Code)*

4. REGISTRATION NO.

5. PROPOSED EFFECTIVE DATE OF CHANGE

6. NATURE OF REVISION *(Check applicable item and give details in item 7, when required)*

- GENERAL REVISION OF LABELING ☐
- CHANGE IN FORMULATION ☐ *(Give description of exact change in item 7)*
- OTHER ☐ *(Specify in item 7)*
- ADDITIONAL USES ADDED TO LABELING ☐ *(List new recommendations in item 7)*
- CHANGE IN PRODUCT NAME ☐ *(Give old name and new name in item 7)*

7. DETAILS REQUIRED BY REVISION CHECKED IN ITEM 6 *(Attach additional sheets if more space is needed)*

☐ CONTINUED ON ATTACHMENT

8. THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION

- Five (5) copies of revised labeling, including any printed or graphic matter which may accompany the sale of this product. Copies must be clearly legible and identical.
- If a change in formulation is involved, five (5) copies of a statement of revised formula showing the precise name and precentage of each active and each inert ingredient. *(This information is treated confidentially)*
- When appropriate, three (3) copies of Supporting Data.

12. RECEIVED BY USDA-PESTICIDES REGULATION DIVISION, WASHINGTON, D. C.

IN ANY CORRESPONDENCE ON THIS PRODUCT REFER TO REGISTRATION NO. IN ITEM 4, ABOVE.

9. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE

TITLE

11. DATE SIGNED

PR FORM 9-198
MAY 1969

EXISTING STOCK OF PR FORM 9-198 (AUG. 1968) WILL BE USED UNTIL EXHAUSTED

Exhibit 3a

ITEM

INSTRUCTIONS FOR PR FORM 9—198

1. Applications should be submitted as far in advance as possible prior to desired registration date. The time required to process applications may vary depending on the extent of review required. Applications which require consultation with other governmental agencies will take a longer time to process.

2. The name of the economic poison shown in the application must be the same product name as that shown on the labeling submitted. Do not list the active ingredients.

3. The name of the firm or person and address shown in your application is the person or firm to whom registration will be issued. If you are acting in behalf of another party, you must submit authorization from that party to act for them in registration matters. The address given in item three will be the mailing address permanently on record unless changed by the registrant.

4. The registration number assigned must appear on the label. The number must be the same as that appearing on the notice of registration and shall be preceded by the phrase "USDA Registration Number" or the phrase "USDA Reg. No." (Refer to Sec. 362.6(F) of the Regulations)

5. Changes in the labeling or changes in the formula must be submitted in advance of the proposed effective date.

6. Nature of revision — The registrant must describe the exact changes desired and upon request must submit a description of test results to justify such changes. Minor changes in formulation may be handled as revisions of existing registrations. This might include a change in the percentage of active ingredients or a change in inert ingredients. However, any basic change in formulation such as a change in the principal active ingredients would require a separate registration as a new product with a different product name.

7. Self Explanatory.

8. Labeling — All copies of labeling must be clearly legible and identical. Photo copy of lithograph labels should be submitted. Do not send containers. Your supplier should be able to furnish photo copies of the screen print. Submit reduced photo copies of labeling for dry agricultural fertilizer - insecticide, or herbicide bags. Any label smaller than half the size of a sheet of paper 8 inches by 10 inches should be stapled to a sheet of paper 8 inches by 10 inches before attaching to application.

   Formulation — If a change in formulation is involved, five copies of a separate statement listing the correct name and percentage by weight of each active and each inert ingredient must be submitted with each application. This statement is treated confidentially. It cannot be used to support a customer's (formulator) application for subsequent registration without written authorization from the registrant. If necessary information on the formula is not available to the applicant (formulator or packer), he should: (a) Obtain the necessary information from the basic supplier and submit five copies of the statement with the application or (b) Request the basic supplier to furnish the necessary information to the Division along with a statement specifically authorizing the use of such information to support separate registration for the applicant. The statement from the basic supplier must clearly identify the applicant's product to which it applies.

ATTENTION: The submission of an application does not constitute registration. Comment or notice of registration will be sent after examination by the Pesticides Regulation Division of the information submitted.

Exhibit 3b

PR Notice 70-20

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

September 14, 1970

NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS, AND REGISTRANTS OF ECONOMIC POISONS

Attention: Person Responsible For Federal Registration of Economic Poisons

APPLICATION FOR CHANGE IN FORMULA FOR REGISTERED PRODUCTS

Section 362.10 (g)(1) of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act provides for limited changes in the formula of a registered economic poison.

In the past, rather extensive changes in formula have been accepted as amended registration. This has often led to administrative difficulties in record keeping and confusion for registrants of economic poisons. Therefore, future applications for amended registration involving a formula change will be considered only if the change in percentage of active ingredient(s) or changes in inerts will not result in a need for modifying the required precautionary labeling or directions.

Changes in formulation which involve the addition or removal of an active ingredient(s) or which do not meet the requirements listed above will be considered as new products. Such submissions should include a completed PR Form 9-199 (Application For New Registration). If you intend to discontinue marketing of the original product, please inform this Division so that cancellation procedures may be instituted.

Harold G. Alford

Harold G. Alford
Assistant Director

Exhibit 4

FORM APPROVED: BUDGET BUREAU NO. 40-R3580

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

APPLICATION FOR
SUPPLEMENTAL REGISTRATION FOR DISTRIBUTORS

(Under Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act)

1. DATE OF APPLICATION	2. REGISTRATION NO.

3. DATE LABELING OF THIS PRODUCT ACCEPTED BY USDA

4. NAME OF REGISTERED PRODUCT

5. NAME AND ADDRESS OF REGISTRANT *(Include Zip Code)*

It is requested that the registration record under the Federal Insecticide, Fungicide and Rodenticide Act of the product named above be amended to include the labels for each distributor listed below:

6. DISTRIBUTOR *(Name and Address-include Zip Code)*	7. DISTRIBUTOR'S PRODUCT NAME *(Show complete product name as it will appear on the distributor's label)*

☐ CONTINUATION SHEET ATTACHED *(If checked, submit 2 copies)*

CERTIFICATION

This is to certify that the distributor(s) product has the same formula as that of the registrant, is manufactured by the same person, and the labeling of which contains the same claims and registration number as the registered product named above. The labeling of this registered product was accepted by the Department of Agriculture by correspondence on the date shown in item 3 above. The product remains in the manufacturer's original unbroken package until it is sold to the user.

8. SIGNATURE OF FIRM REPRESENTATIVE	9. TITLE	10. DATE SIGNED

FOR PESTICIDES REGULATION DIVISION USE ONLY – The registration record under the Federal Insecticide, Fungicide, and Rodenticide Act of the product named above has been amended to include the labels for the distributor(s) listed above.

SIGNATURE	TITLE	DATE

PR FORM 9-1
MAY 1969

EXISTING STOCK OF PR FORM 9-1 (JULY 1968), WILL BE USED UNTIL EXHAUSTED.

Conditions for listing Distributors

A. After a manufacturer (formulator) submits acceptable labeling and obtains registration for a basic product, he may list distributors by submitting the name and address of the distributor and the product name to be used on the distributor's label. This request must be submitted by the registrant; such request from the distributor is not acceptable. The product may then be legally shipped in interstate commerce under the distributor's label under the following conditions.

1. The distributor's label does not differ in substance from the basic label accepted for the manufacturer, except;

   a. The product name may differ so long as it is not misleading,

   b. The name and address of the distributor must be preceded by a qualifying phrase such as, "distributed by," "sold by," or "manufactured for,"

   c. If the basic label bears directions for use on a number of crops or sites, the distributor's label may bear directions for use on only a part of the crops or sites, provided such directions are complete.

2. The distributor's label must bear the USDA Registration Number assigned to the manufacturer's product.

3. The distributor's product must remain in the manufacturer's original unbroken container as long as it is in the channels of trade. (Products purchased by the distributor in bulk lots and repacked cannot be legally shipped in interstate commerce without a separate registration.) Also, the immediate container of products shipped from the manufacturer to the distributor must bear registered labeling.

B. Any change in the registration status of the manufacturer's or registrant's basic product or its labeling applies equally to all distributor's products listed under the registration. It is the responsibility of the manufacturer or registrant to see that all distributor's labeling complies with the currently accepted labeling for the basic product.

C. It is not necessary to submit copies of distributor's labeling.

FORM APPROVED: BUDGET BUREAU NO. 40-R1746

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE
PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20250

APPLICATION FOR [NEW] REGISTRATION OF ECONOMIC POISONS

(Under the Federal Insecticide, Fungicide, and Rodenticide Act)

1. DATE OF APPLICATION

2. NAME OF ECONOMIC POISON *(Must be same product name as on label-do not list active ingredients)*

IMPORTANT: READ INSTRUCTIONS ON REVERSE

3. TYPE OF PESTICIDE *(Check each applicable item for combination products)*
INSECTICIDE ☐ FUNGICIDE ☐ HERBICIDE ☐
RODENTICIDE ☐ GERMICIDE-DISINFECTANT ☐
OTHER *(Specify)*

4. NAME & MAILING ADDRESS OF FIRM TO WHOM REGISTRATION IS TO BE ISSUED *(Include Zip Code)*

5. IS THE REGISTRANT SHOWN IN ITEM 4 THE MANUFACTURER?
YES ☐ NO ☐
(If "No", see instruction 5 on reverse)

6. TYPE OF FORMULATION
DUST ☐ WETTABLE POWDER ☐ PRESSURIZED PRODUCT ☐
GRANULAR ☐ EMULSIFIABLE LIQUID ☐ BAIT ☐
OTHER *(Specify)*

7. TYPE OF CONTAINER
METAL ☐ GLASS ☐
PLASTIC ☐ PAPER ☐
OTHER *(Specify)*

8. NET CONTENTS OR CONTAINER SIZES

9. MANNER IN WHICH LABEL IS AFFIXED TO PRODUCT
LITHOGRAPHED ☐ PAPER, GLUED ☐ STENCILED ☐
OTHER *(Specify)*

10. PLACE WHERE DIRECTIONS FOR USE APPEAR
ON LABEL ☐ IN PRINTED MATTER ACCOMPANYING PRODUCT ☐

11. DATA SUBMITTED WITH THIS APPLICATION *(Identify and submit in triplicate)*
EFFICACY DATA ☐ TOXICOLOGY DATA ☐ RESIDUE DATA ☐ PETITION FOR TOLERANCE ☐
OTHER *(Specify)*:

12. ANY ADDITIONAL PERTINENT INFORMATION *(Do not enter confidential formula here-see item 13, below)*

13. THE FOLLOWING MUST BE SUBMITTED WITH APPLICATION

- Five (5) copies of proposed labeling, including all printed or graphic matter which may accompany the sale of this product. Copies must be clearly legible and identical.
- Five (5) copies of the complete formula, showing the precise name and percentage of each active and each inert ingredient. *(This information is treated confidentially.)*

14. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE

15. TITLE

16. DATE SIGNED

PR FORM 9-199
MAY 1969

EXISTING STOCK OF PRFORM 9-199 (JULY 1968) WILL BE USED UNTIL EXHAUSTED

APPLICANT'S COPY

Exhibit 1b

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20250

CONFIDENTIAL STATEMENT OF FORMULA

(Under the Federal Insecticide, Fungicide, and Rodenticide Act)

FORM APPROVED
BUDGET BUREAU NO. 40-R1746

1. PAGE NO. *This Formula)*

OF

IMPORTANT: *Read instructions on reverse before completing form. All information will be treated confidentially.*

2. DATE OF APPLICATION

3. REASON FOR SUBMISSION *(Check one)*

APPLICATION FOR NEW REGISTRATION ☐

APPLICATION FOR AMENDED OR RENEWAL REGISTRATION ☐

SUBMITTED BY BASIC SUPPLIER *(See instruction C on reverse)* ☐

4. NAME & MAILING ADDRESS OF APPLICANT OR REGISTRANT *(Include Zip Code)*

5. NAME OF ECONOMIC POISON *(Must be same product name as on label-do not list active ingredients)*

6. REGISTRATION NO. OR FILE SYMBOL *(If known)*

7. NAME & MAILING ADDRESS OF BASIC SUPPLIER *(If applicable) (Include zip code)*

8. NAME OF INGREDIENT (PRODUCT) PROVIDED BY BASIC SUPPLIER FOR WHICH FORMULATION IS UNKNOWN *(If any)*

9. IS THE INGREDIENT (PRODUCT) NAMED IN ITEM 8 REGISTERED WITH THE EPA.? YES ☐ NO ☐

10. IF "YES" IN ITEM 9, GIVE REGISTRATION NO.

11. NAME OF EACH ACTIVE AND EACH INERT INGREDIENT USED IN THE FORMULATION *(List both the common name and the precise chemical name of each)*	12. PERCENT OF EACH BY WEIGHT
All ingredients listed in item 11 above and on additional pages must total →	100%

☐ CONTINUED ON ATTACHMENT(S)

13. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE

14. TITLE

15. DATE SIGNED

16. **RECEIVED BY EPA –PESTICIDES REGULATION DIVISION, WASHINGTON, D. C.**

PR FORM 9-196
(MAY 1970)

Exhibit 2a

INSTRUCTIONS FOR PR FORM 9-196

A. The complete chemical composition of each economic poison must be known so it can be evaluated for registration under the Federal Insecticide, Fungicide, and Rodenticide Act. This information is also necessary to determine the status of ingredients, both active and inert, under the Pesticide Chemicals Amendment to the Federal Food, Drug, and Cosmetic Act.

B. This form is designed for reporting the ingredients used in the formulation of an economic poison. Its use will speed the review. It must be completed and submitted with each "Application for New Registration of Economic Poisons" (PR Form 9-199), or with each "Application for Amended Registration of Economic Poisons" (PR Form 9-198) if revision involves a formula change, or with each "Application for Renewal Registration of Economic Poisons" (PR Form 9-197).

C. If the complete chemical composition of formulated ingredients, either active or inert, used in this product's formulation is not known to you, send a separate set of these forms for each such ingredient to your Basic Supplier. When you do this, it is important that you first fill in items 2 thru 8 so that we may positively identify the supplier's product with your economic poison. The Basic Supplier is then requested to complete item 1, and items 9 thru 15, and submit the form to this Division. This Statement is treated confidentially. It cannot be used to support a customer's (formulator's) application for subsequent registration without written authorization from the Basic Supplier.

ITEM NO.

1. PAGES OF THIS FORMULA. Show "1 of 1", "1 of 2", etc. If space on this form is insufficient to list all ingredients, continue on additional sheets and number in sequence.
2. DATE OF APPLICATION. Enter the same date as the related application form.
3. REASON FOR SUBMISSION. Read instruction B above.
4. NAME AND MAILING ADDRESS OF APPLICANT OR REGISTRANT. Enter the name and mailing address of your firm.
5. NAME OF ECONOMIC POISON. Enter the product name of this economic poison as it will appear on the finished label.
6. REGISTRATION NO. OR FILE SYMBOL. These reference items are assigned by the PR Division. If unknown, leave blank.
7. NAME AND MAILING ADDRESS OF BASIC SUPPLIER.
8. NAME OF INGREDIENT (PRODUCT) PROVIDED BY BASIC SUPPLIER FOR WHICH FORMULATION IS UNKNOWN

   } Complete only if required by Instruction C above.

9. IS THE INGREDIENT (PRODUCT) NAMED IN ITEM 8 REGISTERED WITH EPA ? "YES" or "NO".
10. IF "YES" IN ITEM 9, GIVE REGISTRATION NO. Self-Explanatory.

    } Completed only by the Basic Supplier.

11. NAME OF EACH ACTIVE AND EACH INERT INGREDIENT USED IN THE FORMULATION. List both the common name and the precise chemical name of each active and each inert ingredient used in formulating this product.
    a. First list the active ingredients. List them in the very same order as they appear or will appear in the ingredient statement on the finished label.
    b. Next, list the name of each inert ingredient.
    c. When a formulated product is listed in the formula, name its basic manufacturer and give its EPA Registration Number, if known, in parenthesis following the name of the product. (Also see Instruction C above).
    d. The trade name and manufacturer of surfactants and other adjuvants (dyes, emulsifiers, solvents, perfumes) must be listed. The complete chemical composition of emulsifiers and surfactants must be listed. Enclose the manufacturer's name in parenthesis following the product listed by trade name. (Also see Instructions C above).
    e. If a dye or other coloring material is used, state the color.
12. PERCENT OF EACH BY WEIGHT. Enter in this column the percentage by weight of each active and each inert ingredient listed in item 11. Each entry must be opposite that ingredient to which it applies. The percentages by weight for the active ingredients must agree with those appearing in the ingredient statement on the label. The sum of all the percentages listed must equal 100 percent.
13. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE. When completed, the authorized representative of the firm must sign this form.
14. TITLE. Self-explanatory.
15. DATE SIGNED. Self-explanatory.

OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

APPLICATION FOR AMENDED REGISTRATION OF ECONOMIC POISONS

(Under the Federal Insecticide, Fungicide, and Rodenticide Act)

FORM APPROVED
BUDGET BUREAU NO. 40–R1746

1. DATE OF APPLICATION

IMPORTANT: READ INSTRUCTIONS ON REVERSE

2. NAME OF ECONOMIC POISON *(Must be same product name as on label–do not list active ingredients)*

3. NAME & MAILING ADDRESS OF REGISTRANT *(Include Zip Code)*

4. REGISTRATION NO.

5. PROPOSED EFFECTIVE DATE OF CHANGE

6. NATURE OF REVISION *(Check applicable item and give details in item 7, when required)*

- ☐ GENERAL REVISION OF LABELING
- ☐ CHANGE IN FORMULATION *(Give description of exact change in item 7)*
- ☐ OTHER *(Specify in item 7)*
- ☐ ADDITIONAL USES ADDED TO LABELING *(List new recommendations in item 7)*
- ☐ CHANGE IN PRODUCT NAME *(Give old name and new name in item 7)*

7. DETAILS REQUIRED BY REVISION CHECKED IN ITEM 6 *(Attach additional sheets if more space is needed)*

☐ CONTINUED ON ATTACHMENT

8. THE FOLLOWING MUST BE SUBMITTED WITH THIS APPLICATION

- Five (5) copies of revised labeling, including any printed or graphic matter which may accompany the sale of this product. Copies must be clearly legible and identical.
- If a change in formulation is involved, five (5) copies of a statement of revised formula showing the precise name and precentage of each active and each inert ingredient. *(This information is treated confidentially)*
- When appropriate, three (3) copies of Supporting Data.

9. SIGNATURE OF AUTHORIZED FIRM REPRESENTATIVE

TITLE

11. DATE SIGNED

12. RECEIVED BY USDA–PESTICIDES REGULATION DIVISION, WASHINGTON, D. C.

IN ANY CORRESPONDENCE ON THIS PRODUCT REFER TO REGISTRATION NO. IN ITEM 4, ABOVE.

PR FORM 9–198
MAY 1969

EXISTING STOCK OF PR FORM 9–198 (AUG. 1968) WILL BE USED UNTIL EXHAUSTED

Exhibit 3a

ITEM

INSTRUCTIONS FOR PR FORM 9—198

1. Applications should be submitted as far in advance as possible prior to desired registration date. The time required to process applications may vary depending on the extent of review required. Applications which require consultation with other governmental agencies will take a longer time to process.

2. The name of the economic poison shown in the application must be the same product name as that shown on the labeling submitted. Do not list the active ingredients.

3. The name of the firm or person and address shown in your application is the person or firm to whom registration will be issued. If you are acting in behalf of another party, you must submit authorization from that party to act for them in registration matters. The address given in item three will be the mailing address permanently on record unless changed by the registrant.

4. The registration number assigned must appear on the label. The number must be the same as that appearing on the notice of registration and shall be preceded by the phrase "USDA Registration Number" or the phrase "USDA Reg. No." (Refer to Sec. 362.6(F) of the Regulations)

5. Changes in the labeling or changes in the formula must be submitted in advance of the proposed effective date.

6. Nature of revision — The registrant must describe the exact changes desired and upon request must submit a description of test results to justify such changes. Minor changes in formulation may be handled as revisions of existing registrations. This might include a change in the percentage of active ingredients or a change in inert ingredients. However, any basic change in formulation such as a change in the principal active ingredients would require a separate registration as a new product with a different product name.

7. Self Explanatory.

8. Labeling — All copies of labeling must be clearly legible and identical. Photo copy of lithograph labels should be submitted. Do not send containers. Your supplier should be able to furnish photo copies of the screen print. Submit reduced photo copies of labeling for dry agricultural fertilizer - insecticide, or herbicide bags. Any label smaller than half the size of a sheet of paper 8 inches by 10 inches should be stapled to a sheet of paper 8 inches by 10 inches before attaching to application.

   Formulation — If a change in formulation is involved, five copies of a separate statement listing the correct name and percentage by weight of each active and each inert ingredient must be submitted with each application. This statement is treated confidentially. It cannot be used to support a customer's (formulator) application for subsequent registration without written authorization from the registrant. If necessary information on the formula is not available to the applicant (formulator or packer), he should: (a) Obtain the necessary information from the basic supplier and submit five copies of the statement with the application or (b) Request the basic supplier to furnish the necessary information to the Division along with a statement specifically authorizing the use of such information to support separate registration for the applicant. The statement from the basic supplier must clearly identify the applicant's product to which it applies.

ATTENTION: The submission of an application does not constitute registration. Comment or notice of registration will be sent after examination by the Pesticides Regulation Division of the information submitted.

PR Notice 70-20

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

September 14, 1970

NOTICE TO MANUFACTURERS, FORMULATORS, DISTRIBUTORS, AND REGISTRANTS OF ECONOMIC POISONS

Attention: Person Responsible For Federal Registration of Economic Poisons

APPLICATION FOR CHANGE IN FORMULA FOR REGISTERED PRODUCTS

Section 362.10 (g)(1) of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act provides for limited changes in the formula of a registered economic poison.

In the past, rather extensive changes in formula have been accepted as amended registration. This has often led to administrative difficulties in record keeping and confusion for registrants of economic poisons. Therefore, future applications for amended registration involving a formula change will be considered only if the change in percentage of active ingredient(s) or changes in inerts will not result in a need for modifying the required precautionary labeling or directions.

Changes in formulation which involve the addition or removal of an active ingredient(s) or which do not meet the requirements listed above will be considered as new products. Such submissions should include a completed PR Form 9-199 (Application For New Registration). If you intend to discontinue marketing of the original product, please inform this Division so that cancellation procedures may be instituted.

Harold G. Alford
Assistant Director

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

APPLICATION FOR SUPPLEMENTAL REGISTRATION FOR DISTRIBUTORS

(Under Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act)

FORM APPROVED: BUDGET BUREAU NO. 40-R3580

1. DATE OF APPLICATION	2. REGISTRATION NO.

3. DATE LABELING OF THIS PRODUCT ACCEPTED BY USDA

4. NAME OF REGISTERED PRODUCT

5. NAME AND ADDRESS OF REGISTRANT *(Include Zip Code)*

It is requested that the registration record under the Federal Insecticide, Fungicide and Rodenticide Act of the product named above be amended to include the labels for each distributor listed below:

6. DISTRIBUTOR *(Name and Address-include Zip Code)*	7. DISTRIBUTOR'S PRODUCT NAME *(Show complete product name as it will appear on the distributor's label)*

☐ CONTINUATION SHEET ATTACHED *(If checked, submit 2 copies)*

CERTIFICATION

This is to certify that the distributor(s) product has the same formula as that of the registrant, is manufactured by the same person, and the labeling of which contains the same claims and registration number as the registered product named above. The labeling of this registered product was accepted by the Department of Agriculture by correspondence on the date shown in item 3 above. The product remains in the manufacturer's original unbroken package until it is sold to the user.

8. SIGNATURE OF FIRM REPRESENTATIVE	9. TITLE	10. DATE SIGNED

FOR PESTICIDES REGULATION DIVISION USE ONLY – The registration record under the Federal Insecticide, Fungicide, and Rodenticide Act of the product named above has been amended to include the labels for the distributor(s) listed above.

SIGNATURE	TITLE	DATE

PR FORM 9-1
MAY 1969

EXISTING STOCK OF PR FORM 9-1 (JULY 1968), WILL BE USED UNTIL EXHAUSTED.

Conditions for listing Distributors

A. After a manufacturer (formulator) submits acceptable labeling and obtains registration for a basic product, he may list distributors by submitting the name and address of the distributor and the product name to be used on the distributor's label. This request must be submitted by the registrant; such request from the distributor is not acceptable. The product may then be legally shipped in interstate commerce under the distributor's label under the following conditions.

1. The distributor's label does not differ in substance from the basic label accepted for the manufacturer, except;

   a. The product name may differ so long as it is not misleading,

   b. The name and address of the distributor must be preceded by a qualifying phrase such as, "distributed by," "sold by," or "manufactured for,"

   c. If the basic label bears directions for use on a number of crops or sites, the distributor's label may bear directions for use on only a part of the crops or sites, provided such directions are complete.

2. The distributor's label must bear the USDA Registration Number assigned to the manufacturer's product.

3. The distributor's product must remain in the manufacturer's original unbroken container as long as it is in the channels of trade. (Products purchased by the distributor in bulk lots and repacked cannot be legally shipped in interstate commerce without a separate registration.) Also, the immediate container of products shipped from the manufacturer to the distributor must bear registered labeling.

B. Any change in the registration status of the manufacturer's or registrant's basic product or its labeling applies equally to all distributor's products listed under the registration. It is the responsibility of the manufacturer or registrant to see that all distributor's labeling complies with the currently accepted labeling for the basic product.

C. It is not necessary to submit copies of distributor's labeling.

ENVIRONMENTAL PROTECTION AGENCY
PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20250

Gentlemen:

Subject

The labeling referred to above submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is not acceptable for the reasons given below. It should be corrected or amended in accordance with these comments and resubmitted in quintuplicate.

PR FORM 9-14
AUG 1966

EXISTING STOCK OF PR FORM 9-14, SEPT 1963, WILL BE USED UNTIL EXHAUSTED

ENVIRONMENTAL PROTECTION AGENCY
Pesticides Regulation Division
Washington, D. C. 20250

Gentlemen:

Subject :

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is not acceptable for the reasons given below. Please furnish the requested information together with five copies of corrected labeling.

PR Form 9-24

ENVIRONMENTAL PROTECTION AGENCY
PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20250

Gentlemen:

Subject :

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act, is being accepted at this time; and a stamped copy is enclosed for your records. However, it is subject to the comment(s) listed below. The correction(s) should be made when new labeling is printed.

PR FORM 9-25
OCT 1963

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

Exhibit 8

ENVIRONMENTAL PROTECTION AGENCY
PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20280

Gentlemen:

Subject:

The subject labeling, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is being accepted at this time. To expedite registration, this acceptance is being made on the basis of the draft submitted with the application. Certain defects, given below, have been noted. These corrections must be incorporated when the finished labeling is prepared. Five copies of the finished labeling must be submitted.

PR FORM 9-26
Feb. 1965

Exhibit 9

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

NOTICE OF REGISTRATION UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

REGISTRATION NO.

DATE OF ISSUANCE

NAME OF ECONOMIC POISON

NAME AND ADDRESS OF REGISTRANT

NOTE: Changes in labeling or formula differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Pesticides Regulation Division prior to use of the label in interstate commerce. In any correspondence on this product always refer to the above registration number.

On the basis of the information furnished by the registrant, the above named economic poison is hereby registered under Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act.

A copy of the labeling accepted in connection with this registration is returned herewith.

Registration is in no way to be construed as an endorsement or approval of this product by this Department. In order to protect the public, the Secretary, on his own motion, may at any time cancel the registration of an economic poison in accordance with Section 4 (c) of the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by a trademark held by others.

The following paragraphs are applicable only when checked:

☐ To expedite registration, this notice is being issued on the basis of the draft submitted with the application. Certain defects, given below, have been noted. These corrections must be incorporated when the printed labeling is prepared. Five copies of the printed labeling must be submitted to complete the file on this product.

☐ The registration for this product is being issued with the understanding that certain defects in the labeling which are noted below will be corrected as soon as possible. Objection is not raised to the use of the present labeling for a reasonable period of time while fully corrected labeling is being prepared. Five copies of the corrected labeling must be submitted.

☐

☐ Attachment is applicable.

NATURE

HEAD, REGISTRATION SECTION
PESTICIDES REGULATION DIVISION

PR FORM 9-225
OCT. 1964

EXISTING STOCK OF PR FORM 9-225, MAR. 1962, WILL BE USED UNTIL EXHAUSTED

Exhibit 10

ENVIRONMENTAL PROTECTION AGENCY
PESTICIDES REGULATION DIVISION
WASHINGTON, D. C. 20250

Gentlemen:

Subject :

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, is acceptable and a stamped copy is enclosed for your records.

Very truly yours,

Enclosure

PR FORM 9-265
SEP 1967

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

Exhibit 11

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

NOTICE OF INTENT TO CANCEL REGISTRATION OF ECONOMIC POISONS UNDER THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

DATE OF NOTICE:

CERTIFIED MAIL

IN REPLY REFER TO:

9-RC-5R

ATTENTION: Person Responsible for Registration of Economic Poisons

In accordance with section 4 f. of the Act *(7 USC 135 b. (f))* and section 362.10 (i) and (j) of the Regulations notice is hereby given that the five year registration period for the economic poisons identified by the registration numbers listed hereon has expired. These registrations will be canceled effective 30 days from the receipt of this notice unless you take the following steps to renew them.

1. Place a "✓" at the left of each registration number you wish renewed.
2. For each product checked, submit a separate PR Form 9–197, Application for Renewal Registration of Economic Poisons.
3. Sign the statement below.
4. Return the original copy of this notice to the Division at the address shown above. *(Keep the carbon for your files.)*

It will be necessary that fully acceptable labeling be submitted before reregistration can be issued. You will be advised if changes in labeling are required and given an opportunity to make the necessary corrections as provided in Section 4 c. of the Act.

If registration of products is canceled, any further shipment in interstate commerce will be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

USDA REG. NO.	PRODUCT NAME

SIGNATURE

Assistant Director

REQUEST FOR CONTINUED REGISTRATION

It is requested that registration under the Federal Insecticide, Fungicide and Rodenticide Act be continued for the product(s) registered under the number(s) checked above. A separate PR Form 9-197 with required supporting material is enclosed for each product checked. It is understood that the registration of the product(s) not checked will be canceled.

BY *(Signature)*	TITLE	DATE

PR FORM 9-289
MAY 1970

REPLACES PR FORM 9-289, FEB. 1966 WHICH IS OBSOLETE

ORIGINAL (To be returned)

ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF PESTICIDES PROGRAMS
REGISTRATION DIVISION
WASHINGTON, D. C. 20250

NOTICE OF CANCELLATION OF REGISTRATION

UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

EFFECTIVE DATE OF CANCELLATION

REASON FOR CANCELLATION

CERTIFIED MAIL

NAME AND ADDRESS OF REGISTRANT *(Include Zip Code)*

As provided in section 4.c. of the Act and in accordance with the provisions of the regulations for its enforcement, the economic poison registration(s) designated below is *(are)* cancelled. Any further shipment in interstate commerce of the products under this *(these)* registration(s) will be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

USDA REG. NO.	PRODUCT NAME

☐ Attachment is applicable.

SIGNATURE

ASSISTANT DIRECTOR FOR REGISTRATION

PR FORM 9-288
FEB. 1970

REPLACES PR FORM 9-288, JAN. 1968, WHICH IS OBSOLETE

Exhibit 13

SECTION 3

ESTABLISHMENT REGISTRATION PROCESS

ESTABLISHMENT REGISTRATION PROCESS

This chapter will be written when the establishment registration process is finalized. The chapter will only cover those establishment registration requirements which directly relate to the development of enforcement cases and will not provide detailed, step-by-step procedures regarding the registration of establishments.

SECTION 4

LABORATORY TESTS

LABORATORY TESTS

Tests methods employed in the analysis of ID samples fall into two categories, official and unofficial.

1. Official Test Method - Refers to a test method accepted by a recognized standard setting organization, such as the Association of Official Analytical Chemists (AOAC) and the American Society for Testing and Materials (ASTM).
2. Unofficial Test Method - Refers to a method which has not as yet been accepted as a standard method but is employed by EPA in the analysis of a sample because other reliable test methods are not available.

Extreme care and judgement should be exercised in preparing enforcement cases when unofficial test methods are used as the basis for evidence of a violation of the FIFRA. Consultations with Regional Coordinators are strongly recommended before proceeding with enforcement actions in these cases.

The following manuals on test methods are available and should be kept in the office for reference.

1. Official Methods of Analysis of the Association of Official Analytical Chemists.
2. EPA Chemists Manual.

The above two manuals may be obtained by writing:

Attention: Mr. Warren Bontoyan

Environmental Protection Agency

Office of Pesticides Programs

Technical Services Division

Chemistry Laboratory

ARC Room 101 South Building 306

Beltsville, Maryland 20705

3. EPA Manual of Biological Testing Methods for Pesticides and Devices.

This manual may be obtained by writing:

Attention: A. J. Culver, Jr.

EPA-PR Plant Biology Lab

3320 Orchard Street

Corvallis, Oregon 97331

SECTION 5

THE ID JACKET AND ITS CONTENTS

THE ID JACKET AND ITS CONTENTS

An ID Jacket is prepared for every sample that is collected. The jacket contains the labeling, documents, test results, ID reviews, and the enforcement actions pertaining to the official sample.

A. Labeling -

The labeling contained in the ID jacket may be the actual labeling, a picture of the actual labeling, a Xerox copy or a typewritten copy of the labeling. The labeling should be identified by ID number, date of collection, and the inspector's initials or name. Sub-sample labels should also be appropriately identified with their sub-sample numbers.

B. Documentation -

1. Producer Establishment

Copies of the Notice of Inspection and Receipt for Samples may or may not be in the ID folder of sampled products. Copies of these forms are attached to the Inspector's Establishment Inspection Report which are turned in to the Regional office.

If enforcement action is being considered, the Inspector's Establishment Inspection Report should be investigated to ensure that a copy of the Notice of Inspection and a copy of the Receipt for Sample exists.

Intra/interstate shipments

The documents listed below are the best sources for the determination of the actual shipping date. Since all of these documents may not be available, the documents are listed in their order of preferable use.

a. Bill of Lading(B/L) - This is the best evidence of shipment.

b. Freight Bill (F/B) or Waybill - The second best document. The connecting line reference (C/L) shows the actual date of shipment by a previous carrier.

c. Parcel Post Cancellation Stamp - Evidence of the shipment date by the U. S. Postal Service.

d. Invoice - In addition to the shipping date, this document usually contains a description of the products being shipped.

e. Packing Slip - This document usually contains a description of the products being shipped.

f. Purchase Order - When this is the only available document, the date of receipt from the dealers, jobbers, warehouseman's statement or the affidavit should be used as the date of shipment.

g. Receiving Report - This document usually contains a description of the products shipped.

3. Any one of the following statements will certify that the preceding documents pertain to the shipment of the sample.

   a. Dealer's Statement

   b. Jobber's Statement

   c. Warehouseman's Statement

   d. Affidavit - When this is the only available document, the date of receipt should be used as the shipping date.

4. Notice of Inspection - A written statement as to the reason for the inspection.

5. Receipt of Samples - A written receipt describing the sample obtained by the inspector and verifying that the owner of the establishment was given an equal portion of the sample, if he so requested.

C. Collection Report - An official report of the collection, but not a document to be used as evidence of intra/interstate shipment.

The following items appearing on the Collection Report should be examined carefully before taking any enforcement action.

1. ID No. - The ID number appearing on the jacket folder must agree with the ID number on the collection report.

   a. Documentary samples will have the notation "DOC" after the ID number. A documentary sample is an official sample but only the labeling is obtained or reported with the documentary evidence of the shipment. No physical sample is collected.

b. Investigational samples will have the notation "INV" after the ID number. These are samples collected for special investigation or informational purposes and need not be collected from lots in interstate commerce or under Federal jurisdiction.

2. Date of Shipment - For the official date, refer to the transportation records

3. Amount before sampling - The amount on hand must be less than or equal to the amount shipped.

4. Description - Indicates the number of subsamples collected.

5. Shipper - For the actual shipper, refer to the transportation records.

6. Reason for collection - This should be noted because:

   a. It may indicate a suspected violation.

   b. It may indicate the sample was collected in a Market Basket Survey. A Market Basket Survey is a sampling of products from the market place without accompanying documentation.

D. History of Official Sample - This document indicates that the integrity of the sample has been maintained. Each time the seal is broken and resealed it must be noted on the form.

E. Laboratory Test Results - The following are the three types of laboratory reports:

1. Sample Analytical Report - relates to the chemical composition of the product.
2. Efficacy Test - relates to the effectiveness of the product.
3. Toxicity Report - relates to the category of toxicity of the product. This report is primarily used by the Registration Division.

F. Statements by the Registration Division's I.D. reviewers

1. Enforcement Case Review - Determines the registration status of the product and its status as a pesticide or device. The review also shows the product's accepted name and the name and address of the registrant.
2. Review by the ID Control Officer - Determines if there are any significant composition, efficacy or labeling defects.
3. Scientific Review - If product defects are found the ID jacket is routed to one or more of the following reviewers -- Chemistry, Efficacy, and Safety. (The term NAC is an abbreviation used by the ID reviewers to indicate no adverse comment.)

SECTION 6

ENFORCEMENT CRITERIA

ENFORCEMENT CRITERIA

A. Once the ID jacket and its contents have been received, the following points must be considered for official samples:

1. The adequacy of the documentation
2. The significance which the reviewer attaches to the violation
3. The violative history of the firm in relation to the type of action, i.e., notice of warning or notice of contemplated civil or criminal proceedings. (Data regarding a firm's violative history may be obtained by utilizing the Pesticide Enforcement Management System (PEMS).)

NOTE: ONLY ONE TYPE OF INITIAL NOTICE (NOTICE OF CONTEMPLATED PROCEEDINGS, NOTICE OF WARNING, ETC.) MAY BE TAKEN ON EACH CASE.

If more than one defect in the product's labeling or formula is noted in the ID jacket, the highest level of action warranted by one or more of the defects is the level of action taken on the entire ID case. When a particular violation warrants a notice of contemplated proceedings and the product has additional minor defects

which are unrelated to any charge, these minor defects may be mentioned in the narrative of the notice.

Once the above points have been considered, the following determinations can be made.

I. Registration Status

These determinations are based on the comments section of the Enforcement Case Review Form (EPA HQ Form 8500-7 (2-73)).

1. New Registration

The product is not now or has not previously been registered.

A. If pesticide claims are made on the label or in collateral literature accompanying the product during interstate distribution and sale.

Level of action - Notice of contemplated proceedings

B. If a file symbol appears in the comments section, it will indicate that an application is pending for the product; however, such an application does not constitute registration of the product.

Level of action - notice of contemplated proceedings

C. If the reviewer notes PR notice 70-20, then the chemical analysis must verify that the sample product is different from the accepted one and as such constitutes a different product requiring a separate registration.

Level of action - notice of contemplated proceedings

D. If pesticide claims are made for the product and these types of claims were not previously considered as statements identifying the product as a pesticide.

Level of action - notice of warning

E. If pesticide claims are made in collateral literature and there is no evidence that the literature accompanied the product during its interstate distribution and sale.

Level of action - advertising letter

(If the consignee supplies the literature, send the action to the consignee. If the source of the literature is unknown, send the action to the manufacturer.)

2. Cancellation

The product was previously registered, but the registration has been cancelled.

A. Renewal was not requested by the registrant (PR form 9-289) at the end of the five-year registration period.

Level of action - notice of contemplated proceedings

B. Cancellation at the request of registrant

Level of action - notice of contemplated proceedings

C. Cancellation by a PR notice because the product's uses are no longer acceptable.

Level of action - notice of contemplated proceedings

D. Cancellation by a PR notice because the product's uses are no longer acceptable and potentially hazardous.

Level of action - notice of contemplated proceedings with higher level of action such as a stop sale, use or removal order, a recall and/or seizure.

NOTE: QUESTIONS CONCERNING HIGHER LEVELS OF ACTION SHOULD BE DIRECTED TO THE APPROPRIATE REGIONAL COORDINATOR.

E. Cancellation letter resulting from samples exhibiting continued product failure.

Level of action - notice of contemplated proceedings with higher level of action

3. Non-registerable products.

These are pesticides, which because of their ingredients and/or recommended uses, are not registerable.

Level of action - notice of contemplated proceedings with higher level of action

4. Supplemental Registration

The distributor's product is not supplementally registered.

Level of action - notice of warning to the registrant

II. Labeling

1. Precautionary statements.

The following determinations are based on the safety reviewer's comments.

A. Does not bear a signal word and/or the statement "keep out of reach of children" on the front panel.

Level of action - notice of contemplated proceedings

B. Lacks required precautionary statements which:

1. Could result in hazards to the user.

Level of action - notice of contemplated proceedings with higher level of action

2. Would not likely result in hazards to the user.

Level of action - notice of contemplated proceedings

C. Label does not bear symbols and/or statements required for highly toxic substances.

Level of action - notice of contemplated proceedings

D. Does not bear required precautions, but they are implied by other precautionary statements on the label.

Level of action - notice of warning

E. Bears precautionary statements of a higher category of toxicity than those required for the product.

Level of action - notice of warning

F. Precautionary statements are not prominently placed.

Level of action - notice of warning

2. Unwarranted statements with respect to the product's safety. The following determinations are based on the safety reviewer's comments.

   A. May result in the mishandling or misuse of the product.

      Level of action - notice of contemplated proceedings

   B. Not likely to result in the mishandling or misuse of the product.

      Level of action - notice of warning

3. Directions for use.

   The following determinations are based on the efficacy reviewer's and pesticide residue chemist's comments.

   A. Does not bear required directions for use which:

      1. Could result in misuse, illegal residues, or lesser effectiveness.

         Level of action - notice of contemplated proceedings with higher level of action

      2. No adverse effects anticipated.

         Level of action - notice of warning

   B. Directions for use differ in substance from those accepted in connection with the registration of the product.

      1. Major

         Level of action - notice of contemplated proceedings

      2. Minor

         Level of action - notice of warning

4. Claims.

The following determinations are based on comments by the efficacy reviewer and residue chemist.

A. Bears claims that have not been accepted in connection with the product's registration.

1. Those claims which would not be acceptable for the product by the Registration Division.

a. Could be hazardous.

Level of action - notice of contemplated proceedings with higher level of action

b. No hazard would be expected.

Level of action - notice of contemplated proceedings

c. Unwarranted claims regarding the product's ingredients, ex: CONTAINS NO DDT.

Level of action - notice of warning.

2. Those claims which would be accepted by the Registration Division if submitted.

Level of action - notice of contemplated proceedings

B. Bears claims which have been accepted by the Registration Division, but were reworded by the registrant in such a way that they may mislead the consumer.

Level of action - notice of warning

5. Ingredient Statement

The following determinations are based on comments by the Chemistry reviewer

A. Ingredient statement as declared on the sample product's label differs from that which was accepted in connection with the product's registration.

Level of action - notice of contemplated proceedings, charging composition differs if new registration is not required pursuant to PR notice 70-20.

B. Totally lacks any ingredient statement.

Level of action - notice of contemplated proceedings

C. Present, but not in prescribed format.

Level of action - notice of warning

D. Not on the front panel when required.

Level of action - notice of warning.

E. Term "inert ingredients" less prominent than the term "active ingredient."

Level of action - notice of warning

F. Misspelling or typographical errors.

Level of action - notice of warning

6. Other label omissions

A. Product or establishment registration numbers

B. Statement of net weight (should be verified by the inspector on the collection report)

C. Name and address of manufacturer or registrant

D. Brand name of product

Level of action - notice of warning

NOTE: THE LEVEL OF ACTION SHOULD BE RAISED TO A NOTICE OF CONTEMPLATED PROCEEDINGS WHEN THERE ARE THREE OR MORE LABELING ERRORS AT THE NOTICE OF WARNING LEVEL ON ONE SAMPLE.

7. Collateral literature

If unaccepted statements are found only in collateral literature and the source of the literature is unknown.

Level of action - advertising letter to the registrant

III. Analytical test results

The following determinations are based on the chemistry reviewer's comments regarding the tests' reliability and the significance of the results.

1. Deficiency

A. Deficiency is 10% or greater

1. Affects the product effectiveness

Level of action - notice of contemplated proceedings with higher level of action

2. Not likely to affect the product's effectiveness.

Level of action - notice of contemplated proceedings

B. Deficiency is less than ten percent.

1. Likely to affect the product's effectiveness.

Level of action - notice of contemplated proceedings with higher level of action

2. Not likely to affect the product effectiveness

Level of action - notice of warning

2. Contamination

The following determinations are based on comments by the chemistry, pesticide residue, safety, and efficacy reviewers.

A. Contamination could be hazardous

Level of action - notice of contemplated proceedings with higher level of action

B. Contamination is not likely to be hazardous

1. Significant level of contamination, but posing no hazard

Level of action - notice of contemplated proceedings

2. Trace amounts which are not included in the products's confidential formula statement.

Level of action - notice of warning

3. Overformulation

A. Hazardous

Level of action - notice of contemplated proceedings with higher level of action

B. Not hazardous

Level of action - notice of warning

4. Net Weight Deficiency

If a deficiency is reported by the laboratory but is not supported by a field weighing, no action can be taken unless at least six units have been weighed by the laboratory.

A. 3% deficiency or less

Level of action - none

B. 3% to less than 10%

Level of action - notice of warning

C. 10% to less than 20%

Level of action - notice of contemplated proceedings

D. 20% or greater

Level of action - notice of contemplated proceedings with higher level of action

NOTE: A HIGHER LEVEL OF ACTION MUST BE SUPPORTED BY A FIELD WEIGHING

IV. Efficacy Tests

The following determinations are based on the efficacy reviewers comments regarding the reliability and significance of the tests.

1. Disinfectants (tests are conducted with the following standard organisms).

A. Staphylococcus aureus and/or Salmonella choleraesuis

1. Hospital use - Kills neither organism

Level of action - notice of contemplated proceedings with highest level of action

2. Hospital use - Kills only one organism

Level of action - notice of contemplated proceedings with higher level of action

3. Non-hospital use - Kills neither organism

Level of action - notice of contemplated proceedings with higher level of action

4. Non-hospital use - Kills only one organism

Level of action - notice of contemplated proceedings

B. Trichophyton interdigitale - fails to kill

Level of action - notice of contemplated proceedings

C. Pseudomonas aeruginosa - fails to kill

Level of action - notice of warning

2. Rodenticides

A. Single Dose - the current acceptable minimum standard is 90% mortality after 8 days in order for the product to be considered effective in a commensal rodent population.

SINGLE DOSE RODENTICIDE

Standard Mortality - 90% after 8 days

Mortality	Level of Action
0 - 80%	Notice of contemplated proceedings
81 - 85%	Notice of warning

B. Multiple Dose

1. Cereal or water baits - the current acceptable minimum standard is 33 1/3% acceptance and 90% mortality in order for the product to be considered effective in a commensal rodent population.

Acceptance		Mortality	Level of Action
0-19.7	and/or	0-80	Notice of contemplated proceedings
19.8-26.4%	and	81-85%	Notice of contemplated proceedings
19.8-26.4%		81-85%	Notice of warning
0-100%		100%	Notice of warning

NOTE: WHEN THE MORTALITY IS EXTREMELY LOW, A HIGHER LEVEL OF ACTION MAY BE WARRANTED.

2. Paraffin Blocks - the current acceptable minimum standard is 25% acceptance and 80% mortality in order for the product to be considered effective in a commensal rodent population.

PARAFFIN BLOCK

Standard Acceptance - 25%

Standard Mortality - 80%

Acceptance		Mortality	Level of Action
0 - 14.9%	and/or	0 - 71%	Notice of contemplated proceedings
15 - 20%	and	72 - 76%	Notice of contemplated proceedings
15 - 20%	or	72 - 76%	Notice of warning
0 - 100%		100%	Notice of warning

3. Insecticides and Fungicides

Due to the number and variability of insecticide and fungicide efficacy tests, determinations must be done on an individual basis - consult your regional coordinator.

V. Pharmacology - Enforcement actions are usually not based on these tests.

B. Market Basket Surveys (Refer to VI (c) (6) of this manual.)

1. Prepare enforcement correspondence when inor labeling or chemical problems are found.
2. Prepare a sample request when major violations are found.
3. Prepare recall when hazardous or ineffective conditions are found. Issue sample request concurrently.

SECTION 7

CIVIL PROCEEDINGS

CIVIL PROCEEDINGS

I. Authorities

The Act authorizes the Administrator to give notice to any person against whom civil proceedings are contemplated [Sec. 14(a)]

Such notice will infrom the person cited that:

(1) the Agency proposes to assess a civil penalty in consequence of a stated violation of the Act, and

(2) he has the right to request a hearing, open to the public, on the matter.

Authority to take action and to initiate any proceedings required in the assessment of a civil penalty is vested concurrently in the Assistant Administrator for Enforcement and General Counsel, and to the Regional Administrators.

Authority to conduct hearings requested in the assessment of a civil penalty under Sec. 14(a) is vested in the Administrator and in his designated Administrative Law Judge.

Authority to direct all matters at all pre-hearing and post-hearing stages of the proceeding is vested in the Regional Administrator. Under the authority of the Regional Administrator, the Regional Enforcement Division will:

a. issue an initial Complaint and Notice of Opportunity for a Hearing,

b. conduct all settlement conferences,

c. prepare stipulations and issure consent decrees, and

d. prepare evidence for use at hearings where such hearings are requested.

The Regional Administrator shall in every proceeding issue a final order, conduct the Administrative review of the proceedings if the final order is appealed, and refer the case to the U.S. Attorney for collection if the Respondent fails to pay the full amount of the penalty.

II. Basis

The Act provides for six general categories of enforcement responses to evidence of violations. However, it is the intention of the Agency to utilize the civil penalties provision of the Act in the vast majority of its enforcement actions.

A Complaint imposing a civil penalty may be issued by the Regional Enforcement Division where the violation:

1. involves a first offense under the Act by any pesticide registrant, commercial applicator, wholesaler, dealer, retailer, distributor,
2. involves any user [other than a first-offense by a party outside of the scope of Sec. 14(a) (1)],
3. has presented a real (but not an extreme and unreasonable) risk to man or to the environment, or
4. is likely to be an isolated occurrence.

The civil penalties complaint can, except as noted above, be issued against any person in response to a violation of any provision of the Act.

III. Procedure for the Assessment of a Civil Penalty

A. Complaint and Notice of Opportunity for Hearing(Exhibit 1)

Proceedings to assess a civil penalty under the Act shall start with the issuance of a Complaint by the Regional Enforcement Division. The Complaint shall state specifically the factual basis constituting the alleged violation of specific provisions of the Act. This Notice shall contain a precise statement of the amount of the civil penalty proposed to be assessed.

It will inform the person cited that he may, within twenty (20) days, request a hearing for the purpose of determining:

1. Whether the alleged violations occurred as set forth in the Complaint, or
2. Whether the proposed penalty is appropriate to the alleged violations.

The Notice will likewise invite the person cited to confer informally with the Regional Enforcement Division to pursue the possibilities of settling the matter. A person so cited may request a hearing by notifying the Regional Hearing Clerk, Environmental Protection Agency, in writing by certified mail of his desire to exercise his right thereto.

In cases of higher levels of action an additional statement is attached to the Complaint and Notice of Opportunity for Hearing. These statements warn the firm that two separate actions are being taken for the violation. The statements are: (Exhibit 2)

1. E-66 (Seizure)

2. E-67 (Stop Sale, Use, and Removal Order)

3. E-68 (Recall)

B. Request for a Hearing

Upon receipt of a request for a hearing, the Regional Hearing Clerk shall assign an I. F. & R. Docket Number and shall notify the Regional Enforcement Division that such request has been received. The Regional Enforcement Division shall, upon receipt of such notice, forward to the Regional Hearing Clerk the complete file of the case. All further communications and filings by any party to the proceedings shall be with the Regional Hearing Clerk.

For the Agency to have adequate record and notification to proceed with requested hearings, the Regional Hearing Clerk must promptly receive copies of each motion, pleading or transaction in the proceedings.

Once the person cited has requested a hearing, the proceedings become an adversary proceedings. There shall be no ex parte communications with the Administrative Law Judge, the Regional Administrator or with Regional Judicial Officer. The parties or their representatives may, however, confer informally to explore the possibilities of settlement of the matter at any stage in the proceedings.

The conduct of the hearing will be governed by Rules of Practice for the Assessment of a Civil Penalty promulgated to implement Section 14(a) of the Act. A copy of these rules of practice shall be forwarded by the Regional Hearing Clerk to any party requesting a hearing upon receipt of such request.

C. Answer

Any person who requests a hearing must, within twenty (20) days of the filing of such request, file with the Regional Hearing Clerk an answer which directly and clearly admits, denies or explains each of the factual allegations set forth in the Complaint with regard to which he has any knowledge. The answer shall likewise contain a definite statement of the facts constituting the grounds of defense.

A denial of any material fact alleged in the Complaint shall be construed by the Agency as a request for a hearing and an answer.

Upon receipt of such answer, the Regional Enforcement Division shall evaluate any information contained therein which may tend to relieve the person cited of liability. If, upon examination of the answer, it is determined that no violation of the Act has occurred, the person cited shall be so informed. The case shall be closed upon the issuance by the Regional Administrator of a final order reflecting the Agency's view that no violation of the Act has occurred.

D. Default Order (Exhibit 3)

Failure of the person cited to make a timely request for a hearing shall constitute a waiver of the right to such a hearing. In this event, a Default Order shall be issued by the Regional Administrator. This Default Order shall be considered to be a final order of the Regional Administrator. Upon the issuance of

a Default Order, the proposed penalty becomes due without further proceedings. Any penalty so assessed shall be paid within twenty (20) days of receipt of the Default Order.

E. Settlement Conference

It is the express policy of the Agency to encourage settlemeng where such settlement is consistent with the provisions and objectives of the Act. Whether or not the person cited requests a public hearing, he may confer informally with the Regional Enforcement Division regarding the facts alleged in the Complaint or the amount of the proposed penalty. The written consent agreement shall constitute a memorandum of any settlement agreement which results from such informal conferences.

The consent agreement shall contain stipulations and admissions regarding all factual allegations not dismissed from the complaint, conclusions of law, and an order that the party shall pay a given civil penalty. To become binding, the Consent Agreement must be accompanied by a final order of the Regional Administrator approving the stipulations of facts and the assessment of a civil penalty in the agreed amount. Once so approved, the Consent Agreement shall be dispositive of the proceeding. The signing of a Consent Agreement shall constitute a waiver of the Respondent's right to request a hearing on any matter therein settled. (Exhibit 4)

F. Hearing Procedures

If the party requests a hearing and subsequent attempts at settlement of the matter fail to achieve agreement, a hearing shall be held in accordance with the provisions of the Rules of Practice Governing Hearings Conducted in the Assessment of a Civil Penalty.

The Regional Enforcement Division will be a party in the proceedings and shall, by its attorneys, prosecute the case.

The Regional Administrator and the Office of Regional Counsel shall adjudicate the proceedings and issue the final findings of fact, conclusion of law and final order.

The Administrative Law Judge shall try the case, make preliminary findings of fact, conclusions of law and shall prepare an initial decision.

It is essential to the judicial propriety of the civil penalties provision that the separation of the prosecutory and adjudicatory functions be maintained in the Regional Offices.

G. Post Hearing Procedures

If the Regional Administrator finds in his final order that the person charged is not liable for the violation alleged in the Complaint, the Regional Office shall order dismissal. It shall inform the person charged and close the case. If the Regional Administrator finds in his final order that the person charged is liable for the violation and orders payment of a civil penalty,

the Regional Office shall assess the penalty. The party may appeal the findings of the final order to the U. S. Court of Appeals pursuant to the provisions of Section 16(b). Obligation to pay the civil penalty does not fall due until the party has exhausted all appeals.

H. Payment of the Final Penalty

A civil penalty assessed as a consequence of the issuance of a Complaint may become due and payable upon the issuance by the Regional Administrator of (1) a Default Order upon the failure of the party to request a hearing or to submit a timely answer, (2) an approved Consent Agreement and final order, following an informal settlement of the case, or (3) a final order following a hearing.

Payment shall be made by forwarding to the Regional Hearing Clerk a cashier's or certified check for the full dollar amount of the assessed penalty payable to the Treasurer, United States of America. The Hearing Clerk shall forward this check to the Financial Management Branch for deposit in the appropriate account. (Exhibit 5)

Any penalty assessed by any means outlined above shall be referred to the U. S. Attorney for collection if full payment has not been received within twenty (20) days after the issuance of the final document or within twenty (20) days after a terminal appeal from such document has upheld the party's liability. When the penalty is paid to the Agency or is collected by the court, the case will be closed.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Environmental Protection Agency Complainant	)	ID No._____
v.	)	
John Doe Respondent	)	COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

Complaint

This is to notify you that there is reason to believe that you have violated Section_____of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (86 Stat. 973), hereinafter referred to as the Act, by (producing, distributing, holding for sale, using, etc.) the pesticide or device_____. The pesticide or device (produced, held for sale or distribution, shipped from _____to_____ was used, etc., on or about_____) was not in compliance with the provisions of the Act as specified below:

1.)
2.) Charges
3.)

(Explanation of charges if required)

Proposed Civil Penalty

In view of the above, pursuant to Section 14(a) of the Act, the United States Environmental Protection Agency, hereinafter referred to as EPA, proposes to assess a civil penalty of _____($)_____ dollars against (name of respondent) .

Exhibit 1a

Opportunity to Request a Hearing

You have the right to request a hearing, open to the public, to be held in the county or city where you or your company reside. At such hearing you may present evidence regarding 1) whether the alleged violation in fact occurred as set forth in the complaint, or 2) whether the proposed penalty is appropriate to the violation cited. You must request a hearing within twenty (20) days of receipt of this notice unless such period is extended by the Regional Administrator, EPA Region_____. Address any request for a hearing to Regional Hearing Clerk, EPA Region _____, _____ (address of Regional Office)_____.

The hearings held in the assessment of these civil penalties will be conducted in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 552 et seq.). The Rules of Practice governing these hearings provide that any person requesting a hearing with respect to a proposed civil penalty shall, within twenty (20) days of the filing of such request, file with the Regional Hearing Clerk, EPA Region_____, a written answer which clearly and directly admits, denies or explains each of the factual allegations contained in the complaint. A copy of these Rules of Practice shall be forwarded to you by the Regional Hearing Clerk, EPA Region_____, upon receipt of your request for a hearing.

If you do not request a hearing within the time allowed by this notice, the above penalty will be assessed without further proceedings and you will be so notified.

Settlement Conference

Whether or not you request a hearing, you may confer informally with us, concerning the alleged violation or the amount of the proposed penalty. We have authority to modify the amount of the proposed penalty to reflect any settlement agreement reached with you in any such conference. EPA encourages all parties against whom a civil penalty is proposed to be assessed to pursue the possibilities of settlement as a result of informal conferences. Any such settlement shall be finalized by the issuance of a written Consent Agreement by the Regional Administrator, EPA Region_____. The issuance of such Consent Agreement shall constitute a waiver of your right to request a hearing on any matter stipulated to therein.

To explore the possibility of settlement in this matter contact (name of responsible enforcement officer), EPA Region_____, (address of Regional Office), telephone_____.

_____
Director Enforcement Division, EPA Region__

Date_____At_____

Exhibit 1b

E-66. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any seizure action which may have been instituted in any United States District Court.

E-67. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with stop sale, use, or removal order which may have been issued by this Agency.

E-68. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any request for recall involving this product.

Exhibit 2

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Environmental Protection Agency Complainant	)	ID No._____
v.	)	
John Doe Respondent	)	DEFAULT ORDER

Notice is hereby given that in connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, (P.L. 92-516; 7 U.S.C. 136 et seq.) as amended, hereinafter, FIFRA, a civil penalty is herewith assessed against you,_____ _____in the amount of _____($____) dollars. In determining the above penalty EPA has considered the size of your business, the effect of the penalty on your ability to continue in business, and the gravity of the violation. This sum must be paid in full within twenty (20) days of your receipt of this notice. Payment may be made by forwarding to the Regional Hearing Clerk (address, Regional Office) by certified mail a cashier's or certified check for the above sum, payable to the United States of America.

This penalty is assessed pursuant to the provisions of Section 14(a) of FIFRA (7 U.S.C. 136(l)). Your liability for the payment of the above amount arises out of the facts and circumstances set forth in complaint, ID No._____, dated_____, a copy of which is attached. These facts constitute a violation of Section_____ of FIFRA and give rise to a civil penalty of the magnitude assessed herein.

You are ordered to pay the above penalty as a consequence of the violation of FIFRA noted in the complaint, ID No._____ and your subsequent failure to respond within twenty (20) days to such factual allegations, as provided for in the Complaint and Notice of Opportunity for Hearing.

If you fail to pay the assessed sum in full within twenty (20) days of your receipt of this notice, the matter will be referred to the Attorney General for collection of this civil penalty by action of the appropriate U.S. district court as provided in Section 14(a) (4) of FIFRA.

Attachment

_____
Regional Administrator
Date_____At_____

Exhibit 3

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Environmental Protection Agency Complainant	)	ID No._____
v.	)	
John Doe Respondent	)	CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

1. This civil proceeding for the assessment of a penalty was initiated pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 92-516; 7 U.S.C. 136 et seq.), as amended, hereinafter FIFRA. The action was instituted by a Complaint and Notice of Opportunity for Hearing, filed upon Respondent pursuant to FIFRA charging_____
_____
_____

2. Respondent filed an answer in which he admits the jurisdictional allegation of the Complaint,
admits_____,
_____,
and explains (neither admits nor denies)_____.

3. Respondent hereby explicitly waives his right to request a hearing on any issue consented to herein.

4. Respondent consents to the issuance of the order hereinafter recited, with the stipulations and admissions of facts and conclusions of law for the purposes of this proceeding only Respondent consents to the payment of a civil penalty of the amount hereinafter stipulated.

Findings of Fact

[The "Findings of Fact" section shall state with particularity all findings of fact with respect to each material allegation noted in the Complaint.]

Conclusions of Law

By reason of the facts set forth in the "Findings of Facts," it is concluded that respondent has violated Section_____of FIFRA.

Exhibit 4

Respondent hereby consents to the issuance of the following order. The Enforcement Division, EPA Region_____ hereby recommends that the Regional Administrator issue the following order:

Order

Respondent shall within twenty (20) days of his receipt of this Consent Agreement and Final Order, pay by cashier's or certified check a civil penalty in the amount of ($) dollars.

_____
(Respondent)

_____
(Enforcement Division, EPA, Region_____)
Date:_____ At:_____

It is so ordered. This order shall become effective immediately.

_____
(Regional Administrator, EPA Region_____)
Date:_____ At:_____

Exhibit 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

To: Financial Management Branch

From:

Subject: Check in settlement of a civil penalty case.

Attached is a check received in settlement of a civil penalty case under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Case ID No.

Firm:

Amount:

Please deposit the check in Miscellaneous Fines, Account No. 681099.

Exhibit 5

SECTION 8

NOTICES OF CONTEMPLATED CRIMINAL PROCEEDINGS

NOTICES OF CONTEMPLATED CRIMINAL PROCEEDINGS

Citations are notices of contemplated criminal proceedings in accordance with Section 9.(c) (1) of the Act as amended.

Each citation is composed of a cover letter and a separate charge sheet for each Sample ID. (Exhibit 1)

A. There are several cover letter formats for the citation. These formats are based on samples collected:

1. From interstate shipments before October 22, 1972 (Exhibit 2 a,b).
2. From intra/interstate shipments on or after October 22, 1972 (Exhibit 3).
3. From a producer establishment (Exhibit 4 a,b).
4. For evidence of misuse (See Exhibit 5).

B. The citation charge sheet is composed of several sections:

1. The Heading Section - this section will differ according to the cover letter used (See Exhibits 1-5). There are several types of headings:
   a. If the sample is collected from an intra/interstate shipment (Exhibit 6).
   b. If the sample is collected from a producer establishment (Exhibit 7).
   c. If the sample is collected in connection with misuse (Exhibit 8).

2. The Charge Section - depending upon the type of violation the following charges must be used: E201-250 for shipments before October 22, 1972 (Exhibit 9). E1-50 for shipments on or after October 22, 1972 (Exhibit 10).

3. The Narrative - the charges are explained in the narrative section which is enclosed in parentheses. See Section 11 of this manual for a detailed discussion of each charge and explanation.

C. In cases of higher levels of action, an additional statement is attached to the citation. These statements warn the firm that two separate actions are being taken for the violation. The statements are: (Exhibit 11)

1. E-66 or E-266 (Seizure).

2. E-67 or E-267 (Stop sale, use and removal order).

3. E-68 or E-268 (Recall).

D. All citations are sent by certified mail. For record keeping purposes, the following information must appear in the upper margin of the return receipt:

1. Type of action.

2. Sample ID Number.

Your return address must be on the reverse side of the return receipt card. When the receipt is returned, it is retained in the ID jacket. (Exhibit 12)

Pesticides Enforcement Division

ID No. 10000

CERTIFIED MAIL

Norfolk Distributors, Inc.
10 Return Avenue
Norfolk, Virginia 283711

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), it has been disclosed that on or about December 7, 1981, you delivered for shipment from Norfolk, Virginia, to Columbus, Ohio, a product called GOPHER GETTER, consigned to Kill 'Em Dead, Inc. We have obtained a sample from this shipment which, upon examination, was found not to be in compliance with the provisions of the statute, as specified in the accompanying charge sheet. Accordingly, it appears that your action in making this shipment constituted a violation of said act.

This letter is to notify you that criminal proceedings are contemplated, looking toward further action as provided by the statute. Before further action is taken, however, you are hereby afforded an opportunity to offer such explanation as you wish for consideration by the Agency. Your answer, in duplicate, signed by you or your attorney, should be filed with this office within 20 days after the receipt of this notice. Should you desire to present your views orally, in addition to filing a written reply, you should so advise in your answer in order that a date may be set for such presentation, which would be held here.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 1

ID No. 10000 - GOPHER GETTER
Shipper: Norfolk Distributors, Inc.
Norfolk, Virginia

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the label did not bear on the front panel or the part of the label displayed under customary conditions of purchase the warning or caution statement "Keep out of reach of children," and a signal word such as "Caution." [12 (a) (1) (E), 86 Stat. 990; 2(q) (1) (G), 86 Stat. 977]

2. Misbranded in that the label borne by the product failed to bear the registration number assigned. [12 (a) (1) (E), 86 Stat. 990; 2(q) (1) (C) (v), 86 Stat. 978]

   (The product failed to bear the required front panel precautionary labeling and the assigned registration number 755-100.)

Exhibit 1

NOTICE OF CONTEMPLATED CRIMINAL PROCEEDINGS
INTERSTATE SHIPMENTS BEFORE OCTOBER 22, 1972

ID No.
ID No.
ID No.

CERTIFIED MAIL

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, it has been disclosed that on or about

you delivered for shipment from

to

a (the) product(s) called

consigned to

We have obtained a sample(s) from this (these) shipment(s) which, upon examination, was (were) found not to be in compliance with the provisions of the statute, as specified in the accompanying charge sheet(s). Accordingly, it appears that your action in making this (these) shipment(s) constituted a violation of said act.

This letter is to notify you . . . etc.

Sincerely yours,

Name
Title

Enclosures

Exhibit 2a

ID No. 71739

CERTIFIED MAIL

McDonnell Enterprises
300 South Third Street
Kansas City, Missouri 66118

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, it has been disclosed that on or about August 19, 1907, you delivered for shipment from Kansas City, Missouri, to Chicago, Illinois, a product called MCDONNELL GRUB DUST, consigned to United Pharmaceutical Company, Inc. We have obtained a sample from this shipment which, upon examination, was found not to be in compliance with the provisions of the statute, as specified in the accompanying charge sheet. Accordingly, it appears that your action in making this shipment constituted a violation of said Act.

This letter is to notify you that criminal proceedings are contemplated, looking toward further action as provided by the statute. Before further action is taken, however, you are hereby afforded an opportunity to offer such explanation as you wish for consideration by the Agency. Your answer, in duplicate, signed by you or your attorney, should be filed with this office within 20 days after the receipt of this notice. Should you desire to present your views orally, in addition to filing a written reply, you should so advise in your answer in order that a date may be set for such presentation, which would be held here.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 2b

NOTICE OF CONTEMPLATED CRIMINAL PROCEEDINGS
INTRA/INTERSTATE SHIPMENTS ON OR AFTER OCTOBER 22, 1972

ID No.
ID No.
ID No.

CERTIFIED MAIL

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), it has been disclosed that on or about

you delivered for shipment from

to

a (the) product(s) called

consigned to

We have obtained a sample(s) from this (these) shipment(s) which, upon examination, was (were) found not to be in compliance with the provisions of the statute, as specified in the accompanying charge sheet(s). Accordingly, it appears that your action in making this (these) shipment(s) constituted a violation of said act.

This letter is to notify you . . . etc.

Sincerely yours,

Name
Title

Enclosures

Exhibit 3

NOTICE OF CONTEMPLATED CRIMINAL PROCEEDINGS
PRODUCER ESTABLISHMENT

ID No.
ID No.
ID No.

CERTIFIED MAIL

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), a sample of a (the) product(s)

was obtained on

The product(s) had been released for shipment by your producer establishment in

This (These) sample(s), upon examination, was (were) found not to be in compliance with the provisions of the statute, as specified in the accompanying charge sheet(s). Accordingly, it appears that your action in marketing this (these) product(s) consituted a violation of said act.

This letter is to notify you . . . etc.

Sincerely yours,

Name
Title

Exhibit 4a

Pesticides Enforcement Division

ID No. 88888

CERTIFIED MAIL

A. J. Dudley & Sons
2 Market Place
Baltimore, Maryland 62971

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), a sample of the product, DUDLEY'S DISINFECTANT, was obtained on January 1, 1980. The product had been released for shipment by your producer establishment in Baltimore, Maryland. This sample, upon examination, was found not to be in compliance with the provisions of the statute, as specified in the accompanying charge sheet. Accordingly, it appears that your action in marketing this product constituted a violation of said act.

This letter is to notify you that criminal proceedings are contemplated, looking toward further action as provided by the statute. Before further action is taken, however, you are hereby afforded an opportunity to offer such explanation as you wish for consideration by the Agency. Your answer, in duplicate, signed by you or your attorney, should be filed with this office within 20 days after the receipt of this notice. Should you desire to present your views orally, in addition to filing a written reply, you should so advise in your answer in order that a date may be set for such presentation, which would be held here.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 4b

NO EXHIBIT 5

HAS BEEN PREPARED

INTRA/INTERSTATE SHIPMENT

ID No.
ID No.
ID No.

NAME OF PRODUCT:

DATE OF SHIPMENT(S):

SHIPPER:

CONSIGNEE:

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE (ECONOMIC POISON/PESTICIDE) WAS:

Exhibit 6

PRODUCER ESTABLISHMENT

ID No.
ID No.
ID No.

NAME OF PRODUCT:

DATE OF COLLECTION:

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

or

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE DEVICE WAS:

or

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT:

Exhibit 7

NO EXHIBIT 8

HAS BEEN PREPARED

CITATION CHARGES FOR VIOLATIONS
OCCURING BEFORE OCTOBER 22, 1972

PRODUCT FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT:

201. In that the product was not registered under Section 4 of the Act. [7 U.S.C. 135a(a) (1); 135b)

202. Misbranded in that the label did not bear on the front panel or the part of the label displayed under customary conditions of purchase the warning or caution statement "Keep out of reach of children" and a signal word such as "Caution." [7 U.S.C. 135a(a) (5); 135(z) (2) (d); 40 CFR 162.9]

203. Misbranded in that the label did not bear a warning or caution statement which is necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals, vegtation, and useful invertebrate animals. [7 U.S.C. 135a(a) (5); 135(z) (2) (d)]

204. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public. [7 U.S.C. 135a(a) (5); 135 (z) (2) (c)]

205. Misbranded in that when used as directed or in accordance with commonly recognized practice, the product would be injurious to living man or other vertebrate animals. [7 U.S.C. 135a(a) (5); 135(z) (2) (g)]

206. Misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order with the total percentage of the inert ingredients. [7 U.S.C. 135a(a) (5); 135(z) (2) (e); 135(o)]

207. Misbranded in that the ingredient statement did not appear on that part of the immediate container of the retail package (front panel) which is presented or displayed under customary conditions of purchase. [7 U.S.C. 135a(a) (5); 135(z) (2) (e)]

208. Misbranded in that the term "Inert Ingredients" appeared in smaller sized type and was less prominent than the term, "Active Ingredients." [7 U.S.C. 135a(a) (5) 135(z) (2) (e); 135(o); 40 CFR 162.7(d)]

Exhibit 9

209. Misbranded in that the label stated in part: [7 U.S.C. 135a(a) (5); 135(z) (1)]

210. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [7 U.S.C. 135a(a) (5); 135(y)]

211. Adulterated in that another substance, namely (Name of Substance), had been substituted wholly or in part for the article. [7 U.S.C. 135a(a) (5) 135(y)]

212. In that the label borne by the product failed to bear the registration number assigned. [7 U.S.C. 135a(a) (2) (d); 40 CFR 162.6(f)]

213. In that the label borne by the product did not bear a statement of net weight or measure of content. [7 U.S.C. 135a(a) (2) (c)]

214. In that the net weight or measure of content was not stated in terms of the largest unit present. [7 U.S.C. 135a(a) (2) (c); 40 CFR 162.6(e)]

215. In that the claims made for the product and the directions for its use differed in substance from the representations made in connection with its registration.[7 U.S.C. 135a(a) (1)]

216. In that the claims made for the product differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a) (1)]

217. In that the composition of the product differed from the composition as represented in connection with its registration. [7 U.S.C. 135a(a) (1)]

218. In that the label borne by the product did not bear a statement giving the name and address of the manufacturer, registrant, or person for whom manufactured. [7 U.S.C. 135a(a) (1)]

219. In that the label borne by the product did not bear a statement giving the name, brand, or trademark under which the product was sold. [7 U.S.C. 135a(2) (b)]

220. Misbranded in that the label bore a statement as to the safety of the product which is false or misleading. [7 U.S.C. 135(a) (5); 135(z) (1); 40 CFR 162.14(a) (5)]

221. Misbranded in that the precautionary labeling on the front panel was not prominently placed thereon with such conspicuousness as to render it likely to be read under customary conditions of purchase. [7 U.S.C. 135a(a) (5) 135(z) (2) (f)]

Exhibit 9

CITATION CHARGES FOR VIOLATIONS
OCCURING ON OR AFTER OCTOBER 22, 1972

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

E1. Not registered under Section 4 of the Act. [7 U.S.C. 135a(a)(1), 135b]

E2. Misbranded in that the label did not bear on the front panel or the part of the label displayed under customary conditions of purchase the warning or caution statement "Keep out of reach of children," and a signal word such as "Caution." [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (G), 86 Stat. 977]

E3. Misbranded in that the label did not bear a warning or caution statement which is necessary and, if complied with, adequate to protect health and the environment. [12(a) (1) (E), 86 Stat. 990; 2 (q) (1) (G), 86 Stat. 977]

E4. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (F), 86 Stat. 977]

E5. Misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (A), 86 Stat. 977; 7 U.S.C. 135(o)]

E6. Misbranded in that the ingredient statement did not appear on that part of the immediate container of the retail package (front panel) which is presented or displayed under customary conditions of purchase. [12(a) (1) (E), 86 Stat. 990; 2 (q) (2) (A), 86 Stat. 977]

E7. Misbranded in that the term "Inert Ingredients" appeared in smaller sized type and was less prominent than the term, "Active Ingredients." [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (A), 86 Stat. 977]

E8. Misbranded in that the label stated in part: (particular false or misleading claims). [12(a) (1) (E), 86 Stat. 990; 2 (q) (1) (A), 86 Stat. 977]

Exhibit 10

E9. Misbranded in that the label borne by the product failed to bear the registration number assigned. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (C) (v), 86 Stat. 978]

E10. Misbranded in that the label borne by the product did not bear the required statement of net weight or measure of content. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (C) (iii), 86 Stat. 978]

E11. Misbranded in that the label borne by the product did not bear a statement giving the name and address of the producer, registrant, or person for whom manufactured. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (C) (i), 86 Stat. 978]

E12. Misbranded in that the label borne by the product did not bear a statement giving the name, brand, or trademark under which the product was sold. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (C) (ii), 86 Stat. 978]

E13. Misbranded in that the labeling bore a statement as to the safety of the product which is false or misleading. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (A), 86 Stat. 977]

E14. Misbranded in that the precautionary labeling on the front panel was not prominently placed theron with such conspicuousness as to render it likely to be read under customary conditions of purchase. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (E), 86 Stat. 977]

E15. Misbranded in that the product is an imitation of, or is offered for sale under the name of, another pesticide. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (C), 86 Stat. 977]

E16. Misbranded in that the product contains a substance in quantities highly toxic to man and the label fails to bear required symbols or statements. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (D), 86 Stat. 978]

E17. In violation in that the claims made for the product (and/or where appropriate the directions for its use) differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a) (1)]

E.8. In violation in that the composition of the product differed from the composition as represented in connection with its registration. [7 U.S.C. 135a(a) (1)]

E19. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [12(a) (1) (E), 86 Stat. 990; 2(c) (1), 86 Stat. 975]

E20. Adulterated in that another substance, namely (name of substance), had been substituted wholly or in part for the article. [12(a) (1) (E), 86 Stat. 990; 2(c) (2), 86 Stat. 975]

E21. Adulterated in that valuable constituent of the pesticide had been wholly or in part abstracted. [12(a) (1) (E), 86 Stat. 990; 2(c) (3), 86 Stat. 975]

E22. Not colored or discolored as required. [12(a) (1) (D), 86 Stat. 990]

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE DEVICE WAS:

E23. Misbranded in that its labeling bore a statement which was false or misleading. [7 U.S.C. 135a(a) (5), 135(z) (1)]

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT:

E24. Detached, altered, defaced, or destroyed, in whole or in part, labeling required under the Act. [12(a) (2) (A), 86 Stat. 990]

E25. Refused to furnish or permit access to records as authorized by Section 5 of the Act. [7 U.S.C. 135a(c) (2)]

E26. Refused to allow inspection of establishment or refused to allow the sampling of a pesticide (or device). [12(a) (2) (B), 86 Stat. 990]

E27. Gave a guaranty or undertaking which was false. [12(a) (2) (C), 86 Stat. 990]

E28. Used a registered pesticide in a manner inconsistent with its labeling. [12(a) (2) (G), 86 Stat. 990]

E29. Used a pesticide which was under an experimental use permit contary to the provisions of the permit. [12(a) (2) (H), 86 Stat. 990]

E30. Violated a "stop sale, use, or removal" order. [12(a) (2) (I), 86 Stat. 990]

E31. Violated a suspension order. [12(a) (2) (J), 86 Stat. 990]

E32. Violated a cancellation of registration. [12(a) (2) (K), 86 Stat. 990]

E33. Violated a provision of Section 7 of the Act in that the establishment where the pesticide was produced was not registered. [12(a) (1) (L), 86 Stat. 991]

E34. Knowingly falsified all or part of an application for registration, an application for experimental use permit, or other information marked as confidential and submitted to the Administrator. [12(a) (2) (M), 86 Stat. 991]

E35. Added a substance to, or took a substance from, a pesticide in a manner defeating the purpose of the Act. [12(a) (2) (O), 86 Stat. 991]

E36. Used a pesticide in tests on human beings in violation of the Act. [12(a) (2) (P), 86 Stat. 991]

Exhibit 10

E-66. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any seizure action which may have been instituted in any United States District Court.

E-67. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any stop, sale, use, or removal order which may have been issued by this Agency.

E-68. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any request for recall involving this product.

E-266. This notice is given pursuant to Section 6 of the Act (7 U.S.C. 135d). It is separate from and should not be confused with any seizure action which may have been instituted in any United States District Court.

E-267. This notice is given pursuant to Section 6 of the Act. It is separate from and should not be confused with any stop sale, use, or removal order which may have been issued by this Agency.

Exhibit 11

E-268. This notice is given pursuant to Section 6 of the Act (7 U.S.C. 135d). It is separate from and should not be confused with any request for recall involving this product

Exhibit 11

SECTION 9

NOTICES OF WARNING

NOTICES OF WARNING

This type of action is issued for minor violations in accordance with Section 9.(c) (3) of the Act as amended. The Notice of Warning is composed of three parts.

A. The first part identifies the sample:

1. Samples collected from intra/interstate shipments (Exhibit 1a,b).
2. Samples collected at the producer establishment (Exhibit 2a,b).
3. Samples collected in a Market Basket Survey (Exhibit 3a,b).

B. The second part identifies and explains the alleged violation (for instructions on how to write an explanation of a violation refer to Section XI of this manual).

C. The third part is the closing paragraph. This paragraph indicates the expected response from the firm. There are several closing paragraphs: (Exhibit 4)

E86. Since most of these violations are of a minor nature, this is the most common closing. The firm may submit additional information at its option.

E87. This closing is used only when the previous violation was minor and resulted in only a notice of warning. The firm is not requested to make a reply.

E88. Since a written reply is seldom required for a minor violation, this closing is not frequently used.

NOTICE OF WARNING - INTRA/INTERSTATE SHIPMENT

ID No.
ID No.
ID No.

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there (is/are) under consideration (a) sample(s) of

which (was/were) obtained from (a) shipment(s) made from

to

on or about

(This/These) shipment(s) did not comply with the provisions of the Act in that

Sincerely yours,

Name
Title

Exhibit 1a

ID No. 50297

William Cosby and Associates
Post Office Box 22222
Punxsutawney, Pennsylvania 10630

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of CAPTAIN BILL'S BARNACLE BLASTER, which was obtained from a shipment made from Punxsutawney, Pennsylvania, to the U. S. Naval Academy, Annapolis, Maryland, on or about February 2, 1978.

This shipment did not comply with the provisions of the Act in that the product failed to bear a complete statement of net contents. The label of the five gallon container bore the statement, "NET CONTENTS: GALLONS." However, the exact volume was not stamped in the space provided.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 1b

NOTICE OF WARNING - PRODUCER ESTABLISHMENT

ID No.
ID No.
ID No.

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there (is/are) under consideration (a) sample(s) of

which (was/were) obtained on

(This/These) product(s) had been released for shipment by your producer establishment in

(This/These) product(s) did not comply with the provisions of the Act in that

Sincerely yours,

Name
Title

Exhibit 2a

ID No. 50298

Trouble, Inc.
One Blue Chip Way
Zap, North Dakota

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of TROUBLE'S TOXIC TERMITE KILLER, which was obtained on October 31, 1978. This product had been released for shipment by your producer establishment in Zap, North Dakota.

This product did not comply with the provisions of the Act in that the label bore the registration number, "EPA Reg. No. 2001-711." However, the registration number assigned to this product is EPA Reg. No. 2001-701.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 2b

NOTICE OF WARNING - MARKET BASKET SURVEY

ID No.
ID No.
ID No.

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there (is/are) under consideration (a) sample(s) of the product(s)

(This/These) product(s) did not comply with the provisions of the Act in that

Sincerely yours,

Name
Title

Exhibit 3a

ID No. 98765

P. J. Bogdonovich Corporation
4 Circle Drive
Lubbock, Texas 73211

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of the product STERLING PARK LAWN GROOMER.

This product did not comply with the provisions of the Act in that the label failed to bear the precaution, "This product is toxic to toads." This precaution was on the label accepted in connection with the product's registration on June 6, 1974, under the registration number 755-0297.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 3b

E86. You should assure yourself that all necessary corrections are made and that any further marketing of (a. this product) (b. these products) is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

E87. Since your company has taken action to correct (a. this type of violation) (b. these types of violations), we do not contemplate further proceedings at this time. You should assure yourself that any further marketing of (a. this product) (b. these products) complies with all provisions of the Act.

E88. Please inform us of the action you will take in this matter.

Exhibit 4

SECTION 10

OTHER TYPES OF INITIAL ACTION

OTHER TYPES OF INITIAL ACTION

A. Advertising Letter - The advertising letter is issued when only the collateral literature bears unaccepted statements or pesticide claims. Refer to Section 6, (I) (1) (A) and (II) (7) of this manual regarding determinations.

The letter is divided into three parts, just as the notice of warning.

1. The first part identifies the collateral literature.
2. When pesticide claims are made for an unregistered product, the second part identifies the claims which bring the product under the purview of the Act. (Exhibit 1a,b) When unaccepted statements are made for a registered product, the second part specifies the unaccepted statements. (Exhibit 2a,b)
3. In both cases, the third part, the closing, usually requests a written reply from the firm.

B. Trade Complaints - In response to a trade complaint, a reply is made to the complainant (Exhibit 3a,b) and a sample request is issued.

Company
Street
City

Subject: ID NO. 00000 - BRAND NAME

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, there have been brought to our attention copies of

This literature makes statements regarding the product

such as

These statements identify the product as a pesticide within the meaning of the Act. Refer to Section of the Act, enclosed. The use of these statements in connection with the interstate distribution and sale of the product would constitute a violation of the Act. Therefore, these statements should be deleted or an application for the registration of the product should be submitted.

Please inform us of the action you will take in this matter.

Sincerely yours,

Name
Title

Exhibit 1a

Foley Jon Company
2141 Sagr
Washington, D.C. 20250

Subject: ID No. 54321 - SUPER JON

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, there have been brought to our attention copies of "The Janitor's Guide."

This literature makes statements regarding the product, SUPER-JON, such as, "Sanitize the bowl with Super-Jon." These statements identify the product as a pesticide within the meaning of the Act. Refer to Section 2 of the Act, enclosed. The use of these statements in connection with the interstate distribution and sale of the product would constitute a violation of the Act. Therefore, these statements should be deleted or an application for the registration of the product should be submitted.

Please inform us of the action you will take in this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 1b

Company
Street
City

Subject: ID No. 00000 - BRAND NAME

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there have been brought to our attention copies of

This literature makes statements regarding the product

such as

Statements such as these were never accepted in connection with the registration of the product. Use of these statements in connection with the marketing of the product would constitute a violation of the Act, a copy of which is enclosed. Therefore, such statements should be removed from all literature advertising this product or data submitted to support them.

Please inform us of the action you will take in this matter.

Sincerely yours,

Name
Title

Exhibit 2a

Dexol Company
5021 Seminary Road
Alexandria, Virginia

Subject: ID No. 12345 - DEXOL SEVIN 5% DUST

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there have been brought to our attention copies of the "Dexol 1971 Dealer Price List."

This literature makes statements regarding the product, DEXOL SEVIN 5% DUST, such as, "For use on chickens. Dust chickens by placing 1 lb. of the product in a duster box . . ." Statements such as these were never accepted in connection with the registraton of the product. Use of these statements in connection with the marketing of the product would constitute a violation of the Act, a copy of which is enclosed. Therefore, such statements should be removed from all literature advertising the product or data submitted to support them.

Please inform us of the action you will take in this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 2b

Company
Street
City

Gentlemen:

We wish to thank you for the information contained in your letter of

(An) official sample(s) of the product(s),

(has/have) been requested, including all collateral literature. Appropriate action will be initiated if the product(s) (is/are) found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

Your concern in this matter is appreciated.

Sincerely yours,

Name
Title

Exhibit 3a

Sidney O. Smith and Company
4908 Fran Place
Alexandria, Virginia 22304

Gentlemen:

We wish to thank you for the information contained in your letter of April 1, 1984. An official sample of the product, MIGHTY MOUSE MASHERS, has been requested, including all collateral literature. Appropriate action will be initiated if the product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

Your concern in this matter is appreciated.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 3b

SECTION 11

EXPLANATORY NARRATIVES USED IN INITIAL ACTIONS

EXPLANATORY NARRATIVES USED IN INITIAL ACTIONS

Charges E1-E50 are used for registered products marketed on or after October 22, 1972, and also when specifically authorized for certain unregistered products.

Charges E201-E250 are used for all products shipped in interstate commerce before October 22, 1972, and when proof of interstate shipment is required for a non-registered product shipped after October 22, 1972.

All charges are quotations taken directly from the Act or the Act as amended. Except for charges E8 and E210, the wording of most of these charges never varies. The exceptions, charges E8 and E210, are based on the definition of misbranding contained in the Act and the Act as amended which states: ". . . if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular . . ."

The E8 or E210 charge is divided into two sections:

1. The first section makes the statement, "Misbranded in that the label stated in part:" and quotes only the part of the label which is to be negated or falsified.
2. The second section is the "whereas" statement. This statement only negates what is stated on the product's label. It does <u>not</u> state the evidence on which the charge is based. The statutory reference for the charge immediately follows the "whereas" statement.

All evidence on which the charge is drawn is presented in the narrative of the notice of contemplated proceedings.

The narrative section of the notices of contemplated proceedings explains the charges and additional minor defects which are unrelated to any charge. Since there are no charges in the notice of warning and other types of initial actions, the narrative of these types of action states both the product or label defect and the explanation.

Certain statements regarding devices, product and establishment registrations, and repeated violations, are frequently used in the narrative of notices of contemplated proceedings. These statements are E51-E56 and E251-E253. (Exhibit 50)

Certain statements regarding distributor product registration and initiation of corrective action are usually placed in the narrative of the notice of warning or other types of initial action. These statements are E76, E77 and E276. (Exhibit 51)

A. Registration Status

1. New Registration - product has never been registered

A. There is no indication that the firm is aware of the registration requirements for the product.

Charges - E1 or E201

Format - see Exhibit 1

B. An application has been submitted for the product's registration

1. A file symbol appears in the comments section of the Enforcement Case Review Form

Charges - E1 or E201

Format - see Exhibit 2

2. A file symbol appears on the product's label

Charges - E1 or E201 and E8 or E210

Format - see Exhibit 3

C. The product is not registered pursuant to PR Notice 70-20.

Charges - E1 or E201 and E8 or E210

Format - see Exhibit 4

D. The product is not registered and bears certain types of statements which were not previously considered to be pesticide claims.

Format - see Exhibit 5

2. Cancellation of Registration

A. Renewal not requested.

Charges - E1 or E201 and when applicable, E8 or E210

Format - see Exhibit 6

B. Cancellation at request of registrant.

Charges - E1 or 201 and when applicable, E8 or E210

Format - see Exhibit 6

C. Cancellation by a PR notice.

Charges - E1 or E201 and when applicable, E8 or E210

Format - see Exhibit 7

D. Cancellation by a PR notice because the product's use is potentially hazardous.

Charges - E1 or E201 and E4 or E204 and when applicable, E8 or E210

Format - see Exhibit 8

E. Cancellation resulting from samples showing continued product failure.

Charges - E1 or E201 and when applicable, E8 or E210

Format - see Exhibit 9

3. Non-Registerable Products

Charges - E1 or E201 and E4 or E204

Format - see Exhibit 10

4. Supplemental Registration

Format - see Exhibit 11

B. Labeling

1. Precautionary Statements.

A. Does not bear signal word and/or "KOOROC" statement

Charges - E2 or E202

Format - no explanation required in the narrative

B. Lacks required precautionary statements.

Charges - E3 or E203

Format - see Exhibit 12

C. Label does not bear required symbols and/or statements for highly toxic substances.

Charges - E16 or E203

Format - see Exhibit 13

D. Does not bear required precautions, but they are implied by other precautionary statements on the label.

Format - see Exhibit 14

E. Bears precautionary statements of a higher category of toxicity than those required for the product.

Format - see Exhibit 15

F. Precautionary statements are not prominently placed.

Format - see Exhibit 16

2. Unwarranted statements with respect to the product's safety.

A. May result in the mishandling or misuse of the product.

Charges - E13 or E222

Format - see Exhibit 17

B. Not likely to result in the mishandling or misuse of the product.

Format - see Exhibit 18

3. Directions for Use

A. Does not bear required directions for use.

1. Could result in misuse, illegal residues, or lesser effectiveness

Charges - E4 or E204

Format - see Exhibit 19

2. No adverse effects anticipated.

Format - see Exhibit 20

B. Directions for use differ in substance from those accepted in connection with the registration of the product.

1. Major

Charges - E17 or E218

Format - see Exhibit 21

2. Minor

Format - see Exhibit 22

4. Claims

A. Bears claims that have not been accepted in connection with the product's registration.

1. Those claims which would not be acceptable for the product by the Registration Division.

a. Could be hazardous.

Charges - E4 or E204 and E17 or E217

Format - see Exhibit 23

b. No hazard would be expected.

Charges - E17 or E217

Format - see Exhibit 24

c. Unwarranted claims regarding the product's ingredients, ex: Contains NO DDT.

Format - see Exhibit 25

2. Those claims which would be accepted by the Registration Division if submitted.

Charges - E17 or E217

Format - see Exhibit 26

B. Bears claims which have been accepted by the Registration Division, but were reworded by the registrant in such a way that they may mislead the customer.

Format - see Exhibit 27

5. Ingredient Statement

A. Ingredient statement as declared on the sample product's label differs from that which was accepted in connection with the product's registration.

Charges - E18 or E219

Format - see Exhibit 28

B. Totally lacks any ingredient statement

Charges - E5 or E207

Format - see Exhibit 29

C. Present, but not in prescribed format.

Charges - when other citation charges are drawn E5 or E207

Format - see Exhibit 30

D. Not on the front panel when required

Charges - when other citation charges are drawn E6 or E208

Format - see Exhibit 31

E. The term "inert ingredients" is less prominent than the term "active ingredient"

Charges - when other citation charges are drawn E7 or E209

Format - see Exhibit 32

F. Misspelling or typographical error.

Format - see Exhibit 33

6. Other label omissions.

A. Product or establishment registration numbers.

Charges - when other citation charges are drawn E9 or E213

Format - see Exhibit 34

B. Statement of net weight

Charges - when other citation charges are drawn E10 or E214

Format - see Exhibit 35

C. Name and address of manufacturer

Charges - when other citation charges are drawn E11 or E220

Format - see Exhibit 36

D. Brand name of product

Charges - when other citation charges are drawn E12 or E221

Format - see Exhibit 37

C. Analytical Test

When a violation is based on a chemical analysis of the product, two items must be considered:

[1] The contamination or deficiency must be reported for each unit of the product which was sampled. The unit should not be confused with a subsample. A unit is considered to be a sample from one container regardless of the number of the subsamples involved. Therefore, each product container is equivalent to one unit. If two subsamples are taken from one drum, the sample consisted of one unit. If two subsamples are taken from two drums of the product, the sample consists of two units.

[2] The batch code of each unit which is analyzed must be reported in conjunction with the respective analytical result. When the product is not coded, this fact should also be stated.

1. Deficiency

When a product is found to be deficient in an ingredient, the highest percent of that ingredient found in each unit must be determined. These percentages are then reported in conjunction with their respective batch codes. Depending on the method of analysis and the type of ingredient statement on the product's label, one of the following formats for reporting a chemical deficiency may be used:

A. When the percentages of each active ingredient are declared on the product's label and the analysis specifically determines the amount of the ingredient found in the product.

Charges - E8 or E210 and E19 or E211

Format - See Exhibit 38

B. When the percentages of each active ingredient are declared on the product's label, but the analysis is based on one common chemical which is found in two or more of the ingredients.

Charges - E8 or E210 and E19 or E211

Format - see Exhibit 39

C. When the percentages of each active ingredient are not declared on the product's label.

Charges - E21 and E18 or E219

Format - see Exhibit 40

D. When the product would not be fully effective because of a chemical deficiancy

Charges - E8 or E210 and E19 or E211

Format - see Exhibit 41

2. Contamination

When the product contains an additional ingredient which has not been declared on the product's label, the lowest percent of that ingredient found in each unit must be

determined. These percentages are then reported in conjunction with their respective batch codes.

A. When contamination could be hazardous

Charge - E8 or E210 and E20 or E212 and E4 or E204

Format - see Exhibit 42

B. Contamination not likely to be hazardous

Charge - E8 or E210 and E20 or E212

Format - see Exhibit 43

3. Overformulation

When the product contains an overformulation in any ingredient, the lowest percent of this ingredient found in each unit must be determined. These percentages are then reported in conjunction with their respective batch codes. When interpreting the analytical report and the reviewer's comments, do not confuse the terms "overage" and "average."

A. Hazardous

Charge - E4 or E204 and E8 or E210

Format - see Exhibit 44

B. Not hazardous

Format - see Exhibit 44

D. Efficacy Tests

When the violation is based on ineffectiveness, the charge E8 or E210 is drawn. Only the false or misleading statements regarding the product's effectiveness are quoted.

1. Disinfectant

Report only those test results on each organism where the product failed the test. Total the results of all units of each batch code. Do not report tests that the product passes.

Format - see Exhibit 45 (Staphylococcus aureus, Salmonella choleraesuis, and Trichophyton interdigitale)

- see Exhibit 46 (Pseudomonas aeruginosa)

2. Rodenticides

A. Single Dose

Format see Exhibit 47

B. Multiple Dose

1. Cereal or water baits - Both results, acceptance and mortality, are always reported even though the product is below the minimum standard in only one of these criteria. When reporting the test results, the number of test animals and the time span of the test can vary. The test results should be checked in order to report these figures correctly.

Format - see Exhibit 48

2. Paraffin Block

Format - see Exhibit 49

I.D. No. 101611 - BREATH OF PINE ALL PURPOSE CLEANER
Brondow, Inc.
Mt. Vernon, New York

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

In that the product was not registered under Section 4 of the act. [7 U.S.C. 135a(a)(1), 135b]

(The product is an economic poison within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to Sec. 2a, 2d, and 2n of the act, and Paragraphs 362.2(c) and 362.2(d) of the regulations. Claims such as "***DISINFECTS***" are economic poison claims and bring the product within the purview of the act.

Interstate shipments of this product without benefit of registration are in violation of the act. We are enclosing PR Form 9-199 for use in application for registration of the product.)

I.D. No. 103264 - SCHERING 224 HERBICIDE
Schering Corporation
Bloomfield, New Jersey

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

In that the product was not registered under Section 4 of the act. [7 U.S.C. 135a(a)(1), 135b]

(An application for registration of the product was submitted October 14, 1972, and assigned file symbol 3204-RO. However, registration has not been issued. The assigning of a file symbol does not constitute registration.

Interstate shipments of this product without benefit of registration are in violation of the act.)

I.D. No. 101880 - SCHERING 601 INSECTICIDE
Schering Corporation
Bloomfield, New Jersey

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

1. In that the product was not registered under Section 4 of the act. [7 USC 135a(a)(1), 135b]

2. Misbranded in that the label stated in part:

"* * *

SCHERING
601
INSECTICIDE

* * *

EPA Reg. No. 3204-EI

* * *"

whereas the product was not registered under registration number 3204-EI. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

(An application for registration of the product was submitted August 18, 1972, and assigned file symbol 3204-EI. However, registration has not been issued. The assigning of a file symbol does not constitute registration.

Interstate shipments of this product without benefit of registration are in violation of the act.)

I.D. No. 9782 - PARSONS 3-WAY DUST
Parsons Chemical Works, Inc.
Grand Ledge, Michigan

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

1. In that the product was not registered under Section 4 of the act. [7 U.S.C. 135a(a)(1), 135b]

2. Misbranded in that the label stated in part:

"* * *

PARSONS

3 - WAY

DUST

* * *

ACTIVE INGREDIENTS
Sulfur.....20.00%
Captan*..... 1.18%
*N-trichloromethyl-mercapto-4-cyclohexene-1,1-dicarboxmide
Rotenone..... 1.00%
INERT INGREDIENTS.....77.78%

* * *

USDA REG. NO. 1969-86

* * *"

whereas the product with this formulation is not registered under registration number 1969-86. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

(The formulation of the product accepted under Reg. No. 1969-86 was declared as: ACTIVE INGREDIENTS Sulfur 8.00%, Copper oxide 6.70%, Rotenone 1.00%. Other Derris Resins 0.04% and INERT INGREDIENTS 84.26%. Since the formulation of the product in question differs significantly from the formulation of the product accepted under Reg. No. 1969-86, the product in question would be considered a different product and as such require separate registration. Please refer to PR Notice 70-20, enclosed.

Interstate shipments of this product without benefit of registration are in violation of the act. We are enclosing PR Form 9-199 for use in application for registration of the product.)

ID No. 102203

The Sta-Dri Company
1572 Annapolis Road
Odenton, Maryland 21113

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of STA-DRI MASONRY PAINT, which was obtained from a shipment made from Odenton, Maryland, to Builders Supply Company, Jonesboro, West Virginia on or about November 17, 1972.

This shipment did not comply with the provisions of the act in that the product was not registered under Section 4 of the act. The product bore the economic poison claim "INHIBITS MOLD AND MILDEW." Not withstanding previous actions and determinations regarding this matter, it is the position of the Registration Division that this product as represented by the sample label is subject to the act. Continued interstate shipments of this unregistered product would be in violation of the act. We are enclosing PR Form 9-199 for use in applying for registration if you so desire.

In order to remove the product from the purview of the act, the claim inhibits mold and mildew must be deleted from all labeling and advertising literature or revised somewhat as follows: "Sta-Dri Masonry Paint eliminates a source of moisture which encourages the growth of mold and mildew that discolors and stains most surfaces." If you intend to take this course of action, a copy of the revised label should be submitted for our review.

Please inform us of the action you will take in this matter.

Sincerely yours,

A. E. Conroy II
Director

Enclosure

Exhibit 5

11-17

I.D. No. 101663 - METHOXYCHLOR 280
Baird & McGuire, Inc.
Holbrook, Massachusetts

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

1. In that the product was not registered under Section 4 of the act. [7 U.S.C. 135a(a)(1), 135b]

2. Misbranded in that the label stated in part:

"* * *

METHOXYCHLOR 280

* * *

USDA Reg. No. 551-62

* * *"

whereas the product was not registered under registration number 551-62. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

(Registration for the product under registration number 551-62 was cancelled effective June 3, 1972, as a request for renewal of registration was not received by the Registration Division pursuant to their letter of May 3, 1972.

Interstate shipments of this product without benefit of registration are in violation of the act. We are enclosing PR Form 9-199 for use in application for registration of the product.)

I.D. No. 89496 - CHIPCO PMA 10 LIQUID TURF FUNGICIDE
SHIPPER: Rhodia, Inc.
Chipman Division
New Brunswick, New Jersey

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

1. In that the product was not registered under Section 4 of the act. [7 U.S.C. 135a(a)(1), 135b]

2. Misbranded in that the label stated in part:

"* * *

CHIPCO PMA 10
LIQUID TURF FUNGICIDE

* * *

USDA Reg.
No. 2079-32

* * *"

whereas the product was not registered under registration number 2079-32. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

(Registration for the product under 2079-32 was cancelled effective May 12, 1972, pursuant to PR Notice 72-5, a copy of which is enclosed. Interstate shipments of this product without benefit of registration are in violation of the act.)

I.D No. 99078 - ATM 2,4,5-T LAWN AND GARDEN HERBICIDE
ATM Company, Inc.
Lumbar, Montana

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

1. In that the product was not registered under Section 4 of the Act. [7 U.S.C. 135a(a)(1), 135b]

2. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(F), 86 Stat. 977]

3. Misbranded in that the label stated in part:

"* * *

ATM
2,4,5-T LAWN AND
GARDEN

HERBICIDE

* * *

REG. NO. 2234-78

* * *"

whereas the product was not registered under Reg. No. 2234-78. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

(The registration of this product was cancelled effective May 1, 1970, pursuant to PR Notice 70-13, enclosed. This product was subject to PR Notice 70-13, which cancelled registrations of all granular 2,4,5-T formulations bearing directions for use around the home.

Interstate shipments of this product without benefit of registration are in violation of the Act.)

I.D. No. 98675 - H.J.S. RAT KILLER
SHIPPER H.J.S Company
Elm, Nevada

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

1. In that the product was not registered under Section 4 of the Act. [7 U.S.C. 135a(a)(1), 135b]

2. Misbranded in that the label stated in part:

"* * *

H.J.S. Rat-Killer

* * *

EPA REG NO 897-42

* * *

TO KILL RATS: Place baits where rats have been seen. (Baits may be mixed with foods for which rats have shown a preference.) Repeat until all rodent signs disappear.

* * *"

whereas the product was not registered under Reg. No. 897-42, and when used as directed would not be effective in killing rats. [12(A)(1)(E), 86 Stat. 990; 2(G)(1)(A), 86 Stat. 997]

(Registration for this product was cancelled effective June 6, 1971, after repeated demonstrations of ineffectiveness.

During a fifteen day feeding study involving 20 albino rats, the test animals consumed by choice only 2% of the bait in their total diet resulting in only a 5% mortality. An acceptance of 33% and a mortality of 90% are considered necessary for the product to be effective in the commensal rodents environment.

Interstate shipments of this product without benefit of registration are in violation of the Act.)

I.D. No. 95867 - PQR MARINE ANTI-FOULING PAINT
SHIPPER: PQR Company
New York, New York

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE ECONOMIC POISON WAS:

1. In that the product was not registered under Section 4 of the Act. [7 U.S.C. 135a(a)(1), 135b]

2. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(F), 86 Stat. 977]

   (Registration of products containing mercury for use as anti-fouling paints were suspended and cancelled effective March 22, 1972, pursuant to PR Notice 72-5, copy enclosed.

   Interstate shipments of this product without benefit of registration are in violation of the Act.)

April 17, 1973

Conskill Poisons
1911 Elm Street
Slagg, New Jersey 54321

Gentlemen:

Subject: I.D. No. 66876 - DEWITT INSECT BOMB

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, there is under consideration a sample of DEWITT INSECT BOMB, which was obtained from a shipment made from Slagg, New Jersey, to Dewitt Products, Inc., Columbis, Missouri, on or about August 9. 1972.

This shipment did not comply with the provisions of the Act in that the product was not supplementally registered for the distributor, Dewitt Products, Inc. The marketing of this product without benefit of supplemental registration for the distributor is in violation of the Act. An application for supplemental registration, PR form 9-1, is enclosed.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 11

ID No. 83144 - ABC 10% CHLORDANE DUST
SHIPPER: ABC Company
San Antonio, Texas

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the label did not bear a warning or caution statement which is necessary and, if complied with, adequate to protect health and the environment. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (G), 86 Stat. 977]

(The label of the product did not bear the caution statement "Keep children and pets off treated areas until the insecticide has been washed into the soil and treated areas have dried completely." This caution did appear on the label accepted April 21, 1966, in connection with registration of the product under registration number 623-12.)

Exhibit 12

I.D. No. 96660 - ABC BRAND 2LB. EPN EC
SHIPPER: ABC Company
San Antonio, Texas

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the product contains a substance in quantities highly toxic to man and the label fails to bear required symbols or statements. [12(a)(1)(E), 86 Stat. 990; 2(q)(D), 86 Stat. 978]

(The label of the product failed to bear on the front panel the word "Poison" in red, the skull and crossbones, and the statement "See antidote and other warnings on side panel." These items were on the label accepted April 9, 1979, in connection with the registration of the product under the registration number 623-23.)

Exhibit 13

Pesticides Enforcement Divisions

ID No. 103394

ABC Company
1313 Main Street
San Antonio, Texas 78209

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of ABC SURFACE DISINFECTANT which was obtained from a shipment made from San Antonio, Texas, to XYZ Supply Company, Nashville, Tennessee, on or about January 3, 1973.

This shipment did not comply with the provisions of the act in that the label of the product failed to bear the required precaution, "Causes eye irritation." The label accepted October 19, 1971, in connection with registration of the product under registration number 632-420 did bear this statement.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 14

Pesticides Enforcement Division

I.D. No. 90604

ABC Company
1313 Main Street
San Antonio, Texas 78209

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of ABC MALATHION GARDEN SPRAY which was obtained from a shipment made from San Antonio, Texas, to XYZ Supply Company, Nashville, Tennessee, on or about January 12, 1973.

This shipment did not comply with the provisions of the act in that the label of the product bore the words "DANGER" and "POISON", and the skull and crossbones. These did not appear on the label accepted September 10, 1968, in connection with registration of the product under registration number 442-23. The category of toxicity of this product requires only the signal word "Caution" in conjunction with the statement "Keep out of reach of children" on the front panel.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 15

Pesticides Enforcement Division

I.D. No. 103395

ABC Company
1313 Main Street
San Antonio, Texas 78209

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of ABC MALATHION GARDEN SPRAY which was obtained from a shipment made from San Antonio, Texas, to XYZ Supply Company, Nashville, Tennessee, on or about February 6, 1973.

This shipment did not comply with the provisions of the Act in that the precautionary statement, "Caution: Keep out of reach of children", on the front panel of the label of the product was not sufficiently prominent as to render it likely to be read under customary conditions of purchase. This statement immediately followed the list of product uses and was in the same type size. Please refer to the enclosed notice of September 1, 1966, regarding the correct type size.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 16

I.D. No. 103396 - ABC DISINFECTANT 100% HCL
SHIPPER: ABC Company
San Antonio, Texas

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the labeling bore a statement as to the safety of the product which is false or misleading. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

(The label of the product bore the claim, "Safe to Hands." This is an unwarranted claim as to the safety of the product and this claim did not appear on the label accepted July 10, 1971, in connection with registration of the product under registration number 5-5. This claim is inconsistent with the direction, "Wear Gloves", and the precaution, "Avoid Contact With Skin".)

I.D. No. 90607

ABC Company
1313 Main Street
San Antonio, Texas 78209

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of ABC SANITIZING CLEANER which was obtained from a shipment made from San Antonio, Texas, to XYZ Supply Company, Nashville, Tennessee, on or about February 20, 1973.

This shipment did not comply with the provisions of the Act in that the label of the product bore the unwarranted safety claim, "Non-irritating if used according to label directions." This claim was not on the label accepted August 8, 1971, in connection with registration of the product under registration number 5-5.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 18

I.D. No. 69634

SANA CAGE WASH

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(G), 86 Stat. 977]

(The product's label failed to bear directions indicating the areas to be treated and the proper use dilutions. These directions were borne on the label accepted on April 4, 1972, in connection with the product's registration under Reg. No. 55-5.)

Exhibit 19

I.D. No. 5000

Pesticide Chemical Company
1600 Pennsylvania Avenue
New York, New York

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972, there is under consideration a sample of PESTO INSECTICIDE SPRAY, which was obtained from a shipment made from New York, New York, to Ace Hardware Store, Catalina, California, on or about February 14, 1973.

This shipment did not comply with the provisions of the Act in that the product's label failed to bear the required directions for use, "xxx spray the area continuously for 90 seconds." These directions were borne on the label accepted on April 4, 1972, in connection with the product's registration under Reg. No. 5-5.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 20

I.D No. 96058

Blue Cross Chlor Granules

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

In violation in that the claims for the product differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a)(1)]

(The sample product's label bore the directions, "For proper pool water sanitation maintain a chlorine residual of 0.6 to 1.0 parts per million (PPM)". However, the label accepted in connection with the product's registration on February 26, 1971, under Reg. No. 6991-1 bore the following directions for use, "Maintain a chlorine residual of 1.6 to 2.0 parts per million (PPM) and a 7.2 - 7.6 pH range".)

I.D No. 96058

Blue Cross Chlor Granules

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

In violation in that the claims for the product differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a)(1)]

(The sample product's label bore the directions, "For proper pool water sanitation maintain a chlorine residual of 0.6 to 1.0 parts per million (PPM)". However, the label accepted in connection with the product's registration on February 26, 1971, under Reg. No. 6991-1 bore the following directions for use, "Maintain a chlorine residual of 1.6 to 2.0 parts per million (PPM) and a 7.2 - 7.6 pH range".)

I.D. No. 4000

Pesticide Chemical Company
1600 Pennsylvania Avenue
New York, New York

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of PRESTO SHARK REPELLANT, which was obtained from a shipment made from New York, New York, to Marineland Supplies, Naggshead, North Carolina on or about July 4, 1972.

This shipment did not comply with the provisions of the Act in that the product's label bore directions for use of the product in swimming pools. These directions were not accepted in connection with the product's registration on April 1, 1971, under EPA Reg. No. 99-2.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

Exhibit 22

I.D. No. 1000

CHLORDANE IOWP
Pesticide Chemical Company
New York, New York

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment. [12(a)(1)(E), 86 Stat. 990, 2(q)(1)(F), 86 Stat. 977]

2. In violation in that the claims made for the product differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a)(1)]

(The sample product's label bore claims for use of the product on sugarcane and buckwheat. However, these claims were not on the label accepted in connection with the product's registration on June 18, 1972, under EPA Reg. No. 260-1. In addition, use of the product on sugarcane and buckwheat would likely result in illegal residues in or on these harvested crops. These uses were prohibited pursuant PR Notice 71-3 enclosed.)

I.D. No. 2000 PEDIGREE FLEA COLLAR FOR DOGS
Pesticide Chemical Company
New York, New York

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

In violation in that the claims made for the product differed in substance from the representations made in connection with its registration (7 U.S.C. 135(a)(1))

(The sample product's label bore the claim "KILLSxxxTICKS" which was not accepted in connection with the product's registration on April 5, 1972, under EPA Reg. No. 5988-1.)

I.D. No. 3000

Pesticide Chemical Company
1000 Pennsylvania Avenue
New York, New York

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (as amended by the Federal Environmental Pesticide Act of 1972), there is under consideration a sample of PESTO MOSQUITO REPELLANT SPRAY, which was obtained from a shipment made from New York, New York, to Pesticide Retail Company, Dallas, Texas, on or about January 1, 1973.

This shipment did not comply with the provisions of the Act in that the product's label bore the claim "Contains No DDT" which was not accepted in connection with the product's registration on December 2, 1972, under EPA Reg. No. 999-1. This is an unwarranted claim concerning the product's safety.

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

I.D. No. 87023 - HOPKINS FRUIT TREE SPRAY
Jo Blow Company
Zilch, New Mexico

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

In violation in that the claims made for the product differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a)(1)]

(The labeling on the product bore claims for use of the product against "aphid", "bud moth", "leaf roller" and "apple maggot" which were not accepted in connection with the registration of the product, May 5, 1968, under EPA Reg. No. 2393-170.)

Exhibit 26

Pesticides Enforcement Division

April 13, 1973

I.D. No. 88001

Mysan Corporation
919 West 38th Street
Chicago, Illinois 60609

Gentlemen:

In connection with enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, there is under consideration a sample of OXFORD SPRAY AND WIPE SPOT CLEANER, which was obtained from a shipment made from Oxford Chemicals, Atlanta, Georgia, to Leeds Hospital, Leeds, Alabama, on or about May 31, 1972.

This shipment did not comply with the provisions of the act in that the product's label bore the statement, "Use this unique no rinsing cleaner for cleaning and sanitizing Counter Tops, Table Tops, and other surfaces where food is served and processed. However, the label accepted in connection with the product's registration on March 6, 1972 limited the "NO RINSE" claim to non-food contact surfaces. This request was made in letters from Registration Division to your firm on May 6, 1971, and March 9, 1972. Further interstate shipments of this product bearing the improper label will be in violation of the act.

You should assure yourself that all necessary corrections are made and that future shipments of this product are in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

A. E. Conroy II
Director

I.D. No. 37023 - HOPKINS FRUIT TREE SPRAY
Date of Shipment: June 8, 1972
Shipper: Cole Chemical Supply
Division Hopkins Agricultural
Madison, Wisconsin

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

In violation in that the composition of the product differed from the composition as represented in connection with its registration. [7 U.S.C. 135a(a)(1)]

(The ingredient statement on the labeling of the product represented the product to contain 10% captan, 10% malathion and 10% technical methoxychlor as the active ingredients, and 70% inert ingredient; whereas the formulation accepted in connection with registration of the product, May 5, 1968, under USDA Reg. No. 2393-170 was represented as containing 10% captan, 5% malathion, 5% technical methoxychlor as the active ingredients, and 80% inert ingredients.)*

*NOTE
If the discrepancy in the labeled ingredient statement cannot be clearly explained by paraphrase, the labeled ingredient statement may be quoted.

I.D. No. 1000 - HELP'S DISINFECTANT
ABC Company
Anywhere, U.S.A.

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients. [12(a)(1)(E), 86 Stat. 990; 2(q)(2)(A), 86 Stat. 977; 7 U.S.C. 135(0)]

Exhibit 29

Pesticides Enforcement Division

I.D. No. 100158

August 16, 1972

Vestal Laboratories
Division of Chemed Corporation
4963 Manchester Avenue
Saint Louis, Missouri 63110

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, there is under consideration a sample of VESTAL LPH GERMICIDAL DETERGENT 1 STROKE SYSTEM, which was obtained from a shipment made from Saint Louis, Missouri, to Veterans Administration Hospital, Muskogee, Oklahoma, on or about January 6, 1972.

This shipment did not comply with the provisions of the act in that the ingredient statement failed to separate the inert ingredients from the active ingredients. The label accepted in connection with the product's registration under registration number 5-3 bore the ingredient statement in the proper format.*

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely,

A. E. Conroy II
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings.

Exhibit 30

Pesticides Enforcement Division

I.D. No. 00000

XYZ Pesticides Company, Inc.
00000 Zero Street
Maryland, Ohio 00000

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, there is under consideration a sample of KILL A BUG TODAY, which was obtained from a shipment made from Maryland, Ohio, to Kill A Bug Company, Saint Charles, New York, on or about January 1, 1980.

This shipment did not comply with the provisions of the Act in that the product's label bore the ingredient statement on the back panel. The label accepted in connection with the product's registration on January 15, 1978, under registration number 682-817, bore the ingredient statement on the front panel.*

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

Mr. John Doe
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings.

Exhibit 31

Pesticides Enforcement Division

I.D. No. 00000

XYZ Pesticides Company, Inc.
00000 Zero Street
Maryland, Ohio 00000

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, there is under consideration a sample of KILL A BUG TODAY, which was obtained from a shipment made from Maryland, Ohio, to Kill A Bug Company, Saint Charles, New York, on or about January 1, 1980.

This shipment did not comply with the provisions of the Act in that the term, "inert ingredients" was in smaller sized type and was less prominent than the term "active ingredients". These terms were given equal prominence in the ingredient statement on the label accepted in connection with the product's registration on May 12, 1978, under registration number 820-12.*

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

Mr. John Doe
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings.

Exhibit 32

Pesticides Enforcement Division

I.D. No. 00000

XYZ Pesticides Company, Inc.
00000 Zero Street
Maryland, Ohio 00000

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended there is under consideration a sample of KILL A BUG TODAY, which was obtained from a shipment made from Maryland, Ohio, to Kill A Bug Company, Saint Charles, New YOrk, on or about January 1, 1980.

This shipment did not comply with the provisions of the Act in that the ingredient statement, appearing on the product's label, bore the statement, "Seven . . . . .50.0%. However, the proper spelling of this chemical name is Sevin.*

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

Mr. John Doe
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings, although there is no related charge.

Pesticides Enforcement Division

I.D. No. 00000

XYZ Pesticides Company, Inc.
00000 Zero Street
Maryland, Ohio 00000

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended there is under consideration a sample of KILL A BUG TODAY, which was obtained from a shipment made from Maryland, Ohio, to Kill A Bug Company, Saint Charles, New York, on or about January 1, 1980.

This shipment did not comply with the provisions of the Act in that the label failed to bear the product's registration number. The product is registered under registration number 1234-56.*

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional inforamtion that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

Mr. John Doe
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings.

Exhibit 34

Pesticides Enforcement Division

I.D. No. 00000

XYZ Pesticides Company, Inc.
00000 Zero Street
Maryland, Ohio 00000

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, there is under consideration a sample of KILL A BUG TODAY, which was obtained from a shipment made from Maryland, Ohio, to Kill A Bug Company, Saint Charles, New York, on or about January 1, 1980.

This shipment did not comply with the provisions of the Act in that the product's label failed to bear a statement of net weight or measure of content. The product was invoiced as containing five gallons.*

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

Mr. John Doe
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings.

Exhibit 35

Pesticides Enforcement Division

I.D. No. 00000

XYZ Pesticides Company, Inc.
00000 Zero Street
Maryland, Ohio 00000

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, there is under consideration a sample of KILL A BUG TODAY, which was obtained from a shipment made from Maryland, Ohio, to Kill A Bug Company, Saint Charles, New York, on or about January 1, 1980.

This shipment did not comply with the provisions of the Act in that the product's label failed to bear the name and address of the manufacturer, registrant, or person for whom manufactured. The address of your firm was on the label accepted in connection with the product's registration on April 15, 1976, under registration number 830-16.*

You should assure yourself that all necessary corrections are made and that further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

Mr. John Doe
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings.

Exhibit 36

Pesticides Enforcement Division

I.D. No. 00000

XYZ Pesticides Company, Inc.
00000 Zero Street
Maryland, Ohio 00000

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, there is under consideration a sample of a product invoiced as BUG KILLER, which was obtained from a shipment made from Maryland, Ohio, to Kill A Bug Company, Saint Charles, New York on or about January 1, 1900.

This shipment did not comply with the provisions of the Act in that the product's label failed to bear the name, brand or trade-mark under which the product is sold. The label accepted in connection with the product's registration on May 5, 1977, under the registration 386-10, bore the brand name KILL A BUG TODAY.*

You should assure yourself that all necessary corrections are made and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file regarding this matter.

Sincerely yours,

Mr. John Doe
Director

*NOTE
This type of narrative may be used in notices of contemplated proceedings.

I.D. No. 88048 - PEARSON'S 1.5% ROTENONE POWDER
Pearson Chemicals, Inc.
Willowtree, South Carolina

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the label stated in part:

"* * *

PEARSON'S 1.5% ROTENONE
POWDER

* * *

Active Ingredients:
Rotenone..... 1.50%
Other Cube Resins..... 3.00%
Inert Ingredients..... 95.50%
Total Ingredients.....100.00%

* * *"

whereas the product contained less than 1.50% rotenone. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

2. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [12(a)(1)(E), 86 Stat. 990; 2(C)(1), 86 Stat. 975]

(When tested two units of the product coded "176" and "186" were found to conatin only 0.59% and 0.61% retonone, respectively.)

ENFORCEMENT CASE REVIEW *(Test and Label)*	ID NUMBER 88048
	EPA REGISTRATION NUMBER 55-4800

TYPE OF REVIEW

	CHEMISTRY		EFFICACY		SAFETY		OTHER *(Specify)*

TEST RESULTS AND SIGNIFICANCE

A deficiency was found in the active ingredient: Rotenone. The analysis was by an acceptable procedure. Rotenone was determined by appropriate infrared methods, Virginia Department of Agriculture, and "Methods of Analysis-AOAC 11th ed., 6.109-6.110." A "Total Ether Extraction of Rotenone and Other Cube Resins" (AOAC 6.111)* further confirmed the deficiency.

Analyst	Ingredient(Method)	Sub #1	Sub #2	Claim
First	Rotenone(VDA-IR)	0.59% Aug.	0.61%	1.5%
Second	Rotenone(AOAC-IR)	0.57%	--	1.5%
Second	Rotenone(AOAC-Ether Ext.)* & other cube	2.89%	2.97%	4.5%

The chemical deficiency is definite and well established.

LABELING REVIEW

ARE THERE ANY SIGNIFICANT LABELING DEFECTS?	DATE OF ACCEPTANCE OF APPLICABLE LABELING
[ ] YES *(If yes, list substantial discrepancies and significances below)* [X] NO	2-24-72

SUBSTANTIAL DISCREPANCIES AND SIGNIFICANCES

E. B. Brittin
Chemist

Exhibit 38

EPA Hq Form 8500-7A (2-73)

SAMPLE SUMMARY ANALYTICAL REPORT

Sample No.: 88048

Product: Pearson's 1.5% Rotenone

Analyst: Danny McDaniel

Date Analyzed: 2-16-73

Description: 2 - 1 lb cartons

Appearance beige dust

Seal Broken 2-7-73

	Sub. 1 (1.0 .b)	Sub. 2 (1.0 lb)	Claimed (1.0 lb)
Net Weight	.45 Kg	.45 Kg	.45 Kg
Rotenone (VDA 621.1 I.R.)	.57% .61%	.61%	1.5%
	Avg. .59%		

TLC (920.0 A&B)
No contamination detected

Resealed ID No. 88048 2-16-73 Danny McDaniel
Sample remaining approx (2 lb) .90 Kg

Check Analysis 2-23-73 Robert R. Robertson
Sample sealed ID No. 88048 2-23-73 Danny McDaniel

	Sub No. 2
Rotenone (AOAC XI 6.109 IR) Soxhlet extraction with acetone	0.57%

Resealed ID No. 88048 2-23-73 Robert R. Robertson
Sample remaining Approximately 0.91 Kg

LABORATORY REMARKS: Rotenone is 60% deficient in both subs.

Exhibit 38

SAMPLE SUMMARY ANALYTICAL REPORT CON'T

Sample No.: 88048

Product: Pearson's 1.5% Rotenone

Additional Analysis 4-12-73 Robert R. Robertson

Sample Sealed ID No. 88048 2-23-73 Robert R. Robertson

	Sub No. 1	Sub No. 2	Claim
Total Ether Extract (AOAC XI 6.111)	2.89%	2.97%	4.5%

Resealed ID No. 88048 4-12-73 Robert R. Robertson

Sample remaining Approximately 0.9 Kg

Exhibit 38

I.D. No. 97342 - SABAN'S INSECT DUST
Saban Insect Control Company
Worthington, Virginia

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the label stated in part:

"* * *

SABAN'S
Insect Spray

* * *

ACTIVE INGREDIENTS
Carbaryl. 3%
Malathion 3%
Diazinon. 2%
INERT INGREDIENTS 92%

* * *"

whereas the product contained less than 3% malathion and 2% Diazinon.
[12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

2. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold.
[12(a)(1)(E), 86 Stat. 990; 2(c)(1), 86 Stat. 975]

(The product was represented to contain 3% malathion and 2% Diazinon which are equivalent to 0.86% total phosphorus. However, when tested, the product, coded "936", was found to contain only 0.52% total phosphorus.)

I.D. No. 110000 - SANI-CLEAN DISINFECTANT
Sani-Clean, Inc.
Washington, D. C.

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Adulterated in that a valuable constituent of the pesticide had been wholly or in part abstracted.
[12(a)(1)(E), 86 Stat. 990; 2(c)(3), 86 Stat. 975]

2. In violation in that the composition of the product differed from the composition as represented in connection with its registration.
[7 U.S.C. 135a(a)(1)]

(When analyzed, the product, coded "A-593", was found to contain 23% less chlorine than the amount declared in connection with registration on June 21, 1969, under registration number 1000-500.)

I.D. No. 102936 - MILLONE INSECT CONTROL
Millone, Inc.
Wilson, Alabama

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the label stated in part:

"* * *

Millone
Insect Control

* * *

Active Ingredients
Clobber.....62%
Malathion..... 1%
Inert Ingredients.....37%

* * *"

whereas the product contained less than 62% clobber. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

2. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [12(a)(1)(E), 86 Stat. 990; 2(c)(1), 86 Stat. 975]

(The uncoded product was found to contain only 5.3% clobber. Due to this deficiency the product would not be fully effective in controlling insects.)

ID No. 100506 - FORD'S HOUSEHOLD INSECTICIDE
Ford Chemical
Westwood, Tennessee

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment. [12 (a) (1) (E), 86 Stat. 990; 2 (q) (1) (F), 86 Stat. 977]

2. Misbranded in that the label stated in part:

"* * *

FORD'S
Household Insecticide

* * *

Active Ingredients:
Sodium Fluoride 59.00%
Sodium Flurosilicate 19.00%
Pyrethrins 18%
Inert Ingredients 21.82%

* * *"

whereas the product contained an additional active ingredient, namely methyl parathion, which was not listed in the ingredient statement. [12 (a) (1) (E), 86 Stat. 990; 2 (q) (1) (A), 86 Stat. 977]

3. Adulterated in that another substance, namely methyl parathion, had been substituted wholly or in part for the article. [12 (a) (1) (E), 86 Stat. 990; 2 (c) (2), 86 Stat. 975]

(The product coded "CB-798" was found to contain 0.08% methyl parathion. The use of this product as directed would pose a potential hazard to the user.)

Exhibit 42

I.D. No. 101342 - 2-20 CABBAGE DUST
Southern Chemicals, Inc.
Columbia, South Carolina

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the label stated in part:

"* * *

2-20
CABBAGE DUST

* * *

Active Ingredients:
Toxaphene.....20%
Parathion..... 2%
Inert Ingredients.....78%

* * *"

whereas the product contained additional active ingredients, namely strobane and maneb, which were not listed in the ingredient statement. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(A), 86 Stat. 977]

2. Adulterated in that other substances, namely strobane and maneb, had been substituted wholly or in part for the article. [12(a)(1)(E), 86 Stat. 990; 2(c)(2), 86 Stat. 975]

(Two units of the product coded "CD 0042" were found to contain 0.77% and 0.75% maneb and 0.80% and 0.75% strobane, respectively.)

*NOTE
This type of narrative may be used in a notice of warning.

Exhibit 43

ENFORCEMENT CASE REVIEW *(Test and Label)*	ID NUMBER 101342
	EPA REGISTRATION NUMBER 10536-2

TYPE OF REVIEW

CHEMISTRY XXX	EFFICACY	SAFETY	OTHER *(Specify)*

TEST RESULTS AND SIGNIFICANCE

The sample was found to contain undeclared pesticides:
Terpene polychlorinates [consists of chlorinated camphene pinene and related polychlorinates (65-66% chlorine)]*
Maneb (manganese ethylenebisdithiocarbamate)
The analysis was by acceptable procedures:
*Strobane was identified by GLC and infrared procedures and calculated from chlorine content determined by an appropriate sodium reduction method (AOAC 10th ed., 4.188) Maneb was calculated from carbon disulfide content-EPA PR Method (765.1) and was found to contain manganese on the basis of the contamination found.

Analyst	Contaminant (Method)	Sub #1	Sub #2	Claim
first	Strobane (GLC)	pos.	pos.	none
second	Strobane (GLC)	pos.	pos.	none
second	Strobane (infrared)	pos.	pos.	none
first	Maneb (EPA-PR 765.1)	0.77%	0.75%	none

The chemical contamination is well established. Toxaphene the claimed ingredient (20.0%) doesn't contain the chlorinated pinene.
Strobane calculated from chlorine - 18.2% (Sub #1) 18.9% (Sub #2)

NOTE: Sub #3 and Sub #4 are not contaminated
Refer to chemical residue review.

LABELING REVIEW

ARE THERE ANY SIGNIFICANT LABELING DEFECTS?

☐ YES *(If yes, list substantial discrepancies and significances below)* ☒ NO

DATE OF ACCEPTANCE OF APPLICABLE LABELING: 10-15-71

SUBSTANTIAL DISCREPANCIES AND SIGNIFICANCES

E. Brittin
Chemist

Exhibit 43

EPA Hq Form 8500-7A (2-73)

ENFORCEMENT CASE REVIEW
(Test and Label)

ID NUMBER: 101342

EPA REGISTRATION NUMBER:

TYPE OF REVIEW

CHEMISTRY	EFFICACY	SAFETY	OTHER *(Specify)*
XX residue			

TEST RESULTS AND SIGNIFICANCE

Claim toxaphene 20.0%
Found Strobane in Sub 1
toxaphene in Sub 3

It is difficult to distinguish toxaphene and Strobane, but this was done by GLC and mass spectrometry (from R. Thomas). Residues of goxaphene and Strobane are not distinguishable. Illegal residues of Strobane are unlikely.

Contaminant maneb 0.77%, 0.75%
Use on cabbage - Tolerance 10 ppm

Illegal residues of maneb are unlikely.

NOTE: Strobane and maneb probably were deliberately used.

R. Caswell
Pesticide Residue Chemist

LABELING REVIEW

ARE THERE ANY SIGNIFICANT LABELING DEFECTS?

☐ YES *(If yes, list substantial discrepancies and significances below)* ☐ NO

DATE OF ACCEPTANCE OF APPLICABLE LABELING

SUBSTANTIAL DISCREPANCIES AND SIGNIFICANCES

Exhibit 43

EPA Hq Form 8500-7A (2-73)

I.D. No. 123456789

SUDDEN DEATH BUG SPRAY
Sudden Death, Inc.
Tombstone, Arizona

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

1. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary, and, if complied with, adequate to protect health and the environment. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(F), 86 Stat. 977]

2. Misbranded in that the label stated in part:

"* * *

SUDDEN DEATH BUG SPRAY

* * *

Active Ingredient
Diazionon*..... 0.5%
Inert Ingredients..... 99.5%
*O,O-Diethyl O-(2 isopropyl-6-methyl-4-pyrimidinyl) phosphoroioate

* * *"

whereas, the product contained more than 0.5% Diazinon. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(2), 86 Stat. 977]

(The product was found to contain 1.2% Diazinon. Diazinon is not accepted for household use at concentrations above 0.5%, refer to PR Notice 78-3, enclosed)*

*NOTE
The narrative regarding the overformulation may be used in a notice of warning.

I.D. No. 10987654321

DR. JEKYLL'S PATENTED TWOINONE SNAKE OIL DISINFECTANT
AND ATHLETE'S FEET REMEDY
Fred Hyde and Associates
Deadwood, California

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the label stated in part:

"* * *

Dr. Jekyll's Pattented Twoinone
SNAKE OIL
Disinfectant
and Athletes Feet Remedy

* * *

To disinfect your hospital, scrub the floors, walls, ceilings, windows, doors and interns with one gallon of Dr. Jekyll's Snake Oil to 20 gallons of water.

* * *

For athletic feet, use one gallon of Dr. Jekyll's Snake Oil to 20 gallons of water on the affected feet. They will never be the same again.

* * *"

whereas, when used as directed, the product would not act as an effective disinfectant or athlete's foot remedy. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(a), 86 Stat. 977]

(When tested by the AOAC Use Dilution Test at a dilution of 1-20 samples of the product coded "eyE deR" failed to kill Staphylococcus aureus in 25 out of 30 trials, and Salmonella choleraesuis in 12 out of 20 trials. The product also failed to kill Trichophyton interdigitale within fifteen minutes at a dilution of 1-20 in the AOAC Fungicide Test.)

Exhibit 45

I.D. No. MCDCVXIII

Cleanliness Company, Division of Godliness Enterprises, Ltd.
Number One Peter's Lane
Heavenly Valley, California

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act (as amended by the Federal Environmental Pesticide Control Act of 1972), there is under consideration a sample of ANGEL FRESH GERM KILLER, which was obtained from a shipment made from Sacramento, California, to Purity Corporation, Las Vegas, Nevada, on or about April 1, 1976.

This shipment did not comply with the provisions of the act in that the product failed to kill Psuedomonas aeruginosa in 2 out of 20 trials when tested by the AOAC Use Dilution Test at a dilution of 1-20.

You should assure yourself that all necessary corrections are made, and that any further marketing of this product is in full compliance with the provisions of the act. Any additional information that you wish to submit will be included in the file on this matter.

Sincerely yours,

A. E. Conroy II
Director

Exhibit 46

11-63

I.D. No. 4567890 - SMILODON RAT GETTER
Smiling Don Division of Felix Enterprizes
La Brea, California

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the label stated in part:

"* * *

SMILODON RAT GETTER
makes you smile
KILLS RATS
OVERNIGHT IN HOURS

* * *

To kill rats overnight: Place baits in afternoon or evening in areas where rats have been seen. Repeat until all rodent signs disappear.

* * *"

whereas, when used as directed, the product would not effectively kill rats overnight.
[2(a)(1)(E), 86 Stat. 990; 2(q)(1)(2), 86 Stat. 977]

(During an eight-day feeding study involving 20 albino rats, only 60% of the test animals were killed. A mortality of 90% is considered necessary for the product to be effective in the commensal rodent environment.)

Exhibit 47

I.D. No. 123456 - KILZEM DED RAT AND MOUSE BAITS
Kilzem Company
Kalamazoo, Michigan

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the label stated in part:

"* * *

Kilzem Ded Rat and Mouse Baits

* * *

Directions for mice: Scatter several spoonfulls of Kilzem baits around areas where you know that these beady-eyed little rodents live.
Directions for rats: Same as for mice, only use a larger spoon.

* * *

KILZEM DED kills them dead!

* * *"

whereas the product would not be effective in killing rats and mice.
[12(2)(1)(E), 86 Stat. 990; 2(q)(1)(2), 86 Stat. 977]

(During a fifteen-day feeding study involving ten house mice, the test animals consumed by choice only 6.4% of the bait in their total diet resulting in only a 20% mortality. In a similar test involving twenty albino rats, the test animals consumed by choice only 21.2% of the bait in their total diet resulting in a mortality of only 15%. An acceptance of 33% and mortality of 90% are necessary to consider a product effective in the commensal rodent environment.)

I.D. No. 100000945 - RAT AND MOUSE BLOCKS
Disney Manufacturing Company
Anaheim, California

CHARGE SHEET

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

Misbranded in that the label stated in part:

"* * *

Let Disney
RAT AND MOUSE BLOCKS
Block for You

* * *

To Use: Place blocks near runs or other infested areas. Repeat as necessary until rodent signs are no longer evident.

* * *"

whereas, when used as directed, the product would not be effective in killing rats and mice. [12(a)(1)(E), 86 Stat. 990; 2(q)(1)(2), 86 Stat. 977]

(During a fifteen-day feeding study involving ten house mice, the test animals consumed by choice only 6.4% of the bait resulting in only a 20% mortality. In a similar test involving twenty albino rats, the test animals consumed by choice only 21.2%, and the result was only a 15% mortality. An acceptance rate of 25% and mortality of 80% are necessary to consider the product effective in the commensal rodent environment.)

Exhibit 49

E-51. The product is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Insecticide)	(1)	Sec. 2(o), 2(t), and 2(u) of the Act.
(Fungicide Bactericide)	(2)	Sec. 2(k), 2(t), and 2(u) of the Act.
(Rodenticide)	(3)	Sec. 2(t) and 2(u) of the Act.
(Herbicide)	(4)	Sec. 2(t), 2(u), and 2(cc) of the Act.
(Insecticide and Fungicide)	(5)	Sec. 2(k), 2(o), 2(t), and 2(u) of the Act.
(Algaecide)	(6)	Sec. 2(t) and 2(u) of the Act.
(Animal Repellents)	(7)	Sec. 2(d), 2(t), and 2(u) of the Act.
(Nematocide)	(8)	Sec. 2(r), 2(t), and 2(u) of the Act.

E-52. The product is a device within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Device) Sec. 2(h) of the Act.

E-251. The product is an economic poison within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Insecticide)	(1)	Sec. 2a, 2c, and 2m of the Act, and Paragraph 362.2(c) of the Regulations.
(Fungicide Bactericide	(2)	Sec. 2a, 2d, and 2n of the Act, and Paragraphs 362.2(c) and 362.2(d) of the Regulations.
(Rodenticide)	(3)	Sec. 2a and 2c of the Act, and Paragraph 362.2 (c) of the Regulations.
(Herbicide)	(4)	Sec. 2a, 2f, and 21 of the Act, and Paragraphs 362.2(c) and 362.2(e) of the Regulations.
(Insecticide & Fungicide)	(5)	Sec. 2a, 2c, 2d, 2m, and 2n of the Act and Paragraphs 362.2(c) and 362.2(d) of the Regulations.
(Algaecide)	(6)	Sec. 2a of the Act and Paragraphs 362.2(c) and 362.2(e) of the Regulations.
(Animal Repellents)	(7)	Sec. 2a of the Act and Paragraph 362.2(c) of the Regulations.
(Nematocide)	(8)	Sec. 2a, 2g, and 2k of the Act and Paragraphs 362.2(c) and 362.2(f) of the Regulations.

E-252. The product is a device within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Device) Sec. 2(b) of the Act and Paragraph 362.14(a) of the Regulations.

E-253. (a) Interstate shipments of this product without benefit of registration are in violation of the Act. (b) We are enclosing PR Form (9-199) for use in application for registration of the product.

E-53. The violation alleged herein constitutes a repeated violation by your company. It is emphasized that in our further consideration of this matter, particular attention will be given to (1) the explanation for the alleged violation, and (2) the assurances which may be given that the alleged violation will not recur.

E-54. (a) The marketing of this product without benefit of registration is in violation of the Act. (b) We are enclosing PR Form 9-199 for use in application for registration of the product.

E-55. The establishment is a producer within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to Sec. 2(s), 2(w), and 2(dd) of the Act.

E-56. (a) The production of a pesticide in an establishment which is not registered pursuant to Section 7 of the Act is in violation of the Act. (b) Enclosed is an application for registration of the establishment.

E-76. The marketing of (a. this product) (b. these products) without benefit of registration for the distributor (is/are) in violation of the Act. We are enclosing PR Form 9-1 for use in application for supplemental registration for the distributor(s).

E-77. This letter is being sent to you since you are the (registrant/manufacturer) of the (a. product) (b. products) and therefore in the best position to initiate corrective action.

E-276. Interstate shipments of (a. this product) (b. these products) without benefit of supplemental registration for the distributor are in violation of the Act. An application for supplemental registration, PR Form 9-1, is enclosed.

Section 12

RECALL

RECALL

I. Authority

The recall of a defective product by the manufacturer or shipper is the most effective and efficient means of removing such product from the market.

The act contains no authority for the recall of products; therefore, the effective recall of a product depends upon the cooperation of the company to which the recall request is made. A recall action is viewed as a serious and extra-ordinary matter, and a request for the recall of a product cannot arbitrarily or capriciously be made. The effectiveness of a recall program depends upon (a) knowledge on the part of industry that a recall request will be made only in those cases where there is a likelihood of injury -- physical or economic -- from the use of a product as directed (b) knowledge on the part of industry that the Agency will use all legal means available to it under the statute to support any recall request and (c) knowledge on the part of industry that state officials are cooperating with the Agency in the removal of such products.

II. Basis

There are three types of recall action:

1. National recall in connection with a suspension and/or cancellation.

2. National recall in connection with a notice of contemplated proceedings.

3. Informal recall.

In all three cases, the initial decision that a product should be withdrawn from the market will be based upon the information contained in the file, including Office of Pesticides staff evaluations and opinions, and such other information as may be available and relevant. All information upon which a recall decision is based shall be included in the official file.

Recalls will be initiated in all cases where the available information indicates that the product is (a) potentially hazardous when used as directed or (b) ineffective for the purposes claimed. A product will be considered in the potentially hazardous category when, among other things, its use as directed is likely to result in:

1. Injury to the user or handler of the product;
2. Injury to animals where direct application is made;
3. Injury to plants;
4. Injury to consumers due to residues;
5. Economic injury to growers due to actionable residues;
6. Injury to fish or wildlife; or
7. Identifiable adverse effect on the environment.

An informal recall may be issued in lieu of a national recall in cases where, among other things:

1. The level of potential hazard is not believed to be great, but where action in addition to a citation should be taken;
2. The evidence is insufficient to back up the recall request with appropriate legal action, including multiple seizures, stop sale, use or removal orders, etc.
3. It is doubtful that any additional amounts of the product remain on the market, but where a quick check should be made by the company.

III. Procedures

A. National Recall in connection with a suspension and/or cancellation.

1. The Office of Pesticides Programs will determine when a product's registration should be suspended and cancelled due to a hazard or when a product's registration should be cancelled due to ineffectiveness. In either case, a national recall will be issued by the region where the firm is headquartered.
2. PED will send to the region:
   a. The date of the suspension order or cancellation notice.
   b. The reason for the cancellation.
   c. The names of the product or products to be recalled for each registrant.

B. National or informal recall in connection with a notice of contemplated proceedings.

1. When a gross violation is noted by the region and recall level of action is anticipated:

   a. Contact the regional coordinator.

   b. Telecopy the label to Washington, D.C.

   c. Concurrence for recall will be otained by PED from: [1] OPP, [2] The region where the firm is headquartered, [3] In the case of an informal recall, from the region in which the shipper or producer establishment is located.

   d. If concurrence for a national recall is obtained, the region where the product was sampled:

      1. Telecopies the original records and label to the region where the firm is headquartered for initiation of the recall.

      2. Forwards the original label and records to the region where the shipper or producer establishment is located for initiation of contemplated proceedings.

   e. If concurrence for an informal recall is obtained, the region where the product was sampled forwards the original records and label to the region where the shipper or producer establishment is located

for initiation of contemplated proceedings and informal recall.

NOTE: SAMPLES OF THE PRODUCT MAY BE FORWARDED TO THE LABORATORY AT THE REGION'S DISCRETION.

2. When a recall situation is identified on a sample which has been routed through Washington, D.C., PED will obtain concurrence from: [1] OPP, [2] The region where the firm is headquartered, [3] In the case of an informal recall, the region where the shipper or producer establishment is located.

   a. If concurrence for a national recall is obtained:

      1. Regional coordinator will telecopy label and records to the region where the firm is headquartered for initiation of the recall.

      2. Regional coordinator will forward the original label, records, etc. to the region where the shipper or producer establishment is located for initiation of contemplated proceedings.

   b. If concurrence for an informal recall is obtained: Regional coordinator will telecopy the label and records to the region where the shipper or producer establishment is located for initiation of contemplated proceedings and informal recall. The orginals will be mailed to this region.

IV. Format

A. National recall in connection with suspension and/or cancellation.

The standard recall request is sent by certified mail and notifies the firm of the reason for recall, the products to be recalled, the procedures to be followed, and the personnel in the region to be contacted regarding the recall request. (See Exhibit 1a,b).

B. National recall in connection with notice of contemplated proceedings.

The recall notice will identify (1) the product, (2) shipment or producer establishment, (3) the violation (batch codes if there is an ineffective or misformulated product), (4) the procedures to recall the product and (5) the regional personnel who will supervise the action. (See Exhibit 2a,b,c).

C. Informal Recall

The recall note is always on a page separate from the notice of contemplated proceedings. The recall note:

1. Names the product,
2. Identifies the hazards and the batch codes of an improperly formulated or ineffective product,
3. Requests the removal of the product from the market.

Depending on the amount of detail needed to identify the hazard, one of the formats exhibited may be used. (See Exhibit 3a,b).

NOTE: WHEN A PRODUCT IS FOUND HAZARDOUS, AND IS NOT CONNECTED WITH VIOLATIONS OF THE ACT OR A SUSPENSION AND/OR CANCELLATION, A RECALL MAY BE REQUESTED BY INITIAL CORRESPONDENCE WITH THE REGISTRANT. (See Exhibit 4).

NATIONAL RECALL IN CONNECTION WITH A
SUSPENSION AND/OR CANCELLATION

CERTIFIED MAIL

Company Name
Address

Gentlemen:

Subject: ID No.
EPA Reg. No.

There has been sent to you on a letter notifying you that registration under the Federal Insecticide, Fungicide, and Rodenticide Act for, EPA Reg. No. , is suspended.

As set forth in the letter of suspension,

Therefore, it is requested that your company take immediate steps to withdraw this product from the market. Specifically, it is requested:

1. That your company initiate procedures to determine the locations of all quantities of this product and the amount of such product at each such product location.

2. That the product be returned to your company from all such product locations, and

3. That you inform us of (a) all steps taken by your company in connection with the recall of this product and (b) the completeness of the recall action.

This action will be supervised through the Office of , telephone number . Mr. , or a representative of his office, will contact you on the matter.

Thank you for your cooperation.

Sincerely yours,

Name
Title

Exhibit 1a

CERTIFIED MAIL

No-Bug Agricultural Products, Inc.
Research & Development Center
11710 Lake Avenue
Woodstock, Illinois 60098

Gentlemen:

Subject: ID No. 73618 - PANOGEN 42 LIQUID SEED DISINFECTANT
EPA Reg. No. 2139-5

There has been sent to you on February 19, 1970, a letter notifying you that registration under the Federal Insecticide, Fungicide, and Rodenticide Act for PANOGEN 42 LIQUID SEED DISINFECTANT, EPA Reg. No. 2139-5, is suspended.

As set forth in the letter of suspension, it has been determined that directions on products containing alkyl mercury for seed treatment purposes are inadequate to prevent treated seeds from being fed to livestock or disposed of in a manner that results in wildlife feeding on them. Therefore, it is requested that your company take immediate steps to withdraw this product from the market. Specifically, it is requested:

1. That your company initiate procedures to determine the locations of all quantities of this product and the amount of such product at each such product location.

2. That the product be returned to your company from all such product locations, and

3. That you inform us of (a) all steps taken by your company in connection with the recall of this product and (b) the completeness of the recall action.

This action will be supervised through the office of Mr. K. H. Kaneshiro, Supervisory Inspector, 610 South Canal Street, Room 815, Chicago, Illinois 60607, telephone number 312-353-6219. Mr. Kaneshiro, or a representative of his office, will contact you on the matter.

Thank you for your cooperation.

Sincerely yours,

Exhibit 1b

NATIONAL RECALL
SAMPLE COLLECTED AFTER SHIPMENT

ID. No.
CERTIFIED MAIL

Company Name
Address

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 ( ), we have obtained and tested a sample of the product . This sample was obtained from a shipment made by you on , from to

In view of the intended uses of the product it is requested that your company take immediate steps to withdraw this product from the market. Specifically, it is requested:

1. That your company make a complete record check to identify the consignees of the product;

2. That such consignees be requested to return this product to your company; and

3. That you inform us of (a) the steps taken by your company to recall the product and (b) the completeness of the recall action.

This action will be supervised through the Office of Mr. , telephone number or a representative of his office, will contact you on the matter.

Thank you for your cooperation.

Sincerely yours,

Exhibit 2a

NATIONAL RECALL
SAMPLE COLLECTED AT PRODUCER ESTABLISHMENT

ID No.
CERTIFIED MAIL

Company Name
Address

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 ( ), we have obtained and tested a sample of the product This sample was obtained on from your producer establishment in

In view of the intended uses of the product, it is requested that your company take immediate steps to withdraw this product from the market. Specifically, it is requested:

1. That your company make a complete record check to identify the consignees of the product;

2. That such consignees be requested to return this product to your company; and

3. That you inform us of (a) the steps taken by your company to recall the product and (b) the completeness of the recall action.

This action will be supervised through the Office of Mr. , telephone number Mr. , or a representative of his office, will contact you on the matter.

Thank you for your cooperation.

Sincerely yours,

Exhibit 2b

Pesticides Enforcement Division

ID No. 95968

CERTIFIED MAIL

Hub States Corporation
2000 North Illinois Street
Indianapolis, Indiana 46202

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k), we have obtained and tested a sample of the product, HUB STATES FORMULA 40. This sample was obtained from a shipment made by you on December 1, 1971, from Indianapolis, Indiana, to Darbco, Inc., East Providence, Rhode Island.

Tests of the sample coded "7040" showed the product to be so deficient in 0,0,0,0-Tetraethyl dithiopyrophosphate that it would be ineffective for the purpose of insect control as set forth on its label.

In view of the intended uses of the product, it is requested that your company take immediate steps to withdraw this product from the market. Specifically, it is requested:

1. That your company make a complete record check to identify the consignees of the project;

2. That such consignees be requested to return this product to your company; and

3. That you inform us of (a) the steps taken by your company to recall the product and (b) the completeness of the recall action.

This action will be supervised through the office of Mr. George J. Marsh, Regional Supervisor, Environmental Protection Agency, One North Wacker Drive, Chicago, Illinois 60606, telephone number 312-353-6219. Mr. Marsh, or a representative of his office, will contact you on this matter.

Sincerely yours,

Exhibit 2c

I.D. No. 72846 - SUPER SLUG BAIT

NOTE:

It is requested that you take steps to determine if any additional amounts of this ineffective product remain in channels of trade. If so, it is further requested that all such lots of the product, coded B1234, be removed from the market

Exhibit 3a

I.D. No. - PEARSON'S GREEN DEVIL DUST CONTAINING 5% MALATHION

NOTE:

In view of the possibility of illegal residues, it is requested that you take steps to determine if any additional amounts of this deficient and contaminated product remain in channels of trade. If so, it is further requested that all such lots of the uncoded product be removed from the market.

Exhibit 3b

ID No. 82162

National Laboratories
Lehn & Fink Industrial Products
Division of Sterling Drug, Inc.
225 Summit Avenue
Montvale, New Jersey 07645

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act, there is under consideration a sample of AMPHYL DISINFECTANT ANTISEPTIC DEODRANT DETERGENT (EPA Reg. No. 77-3) which was obtained from shipments made to Lehn & Fink Industrial Products in care of Hartford Warehouse, Hartford, Connecticut, on or about February 13 and 17, and March 4, 1969.

The label of this sample fails to bear adequate precautionary labeling for a product being classed as a severe irritant (refer to EPA Reg. No. 675-21).

In view of the lack of adequate precautionary labeling, the product is potentially hazardous. Therefore, it is requested that you take steps to determine if any additional amounts of this improperly labeled product remain in channels of trade. If so, it is further requested that all such lots of the product be removed from the market.

Please inform us of the action you have taken with respect to this matter.

Sincerely yours,

Exhibit 4

SECTION 13

STOP SALE, USE OR REMOVAL ORDERS AND SEIZURES

STOP SALE, USE OR REMOVAL ORDERS AND SEIZURES

I. Authority

Section 13(a) authorizes the Administrator to issue a written or printed 'Stop Sale, Use, or Removal' Order to any person who owns, controls, or has custody of any pesticide or device which is found in violation of any of the provisions of the Act.

Section 13(b) authorizes in rem (seizure) proceedings against any pesticide or device being transported or, having been transported, remains unsold or in the original unbroken packages, or that is sold or offered for sale in any state, or that is imported from a foreign country, which is in violation of the provisons of the Act listed in 13(b) (1) (2) (3).

Regional Administrators are authorized to initiate all actions under Sections 13(a) and 13(b) after obtaining advance concurrence from the Pesticides Enforcement Division.

II. Guidelines

While Stop Sale, Etc., Orders and Seizures may be used to accomplish the same objectives, their differences must be understood. Section 13(b) states that a pesticide or device "--be proceeded against -- and seized -- by a process in rem --."

Section 13(a) states "-- may issue a written or printed -- order to any person who owns, controls, or has custody --." Seizures are instituted by asserting (in rem) jurisdiction over the product; Stop Sale, Etc. Orders are initiated by asserting (in personam) jurisdiction over the person who owns, controls, or has custody of the product.
product.

Therefore, a Stop Sale, Etc., Order must be issued to the person. The Order must be as specific as possible in identifying the pesticide or device, the violation, and the amount of the pesticide or device. However, it should be written to cover all amounts of the violative pesticide or device owned or controlled by, or in custody of, the person receiving the Order.

The effect of the Order will be reinforced if copies of the Order are physically attached to all stocks of the violative pesticide within the dominion, control, or custody of the person cited, wherever those stocks may be located.

Stop Sale, Etc., Orders may be used at the producer level to prevent violative pesticides or devices from entering the market. Orders may also be issued to quickly cover identified amounts of violative pesticides or devices already distributed.

Since the Agency will probably have adequate control over products at the producer level, Seizures will be useful against products already distributed and as a back-up for Stop Sale, Etc., Orders when the provisions of such orders are not being complied with. Consider the following factors in deciding which action to initiate:

1. Timeliness - Does the situation allow the additional time (usually several days) required to initiate seizure rather than a Stop Sale, Etc., Order?
2. Convenience - Is the EPA Inspector or the U. S. Marshal best located to carry out an agency or a court order?
3. Disposition - Can disposition of the matter best be handled by the Agency or does the situation call for a court ordered disposition 13(c) (d)?

III. Procedures

A. Action initiated by the region.

1. When a stop sale, use, or removal or seizure level action is anticipated by the region:
   a. Contact the regional coordinator
   b. Telecopy the label to Washington, D.C.
2. When the label is received by PED:
   a. The coordinator of the region where the product was sampled notifies the coordinators of the region where the firm is headquartered and the region where the shipper is located.

b. Concurrence for all stop sale, use, or removal or seizure actions is obtained from PED.

c. If the region where the firm is headquartered and/or the region where the shipper is located also wishes to issue a Stop Sale, Use or Removal Order at the producer and/or shipper level, the region where the product was sampled will forward copies of all necessary information to the other regions.

d. The region where the sample was collected will mail the originals to the region where the shipper/producer establishment is located in order to initiate contemplated proceedings.

NOTE: SAMPLES OF THE PRODUCT MAY BE FORWARDED TO THE LABORATORY AT THE REGION'S DISCRETION.

B. Action initiated by headquarters.

When a stop sale, use, or removal or seizure level action is identified on a sample which has been routed through Washington, D.C., the regional coordinator will: [1] Contact the region or regions in which the registrant/manufacturer, shipper, and consignee are located and seek concurrence on the level of action from that region or regions. [2] Telecopies of the label and other pertinent parts of the file will be sent to the regions involved. At the same time, the complete ID file will be mailed to the region where the shipper or producer establishment is located in order to initiate contemplated proceedings.

C. Format

1. Stop Sale, Use or Removal Order.

The person who owns, controls, or has custody of the violative pesticide or device will be served a written or printed Stop Sale, Use, or Removal Order. The Order will name the person being served, identify the pesticide or device by name, package size and type, batch code, etc., and the terms and scope of the order. The Order will cite the applicable sections of the Act, the nature of the violation, and the consequences for violating the terms of the Order.

The original copy of the order will be served (delivered by hand) by an authorized Agency employee who will acknowledge the service by signing the order in the space provided, and entering his title, the time, and the date of the service.

The person served should acknowledge receipt of the order by signing the order in the space provided, and entering his title.

Contact information should be provided to the person being cited, including the name and address of a person in the Regional office with knowledge of and authority to proceed with a satisfactory method of disposition of pesticide or device affected by the Stop Sale, Etc., Order. (Exhibit 1)

2. Seizures.

The Regional office will prepare a proposed 'complaint in rem' and refer it by transmittal letter directly to the appropriate U. S. Attorney. Sending a prepared document should expedite filing and subsequent court ordered seizure by the U. S. Marshal. (Exhibit 2 a,b)

D. Disposition

1. Stop Sale, Etc., Orders.

Any pesticide or device under a Stop Sale, Etc., Order, should not be disposed of in any manner contrary to the terms of the order or any Federal, state, or local laws. The Agency must determine that proper disposition is made of the pesticide or device in each case.

Disposition can usually be accomplished through one, or a combination, of the following actions:

-- Obtain registration
-- Recondition to bring into compliance with the Act by relabeling and/or reformulating
-- Recondition to remove from the purview of the Act by relabeling
-- Institutional uses which do not constitute use violations
-- Detoxification
-- Destruction

When the Regional Office determines proper disposition has been made, the method of disposition and amount of pesticide or devices will be recorded. The matter will be terminated by issuing a final order which vacates the Stop Sale, Etc., Order. (Exhibit 3 and 4)

2. Seizures.

While pesticides or devices under seizure are in the control of the court, the Regional Office will usually be called upon to recommend or approve the method of disposition, and may be directed to supervise the court ordered action in decrees of condemnation. When agreeable to the U. S. Attorney, the Regional Office should prepare the proposed consent or default decree to be filed by the U. S. Attorney. (Exhibit 5 a,b)

The person supervising reconditioning under a consent decree should report the method of reconditioning, what examinations or tests were made, and whether the pesticide or device is now in compliance with the provisions of the Act. (Use report of disposition format).

The Agency will be reimbursed by the claimant for expenses incurred in supervising the reconditioning. The schedule of expenses should be attached to the report of supervision and presented to the U. S. Attorney for collection concurrent with payment of court costs. (Exhibit 6)

E. Noncompliance With Orders or Seizures

If the terms of a Stop Sale, Etc., Order are not being complied with, the Regional Administrator may request a warrant from the Federal district court authorizing agency representatives to seize the pesticide or device. (Section 9(b) (3)).

It is a prohibited act to violate any order issued under Section 13. When evidence of violation of an order is found, initiation of civil or criminal proceedings with appropriate penalty may be warranted.

Violation of a court ordered seizure or decree constitutes contempt of court. When any such violation is found it should be reported promptly to the U. S. Attorney who filed the proceedings.

F. Records

An ID File will be maintained for each Stop Sale, Etc., Order and Seizure action. Copies of each order, complaint, letter, memorandum of meeting, agreement, decree, supervision of disposition, final order, etc., will be kept in the ID Files.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
STOP SALE, USE, OR REMOVAL ORDER

_____ (Date)

_____ (Name of Person Ordered)

_____ (Name of Company)

_____ (Address)

_____

I.D. No.(s) _____

By the authority vested in me pursuant to Section 13(a) of The Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972, you are hereby ordered not to sell, use, or remove the pesticide or device _____

_____ (Name of pesticide(s) or device(s), Batch Code(s), Other Identification)

_____.

Based upon inspection or tests, there is reason to believe that the pesticide or device is in violation of the provision(s) of Section _____ of the Act in that the pesticide or device is

_____ (Nature of the Violation)

_____

_____

This order shall pertain to all quantities of the above named pesticide or device within the ownership, control or custody of the above named person, wherever located. Said pesticide or device shall not be sold, used, or removed other than in accordance with the provisions of this order or of such further orders as may be issued in connection with the pesticide or device.

Any person violating the terms or provisions of this order shall be subject to the penalties prescribed in Section 14 of the Act.

_____ (Authorized EPA Official)

Order served by _____ (Signature and Title of EPA Employee, Time, Date)

Order received by _____ (Signature and Title of Person Named Above)

For information concerning this Stop Sale, Use, or Removal Order, contact:

Name and Title	Address (Regional Office)
Phone No.	

Exhibit 1

IN THE UNITED STATES DISTRICT COURT FOR THE

_____ DISTRICT OF _____

United States of America

v.

_____

_____

_____ Complaint In Rem

_____

_____

_____

_____

_____

TO THE HONORABLE JUDGE OF SAID COURT:

This is a complaint in rem filed in behalf of the United States of America by the United States Attorney for this District, who represents as follows:

I

This complaint prays the seizure for condemnation and confiscation in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) of (CAPTION OF COMPLAINT), a product intended to be used as an economic poison within the meaning of the act.

II

On or about _____, 19_____, the product was transported by _____ _____ from _____ to _____ _____ and the product remains unsold or in the original unbroken packages and is now in the possession of _____ _____ _____ or elsewhere within the jurisdiction of this Honorable Court.

III

The product is labeled, marked, and branded (in part) as follows:

WHEREFORE, in consideration of the premises, your complainant prays:

(a) That the product be proceeded against and seized for condemnation and confiscation, and that it be disposed of as the Court may direct in accordance with the provisions of section 9 of the act (7 U.S.C. 135g) and in conformity with the practice of this Court, and that the parties specified in paragraph II of this complaint and any and all other persons having or pretending to have any right, title or interest in and to the product be notified to appear herein in order that they may answer all and singular the allegations herein set forth.

(b) That this Honorable Court may enter all such orders, decrees, and judgments as may be necessary in the premises to grant further relief to your complainant and for the costs of this proceeding should such costs not be satisfied out of the proceeds of the sale of the product, if this Honorable Court should decree the same to be sold.

(c) That your complainant may have such other and further relief as the nature of the case may require.

_____

United States Attorney for the

_____ District of _____

Exhibit 2a

Office of the General Counsel

Honorable David J. Cannon
United States Attorney
390 Federal Building
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Dear Mr. Cannon:

Subject: United States of America v. 229 containers, more or less, each containing 5 units, of a product labeled in part "HARRIS' ORIGINAL GENUINE 'ANT BUTTONS'"
I.F.&R. No. 1303

There are transmitted herewith the original and copies of a proposed complaint under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) with the request that the complaint be filed by you in the subject matter.

The subject product is an economic poison within the meaning of the Act and fails to comply with the provisions of the Act as is specifically set forth in the proposed complaint. The date of shipment and the shipper and receiver of said product are also specified in the complaint.

It is respectfully requested that this office be informed of all the actions taken in this case. It is particularly important that we be informed of the date of the filing of the complaint and furnished with two copies of the final decree since the Act requires that this Agency publish a notice of judgment in these cases.

Upon request from you, we will be glad to render such assistance as you may desire in the preparation and prosecution of this case.

Please feel free to contact me with respect to any questions or requests for information.

If it appears that the case will be contested, we will furnish you with the evidence necessary to prove the allegations set forth in the complaint.

Sincerely,

Assistant General Counsel

Exhibit 2b

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF WISCONSIN

United States of America	)	
	)	
v.	)	
	)	
229 containers, more or less, each containing 5 units, of a product labeled in part "HARRIS' ORIGINAL GENUINE 'ANT BUTTONS'"	)	Complaint In Rem

TO THE HONORABLE JUDGE OF SAID COURT:

This is a complaint in rem filed in behalf of the United States of America by the United States Attorney for this District, who represents as follows:

I

This complaint prays the seizure for condemnation and confiscation in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) of 229 containers, more or less, each containing 5 units, of a product labeled in part "Harris' Original Genuine 'Ant Buttons'", a product intended to be used as an economic poison within the meaning of the Act.

II

On or about August 10 and 16, 1971, the product was transported by Harris Products Company from Miami Beach, Florida, to Yahr-Lange Incorporated, 800 Wall Street, Elm Grove, Wisconsin, and the product remains unsold or in the original unbroken packages and is now in the possession of Yahr-Lange Incorporated, 800 Wall Street, Elm Grove, Wisconsin, or elsewhere within the jurisdiction of this Honorable Court.

III

The product is labeled, marked, and branded (in part) as follows:

* * *

HARRIS' ORIGINAL GENUINE
"ANT BUTTONS"
KILLS ANTS
CERTAIN
WATERBUGS, FLIES, ROACHES, INSECTS, SIVLERFISH

* * *

* * *

IV

The product is an economic poison within the meaning of the Act and it is not registered pursuant to the provisions of Section 4 of the Act (7 U.S.C. 135b).

WHEREFORE, in consideration of the premises, your complainant prays;

(a) That the product be proceeded against and seized for condemnation and confiscation, and that it be disposed of as the Court may direct in accordance with the provisions of Section 9 of the Act (7 U.S.C. 135g) and in conformity with the practice of this Court, and that the parties specified in paragraph II of this complaint and any and all other persons having or pretending to have any right, title or interest in and to the product be notified to appear herein in order that they may answer all and singular the allegations herein set forth.

(b) That this Honorable Court may enter all such orders, decrees, and judgments as may be necessary in the premises to grant further relief to your complainant and for the costs of this proceeding should such costs not be satisfied out of the proceeds of the sale of the product, if this Honorable Court should decree the same to be sold.

(c) That your complainant may have such other and further relief as the nature of the case may require.

_____

United States Attorney for the
Eastern District of Wisconsin

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REPORT OF SUPERVISION OF DISPOSITION OF PESTICIDE OR DEVICE

Pesticide or Device Detained Under _____
(Stop Sale, Etc., Order; Seizure by Marshal;

_____
(EPA Seizure (warrant); Voluntary Recall; Give Place and Date of Detention)

ID No., IF&R No., Court No. _____

Name of Pesticide or Device _____

_____

Amount of Pesticide or Device _____

Nature of Violation _____

_____

Type of Disposition Order or Agreement _____
(Consent Decree; Voluntary Reconditioning;

_____
Court Ordered Destruction; Etc.)

Method of Disposition _____
(Reformulate; Relabel; Destroy; Etc.)

_____

Results of Disposition Action _____
(IN COMPLIANCE - Relabeled; Etc., NOT IN

_____
COMPLIANCE - Ineffective by Test; Etc.; Give Test Results, Etc.)

_____

Further Action Required _____
(NONE or, Further Reformulation; Relabeling; Etc.)

_____

Remarks _____

_____

_____
(Signature and Title of EPA Employee)

_____
(Place and Date)

Exhibit 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

VACATION OF STOP SALE, USE, OR REMOVAL ORDER

_____
(DATE)

_____ I. D. NO.(S) _____
(NAME OF PERSON ORDERED)

_____ _____
(NAME OF COMPANY)

_____ _____
(ADDRESS)

It has been determined that _____ of the pesticide or device
(Amount)

_____

named in the Stop Sale, Use, or Removal Order dated _____

has been _____
(Method of disposition, ie., Registered, Relabeled, Destroyed, etc.)

as of _____. Therefore, the Stop Sale, Use, or Removal
(Date of Disposition)

Order is vacated concerning the amount of the pesticide or device stated above. Any other amounts of the pesticide or device affected by the order shall remain under the effect of the order until disposed of in the manner described above.

_____
(AUTHORIZED EPA OFFICIAL)

_____
(TITLE)

Exhibit 4

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA,
Plaintiff

vs. CIVIL ACTION NO. 4777

72 FIVE-GALLON CANS, MORE OR LESS,
OF A PRODUCT LABELED IN PART "DOW
ESTERON 245 O.S. BRUSH AND WEED
KILLER

CONSENT DECREE

It appearing unto the Court that the above described respondent property has been relabeled since the commencement of this action and has been brought into compliance with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act; and that but one claimant, Dow Chemical Company, has appeared in this action within the time provided in the notice of action and arrest published pursuant to the order of this Court and it further appearing unto the Court that the United States of America and said claimant have consented to the entry of this decree;

It is Ordered and Adjudged that the above described property be and is hereby forfeited to the use of the United States.

It is further Ordered that said property having now been brought into compliance with said act that said forfeiture be remitted and that the United States Marshal do deliver said property unto the Dow Chemical Company upon the payment by the Dow Chemical Company of the costs of this action which are hereby fixed in the sum of $36.28 which sum includes the fee for executing this order.

ORDERED AND ADJUDGED this 24th day of September, 1971.

s/ Dan M. Russell, Jr.
UNITED STATES DISTRICT JUDGE

Approved:

UNITED STATES OF AMERICA
Plaintiff

ROBERT E. HAUBERG
United States Attorney

By: s/ Joseph E. Brown, Jr.
JOSEPH E. BROWN, JR.
Assistant United States Attorney

THE DOW CHEMICAL COMPANY
Claimant

By: s/ W. A. Groening, Jr.
Attorney
W. A. Groening, Jr.
Vice President and
Assistant Secretary

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,		
Complainant,	*	Case No. 72-C-178
vs.	*	
229 containers, more or less, each containing 5 units, of a product labeled in part "HARRIS' ORIGINAL GENUINE "ANT BUTTONS"	*	DEFAULT DECREE OF CONDEMNATION

On March 28, 1972, a Complaint against the above described article of hazardous substance was filed on behalf of the United States of America, the Complaint alleges that the aforesaid article of hazardous substance was a product intended to be used as an economic poison within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act. Pursuant to monition issued by this Court, the United States Marshal for this district seized said article on March 30, 1972.

It appearing that process was duly served herein and returned according to law; that notice of the seizure of the above described article was given according to law; and that no persons have appeared or interposed a claim before the return day named in said process;

NOW, THEREFORE, on motion of David J. Cannon, United States Attorney for the Eastern District of Wisconsin, by David B. Bukey, Assistant United States Attorney in said district, for a Default Decree of Condemnation, the Court being fully advised in the premises, it is:

ORDERED, ADJUDGED AND DECREED, that the default of all persons be and the same are entered herein; and it is further

ORDERED, ADJUDGED AND DECREED, that the article so seized was a product intended to be used as an economic poison within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, and is condemned and forfeited to the United States; and it is further

ORDERED, ADJUDGED AND DECREED, that the United States Marshal in and for the Eastern District of Wisconsin do forthwith destroy the seized article and make return to this Court.

Dated at Milwaukee, Wisconsin, this 24th day of May, 1972.

United States District Judge

Exhibit 5b

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CHARGES FOR SUPERVISION OF DISPOSITION OF PESTICIDE OR DEVICE
(Attach to Report of Supervision)

ID No., IF&R No., Court No. _____

Name of Pesticide or Device _____

_____

Amount of Pesticide or Device _____

Method of Disposition _____

_____

Type of Charges	Unit			Charge Per Unit	Total Charge
	Hours	Days	Miles		
Inspector Time					
Analyst Time					
Inspector Per Diem					
Analyst Per Diem					
Inspector Automobile Use					
Analyst Automobile Use					
Other Transportation or Miscellaneous Expenses (itemize)					
Sub-Totals					
Grand Total					

Remarks:

_____
(Signature of Inspector or Analyst)

Exhibit 6

SECTION 14

DISPOSAL

DISPOSAL

Authority Sec. 19 of the Act as amended.

EPA, in cooperation with other interested Federal agencies, establishes procedures and regulations for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides, and will accept at convenient locations for safe disposal, a pesticide whose registration has been cancelled, if requested by the owner of the pesticide.

Inquiries concerning disposal of pesticides should be referred to the Office of Categorical Programs.

SECTION 15

REPLIES

REPLIES

I. Authority

Section 9(c) authorizes that any person notified of a violation shall be given an opportunity to present his views, either orally or in writing. However, the Agency is not obliged to respond to this person's reply.

II. Procedure

A. Firm's reply to a notice of contemplated criminal proceedings

If the reply does not refute the allegations, does not ask any questions, or does not make incorrect statements or assumptions, no response to the letter is required. The letter is placed in the ID jacket for future consideration with other evidence contained in the file.

B. Firm's reply to a notice of contemplated civil proceedings

The "Rules of Practice Governing Hearings in the Assessment of Civil Penalties Under the FIFRA" should be followed in all civil proceedings.

If a firm denies an allegation, a hearing will be scheduled. However, it may be desirable to make a reply to the firm's denial in addition to preparing for a hearing.

In cases where a firm denies a charge of the complaint and it is determined that the charge is inaccurate, the firm may be notified in writing and by telephone that the charge will be dropped and that a settlement may still be reached on the other charges prior to a hearing.

In cases where the firm does not fully understand the allegations and denies them, a reply may be made to the firm explaining the charges in further detail.

In any discussions: the opportunity for a hearing should be emphasized, the information concerning the conduct of the hearing should be provided, and the possibility of settlement without a hearing, with approval of the Administrative Law Judge if a hearing is scheduled, should be stressed. Refer to Section 7 of this manual for further information regarding Civil Proceedings.

C. Firm's reply to a notice of warning

If the reply <u>does not</u> refute the allegations, <u>does not</u> ask any questions, or <u>does not</u> make incorrect statements, <u>no response</u> to this letter is required. This letter is included in the file and the case is placed in permanent abeyance without further notification to the firm.

III. Format

When the firm's reply to the Agency's initial action does refute the allegations, does ask questions, or does make incorrect statements, the Agency should respond to that reply.

The Agency's written response to a firm's reply consists of three parts:

A. The first part, the heading, includes the subject ID number as well as the usual letter heading information

B. The second part, the body of the letter, includes an acknowledgement of any comments made by the firm and a response to the refutations, questions, or incorrect statements. See Exhibit 1 for commonly used statements.

C. The third part, the ending, will indicate the status of the case. The following statements are the commonly used endings: (Exhibit 2)

1. The endings E126 or E127, will place the notice of contemplated proceedings in abeyance for further consideration.

2. The endings E128 or E129 will place the notice of contemplated proceedings in permanent abeyance.

3. The endings E151 or E152 will place the notice of warning in permanent abeyance.

NOTE: AGENCY RESPONSES SHOULD BE LIMITED TO THE ALLEGED VIOLATION AND SHOULD NOT BE CONCERNED WITH EXPLANATIONS OF REGISTRATION POLICIES.

IV. Examples of Agency Responses

Some questions are frequently asked in connection with our enforcement actions. The following exhibits are some examples of our responses to the questions regarding:

A. Registration

1. Registration/non-registration options (Exhibit 3)
2. Removal of a product from the purview of the Act (Exhibit 4)
3. Private consultant services and disposal of improperly labeled material (Exhibit 5)
4. Amended registration procedures (Exhibit 6)
5. Distributor registration procedures (Exhibit 7)
6. Effective date of cancellation (Exhibit 8)
7. Procedures for transfer of registration (Exhibit 9)

B. Labeling

1. New unaccepted claims and directions (Exhibit 10)
2. Disposition of material bearing old claims and directions which are no longer acceptable (Exhibit 11)

C. Analytical Test

Products which decompose (Exhibit 12)

D. Efficacy Tests

1. Independent laboratory test results which differ from those of EPA (Exhibit 13)

2. The Agency's policy on testing unofficial samples (Exhibit 14)

E. Samples

The availibility of a portion of the official sample for independent testing (Exhibit 15)

F. Sampling

The evidence of a violation (Exhibit 16)

G. Guaranty

1. The responsibility of the shipper (Exhibit 17)

2. The validity of a guaranty (Exhibit 18 a,b)

V. MEMOS OF INFORMAL CONFERENCES/TELEPHONE CONVERSATIONS

A. Informal Conferences

As specified in Sec. 9.c. of the Act, the firm may wish to present its views orally. If so, the person who initiated the action as well as other appropriate officials in the regional office should attend this informal conference with representatives of the firm. Notes taken of the proceedings at this informal conference should be incorporated into a memo, usually written by the person who initiated the enforcement action. This memo should be placed in the ID jacket.

B. Telephone Conversations

Notes should be made of all telephone conversations with the firm. The note will identify the appropriate ID No. and relate the substance of the conversation. The firm should be asked to confirm in writing any corrective action which they plan to take.

E-101. Any further correspondance relating to registration and labeling for (this/these) product(s) should refer to _____-_____, and be addressed to Mr. Alvin K. Chock, Chief, Application/Records Control Branch, Registration Division, Environmental Protection Agency, Washington, D.C. 20250.

E-102. We note the steps taken by your company to withdraw this lot of material from the market. When your recall action is completed, please inform us of the amount and disposition of any material returned.

E-103. A seized product may be disposed of only in accordance with Section 13 (c) of the Act. This section authorizes release of a seized product to its owner after condemnation of the product and upon payment of court costs and delivery of a bond conditioned that the product shall not be sold or otherwise disposed of contrary to the provisions of the Act. We would not object to release of the compliance with the Act. Such procedure must be agreeable to the United States Attorney and Court.

E-126. The Agency has decided to hold this case open for further consideration.

E-127. Your comments concerning the violation of the Act have been made a part of the official file for your company and will be considered in our further review of this matter.

E-128. The Agency has decided to take no further action in this case. This decision relates to the specific case in question and does not bar action on other cases should circumstances warrant.

This letter is intended to serve as a notice of warning within the meaning of Section 9 of the Act.

E-129. The Agency has decided to take no further action in these cases. This decision relates to the specific cases in question and does not bar action on other cases should circumstances warrant.

This letter is intended to serve as a notice of warning within the meaning of Section 9 of the Act.

E-151. We have decided to take no further action in (a. this case) (b. these cases). This decision relates to the specific (c. case) (d. cases) in question and does not bar action on other cases should circumstances warrant.

E-152. We have closed our files in (a. this case) (b. these cases).

Chemical Associates, Inc.
Attention: Mr. George Warren
Post Office Box 1876
Houston, Texas 77001

Gentlemen:

Subject: ID No. 80397 - HOMCARE SWIPE BRITE TOILET BOWL CLEANER

This will acknowledge your letter of May 13, 1971.

Interstate shipments of this unregistered product bearing economic poison claims would be in violation of the Act. If you do not wish to register the product, the economic poison claims listed in our notice of November 13, 1970, should be deleted and copies of the revised label should be submitted for review in connection with this case. However, if you wish to ship the product in interstate commerce as an economic poison, the applications enclosed with our notice of November 13, 1970, should be submitted to the Registration Division, Office of Pesticides Programs.

Please inform us of your decision regarding registration of this product and the action you are taking to insure that no further interstate shipments of this product are made before the product is registered or the economic poison claims are deleted from its label.

We will hold this case open pending your reply.

Sincerely yours,

Exhibit 3

Champion Product's, Inc.
Attention: Mr. H. H.
4939 South Austin Avenue
Chicago, Illinois 60638

Gentlemen:

Subject: ID No. 68277 - WEATHERMASTER WATER REPELLENT AND MILDEW RESISTANT COMPOUND FOR HEAVY DUTY CANVAS

This will acknowledge comments made in your letter of March 23, 1971.

The revised label enclosed with your letter bears no claims which would identify the product as an economic poison. Unless economic poison claims are made elsewhere either orally or in writing, the product would no longer be subject to the provisions of the Act.

The Agency has decided to hold this case open for further consideration.

Sincerely yours,

Lystads, Inc.
Attention: Mr. R. G. Miner
901 University Avenue
Grand Fords, North Dakota 58201

Gentlemen:

Subject: I.D. No. 74484 - LYSTADS GRAIN FUMIGANT 73

Reference is made to your letter of November 10, 1970. The application for registration and labeling enclosed with your letter are being forwarded to the Registration Division for review.

Further interstate shipments of this unregistered product would be in violation of the Act. Therefore, it is suggested that no relabeling of your present stocks be made until the finished label has been accepted. When registration has been completed, a paper label which conforms to the one accepted, could be glued over the labeling which is lithographed on your present stocks of this material.

With respect to reviewing and registering products, we are not familiar with any firms which provide such a service. However, the Registration Division Office of Pesticides Programs is available to answer any questions which you have regarding product registration. Any further correspondence should be addressed to Mr. Alvin K. Chock, Chief Application Records Control Branch, Registration Division, Environmental Protection Agency, Washington, D. C., 20250.

The Agency has decided to hold this case oper for further consideration.

Sincerely yours,

National Laboratories
Attention: Mr. Michael I. Gastman
Lehn & Fink Industrial Products
Division of Sterling Drug, Inc.
225 Summit Avenue
Montvale, New Jersey 07645

Gentlemen:

Subject: I.D. No. 62053 - DUEL DISINFECTANT DEODORANT
I.D. No. 63195 - DUEL DISINFECTANT DEODORANT
I.D. No. 66589 - DUEL DISINFECTANT DEODORANT
I.D. No. 73186 - DUEL DISINFECTANT DEODORANT
I.D. No. 78836 - DUEL DISINFECTANT DEODORANT

This will acknowledge comments made in your letter of March 17, 1970.

Draft copies of the label bearing the proposed changes should be submitted to the Registration Division Office of Pesticides Programs for review. We are enclosing PR Form 9-198, for use in application for amended registration of the product.

Any further correspondence relating to registration and labeling for this product should be addressed to Mr. Alvin K. Chock, Chief Application Records Control Branch, Registration Division, Environmental Protection Agency, Washington, D. C., 20250.

The Agency has decided to hold this case open for further consideration.

Sincerely yours,

Exhibit 6

Hart - Dalta, Inc.
Attention: Mr. William H. Lockard
Post Office Drawer 340
Zachary, Louisiana 70791

Gentlemen:

Subject: I.D. No. 75528 - RICHEY ANIMAL HOSPITAL PET SPRAY

This will acknowledge comments made in your letter of May 19, 1971, with enclosures.

If your firm wishes to be listed as a distributor of RICHEY ANIMAL HOSPITAL PET SPRAY, the registrant should submit an application for distributor registration of this product for your firm. Otherwise, your firm's name should be deleted from the label. In addition, the distributor's name, Richey Animal Hospital, should be qualified by appropriate wording such as "Packed for", "Distributed by", or "Sold by" on the labels enclosed with your letter.

We have decided to take no further action in this case. This decision relates to the specific case in question and does not bar action on other cases should circumstances warrant.

Sincerely yours,

Crown Chemicals
Attention: Mr. M. G. Stack
4995 North Main Street
Rockford, Illinois 61101

Gentlemen:

Subject: I.D. No. 99231 - CROWN VAPONA SPRAY SOLUTION

This will acknowledge your letter of May 10, 1972 with enclosures.

We note your comments regarding the receipt of the Notice of Cancellation for Reg. No. 7273-25. However, in accordance with the act, cancellation procedures are invoked thirty days after receipt of the notice of intent to cancel unless the procedures set forth in Section 4.c. are initiated. PR notices serve as this notice of intent to cancel. Please refer to the underlined section of the enclosed PR Notice 71-3. It is the responsibility of the registrant either to invoke one of the procedures specified in the notice of intent to cancel or to cease interstate shipments of the product within thirty days after receipt of this notice.

You should assure yourself that the product with the label bearing Reg. No. 7273-25 is no longer shipped in interstate commerce.

Your comments concerning the violation of the Act have been made a part of the official file for your company and will be considered in our further review of this matter.

Sincerely yours,

Crain's Manufacturing & Distributing Company
Attention: Mr. Harold Crain
P. O. Box 9309
Houston, Texas 77011

Gentlemen:

Subject: I.D. No. 84168 - PERFUMED MOTH & MILDEW BLOCK

This will acknowledge comments made in your letter of June 29, 1971.

The registration of this product has not been transferred from McCreight Products Company to Crain's Manufacturing and Distributing Company. To effect the transfer, it is required that a notorized certificate of assignement be submitted to the Registration Branch indicating the terms of the sale and the extent to which we may have in our files.

Interstate shipments of the product without benefit of registration for your company would be in violation of the Act.

Your comments concerning the violation of the Act have been made a part of the official file for your company and will be considered in our further review of this matter.

Sincerely yours,

Nationwide Chemical Corporation
Attention: Mr. W. T. Wright
P.O. Box 775
Fort Meyers, Florida 33902

Gentlemen:

Subject: ID No. 74084 - ISOBAC 20 LIQUID SOIL FUNGICIDE

This will acknowledge comments made in your letter of June 5, 1970, with photocopy enclosed.

A product may not bear claims and directions for use which differ in substance from the representations made in connection with its registration, regardless of the acceptance of the use in the "Annotated Index of Registered Fungicides and Nematicides." Since the claim was not accepted in connection with the product's amended registration on December 5, 1966, any marketing of this product bearing this claim and direction is in violation of the Act. The label and accompanying literature bearing the claim and direction for use of the produce against boll-rot should be submitted for amended registration of the product or this claim and direction should be deleted.

Please inform us of the action you will take in this matter.

Sincerely yours,

Exhibit 10

Chevron Chemical Company
Ortho Division
Attention: Mr. R. D. Wessel
940 Hensley Street
Richmond, California 94804

Gentlemen:

Subject: ID No. 83549 - ORTHOCIDE 50 WETTABLE

This will acknowledge comments made in your letters of February 9 and 24, 1971.

After the effective date of change in labeling or formula, a product may only be shipped under the new claims or formula. However, a registrant may request an extension for a specific time period for disposition of the remaining stocks under the old formula or labeling. Since no extension was requested by your firm, the deletion of the claim for use of the product on potatoes was effective on the date that the amended labeling was accepted.

Your comments concerning the violation of the Act have been made a part of the official file for your company and will be considered in our further review of this matter.

Sincerely yours,

ABC Company
Attention: Mr. Edward Edwards
5 North Street
Onalaska, Wisconsin 52407

Gentlemen:

Subject: ID No. 45 - MALATHION 10%

This will acknowledge your letter of May 2, 1971.

We understand that malathion decomposes. However, it is your responsibility to insure that a product contains the composition represented on its label. We would have no objection to an overformulation of malathion. However, the Registration Division, Office of Pesticides Programs, should be contacted for the acceptable rate of overformulation for this type of product.

The Agency has decided to hold this case open for further consideration.

Sincerely yours,

Exhibit 12

Peterson Filling & Packaging Company
Attention: Mr. Montfort A. Johnsen
Hegeler Lane
Danville, Illinois 61832

Gentlemen:

Subject: ID No. 66474 - HUNTOLENE BACTERIOSTATIC DUST CONTROL

This will acknowledge your communications of July 15 and August 7, 1969, in reply to our certified letter of July 10. The "Mixing Instructions" and the Huntington Laboratory reports enclosed have been noted.

We do not question your contention that Huntington Laboratories is a capable and quality-conscious company. However, the efficacy data reported in their laboratory evaluations of July 16, are opposed to the findings in the Agency's laboratory and we do not believe that they provide an accurate index to the practical bacteriostatic benefits claimed. We note that in the absence of added moisture, no measurable zones of inhibition were obtained with either the aerosol or liquid concentrate. The Agency's tests were conducted with samples of the aerosol and the only moisture present was that furnished by the seeded agar and room humidity. This, we believe, represents "use as directed." Even so, the moisture in the seeded agar plate should provide a more favorable situation than could be expected in actual use. We fail to see any justification for testing with added water since this would not represent realistic application.

Your comments concerning the violation of the Act have been made a part of the official file for your company and will be considered in our further review of this matter.

Sincerely yours,

Motomco, Inc.
Attention: Mr. W. H. Dollen
89 Terminal Avenue
Clark, New Jersey 07066

Gentlemen:

Subject: ID No. 70486 - MOTOMCO WARFARIN - S CONCENTRATE

This will acknowledge comments made in your letter of June 9, 1970.

The Agency does not conduct tests on independent samples supplied by the manufacturer. However, a copy of the test method used to evaluate rodenticide concentrates is enclosed for your own use in testing this product. The standard laboratory diet referred to in this test method consists of 65% corn meal, 25% rolled oats, 5% sugar, and 5% vegetable oil. Only table grade raw ingredients are used. An acceptance of 33% and mortality of 95% would be expected in order to consider the product effective in the commensal rats' environment. In our testing, no difference in acceptance or mortality has been found between warfarin and prolin.

The Agency had decided to hold this case open for further consideration.

Sincerely yours,

Nu-Tone Products Company, Inc.
Attention: Mr. E. W. Hayes
P. O. Box 5668
Terminal Annex Station
Denver, Colorado 80217

Gentlemen:

Subject: ID No. 74381 - HEXACLEAN CONCENTRATE CLEANER

Reference is made to your letter of May 18, 1971.

A portion of the sample of HEXACLEAN CONCENTRATE CLEANER which was collected by our Inspector on January 15, 1971, is being sent to you for analysis. A copy of our analytical procedure is enclosed. A second procedure was taken from the Official Methods of Analysis of the AOAC, 10th edition, paragraph 4.188 (1965). When your analysis of the sample is completed, please inform us of your results.

Sincerely yours,

Exhibit 15

Vylon
Attention: Mr. Howard W. Joplin
Post Office Box 1552
Dallas, Texas 78421

Gentlemen:

Subject: I.D. No. 99337 - VYLON BUG KILLING COMPOUND

This will acknowledge comments made in your letter of November 9, 1971.

Upon advisement of the State of Nebraska, the product was sampled by an inspector of the Environmental Protection Agency. An affadavit signed by Mr. Willard B. Wilson of McCool Locker and Cafe and the cancelled check #1808, endorsed by you, indicate that you shipped the product in interstate commerce. Since the product is an economic poison within the meaning of the Act, it has been alleged that the interstate shipment was in violation of the Act as specified in our notice of contemplated criminal proceedings of October 21, 1971.

The Agency has decided to hold this case open for further consideration.

Sincerely yours,

Pesticides Enforcement Division

AIR MAIL

Fuller-O'Brien Corporation
Attention: Mr. N. J. Hartzer
450 East Grand Avenue
South San Francisco, California 94080

Gentlemen:

Subject: I.D. No. 98586 - WILLARD QUALITY PRODUCTS CREOSOTE

Reference is made to your letter of September 26, 1972, with enclosures.

As the shipper of this product in interstate commerce, you are responsible for the violation which occured. In the future, you may wish to establish a guaranty as provided in Sec. 7(a)(1) of the act, Paragraph 362.11 of the regulations, and Interpretation Number 11, copies enclosed. When a guaranty is established, the guarantor is subject to the penalties which would otherwise attach to the person holding the guaranty.

The Agency has decided to hold this case open for further consideration.

Sincerely yours,

A. E. Conroy II
Director

3 Enclosures

Western Ogden Purifier Corporation
Attention: Mr. George S. Baker, Jr.
7063 Vineland Avenue
North Hollywood, California 96605

Gentlemen:

Subject: I.D. No. 72331 - OGDEN WATER PURIFIER MODEL "A" SERIES REPLACEMENT CARTRIDGE TYPE SMI

Reference is made to your letter of February 15, 1971.

The guaranty dated February 8, 1971, which was enclosed with your letter, is not valid. To be valid, a guaranty must: (1) be signed and contain the name and address of the person giving it; and (2) state that the economic poison was lawfully registered at the time of sale and delivery and that it complies with all other requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (362.11(c) of the Regulations). Please refer to the enclosed marked copy of the Regulations (362.11(f)(2) which provides for a general and continuing guaranty.

Since the guaranty is not valid, your firm is responsible for the violation which occured. We again request that you inform us of the action you are taking to insure that no further interstate shipments of this unregistered product will be made.

We will hold this case open pending your reply.

Sincerely yours,

Exhibit 18a

Law Offices
Attention: Mr. Ivon B. Blum
Blum and Propper
United California Bank Building
9601 Wilshire Boulevard
Suite 409
Beverly Hills, California 90210

Gentlemen:

Subject: I.D. No. 75925 - ANT JEX REDWOOD ANT STAKES
Sunset House
Beverly Hills, California

Reference is made to your letter of March 23, 1971 with enclosures.

In order that we may complete our evaluation of this matter, it will be necessary that the guarantee form submitted with your letter be dated. It is noted that Mr. Richard P. Cooley of General Pest Service Co. signed the form regarding Registration No. 3324-3. However, he failed to state the date such guaranty was undertaken.

We will hold this case open pending receipt of the completed guarantee form.

Sincerely yours,

Exhibit 18b

SECTION 16

CRIMINAL PROSECUTION

CRIMINAL PROSECUTION

A. Authority and Basis

Section 14(b)authorizes the institution of criminal prosecution against any person who knowingly violates any provisions of this Act. Criminal proceedings will be instituted when the circumstances surrounding an alleged violation indicate that (1) the person cited has a history of flagrant violations of the Act, (2) the acts cited constitute an extreme and unreasonable risk to man or to the environment, or (3) the violation is of a type which is likely to be continuous or repeated. Criminal proceedings may be initiated in response to virtually any violation of the Act. The Agency intends, however, to use criminal prosecutions only in instances of aggravated violations of the Act.

B. Preparation

The notice of contemplated criminal proceedings is the first step in the criminal prosecution process. However, it should be noted that Section 9(c) (2) of the Act specifies that this notice is not a prerequisite to the institution of criminal proceedings.

After all correspondence appears to be completed one or more notices of contemplated criminal proceedings, the evidence in these ID jackets is reviewed. If this review shows that criminal prosecution is still warranted, the prosecution file may be compiled in the following manner:

1. Documentary evidence

This section exhibits all evidence from each ID jacket which is needed to prove the alleged violation. The evidence from each ID jacket is arranged in a prescribed order to form the ID case. (Exhibit 1) The ID cases are placed in the prosecution file by chronological sequence beginning with the ID case having the earliest date of shipment or producer establishment inspection. This sequence is used so that the U. S. Attorney will note the progressive history of the violations.

2. Dun & Bradstreet Report

This report is included in the prosecution file to show the financial status of the firm. This information may become relevant in determining a fine.

3. Case Summary

For each ID case there may be prepared a summary of the information included in the case. The summary is divided into three separate parts:

a. a list of the relevant facts (optional)

b. a list of the alleged violations (optional)

c. a list of the documentary evidence.

(Exhibits 2a,b,c.)

4. Recommendation for Prosecution

A brief statement titled "Recommendation For Prosecution" may be prepared which factually and reliably presents the reasons for recommending prosecution. These

reasons may include those associated with alleged violative shipments which have been PA'd. Items such as the following, may be included in the "Recommendation For Prosecution" statement:

a. Date(s) on which registration was issued for the firm's first and most recent product(s).

b. Number of products registered.

c. Approximate length of time since first written notice of violation was issued.

d. Number of seizures instituted.

e. Number of formal recalls requested.

f. Number of written notices of violation issued during a recent specified period of time.

g. Number of samples collected with percentage of violations during a recent specified period of time.

h. Statement regarding repeated violations.

i. Statement regarding serious violations with the likely or probable consequence to the public and/or environment.

j. Statement regarding failure by defendant to promptly initiate corrective measures.

The "Recommendation for Prosecution" statement may be concluded with the following: "Members of our staff are prepared to assist you in the preparation and prosecution of this case." (Exhibit 3)

5. Proposed Information

This document is prepared for the U. S. Attorney by this Agency in order to expedite the filing of the prosecution case. (Exhibit 4)

6. Transmittal Letter

The prosecution case will be referred directly to the U. S. Attorney with a transmittal letter. (Exhibit 5)

NOTE: AFTER A CRIMINAL ACTION HAS BEEN TAKEN AGAINST A FIRM, NO FURTHER CIVIL OR CRIMINAL ACTION WILL BE TAKEN ON SAMPLES WHICH WERE SHIPPED OR COLLECTED BEFORE THE INFORMATION WAS FILED. HOWEVER, IN CASES WHERE A HAZARD OR INEFFECTIVENESS EXISTS, A RECALL, SEIZURE, OR STOP SALE, USE OR REMOVAL ACTION MAY BE TAKEN.

Exhibit 1.	Label of product Labeling of product
Exhibit 2.	Document(s) showing intra/interstate shipment(s) of the product
Exhibit 3.	Invoice(s) Packing Slip(s)
Exhibit 4.	Dealer's statement that sample was collected from intra/interstate shipment(s) of the product Dealer's affidavit that sample was collected from intra/interstate shipment(s) of the product Warehouseman's statement that sample was collected from intra/interstate shipment(s) of the product Affidavit that sample was collected from intra/interstate shipment(s) of the product
Exhibit 5.	Notice of inspection
Exhibit 6.	Receipt of samples
Exhibit 7.	Inspector's report of collection of sample from shipment(s)
Exhibit 8.	History of official sample report
Exhibit 9.	Summary analytical report showing results of chemical analysis of the sample
Exhibit 10.	Report by chemistry reviewer
Exhibit 11.	Report showing results of microbiological testing of the sample
Exhibit 12.	Report by disinfectants reviewer with PR Notice 70-12
Exhibit 13.	Report by scientific staff specialist (Insert title of ID reviewer) Report by safety reviewer Report by efficacy reviewer with references (References may include acceptable label or PRD objection to registration letter, etc.)

Exhibit 1

Exhibit 14. Report by Chief, Records Control Branch, verifying nonregistration of an economic poison

Exhibit 15. Memorandum to Office of the General Counsel recommending seizure

Exhibit 16. Proposed Complaint In Rem
(Include cover letter if available)

Exhibit 17. Written notice of violation of July 18, 1969, with references and certified receipt

Exhibit 18. Reply of August 3, 1968, from firm
Reply of August 3, 1968, from firm's attorney

Exhibit 19. Enforcement Division letter of August 25, 1971

Exhibit 20. Enforcement Division no reply follow-up letter of October 1, 1971

ADDITIONAL MISCELLANEOUS EXHIBIT STATEMENTS

Purchase Order which also serves as receiving record

Memorandum of October 28, 1968, from Inspector who collected the sample

Written request for product recall of July 18, 1968, with certified receipt

Written notice of determination to cancel registration of August 10, 1968, with certified receipt

Written notice of suspension of August 10, 1968, with enclosure and certified receipt

Written notice of Cancellation of Registration of August 10, 1968, with certified receipt

United States Marshal's Return with attachment

Return Of Service Of Writ

Stop Sale, Use or Removal Order

Memorandum of telephone call on August 1, 1968, from firm's attorney, requesting a conference

Exhibit 1

Memorandum of conference on August 10, 1968, between firm's attorney and Enforcement Division representatives

Reply of August 3, 1968, with (label, testing report, Status of Firm) attachment, from firm

Reply of August 3, 1968, with (label, referenced letter(s)) enclosure, from firm

Enforcement Division letter of August 25, 1968, with references

Letter of August 5, 1968, from firm to state of Nebraska with copy to consignee

Label accepted in connection with termination of suspension of the product, with associated application from firm, and letter of acceptance from Pesticides Regulation Division

Statement of December 7, 1968, from Standards Branch nullifying charge 2 of written notice of violation

Exhibit 1

ID No. 86420

A Relevant Facts

1.	Shipper	Swift Agricultural Chemicals Corp. National Stockyards East Saint Louis, Illinois 62071
2.	Legal status	A Delaware Corporation Joseph P. Sullivan, President Howard G. Gould, Vice President Edward R. Vrablik, Vice President Earl J. Grimm, Jr., Secretary Paul N. Steinbrink, Treasurer
3.	Name of produce	SWIFT LAWN WEEDER & FEEDER
4.	Amount on hand	300 twenty-pound containers
5.	Shipped on	February 11, 1971
6.	Shipped from	East Saint Louis, Illinois
7.	Shipped to	Janesville, Wisconsin
8.	Transported by	Delivered by Consignee

Exhibit 2a

B. Alleged Violations:

1. Stated in part:

" * * *

SWIFT
LAWN
WEEDER
& FEEDER

* * * "

Herbicide:

ACTIVE INGREDIENT:	
**Dimethyamine salts of 2,4-dichlorophenozyacetic acid	1.22%
INERT INGREDIENTS:	98.78%
TOTAL	100.00%

*Equivalent to 2,4-dichlorophenozyacetic acid 1.01%

*** "

whereas the product contained an additional active ingredient, namely, 2,4,5-trichlorophenoxyacetic acid, which was not named in the ingredient statement. [12(a) (1) (E), 86 Stat. 990, 2(q) (1) (A); 86 Stat. 977]

2. Adulterated in that another substance, namely, 2,4,5-trichlorophenoxyacetic acid, had been substituted wholly or in part for the article. [12(a) (1) (E), 86 Stat. 990; 2(c) (2), 86 Stat. 975]

Exhibit 2b

Documentary Material

Copies of the follwing documents are attached in the folder marked for identification as ID No. 86450.

Exhibit 1.	Label of product
Exhibit 2.	Document showing interstate shipment of product
Exhibit 3.	Invoice
Exhibit 4.	Dealer's statement that sample was collected from interstate shipment of product
Exhibit 5.	Inspector report of collection of sample from shipment
Exhibit 6.	History of official sample report
Exhibit 7.	Summary analytical report of sample showing chemical analysis of the product
Exhibit 8.	Report of chemistry reviewer
Exhibit 9.	Written notice of violation of August 3, 1971
Exhibit 10.	Reply of August 17, 1971, from firm
Exhibit 11.	Enforcement Division reply of October 6, 1971

Exhibit 2c

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF ILLINOIS

United States of America	)	
	)	No. _____
v.	)	Violation: Title 7,
	)	United States Code,
Swift Agricultural Chemicals Corporation	)	Section 135 thru 135k

The United States Attorney charges:

Count 1

1. On or about February 11, 1971, the defendant, Swift Agricultural Chemicals Corporation, shipped in interstate commerce from East St. Louis, Illinois, within the Eastern District of Illinois, to Jamesville, Wisconsin, 410 twenty-pound containers of "Vigoro Rid Crabgrass Preventer", an economic poison within the meaning of 7 U.S.C. 135(a).

2. Said economic poison was misbranded in that its label bore the statement that it contained as an active ingredient 2.3 percent Dacthal (Dimethyl ester of tetrachloroterephthalic acid), and such statement was false and misleading since, in truth and in fact, the economic poison contained more than 2.3 percent Dacthal (Dimathyl ester of tetrachloroterephthalic acid), in violation of 7 U.S.C. 135(a)(5), 135(z)(1) and 135f.

Count II

1. On or about February 11, 1971, the defendant, Swift Agricultural Chemicals Corporation, shipped in interstate commerce from East St. Louis, Illinois, within the

Eastern District of Illinois, to Jamesville, Wisconsin, 300 twenty-pound containers of "Swift Lawn Weeder and Feeder", an economic poison within the meaning of 7 U.S.C. 135(a).

2. Said economic poison was misbranded in that its label bore the statement that it contained only a single active ingredient (Dimethyamine salts of 2,4-dichlorophenoxy-acetic acid), and such statement was false and misleading since, in truth and in fact, the economic poison contained an additional active ingredient, namely, 2,4,5-trichlor-ophenoxyacetic acid, in violation of 7 U.S.C. 135a(a)(5), 135(z)(1) and 135f.

Count III

1. Each allegation contained in paragraph 1 of Count II is realleged, reaffirmed and incorporated herein.

2. Said economic poison was adulterated in that another substance, namely, 2,4,5-trichlorophenoxyacetic acid, had been substituted, in part, for the article, in violation of 7 U.S.C. 135a(a)(5); 135(y) and 135f.

United States Attorney for the
Eastern District of Illinois

RECOMMENDATION FOR PROSECUTION

Parsons Chemical Works, Inc. has had many years of experience with the Federal Insecticide, Fungicide, and Rodenticide Act. The firm was issued its first registration of an economic poison on September 1, 1948; its most recent registration-the 96th-was granted on July 21, 1972. The company currently has thirty-one products registered under the act.

Moreover, the firm has a history of alleged violations involving various provisions of the act. From November, 1967 to October, 1972, approximately twenty-one samples were collected from the firm's interstate shipments of economic poisons. Of these twenty-one samples collected, thirteen resulted in notices of contemplated criminal proceedings. In effect, approximately 62% of the samples collected during this five-year period were so seriously violative that criminal proceedings were warranted. As early as May 7, 1951, the firm was notified of their interstate shipment of an economic poison which was not in compliance with the act.

The violations alleged in this file are based on six samples. Five of these samples were allegedly shipped in interstate commerce without benefit of registration and its premarket clearance. Yet, the firm has been aware of the registration provisions of the act since 1948. The nonregistration charge under ID No. 97782 resulted from a label which declared a chemical composition that had not been accepted in connection with the product's registration. However, ten months before this shipment under ID No. 97782, we informed the firm that the subject label was not consistent with current accepted labeling for this product (Refer to ID No. 84000). The fact that different charges were drawn under ID No. 84000 and ID No. 97782 for the same noncompliant aspect of this label should not overshadow the fact that the firm had been notified of this apparent noncompliance ten months previous to this second shipment. The primary concern is that Parsons Chemical Works, Inc. shipped the product bearing this noncompliant label knowing that such shipment would be in violation of the act.

Violations alleged on two of the six samples included in this file resulted from the firm's inadequate formulating procedures and are indicative of the firm's apparent disregard for consumer protection. These samples were found to be contaminated to the extent that when used as recommended they would possibly result in illegal residues in food. Because of the seriousness of these violations, we requested the firm to withdraw the contaminated products from channels of trade.

In view of the apparent disregard for the protection of the consumer as well as for compliance with the provisions of the act, it is recommended that Parsons Chemical Works, Inc. be prosecuted. Members of our staff are prepared to assist you in the preparation and prosecution of this case.

Exhibit 3

Mr. Frederick M. Coleman
United States Attorney
Cleveland, Ohio

Re: Spartan Chemical Co., Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135 et seq.

Dear Mr. Coleman:

Enclosed is a copy of a letter, with enclosures, to the Criminal Division from Anson M. Keller, Assistant General Counsel, Environmental Protection Agency, requesting the institution of criminal proceedings against the captioned subject for violations of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 135 et seq.

Spartan Chemical Co., is an Ohio corporation with its offices and principal place of business at Toledo, Ohio. It has had considerable experience with the requirements of the Act. It registered its first economic poison (defined in 7 U.S.C. 135(a)) in 1957; its most recent registration - the 8th - was granted on August 27, 1950. It currently has five products registered under the Act.

Despite Spartan's obvious familiarity with the Act, 9 of 36 samples collected from interstate shipments between July, 1969 and April, 1972, were found to so seriously violate the provisions of the Act that citation action was taken. In several cases, product recalls were requested. The Environmental Protection Agency informs us that it has repeatedly had difficulty with this manufacturer with respect to effectiveness of products. In reporting on the violation charged in Count V, the Environmental Protection Agency's product reviewer reflected on this problem when she stated "The capability of this manufacturer to produce a consistently effective product would appear to be questionable." The five violative shipments cited in information involved a disinfectant which in laboratory tests was found to be substantially less effective than the consumer on the basis of the claims made on the label was led to expect. As such the product was misbranded. These serious and repeated violations as documented in the file, deprive the public of the safeguards provided by the Act with respect to the strength and reliability of the economic poisons they use.

For general information on Spartan, we direct your attention to the Dun & Bradstreet Business Information Report included in the file.

Exhibit 5

To help you assimilate the file, the violations charged in each of the counts are documented under the following "ID" numbers of the file:

Counts	ID No.
I	67366
II, III	67426
IV	85981
V	99249

All of the violations invlove the same product, Spartan Steri-Phene Disinfectant Deodorant.

An essential element of each offense is the shipment of the economic poison in interstate commerce. Information pertaining to the quantity of the economic poison shipped, the date of shipment, and the destination is included under the appropriate ID No. The quantity of the economic poison shipped in violation of the Act is derived from the shipping documents and the document captioned "Collection Report." For example, Count I alleges the shipment of "48 seventeen and one-half ounce containers" of the economic poison on November 5, 1970. Under item 9 of the Collection Report (ID No. 67366), the "amount before sampling," that is, the amount on hand when the inspector arrived and from which the sample was taken, was "4 master, 4 subs per master, 6/1 lb. 1 1/2 oz. cans per subs," (i.e., at the time of sampling there were 4 cartons on hand each of which contained 4 sub-cartons of six containers each; although the total number of containers on hand was 96, only 48 were alleged because the amount on hand was evenly divided between two lots of the product and only one of those lots was found to be understrength). Item 10 of the Collection Report indicates the number and size of the samples that were taken.

Copies of chemical analytical reports, the micorobiology laboratory report and the report of the disinfectant reviewer are also included under each ID No. These reports reveal that some lots of the involved disinfectant were seriously understrength and when used as directed could not be relied on to fulfill the claims made with respect thereto.

In the case of the shipments charged in Counts I, II, and V, the amount alleged in the information to have been shipped does not conform to the amount actually shipped as indicated by the shipping documents. Rather, it corresponds to the amount on hand at the time of the inspection. Although this is sufficient to sustain to conviction, you may wish to consider revising the information to reflect the full amount shipped in each instance; however, we believe that in the case of Count I such revisions would be inadvisable because as noted above only one of the two lots of the product shipped was

understrength and it is impossible to determine from the documentation in ID No. 67366 how much of the understrength lot was actually shipped.

In amplification of the third paragraph of the Assistant General Counsel's letter, all of the counts carry a maximum penalty of $500 per count.

In view of the flagrant disregard of the statutory requirements by Spartan despite its familiarity with those requirements, we recommend that criminal proceedings be instituted. In recent months, the Environmental Protection Agency has referred many files documenting serious violations of the Act to this office. This may indicate that the insecticide industry is of the impression that failures to comply with the Act will not be discovered or made subjects of enforcement proceedings. We believe that vigorous prosecution of these violations will serve to discourage this impression and to inform the industry that neither the Environmental Protection Agency nor the Department of Justice takes lightly its responsibility to enforce this important piece of legislation, which affords virtually the only source of protection to the consumer and to the environment from the dangers of defective and improperly labelled economic poisions, against those who are indifferent to its requirements.

Please keep us advised of all developments, and if we can be of any assistance to you, feel free to call on us.

Sincerely,

JOHN L. MURPHY, Chief
Government Regulations Section
Criminal Division

By: RICHARD I. CHAIFETZ
Attorney

Exhibit 5

SECTION 17

WITNESS INSTRUCTIONS

WITNESS INSTRUCTIONS

Introduction

A witness whose appearance and conduct commands the respect of a jury will find his testimony to be highly regarded. His perception of what happened will be considered most objective, and closest to the truth.

Justice may be blind, but a judge and jury are not. Try as they may to be objective, a judge and jury will favor the testimony of a witness who is properly dressed, who sits with propriety, and who speaks clearly.

The purpose of this guide, then, is to point out some of the things a witness can do to make a better impression on the judge and jury. Although some may sound pretty far-fetched, they are all based on actual courtroom experience.

There is also included a section called "Proper Technique on the Witness Stand." This will give you some idea of what happens when a witness takes the stand.

A. "Testimony before Juries and Grand Juries"

1. PREPARATION FOR GOOD PERSONAL APPEARANCE

   A. You should be clean shaven, and have fingernails trimmed and clean and hair trimmed and combed.

   B. You should be dressed in a conservative, well-fitted business suit.

   C. Have clothes clean, pressed and neat, and shoes shined.

D. Do not wear loudly colored shoes, socks, shirt, tie, etc.

E. Do not wear unusual finger rings or other unusual adornments.

2. GENERAL CONDUCT IN COURT ROOM AND VICINITY

A. Don't be noisy in the halls in greeting fellow inspectors or old friends.

B. Don't talk to the defendant or his attorney in or near the court room.

C. Do not whisper or cause disturbances in the court room.

D. Do not talk to the jurors or discuss the case within their hearing.

E. Do not sit within the enclosure unless invited.

F. Do not bring magazines or newspapers into the court room.

G. Be on time when court opens and be available immediately when called to testify.

B. 1. While sitting in the courtroom, either as a prospective witness or as an assistant to one of the members of the Agency, United States Attorney, or General Counsel's Office, make yourself as inconspicuous as possible. Facial grimaces at testimony thought adverse to Government's case, or nods of approbation or approval

at testimony particularly favoring the case should be avoided. They could result in censure from the court if observed. Attracting attention to yourself by talking in the courtroom during the proceedings; reading reports, newspapers, and the like; passing notes; rustling papers; passing comments, jokes, or snide remarks about the judge or this or that juryman, or witness, has its perils. You may impress some but with others you may be less fortunate. You may prejudice yourself or the Government if you focus attention upon yourself. Do not sit in groups of more than two or three. Spread out in the courtroom.

2. Don't be an "impetuous prompter" a person who sits in the courtroom and hears testimony which he believes erroneous and refutable and who rushes through the rail to the United States Attorney, the General Counsel's representative, or the EPA representative at counsel's table to convey his thoughts on the erroneous testimony. While you may have a contribution to make, hold your suggestions until recess or for some other suitable time to transmit them. Even at recess, wait until judge and jury have left before approaching counsel. Remember that if you have found flaws in the opposing case, our lawyers most likely have found them too. It is disconcerting to those at

counsel's table to have interruptions by witnesses and others in the courtroom who bombard them with suggestions on strategy, etc. In addition to making you conspicuous, it shows you are strongly partisan and does not contribute to the building of a good impression. Jot your ideas down so you will not forget them when you have an opportunity to confer with the U. S. Attorney, member of General Counsel's Office, or others who are directing the case.

3. Avoid conversations with principals of or witnesses for the opposing side during trial. You never can predict when your statements will be distorted to your disadvantage and perhaps the Government's too. If you cannot avoid conversation with them, confine your remarks to matters other than the trial.

4. During periods of recess keep your guard up. Don't engage in horseplay, wisecracking, or loud conversation, especially about the case. You never know when you are under the observation of the judge or members of the jury. Many a Government witness has found himself embarrassed after making an indiscreet remark in the halls of the courthouse, or in the elevator, or in a nearby lunchroom, or men's room, to learn that the judge or a juryman or

opposing counsel has been in the same hall, elevator, or lunchroom and had seen and heard him. Save your wisecracks for a time and place where the humor in them can be enjoyed without threat of embarrassment to you or the Government. Do not hold loud conversations in the corridor outside of the courtroom while court is in session.

5. Do not rush up to congratulate a Government witness when he steps down from the witness stand. Wait until court has adjourned. Avoid expressing any approval or disapproval of his testimony by glance, nod, or otherwise until leaving the courtroom.

6. Avoid legal arguments with United States Attorney and with General Counsel's representative in presence of United States Attorney. Save your suggestions on legal points involved until they can be informally discussed with General Counsel's representative or with United States Attorney if no General Counsel representative is on the case. While you may be 100% right as to the law, your suggestions will be more favorably received if not stated as dicta, and if suggested rather than propounded.

7. Don't lose your patience or temper while testifying. A cross-examining attorney often deliberately baits an irascible witness to anger him. Don't let it happen to you. Keep calm and unruffled. Neither your thinking nor your appearance improves with rising ire. Be polite and courteous to everyone, including opposing counsel even if he is insulting.

8. Attorneys questioning you on cross-examination will often try to force a categorical answer out of you, i.e., a "yes" or "no" answer. There is some justification for such attempts because the cross-examiner is permitted to ask "leading questions." If a simple "yes" or "no" answer does not bring out the whole truth, it is your duty to inform the cross-examiner that the question can't be answered "yes" or "no." If you do this, the court may insist on a "yes" or "no" but invariably will allow the whole truth and if a "yes" or "no" answer doesn't do just that, the court will afford protection when it understands the situation because it would not have you violate the oath you took.

9. Do not insist on sitting at counsel's table or inside rail. Wait to be asked. While everyone having knowledge of case could probably be of assistance during trial, the extent of such assistance must be weighed against the impression created by five or six persons sitting and

working at Government's table while only the defendant and his counsel are at defendant's table.

10. Don't be an "eager beaver." Don't appear to be over-anxious to get something into the evidence that the attorney has not asked for. To do that may suggest that you have a stake in the outcome of the trial.

11. Don't be afraid to admit that you discussed your testimony with representatives of the U. S. Attorney's Office, the General Counsel's Office, or the Environmental Protection Agency. If you are asked the question, state the truth. There is nothing improper in a practical discussion of your testimony with the U. S. Attorney or his Assistant handling the case. Remember that the opposing attorney ordinarily asks the question hoping to catch you swearing falsely.

12. Don't spar with the questioning attorney. Answer his questions frankly, factually, and confidently. Don't engage in a wit-matching contest. Sparring by a witness may suggest that he is evading the question and often detracts from his credibility.

13. Wait for the question to be asked in its entirety before you reply. Make certain that you understand it, never attempt to answer a question that you do not fully understand. To do otherwise may lead to trouble and embarrassment. If

witness does not understand all or any part of a question, he may do one or both of the following. He may state, in substance, as follows:

(a) I am sorry, but I do not understand /or, I am not sure that I understand/ the question, could you rephrase it?

or

(b) If you mean /state what you think the question is/, then my answer is . . .

or

combine (a) and (b) as

(c) I am sorry but I am not sure that I understand the question, but if you mean . . . then my answer is . . .

14. Don't be afraid or ashamed to admit "I don't know." If you don't know the answer to a question, say so. Don't try to cover up ignorance of some fact or set of facts. If you do, it may suggest evasion on your part.

15. Wait several seconds before you answer a question put to you in cross-examination in order to give the U. S. Attorney an opportunity to object if he regards the question as improper. But avoid undue delays in replying. These delays, particularly with side glances at the U. S. Attorney, may give the impression you are being evasive. Try to speak with the same speed and use the same phraseology on cross-examination as on direct.

16. Don't answer any question objected to by either side until the court has ruled on the objection. If the witness has started his answer, he is to stop if any objection is raised by either side and is not to continue until the judge or either counsel indicates that it is proper to continue his response.

17. Answer each question by spoken words. Don't nod assent or shake your head in dissent. The court reporter is not watching you but is concentrating on his shorthand and notebook. He cannot hear a nod or a gesture. The record of your testimony may be incomplete unless you answer each question with spoken words.

18. Speak as clearly and distinctly as you can. Use simple language. Remember you defeat your purpose if you are not understood, so don't try to impress anyone with a vocabulary of infrequently used words. If the subject is technical and scientific, reduce the terminology you use to an understandable level. If technical words must be used or are used for any reason, the witness should define them as he uses them.

19. Don't hesitate to ask permission to refer to your notes to refresh your recollection in testifying provided your notes were made at the time of or immediately after the event about which you are testifying. The fact that you cannot recall exact details without notes should not be embarassing and, in fact can be used to the advantage of the Government when it is shown that the opposing party does not have a written record of the transaction. Do not read verbatim long passages from your notes.

20. Come into the courtroom prepared. Know your facts. All pertinent dates and times should be checked. Arrange all documents and exhibits in order so that the testimony will be presented without fumbling.

21. Testify only as to facts about which you have first-hand knowledge. In most instances you cannot testify about what someone told you. That would be hearsay. You can testify about what the defendant told you, if what he told you is relevant to the case.

22. In testifying, keep your voice up. Too often judges have to admonish witnesses to speak up. Save him the trouble by striving to have the judge and the whole jury hear what you have to say.

23. Answer only the question asked, but answer it fully and to the point. Don't volunteer unnecessary information. Remember the more you say unnecessarily, the more you suggest to opposing counsel for cross-examination.

24. Unless you are testifying as an expert, don't express opinions or conclusions. State only facts. Don't assume expert knowledge in a field unless you are in fact an expert by reason of your training and experience. Reading an article on a subject does not make you an expert in that subject.

25. Don't exaggerate. State the facts accurately and don't embellish them. Don't be disappointed if the facts about which you are to testify are not as dramatic as you would like to have them. The court and jury are interested only in getting the unvarnished truth, so give them only that.

26. Be careful when the opposing lawyer reads from a book or document and questions you about what he read. Before answering, ask to see the document he read from. He might be engaging in such deceptive practice as misquoting or only partially quoting.

27. Never bring to the stand notes, files, or other material for help in your testimony unless you are willing to have the opposing side see them. He has a right to see them.

28. In cross-examination opposing counsel may use the oft employed technique of asking you whether you regard certain persons in the field about which you are testifying as recognized authorities. This is preparatory to asking you whether you agree with certain statements which those

authorities made in writings, etc. If your answer is no--that you don't recognize them as authorities, that line of cross-examination cannot be pursued. Unless you definitely have heard of the named persons and are familiar with their works and do recognize them as authorities, don't expose yourself by saying that you so recognize them.

C. Proper Technique On the Witness Stand

1. When called to the witness stand, unless previously sworn, go directly to the desk of the clerk of the court to be sworn.

2. Take the oath in a reverent manner. Then proceed to the witness chair. If you have a long or difficult name, give a card or paper with the correct spelling to the court stenographer.

3. Assume proper posture, bearing and demeanor.

   a. Sit erectly, but don't appear stiff or tense.

   b. Always be courteous, say "Yes Sir" and "No Sir."

   c. Speak in a clear, distinct and well modulated voice.

   d. Look at and speak distinctly to the jury. Speak plainly enough so the farthest juror can hear you.

   e. Do not speak to the judge unless he asks you a question.

   f. Do not appear eager to convict.

   g. Do not show hatred toward the defendant.

h. Do not use idioms or language peculiar to the enforcement profession.

i. Be well poised and under self control.

j. In your effort to appear impartial and unbiased, do not become listless or "dead pan." Be natural, candid, frank, and "alive."

k. Do not appear impatient or overly anxious to testify.

l. Do not have anything in your mouth. This includes gum, toothpick, tobacco, candy or food.

m. Keep your hands away from your mouth, face and head.

n. Do not exhibit nervous tendencies, such as arranging clothes, tie, etc.

4. The direct examination.

a. Personal identification questions will be asked you first.

b. Next type of questions are preliminary to setting up the body of your testimony.

c. The next or direct question will usually be, "Now begin right there and tell what you have seen or heard in connection with this matter." Always tell the truth.

d. Try to give testimony in chronological order, if possible.

a. Reveal your first connection with the case.

b. Then give facts in the order they occur.

e. Do not give information that has not been asked for. This is particularly important with respect to previous criminal records, or other current crimes of the defendant, now pending.

f. Do not give opinions or hearsay testimony.

g. The district attorney will likely ask more questions to bring out details and other information to complete your testimony.

h. Your testimony should be memorized, if possible.

i. You may use your contemporaneous notes to refresh your memory, and should do so in cases of complicated figures, dates, etc.

j. If you do refresh your memory from your notes, the defense has the right to examine them and make them an exhibit in the case.

k. Do not unnecessarily try to help the district attorney as he is likely to know just exactly what he is doing.

l. If the defense objects to a question, do not try to get in an anwswer before the judge has ruled whether the question is proper.

m. Be able to identify the defendant.

5. The cross-examination.

a. In the face of skillful and smart defense attorneys, the task of testifying is not simple or easy.

b. Do not be particularly afraid of the defense attorney. He likely is equally concerned about you.

c. The defense attorney will not question you, unless he hopes to gain something for his side.

d. Listen carefully to his questions, then reply.

e. There are usually two types of cross-examiners:

    1. The bullying, browbeating and aggressive fellow:

        A. He is the easier type to contend with.

        B. He usually hopes to make you angry and get your "goat."

            1. By casting aspersions at your veracity, integrity, etc.

            2. By nasty references to your service.

            3. By magnifying any errors you have made.

        C. Don't let him worry you. He likely is stalling and has nothing much to go on.

        D. He may ask rapid fire questions.

            1. Give him deliberate answers and don't let him speed you up.

            2. If you do not understand the question clearly, ask him to repeat or restate it.

            3. Do not let him interrupt an unfavorable reply by cutting in with another question.

4. If he asks a long and meaningless question, ask him to restate it.

E. He may ask a double or two pronged question. ask him to restate it or carefully answer each part separately.

F. Answer any question promptly and whole-heartedly which might reflect credit to the accused.

G. Beware of questions to which he demands "Yes" or "No" answers. If a defense attorney demands a "yes" or "no" answer and neither "yes" or "no" is the proper answer, a witness on the stand cannot be required to answer "yes" or "no" and the judge will not compel him to do so. He can answer, "neither yes or no," and usually the judge will let him explain why it is neither "yes" or "no" or will request the attorney to reframe his question. ILLUSTRATION: "Have you quit beating your wife? Answer "yes" or "no."

H. He may deliberately misquote you.

I. If you do not know the correct answer, say so.

J. If you make an error while testifying, correct it at the first opportunity.

K. He may attempt to try a prosecution witness. Many defense attorneys try to make an issue of the actions of inspectors or other prosecution witnesses rather than the criminal actions of the defendant as charged in the indictment. The witness is not standing trial and insofar as he is concerned, his best demeanor is to display no emotion whatever. The witness should calmly look at the jury and answer any questions he may be asked. Thus will the attorney lose more than he gains.

2. The smooth, suave, slick or sneaky type.

a. Fear him more than the other type. He usually has some definite plan or scheme for gaining something of value from you.

b. He tends to ask innocent questions for a while, then asks the catch or trap question, hoping that you are napping.

c. He may appeal to your vanity and try to get you to tell how good you are.

d. If you are caught in an error, be frank to admit it, and explain it if possible.

6. Re-direct and re-cross examination. Same principles apply as before.

D. Proper Conduct After Verdict

1. If the defendant is acquitted.

   a. Do not quarrel with or berate him, claiming justice has been thwarted or miscarried.

   b. Be courteous to the jurors. You may seek what factors caused the acquittal. But do not heckle or embarrass them.

   c. You should compliment and thank the district attorney, and get his opinion as to the jury's verdict and what caused it.

2. If the defendant is convicted.

   a. Do not rush up to the jurors and shake hands with them. You might tell them that you are certain their judgment was right.

   b. Congratulate the district attorney, and thank him for his handling of the case. But, do not gleefully shake hands with him in the court room or where the general public would see such action.

   c. Do not make any public display of elation over the outcome of the case.

   d. Do not tell the convicted person you finally "got him." Be courteous if you talk to him. He may be upset and bitter toward you.

SECTION 18

INJUNCTIVE AUTHORITY

INJUNCTIVE AUTHORITY

An injunction is a writ issued by a court; it forbids or commands a person to perform a particular act.

EPA has the authority to initiate action for an injunction under Section 16.(c) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended October 21, 1972, which states that the "district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act."

In Pesticides Enforcement, an action for an injunction is to be initiated only when all other enforcement remedies have been exhausted. Before initiating such action, headquarters will be consulted through the Regional Coordinator. The action is usually commenced with the filing of a complaint in the office of the clerk of the court. However, since procedural matters vary greatly among the Federal Districts the procedural routine of the jurisdiction where the action is being taken should be ascertained and followed.

SECTION 19

NOTICES OF JUDGMENT

NOTICES OF JUDGMENT

1. General. The Administrator of the Environmental Protection Agency is required to publish all court decisions and actions instituted under the Federal Insecticide, Fungicide, and Rodenticide Act. (Section 16.(d), Federal Insecticide, Fungicide, and Rodenticide Act as amended) The purpose of this publication is to disseminate to the public - principally through libraries - the results of court decisions involving pesticide products and the shipment of pesticide products. The following information will be included: the specific violations, dates of legal actions, the court decisions, and the penalty imposed on the violator.

2. Responsibility. The Pesticides Enforcement Division will publish and distribute all notices of judgement that fall under the Federal Insecticide, Fungicide, and Rodenticide Act. The responsibility within the Division is assigned to the Chief, Program Appraisals Branch (PAB). When a number of notices of judgment have been sufficiently researched, they will be sent (under the signature of the Assistant Administrator for Enforcement and General Counsel) by PED to the printer.

3. Procedure. Each case will be reviewed after it is adjudicated to determine if all necessary information is present in the file.

A. Each EPA region will maintain a record of all seizure and criminal actions referred for legal action. Once an action has been completed, the region will prepare a draft of the notice of judgment and forward it to the PED regional coordinator who, will check for accuracy and then refer it to the Publication and Information Section (PIS) of PED for publication.

The following information will be included in the record: the name of the case, the identification number, the date referred, the date of the intitation of action, and the date of the final decree or judgment. (Exhibits 1 through 5)

B. The information needed to prepare notices of judgment will be furnished by the regions in accordance with already established procedures. It is contemplated that the regions will promptly inform the Program Operations Branch (POB) of the termination of each seizure, criminal action and civil proceeding.

C. The Program Operations Branch will, in turn, promptly inform the PAB of the termination of each seizure and criminal action recorded in PED records.

D. When a seizure or criminal action has been terminated, a copy of the legal file for the case will be sent to the POB. Also, copies of legal files originating in the regions will be promptly forwarded to the POB. Before printing, the notice of judgment in each case will be forwarded for review to the Director, Pesticides Enforcement Division.

E. The POB will request a status report from the regions on each case which is not reported closed within six months after referral for legal action.

4. Schedule. The Pesticides Enforcement Division will publish notices of judgment at reasonable intervals in groups of fifty.

5. Distribution. Distribution of notices of judgment is made by the Pesticides Enforcement Division. PED will compile a mailing list of recipients desiring to receive the notices on a regular basis. Such recipients normally are libraries, universities, certain civic groups, private citizens, etc. Other distribution is by special request for certain issues of the notices.

1001. U.S. vs. Black Leaf Products Company, No. 71CR501, N. Dist. Ill., District Judge Hubert L. Will, October 4, 1971. (I.F.&R. No. 1229, I.D. Nos. 62460, 62615, 65077, 66997, 68133, 77196 and 77669.)

This is a criminal action in which the defendant is charged in a seventeen count information filed on May 10, 1971, with various violations of 7 U.S.C. 135a(a)(2) and (a)(5) which prohibits the shipment of misbranded and adulterated economic poisons and economic poisons failing to bear required label statements.

The company was arraigned in the U.S. District Court, Northern District of Illinois, Eastern Division, on May 26, 1971, and pleaded not guilty. On October 4, the company changed its plea to guilty to 15 counts of the information and was fined a total of $2,850. Judge Hubert L. Will levied fines of $100 each on counts 2, 6, 8, 10, 14, and 16 and fines of $250 each on counts 1, 3, 4, 7, 9, 11, 13, 15, and 17. Counts 5 and 12 were dismissed on motion by the U.S. The Court ordered that the fines be paid by October 8, 1971.

Products involved in the case were: BLACK LEAF CHLORDANE DUST, SHEEN GARDEN FUNGICIDE, NICO-FUME PRESSURE FUMIGATOR, GRANULAR CURB 5% DIELDRIN LAWN INSECT CONTROL, BLACK LEAF 40 THE ORIGINAL NICOTINE SULPHATE, MR. GARDEN MULTIPURPOSE ROSE & GARDEN SPRAY, NEW WARF PELLETS KILLS RATS AND MICE and BLACK LEAF CRAB GRASS KILLER. Violations of the Federal Insecticide, Fungicide, and Rodenticide Act included chemical deficiencies, failure to include required warning and caution statements on product labels, and failure of labels to bear the assigned registration number.

1008. U.S. vs. 520 twenty-five pound containers, more or less of a product labeled in part "GREEN VALLEY 20-10-5 HI-LIGHT FEED & WEED." (I.F.&R. No. 1154, I.D. No. 63645.)

SHIPPED: 2-28-68, from North Surrey, British Columbia, Canada by Green Valley Fertilizer and Chemical Company, Ltd.

LIBELED: 5-28-68, Dist. Oreg.

CHARGE: Nonregistration; misbranded--lack of adequate warning or caution statement on labels, and lack of ingredient statement on labels.

FINAL DECREE: 12-11-68. Consent--product released to claimant for purpose of returning product to Canada.

1013. U.S. vs. 22 two-pound containers, more or less, of a product labeled in part "ferti-lome TOMATO AND VEGETABLE DUST AND SPRAY." (I.F.&R. No. 1227, I.D. No. 76766.)

SHIPPED: 12-11-68, from Bonham, Texas, by Voluntary Purchasing Groups, Inc.

LIBELED: 2-16-70, S. Dist. Ind.

CHARGE: Misbranded--product contained less than 4.50% zineb as represented in labeling and contained additional active ingredients, namely, kelthane and methoxychlor not specified in labeling; adulterated--strength or purity below standard or quality represented in labeling and substances namely, kelthane and methoxychlor, substituted in part for article.

FINAL DECREE: 5-9-70. Default--destruction.

1026. U.S. vs. 1,488 unlabeled containers, more or less, each containing an insecticide identified as "PET SPRAY NEW FLEA, TICK AND ODOR CONTROL SPRAY." (I.F.&R. No. 1279, I.D. Nos. 84140 and 84141.)

SHIPPED: 6-4-70, from Memphis, Tenn., by Morton Pharmaceuticals, Inc.

LIBELED: 5-24-71, E. Dist. La.

CHARGE: Misbranded--lack of adequate warning or caution statement on labels, inadequate directions for use, lack of proper ingredient statement on label, and lack of registration number on label.

FINAL DECREE: 6-11-71. Consent--claimed by shipper for relabeling.

1028. U.S. vs. 73 fifty-pound bags, more or less, of a product labeled in part "HELENA BRAND TOXAPHENE 10% GRANULAR INSECTICIDE," 1,623 fifty-pound bags, more or less of a product labeled in part "HELENA BRAND 2% EPN INSECTICIDE GRANULES," and 740 forty-pound bags, more or less, of a product labeled in part "HELENA BRAND 2% EPN INSECTICIDE GRANULES." (I.F.&R. No. 1286, I.D. Nos. 99368, 99369, and 99370.)

SHIPPED: 6-27-71, 6-29-71, 7-8-71, 7-16-71, and 7-17-71 from Des Moines, Iowa, by Helena Chemical Company.

LIBELED: 8-20-71, Dist. Neb.

CHARGE: Nonregistration; product "HELENA BRAND TOXAPHENE 10% GRANULAR INSECTICIDE" misbranded--inadequate direction for use.

FINAL DECREE: 11-10 71. Consent--products brought into compliance and released to shipper.

SECTION 20

NOTICES OF DETENTION

NOTICES OF DETENTION

A. Authority

Section 17 of the Act as amended authorizes the Administrator to refuse admission of a pesticide or device if he determines that such pesticide or device being imported into the United States violates the provisions of the Act. The Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any pesticide or device refused delivery which shall not be exported by the consignee within 90 days from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe. Under the customs Regulations for the enforcement of Section 17(c) of the FIFRA as amended, the District Director of Customs may, however, release shipments to the importer or his agent prior to examination of the shipment by the Administrator. This is done under a customs bond in the amount and under the terms prescribed in Section 17(c) of the Act. Such shipments released to the importer under bond shall not be used or otherwise disposed of until determination is made by the Administrator.

B. Detention Procedure

When, on the basis of available information or actual examination, it is determined that a shipment should be detained because of nonregistration or obvious labeling violations,

the region shall prepare and issue to the importer a Notice of Detention and Hearing (Exhibit 1). A copy of this Notice should be sent to the District Director of Customs at the port of entry.

NOTE: AN EFFORT SHOULD BE MADE TO DETERMINE THE NAMES AND ADDRESSES OF THE CUSTOMS IMPORT COMPLIANCE OFFICERS OR COMMODITY SPECIALISTS WHO DEAL WITH EPA AT EACH PORT OF ENTRY.

C. Disposition Procedures

If through examination of the product or otherwise, it can be determined that the product has been brought into compliance with the Act, a Release Notice should be issued to the importer with a copy sent to the District Director of Customs of the port of entry. (Exhibit 2)

If the product has not been brought into compliance with the Act, a Notice of Refusal of Admission should be issued to the importer with a copy sent to the District Director of Customs at the port of entry. The District Director of Customs shall refuse entry of the product and shall cause the destruction of the product if not exported by the importer within 90 days from the date of such Notice of Refusal of Admissions. (Exhibit 3) If the product has been released to

the importer under bond, the District Director of Customs shall take action to enforce the terms of the bond.

If the District Director of Customs finds it necessary to request forfeiture of an importer's bond because the product was not held intact as required, he may ask EPA to determine the amount to be levied against the importer's bond. Penalties should be determined according to the severity of the violations and the reasons why the product was not available for redelivery.

NOTICE OF DETENTION AND HEARING

I.D. No.

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, examination of samples or other evidence indicates that the following shipment is in violation of the Act. The merchandise should continue to be held intact pending a final decision as to whether it shall be admitted or refused admission.

Pursuant to Section 17(c) of the Act, you are hereby afforded an opportunity to offer such explanation as you wish for consideration by this Agency. Your answer, in duplicate, signed by you or your attorney, should be filed with this office within 20 days after the receipt of this notice. Should you desire to present your views orally, in addition to filing a written reply, you should so advise in your answer in order that a date may be set for such presentation, which would be held here.

I. D. No(s). Product Name(s)

Date of Importation

Consignee

Shipper/Manufacturer

Entry No. Date Port of Entry

Upon examination it appears that the product(s) failed to comply with the provisions of the Act, a copy of which is enclosed.

Sincerely yours,

Name
Title

Exhibit 1

RELEASE NOTICE

I. D. No.

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, consideration of the following shipment has been completed. Based on the examination of samples or other evidence, it is concluded that pursuant to Section 17(c) of the Act the merchandise need not be further detained.

I. D. No(s). Product Name(s)

Shipper/Manufacturer

Consignee

Entry No. Date Port of Entry

Amount

This notice does not constitute assurance that the merchandise involved complies with all provisions of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, and in no way precludes future action should it be determined that the merchandise is violative.

Sincerely yours,

Name
Title

Exhibit 2

NOTICE OF REFUSAL OF ADMISSION

I. D. No.

Company
Street
City

Gentlemen:

In connection with the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, examination of samples or other evidence has been made with respect to the following shipment and an opportunity for a hearing has been granted you:

I. D. No(s). Product Name(s)

Date of Importation

Shipper/Manufacturer

Consignee

Entry No. Date Port of Entry

It appears that the product(s) is (are) not in compliance with the Act and is (are) subject to refusal of admission due to the following violations:

You are hereby notified that admission of the merchandise is refused. This merchandise must be exported under Customs' supervision within 90 days from the date of this notice or within such additional time as the District Director of Customs specifies. Failure to do so may result in destruction of the merchandise as authorized by the statute; or if the shipment has been released to you under bond, any action necessary to enforce the terms of said bond.

Sincerely yours,

Name
Title

Exhibit 3

SECTION 21

GENERAL PROCEDURES

GENERAL PROCEDURES

I. Carbon copies

A. Distribution

Carbon copies of all enforcement actions should be distributed to the:

1. ID file
2. Reader's file
3. Company file
4. Sampling inspector
5. Sampling inspector's supervisor
6. Regional coordinator, who will forward the copy to the Registration Division

B. The following items should be typed at the bottom of all carbon copies: (Exhibit 1)

1. The distribution list
2. The sample's project code
3. The product registration number or File Symbol

II. Newsletter Items

The Regional Coordinator will prepare Newsletter Items when civil or criminal proceedings are completed. The Region will furnish the Regional Coordinator with all necessary information.

III. Press Releases

Once a region has prepared a press release for local distribution, the press release should be telecopied to the Regional Coordinator. The Regional Coordinator will forward the press release to the Publication and Information Section for national publication.

IV. Request for Portion of the Official Sample

When a firm makes a request, in writing, by telephone, or conference, for a portion of the official sample for analytical and/or efficacy testing, the laboratory where the sample is being stored must be notified of this request. The Region will forward a completed "Request for Portion of the Official Sample" along with a copy of the letter or telephone memorandum to the Director of the appropriate laboratory. (Exhibits 2a,b). A copy of this completed "Reguest for Portion of the Official Sample" will also be sent to the Regional Coordinator. Another copy should be placed in the ID jacket.

Pesticides Enforcement Division

Cenol Company, Inc.
Attention: Mr. James A Kocinski
3240 West Chicago Avenue
Chicago, Illinois 60651

Gentlemen:

Subject: ID No. 103228 - NEW! CENOL PRESSURIZED SELF-SPRAYING FOR HOUSEHOLD USE ANT AND ROACH KILLER

Reference is made to your letters of December 26 and 27, 1972.

As requested, we have instructed our laboratory to send you a portion of the official sample in question for your individual testing. The portion of the official sample has been forwarded to your company on January 29, 1973, under separate cover.

The Agency has decided to hold this case open for further consideration.

Sincerely yours,

A. E. Conroy II
Director

cc:
ID file
Reader's file
Company file
Sampling inspector
Sampling inspector's supervisor
Reg. No. 524-34
Project code: M-3

Exhibit 1

REQUEST FOR PORTION OF THE OFFICIAL SAMPLE

Date: _____

Subject: ID _____ (Number), _____ (Name of Product)

To: Director

Please ask the _____ (Location) _____ (Discipline) Laboratory

to send a portion of above-named official sample to:

_____
(Name)

_____
(Company)

_____
(Address)

This sample was requested by _____ (Name) _____ (Company)

for use in _____ (analytical, effectiveness, phototoxicity, etc.) testing,

as noted on the attached copy of the letter/telephone memorandum.

Exhibit 2a

REQUEST FOR PORTION OF THE OFFICIAL SAMPLE

Date: January 1, 1973

Subject: ID 98006 (Number), Malathion 10% (Name of Product)

To: Herbert S. Hoover Director

Please ask the Beltsville (Location) Chemistry (Discipline) Laboratory

to send a portion of above-named official sample to:

James E. Varle
(Name)

Two's Analytical Laboratory
(Company)

2407 Eighth Avenue, Once, MN 42073
(Address)

This sample was requested by Donald White (Name) White's Chemical Com. (Company)

for use in analytical (analytical, effectiveness, phototoxicity, etc.) testing,

as noted on the attached copy of the letter/telephone memorandum.

John Lundy,
Chief, Pesticides Branch - EPA Region XII

Exhibit 2b

Lystads, Inc.
Attention: Mr. R. G. Miner
901 University Avenue
Grand Forks, North Dakota 58201

Gentlemen:

Subject: I.D. No. 74484 - LYSTADS GRAIN FUMIGANT 73

Reference is made to your letter of November 10, 1970. The application for registration and labeling enclosed with your letter are being forwarded to the Registration Branch for review.

Further interstate shipments of this unregistered product would be in violation of the Act. Therefore, it is suggested that no relabeling of your present stocks be made until the finished label has been accepted. When registration has been completed, a paper label which conforms to the one accepted, could be glued over the labeling which is lithographed on your present stocks of this material.

With respect to reviewing and registering products, we are not familiar with any firms which provide such a service. However, the Registration Division Office of Pesticides Programs is available to answer any questions which you have regarding product registration. Any further correspondence should be addressed to Mr. Alvin K. Chock, Chief Application Records Control Branch, Registration Division, Environmental Protection Agency, Washington, D. C., 20250.

Sincerely yours,

Exhibit 5

National Laboratories
Attention: Mr. Michael I. GAstman
Lehn & Fink Industrial Products
Division of Sterling Drug, Inc.
225 Summit Avenue
Montvale, New Jersey 07645

Gentlemen:

Subject: I.D. No. 62053 - DUEL DISINFECTANT DEODORANT
I.D. No. 63195 - DUEL DISINFECTANT DEODORANT
I.D. No. 66589 - DUEL DISINFECTANT DEODORANT
I.D. No. 73186 - DUEL DISINFECTANT DEODORANT
I.D. No. 78836 - DUEL DISINFECTANT DEODORANT

Whis will acknowledge comments made in your letter of March 17, 1970.

Draft copies of the label bearing the proposed changes should be submitted to the Registration Division Office of Pesticides Programs for review. We are enclosing PR Form 9-198, for use in application for amended registration of the product.

Any further correspondence relating to registration and labeling for this product should be addressed to Mr. Alvin K. Chock, Chief Application Records Control Branch, Registration Division, Environmental Protection Agency, Washington, D. C., 20250.

Sincerely yours,

Exhibit 6

SECTION 22

SAMPLE RECORD STATUS AND PERMANENT ABEYANCE PROCEDURES

22A SAMPLE RECORD STATUS

1. Active
2. Abeyance
3. Permanent Abeyance

22B PERMANENT ABEYANCE (PA) PROCEDURES

1. Types of PA
2. PA Procedure
   a. PA without action
   b. PA with action

22C RECORDS RETIREMENT AND RETRIEVAL

SECTION 22

SAMPLE RECORD STATUS AND PERMANENT ABEYANCE PROCEDURES

The purpose of this section is to set forth guidelines for placing sample records in different categories of activity. It also gives guidance on retiring inactive records.

22A SAMPLE RECORD STATUS

For Record Management purposes, sample record cases are placed in three categories.

1. Active

   A sample record file is considered active throughout the testing and review period and until it is determined that no enforcement action is indicated or until all enforcement actions and correspondence have been concluded.

2. Abeyance

   After it has been determined that no enforcement action is indicated or after all enforcement actions and correspondence have been concluded, but the file needs to be retained for reference, the sample record is considered to be in an abeyance status.

3. Permanent Abeyance (PA)

   When correspondence is no longer being carried on with the firm, no further action is expected or possible, and the case is closed, the case is then placed in permanent abeyance.

   In the instance of notice of warning letters, if no reply from the firm is received within 90 days, the sample record is removed from the active file and permanent abeyance procedures are initiated.

22B PERMANENT ABEYANCE (PA) PROCEDURES

1. Types of PA

   a. PA without action - Refers to the placing of a sample record in permanent abeyance because the sample is chemically and biologically satisfactory and meets all the labeling requirements of the Act.

b. PA with action - Refers to the placing of a sample record in permanent abeyance after enforcement action has been concluded.

2. PA Procedure

a. PA without action - If examination of the sample record reveals that no enforcement action is warranted:

(1) Mark "PA" and the date on the face of the Sample Record Jacket.

(2) Prepare Pesticides Enforcement Management Sustem (PEMS) PA Form. Enter the sample number, date the sample was put into permanent abeyance and the file location. Enter data into PEMS.

(3) Printouts listing samples that have been put in permanent abeyance will be made available to the Regional Offices through PEMS on a monthly basis. The Regional Offices will supply the laboratories that analyzed the sample with a copy of the PA listing. THIS IS IMPORTANT - It notifies the respective laboratories that the file has been closed and that the sample can be disposed of in accordance with the appropriate disposal method.

b. PA with action - When it is determined that no further action is necessary after an enforcement action and subsequent followup then:

Follow steps (1), (2), and (3) as outlined above under PA without action.

22C RECORDS RETIREMENT AND RETRIEVAL

The EPA records disposition program is designed to provide for the regular removal from valuable office space of all records and nonrecord materials which are no longer essential for current operations, and for the systematic release of filing equipment for reuse. At regular intervals PA'ed Sample Records be transferred to the appropriate federal records center.

SECTION 24

INTERAGENCY COOPERATION

INTERAGENCY COOPERATION

In pursuing pesticides enforcement activities, pesticides personnel come in contact with other government agencies which are directly or indirectly involved with pesticides. Cooperation with these agencies will aid pesticides personnel in areas where they will not be able to act alone. Needless to say, all activities conducted with personnel from these agencies should be handled with courtesy, tact, diplomacy, and good judgment. The agencies most often consulted and/or contacted are the following:

1. United States Department of Justice - All criminal cases and seizure actions must be filed by the U. S. Attorney in the appropriate District Court. EPA will assist the U. S. Attorney as necessary in the preparation and prosecution of criminal cases. Close liaison with the U. S. Attorney should be maintained in order to keep informed of the status of all court actions.
2. United States Bureau of Customs - To make for more effective enforcement of the FIFRA at ports of entry with a minimum of cost and duplication of effort, EPA and the Bureau of Customs operate under a working arrangement whereby better protection is achieved than by the two agencies operating separately. The Bureau of Customs notifies the appropriate regional pesticides personnel of pesticides and devices being imported into

the United States and detains all such shipments until notified by pesticides personnel that the shipment may be released.

3. Federal Trade Commission - Liaison has been established between EPA and the FTC in order to avoid possible conflict or duplication of efforts in the administration of the FIFRA and the Federal Trade Commission Act as they apply to pesticides. In general, pesticide advertising, other than labeling, in periodicals and by television or radio is handled by the Federal Trade Commission. However, both agencies reserve the right to fully use their respective regulatory powers when necessary to protect the public interest.

4. Food and Drug Administration - FDA grants a tolerance or an exemption on all pesticide products proposed for use in a manner which is likely to result in residues in or on food or feed. FDA surveillance programs include the collection and examination of samples as well as such inspections as are necessary in the growing areas. With the addition of the "misuse" provisions to the amended FIFRA, closer coordination and cooperation will be necessary between EPA and FDA to gather information to enforce this part of the Act.

SECTION 25

STATE COOPERATION

STATE COOPERATION

Section 23 of the FIFRA as amended October 21, 1972, authorizes EPA to enter into cooperative agreements with States. Authority may be delegated through the Administrator to cooperate in the enforcement of the Act through the use of its personnel or facilities, to train State personnel to cooperate in the enforcement of the FIFRA, and to assist States in implementing cooperative enforcement programs through grants-in-aid. State agencies may also be assisted in developing and administering their own programs for the training and certification of applicators consistent with EPA standards.

EPA also has the authority to enter into contracts with Federal or State agencies for the purpose of encouraging the training of certified applicators. EPA may also, in cooperation with the Secretary of Agriculture, utilize the services of the Cooperative State Extension Services for informing farmers of accepted uses and other regulations made pursuant to FIFRA as amended.

APPENDIX

REFERENCE LIST FOR REGIONAL OFFICES

1. THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT
   (61 STAT. 163; 7 U.S.C. 135-135k)
   OCTOBER 1, 1964

2. REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT
   (TITLE 7, CH. III, PT. 362 OF THE CODE OF FEDERAL REGULATIONS) AS AMENDED AUGUST 29, 1964

3. FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1972
   PUBLIC LAW 92-516

4. INSPECTORS MANUAL

5. MANUAL OF BIOLOGICAL TESTING METHODS FOR PESTICIDES AND DEVICES

6. ACCEPTABLE COMMON NAMES AND CHEMICAL NAMES FOR THE INGREDIENT STATEMENT ON PESTICIDE LABELS
   SECOND EDITION JUNE, 1972

7. GUIDELINES FOR REGISTERING PESTICIDES IN THE UNITED STATES
   SECOND PRELIMINARY EDITION AUGUST, 1972

8. EPA COMPENDIUM OF REGISTERED PESTICIDES
   5 VOLUMES

TABLE FOR NUMBERING SYSTEM

E 1- 50	Notice of Contemplated Proceedings charges for violations on or after 10/22/72
E 51- 65	Statements included in Notices of Contemplated Proceedings
E 66- 75	Statements included with Notices of Contemplated Proceedings
E 76- 85	Statements included in Notices of Warning
E 86-100	Closings for Notices of Warning
E 101-125	Statements included in correspondence
E 126-150	Closings for correspondence following Notices of Contemplated Proceedings
E 151-175	Closings for correspondence following Notice of Warning
E 201-250	Citation charges for violations prior to 10/22/72
E 251-265	Statements included in old citation
E 266-275	Statements included with old citation on attached sheets
E 276-	Statements included in Notice of Warning under the registration provisions of the old FIFRA

CITATION CHARGES FOR VIOLATIONS
OCCURING ON OR AFTER OCTOBER 22, 1972

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE PESTICIDE WAS:

E1. Not registered under Section 4 of the Act. [7 U.S.C. 135a(a)(1), 135b]

E2. Misbranded in that the label did not bear on the front panel or the part of the label displayed under customary conditions of purchase the warning or caution statement "Keep out of reach of children," and a signal word such as "Caution." [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (G), 86 Stat. 977]

E3. Misbranded in that the label did not bear a warning or caution statement which is necessary and, if complied with, adequate to protect health and the environment. [12(a) (1) (E), 86 Stat. 990; 2 (q) (1) (G), 86 Stat. 977]

E4. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate to protect health and the environment. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (F), 86 Stat. 977]

E5. Misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (A), 86 Stat. 977; 7 U.S.C. 135(o)]

E6. Misbranded in that the ingredient statement did not appear on that part of the immediate container of the retail package (front panel) which is presented or displayed under customary conditions of purchase. [12(a) (1) (E), 86 Stat. 990; 2 (q) (2) (A), 86 Stat. 977]

E7. Misbranded in that the term "Inert Ingredients" appeared in smaller sized type and was less prominent than the term, "Active Ingredients." [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (A), 86 Stat. 977]

E8. Misbranded in that the label stated in part: (particular false or misleading claims). [12(a) (1) (E), 86 Stat. 990; 2 (q) (1) (A), 86 Stat. 977]

E9. Misbranded in that the label borne by the product failed to bear the registration number assigned. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (C) (v), 86 Stat. 978]

E10. Misbranded in that the label borne by the product did not bear the required statement of net weight or measure of content. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (C) (iii), 86 Stat. 978]

E11. Misbranded in that the label borne by the product did not bear a statement giving the name and address of the producer, registrant, or person for whom manufactured. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (C) (i), 86 Stat. 978]

E12. Misbranded in that the label borne by the product did not bear a statement giving the name, brand, or trademark under which the product was sold. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (C) (ii), 86 Stat. 978]

E13. Misbranded in that the labeling bore a statement as to the safety of the product which is false or misleading. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (A), 86 Stat. 977]

E14. Misbranded in that the precautionary labeling on the front panel was not prominently placed theron with such conspicuousness as to render it likely to be read under customary conditions of purchase. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (E), 86 Stat. 977]

E15. Misbranded in that the product is an imitation of, or is offered for sale under the name of, another pesticide. [12(a) (1) (E), 86 Stat. 990; 2(q) (1) (C), 86 Stat. 977]

E16. Misbranded in that the product contains a substance in quantities highly toxic to man and the label fails to bear required symbols or statements. [12(a) (1) (E), 86 Stat. 990; 2(q) (2) (D), 86 Stat. 978]

E17. In violation in that the claims made for the product (and/or where appropriate the directions for its use) differed in substance from the representations made in connection with its registration.[7 U.S.C. 135a(a) (1)]

E.8. In violation in that the composition of the product differed from the composition as represented in connection with its registration. [7 U.S.C. 135a(a) (1)]

E19. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [12(a) (1) (E), 86 Stat. 990; 2(c) (1), 86 Stat. 975]

E20. Adulterated in that another substance, namely (name of substance), had been substituted wholly or in part for the article. [12(a) (1) (E), 86 Stat. 990; 2(c) (2), 86 Stat. 975]

E21. Adulterated in that valuable constituent of the pesticide had been wholly or in part abstracted. [12(a) (1) (E), 86 Stat. 990; 2(c) (3), 86 Stat. 975]

E22. Not colored or discolored as required. [12(a) (1) (D), 86 Stat. 990]

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT THE DEVICE WAS:

E23. Misbranded in that its labeling bore a statement which was false or misleading. [7 U.S.C. 135a(a) (5), 135(z) (1)]

PERSON FAILED TO COMPLY WITH THE PROVISIONS OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT IN THAT:

E24. Detached, altered, defaced, or destroyed, in whole or in part, labeling required under the Act. [12(a) (2) (A), 86 Stat. 990]

E25. Refused to furnish or permit access to records as authorized by Section 5 of the Act. [7 U.S.C. 135a(c) (2)]

E26. Refused to allow inspection of establishment or refused to allow the sampling of a pesticide (or device). [12(a) (2) (B), 86 Stat. 990]

E27. Gave a guaranty or undertaking which was false. [12(a) (2) (C), 86 Stat. 990]

E28. Used a registered pesticide in a manner inconsistent with its labeling. [12(a) (2) (G), 86 Stat. 990]

E29. Used a pesticide which was under an experimental use permit contary to the provisions of the permit. [12(a) (2) (H), 86 Stat. 990]

E30. Violated a "stop sale, use, or removal" order. [12(a) (2) (I), 86 Stat. 990]

E31. Violated a suspension order. [12(a) (2) (J), 86 Stat. 990]

E32. Violated a cancellation of registration. [12(a) (2) (K), 86 Stat. 990]

E33. Violated a provision of Section 7 of the Act in that the establishment where the pesticide was produced was not registered. [12(a) (1) (L), 86 Stat. 991]

E34. Knowingly falsified all or part of an application for registration, an application for experimental use permit, or other information marked as confidential and submitted to the Administrator. [12(a) (2) (M), 86 Stat. 991]

E35. Added a substance to, or took a substance from, a pesticide in a manner defeating the purpose of the Act. [12(a) (2) (O), 86 Stat. 991]

E36. Used a pesticide in tests on human beings in violation of the Act. [12(a) (2) (P), 86 Stat. 991]

E-51. The product is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Insecticide)	(1)	Sec. 2(o), 2(t), and 2(u) of the Act.
(Fungicide Bactericide)	(2)	Sec. 2(k), 2(t), and 2(u) of the Act.
(Rodenticide)	(3)	Sec. 2(t) and 2(u) of the Act.
(Herbicide)	(4)	Sec. 2(t), 2(u), and 2(cc) of the Act.
(Insecticide and Fungicide)	(5)	Sec. 2(k), 2(o), 2(t), and 2(u) of the Act.
(Algaecide)	(6)	Sec. 2(t) and 2(u) of the Act.
(Animal Repellents)	(7)	Sec. 2(d), 2(t), and 2(u) of the Act.
(Nematocide)	(8)	Sec. 2(r), 2(t), and 2(u) of the Act.

E-52. The product is a device within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Device) Sec. 2(h) of the Act.

E-53. The violation alleged herein constitutes a repeated violation by your company. It is emphasized that in our further consideration of this matter, particular attention will be given to (1) the explanation for the alleged violation, and (2) the assurances which may be given that the alleged violation will not recur.

E-54. (a) The marketing of this product without benefit of registration is in violation of the Act. (b) We are enclosing PR Form 9-199 for use in application for registration of the product.

E-55. The establishment is a producer within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to Sec. 2(s), 2(w), and 2(dd) of the Act.

E-56. (a) The production of a pesticide in an establishment which is not registered pursuant to Section 7 of the Act is in violation of the Act. (b) Enclosed is an application for registration of the establishment.

E-66. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any seizure action which may have been instituted in any United States District Court.

E-67. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any stop, sale, use, or removal order which may have been issued by this Agency.

E-68. This notice is given pursuant to Section 9 of the Act. It is separate from and should not be confused with any request for recall involving this product.

E-76. The marketing of (a. this product) (b. these products) without benefit of registration for the distributor (is/are) in violation of the Act. We are enclosing PR Form 9-1 for use in application for supplemental registration for the distributor(s).

E-77. This letter is being sent to you since you are the (registrant/manufacturer) of the (a. product) (b. products) and therefore in the best position to initiate corrective action.

E-86. You should assure yourself that all necessary corrections are made and that any further marketing of (a. this product) (b. these products) is in full compliance with the provisions of the Act. Any additional information that you wish to submit will be included in the file regarding this matter.

E-87. Since your company has taken action to correct (a. this type of violation) (b. these types of violations), we do not contemplate further proceedings at this time. You should assure yourself that any further marketing of (a. this product) (b. these products) complies with all provisions of the Act.

E-88. Please inform us of the action you will take in this matter.

E-101. A seized product may be disposed of only in accordance with Section 13(c) of the Act. This section authorizes release of a seized product to its owner after condemnation of the product and upon payment of court costs and delivery of a bond conditioned that the product shall not be sold or otherwise disposed of contrary to the provisions of the Act. We would not object to release of the compliance with the Act. Such procedure must be agreeable to the United States Attorney and Court.

E-102. We note the steps taken by your company to withdraw this lot of material from the market. When your recall action is completed, please inform us of the amount and disposition of any material returned.

E-103. Any further correspondance relating to registration and labeling for (this/these) product(s) should refer to _____-_____, and be addressed to Mr. Alvin K. Chock, Chief, Application/Records Control Branch, Registration Division, Environmental Protection Agency, Washington, D. C. 20250.

E-126. The Agency has decided to hold this case open for further consideration.

E-127. Your comments concerning the violation of the Act have been made a part of the official file for your company and will be considered in our further review of this matter.

E-128. The Agency has decided to take no further action in this case. This decision relates to the specific case in question and does not bar action on other cases should circumstances warrant.

This letter is intended to serve as a notice of warning within the meaning of Section 9 of the Act.

E-129. The Agency has decided to take no further action in these cases. This decision relates to the specific cases in question and does not bar action on other cases should circumstances warrant.

This letter is intended to serve as a notice of warning within the meaning of Section 9 of the Act.

E-151 We have decided to take no further action in (a. this case) (b. these cases). This decision relates to the specific (c. case) (d. cases) in question and does not bar action on other cases should circumstances warrant.

E-152. We have closed our files in (a. this case) (b. these cases).

201. In that the product was not registered under Section 4 of the Act. [7 U.S.C. 135a(a) (1); 135b]

202. Misbranded in that the label did not bear on the front panel or the part of the label displayed under customary conditions of purchase the warning or caution statement "Keep out of reach of children" and a signal word such as "Caution." [7 U.S.C. 135a(a) (5); 135(z) (2) (d); 40 CFR 162.9]

203. Misbranded in that the label did not bear a warning or caution statement which is necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals, vegtation, and useful invertebrate animals. [7 U.S.C. 135(a) (5); 135(z) (2) (d)]

204. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public. [7 U.S.C. 135a(a) (5); 135(z) (2) (c)]

205. Misbranded in that when used as directed or in accordance with commonly recognized practice, the product would be injurious to living man or other vertebrate animals. [7 U.S.C. 135a(a) (5); 135(z) (2) (g)]

206. Misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients. [7 U.S.C. 135a(a) (5); 135(z) (2) (e); 135(o)]

207. Misbranded in that the ingredient statement did not appear on that part of the immediate container of the retail package (front panel) which is presented or displayed under customary conditions of purchase. [7 U.S.C. 135a(a) (5); 135(z) (2) (e)]

208. Misbranded in that the term "Inert Ingredients" appeared in smaller sized type and was less prominent than the term, "Active Ingredients." [7 U.S.C. 135a(a) (5) 135(z) (2) (e); 135(o); 40 CFR 162.7(d)]

209. Misbranded in that the label stated in part: [7 U.S.C. 135a(a) (5); 135(z) (1)]

210. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [7 U.S.C. 135a(a) (5); 135(y)]

211. Adulterated in that another substance, namely (Name of Substance), had been substituted wholly or in part for the article. [7 U.S.C. 135a(a) (5) 135(y)]

212. In that the label borne by the product failed to bear the registration number assigned. [7 U.S.C. 135a(a) (2) (d); 40 CFR 162.6(f)]

213. In that the label borne by the product did not bear a statement of net weight or measure of content. [7 U.S.C. 135a(a) (2) (c)]

214. In that the net weight or measure of content was not stated in terms of the largest unit present. [7 U.S.C. 135a(a) (2) (c); 40 CFR 162.6(e)]

215. In that the claims made for the product and the directions for its use differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a) (1)]

216. In that the claims made for the product differed in substance from the representations made in connection with its registration. (7 U.S.C. 135a(a) (1)]

217. In that the composition of the product differed from the composition as represented in connection with its registration. [7 U.S.C. 135a(a) (1)]

218. In that the label borne by the product did not bear a statement giving the name and address of the manfacturer, registrant, or person for whom manufactured. [7 U.S.C. 135a(a) (1)]

219. In that the label borne by the product did not bear a statement giving the name, brand, or trademark under which the product was sold. [7 U.S.C. 135a(2) (b)]

220. Misbranded in that the label bore a statement as to the safety of the product which is false or misleading. [7 U.S.C. 135(a) (5); 135(z) (1); 40 CFR 162.14(a) (5)]

221. Misbranded in that the precautionary labeling on the front panel was not prominently placed thereon with such conspicuousness as to render it likely to be read under customary conditions of purchase. [7 U.S.C. 135a(a) (5) 135(z) (2) (f)]

E-251. The product is an economic poison within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Insecticide)	(1)	Sec. 2a, 2c, and 2m of the Act, and Paragraph 362.2(c) of the Regulations.
(Fungicide Bactericide	(2)	Sec. 2a, 2d, and 2n of the Act, and Paragraphs 362.2(c) and 362.2(d) of the Regulations.
(Rodenticide)	(3)	Sec. 2a and 2c of the Act, and Paragraph 362.2 (c) of the Regulations.
(Herbicide)	(4)	Sec. 2a, 2f, and 21 of the Act, and Paragraphs 362.2(c) and 362.2(e) of the Regulations.
(Insecticide & Fungicide)	(5)	Sec. 2a, 2c, 2d, 2m, and 2n of the Act and Paragraphs 362.2(c) and 362.2(d) of the Regulations.
(Algaecide)	(6)	Sec. 2a of the Act and Paragraphs 362.2(c) and 362.2(e) of the Regulations.
(Animal Repellents)	(7)	Sec. 2a of the Act and Paragraph 362.2(c) of the Regulations.
(Nematocide)	(8)	Sec. 2a, 2g, and 2k of the Act and Paragraphs 362.2(c) and 362.2(f) of the Regulations.

E-252. The product is a device within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Device) Sec. 2(b) of the Act and Paragraph 362.14(a) of the Regulations.

E-253. (a) Interstate shipments of this product without benefit of registration are in violation of the Act. (b) We are enclosing PR Form (9-199) for use in application for registration of the product.

E-266 This notice is given pursuant to Section 6 of the Act (7 U.S.C. 135d). It is separate from and should not be confused with any seizure action which may have been instituted in any United States District Court.

E-267 This notice is given pursuant to Section 6 of the Act. It is separate from and should not be confused with any stop sale, use, or removal order which may have been issued by this Agency.

E-268 This notice is given pursuant to Section 6 of the Act (7 U.S.C. 135d). It is separate from and should not be confused with any request for recall involving this product.

E-276 Interstate shipments of (a. this product) (b. these products) without benefit of supplemental registration for the distributor are in violation of the Act. An application for supplemental registration, PR Form 901, is enclosed.

E-126. The Agency has decided to hold this case open for further consideration.

E-127. Your comments concerning the violation of the Act have been made a part of the official file for your company and will be considered in our further review of this matter.

E-128. The Agency has decided to take no further action in this case. This decision relates to the specific case in question and does not bar action on other cases should circumstances warrant.

This letter is intended to serve as a notice of warning within the meaning of Section 9 of the Act.

E-129. The Agency has decided to take no further action in these cases. This decision relates to the specific cases in question and does not bar action on other cases should circumstances warrant.

This letter is intended to serve as a notice of warning within the meaning of Section 9 of the Act.

E-151 We have decided to take no further action in (a. this case) (b. these cases). This decision relates to the specific (c. case) (d. cases) in question and does not bar action on other cases should circumstances warrant.

E-152. We have closed our files in (a. this case) (b. these cases).

201. In that the product was not registered under Section 4 of the Act. [7 U.S.C. 135a(a) (1); 135b]

202. Misbranded in that the label did not bear on the front panel or the part of the label displayed under customary conditions of purchase the warning or caution statement "Keep out of reach of children" and a signal word such as "Caution." [7 U.S.C. 135a(a) (5); 135(z) (2) (d); 40 CFR 162.9]

203. Misbranded in that the label did not bear a warning or caution statement which is necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals, vegtation, and useful invertebrate animals. [7 U.S.C. 135(a) (5); 135(z) (2) (d)]

204. Misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public. [7 U.S.C. 135a(a) (5); 135(z) (2) (c)]

205. Misbranded in that when used as directed or in accordance with commonly recognized practice, the product would be injurious to living man or other vertebrate animals. [7 U.S.C. 135a(a) (5); 135(z) (2) (g)]

206. Misbranded in that the label borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients. [7 U.S.C. 135a(a) (5); 135(z) (2) (e); 135(o)]

207. Misbranded in that the ingredient statement did not appear on that part of the immediate container of the retail package (front panel) which is presented or displayed under customary conditions of purchase. [7 U.S.C. 135a(a) (5); 135(z) (2) (e)]

208. Misbranded in that the term "Inert Ingredients" appeared in smaller sized type and was less prominent than the term, "Active Ingredients." [7 U.S.C. 135a(a) (5) 135(z) (2) (e); 135(o); 40 CFR 162.7(d)]

209. Misbranded in that the label stated in part: [7 U.S.C. 135a(a) (5); 135(z) (1)]

210. Adulterated in that its strength or purity fell below the professed standard or quality under which it was sold. [7 U.S.C. 135a(a) (5); 135(y)]

211. Adulterated in that another substance, namely (Name of Substance), had been substituted wholly or in part for the article. [7 U.S.C. 135a(a) (5) 135(y)]

212. In that the label borne by the product failed to bear the registration number assigned. [7 U.S.C. 135a(a) (2) (d); 40 CFR 162.6(f)]

213. In that the label borne by the product did not bear a statement of net weight or measure of content. [7 U.S.C. 135a(a) (2) (c)]

214. In that the net weight or measure of content was not stated in terms of the largest unit present. [7 U.S.C. 135a(a) (2) (c); 40 CFR 162.6(e)]

215. In that the claims made for the product and the directions for its use differed in substance from the representations made in connection with its registration. [7 U.S.C. 135a(a) (1)]

216. In that the claims made for the product differed in substance from the representations made in connection with its registration. (7 U.S.C. 135a(a) (1)]

217. In that the composition of the product differed from the composition as represented in connection with its registration. [7 U.S.C. 135a(a) (1)]

218. In that the label borne by the product did not bear a statement giving the name and address of the manfacturer, registrant, or person for whom manufactured. [7 U.S.C. 135a(a) (1)]

219. In that the label borne by the product did not bear a statement giving the name, brand, or trademark under which the product was sold. [7 U.S.C. 135a(2) (b)]

220. Misbranded in that the label bore a statement as to the safety of the product which is false or misleading. [7 U.S.C. 135(a) (5); 135(z) (1); 40 CFR 162.14(a) (5)]

221. Misbranded in that the precautionary labeling on the front panel was not prominently placed thereon with such conspicuousness as to render it likely to be read under customary conditions of purchase. [7 U.S.C. 135a(a) (5) 135(z) (2) (f)]

E-251. The product is an economic poison within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Insecticide)	(1)	Sec. 2a, 2c, and 2m of the Act, and Paragraph 362.2(c) of the Regulations.
(Fungicide Bactericide	(2)	Sec. 2a, 2d, and 2n of the Act, and Paragraphs 362.2(c) and 362.2(d) of the Regulations.
(Rodenticide)	(3)	Sec. 2a and 2c of the Act, and Paragraph 362.2 (c) of the Regulations.
(Herbicide)	(4)	Sec. 2a, 2f, and 21 of the Act, and Paragraphs 362.2(c) and 362.2(e) of the Regulations.
(Insecticide & Fungicide)	(5)	Sec. 2a, 2c, 2d, 2m, and 2n of the Act and Paragraphs 362.2(c) and 362.2(d) of the Regulations.
(Algaecide)	(6)	Sec. 2a of the Act and Paragraphs 362.2(c) and 362.2(e) of the Regulations.
(Animal Repellents)	(7)	Sec. 2a of the Act and Paragraph 362.2(c) of the Regulations.
(Nematocide)	(8)	Sec. 2a, 2g, and 2k of the Act and Paragraphs 362.2(c) and 362.2(f) of the Regulations.

E-252. The product is a device within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, a marked copy of which is enclosed. Please refer to:

(Device) Sec. 2(b) of the Act and Paragraph 362.14(a) of the Regulations.

E-253. (a) Interstate shipments of this product without benefit of registration are in violation of the Act. (b) We are enclosing PR Form (9-199) for use in application for registration of the product.

E-266 This notice is given pursuant to Section 6 of the Act (7 U.S.C. 135d). It is separate from and should not be confused with any seizure action which may have been instituted in any United States District Court.

E-267 This notice is given pursuant to Section 6 of the Act. It is separate from and should not be confused with any stop sale, use, or removal order which may have been issued by this Agency.

E-268 This notice is given pursuant to Section 6 of the Act (7 U.S.C. 135d). It is separate from and should not be confused with any request for recall involving this product.

E-276 Interstate shipments of (a. this product) (b. these products) without benefit of supplemental registration for the distributor are in violation of the Act. An application for supplemental registration, PR Form 901, is enclosed.

PESTICIDES ENFORCEMENT DIVISION

CASE PROCEEDINGS MANUAL

DATE: February 8, 1974	TRANSMITTAL 74-1

MATERIAL TRANSMITTED

Guidance Regarding Laboratory Tests

MANUAL MAINTENANCE

Remove	Insert
Old Page 4-2	New Page 4-2

EXPLANATION

This transmittal updates the original page 4-2, by providing a new address for obtaining the EPA Manual of Biological Testing Methods for Pesticides and Devices.

Entered 6/21/74

A. E. Conroy II
Director

DISTRIBUTION: All holders of the Case Proceedings Manual.

PESTICIDES ENFORCEMENT DIVISION

CASE PROCEEDINGS MANUAL

DATE: June 14, 1974 TRANSMITTAL 74-2

MATERIAL TRANSMITTED

Sample Record Status And Permanent Abeyance Procedures

MANUAL MAINTENANCE

Remove	Insert
Old Section 22	New Section 22

EXPLANATION

This transmittal revises and updates the entire Section 22. The revised portion sets forth new procedures for placing sample records in permanent abeyance.

A. E. Conroy II
Director

DISTRIBUTION: All holders of the Case Proceedings Manual.