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Federal Insecticide, Fungicide, and Rodenticide Act Enforcement: U.S. Environmental Protection Agency and Canton, Minnesota Dairy and Farm Association Enter into Expedited Settlement Agreement

06/01/2018

The United States Environmental Protection Agency ("EPA") and Preston Dairy & Farm Association, Incorporated, ("Association") entered into an Expedited Settlement Agreement and Final Order ("ESA") addressing an alleged violation of Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA").

The ESA states that the Association operates a facility in Canton, Minnesota.

Section 7(c) of FIFRA requires any producer operating a registered pesticide-producing establishment to inform EPA of the types and amounts of pesticides (and, if applicable, active ingredients used in producing pesticides):

- Which it is producing;
- Which it has produced during the past year;
- Which it has sold or distributed during the past year

Section 136e(c) provides that the required information be kept current and submitted to the EPA Administrator annually. Reporting requirements are found at 40 C.F.R. § 167.85(a) and (b). A producer is required to obtain, complete, and submit annually a pesticide reporting form supplied by EPA. See 40 C.F.R. § 167.85(c).

The ESA provides that the Association's annual report for calendar year 2017 submitted to EPA (on or about February 22, 2018) failed to contain product codes for reported production, as required by 40 C.F.R. § 167.85(c).

The Association is alleged to have failed to comply with Section 7(c) of FIFRA and 40 C.F.R. § 167.85 which constitutes a violation of Section 12(a)(2)(L) of FIFRA.

The Association neither admits nor denies the factual allegations of the ESA.

A civil penalty of \$400 is assessed.

A copy of the [ESA](#) can be downloaded here.

