UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 2 7 2016

REPLY TO THE ATTENTION OF
LC-8J

CERTIFIED MAIL
Receipt No. 7014 2870 0001 9580 6101

Ms. Anne Marie Sangemino
Creation Farm, Incorporated
2760 River Road
Frankfort, Michigan 46935

Re: Notice of Intent to File Administrative Complaint
against Creation Farm, Incorporated

Dear Ms. Sangemino:

The U.S. Environmental Protection Agency, Region 5 plans to file an Administrative Complaint for civil penalties against Creation Farm, Incorporated (you). We will allege that you violated Section 12(a)(1)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136j(a)(1)(A), by distributing or selling the unregistered pesticides **Bug-Me-Not Lotion**, **Bug-Me-Not insects and sun Lotion**, **Bug-Me-Not**, **Bug-Me-Not Mist** and **Pet Shampoo** on ten separate occasions. Based on information currently available to us, we plan to propose a penalty of $71,500 in the Complaint.

FIFRA governs the regulation of pesticides in the United States. Under FIFRA, all pesticides must be registered by EPA before they may be sold or distributed in commerce. FIFRA sets an overall risk/benefit standard for pesticide registration, requiring that pesticides perform their intended function, when used according to labeling directions, without posing unreasonable adverse effects on human health and the environment. In making pesticide registration decisions, EPA is required by law to take into account the economic, social, and environmental costs and benefits of pesticide uses.

This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the Complaint or a Final Order. Before filing the Complaint, we are giving you the opportunity to present any information that you believe we should consider. Relevant information might include evidence that you did not violate the law; evidence that you relied on compliance assistance from EPA or a state agency; evidence that we identified the wrong party; or financial data bearing on your ability to pay a penalty.

If you believe that you will be unable to pay a $71,500 penalty because of financial reasons, please send us certified, complete financial statements including balance sheets, income

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statements and all notes to the financial statements, and your company's signed income tax returns with all schedules and amendments, for the past three years.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

We may use any information you submit in support of an administrative, civil, or criminal action.

Within **ten calendar** days after you receive this letter, please send your response to:

Nidhi O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

We plan to file a Complaint against you twenty-one business days after you receive this letter unless you give us information that the complaint is not substantially justified.

If you have any questions, please telephone Ms. O'Meara at (312) 886-0568. Thank you for your prompt attention to this matter.

Sincerely,

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Mardi Klevs
Chief
Chemicals Management Branch
Land and Chemicals Division