CSI International Chicago Inc.
351 W. Touhy Ave
Des Plaines, IL 60018
PH. (630) 496-0120 FAX (630 496-0125
www.csichb.com

2/8/2011

FAX :312-582-5157

TO: EPA

ATTN: ESTRELLA CALVO

RE: AYF-0030875-5

Hi Estrella,

Attached please find form #7512 which provides evidence of export of products found to be unsuitable for import into the US under entry # AYF-0030875-5.

Please advise if you require additional information.

Regards,

Judy

Judy Morrel
CSI INTL CHICAGO INC.

30875

TRANSPORTATION ENTRY AND MANIFEST OF GOODS SUBJECT TO CUSTOMS INSPECTION AND PERMIT

U.S.CUSTOMS SERVICE

Entry No. V3891524372
Port 3802
Date 11/09/10

Entry No. 757373094
Class of Entry T.E. #62

PORT CODE NO. 39 FIRST U.S. PORT OF UNLADING 01 3802

PORT OF CHICAGO DATE 1/21/11

Entered or imported by KONGSKILDE INDUSTRIES INC, 2439 S MAIN ST BLOOMINGTON IL Importer/IRS # LANDSTAR IRS#23-218596200 to be shipped

In bond via (C.H.L. number) (Vessel or carrier) (Car number and initial) (Pier or station) consigned to

Customs Port Director [redacted] #3802 PORTHURON Final foreign destination SARNIA, CA #05520 (For exportations only)

Consignee PROTEKTA, 457 CAMPBELL, LUCKNOW, ONTARIO, CA N0G 2H0 (At customs port of exit or destination)

Foreign port of lading 40948 COPENHAGEN; KOBENH B/L No. CNRU901600152437 Date of sailing 10/01/10

(Above information to be furnished only when merchandise is imported by vessel)

Imported on the ATLANTIC CONTAINER LINE (Name of vessel or carrier and motive power) Flag on 11/02/10 (Date imported) via (Last foreign port)

Exported from DENMARK (Country) on 10/01/10 (Date) Goods now at H245 CHANNEL DISTRIBUTION CORPORATI (Name of warehouse, station, pier, etc.)

Marks and Numbers of Packages	Description and Quantity of Merchandise Number and Kind of Packages (Describe fully as per shipping papers)	Gross Weight in Pounds	Value (Dollars only)	Rate	Duty
STALDFIX	EPA REFUSED ENTRY OF THIS PRODUCT 11023 LB		$2324.00		
STALOSAN PASTE FDA REFUSED ENTRY		73 LB	$1109.00		
IMPORT INFORMATION					
CNRU901600152437					
CONTAINER # GCNU4606663					
I.T.# V3891524372 ATLANTIC CONTAINER LINE					
EXPORT INFORMATION					
TRUCK:LANDSTAR PCS 308					

G.O. No. Check if withdrawn for Vessel supplies (19 U.S.C. 1309)

CERTIFICATE OF LADING FOR TRANSPORTATION IN BOND AND/OR LADING FOR EXPORTATION FOR CHICAGO, IL #3901

WITH THE EXCEPTIONS NOTED ABOVE, THE WITHIN-DESCRIBED GOODS WERE:

Delivered to the Carrier named above, for delivery to the Customs Port Director at destination sealed with Customs seals Nos 308 Pcs

or the packages (were) (were not) labeled, or corded and sealed.

Laden on the - (Vessel, vehicle, or aircraft)

which cleared for -

on (Date)

as verified by export records.

(Inspector) (Date) 2-1-11 (Inspector) (Date)

I truly declare tht the statements contained herein are true and correct to the best of my knowledge and belief.

Entered or withdrawn by KONGSKILDE INDUSTRIES INC, 2439 S. MAIN ST CSI INTERNATIONAL, INC.

Judy Merrell

To the Inspector: The above-described goods shall be disposed of as specified herein

For the Port Director

LANDSTAR IRS#23-218596200

Received from the Port Director of the above Customs location the merchandise described in this manifest for transportation and delivery into the custody of the customs offices at the port named above, all packages in apparent good order except as noted hereon.

Attorney or Agent of Carrier

7009 1680 0000 7666 6589

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

E. Calvo 2C-8J

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 632

Postmark Here

USPS LOOP STATION CHICAGO, IL 60601 JAN 19 2010

RECEIVED DIVISION FRONT OFFICE JAN LAND AND CHEMICALS DIVISION

Sent To

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

Mr. Hans Rasmussen
Kongskilde Industries, Inc.
19500 N 1425 East Road
Hudson, Illinois 61748

PS Form 3800, August 2006 See Reverse for Instructions

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

JAN 1 8 2011

REPLY TO THE ATTENTION OF:
LC-8J

CERTIFIED MAIL
Receipt No.7009 1680 0000 7666 6589
Mr. Hans Rasmussen
General Manager
Kongskilde Industries, Inc.
19500 N 1425 East Road
Hudson, Illinois 61748

Consent Agreement and Final Order **FIFRA-05-2011-0006**

Dear Mr. Rasmussen:

Enclosed pleased find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on January 18, 2011 with the Regional Hearing Clerk.

The civil penalty in the amount of $7,500 is to be paid in the manner described in paragraphs 33 thru 37. Please be certain that the number **BD 2751145P005** and the docket number are written on both the transmittal letter and on the check. Payment is due by February 17, 2011 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Estrella Calvo

Estrella Calvo
Pesticides and Toxics Compliance Section

Enclosures

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (50% Postconsumer)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:	)	**Docket No. FIFRA-05-2011-0006**
	)	
Kongskilde Industries Inc.,	)	**Proceeding to Assess a Civil Penalty**
	)	**Under Section 14(a) of the Federal**
	)	**Insecticide, Fungicide, and Rodenticide**
Respondent.	)	**Act, 7 U.S.C. § 136*l*(a)**
	)	

RECEIVED
JAN 18 2011
REGIONAL HEARING CLERK
USEPA
REGION 5

Consent Agreement and Final Order
Commencing and Concluding a Proceeding

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136*l*(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5.

3. Respondent is Kongskilde Industries Inc. (Kongskilde), a corporation doing business in the State of Illinois.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent and final order (CAFO). 40 C.F.R. §22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this Consent Agreement and Final Order (CAFO), and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its rights to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its rights to appeal this CAFO.

9. Respondent certifies that it is currently in compliance with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

10. The importation of pesticides into the United States is governed by Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136*o*(c), and the regulations promulgated thereunder by the Secretary of the Treasury in consultation with the Administrator of the EPA (the Administrator). These regulations are found at 19 C.F.R. Part 12.

11. In relevant part, 19 C.F.R. § 12.111 states that all imported pesticides are required to be registered under the provisions of Section 3 of FIFRA, 7 U.S.C. § 136a, and under the regulations (40 C.F.R. Part 162.10) promulgated thereunder by the Administrator before being permitted entry into the United States.

12. In relevant part, 19 C.F.R. § 12.112 states that an importer desiring to import pesticides into the United States shall submit to the Administrator a Notice of Arrival of Pesticides and Devices (Environmental Protection Agency Form 3540-1, or NOA), prior to the arrival of the shipment in the United States. *See also* Section 17(c) of FIFRA, 7 U.S.C. § 136*o*(c).

13. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it shall be unlawful for any person in any State distribute or sell to any person any pesticide which adulterated or misbranded.

14. Section 12(a)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), states that a pesticide is misbranded if the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under Section 3(d) of FIFRA, 7 U.S.C. § 136a(d), is adequate to protect health and the environment. Specifically, the label did not contain language warning that the product is toxic to fish, that the product requires draw directly from the temporary storage container, and the label did not warn against use without safety goggles and dust mask when applying with blower units.

15. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term "distribute or sell" to mean to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.

16. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a "pest" as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism (except viruses, bacteria, or other living microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

17. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a "pesticide" as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

18. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a "person" as any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

19. The Administrator of EPA may assess a civil penalty against any registrant who violates any provision of FIFRA of up to $7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136*l*(a)(1), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violation

20. Respondent is, and was at all times relevant to this Complaint, a corporation and therefore, a "person" as that term is defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

21. CSI International (CSI), located at 351 W. Touhy Avenue, Des Plaines, Illinois 60018, acted as a broker/agent for Respondent in this matter.

22. On or about November 3, 2010, CSI submitted three NOAs, under entry number AYF-0030875-5, to EPA (NOAs). The November 3 NOAs are related to import shipments of the pesticide "Stalosan F," EPA Registration Number (EPA Reg. No.) 75613-1.

23. The import shipments associated with entry number AYF-0030875-5 entered the United States on or about November 3, 2010.

24. The NOAs stated that Respondent was the importer of record.

25. "Stalosan F," EPA Reg. No. 75613-1, is a pesticide, as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

26. On or about November 3, 2010, Respondent "distributed or sold" the pesticide product "Stalosan F," EPA Reg. No. 75613-1, as that term is defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) by receiving the import shipment and/or holding it for sale or distribution.

27. Respondent, as importer of "Stalosan F," EPA Reg. No. 75613-1, and by doing business in the United States, is subject to the requirements of FIFRA and the regulations promulgated thereunder.

Specific Allegations

Count 1

28. Complainant incorporates by reference the allegations contained in paragraphs 1 through 27 of this Complaint.

29. On or about November 3, 2010, Respondent distributed or sold "Stalosan F," EPA Reg. No. 75613-1, with a label or labeling that did not contain a warning or caution statement necessary under Section 3(d) of FIFRA, 7 U.S.C. § 136a(d), to protect health and the environment. Specifically, the label did not contain language warning that the product is toxic to fish, that the product requires draw directly from the temporary storage container, and the label did not warn against use without safety goggles and dust mask when applying the product with blower units.

30. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136*l*(a).

Civil Penalty

31. Section 14(a)(4) of FIFRA, 7 U.S.C. §136*l*(a)(4), requires the Administrator to consider the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation, when assessing an administrative penalty under FIFRA.

32. Based on an evaluation of the facts alleged in this complaint and the factors in Section 14(a)(4) of FIFRA, 7 U.S.C. §136*l*(a)(4), Complainant calculated an initial civil penalty against Respondent in the amount of $7,500. Complainant evaluated the facts and circumstances of this case with specific reference to EPA's Enforcement Response Policy for the Federal

Insecticide, Fungicide, and Rodenticide Act, dated December 2009.

33. Within 30 days of the effective date of this CAFO, Respondent must pay a $7,500 civil penalty for the FIFRA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

for checks sent by express mail:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
Contact: Natalie Pearson
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

The check, must state "In the Matter of: Kongskilde Industries Inc.," the docket number of this CAFO, and the billing document number (BD number).

34. A copy of the transmittal letter stating Respondent's name, complete address, the case title, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Estrella Calvo (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Luis Oviedo (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

35. This civil penalty is not deductible for federal tax purposes.

36. If Respondent does not pay the civil penalty timely, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136*l*(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

37. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a $15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

38. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

39. This CAFO does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

40. This CAFO does not affect Respondent's responsibilities to comply with FIFRA and other applicable federal, state, and local laws.

41. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for FIFRA.

42. The terms of this CAFO bind Respondent, its successors, and assigns.

43. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

44. Each party agrees to bear its own costs and attorney fees in this action.

45. This CAFO constitutes the entire agreement between the parties.

46. The effective date of this CAFO is the date the Complainant files it with the Regional Hearing Clerk.

In the Matter of:
Kongskilde Industries Inc.
Docket No.

RESPONDENT

11/6/11
Date

Hans Rasmussen
General Manager
Kongskilde Industries Inc.

COMPLAINANT
United States Environmental Protection Agency
Region 5

1/12/11
Date

Bruce F. Sypniewski
Acting Director
Land and Chemicals Division

In the Matter of:
Kongskilde Industries Inc.
Docket NoFIFRA-05-2011-0006

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

1-14-11
Date

Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5

RECEIVED
JAN 18 2011
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USEPA
REGION 5

CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Kongskilde Industries, Inc., was filed on December 18, 2011 with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7009 1680 0000 7666 6589, a copy of the original to the Respondents:

Mr. Hans Rasmussen
General Manager
Kongskilde Industries, Inc.
19500 N 1425 East Road
Hudson, Illinois 61748

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Luis Oviedo, Regional Judicial Officer, ORC/C-14J
Eric Volck, Cincinnati Finance/MWD

Frederick Brown
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Docket No. **FIFRA-05-2011-0006**

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05-2011-0021

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

REPLY TO THE ATTENTION OF:
LC-8J

January 10, 2011

MEMORANDUM

SUBJECT: Requested Action to be Taken Regarding the Pesticide Import Shipment to be Identified Under Customs Entry Number AYF-0030875-5

FROM: Estrella Calvo, Enforcement Officer
Pesticides and Toxics Compliance Section

TO: Tomica Craig, Chief Inspector, Enforcement Selectivity
U.S. Customs and Border Protection - Port of Chicago

By this memorandum, the U.S. EPA, Region 5 is making an addendum to its comments originally presented to the U.S. Customs and Border Protection (U.S. CBP), in the Memorandum dated November 15, 2010, for Entry AYF-0030875-5. The November 15, 2010 Memorandum requested that U.S. CBP detain the import shipment under Entry Number AYF-0030875-5 for corrective action and that it be placed under an Enforcement Hold for Inspection pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. §§ 12.115 and 12.117(b). EPA Region 5 is now submitting a request to U.S. CBP to supervise the splitting of the import shipment under Entry Number AYF-0030875-5.

- The pesticide product in this import shipment is "Stalosan F," EPA Registration Number (EPA Reg. No.) 75613-1.
- The shipment consists of 3 containers of "Stalosan F," EPA Reg. No. 75613-1, totaling 50,000 kilograms.
- The Container Numbers are CLNU 460666-3, GCNU 460506-0 and TGHU 788981-2.
- The broker/filer of record is CSI International, located at 351 W. Touhy Avenue, Des Plaines, Illinois 60018.
- The importer of record is Kongskilde Industries Inc., located at 19500 N 1425 East Road, Hudson, Illinois 61748.
- The carrier of record is Atlantic Container Line.
- The Country of Origin is Denmark.

According to invoices ("Invoice No. 9831637" and "Invoice No. 9835367") submitted by the broker/filer on behalf of the importer of record for this shipment the containers CLNU 460666-3, GCNU 460506-0 and TGHU 788981-2 contain 2000 pcs. of Stalosan F, 108 pcs. of Stalosan Paste, 160 pcs. of Piggydip, and 200 pcs. of Staldfix.

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 100% Recycled Paper (50% Postconsumer)

On or about October 27, 2010, the broker/filer, on behalf of the importer, submitted to EPA a Notice of Arrival (NOA) and supplemental documentation for Entry Number AYF-0030875-5. Based on EPA's review of the supplemental documentation it was determined that the pesticide product "Stalosan F," EPA Registration Number (EPA Reg. No.) 75613-1, in this shipment was misbranded and not in compliance with FIFRA.

As mentioned above, EPA requested that the shipment be detained for corrective action and be placed under an enforcement hold for inspection. On December 13, 2010, EPA conducted an inspection of Entry Number AYF-0030875-5 at Channel Distribution Corp. (Channel) located at 925 West Thorndale, Itasca, Illinois to ensure acceptable corrective action had been completed by the importer of record. During the inspection it was determined that acceptable corrective action had not been achieved by the importer. In addition, the EPA representative identified another pesticide product for which no NOA had been submitted. The pesticide product was identified as "Staldfix." Upon further evaluation it was determined that "Staldfix" is not registered as a pesticide under Section 3 of the FIFRA. All imported pesticides are required to be registered under Section 3 of the FIFRA before being permitted into the United States, as per 19 C.F.R. § 12.111.

EPA's representative also identified two other potentially violative products ("Stalosan Paste" and "Piggydip") which may be regulated by the U.S. Food and Drug Administration (FDA). EPA has communicated its findings of the potentially violative products to representatives of the FDA.

On January 7, 2011, EPA conducted a follow-up inspection to again ensure acceptable corrective action had been achieved by the importer of record. EPA's representative observed what appeared to be acceptable corrective action and has determined that the import shipment of the pesticide "Stalosan F," EPA Reg. No. 75613-1 appears to be in compliance with the requirements of FIFRA and implementing regulations at 40 C.F.R. Part 156.

EPA Region 5 is now submitting a request to U.S. CBP to supervise the splitting of the import shipment identified under Customs Entry Number AYF-0030875-5. All quantities of the unregistered pesticide, "Staldfix" should be **Denied Entry-Refused Delivery** into the United States pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. § 12.114. The pesticide product identified as "Stalosan F," EPA Reg. No. 75613-1 should be **Released For Delivery**, to Kongskilde Industries Inc., located at 19500 N 1425 East Road, Hudson, Illinois 61748, pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. § 12.114.

If you have any further questions or concerns, please contact me at (312) 353-8931 or David Star, Import Coordinator, at (312) 886-6009.

cc: Anthony Harnett / U.S. CBP – Port of Chicago
Marlene Gothelf / U.S. CBP – Port of Chicago
Tomica Craig / U.S. CBP-Port of Chicago
Gene Rosso, U.S. CBP-Port of Port Huron
David Star / U.S. EPA-Region 5

Report on Establishment Inspection
To Determine Compliance with
FIFRA Sections 3 and 17(c)

Kongskilde Industries , Inc.
19500 N 1425 East Road
Hudson, Illinois 61748
c/o
Channel Distribution Corporation
925 West Thorndale
Itasca, Illinois 60143

Date of Inspection:
January 7, 2011

Performed by:
United States Environmental Protection Agency
Pesticides and Toxics Compliance Section
77 West Jackson Boulevard
Chicago, Illinois 60604

FIFRA Establishment Inspection Report
[Inspection No. 0107111465501]

I. COMPANY INFORMATION

a. Company Name: Kongskilde Industries, Inc.
c/o Channel Distribution Corporation

b. Responsible Official: Darren Burt, CES Coordinator
Channel Distribution Corporation

II. DATE OF INSPECTION

January 7, 2011

III. PARTICIPANTS

Company: Darren Burt, CES Coordinator
Channel Distribution Corporation
On behalf of Kongskilde Industries, Inc.

U.S. EPA: Estrella Calvo, Enforcement Officer
U.S. EPA - Region 5

IV. OBJECTIVES

To conduct a for cause follow-up inspection in relation to an import shipment at Channel Distribution Corporation (Channel) located at 925 West Thorndale, Itasca, Illinois 60143. The inspection was a follow-up inspection to an inspection that was performed on December 13, 2010 to ensure compliance with Sections 3 and 17(c) of FIFRA, which cover the importation and subsequent distribution and/or sale of pesticide products in the United States.

The importer of record, Kongskilde Industries, Inc. (Kongskilde), located at 15900 N 1425 East Road, Hudson, Illinois 61748, acting through its broker/filer of record, CSI International (CSI), located at 351 West Touhy Avenue, Des Plaines, Illinois 60018, submitted to U.S. EPA three Notices of Arrival of Pesticides and Devices (NOAs) and supplemental documentation on or about November 15, 2010, for U.S. Custom Entry Number AYF-0030875-5. Based on EPA's review of the supplemental documentation and the "Accepted" label dated January 31, 2007, it was determined that the pesticide product "Stalosan F," EPA Registration Number (EPA Reg. No.) 75613-1, in this shipment was misbranded and not in compliance with FIFRA. On November 15, 2010, EPA requested that U.S. CBP detain the import shipment under Entry Number AYF-0030875-5 for corrective action and that it be placed under an Enforcement Hold for Inspection pursuant to the authority of Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulations at 19 C.F.R. §§ 12.115 and 12.117(b). See FIFRA Establishment Inspection Report for inspection conducted December 13, 2010 (Inspection No. 1213101465502).

V. COMPANY BACKGROUND

According to Kongskilde's website, Kongskilde is located at 19500 N 1425 East Road, Hudson, Illinois 61748. The website advertises soil preparation equipment, grain handling equipment, industry systems and Vitfoss premix and minerals for livestock/farm animal production (Attachment 1).

VI. INSPECTION SUMMARY

Opening Conference

On January 7, 2011, I presented U.S. EPA credentials and conducted an opening conference with Mr. Burt of Channel at approximately 2:20 PM. I completed the Notice of Inspection (EPA Form 3540-2) and presented it to Mr. Burt (Attachment 2). The Notice of Inspection identified the violation suspected as the distribution/sale (importation) of a "misbranded pesticide."

Inspection Observation and Sample Collection

At the conclusion of the opening conference, Mr. Burt showed me to the area of the warehouse where the relabeling of the import shipment of "Stalosan F," EPA Registration Number (EPA Reg. No.) 75613-1, imported under entry number AYF-0030875-5, was taking place. Mr. Burt then left me to conduct the inspection of the imported shipment.

The 55 lb. bags of "Stalosan F," EPA Reg. No. 75613-1, were relabeled by Channel on behalf of Kongskilde. The labels that were applied over violative language on the bags appeared to be compliant. Photographs were taken of Stalosan F, EPA Reg. No. 75613-1 (Attachment 3).

I returned to Mr. Burt's office where I copied the "Entry/Immediate Delivery" (CBP Form 3461) (Attachment 4). I completed the Receipt for Samples form, copied it and provided Mr. Burt with the original (Attachment 5).

Closing Conference

At the conclusion of the inspection, I explained to Mr. Burt that the shipment was to remain on hold until further notice.

VII. ATTACHMENTS

1. Kongskilde website information (3 pages)
2. Notice of Inspection
3. Digital Photographs (15 pages)
4. "Entry/Immediate Delivery" (CBP Form 3461)
5. Receipt for Samples (EPA Form 3540-3)

Estrella Calvo

1/24/2011

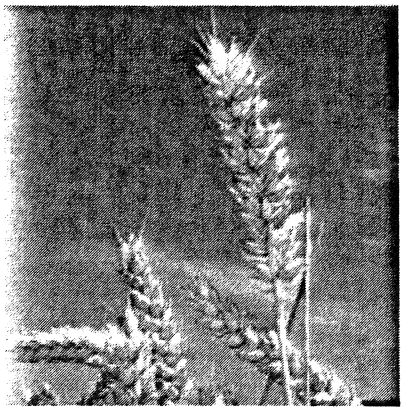
Estrella Calvo, Enforcement Officer
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5

Date

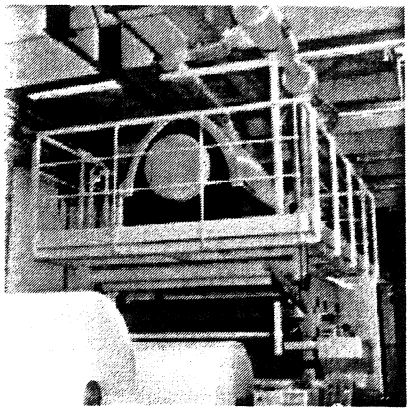
Attachment 1

Kongskilde Industries Inc. website information (3 pages)

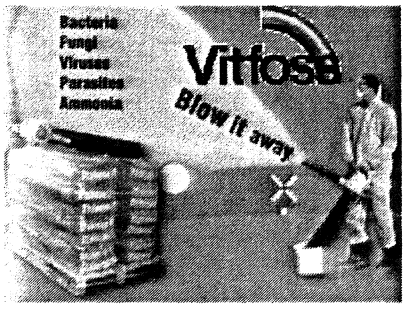
SOIL PREPARATION - equipment for all types of soil cultivation and plant care



GRAIN HANDLING - equipment for on-farm drying, storage and handling of grain and seed. Heaters to combat cold and damp

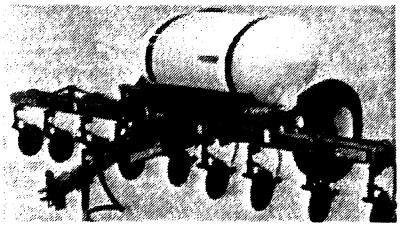


INDUSTRY - handling of process waste produced in the plastic, packaging and printing industries



VITFOSS PREMIX AND MINERALS - sale of premix and minerals for livestock/farm animal production

NEWS: Purchase of company in Illinois



Kongskilde Industries Inc located in Bloomington, IL is pleased to annonce the purchase of Progressive Farm Products located near Normal, IL.

The company has built a solid reputation within the fertilizer application and strip tillage equipment area, and the purchase is part of the Kongskilde Group's strategy.
Read Press Release

See Progressive Farm Products' homepage

Press release, June 23, 2010

Come visit us at the UPCOMING SHOW:

PLAST-EX

June 21 - 23, 2011
Toronto Congress Centre,
Toronto, Canada

> More Industry shows

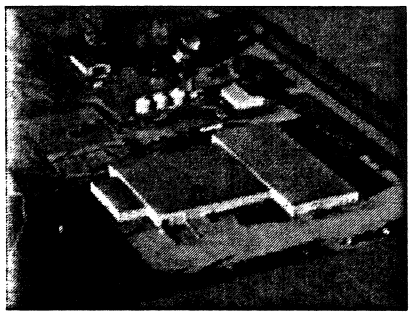
Kongskilde Industries Inc - 19500 Hudson - IL 61748 - Tel. 309 820 1090 - mail@kus.kongskilde.com

Page: Corporate / Contact / Kongskilde Industries Inc

Kongskilde Industries Inc.

19500 N 1425 East Road
Hudson, IL 61748
USA

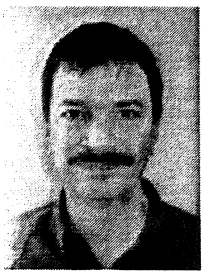
Telephone:
(309) 820-1090
Telefax:
(309) 820-1364
E-mail:
mail@kongskilde.com



Staff:

Resident Manager
Hans Rasmussen

Phone: (309) 319-7727
Fax: (309) 820-1364
Cell phone: (309) 310-9490
E-mail:
hr@kongskilde.com



Corporate Manager
Mike Berman

Phone: (309) 319-7735
Fax: (309) 452-1610
E-mail:
mbe@kongskilde.com

Soil & Grain Sales Manager
Luc Cazabon
Phone: (519) 245-9917 ex 211
Fax: (519) 245-8293
Cell: (519) 317-1436
E-mail:
luc@kongskilde.com

> See products for soil preparation

> See products for grain handling

Industry Sales Manager
Hans Rasmussen
Phone: (309) 820-1090 ex 104
Fax: (309) 820-1364
Cell phone: (309) 310-9490
E-mail:
hr@kongskilde.com

> See products for handling process waste

Page: Corporate / Contact / Vitfoss contacts

Vitfoss Sales:

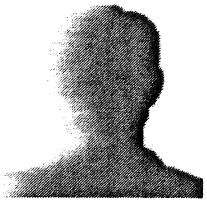
Vitfoss USA
19500 N 1425 East Road
Hudson, IL 61748

Vitfoss

Product information

Contact Person:

John Sonka



Sales Manager Vitfoss USA
Stalosan Products
Office: 309-319-7733
Fax: 309-452-1610
Cell: 309-706-9993
E-mail:
jso@kongskilde.com

Attachment 2

Notice of Inspection

United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Notice of Inspection
Office of Enforcement and Compliance Assurance

Facility Name KONGSKILDE INDUSTRIES INC c/o CHANNEL DISTRIBUTION CORP.	Facility Address 925 W. THORNDALE ITASCA, IL 60143
Name of Facility Official DARREN BURT	Title CES COORDINATOR

By my signature, I represent that I am an owner, operator or agent in charge of the facility being inspected, and attest that the EPA, Designated State or Political Subdivision Employee or Officer identified on this form presented his or her credentials prior to issuing this Notice of Inspection.

Facility Official's Signature:

Authority for Inspection

For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled and released for shipment, and samples of any containers or labeling for such pesticides or devices, in places where pesticides or devices are held for distribution or sale [FIFRA § 9(a) (7 U.S.C. §136g)]; and for the purpose of inspecting and obtaining copies of those records specified in FIFRA §8 (7 U.S.C. §136f) and 40 C.F.R. Part 169.

Reasons for Inspections (Check applicable boxes)

☐ Routine Inspection

☒ For Cause Inspection — Violation Suspected: MISBRANDED PESTICIDE

Additional Information: FOLLOW-UP INSPECTION FOR SHIPMENT UNDER ENTRY NUMBER AYF-0030875-5

Name of Inspector ESTRELLA CALVO	
Signature of Inspector Estrella Calvo	Date 1/7/11
Title ENFORCEMENT OFFICER/ENVIRONMENTAL SCIENTIST	Time 2:20 pm
Address 77 W. JACKSON BLVD. CHICAGO, IL 60604	

Note: The absence of a Facility Official's signature on this form does not invalidate this Notice of Inspection, or establish that consent to the inspection was not provided or that the proper procedures were not followed.

Attachment 3

Digital Photographs (15 pages)

ENTRY NUMBER

AYF-0030875-5

11/7/2011

Stalosan F

Statosan F
Statosan F
Statosan F

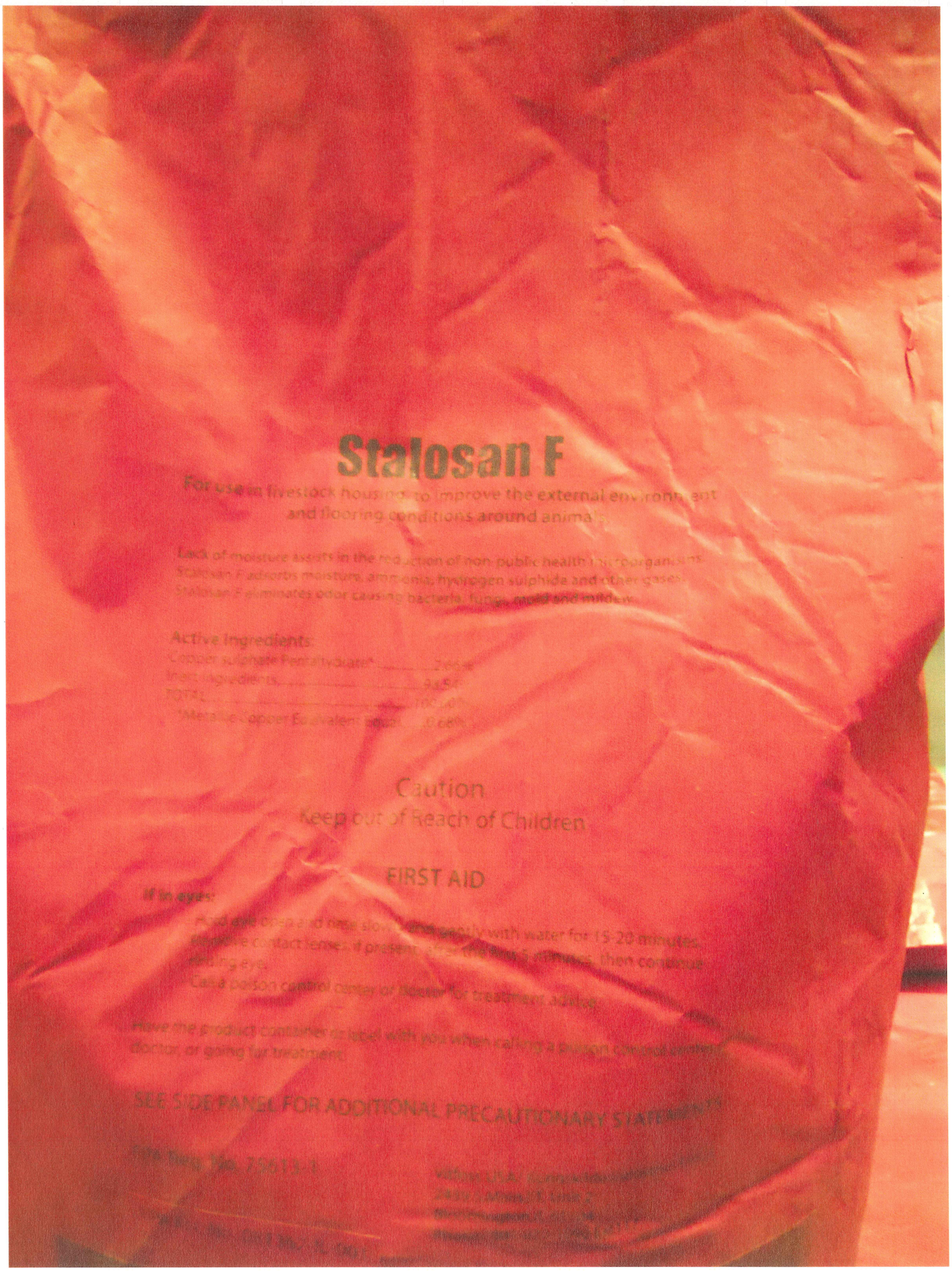
Stalosan F

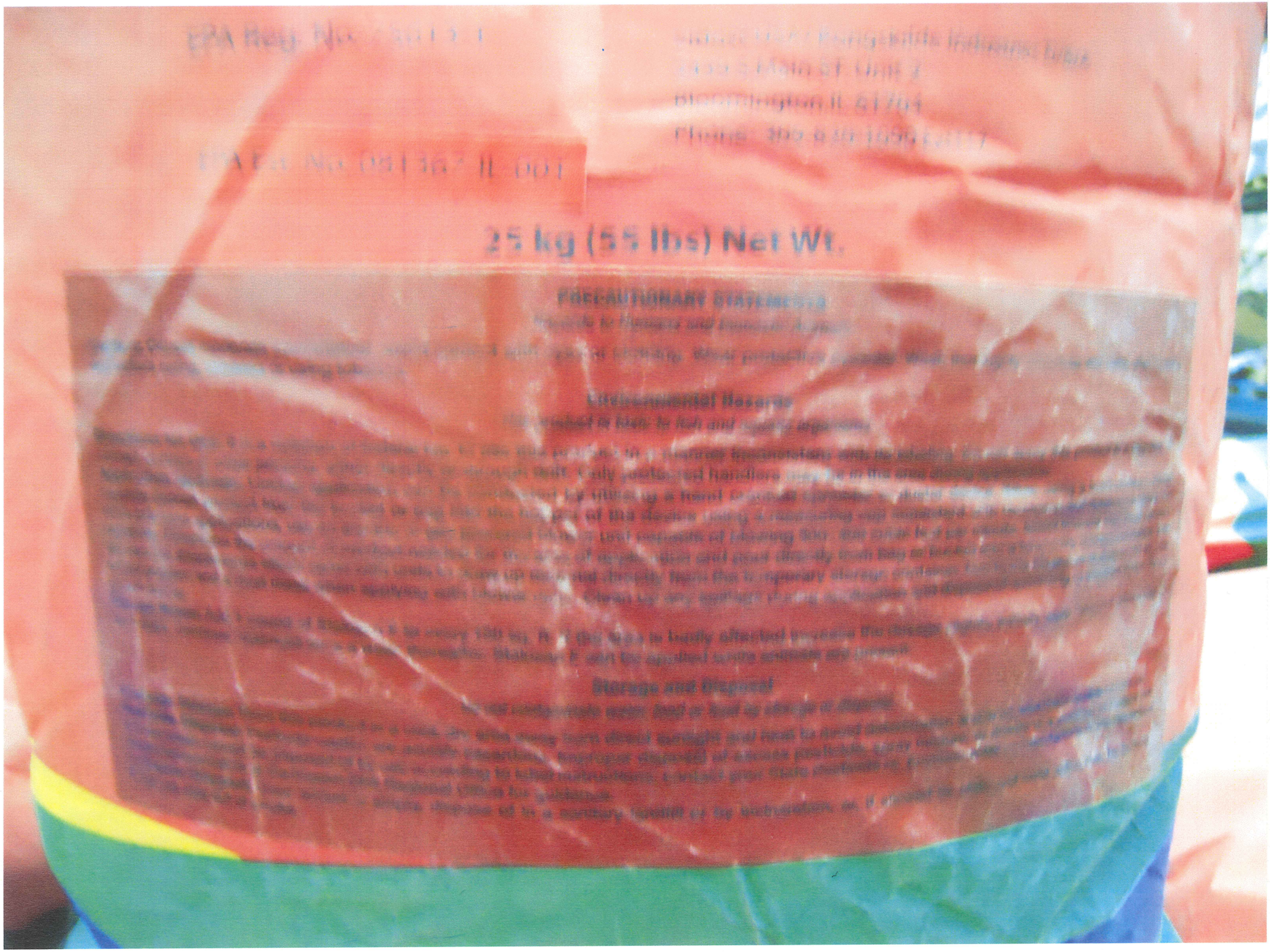
For use in livestock housing, to improve the external environment and flooring conditions around animals.

Lack of moisture assists in the reduction of non-public health microorganisms. Stalosan F adsorbs moisture, ammonia, hydrogen sulphide and other gases. Stalosan F eliminates odor causing bacteria, fungi, mold and mildew.

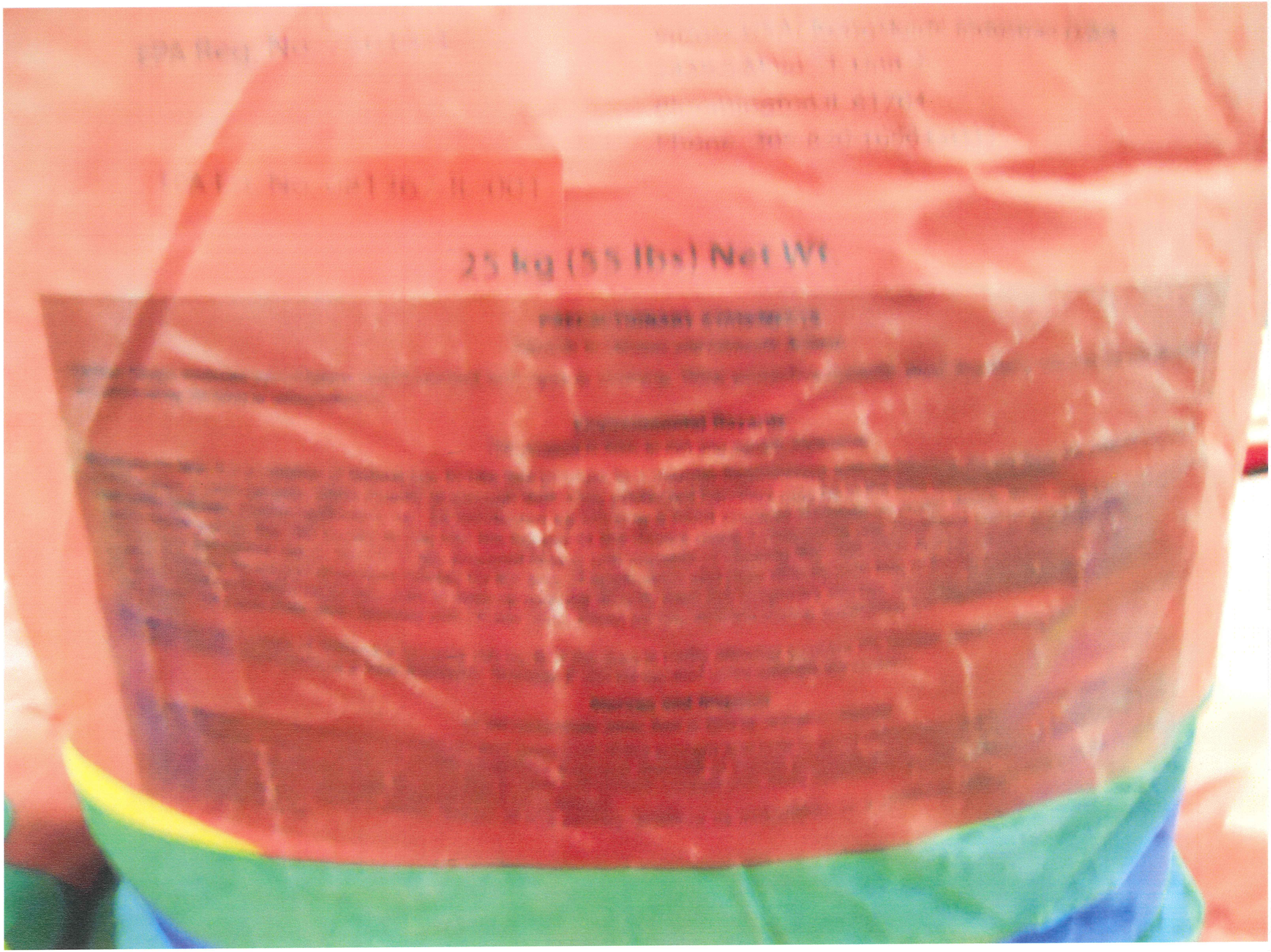
Active Ingredients:

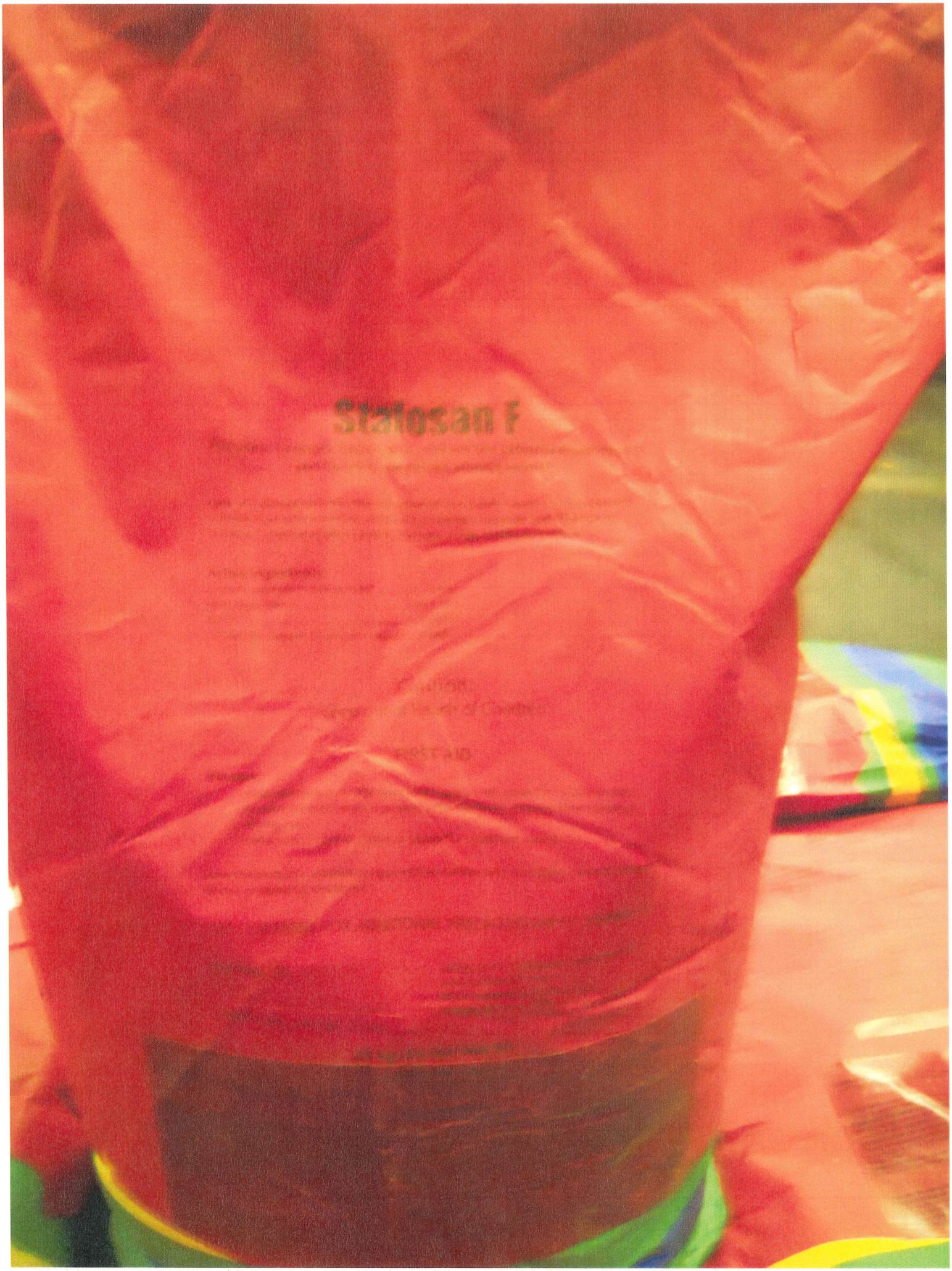
Copper sulphate Pentahydrate*.....2.66%
Inert Ingredients.....98.54%
TOTAL.....100.00%
*Metallic Copper Equivalent Equal.....0.68%


Stalosan F
For use in livestock housing to improve the external environment and flooring conditions around animals.
Lack of moisture assists in the reduction of non-public health microorganisms. Stalosan F adsorbs moisture, ammonia, hydrogen sulphide and other gases. Stalosan F eliminates odor causing bacteria, fungi, rapid and mildew.
Active Ingredients:
Copper sulphate Pentahydrate* 2.66%
Inert ingredients 9.34%
TOTAL 100.00%
*Metallic Copper Equivalent Equal 0.68%
Caution
Keep out of Reach of Children
FIRST AID
If in eyes:
Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.
Call a poison control center or doctor for treatment advice.
Have the product container or label with you when calling a poison control center or doctor, or going for treatment.
SEE SIDE PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS


25 kg (55 lbs) Net Wt.
PRECAUTIONARY STATEMENTS
Environmental Hazards
Storage and Disposal

F


25 kg (55 lbs) Net Wt


Stalosan F

Stalosan®

Stalosan®F
Stalosan®F
Stalosan®F
Stalosan®F
Stalosan®F
Stalosan®F
Stalosan®F
Stalosan®F

Stalesan'F

Stalosan® F
Prod: 1010
Expire: 1012
Batch: 231250

Stalosan F

Attachment 4

"Entry/Immediate Delivery" (CBP Form 3461)

U.S. DEPARTMENT OF HOMELAND SECURITY
BUREAU OF CUSTOMS AND BORDER PROTECTION

Form Approved
OMB No. 1651-0024

ENTRY/IMMEDIATE DELIVERY

C S I I N T E R N A T I O N A L , I N C . C.H. BOX
351 W.TOUHY AVE
DES PLAINES IL 60018

ABI CERTIFIED
CST: 305

19 CFR 142.3, 142.16, 142.22, 142.24

1. ARRIVAL DATE	2. ELECTED ENTRY DATE	3. ENTRY TYPE CODE/NAME	4. ENTRY NUMBER
11/12/10		01	AYF-0030875-5
5. PORT	6. SINGLE TRANS. BOND	7./ BROKER/IMPORTER FILE NUMBER	
3901		30875	
	8. CONSIGNEE NUMBER		9. IMPORTER NUMBER
	56-2143222		56-2143222

10. ULTIMATE CONSIGNEE NAME	11. IMPORTER OF RECORD NAME
KONGSKILDE INDUSTRIES INC 2439 S MAIN ST BLOOMINGTON IL 61704	KONGSKILDE INDUSTRIES INC 2439 S MAIN ST BLOOMINGTON IL 61704

12. CARRIER CODE	13. VOYAGE/FLIGHT/TRIP	14. LOCATION OF GOODS-CODE(S)/NAME(S)
CNRU		I092 CANADIAN NATIONAL RAILROAD
15. VESSEL CODE/NAME		

16. U.S. PORT OF UNLOADING	17. MANIFEST NUMBER	18. G.O. NUMBER	19. TOTAL VALUE
3802			57983

20. DESCRIPTION OF MERCHANDISE
STALOSAN. F-PIGGY DIP.

21. IT/BL/AWB CODE	22. IT/BL/AWB NO.	23. MANIFEST QUANTITY	24. H.S. NUMBER	25. COUNTRY OF ORIGIN	26. MANUFACTURER NO.
I	V3891524356		3808.94.5000	DK	DKVIT34GRA
M	CNRU7016800152435	761	8436.80.0090	DK	DKVIT34GRA
I	V3891524364		2835.26.0000	DK	DKVIT34GRA
M	CNRU7016800152436	761	2512.00.0000	DK	DKVIT34GRA
I	V3891524372				
M	CNRU7016800152437	948			

27. CERTIFICATION

I hereby make application for entry/immediate delivery, I certify that the above information is accurate, the bond is sufficient, valid, and current, and that all requirements of 19 CFR Part 142 have been met.

SIGNATURE OF APPLICANT Judy Morrel
X CSI International (Chicago)

PHONE NO. 630-496-0120
DATE 11/16/10

PERMIT TO TRANSFER RECORD

29. BROKER OR OTHER GOVT. AGENCY USE

R. White 13693
Signature & Date
Auth Customs Officer

Signature & Date & ID#
Bonded Carrier

All

EXAM SITE
Signature & Date
Delivering Carrier

GCNU4605040
TGHU7889812
GCNU4[illegible]
Container #

C.E.S. Station
Global I129

Quantity & Description

☐ NO Conditional Release for Balance
MANIFEST HOLD AGRICULTURE
☐ Conditional Release for Balance

28. CBP USE ONLY

☐ OTHER AGENCY ACTION REQUIRED, NAMELY:

☐ CBP EXAMINATION REQUIRED.

☐ ENTRY REJECTED, BECAUSE:

AQI

DELIVERY AUTHORIZED	SIGNATURE	DATE

EPA Examination Required 11/18/10 R.W

PAPERWORK REDUCTION ACT NOTICE. This information is to determine the admissibility of imports into the United States and to provide the necessary information for the examination of the cargo and to establish the liability for payment of duties and taxes. Your response is necessary.

CPB Form 3461

Attachment 5

Receipt for Samples (EPA Form 3540-3)

United States
ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

Receipt for Samples
Office of Enforcement and Compliance Assurance

Facility Name KONGSKILDE INDUSTRIES INC. C/O CHANNEL DISTRIBUTION CORP.	Facility Address 925 W. THORNDALE ITASCA, IL 60143
Name of Facility Official DARREN BYRT	Title CES COORDINATOR

Samples Collected (Assign sample number and describe fully (e.g., product name, size, quantity, registration, establishment, lot, batch, model and/or serial numbers, etc.)) The following samples were collected by or on behalf of the U.S. Environmental Protection Agency and receipt is hereby acknowledged pursuant to Section 9(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §136g).

0107111465 50101 - 15 DIGITAL PHOTOGRAPHS OF SHIPMENT UNDER ENTRY NUMBER AYF-0030875-5.

0107111465 50116 ENTRY/IMMEDIATE DELIVERY (CBP FORM 3461) ENTRY NUMBER AYF-0030875-5

☐ Duplicate samples requested and provided	☒ Duplicate samples not requested	Amount paid	☐ Cash ☐ Credit Card ☒ No Charge

Acknowledgement of Samples Collected: The undersigned acknowledges that the samples shown above were obtained from pesticides or devices that were packaged, labeled and released for shipment.

Facility Official Signature	Date 1/7/11
Name of Inspector ESTRELLA CALVO	Title ENFORCEMENT OFFICER/ENV. SCIENTIST.
Signature of Inspector Estrella Calvo	Date 1/7/11
Address 77 W. JACKSON BLVD, CHICAGO, IL 60604	

EPA Form 3540-3 (Rev. 07/09) Previous editions may be used until supply is exhausted 1-Inspector Copy 2-Facility Copy