

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Oct 29, 2024

12:25 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: :
ADVANCED SKIN TECHNOLOGIES, INC. : U.S. EPA Docket No. FIFRA-03-2025-0041
7143 BERNVILLE ROAD : :
P.O. BOX 579 : :
BERNVILLE, PA 19506 : Proceeding under Section 14(a) of the Federal
: Insecticide, Fungicide and Rodenticide Act, 7
Respondent. : U.S.C. § 136/

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Advanced Skin Technologies, Inc. ("AST, Inc.") ("Respondent") (collectively the "Parties"), pursuant to Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136/(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA" or "the Act") authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under FIFRA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.

4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(1).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. By signing this Consent Agreement, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Respondent is and, at all times relevant to the violations alleged herein, was a company incorporated in the state of Pennsylvania.
14. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a facility located at 7143 Bernville Road, Bernville, PA 19506 (hereinafter "the Facility").

15. 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.”
16. Respondent is a “person” as that term is defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s) and is subject to the assessment of civil penalties for the violations alleged herein.
17. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a “pesticide” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”
18. 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 micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under [Section 25(c)(1)].”
19. Section 2(p) of FIFRA, 7 U.S.C. § 136(p), defines “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers”; and defines “labeling” as “all labels and all other written, printed, or graphic matter – (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide or device”
20. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines “to distribute and sell” as “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.” See also 40 C.F.R. § 152.3.
21. Pursuant to Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), “[a] pesticide is misbranded if . . . : (E) any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or (F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 136a(d) of this title, are adequate to protect health and the environment.”
22. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), makes it unlawful for any person in any State to distribute or sell to any person “any pesticide which is adulterated or

misbranded.”

23. Respondent produces and sells the registered pesticide “AST, Inc. Chlorinated Sanitizer” [EPA Registration Number (EPA Reg. No.) 9436-4-37365].
24. “AST, Inc. Chlorinated Sanitizer” [EPA Registration Number (“EPA Reg. No.”) 9436-4-37365] is a “distributor product”, subject to the regulations found in 40 CFR § 152.132, based on EPA Reg. No. 9436-4 (“SODIUM HYPOCHLORITE 12.5%).
25. On January 20, 2022, a Pennsylvania Department of Agriculture (“PDA”) inspector, on behalf of EPA, conducted a routine FIFRA producer establishment inspection (“Inspection”) of the Facility.
26. The PDA inspector provided Notice of Inspection (EPA Form 3540-2) to an authorized representative for AST, Inc.
27. On April 5, 2023, EPA issued a follow-up Information Request Letter (IRL) to Respondent to gather additional information to supplement the information collected during the PDA inspection.
28. On April 25, 2023, Respondent provided EPA a response to the IRL.
29. Respondent explained that the label provided in the IRL response (“collected label”) was used on products packaged, labeled and released for shipment between January 20, 2021 and April 25, 2023. The collected label was found to have missing language and failed to match the EPA-accepted label (August 18, 2011). EPA believes that the collected label is misbranded under FIFRA Section 2(q)(F) in that the collected label does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment. Specifically, the collected label language was missing language and did not match the EPA-Accepted label for EPA Reg. No. 9436-4 (August 8, 2011) in the Hazards to Human and Domestic Animals, Environmental Hazards, Physical or Chemical Hazards, First Aid, Direction for Use and Storage and Disposal sections.
30. Misbranded pesticides are prohibited from sale and distribution in the United States and therefore the EPA believes that AST, Inc. has sold or distributed “AST, Inc. Chlorinated Sanitizer” (EPA Reg. No. 9436-4-37365) in violation of FIFRA § 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).
31. On March 11, 2024, EPA issued Respondent a Notice of Potential Violation and Opportunity to Confer (“NOPVOC”) in connection with Respondent’s alleged noncompliance with FIFRA at the Facility.

Counts 1 - 83
Failure to Comply with FIFRA Labeling Requirements

32. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
33. Based upon the records and other relevant information collected from the Respondent at the time of the January 20, 2022 Inspection and subsequent issuance of the April 5, 2023 IRL, the EPA determined that Respondent made 83 sales/distributions of the EPA Registered pesticide “AST, Inc. Chlorinated Sanitizer” (EPA Reg. No. 9436-4-37365) during the period of time from February 10, 2021 to April 11, 2023 with misbranded labels, as defined by Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F) in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), in that the product labels had incorrect or missing language in the Hazards to Human and Domestic Animals, Environmental Hazards, Physical or Chemical Hazards, First Aid, Direction for Use and Storage and Disposal sections..
34. Respondent’s 83 sales/distributions of its “AST, Inc. Chlorinated Sanitizer” (EPA Reg. No. 9436-4-37365) pesticide product, as identified in Paragraph 33 above, constitute Eighty-Three (83) unlawful acts, in contravention of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), for which penalties may be assessed pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136/(a).

CIVIL PENALTY

35. In settlement of the EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **TEN THOUSAND EIGHT HUNDRED (\$10,800)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
36. The civil penalty is based upon the EPA’s consideration of a number of factors, including the penalty criteria (“statutory factors”) set forth in 14(a)(4) of FIFRA, 7 U.S.C. § 136/(a)(4), including, the following: the size of business of the person charged, the effect of the person’s ability to continue in business, and the gravity of the violation. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA’s FIFRA Enforcement Response Policy (December 2009) which reflects the statutory penalty criteria and factors set forth at Section 14(a)(4) of FIFRA, 7 U.S.C. § 136/(a)(4), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

37. The civil penalty is also based upon an analysis of Respondent’s ability to pay a civil penalty. This analysis was based upon information submitted to the EPA by Respondent including three years of federal tax returns with applicable schedules.
38. On September 20, 2024, Respondent provided a signed, certified statement of its current financial condition articulating the basis for its contention that it cannot pay the penalty within 30 days without experiencing an undue financial hardship.
39. Respondent agrees to pay a civil penalty in the amount of \$10,800.00 (“Assessed Penalty”). Based upon Respondent’s documented inability to pay claim, and in accordance with applicable laws, the EPA conducted an analysis of Respondent’s financial information and determined that the Assessed Penalty is an appropriate amount to settle this action, which Respondent consents to pay as follows.
 - a. The Assessed Penalty will be paid in twelve (12) equal installments, in order to complete payment of the entire Assessed Penalty (\$10,800) and interest (8% interest charged every 30 days on the remaining principal balance). Including the Assessed Penalty and interest, the total amount that will be paid upon completion of all payments will be \$11,262.05. The first payment is due within thirty (30) days after the Effective Date of the Consent Agreement and Final Order. Respondent’s subsequent payments shall thereafter be due in thirty (30) day intervals from said Effective Date.
 - b. Respondent shall make payments in accordance with the following schedule:

Payment No.	Principal Amount	Interest	Date Payment Due (From Effective Date of Consent Agreement)	Payment Amount Due
1	\$935.88	\$0.00	Within 30 Days	\$938.55
2	\$806.45	\$132.05	Within 60 Days	\$938.50
3	\$878.50	\$60.00	Within 90 Days	\$938.50
4	\$884.50	\$54.00	Within 120 Days	\$938.50
5	\$890.50	\$48.00	Within 150 Days	\$938.50
6	\$896.50	\$42.00	Within 180 Days	\$938.50
7	\$902.50	\$36.00	Within 210 Days	\$938.50
8	\$908.50	\$30.00	Within 240 Days	\$938.50
9	\$914.50	\$24.00	Within 270 Days	\$938.50
10	\$920.50	\$18.00	Within 300 Days	\$938.50
11	\$926.50	\$12.00	Within 330 Days	\$938.50

12	\$932.50	\$6.00	<i>Within 360 Days</i>	\$938.50
Total:	\$ 10,800.00	\$ 462.05		\$ 11,252.05

- c. Notwithstanding Respondent’s agreement to pay the Assessed Penalty in accordance with the installment schedule set forth above, Respondent may pay the entire Assessed Penalty of \$10,800.00 within thirty [30] days of the Effective Date and, thereby avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with any interest and other charges accrued up to the date of such full payment.
40. If Respondent fails to make timely payment of any one of the required installment payments in accordance with the installment payment schedule set forth in Paragraph 39 immediately above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for, and shall pay, applicable interest, administrative handling charges and late payment penalty charges as described in Paragraphs 43 through 44, below, in the event of any such failure or default.
 41. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
 42. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent’s name and the docket number of this Consent Agreement, FIFRA-03-2025-0041.
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

Dennis M. Abraham
 Sr. Assistant Regional Counsel
abraham.Dennis@epa.gov

U.S. Environmental Protection Agency
 Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

43. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.

a. Interest. Interest begins to accrue from the Effective Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA’s costs of processing and handling overdue debts.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days.

44. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency pursuant to 40 C.F.R. §§ 13.13 and 13.14.

b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but

is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H.

c. Suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

d. Request that the Attorney General bring a civil action in the appropriate district court to recover the amount outstanding pursuant to 7 U.S.C. § 136(a)(5).

45. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
46. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
47. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon Respondent's receipt of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
48. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: abraham.dennis@epa.gov (for Complainant), and JWasser@foxrothschild.com (for Respondent).

GENERAL SETTLEMENT CONDITIONS

49. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
50. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the

right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

51. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

52. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the FIFRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

53. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under [STATUTE IN ISSUE], the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date. [OPTIONAL: Respondent reserves whatever rights or defenses it may have to defend itself in any such action.]

EXECUTION /PARTIES BOUND

54. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and

assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

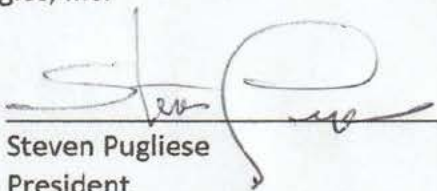
55. The effective date of this Consent Agreement and Final Order (“Effective Date”) is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator’s designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

56. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: **Advanced Skin Technologies, Inc.**

Date: 10/22/2024

By: 
Steven Pugliese
President

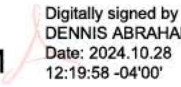
For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **KAREN MELVIN**  Digitally signed by
KAREN MELVIN
Date: 2024.10.24
09:10:17 -04'00'

[Digital Signature and Date]
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **DENNIS ABRAHAM**  Digitally signed by
DENNIS ABRAHAM
Date: 2024.10.28
12:19:58 -04'00'

[Digital Signature and Date]
Dennis M. Abraham
Sr. Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103



In the Matter of: :
: :
ADVANCED SKIN TECHNOLOGIES, INC. : U.S. EPA Docket No. FIFRA-03-2025-0041
7143 BERNVILLE ROAD : :
P.O. BOX 579 : Proceeding under Section 14(a) of the Federal
BERNVILLE, PA 19506 : Insecticide, Fungicide and Rodenticide Act, 7
: U.S.C. § 136/
Respondent. :

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Advanced Skin Technologies, Inc. have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 §§ 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.


Based upon the representations of the Parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's *FIFRA Enforcement Response Policy (December 2009)*, and the statutory factors set forth in Section 14(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136(a)(4).

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TEN THOUSAND EIGHT HUNDRED DOLLARS (\$10,800)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive,

extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: **JOSEPH
LISA**  Digitally signed by
JOSEPH LISA
Date: 2024.10.29
11:30:09 -04'00'

Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region 3

