



EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, Docket Number FIFRA-01-2024-0064  
Issued under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b)

1. The U.S. Environmental Protection Agency (“EPA”) finds that Respondent, Mayborn USA, Inc., failed to comply with Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136e(c).
2. Under FIFRA Section 7(c) and 40 C.F.R. § 167.85(d), Respondent was required to file, on or before the March 1, 2024 deadline, an annual pesticide production report covering the prior calendar year of 2024 (a/k/a “Reporting Year”) for Respondent’s registered pesticide-producing establishment located at 1010 Washington Boulevard, 11th Floor, Stamford, Connecticut 06901 and identified by EPA Establishment Number 91286-MA-1 (the “Establishment”).
3. EPA finds that Respondent failed to file its annual pesticide production report concerning the Establishment for Reporting Year 2023 on or before the March 1, 2024 deadline, which failure is unlawful under FIFRA Section 12(a)(2)(L), 7 U.S.C. § 136j(a)(2)(L).
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order, and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b).
5. Pursuant to FIFRA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of **\$4,300** (four thousand three hundred dollars). Respondent consents to the issuance of this Expedited Settlement Agreement and Final Order and consents to the payment of such penalty.
6. By signing this Expedited Settlement Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraph 2 above, (b) admits that EPA has jurisdiction over Respondent and Respondent’s conduct alleged herein, (c) neither admits nor denies the factual allegations contained herein, (d) consents to the assessment of the penalty in Paragraph 5 above and (e) waives its right to request a hearing pursuant to Section 14(a)(3) of FIFRA, 7 U.S.C. § 136l(a)(3), any right to contest the allegations in this Expedited Settlement Agreement and Final Order, and its right to appeal this Expedited Settlement Agreement and Final Order.

7. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that Respondent has corrected the alleged violations and is complying with Section 7(c) of FIFRA and its implementing regulations at 40 C.F.R. § 167.85.

8. Respondent agrees that, *within 30 days of the effective date of the Final Order* (see paragraph 13 below), it shall submit a check or make an electronic payment, as described below. **Please do not send payment before the Final Order is signed by EPA.** Any check or other payment shall reference “In the Matter of Mayborn USA, Inc., Expedited Settlement Agreement and Final Order, EPA Region 1,” Respondent’s name and address, and the EPA Docket Number assigned to this action (Docket No. FIFRA-01-2024-0064), shall be in the amount stated above, and shall be payable to “Treasurer, United States of America.” Such payment shall be remitted as follows:

For checks, send by regular U.S. mail (consult “Payments by Mail” section on <https://epa.gov/financial/makepayment> for address format for signed receipt confirmation) to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979078  
St. Louis, MO 63197-9000

For electronic payments:

Using any method, or combination of methods, provided on the website:

<https://epa.gov/financial/makepayment> (for details on electronic payments, click on “Additional Instructions” under “Civil Penalties (Regions 1-10),” and identify every payment with “*In the Matter of Mayborn USA, Inc.*, Docket No. FIFRA-01-2024-0064”

*Within 24 hours of payment*, Respondent shall e-mail notice of payment, along with a copy of the check or electronic payment receipt, in portable document format (pdf) or equivalent, to: Kelsey Sullivan, FIFRA Enforcement Officer, at [Sullivan.Kelsey@epa.gov](mailto:Sullivan.Kelsey@epa.gov), and Wanda I. Santiago, Regional Hearing Clerk, at [R1\\_Hearing\\_Clerk\\_Filings@epa.gov](mailto:R1_Hearing_Clerk_Filings@epa.gov).

9. Upon the effective date of the Final Order, payment of the civil penalty shall resolve only Respondent’s liability for Federal civil penalties for the violations and facts alleged herein. EPA reserves all of its rights to take enforcement action for any other violations by Respondent of FIFRA, any other Federal statute or regulation, or this Expedited Settlement Agreement and Final Order.

10. Nothing in this Expedited Settlement Agreement and Final Order is intended to, nor shall be construed to operate in any way to resolve any criminal liability of Respondent, and nothing in this Expedited Settlement Agreement and Final Order shall be construed to limit EPA’s authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment. Each party shall bear its own costs and fees, if any, and Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

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11. The civil penalty due and any interest, non-payment penalties, or charges that arise pursuant to this Expedited Settlement Agreement and Final Order shall represent penalties assessed by EPA and shall not be deductible for the purposes of Federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this Expedited Settlement Agreement and Final Order as penalties within the meaning of Internal Revenue Service regulations, including 26 C.F.R. § 1.162-21, and further agrees not to use such payments in any way as, or in furtherance of, a tax deduction under Federal, State or local law.

12. By entering into this Expedited Settlement Agreement, each of the parties give their respective consent to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed Expedited Settlement Agreement and Final Order through its authorized representative, by e-mail at the e-mail address provided under the Respondent's signature. Respondent understands that this e-mail address may be made public when the Expedited Settlement Agreement and Final Order is filed and uploaded to a searchable database.

13. This Expedited Settlement Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Expedited Settlement Agreement and Final Order shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), the Final Order shall become effective upon filing with the Regional Hearing Clerk.

APPROVED BY MAYBORN USA, INC.:

**Lynne Armstrong**

Digitally signed by Lynne  
Armstrong  
Date: 2024.09.03 19:12:53 +01'00'

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name and Title (print): Lynne Armstrong - Product Compliance Technologist

**Provide E-mail address for service of fully executed Agreement on line below:**

larmstrong@mayborngroup.com

APPROVED BY EPA:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

James Chow, Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 1

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FINAL ORDER

Pursuant to 40 C.F. R. § 22.18(b) and (c) of the EPA’s Consolidated Rules of Practice, the attached Expedited Settlement Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. The Respondent, Mayborn USA, Inc., is ORDERED to comply with all terms of the Expedited Settlement Agreement, which shall become effective on the date it is filed with the Regional Hearing Clerk.

IT IS SO ORDERED:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

LeAnn W. Jensen, Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 1