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7 UNITED STATES
8 ENVIRONMENTAL PROTECTION AGENCY
REGION IX
9

10 In the matter of:) Docket No. FIFRA-09-2024-0107
11)
12 Maui Varieties, Ltd. dba HouseMart,)
13)
14 Respondent.)
_____)

15 I. CONSENT AGREEMENT

16 The United States Environmental Protection Agency (“EPA”), Region IX, and Maui
17 Varieties, Ltd. dba HouseMart (“Respondent”) agree to settle this matter and consent to the entry
18 of this Consent Agreement and Final Order (“CAFO”). This CAFO simultaneously initiates and
19 concludes this proceeding in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).
20

21 A. AUTHORITY AND PARTIES

22 1. This is a civil administrative action brought pursuant to Section 14(a)(1) of the Federal
23 Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(1), for the assessment
24 of a civil administrative penalty against Respondent for: (1) the sale and/or distribution of
25 unregistered pesticides in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A);
26 (2) the sale and/or distribution of misbranded pesticidal devices in violation of Section
27 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F); and (3) the failure to file reports required by
28 FIFRA (e.g., a “Notice of Arrival” for an imported pesticide or device) in violation of Section
12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

1 2. Complainant is the Manager of the Toxics Section in the Enforcement and
2 Compliance Assurance Division, EPA Region IX, who has been duly delegated the authority to
3 bring this action and to sign a consent agreement settling this action.

4 3. Respondent is Maui Varieties, Ltd. dba HouseMart (“Respondent”), a Hawaiian
5 corporation whose principal offices are located at 2810 Paa Street, Building A, in Honolulu,
6 Hawaii.

7 B. STATUTORY AND REGULATORY BASIS

8 4. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it is unlawful
9 for any person to distribute or sell to any person any pesticide that is not registered under Section
10 3 of FIFRA, 7 U.S.C. § 136a.

11 5. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), provides that no person in any State may
12 distribute or sell to any person any pesticide that is not registered under this Act.

13 6. Section 2(s) of FIFRA, 7 U.S.C. §136(s), defines a “person” as “any individual,
14 partnership, association, corporation, or any organized group of persons whether incorporated or
15 not.”

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

20 8. Section 2(u) of FIFRA, 7 U.S.C. §136(u), defines a “pesticide,” in part, as any
21 substance or mixture of substances intended for preventing, destroying, repelling, or mitigating
22 any pest.

23 9. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as any insect, rodent,
24 nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus,
25 bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in
26 living man or other living animals) which the Administrator of the EPA declares to be a pest
27 under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136 w(c)(1).

28 10. Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), provides that it shall be

1 unlawful for any person to distribute or sell to any person any device which is misbranded.

2 11. Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines a “device,” in part, as “any
3 instrument or contrivance. . . which is intended for trapping, destroying, repelling, or mitigating
4 any pest or other form of plant or animal life. . .”

5 12. Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D), provides that a pesticide or
6 device is misbranded if its label does not bear the registration number assigned under Section 7
7 to each establishment in which it was produced.

8 13. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines a “label” as “the written,
9 printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or
10 wrappers.”

11 14. Section 2(p)(2)(A) of FIFRA, 7 U.S.C. § 136(p)(2)(A), defines “labeling,” in part, as
12 all labels and all other written, printed or graphic matter accompanying the pesticide or device at
13 any time.

14 15. 40 C.F.R. § 156.10(a)(1)(v), which sets forth general labeling requirements for
15 pesticides and devices, states that every pesticide product shall bear a label that must show
16 clearly and prominently the producing establishment number as prescribed in paragraph (f) of
17 this Section.

18 16. 40 C.F.R. § 156.10(f) states that the producing establishment registration number
19 preceded by the phrase “EPA Est.”, of the final establishment at which the product was produced
20 may appear in any suitable location on the label or immediate container.

21 17. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any
22 person who is a registrant, wholesaler, dealer, retailer, or other distributor (*e.g.*, importer) to fail
23 to file reports required by FIFRA.

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

28 19. 19 C.F.R. § 12.112 states, in part, that an importer desiring to import pesticides or

1 devices into the United States shall submit to the Administrator of the EPA a Notice of Arrival of
2 Pesticides and Devices (Environmental Protection Agency Form 3540-1, or “Notice of Arrival”),
3 prior to the arrival of the shipment in the United States. In the alternative, the importer or the
4 importer’s agent may file an electronic equivalent to the Notice of Arrival. See also Section
5 17(c) of FIFRA, 7 U.S.C. § 136o(c).

6 20. The Administrator of EPA may assess a civil penalty against any registrant,
7 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any
8 provision of FIFRA of up to \$24,255 for each offense that occurred after November 2, 2015,
9 where penalties are assessed on or after December 27, 2023. See Section 14(a)(1) of FIFRA, 7
10 U.S.C. § 136l(a)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19
11 (as amended by 88 Fed. Reg. 89309 (December 27, 2023)).

12 C. ALLEGED VIOLATIONS

13 21. At all times relevant to this CAFO, Respondent was a corporation and therefore a
14 “person” as that term is defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is
15 subject to FIFRA and the regulations promulgated thereunder.

16 22. At all times relevant to this CAFO, the label and/or labeling for the “Flushable
17 Bathroom Wipes,” “Dining Table Wet Wipes,” “Flushable Cleaner - For Pet Cleaning,”
18 “Flushable Toilet Cleaner - Plumeria/Mint,” “Cleaner for Screens - Window Screen Cleaner - 20
19 Sheets,” “Virus Cut Mighty Cleaner - Wet Cleaner Wipes - 20 Sheets,” “Shine Wax Sheet -
20 Ochiochi V - Car Interior - 20 Sheets,” “Window Cleaning Wet Sheet - Ochiochi V - Car Interior
21 - 20 Sheets,” “Anti-fog Wet Wipe - Ochiochi V - Car Interior - 12 Sheets,” “Cleaning Wet Sheet
22 - Ochiochi V - Car Interior - 20 Sheets,” “Flushable Toilet Cleaner - Elegant Rose/Sweet
23 Jasmine,” “Insect Repellant Plate - Lavender/Grapefruit,” “Pocket Size Wet Wipes - Non
24 Alcohol Sterilizer (2 Pack and 3 Pack),” “Cleaning Sheets - Induction Cooktops and Gas Burners
25 - 25 Sheets,” “Replacement Wet Cleaning Sheets for Floor Wipers - 30 Sheets,” “Kitchen
26 Cleaner - 45 Sheets,” “Replacement Wax Cleaning Sheets - Ochiochi V- For Floor Wipers - 13
27 Sheets,” “Alkali Electrolyzed Water Cleaning Sheet for Microwaves and Refrigerators - 25
28 Sheets,” “Alkali Electrolyzed Water Cleaning Sheet for Living Room - 25 Sheets,” “Cleaning

1 Sheet for Windows - 15 Sheets,” “Cleaning Sheet for Screens - 25 Sheets,” “Cleaning Sheets -
2 With Sesqui - Sodium Carbonate - For Living Rooms - 25 Sheets,” and “Alkali Electrolytic
3 Water Plus Sodium Bicarbonate Cleaning Sheet - 25 Sheets” products bore numerous pesticidal
4 claims including, *inter alia*, “99.9% virus removal,” “contains chemical to remove germs,” and
5 “removes 99% of germs on surfaces exposed to feces.” These 23 products are thus each a
6 substance or mixture of substances intended for use as a germicide or virucide and are thereby
7 each a “pesticide,” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

8 23. At all times relevant to this CAFO, the label and/or labeling for the “Premium
9 Adhesive Cockroach Catcher” and “Made in Japan Fly Catcher” products bore claims that they
10 trapped and mitigated insect pests. These two products are thus each an instrument or
11 contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or
12 mitigating any “pest,” as that term is defined by Section 2(t) of FIFRA, 7 U.S.C. § 136(t), and are
13 thereby each a “device,” as that term is defined in Section 2(h) of FIFRA, 7 U.S.C. § 136(h).

14 COUNTS 1-53: Failure to Comply with

15 Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) – Imports

16 24. Paragraphs 4 through 23 above are hereby alleged and incorporated by reference as if
17 set forth herein in full.

18 25. On or about October 22, 2020, Respondent “distributed or sold,” as that term is
19 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Bathroom Wipes”
20 pesticide by importing it into the United States under Entry Number 597-01965200.

21 26. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
22 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Dining Table Wet Wipes” pesticide
23 by importing it into the United States under Entry Number 597-01966554.

24 27. On or about September 26, 2020, Respondent “distributed or sold,” as that term is
25 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Cleaner - For Pet
26 Cleaning” pesticide by importing it into the United States under Entry Number 597-01963155.

27 28. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
28 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Cleaner - For Pet

1 Cleaning” pesticide by importing it into the United States under Entry Number 597-01966554.

2 29. On or about November 20, 2020, Respondent “distributed or sold,” as that term is
3 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Cleaner - For Pet
4 Cleaning” pesticide by importing it into the United States under Entry Number 597-01966893.

5 30. On or about December 17, 2020, Respondent “distributed or sold,” as that term is
6 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Cleaner - For Pet
7 Cleaning” pesticide by importing it into the United States under Entry Number 597-01969012.

8 31. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
9 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Toilet Cleaner -
10 Plumeria/Mint” pesticide by importing it into the United States under Entry Number 597-
11 01966554.

12 32. On or about November 20, 2020, Respondent “distributed or sold,” as that term is
13 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Toilet Cleaner -
14 Plumeria/Mint” pesticide by importing it into the United States under Entry Number 597-
15 01966893.

16 33. On or about December 31, 2020, Respondent “distributed or sold,” as that term is
17 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaner for Screens - Window
18 Screen Cleaner - 20 Sheets” pesticide by importing it into the United States under Entry Number
19 597-01970424.

20 34. On or about December 17, 2020, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Virus Cut Mighty Cleaner - Wet
22 Cleaner Wipes - 20 Sheets” pesticide by importing it into the United States under Entry Number
23 597-01969012.

24 35. On or about October 22, 2020, Respondent “distributed or sold,” as that term is
25 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
26 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
27 597-01965200.

28 36. On or about November 6, 2020, Respondent “distributed or sold,” as that term is

1 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
2 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
3 597-01966554.

4 37. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
5 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
6 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
7 597-01970705.

8 38. On or about February 11, 2021, Respondent “distributed or sold,” as that term is
9 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
10 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
11 597-01972131.

12 39. On or about February 25, 2021, Respondent “distributed or sold,” as that term is
13 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
14 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
15 597-01972149.

16 40. On or about March 12, 2021, Respondent “distributed or sold,” as that term is
17 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
18 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
19 597-01973923.

20 41. On or about March 26, 2021, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
22 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
23 597-01974970.

24 42. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
25 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet -
26 Ochiochi V - Car Interior - 20 Sheets” pesticide by importing it into the United States under
27 Entry Number 597-01966554.

28 43. On or about January 14, 2021, Respondent “distributed or sold,” as that term is

1 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet -
2 Ochiochi V - Car Interior - 20 Sheets” pesticide by importing it into the United States under
3 Entry Number 597-01970705.

4 44. On or about February 11, 2021, Respondent “distributed or sold,” as that term is
5 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet -
6 Ochiochi V - Car Interior - 20 Sheets” pesticide by importing it into the United States under
7 Entry Number 597-01972131.

8 45. On or about February 25, 2021, Respondent “distributed or sold,” as that term is
9 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet -
10 Ochiochi V - Car Interior - 20 Sheets” pesticide by importing it into the United States under
11 Entry Number 597-01972149.

12 46. On or about March 12, 2021, Respondent “distributed or sold,” as that term is
13 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet -
14 Ochiochi V - Car Interior - 20 Sheets” pesticide by importing it into the United States under
15 Entry Number 597-01973923.

16 47. On or about March 26, 2021, Respondent “distributed or sold,” as that term is
17 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet -
18 Ochiochi V - Car Interior - 20 Sheets” pesticide by importing it into the United States under
19 Entry Number 597-01974970.

20 48. On or about October 22, 2020, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
22 Car Interior - 12 Sheets” pesticide by importing it into the United States under Entry Number
23 597-01965200.

24 49. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
25 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
26 Car Interior - 12 Sheets” pesticide by importing it into the United States under Entry Number
27 597-01966554.

28 50. On or about January 14, 2021, Respondent “distributed or sold,” as that term is

1 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
2 Car Interior - 12 Sheets” pesticide by importing it into the United States under Entry Number
3 597-01970705.

4 51. On or about February 11, 2021, Respondent “distributed or sold,” as that term is
5 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
6 Car Interior - 12 Sheets” pesticide by importing it into the United States under Entry Number
7 597-01972131.

8 52. On or about February 25, 2021, Respondent “distributed or sold,” as that term is
9 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
10 Car Interior - 12 Sheets” pesticide by importing it into the United States under Entry Number
11 597-01972149.

12 53. On or about March 12, 2021, Respondent “distributed or sold,” as that term is
13 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
14 Car Interior - 12 Sheets” pesticide by importing it into the United States under Entry Number
15 597-01973923.

16 54. On or about March 26, 2021, Respondent “distributed or sold,” as that term is
17 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
18 Car Interior - 12 Sheets” pesticide by importing it into the United States under Entry Number
19 597-01974970.

20 55. On or about October 22, 2020, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
22 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
23 597-01965200.

24 56. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
25 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
26 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
27 597-01966554.

28 57. On or about January 14, 2021, Respondent “distributed or sold,” as that term is

1 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
2 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
3 597-01970705.

4 58. On or about February 11, 2021, Respondent “distributed or sold,” as that term is
5 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
6 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
7 597-01972131.

8 59. On or about February 25, 2021, Respondent “distributed or sold,” as that term is
9 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
10 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
11 597-01972149.

12 60. On or about March 12, 2021, Respondent “distributed or sold,” as that term is
13 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
14 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
15 597-01973923.

16 61. On or about March 26, 2021, Respondent “distributed or sold,” as that term is
17 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
18 Car Interior - 20 Sheets” pesticide by importing it into the United States under Entry Number
19 597-01974970.

20 62. On or about October 22, 2020, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Toilet Cleaner - Elegant
22 Rose/Sweet Jasmine” pesticide by importing it into the United States under Entry Number 597-
23 01965200.

24 63. On or about February 11, 2021, Respondent “distributed or sold,” as that term is
25 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Toilet Cleaner - Elegant
26 Rose/Sweet Jasmine” pesticide by importing it into the United States under Entry Number 597-
27 01972131.

1 64. On or about March 5, 2020, Respondent “distributed or sold,” as that term is defined
2 by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Insect Repellant Plate -
3 Lavender/Grapefruit” pesticide by importing it into the United States under Entry Number 597-
4 01952521.

5 65. On or about March 5, 2020, Respondent “distributed or sold,” as that term is defined
6 by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Pocket Size Wet Wipes - Non Alcohol
7 Sterilizer (2 Pack and 3 Pack)” pesticide by importing it into the United States under Entry
8 Number 597-01952521.

9 66. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
10 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheets - Induction
11 Cooktops and Gas Burners - 25 Sheets” pesticide by importing it into the United States under
12 Entry Number 597-01966554.

13 67. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
14 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheets - Induction
15 Cooktops and Gas Burners - 25 Sheets” pesticide by importing it into the United States under
16 Entry Number 597-01970705.

17 68. On or about November 6, 2020, Respondent “distributed or sold,” as that term is
18 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Replacement Wet Cleaning Sheets
19 for Floor Wipers - 30 Sheets” pesticide by importing it into the United States under Entry
20 Number 597-01966554.

21 69. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
22 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Replacement Wet Cleaning Sheets
23 for Floor Wipers - 30 Sheets” pesticide by importing it into the United States under Entry
24 Number 597-01970705.

25 70. On or about December 17, 2020, Respondent “distributed or sold,” as that term is
26 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Kitchen Cleaner - 45 Sheets”
27 pesticide by importing it into the United States under Entry Number 597-01969012.
28

1 71. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
2 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Replacement Wax Cleaning Sheets
3 - Ochiochi V- For Floor Wipers - 13 Sheets” pesticide by importing it into the United States
4 under Entry Number 597-01970705.

5 72. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
6 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Alkali Electrolyzed Water Cleaning
7 Sheet for Microwaves and Refrigerators - 25 Sheets” pesticide by importing it into the United
8 States under Entry Number 597-01970705.

9 73. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
10 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Alkali Electrolyzed Water Cleaning
11 Sheet for Living Room - 25 Sheets” pesticide by importing it into the United States under Entry
12 Number 597-01970705.

13 74. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
14 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheet for Windows - 15
15 Sheets” pesticide by importing it into the United States under Entry Number 597-01970705.

16 75. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
17 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheet for Screens - 25
18 Sheets” pesticide by importing it into the United States under Entry Number 597-01970705.

19 76. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
20 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheets - With Sesqui -
21 Sodium Carbonate - For Living Rooms - 25 Sheets” pesticide by importing it into the United
22 States under Entry Number 597-01970705.

23 77. On or about January 14, 2021, Respondent “distributed or sold,” as that term is
24 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Alkali Electrolytic Water Plus
25 Sodium Bicarbonate Cleaning Sheet - 25 Sheets” pesticide by importing it into the United States
26 under Entry Number 597-01970705.

27 78. At all times relevant to this CAFO, the 23 pesticides identified in Paragraphs 25-77
28 that Respondent “distributed or sold” on 53 separate occasions between March 5, 2020, and

1 March 26, 2021, by importing them into the United States were not registered under Section 3 of
2 FIFRA, 7 U.S.C. § 136a.

3 79. By distributing or selling the 23 pesticides identified in Paragraphs 25-77 on 53
4 separate occasions between March 5, 2020, and March 26, 2021, by importing them into the
5 United States, Respondent committed 53 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. §
6 136j(a)(1)(A).

7 COUNTS 54-63: Failure to Comply with

8 Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) – Holding for Sale

9 80. Paragraphs 4 through 23 above are hereby alleged and incorporated by reference as if
10 set forth herein in full.

11 81. On or about November 20, 2020, Respondent “distributed or sold,” as that term is
12 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Bathroom Wipes”
13 pesticide by holding and offering it for sale from its Pearl City, Hawaii location.

14 82. On or about November 20, 2020, Respondent “distributed or sold,” as that term is
15 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Dining Table Wet Wipes” pesticide
16 by holding and offering it for sale from its Pearl City, Hawaii location.

17 83. On or about November 20, 2020, Respondent “distributed or sold,” as that term is
18 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Cleaner - For Pet
19 Cleaning” pesticide by holding and offering it for sale from its Pearl City, Hawaii location.

20 84. On or about November 20, 2020, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Toilet Cleaner -
22 Plumeria/Mint” pesticide by holding and offering it for sale from its Pearl City, Hawaii location.

23 85. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
24 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaner for Screens - Window
25 Screen Cleaner - 20 Sheets” pesticide by holding and offering it for sale from its Pearl City,
26 Hawaii location.

27 86. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
28 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Virus Cut Mighty Cleaner - Wet

1 Cleaner Wipes - 20 Sheets” pesticide by holding and offering it for sale from its Pearl City,
2 Hawaii location.

3 87. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
4 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V -
5 Car Interior - 20 Sheets” pesticide by holding and offering it for sale from its Pearl City, Hawaii
6 location.

7 88. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
8 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet -
9 Ochiochi V - Car Interior - 20 Sheets” pesticide by holding and offering it for sale from its Pearl
10 City, Hawaii location.

11 89. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
12 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V -
13 Car Interior - 12 Sheets” pesticide by holding and offering it for sale from its Pearl City, Hawaii
14 location.

15 90. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
16 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V -
17 Car Interior - 20 Sheets” pesticide by holding and offering it for sale from its Pearl City, Hawaii
18 location.

19 91. At all times relevant to this CAFO, the ten pesticides identified in Paragraphs 81-90
20 that Respondent “distributed or sold” on or about November 20, 2020, or February 23, 2021, by
21 holding and offering them for sale from its Pearl City, Hawaii location were not registered under
22 Section 3 of FIFRA, 7 U.S.C. § 136a.

23 92. By distributing or selling the ten unregistered pesticides identified in Paragraphs 81-
24 90 on or about November 20, 2020, or February 23, 2021, by holding them and offering them for
25 sale on ten separate occasions from its Pearl City, Hawaii location, Respondent committed ten
26 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

COUNTS 64-78: Failure to Comply with

Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) – Actual Sale

93. Paragraphs 4 through 23 above are hereby alleged and incorporated by reference as if set forth herein in full.

94. On or about November 9, 2020, Respondent “distributed or sold,” as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Cleaner - For Pet Cleaning” pesticide to a customer from its Pearl City, Hawaii location.

95. On or about June 1, 2020, Respondent “distributed or sold,” as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Toilet Cleaner - Plumeria/Mint” pesticide to a customer from its Pearl City, Hawaii location.

96. On or about February 16, 2021, Respondent “distributed or sold,” as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaner for Screens - Window Screen Cleaner - 20 Sheets” pesticide to a customer from its Pearl City, Hawaii location.

97. On or about November 7, 2020, Respondent “distributed or sold,” as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Shine Wax Sheet - Ochiochi V - Car Interior - 20 Sheets” pesticide to a customer from its Pearl City, Hawaii location.

98. On or about November 22, 2020, Respondent “distributed or sold,” as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Window Cleaning Wet Sheet - Ochiochi V - Car Interior - 20 Sheets” pesticide to a customer from its Pearl City, Hawaii location.

99. On or about November 8, 2020, Respondent “distributed or sold,” as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Anti-fog Wet Wipe - Ochiochi V - Car Interior - 12 Sheets” pesticide to a customer from its Pearl City, Hawaii location.

100. On or about November 7, 2020, Respondent “distributed or sold,” as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Wet Sheet - Ochiochi V - Car Interior - 20 Sheets” pesticide to a customer from its Pearl City, Hawaii location.

1 101. On or about December 6, 2020, Respondent “distributed or sold,” as that term is
2 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Flushable Toilet Cleaner - Elegant
3 Rose/Sweet Jasmine” pesticide to a customer from its Honolulu, Hawaii location.

4 102. On or about December 3, 2020, Respondent “distributed or sold,” as that term is
5 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheets - Induction
6 Cooktops and Gas Burners - 25 Sheets” pesticide to a customer from its Pearl City, Hawaii
7 location.

8 103. On or about June 1, 2020, Respondent “distributed or sold,” as that term is defined
9 by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Replacement Wet Cleaning Sheets for Floor
10 Wipers - 30 Sheets” pesticide to a customer from its Honolulu, Hawaii location.

11 104. On or about June 1, 2020, Respondent “distributed or sold,” as that term is defined
12 by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Replacement Wax Cleaning Sheets -
13 Ochiochi V- For Floor Wipers - 13 Sheets” pesticide to a customer from its Honolulu, Hawaii
14 location.

15 105. On or before June 1, 2020, Respondent “distributed or sold,” as that term is defined
16 by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Alkali Electrolyzed Water Cleaning Sheet
17 for Living Room - 25 Sheets” pesticide to a customer from its Honolulu, Hawaii location.

18 106. On or about February 20, 2021, Respondent “distributed or sold,” as that term is
19 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheet for Windows - 15
20 Sheets” pesticide to a customer from its Pearl City, Hawaii location.

21 107. On or about February 20, 2021, Respondent “distributed or sold,” as that term is
22 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheet for Screens - 25
23 Sheets” pesticide to a customer from its Pearl City, Hawaii location.

24 108. On or before June 1, 2020, Respondent “distributed or sold,” as that term is defined
25 by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Cleaning Sheets - With Sesqui - Sodium
26 Carbonate - For Living Rooms - 25 Sheets” pesticide to a customer from its Honolulu, Hawaii
27 location.
28

1 109. At all times relevant to this CAFO, the 15 pesticides identified in Paragraphs 94-
2 108 that Respondent “distributed or sold” to customers on 15 separate occasions on or before
3 June 1, 2020, through February 20, 2021, from its Pearl City, Hawaii or Honolulu, Hawaii
4 locations were not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

5 110. By distributing or selling the 15 unregistered pesticides identified in Paragraphs 94-
6 108 to customers on 15 separate occasions on or before June 1, 2020, and on or about February
7 20, 2021, from its Pearl City, Hawaii and Honolulu, Hawaii locations, Respondent committed 15
8 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

9 COUNTS 79-80: Failure to Comply with

10 Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F) – Devices

11 111. Paragraphs 4 through 23 above are hereby alleged and incorporated by reference as
12 if set forth herein in full.

13 112. On or about March 5, 2020, Respondent “distributed or sold,” as that term is
14 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Premium Adhesive Cockroach
15 Catcher” and “Made in Japan Fly Catcher” devices by importing them into the United States
16 under Entry Number 597-01952521.

17 113. The labels on the “Premium Adhesive Cockroach Catcher” and “Made in Japan Fly
18 Catcher” devices that Respondent imported into the United States on or about March 5, 2020, did
19 not bear the registration number assigned under Section 7 to the establishment in which each was
20 produced.

21 114. Respondent’s failures to identify on the labels the EPA producing establishment
22 registration number of the final establishment in which the “Premium Adhesive Cockroach
23 Catcher” and “Made in Japan Fly Catcher” devices were each produced, as required by 40 C.F.R.
24 §§ 156.10(a)(1)(v) and 156.10(f), constitute “misbranding,” as that term is defined by Section
25 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D).

26 115. Consequently, the distributions/importations into the United States of the “Premium
27 Adhesive Cockroach Catcher” and “Made in Japan Fly Catcher” devices by the Respondent on or
28

1 about March 5, 2020, constitute two violations of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. §
2 136j(a)(1)(F).

3 COUNTS 81-105: Failure to Comply with

4 Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) – Notice of Arrival

5 116. Paragraphs 4 through 23 above are hereby alleged and incorporated by reference as
6 if set forth herein in full.

7 117. On or about October 22, 2020, Respondent failed to submit to the EPA a Notice of
8 Arrival (or a digital alternative pursuant to the U.S. Department of Homeland Security, Bureau of
9 Customs and Border Protection’s (“CBP”) Automated Commercial Environment (“ACE”)
10 system) for the importation into the United States of the “Flushable Bathroom Wipes” pesticide
11 prior to the arrival of its shipment under Entry Number 597-01965200 in the United States as
12 required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

13 118. On or about November 6, 2020, Respondent failed to submit to the EPA a complete
14 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
15 importation into the United States of the “Dining Table Wet Wipes” pesticide prior to the arrival
16 of its shipment under Entry Number 597-01966554 in the United States as required by Section
17 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

18 119. On or about September 26, 2020, Respondent failed to submit to the EPA a
19 complete and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system)
20 for the importation into the United States of the “Flushable Cleaner - For Pet Cleaning” pesticide
21 prior to the arrival of its shipment under Entry Number 597-01963155 in the United States as
22 required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

23 120. On or about November 6, 2020, Respondent failed to submit to the EPA a complete
24 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
25 importation into the United States of the “Flushable Toilet Cleaner - Plumeria/Mint” pesticide
26 prior to the arrival of its shipment under Entry Number 597-01966554 in the United States as
27 required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

1 121. On or about December 31, 2020, Respondent failed to submit to the EPA a
2 complete and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system)
3 for the importation into the United States of the "Cleaner for Screens - Window Screen Cleaner -
4 20 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-01970424 in the
5 United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
6 12.112.

7 122. On or about December 17, 2020, Respondent failed to submit to the EPA a
8 complete and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system)
9 for the importation into the United States of the "Virus Cut Mighty Cleaner - Wet Cleaner Wipes
10 - 20 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-01969012 in
11 the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
12 12.112.

13 123. On or about October 22, 2020, Respondent failed to submit to the EPA a complete
14 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
15 importation into the United States of the "Shine Wax Sheet - Ochiochi V - Car Interior - 20
16 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-01965200 in the
17 United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
18 12.112.

19 124. On or about November 6, 2020, Respondent failed to submit to the EPA a complete
20 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
21 importation into the United States of the "Window Cleaning Wet Sheet - Ochiochi V - Car
22 Interior - 20 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-
23 01966554 in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19
24 C.F.R. § 12.112.

25 125. On or about October 22, 2020, Respondent failed to submit to the EPA a complete
26 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
27 importation into the United States of the "Anti-fog Wet Wipe - Ochiochi V - Car Interior - 12
28 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-01965200 in the

1 United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
2 12.112.

3 126. On or about October 22, 2020, Respondent failed to submit to the EPA a complete
4 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
5 importation into the United States of the "Cleaning Wet Sheet - Ochiochi V - Car Interior - 20
6 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-01965200 in the
7 United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
8 12.112.

9 127. On or about February 11, 2021, Respondent failed to submit to the EPA a complete
10 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
11 importation into the United States of the "Flushable Toilet Cleaner - Elegant Rose/Sweet
12 Jasmine" pesticide prior to the arrival of its shipment under Entry Number 597-01972131 in the
13 United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
14 12.112.

15 128. On or about March 5, 2020, Respondent failed to submit to the EPA a complete and
16 accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
17 importation into the United States of the "Insect Repellant Plate - Lavender/Grapefruit" pesticide
18 prior to the arrival of its shipment under Entry Number 597-01952521 in the United States as
19 required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

20 129. On or about March 5, 2020, Respondent failed to submit to the EPA a complete and
21 accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
22 importation into the United States of the "Premium Adhesive Cockroach Catcher" pesticidal
23 device prior to the arrival of its shipment under Entry Number 597-01952521 in the United
24 States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

25 130. On or about March 5, 2020, Respondent failed to submit to the EPA a complete and
26 accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
27 importation into the United States of the "Made in Japan Fly Catcher" pesticidal device prior to
28

1 the arrival of its shipment under Entry Number 597-01952521 in the United States as required by
2 Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

3 131. On or about March 5, 2020, Respondent failed to submit to the EPA a complete and
4 accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
5 importation into the United States of the "Pocket Size Wet Wipes - Non Alcohol Sterilizer (2
6 Pack and 3 Pack)" pesticide prior to the arrival of its shipment under Entry Number 597-
7 01952521 in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19
8 C.F.R. § 12.112.

9 132. On or about November 6, 2020, Respondent failed to submit to the EPA a complete
10 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) or the
11 importation into the United States of the "Cleaning Sheets - Induction Cooktops and Gas Burners
12 - 25 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-01966554 in
13 the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
14 12.112.

15 133. On or about November 6, 2020, Respondent failed to submit to the EPA a complete
16 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
17 importation into the United States of the "Replacement Wet Cleaning Sheets for Floor Wipers -
18 30 Sheets" pesticide prior to the arrival of its shipment under Entry Number 597-01966554 in the
19 United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. §
20 12.112.

21 134. On or about December 17, 2020, Respondent failed to submit to the EPA a
22 complete and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system)
23 for the importation into the United States of the "Kitchen Cleaner - 45 Sheets" pesticide prior to
24 the arrival of its shipment under Entry Number 597-01969012 in the United States as required by
25 Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

26 135. On or about January 14, 2021, Respondent failed to submit to the EPA a complete
27 and accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
28 importation into the United States of the "Replacement Wax Cleaning Sheets - Ochiochi V- For

1 Floor Wipers - 13 Sheets” pesticide prior to the arrival of its shipment under Entry Number 597-
2 01970705 in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19
3 C.F.R. § 12.112.

4 136. On or about January 14, 2021, Respondent failed to submit to the EPA a complete
5 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
6 importation into the United States of the “Alkali Electrolyzed Water Cleaning Sheet for
7 Microwaves and Refrigerators - 25 Sheets” pesticide prior to the arrival of its shipment under
8 Entry Number 597-01970705 in the United States as required by Section 17(c) of FIFRA, 7
9 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

10 137. On or about January 14, 2021, Respondent failed to submit to the EPA a complete
11 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
12 importation into the United States of the “Alkali Electrolyzed Water Cleaning Sheet for Living
13 Room - 25 Sheets” pesticide prior to the arrival of its shipment under Entry Number 597-
14 01970705 in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19
15 C.F.R. § 12.112.

16 138. On or about January 14, 2021, Respondent failed to submit to the EPA a complete
17 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
18 importation into the United States of the “Cleaning Sheet for Windows - 15 Sheets” pesticide
19 prior to the arrival of its shipment under Entry Number 597-01970705 in the United States as
20 required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

21 139. On or about January 14, 2021, Respondent failed to submit to the EPA a complete
22 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
23 importation into the United States of the “Cleaning Sheet for Screens - 25 Sheets” pesticide prior
24 to the arrival of its shipment under Entry Number 597-01970705 in the United States as required
25 by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112.

26 140. On or about January 14, 2021, Respondent failed to submit to the EPA a complete
27 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
28 importation into the United States of the “Cleaning Sheets - With Sesqui - Sodium Carbonate -

1 For Living Rooms - 25 Sheets” pesticide prior to the arrival of its shipment under Entry Number
2 597-01970705 in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c),
3 and 19 C.F.R. § 12.112.

4 141. On or about January 14, 2021, Respondent failed to submit to the EPA a complete
5 and accurate Notice of Arrival (or a digital alternative pursuant to CBP’s ACE system) for the
6 importation into the United States of the “Alkali Electrolytic Water Plus Sodium Bicarbonate
7 Cleaning Sheet - 25 Sheets” pesticide prior to the arrival of its shipment under Entry Number
8 597-01970705 in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c),
9 and 19 C.F.R. § 12.112.

10 142. By failing to submit to the EPA a Notice of Arrival (or a digital alternative pursuant
11 to CBP’s ACE system) for the importation into the United States of the 25 pesticides and/or
12 devices identified in Paragraphs 117-141 prior to the arrival of each of their aforementioned 25
13 shipments in the United States between March 5, 2020, and February 11, 2021, Respondent
14 failed to file a report required by FIFRA in each instance and thus committed 25 violations of
15 Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

16 D. RESPONDENT’S ADMISSIONS

17 143. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,
18 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over
19 Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section
20 I.C of this CAFO; (iii) consents to any and all conditions specified in this CAFO and to the
21 assessment of the civil administrative penalty under Section I.E of this CAFO; (iv) waives any
22 right to contest the allegations contained in this CAFO; and (v) waives the right to appeal the
23 Final Order contained in this CAFO.

24 E. CIVIL ADMINISTRATIVE PENALTY

25 144. In full and final settlement of the violations specifically alleged in Section I.C of
26 this CAFO, Respondent shall pay a civil administrative penalty of THREE HUNDRED AND
27 FOURTEEN THOUSAND, SEVEN HUNDRED, AND FORTY-SEVEN DOLLARS
28 (\$314,747). Respondent shall pay this civil penalty within thirty (30) days of the effective date of

1 this CAFO. The civil penalty shall be paid by remitting a certified or cashier's check, including
2 the name and docket number of this case, for the amount, payable to "Treasurer, United States of
3 America," (or be paid by one of the other methods listed below) and sent as follows:

4 Regular Mail:

5 U.S. Environmental Protection Agency
6 Fines and Penalties
7 Cincinnati Finance Center
8 PO Box 979077
9 St. Louis, MO 63197-9000

10 Wire Transfers:

11 Wire transfers must be sent directly to the Federal Reserve Bank in New
12 York City with the following information:
13 Federal Reserve Bank of New York
14 ABA = 021030004
15 Account = 68010727
16 SWIFT address = FRNYUS33
17 33 Liberty Street
18 New York, NY 10045
19 Beneficiary = U.S. Environmental Protection Agency

20 Certified or Overnight Mail:

21 U.S. Bank
22 1005 Convention Plaza
23 Mail Station SL-MO-C2GL
24 ATTN Box 979077
25 St. Louis, MO 63101

26 ACH (also known as Remittance Express or REX):

27 Automated Clearinghouse (ACH) payments to EPA can be made through
28 the U.S. Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Account = 31006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737

Remittance Express (REX) = (866) 234-5681

1 On Line Payment:

2 This payment option can be accessed from the information below:

3 www.pay.gov
4 Enter "SFO 1.1" in the search field
5 Open form and complete required fields

6 If clarification regarding a particular method of payment remittance is
7 needed, contact the EPA's Cincinnati Finance Center at (513) 487-2091.

8 A copy of each check, or notification that the payment has been made by one of the other
9 methods listed above, including proof of the date payment was made, shall be sent with a
10 transmittal letter, indicating Respondent's name, the case title, and docket number, to the
11 following regular mail or email addresses:

12 Regional Hearing Clerk
13 Office of Regional Counsel (ORC-1)
14 U.S. Environmental Protection Agency, Region IX
15 75 Hawthorne Street
16 San Francisco, CA 94105
17 R9HearingClerk@epa.gov

18 Brandon Boatman
19 Toxics Section
20 Enforcement and Compliance Assurance Division (ENF-2-3)
21 U.S. Environmental Protection Agency, Region IX
22 75 Hawthorne Street
23 San Francisco, CA 94105
24 boatman.brandon@epa.gov

25 145. Respondent shall not use payment of any penalty under this CAFO as a tax
26 deduction from Respondent's federal, state, or local taxes, nor shall Respondent allow or
27 otherwise facilitate any other person to use such payment as a tax deduction.

28 146. If Respondent fails to pay the assessed civil administrative penalty of THREE
HUNDRED AND FOURTEEN THOUSAND, SEVEN HUNDRED, AND FORTY-SEVEN
DOLLARS (\$314,747) as identified in Paragraph 144 by the deadline specified in that Paragraph,
then Respondent shall pay a stipulated penalty to EPA of FIVE HUNDRED DOLLARS (\$500)
per day in addition to the assessed penalty. Stipulated penalties shall accrue until such time as
the assessed penalty and all accrued stipulated penalties are paid and shall become due and
payable upon EPA's written request. Failure to pay the civil administrative penalty specified in

1 Paragraph 144 by the deadline specified in that Paragraph may also lead to any or all of the
2 following actions:

3 (1) EPA may refer the debt to a credit reporting agency, a collection
4 agency, or to the Department of Justice for filing of a collection action in the appropriate United
5 States District Court. 40 C.F.R. §§ 13.13, 13.14 and 13.33. The validity, amount, and
6 appropriateness of the assessed penalty or of this CAFO is not subject to review in any such
7 collection proceeding.

8 (2) The U.S. Government may collect the debt by administrative offset
9 (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a
10 person to satisfy the debt the person owes the U.S. Government), which includes, but is not
11 limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40
12 C.F.R. §§ 13(C) and 13(H).

13 (3) Pursuant to 40 C.F.R. § 13.17, EPA may either: (i) suspend or revoke
14 Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing
15 business with EPA or engaging in programs EPA sponsors or funds.

16 (4) Pursuant to 31 U.S.C. § 3701 *et seq.* and 40 C.F.R. Part 13, the U.S.
17 Government may assess interest, administrative handling charges, and nonpayment penalties
18 against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the
19 civil administrative penalty specified in Paragraph 144 by the deadline specified in that
20 Paragraph.

21 (a) Interest. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. §
22 13.11(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established
23 according to 26 U.S.C. § 6621(a)(2) from the effective date of this CAFO, provided, however,
24 that no interest shall be payable on any portion of the assessed penalty that is paid within thirty
25 (30) days of the effective date of this CAFO.

26 (b) Administrative Handling Charges. Pursuant to 31 U.S.C. §
27 3717(e)(1) and 40 C.F.R. § 13.11(b), Respondent shall pay a monthly handling charge, based on
28

1 either actual or average cost incurred (including both direct and indirect costs), for every month
2 in which any portion of the assessed penalty is more than thirty (30) days past due.

3 (c) Nonpayment Penalties. Pursuant to 31 U.S.C. § 3717(e)(2)
4 and 40 C.F.R. § 13.11(c), a monthly penalty charge, not to exceed six percent (6%) annually,
5 may be assessed on all debts more than ninety (90) days delinquent.

6 F. CERTIFICATION OF COMPLIANCE

7 147. In executing this CAFO, Respondent certifies that the information it has supplied
8 concerning this matter was at the time of submission, and is at the time of signature to this
9 CAFO, truthful, accurate, and complete; and that Respondent has corrected the violations alleged
10 in Section I.C of this CAFO. Under 18 U.S.C. § 1001, submitting false or misleading
11 information can result in significant penalties, including the possibility of fines and
12 imprisonment for knowing submission of such information.

13 G. RETENTION OF RIGHTS

14 148. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's
15 liabilities for federal civil penalties for the violations and facts specifically alleged in Section I.C
16 of this CAFO. Nothing in this CAFO is intended to or shall be construed to resolve: (i) any civil
17 liability for violations of any provision of any federal, state, or local law, statute, regulation, rule,
18 ordinance, or permit not specifically alleged in Section I.C of this CAFO; or (ii) any criminal
19 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it
20 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address
21 any violation of this CAFO or any violation not specifically alleged in Section I.C of this CAFO.

22 149. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's
23 duties to comply with all applicable federal, state, and local laws, regulations, rules, ordinances,
24 and permits.

25 H. ATTORNEYS' FEES AND COSTS

26 150. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in
27 this proceeding.
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I. EFFECTIVE DATE

151. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the Final Order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

J. BINDING EFFECT

152. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.

153. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

K. TAX REPORTING INFORMATION

154. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements) that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (*i.e.*, a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

(1) Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

1 (2) Respondent shall therein certify that its completed IRS Form W-9
2 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of
3 a TIN;

4 (3) Respondent shall email its completed Form W-9 to EPA's Cincinnati
5 Finance Center at sherrer.dana@epa.gov within 30 days after the Final Order ratifying this
6 Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

7 (4) In the event that Respondent has certified in its completed IRS Form
8 W-9 that it has applied for a TIN and that a TIN has not been issued to Respondent within 30
9 days after the Effective Date, then Respondent, using the same email address identified in the
10 preceding sub-paragraph, shall further:


11 (a) notify EPA's Cincinnati Finance Center of this fact, via
12 email, within 30 days after the 30 days after the Effective Date of this Order per Paragraph 151;
13 and

14 (b) provide EPA's Cincinnati Finance Center with
15 Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the
16 TIN.

17
18 FOR RESPONDENT MAUI VARIETIES, LTD. dba HOUSEMART:

19
20 09/26/2024

21 DATE

22 
23 Wayne K Kamitaki (Sep 26, 2024 15:19 HST)
24 WAYNE KAMITAKI
25 President
26 Maui Varieties, Ltd. dba HouseMart

27
28 FOR COMPLAINANT EPA:

29
30 9/27/2024

31 DATE

32 **MATTHEW** Digitally signed by
33 **SALAZAR** MATTHEW SALAZAR
34 Date: 2024.09.27
35 15:52:17 -07'00'
36 MATT SALAZAR, P.E.
37 Manager, Toxics Section
38 Enforcement and Compliance Assurance Division
39 U.S. Environmental Protection Agency, Region IX

1 II. FINAL ORDER

2 EPA and Maui Varieties, Ltd. dba HouseMart having entered into the foregoing Consent
3 Agreement,

4 IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2024-0107) be
5 entered, and Respondent shall pay a civil administrative penalty in the amount of THREE
6 HUNDRED AND FOURTEEN THOUSAND, SEVEN HUNDRED, AND FORTY-SEVEN
7 DOLLARS (\$314,747) and comply with the terms and conditions set forth in the Consent
8 Agreement.

9
10
11 _____
12 DATE

11 _____
12 BEATRICE WONG
13 Regional Judicial Officer
14 U.S. Environmental Protection Agency, Region IX

CERTIFICATE OF SERVICE

I hereby certify the attached Consent Agreement and Final Order in the matter of Maui Varieties, Ltd. dba HouseMart (Docket No. FIFRA-09-2024-0107) has been filed by Regional Hearing Clerk, and that a true and correct copy was served on the parties, via electronic mail, as indicated below:

RESPONDENT: Wayne Kamitaki
President
Maui Varieties, Ltd. dba HouseMart
2810 Paa Street, Bldg. A
Honolulu, HI 96819
Wayne.Kamitaki@hmstores.com

COMPLAINANT: Edgar Coral
Assistant Regional Counsel
U.S. EPA, Region IX
Air & Toxics Section 1 (ORC 2-1)
75 Hawthorne Street
San Francisco, CA 94105
Coral.Edgar@epa.gov

Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX