

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2024-0013
)	
RBL Products Inc.)	Proceeding to Assess a Civil Penalty
Detroit, Michigan,)	Under Section 14(a) of the Federal
)	Insecticide, Fungicide, and Rodenticide
Respondent.)	Act, 7 U.S.C. § 136l(a)
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Consent Agreement and Final Order

Preliminary Statement

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

2. The Complainant is the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. The Respondent is RBL Products Inc. (RBL), a corporation doing business in the State of Michigan.

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

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

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Rights

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

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

9. Respondent waives its right to appeal the final order accompanying the consent agreement.

10. Respondent certifies it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

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

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

13. 40 C.F.R. Section 152.15(a)(1) states that a substance is considered to be intended for pesticidal purpose, and thus a is required to be registered under FIFRA, if the person who distributes or sell the substance claims, states, or otherwise implies (by labeling or otherwise) that the substance can or should be used as a pesticide.

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

15. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “distribute or 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.” Also see 40 C.F.R. § 152.3.

16. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” as, among other things, “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” Also see 40 C.F.R. § 152.3.

17. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “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 which the Administrator [of the EPA] declares to be a pest” under Section 25(c)(1) of FIFRA. Also see 40 C.F.R. § 152.5.

18. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19, provides that any registrant, commercial applicator, wholesaler, dealer, retailer or other distributor who violates any provision of FIFRA may be assessed a civil penalty by EPA of up to \$24,255 for each offense where penalties are assessed on or after December 27, 2023.

Factual Allegations and Alleged Violations

19. Respondent is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

20. At all times relevant to this Complaint, Respondent owned or operated a place of business at 6040 Russell Street, Detroit, Michigan 48211 (facility).

21. On or about August 22 and 23, 2023, inspectors employed by the U.S. EPA and Michigan Department of Agriculture and Rural Development and authorized to conduct inspections under FIFRA conducted an inspection at Respondent’s facility.

Isopropyl Alcohol Wipes

22. During the inspection, the inspectors collected an empty canister of **Isopropyl Alcohol Wipes**.

23. The label on the canister of **Isopropyl Alcohol Wipes** included the following statements:

- “85% Isopropyl Alcohol USP Grade”
- “Disinfects & Sanitizes”

24. During the inspection, the inspectors also observed a packet of **Isopropyl Alcohol Wipes** with a label on the back side of the packaging which included the following statements:

- “75% Isopropyl Alcohol USP Grade”
- “Sanitizing Wipes to Reduce Bacteria & Germs That Can Cause Disease”

25. On or about March 19, 2020, Respondent posted the following on www.twitter.com/rblproducts: “RBL Products @RBL Products – March 19, 2020, We are ready for another batch! We are proud that our Alcohol Wipes are getting into the community. #rblproducts #disinfectant #sanitize #wipes #coronavirus #washyourhands #wipesbyrbl @ RBL Products, Inc. Instagram.com ...” and “RBL Products @RBL Products – March 17, 2020, We are very excited to share with you RBL Alcohol Wipes to help disinfect & sanitize your projects and work areas.”

26. On or about June 10, 2020, Respondent posted the following on www.facebook.com/RBLProductsDetroit:

“150 Presaturated Wipes To Disinfect & Sanitize Surfaces NOW WITH 50 MORE WIPES!

- 85% Isopropyl Alcohol
- 15% DI Water
- Disinfects & Sanitizes Viruses, Germs, Bacteria On Surfaces That Can Lead to Illness

[...] #rblwipes #rblspray #sanitizer #disinfectant #detroitstrong #detroittough #detroit #virus #antibacterial #antibacterialwipes #covid #coronavirus #sanitize #disinfectant #stayhome #washyourhands.”

27. On or about June 22, 2020, Respondent posted a graphic image which contained the following on www.facebook.com/RBLProductsDetroit:

“ALCOHOL WIPES 100 PRESATURATED WIPES TO DISINFECT & SANITIZE SURFACES

- 85% Isopropyl Alcohol
- 15% DI Water
- Disinfects & Sanitizes Viruses, Germs, Bacteria On Surfaces That Can Lead to Illness
- Industrial Strong Gentle to The Touch
- Perfect for Home, Office, Shops, Cars, Dorms, Gyms, Bathrooms, Restaurants, etc.”

28. On or about October 16, 2020, Respondent posted the following on www.facebook.com/RBLProductsDetroit:

“Detroit Michigan Starting to make weekend plans? Ensure your protection with our 75% Isopropyl Alcohol Wipes. Eliminate germs from any surface to give you that extra piece of mind. Now in convenient sized 25 wipes travel packs to take with you on the go! What are your plans for the weekend? #kppwipes #rblproducts #covidwipes #wipesbyrbl.”

29. On or about December 4, 2020, Respondent’s website at www.wipesbyrbl.com made the following claims about the **Isopropyl Alcohol Wipes**: “Isopropyl Wipes To Clean Surfaces & Protect Against Germs & Viruses” and included depictions of both the canister of **Isopropyl Alcohol Wipes** and the packets of **Isopropyl Alcohol Wipes**.

30. Respondent continued to make similar pesticidal claims on its website regarding the **Isopropyl Alcohol Wipes** in 2021 and 2022.

31. On or about August 22, 2023, Respondent’s website at www.rblproducts.com made the following claim about **Isopropyl Alcohol Wipes**: “150 Pre-Saturated Wipes To Clean & Sanitize Surfaces.”

32. The product, **Isopropyl Alcohol Wipes**, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u) because it is intended for preventing, destroying, repelling, or mitigating certain pests.

33. **Isopropyl Alcohol Wipes** is not a registered pesticide as required by Section 3 of FIFRA and its underlying regulations.

34. From on or about March 16, 2020, through on or about September 3, 2020, Respondent distributed or sold **Isopropyl Alcohol Wipes** to various persons on at least 264 separate occasions.

G200 Products

35. During the inspection, the inspectors also collected records relating to **G200**, including distribution/shipping records and labels for the product.

36. The label for GClean **G200** Sanitizer & Disinfectant Wipes included the following statements:

- EPA Reg. No. 6836-233 and 6836-346
- G200 Surface Sanitizer & Disinfectant Wipes Kills 99.9% of Illness Causing Germs and Bacteria on Contact.
- Kills 99.9% of illness-causing germs* on contact
- Non-toxic, safe for humans
- Environmentally safe
- Directions for Use: DISINFECT & SANITIZE
- *VIRUSES: proceeded with a long list of viruses including but not limited to SARS and Rotavirus.

37. The product, **G200** Sanitizer & Disinfectant Wipes, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

38. **G200** Sanitizer & Disinfectant Wipes is not a registered pesticide as required by Section 3 of FIFRA and its underlying regulations.

39. From on or about May 1, 2020, through on or about July 29, 2020, Respondent distributed or sold **G200** Sanitizer & Disinfectant Wipes to various persons on at least 97 separate occasions.

40. The label for **G200** Surface Sanitizer & Disinfectant included the following statements:

- EPA Reg. No. 6836-233 and 6836-346
- G200 Surface Sanitizer & Disinfectant Kills 99.9% of Illness Causing Germs and Bacteria on Contact.
- Kills 99.9% of illness-causing germs* on contact
- Non-toxic, safe for humans
- Environmentally safe
- Directions for Use: DISINFECT & SANITIZE
- *VIRUSES: proceeded with a long list of viruses including but not limited to SARS and Rotavirus.

41. The distribution and shipping records refer to the **G200** product as a “surface sanitizer” or as a “surface sanitizer & disinfectant.”

42. The product, **G200** Sanitizer & Disinfectant, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

43. **G200** Sanitizer & Disinfectant is not a registered pesticide as required by Section 3 of FIFIRA and its underlying regulations.

44. From on or about April 10, 2020, through on or about September 10, 2020, Respondent distributed or sold **G200** Sanitizer & Disinfectant to various persons on at least 329 separate occasions.

Counts 1 through 264

45. Complainant incorporates the above paragraphs of this Complaint, as if set forth in this paragraph.

46. From on or about March 16, 2020, through on or about September 3, 2020, Respondent distributed or sold the unregistered pesticide, **Isopropyl Alcohol Wipes** to various persons on 264 separate occasions.

47. Respondent's distribution or sale of the unregistered pesticide, **Isopropyl Alcohol Wipes** on 264 separate occasions, constitutes 264 separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

48. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on 262 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a), for each of the 264 violations.

Counts 265 through 361

49. Complainant incorporates the above paragraphs of this Complaint, as if set forth in this paragraph.

50. From on or about May 1, 2020, through on or about July 29, 2020, Respondent distributed or sold the unregistered pesticide, **G200 Sanitizer & Disinfectant Wipes** to various persons on 97 separate occasions.

51. Respondent's distribution or sale of the unregistered pesticide, **G200 Sanitizer & Disinfectant Wipes** on 97 separate occasions, constitutes 97 separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

52. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) on 97 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a), for each of the 97 violations.

Counts 362 through 690

53. Complainant incorporates the above paragraphs of this Complaint, as if set forth in this paragraph.

54. From on or about April 10, 2020, through on or about September 10, 2020, Respondent distributed or sold the unregistered pesticide, **G200 Sanitizer & Disinfectant** to various persons on 329 separate occasions.

55. Respondent's distribution or sale of the unregistered pesticide, **G200 Sanitizer & Disinfectant** on 329 separate occasions, constitutes 329 separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

56. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) on 329 separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a), for each of the 329 violations.

Civil Penalty and Other Relief

57. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$584,000. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business and the effect on Respondent's ability to continue in business. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

58. Respondent agrees to pay a civil penalty in the amount of \$584,000 within thirty (30) days after the effective date of this CAFO.

59. Respondent must pay the penalty on-line as follows: go to www.pay.gov, enter "SFO 1.1" in the search box and follow instructions to make payments.

60. Respondent must send a notice of each payment that states Respondents' name and the case docket number to EPA at the following addresses when it pays the penalty:

Juliane Grange
Regional Hearing Clerk
R5hearingclerk@epa.gov

Claudia Niess
niess.claudia@epa.gov and
R5lecab@epa.gov

Nidhi K. O'Meara
omeara.nidhi@epa.gov

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

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

62. 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:

- a. 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>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Milton Wise at EPA’s Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the effective date of this CAFO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA’s Cincinnati Finance Center with Respondent’s TIN, via email, within five (5) days of Respondent’s receipt of a TIN issued by the IRS.

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

64. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15

handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

65. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Nidhi O'Meara at omeara.nidhi@epa.gov (for Complainant), and Alan J. Sachs at ASachs@bdlaw.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

66. The Respondent's full compliance with this CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

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

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

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

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


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

72. Each party agrees to bear its own costs and attorney's fees, in this action.

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

**In the Matter of:
RBL Products Inc.**

July 23, 2024
Date



Ron Lipson, President
RBL Products Inc.

**In the Matter of:
RBL Products Inc.**

United States Environmental Protection Agency, Complainant

Date

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

**In the Matter of:
RBL Products Inc.
Docket No. FIFRA-05-2024-0013**

Final Order

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

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5