



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

June 9, 2021

VIA EMAIL ONLY

Martha E. Marrapese, Esq.
Representative for Freudenberg Household Products LP
2188 Diehl Road
Aurora, Illinois 60502

mmarrapese@wiley.law

Consent Agreement and Final Order
In the Matter of Freudenberg Household Products LP
Docket Number **FIFRA-05-2021-0019**

Dear Ms. Marrapese:

Enclosed please find a copy of a fully executed ~~Expedited Settlement~~ **Consent** Agreement and Final Order in resolution of the above case. This document was filed on June 9, 2021 with the Regional Hearing Clerk.

The civil penalty in the amount of \$75,140 is to be paid in the manner described in paragraphs 183-184. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

**MATTHEW
DAWSON**

Digitally signed by
MATTHEW DAWSON
Date: 2021.06.03
15:55:19 -05'00'

Matthew Dawson
Associate Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. FIFRA-05-2021-0019
)	
Freudenberg Household Products LP)	Proceeding to Assess a Civil Penalty
Aurora, Illinois)	Under Section 14(a) of the
)	Federal Insecticide, Fungicide, and
)	Rodenticide Act, 7 U.S.C. § 136l(a)
Respondent.)	
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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. Respondent is Freudenberg Household Products LP (FHP), a limited partnership doing business at 2188 Diehl Road, Aurora, Illinois 60502.

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 Right to Hearing

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

8. Respondent waives its 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 certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

Statutory and Regulatory Background

10. The importation of pesticides into the United States (U.S.) is governed by Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations promulgated thereunder by the Secretary of the Treasury in consultation with the Administrator of EPA. These regulations are found at 19 C.F.R. Part 12. See also 19 C.F.R. § 12.1(b).

11. 19 C.F.R. § 12.112(a) states, in pertinent part, that an importer desiring to import devices into the U.S. shall submit to the EPA, prior to the arrival of the shipment in the U.S., a Notice of Arrival of Pesticides or Devices (NOA) on U.S. EPA Form 3540-1.

12. 40 C.F.R. § 152.500 sets forth the requirements for devices under FIFRA including specifying that a device is subject to the requirements set forth in Section 7 of FIFRA and 40 C.F.R. Part 167.

13. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), states that it is unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by FIFRA.

14. The term “device” is defined at Section 2(h) of FIFRA, 7 U.S.C. § 136(h) as any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest.

15. The term “pest” is defined at Section 2(t) of FIFRA, 7 U.S.C. § 136(t) as, in pertinent part, any form of virus, bacteria, or other micro-organism. See also 40 C.F.R. § 152.5(d).

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

17. The term “importer” is defined at 19 C.F.R. § 101.1 as the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be the importer of record.

18. The term “label” is defined in Section 2(p)(1) of FIFRA, 7 U.S.C. 136(p)(1) as the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

19. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), states 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 not more than \$7,500 for each offense that occurred after January 12, 2009 through November 2, 2015. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through 2015, 28 U.S.C. § 2461, and its implementing regulations at 40 C.F.R. Part 19, increased the amount that can be assessed to \$20,528 for each offense occurring after November 2, 2015 and assessed after December 23, 2020. See 85 Fed. Reg. 247 (December 23, 2020).

EPA Findings

20. On January 14, 2021, Respondent voluntarily submitted a self-disclosure and request for penalty mitigation (the “Self-Disclosure”) under EPA’s “Audit Policy,” formally known as the *Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations* (December 22, 1995, rev’d. April 11, 2000). The Self-Disclosure cited potential FIFRA violations pertaining to the sale and distribution of misbranded pesticide devices, domestic and foreign production of those devices in unregistered establishments, and failure to file required reports.

21. On May 18, 2021, after analyzing the Self-Disclosure with regards to potential FIFRA Section 12(a)(2)(N) violations occurring between January 29, 2021 to April 26, 2021, EPA Region 5 determined that the Respondent did not qualify for penalty mitigation under the Audit Policy because the Self-Disclosure failed to satisfy at least one of the conditions required for penalty mitigation.

22. Based on the Self-Disclosure, Respondent’s subsequent written communications to EPA, and further investigation by EPA, certain FIFRA noncompliance outlined in the Self-Disclosure and at issue in this CAFO include the following, as further detailed below: failure to file reports of device imports with EPA (i.e., NOAs) in violation of Section 12(a)(2)(N) of FIFRA between January 29, 2021 to April 26, 2021.

23. Upon information and belief, the violations at issue in the Self-Disclosure and this CAFO involve devices, including **Hardwood Floor ‘N More Mop, Hardwood Floor ‘N More Mop Refill, Hardwood Floor ‘N More Flip Refill, Hardwood Floor ‘N More Comfort+, ProMist Max Refill, ProMist Max Mop, ProMist Max Generation 3, ProMist Max Pad, MicroTwist Mop, Microfiber Cloth Mop, Easywring Refill, Easywring Rinse Clean, and Great Value Spin Mop & Bucket.**

24. At all times relevant to the violations alleged in this CAFO, Respondent failed to file the NOAs in a timely manner prior to the arrival of the shipments in the United States for shipments containing pesticide devices between January 29, 2021 to April 26, 2021.

Factual Allegations and Alleged Violations

25. Respondent is, and was at all times relevant to this CAFO, a partnership or organized group of persons whether incorporated or not, and, therefore, is a “person” as that term is defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

26. Respondent is, and was at all times relevant to this CAFO, an “importer” as that term is defined in 19 C.F.R. § 101.1.

Hardwood Floor ‘N More Products

27. This CAFO involves devices identified under the **Hardwood Floor ‘N More** product name, specifically, **Hardwood Floor ‘N More Mop, Hardwood Floor ‘N More Refill, Hardwood Floor ‘N More Flip Refill, and Hardwood Floor ‘N More Comfort+ (Hardwood Floor ‘N More Products)**.

28. On or about February 3, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21010803) into the U.S.

29. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

30. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

31. On March 1, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

32. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

33. On or about February 5, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21015760) into the U.S.

34. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

35. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

36. On March 17, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

37. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

38. On or about February 20, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21015562) into the U.S.

39. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

40. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

41. On March 16, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

42. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

43. On or about March 1, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21016156) into the U.S.

44. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

45. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

46. On March 18, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

47. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

48. On or about January 29, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21016586) into the U.S.

49. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

50. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

51. On March 19, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

52. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

53. On or about February 13, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21021941) into the U.S.

54. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

55. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

56. On April 14, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

57. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

58. On or about January 29, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21016578) into the U.S.

59. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

60. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

61. On March 19, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

62. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

63. On or about March 2, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21019135) into the U.S.

64. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

65. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

66. On May 27, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

67. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

68. On or about February 27, 2021, Respondent imported one or more **Hardwood Floor ‘N More Products** (Entry Number BFH-21015612) into the U.S.

69. Labels affixed to the products identified under **Hardwood Floor ‘N More Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

70. Products identified under **Hardwood Floor ‘N More Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

71. On March 16, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

72. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

ProMist Max Products

73. This CAFO involves devices identified under the **ProMist Max** product name, specifically, **ProMist Max Refill, ProMist Max Mop, ProMist Max Pad, and Promist Max Generation 3 (ProMist Max Products)**.

74. On or about January 29, 2021, Respondent imported one or more **ProMist Max Products** (Entry Number BFH-21016586) into the U.S.

75. Labels affixed to the products identified under **ProMist Max Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

76. Products identified under **ProMist Max Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

77. On March 19, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment.

78. Respondent did not submit a NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

79. On or about February 13, 2021, Respondent imported one or more **ProMist Max Products** (Entry Number BFH-21021941) into the U.S.

80. Labels affixed to the products identified under **ProMist Max Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

81. Products identified under **ProMist Max Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

82. On April 14, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for Entry Number BFH-21021941.

83. Respondent did not submit a NOA to the EPA for this shipment under Entry Number BFH-21021941 prior to the arrival of the shipment into the U.S.

84. On or about February 2, 2021, Respondent imported one or more **ProMist Max Products** (Entry Number BFH-21019143) into the U.S.

85. Labels affixed to the products identified under **ProMist Max Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

86. Products identified under **ProMist Max Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

87. On April 1, 2021, Respondent submitted a NOA to the EPA for this import shipment.

88. Respondent did not submit a NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

89. On or about February 2, 2021, Respondent imported one or more **ProMist Max Products** (Entry Number BFH-21032922) into the U.S.

90. Labels affixed to the products identified under **ProMist Max Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

91. Products identified under **ProMist Max Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

92. On May 28, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment.

93. Respondent did not submit a NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

MicroTwist Mop

94. On or about February 21, 2021, Respondent imported **MicroTwist Mop** (Entry Number BFH-21018145) into the U.S.

95. Labels affixed to the products identified under **MicroTwist Mop** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

96. **MicroTwist Mop** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

97. On March 26, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

98. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

99. On or about February 20, 2021, Respondent imported **MicroTwist Mop** (Entry Number BFH-21015562) into the U.S.

100. Labels affixed to the products identified under **MicroTwist Mop** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

101. **MicroTwist Mop** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

102. On March 16, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

103. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

104. On or about March 2, 2021, Respondent imported **MicroTwist Mop** (Entry Number BFH-21018368) into the U.S.

105. **MicroTwist Mop** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

106. On March 29, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

107. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

108. On or about March 2, 2021, Respondent imported **MicroTwist Mop** (Entry Number BFH-21019135) into the U.S.

109. **MicroTwist Mop** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

110. On May 27, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

111. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

112. On or about February 27, 2021, Respondent imported **MicroTwist Mop** (Entry Number BFH-21015612) into the U.S.

113. **MicroTwist Mop** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

114. On March 16, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

115. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

Microfiber Cloth Mop

116. On or about February 13, 2021, Respondent imported **Microfiber Cloth Mop** (Entry Number BFH-21021941) into the U.S.

117. Labels affixed to the products identified under **Microfiber Cloth Mop** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

118. **Microfiber Cloth Mop** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

119. On April 14, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

120. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

121. On or about January 29, 2021, Respondent imported **Microfiber Cloth Mop** (Entry Number BFH-21016578) into the U.S.

122. Labels affixed to the products identified under **MicroTwist Mop** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

123. **Microfiber Cloth Mop** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

124. On March 19, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

125. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

Easywring Products

126. This CAFO involves devices identified under the **Easywring** product name, specifically, **Easywring Refill and Easywring Rinse Clean (Easywring Products)**. On or about January 29, 2021, Respondent imported one or more **Easywring Products** (Entry Number BFH-21015554) into the U.S.

127. Labels affixed to the products identified under **Easywring Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

128. Products identified under **Easywring Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

129. On March 17, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

130. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

131. On or about February 2, 2021, Respondent imported one or more **Easywring Products** (Entry Number BFH-21019143) into the U.S.

132. Labels affixed to the products identified under **Easywring Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

133. Products identified under **Easywring Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

134. On April 1, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

135. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

136. On or about February 13, 2021, Respondent imported one or more **Easywring Products** (Entry Number BFH-21015737) into the U.S.

137. Labels affixed to the products identified under **Easywring Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

138. Products identified under **Easywring Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

139. On March 17, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import shipment of devices.

140. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

141. On or about April 9, 2021, Respondent imported one or more **Easywring Products** (Entry Number BFH-21023384) into the U.S.

142. Labels affixed to the products identified under **Easywring Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

143. Products identified under **Easywring Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

144. On May 4, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import of devices.

145. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival of the shipment into the U.S.

146. On April 26, 2021, Respondent imported on or more **Easywring Products** (Entry Number BFH-21028698) into the U.S.

147. Labels affixed to the products identified under **Easywring Products** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

148. Products identified under **Easywring Products** in this shipment are “devices” as that term is defined in Section 2(h) of FIFRA.

149. On May 11, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import of devices.

150. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival into the U.S.

Great Value Spin Mop & Bucket

151. On April 26, 2021, Respondent imported **Great Value Spin Mop & Bucket** (Entry Number BFH-21028698) into the U.S.

152. Labels affixed to the products identified under **Great Value Spin Mop & Bucket** in this shipment displayed, among other information, claims that the product “[r]emoves over 99% bacteria with just water.”

153. **Great Value Spin Mop & Bucket** in this shipment is a “device” as that term is defined in Section 2(h) of FIFRA.

154. On May 11, 2021, Respondent submitted an electronic alternative to the NOA to the EPA for this import of devices.

155. Respondent did not submit a NOA to the EPA for this shipment of devices prior to the arrival into the U.S.

156. Between January 29, 2021 to April 26, 2021, Respondent failed to file the NOAs for the shipments containing devices, **Hardwood Floor ‘N More Mop, Hardwood Floor ‘N More Mop Refill, Hardwood Floor ‘N More Flip Refill, Hardwood Floor ‘N More Comfort+, ProMist Max Refill, ProMist Max Mop, ProMist Max Generation 3, ProMist Max Pad, MicroTwist Mop, Microfiber Cloth Mop, Easywring Refill, Easywring Rinse Clean, and Great Value Spin Mop & Bucket** prior to their arrival into the U.S.

Counts 1-9

Failure to File NOAs for Pesticide Device Hardwood Floor ‘N More Products

157. Paragraphs 25–72 are incorporated by reference.

158. Between January 29, 2021, through March 2, 2021, Respondent failed to file NOAs prior to the arrival of shipments containing one or more devices described as **Hardwood Floor ‘N More Products** in Paragraph 27, on at least nine separate occasions.

159. Respondent’s failure to file the NOAs prior to arrival of the shipment into the U.S. for shipments containing one or more pesticide devices described as **Hardwood Floor ‘N More Products** in Paragraph 27, constitutes nine separate violations of Section 12(a)(2)(N) of FIFRA.

160. Respondent’s violations of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA.

Counts 10-13

Failure to File NOAs for Pesticide Device ProMist Max Products

161. Paragraphs 25, 26, and 73–93 are incorporated by reference.

162. Between January 29, 2021, through February 13, 2021, Respondent failed to file NOAs prior to the arrival of shipments containing one or more pesticide devices described as **ProMist Max Products** in Paragraph 73, on at least four occasions.

163. Respondent’s failure to file the NOAs prior to arrival of the shipment into the U.S. for shipments containing one or more pesticide devices described as **ProMist Max Products** in Paragraph 73, constitutes four separate violations of Section 12(a)(2)(N) of FIFRA.

164. Respondent’s violation of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA.

Counts 14-18

Failure to File NOAs for Pesticide Device MicroTwist Mop

165. Paragraphs 25, 26, and 94–115 are incorporated by reference.

166. Between February 20, 2021, through March 2, 2021, Respondent failed to file NOAs prior to the arrival of shipments containing pesticide devices, **MicroTwist Mop**, on at least five occasions.

167. Respondent’s failure to file the NOAs prior to arrival of the shipment into the U.S. for shipments containing devices, **MicroTwist Mop**, constitutes five separate violations of Section 12(a)(2)(N) of FIFRA.

168. Respondent’s violations of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA.

Counts 19-20

Failure to File NOAs for Pesticide Device Microfiber Cloth Mop

169. Paragraphs 25, 26, and 116–125 are incorporated by reference.

170. Between January 29, 2021, through February 13, 2021, Respondent failed to file NOAs prior to the arrival of shipments containing pesticide devices, **Microfiber Cloth Mop**, on at least two occasions.

171. Respondent's failure to file the NOAs prior to arrival of the shipment into the U.S. for shipments containing devices, **Microfiber Cloth Mop**, constitutes two separate violations of Section 12(a)(2)(N) of FIFRA.

172. Respondent's violations of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA.

Count 21-25

Failure to File NOAs for Pesticide Device Easywring Products

173. Paragraphs 25, 26, and 126–150 are incorporated by reference.

174. Between January 29, 2021, through April 26, 2021, Respondent failed to file NOAs prior to the arrival of shipments containing one or more pesticide devices described as **Easywring Products** in Paragraph 126, on at least five occasions.

175. Respondent's failure to file the NOAs prior to arrival of the shipment into the U.S. for shipments containing one or more pesticide devices described as **Easywring Products** in Paragraph 126, constitutes five separate violations of Section 12(a)(2)(N) of FIFRA.

176. Respondent's violations of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA.

Count 26

Failure to File NOA for Pesticide Device Great Value Spin Mop & Bucket

177. Paragraphs 25, 26, and 151–155 are incorporated by reference.

178. On April 26, 2021, Respondent failed to file the NOA prior to the arrival of the shipment containing pesticide devices, **Great Value Spin Mop & Bucket**, on at least one occasion.

179. Respondent's failure to file the NOA prior to arrival of the shipment into the U.S. for shipments containing pesticide devices, **Great Value Spin Mop & Bucket**, constitutes a violation of Section 12(a)(2)(N) of FIFRA.

180. Respondent's violation of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administration Complaint assessing a separate penalty under Section 14(a) of FIFRA.

Civil Penalty and Other Relief

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

182. Based on an evaluation of the facts alleged in this CAFO, the factors in Section 14(a)(4) of FIFRA and EPA's Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act, dated December 2009, Complainant has determined the appropriate penalty to settle this action is **\$75,140**.

183. Within 30 days after the effective date of this CAFO, Respondent must pay a **\$75,140** civil penalty for the FIFRA violations. Respondent must pay the penalty by electronic funds transfer, payable to the "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state "Freudenberg Household Products LP" and the docket number of this CAFO.

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

Regional Hearing Clerk
whitehead.ladawn@epa.gov

Anna Nguyen
Nguyen.anna@epa.gov

Matthew Dawson
Dawson.matthew@epa.gov

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

186. 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.

187. 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

188. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses for their respective representatives:

dawson.matthew@epa.gov (attorney for Complainant), and mmarapese@wiley.law (attorney for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

189. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

190. 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.

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

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

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

194. 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.

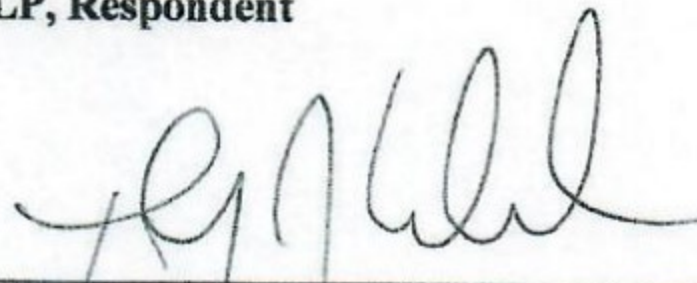
195. Each party agrees to bear its own costs and attorney's fees, in this action.

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

**In the Matter of:
Freudenberg Household Products LP**

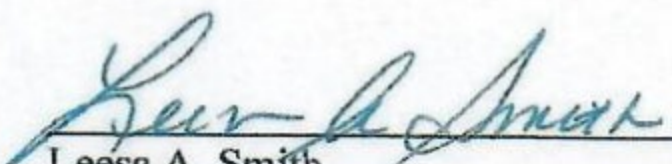
Freudenberg Household Products LP, Respondent

June 3, 2021
Date



Timothy J. Molek
President
Freudenberg Household Products LP

June 3, 2021
Date



Leesa A. Smith
Vice President & Chief Financial Officer
Freudenberg Household Products LP

**In the Matter of:
Freudenberg Household Products LP**

United States Environmental Protection Agency, Complainant

**MICHAEL
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2021.06.08
07:55:07 -05'00'

Michael D. Harris, Director
Enforcement & Compliance Assurance Division

In the Matter of:
Freudenberg Household Products LP
Docket No. FIFRA-05-2021-0019

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 COYLE Digitally signed by ANN
COYLE
Date: 2021.06.08
15:04:23 -05'00'

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

Consent Agreement and Final Order
In the Matter of: Freudenberg Household Products LP
Docket Number: **FIFRA-05-2021-0019**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Consent Agreement and Final Order, docket number FIFRA-05-2021-0019, which was filed on June 9, 2021, in the following manner to the following addressees:

Copy by E-mail to
Attorney for Complainant:

Mr. Matthew R. Dawson
dawson.matthew@epa.gov

Copy by E-mail to
Attorney for Respondent:

Ms. Martha E. Marrapese
mmarrapese@wiley.law

Copy by E-mail to
Regional Judicial Officer:

Ms. Ann Coyle
coyle.ann@epa.gov

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5