



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8966

JUN 22 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joo Sun Park
President
Anteater Pest Control, Inc.
2550 Pleasant Hill Road, #205
Duluth, Georgia 30096

Re: Anteater Pest Control Inc. -- "Eco-Keeper Bed Bug Monitor and Glue Trap"
Docket No.: FIFRA-04-2011-3021(b)

Dear Mr. Park:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

As stated in Section IV of the CAFO, the assessed penalty of \$2,830 is due within 30 days from the effective date. Please ensure that the face of your cashier's or certified check includes the name of the company and the docket number of this case.

Penalty payment questions should be directed to Mr. Bryson Lehman either by telephone at (513) 487-2123 or by written correspondence to his attention at the U.S. Environmental Protection Agency, Cincinnati Accounting Operations address identified in the CAFO. Should you have any questions about this matter or your compliance status in the future, please call me at (404) 562-8979 or Mr. Mark Bloeth at (404) 562-9013.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of

your potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the EPA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeaneanne M. Gettle', with a large, stylized initial 'J' and a long horizontal flourish extending to the right.

Jeaneanne M. Gettle
Chief
Pesticides and Toxic
Substances Branch

Enclosures

cc: Tommy Gray
Georgia Dept. of Agriculture

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:)
Anteater Pest Control, Inc.)
Respondent.)
_____)

Docket No.: FIFRA-04-2011-3021(b)

RECEIVED
2011 JUN 22 PM 1:41
STANLEY CLERK

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136 *et seq.* (hereinafter "FIFRA"), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, United States Environmental Protection Agency, Region 4 (EPA). Respondent is Anteater Pest Control, Inc.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and a desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 14(a) of FIFRA, 7 U.S.C. § 136I(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under FIFRA to EPA Region 4 by EPA Delegation 5-14 dated May 11, 1994. The Region 4 Administrator delegated this authority to the Director, Air, Pesticides and Toxics Management Division by EPA Region 4 Delegation 5-14, dated September 7, 2005.
4. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual is authorized to receive service for EPA in this proceeding:

Mark Bloeth
U.S. EPA - Region 4
Chemical Products
and Asbestos Section
61 Forsyth Street
Atlanta, Georgia 30303-8960.
5. Respondent is Anteater Pest Control, Inc., a Georgia corporation, located at 2550 Pleasant Hill Road, #205, Duluth, Georgia 30096.
6. Respondent is the importer of record of the pesticidal device, "Eco-Keeper" intended for further sale and distribution in the United States.
7. Respondent is a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.
8. On or about April 8, 2011, Respondent submitted a Notice of Arrival of Pesticides and Devices, EPA Form 3540-1 (hereinafter NOA) to EPA through Respondent's import broker, reflecting an April 6, 2011, importation of 20,160 pieces (3,045 kgs) of Eco-Keeper into the Port of Atlanta, Georgia, from China.

III. Specific Allegations

9. Eco-Keeper is a Bed Bug Monitor Glue Trap intended to monitor and trap bed bugs in and around furniture (e.g., beds, couches, chairs, etc.).
10. Respondent's NOA (Entry #BTF-2022538-5) did not indicate any assigned EPA Producer Establishment Number (in block 5) for the foreign manufacturer in China.
11. Respondent has acknowledged that the foreign manufacturer in China did not have an EPA producing establishment number.
12. Respondent's NOA (Entry #BTF-2022538-5) indicated "87748-GA-001" for EPA Registration Number (in block 4); this is not valid for an EPA product registration number.
13. On April 15, 2011, EPA denied entry of the Eco-Keeper devices described in Paragraph 8; these devices are currently being held at the Port of Atlanta pending release under the terms of this CAFO.
14. Eco-Keeper is a pesticidal "device" as defined in Section 2(h) of FIFRA, 7 U.S.C. § 136(h), which means, in part, "any instrument or contrivance ... which is intended for trapping, destroying, repelling, or mitigating any pest."
15. A "pest" is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).
16. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) defines the term "distribute or sell" to include:

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.

17. Respondent "distributes or sells" pesticidal devices as defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).
18. It is unlawful according to Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), for any person to distribute or sell to any person any device which is misbranded.
19. Section 2(q) of FIFRA, 7 U.S.C. § 136(q) defines the term "misbranded", in part, to include labeling that does not bear the registration number assigned under Section 7 to each establishment in which it was produced.
20. Respondent violated Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.
21. Section 14 of FIFRA, 7 U.S.C. § 136l, in conjunction with the Civil Monetary Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes EPA to assess a civil penalty of not more than \$7,500 for each offense that occurs on or after January 12, 2009.
22. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation. The EPA proposes to assess a total civil penalty of **TWO THOUSAND EIGHT HUNDRED THIRTY DOLLARS (\$2,830)** against the Respondent for the above described violation.

Civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), may be assessed by Administrative Order.

IV. Consent Agreement

23. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
24. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying the consent agreement.
25. Respondent consents to the assessment of the penalty proposed by EPA and agrees to pay the civil penalty as set forth in this CAFO.
26. Pursuant to this CAFO, EPA authorizes Respondent to deliver the Eco-Keeper devices (Entry #BTF-2022538-5) to Respondent's facility in Duluth, Georgia, EPA Establishment No. 87748-GA-001, to conduct further repackaging activities and to bring the Eco-Keeper devices into compliance with FIFRA before selling them to customers. Further, EPA will notify U.S. Customs, Port of Atlanta, through its Notice of Arrival procedures, that the devices may be released to Respondent for delivery to Respondent's facility.
27. Respondent will notify EPA Region 4 of its receipt of the shipment of the Eco-Keeper devices referenced in paragraphs 8 and 26 above at Respondent's facility within five calendar days after receipt of the shipment. Written notice shall be provided to:

Mark Bloeth
U.S. EPA - Region 4
Chemical Products
and Asbestos Section
61 Forsyth Street
Atlanta, Georgia 30303-8960.

28. Upon receipt of the shipment and prior to any further sale or distribution, Respondent will ensure that all labeling includes Respondent's domestic EPA Producer Establishment Number "87748-GA-001" on the Eco-Keeper devices.
29. Prior to any further sale or distribution of the devices to customers or distributors, Respondent shall submit a certification to EPA, signed by an authorized corporate official, that the activities in paragraph 28 have been completed.
30. Respondent will report the production activity in paragraph 28 on its annual production report to be submitted to EPA on or before March 1, 2012, as required by Section 7 of FIFRA.
31. Respondent certifies that upon completion of any applicable relabeling activity required herein and submission of the certification to EPA required by paragraph 29 it will be in compliance with all relevant requirements of FIFRA.
32. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
33. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.

IV. Final Order

34. Respondent is assessed a civil penalty of **TWO THOUSAND EIGHT HUNDRED THIRTY DOLLARS (\$2,830)** which shall be paid within thirty (30) days of the effective date of this CAFO.
35. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to the "Treasurer, United States of America," to the following address:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000.

The check shall reference on its face the name and the Respondent and Docket Number of this CAFO.

36. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Mr. Mark Bloeth
U.S. EPA - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

and

Saundi Wilson
Office of Environmental Accountability
U.S. EPA - Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960.

For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts.

In addition, a late payment penalty charge shall be applied on any principle amount not paid within 90 days of the due date.

37. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
38. This CAFO shall be binding upon the Respondent, its successors and assigns.

The undersigned representatives of the parties to this CAFO certify that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.


The remainder of this page was intentionally left blank.

V. Effective Date

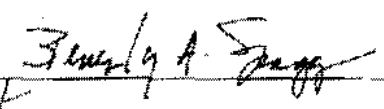
39. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Anteater Pest Control, Inc.
Docket No.: FIFRA-04-2011-3021(b)

By:  (Signature) Date: 05/13/2011
Name: Park, Jee Sun (Typed or Printed)
Title: CEO (Typed or Printed)

U.S. Environmental Protection Agency

By:  Date: 6/14/2011
Beverly H. Banister, Director
Air, Pesticides and Toxics
Management Division

APPROVED AND SO ORDERED this 22nd day of June 2011.



Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order In the Matter of **Anteater Pest Control Inc.,**
Docket Number: FIFRA-04-2011-3021(b), to the addressees listed below.

Mr. Jee Sun Park
President
Anteater Pest Control, Inc.
2550 Pleasant Hill Road, #205
Duluth, Georgia 30096

(via Certified Mail, Return Receipt Requested)

Mark Bloeth 
Chemical Products and
Asbestos Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(via EPA's internal mail)

Robert Caplan
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(via EPA's internal mail)

Date:

6-22-11



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth St., SW
Atlanta, Georgia 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi Wilson on 6/16/11 (Name) (Date)

in the Region 4, ORC, OEA (Office) at (404) 562-9904 (Telephone Number)

Non-SF Judicial Order/Consent Decree USAO COLLECTS

Administrative Order/Consent Agreement FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree DOJ COLLECTS

Oversight Billing - Cost Package required: Sent with bill

Other Receivable

Not sent with bill

This is an original debt

Oversight Billing - Cost Package not required

This is a modification

PAYEE: Anteater Pest Control Inc. (Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 2830 (If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: E.F.R.A. 01 2011 302-1 (6)

The Site Specific Superfund Account Number:

The Designated Regional/Headquarters Program Office:

The IFMS Accounts Receivable Control Number is: Date

If you have any questions, please call: of the Financial Management Section at:

DISTRIBUTION:

A. JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the FINAL JUDICIAL ORDER should be mailed to:

- 1. Debt Tracking Officer Environmental Enforcement Section Department of Justice RM 1647 P.O. Box 7611, Benjamin Franklin Station Washington, D.C. 20044
2. Originating Office (EAD)
3. Designated Program Office

B. ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- 1. Originating Office
2. Regional Hearing Clerk
3. Designated Program Office
4. Regional Counsel (EAD)