



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 27 2016

REPLY TO THE ATTENTION OF:

Mr. Kerry J. Miller / Shareholder
Baker Donelson Berman, Caldwell & Berkowitz, PC
201 St. Charles Street- Suite 3600
New Orleans, Louisiana 70170

Consent Agreement and Final Order in the Matter of
Greenblendz, Inc.: Docket No. **FIFRA-05-2016-0004**

Mr. Miller:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. This document was filed on January 27, 2016 with the Regional Hearing Clerk.

The civil penalty in the amount of \$57,762 is to be paid in the manner described in paragraph 3. Please be certain that the docket number is written on both the transmittal letter and on the check.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Claudia Niess".

Claudia Niess
Pesticides and Toxics Compliance Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

Greenblendz, Inc.
Auburn Hills, Michigan,

Respondent.



Docket No. FIFRA-05-2016-0004

Proceeding to Assess a Civil Penalty
Under Section 14(a) of the Federal
Insecticide, Fungicide, and Rodenticide
Act, 7 U.S.C. § 136l(a)

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 Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5.
3. The Respondent is Greenblendz, Inc. (Greenblendz), 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 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. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that 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.

11. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it is unlawful for any person in any state to distribute or sell to any person any pesticide that is misbranded.

12. Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), states a pesticide is misbranded if the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment.

13. Section 12(a)(2)(S) of FIFRA, 7 U.S.C. § 136j(a)(2)(S), states that it is unlawful for any person in any state to violate any regulation issued under Section 19 of FIFRA.

14. Section 19(e) of FIFRA, 7 U.S.C. § 136q(e), states that the Administrator shall promulgate regulations for the design of pesticide containers that will promote the safe storage and disposal of pesticides.

15. The Administrator promulgated such regulations at 40 C.F.R. Part 156, Subpart H. See 71 Fed. Reg. 47420 (August 16, 2006), as amended at 73 Fed. Reg. 64224 (October 29, 2008).

16. 40 C.F.R. § 156.10(i)(2)(ix) states that the directions for use shall include specific directions concerning the storage, residue removal and disposal of the pesticide and its container, in accordance 40 C.F.R. Part 156, Subpart H.

17. 40 C.F.R. § 156.140 states in pertinent part, that for nonrefillable containers, the language “nonrefillable container” must be placed on the label or container along with appropriate reuse and recycling or reconditioning statements.

18. The term “person” means “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.” 7 U.S.C. § 136(s).

19. The term “distribute or sell” means “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.” 7 U.S.C. § 136(gg).

20. A “pesticide” is, among other things, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u).

21. A “pest” is 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 U.S. EPA declares to be a pest under Section 25(c)(1) of FIFRA. 7 U.S.C. § 136(t).

22. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision

of FIFRA of up to \$7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

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

24. At all times relevant to this CAFO, Respondent owned or operated a place of business located at 4520 Glenmeade Lane in Auburn Hills, Michigan, 48326.

25. On or about August 22, 2014, an inspector employed by the Michigan Department of Agriculture and Rural Development and authorized to conduct inspections under FIFRA conducted an inspection at the Glerblendz facility located in Auburn Hills, Michigan.

SportsClean Plus, EPA Reg. No. 1839-95-83135

26. On or about August 7, 1980, EPA registered a pesticide product, **NP 4.5 (D&F)**

Detergent/Disinfectant.

27. EPA assigned **NP 4.5 (D&F) Detergent/Disinfectant**, EPA Registration Number (Reg. No.) 1839-95.

28. On or about March 6, 2007, EPA approved a Notice of Supplemental Distribution for **NP 4.5 (D&F) Detergent/Disinfectant**, EPA Reg. No. 1839-95.

29. The Notice of Supplemental Distribution identified the distributor product name for **NP 4.5 (D&F) Detergent/Disinfectant** as **SportsClean Plus**.

30. **SportsClean Plus** was assigned EPA Reg. No. 1839-95-83135.

31. **SportsClean Plus**, EPA Reg. No. 1839-95-83135, is a “pesticide” as that term is defined in Section 2(u) of FIFRA.

32. On or about August 24, 2010, the registrant for **NP 4.5 (D&F) Detergent/Disinfectant**, EPA Reg. No. 1839-95, submitted a Notification of Cancellation of the supplemental registration of **SportsClean Plus**, EPA Reg. No. 1839-95-83135.

33. This Notification of Cancellation of the supplemental registration of **SportsClean Plus**, EPA Reg. No. 1839-95-83135, shows that the Notification of Cancellation was sent to Mr. Daniel Juzl at Coatings Specialists, LLC and Mr. Steve Berry at Greenblendz.

34. On or about August 26, 2010, EPA cancelled the supplemental registration of **SportsClean Plus**, EPA Reg. No. 1839-95-83135.

35. On or about September 18, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to a person in Arbor, Michigan.

36. On or about October 9, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to a person in Arbor, Michigan.

37. On or about November 16, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to Lexington Middle School in Lexington, Ohio.

38. On or about November 16, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to Milford High in Milford, New Hampshire.

39. On or about September 5, 2013, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to SaniTech Services in Nesconset, New York.

40. On or about November 11, 2013, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to SaniTech Services in Nesconset, New York.

SurfaceClean, EPA Reg. No. 1839-83-83135

41. On or about October 22, 1980, EPA registered a pesticide product, **Detergent Disinfectant Pump Spray**.

42. EPA assigned **Detergent Disinfectant Pump Spray**, EPA Reg. No. 1839-83.

43. On or about September 27, 2010, EPA approved a Notice of Supplemental Distribution for **Detergent Disinfectant Pump Spray**, EPA Reg. No. 1839-83.

44. The Notice of Supplemental Distribution identified the distributor product name for **Detergent Disinfectant Pump Spray** as **SurfaceClean**.

45. **SurfaceClean** was assigned EPA Reg. No. 1839-83-83135.

46. **SurfaceClean**, EPA Reg. No. 1839-83-83135, is a “pesticide” as that term is defined in Section 2(u) of FIFRA.

47. During the August 22, 2014 inspection, the inspector collected a bin label and shipping records for **SurfaceClean**, EPA Reg. No. 1839-83-83135.

48. The bin label collected during the inspection was a true and accurate representation of the label on the product for all the shipping records collected during the inspection.

49. The bin label collected during the inspection did not include the required container disposal language which appears on the July 22, 2010 accepted label for the product.

50. On or about March 13, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Clovis, California.

51. On or about June 4, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Urban D.C. in Brooklyn, New York.

52. On or about July 9, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to SaniTech Services in Nesconset, New York.

53. On or about August 16, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to SaniTech Services in Nesconset, New York.

54. On or about November 22, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Houston, Texas.

55. On or about December 19, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Urban D.C. in Brooklyn, New York.

56. On or about January 22, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Fort Collins, Colorado.

57. On or about February 12, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Fort Collins, Colorado.

58. On or about March 20, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Tecniblend in Waukesha, Wisconsin.

59. On or about June 18, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Titan Bioguard in Miami, Florida.

60. On or about June 18, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to ABS in Point Roberts, Washington.

61. On or about June 18, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Colorado Springs, Colorado.

62. On or about July 24, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to SaniTech Services in Nesconset, New York.

Count 1

63. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

64. On or about September 18, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to a person in Arbor, Michigan, that was unregistered because the supplemental distributor product was cancelled by EPA on August 26, 2010.

65. Greenblendz's distribution or sale of **SportsClean Plus**, EPA Reg. No. 1839-95-83135, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

66. Greenblendz's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 2

67. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

68. On or about October 9, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to a person in Arbor, Michigan, that was unregistered because the supplemental distributor product was cancelled by EPA on August 26, 2010.

69. Greenblendz's distribution or sale of **SportsClean Plus**, EPA Reg. No. 1839-95-83135, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

70. Greenblendz's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 3

71. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

72. On or about November 16, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to Lexington Middle School in Lexington, Ohio, that was unregistered because the supplemental distributor product was cancelled by EPA on August 26, 2010.

73. Greenblendz's distribution or sale of **SportsClean Plus**, EPA Reg. No. 1839-95-83135, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

74. Greenblendz's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 4

75. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

76. On or about November 16, 2012, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to Milford High in Milford, New Hampshire, that was unregistered because the supplemental distributor product was cancelled by EPA on August 26, 2010.

77. Greenblendz's distribution or sale of **SportsClean Plus**, EPA Reg. No. 1839-95-83135, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

78. Greenblendz's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 5

79. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

80. On or about September 5, 2013, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to SaniTech Services in Nesconset, New York, that was unregistered because the supplemental distributor product was cancelled by EPA on August 26, 2010.

81. Greenblendz's distribution or sale of **SportsClean Plus**, EPA Reg. No. 1839-95-83135, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

82. Greenblendz's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 6

83. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

84. On or about November 11, 2013, Greenblendz distributed or sold **SportsClean Plus**, EPA Reg. No. 1839-95-83135, to SaniTech Services in Nesconset, New York, that was unregistered because the supplemental distributor product was cancelled by EPA on August 26, 2010.

85. Greenblendz's distribution or sale of **SportsClean Plus**, EPA Reg. No. 1839-95-83135, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

86. Greenblendz's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 7

87. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

88. On or about March 13, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Clovis, California, that was misbranded because the label did not include required container disposal language.

89. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

90. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 8

91. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

92. On or about June 4, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Urban D.C. in Brooklyn, New York, that was misbranded because the label did not include required container disposal language.

93. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

94. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 9

95. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

96. On or about July 9, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to SaniTech Services in Nesconset, New York, that was misbranded because the label did not include required container disposal language.

97. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

98. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 10

99. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

100. On or about August 16, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to SaniTech Services in Nesconset, New York, that was misbranded because the label did not include required container disposal language.

101. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

102. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 11

103. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

104. On or about November 22, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Houston, Texas, that was misbranded because the label did not include required container disposal language.

105. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

106. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 12

107. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

108. On or about December 19, 2013, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Urban D.C. in Brooklyn, New York, that was misbranded because the label did not include required container disposal language.

109. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

110. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 13

111. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

112. On or about January 22, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Fort Collins, Colorado, that was misbranded because the label did not include required container disposal language.

113. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

114. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 14

115. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

116. On or about February 12, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Fort Collins, Colorado, that was misbranded because the label did not include required container disposal language.

117. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

118. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 15

119. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

120. On or about March 20, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Tecnblend in Waukesha, Wisconsin, that was misbranded because the label did not include required container disposal language.

121. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

122. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 16

123. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

124. On or about June 18, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to Titan Bioguard in Miami, Florida, that was misbranded because the label did not include required container disposal language.

125. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

126. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 17

127. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

128. On or about June 18, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to ABS in Point Roberts, Washington, that was misbranded because the label did not include required container disposal language.

129. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

130. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 18

131. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

132. On or about June 18, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to a person in Colorado Springs, Colorado, that was misbranded because the label did not include required container disposal language.

133. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

134. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count 19

135. Complainant incorporates paragraphs 1 through 62 of this CAFO, as if set forth in this paragraph.

136. On or about July 24, 2014, Greenblendz distributed or sold **SurfaceClean**, EPA Reg. No. 1839-83-83135, to SaniTech Services in Nesconset, New York, that was misbranded because the label did not include required container disposal language.

137. Greenblendz's distribution or sale of **SurfaceClean**, EPA Reg. No. 1839-83-83135, constitutes an unlawful act pursuant to Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S).

138. Greenblendz's violation of Sections 12(a)(1)(E) and 12(a)(2)(S) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(E) and (a)(2)(S) subjects Greenblendz to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Civil Penalty and Other Relief

139. Section 14(a)(4) of FIFRA, 7 U.S.C. §136l(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.

140. 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 \$57,762.

141. Within 30 days after the effective date of this CAFO, Respondent must pay a \$57,762 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 Greenblendz, Inc., and the docket number of this CAFO.

142. 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 (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Claudia Niess (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Nidhi O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

144. 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.

145. 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

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

147. 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.

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

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

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

151. 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.

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

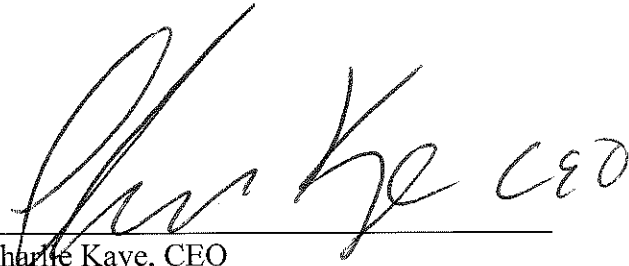
153. This CAFO constitutes the entire agreement between the parties.

**In the Matter of:
Greenblendz Inc.**

Greenblendz, Inc., Respondent

1-12-16

Date

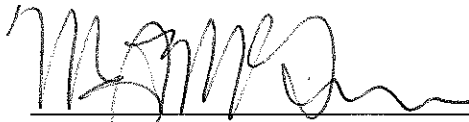
Handwritten signature of Charlie Kaye, CEO of Greenblendz, Inc. The signature is written in black ink and includes the initials "CEO" at the end.

Charlie Kaye, CEO
Greenblendz, Inc.

**In the Matter of:
Greenblendz, Inc.**

United States Environmental Protection Agency, Complainant

1/25/2016
Date



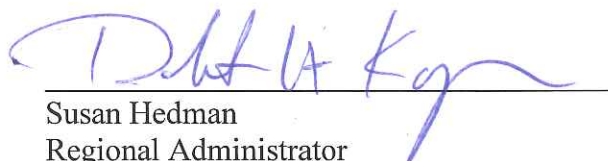
Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Greenblendz, Inc.
Docket No. FIFRA-05-2016-0004

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.

1/25/14
Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

In the matter of: Greenblendz, Inc.
Docket Number: **FIFRA-05-2016-0004**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing *Consent Agreement and Final Order*, which was filed on January 27, 2016, in the following manner to the addressees:

Copy by Certified Mail
Return-receipt

Kerry J. Miller / Shareholder
Baker Donelson Berman, Caldwell & Berkowitz, PC
201 St. Charles Avenue – Suite 3600
New Orleans, Louisiana 70170

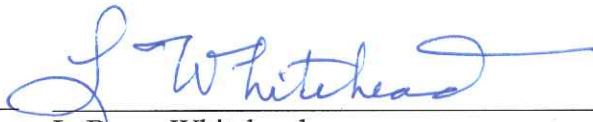
Copy by E-mail to
Attorney for Complainant:

Nidhi O'Meara
omeara.nidhi@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

January 27, 2016 

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

CERTIFIED MAIL RECEIPT NUMBER(S):

7014 2870 0001 9578 3280