



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 28 2020

REPLY TO THE ATTENTION OF

VIA EMAIL

Mr. Joel Eagle
Thompson Hine LLP
3900 Key Center
127 Public Square
Cleveland, Ohio 44114

joel.eagle@thompsonhine.com

Consent Agreement and Final Order
In the Matter of J.T. Eaton and Company, Inc., Docket Number FIFRA-05-2020-0025

Mr. Eagle:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on February 28, 2020 with the Regional Hearing Clerk.

The civil penalty in the amount of \$109,827 is to be paid in the manner described in paragraphs 140 and 141. Please be certain that the docket number is included in the comment or description field of the electronic funds transfer. Payment is due by within 30 calendar days of the filing date.

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:

J.T. Eaton & Co., Inc.
Twinsburg, Ohio

Respondent.



Docket No. FIFRA-05-2020-0025

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 Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 5.
3. Respondent is J.T. Eaton & Co., Inc., a corporation doing business in the State of Ohio.
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. §§ 136-136y.

Statutory and Regulatory Background

10. 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.

11. Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), states a pesticide is misbranded if its label bears any statement, design, or graphic representation relative thereto or its ingredients which is false or misleading in any particular.

12. A label statement which is a false or misleading comparison with any other pesticides or devices is considered to be "false or misleading." 40 C.F.R. § 156.10(a)(5)(iv).

13. A claim as to the safety of the pesticide or its ingredients, including statements such as "safe," "non-poisonous," "noninjurious," "harmless" or "nontoxic to humans and pets" with or without such a qualifying phrase as "when used as directed" is considered to be "false or misleading." 40 C.F.R. § 156.10(a)(5)(ix).

14. Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D), states a pesticide is misbranded if its label does not bear the registration number of the establishment in which it was produced.

15. Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), states that 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, together with any requirements imposed under Section 3(d) of FIFRA, are adequate to protect human health and the environment.

16. Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), states that a pesticide is misbranded if the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under Section 3(d) of FIFRA, is adequate to protect human health and the environment.

17. 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).

18. The term “registrant” means a person who has registered any pesticide pursuant to the provisions of FIFRA. 7 U.S.C. § 136(y).

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. The term “label” means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappings. 7 U.S.C. § 136(p).

21. The term “device” means any instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(h).

22. A device is subject to the requirements set forth in FIFRA section 2(q)(1) and part 156, with respect to labeling. 40 C.F.R. § 152.500(b)(1).

23. 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).

24. 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).

25. The term “produce” means to manufacture, prepare, compound, propagate, or process any pesticide or to package, repackage, label, relabel, or otherwise change the container of any pesticide or any device. 7 U.S.C. § 136(w) and 40 C.F.R. § 167.3.

26. The term “establishment” means any place where a pesticide or device is produced, or held, for distribution or sale. 7 U.S.C. § 136(dd).

27. 40 C.F.R. § 152.132 states that supplemental distribution of a registered pesticide is permitted upon notification to the Agency if all of the following conditions are met: (a) The registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor’s company number, the additional brand name(s) to be used, and the registration number of the registered product; (b) The distributor product is produced, packaged and labeled in a registered establishment operated by the same producer who produces, packages, and labels the registered product; (c) The distributor product is not repackaged (remains in the producer’s unopened containers); (d) The label of the distributor product is the same as that of the registered product, except that (1) the product name of the distributor product may be different; (2) the name and address of the distributor may appear instead of that of the registrant; (3) the registration number of the registered product must be followed by a dash,

followed by the distributor's company number; (4) the establishment number must be that of the final establishment at which the product was produced; (5) specific claims may be deleted, provided that no other changes are necessary; and (e) Voluntary cancellation of a product applies to the registered product and all distributor products distributed or sold under that registration number.

28. 40 C.F.R. § 152.132 also specifies that a distributor is considered an agent of the registrant for all intents and purposes under FIFRA, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.

29. 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 and before November 2, 2015 pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

30. After August 1, 2016, the Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer or other distributor who violates any provision of FIFRA of up to \$19,446 for each offense that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2018 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

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

32. At all times relevant to this Complaint, Respondent owned or operated a place of business located at 1395 East Highland Road, Twinsburg, Ohio 44087 (the Twinsburg establishment).

33. The Twinsburg establishment is an “establishment” as that term is defined at Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd).

34. On or about January 23, 1974, EPA assigned the establishment registration number 56-OH-1 to the Twinsburg establishment under Section 7 of FIFRA, 7 U.S.C. § 136e.

35. On or about August 2 and 3, 2017, inspectors employed by U.S. EPA and authorized to conduct inspections under FIFRA conducted an inspection at the Twinsburg establishment.

36. During the August 2 and 3, 2017 inspection, the U.S. EPA inspectors collected labels, receiving records, production records, and shipping or distribution records for “Beskill Pyronox Dual 0.5,” EPA Reg. No. 45385-24-47943, “JT Eaton Kills Roaches,” EPA Reg. No. 45385-97-56, and “United 205 Last Stop Glue Trap.”

Beskill Pyronox Dual 0.5, EPA Reg. No. 45385-24-47943

37. On or about March 22, 1985, EPA registered the pesticide product “Pyronox Dual 0.5.”

38. EPA assigned “Pyronox Dual 0.5” EPA Reg. No. 45385-24.

39. CTX-Cenol, Inc. is the “registrant” of “Pyronox Dual 0.5,” EPA Reg. No. 45385-24, as that term is defined by Section 2(y) of FIFRA.

40. On or about January 26, 2015, EPA approved or accepted a Notice of Supplemental Distribution for “Pyronox Dual 0.5,” EPA Reg. No. 45385-24.

41. The Notice of Supplemental Distribution identified the distributor product name for “Pyronox Dual 0.5” to be “Beskill Pyronox Dual 0.5”

42. “Beskill Pyronox Dual 0.5” was assigned EPA Reg. No. 45384-24-47943.

43. "Beskill Pyronox Dual 0.5," EPA Reg. No. 45384-24-47943, is a "pesticide" as that term is defined by Section 2(u) of FIFRA.

44. On July 8, 2013, EPA accepted a label for "Pyronox Dual 0.5," EPA Reg. No. 45385-24.

45. The July 8, 2013 label accepted for "Pyronox Dual 0.5," EPA Reg. No. 45385-24, required product "shipped after 12 months from the date of this amendment or the next printing of the label whichever occurs first, must bear the new revised label."

46. The "First Aid" language on the July 8, 2013 label for "Pyronox Dual 0.5," EPA Reg. No. 45385-24, stated, in pertinent part:

"If swallowed: Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give any liquid to the person. Do not give anything by mouth to an unconscious person."

47. The "Hazards to Humans and Domestic Animals" statement on the July 8, 2013 label stated:

"CAUTION: Harmful if absorbed through skin. Causes moderate eye irritation. Avoid contact with skin, eyes, or clothing. Prolonged or frequently repeated skin contact may cause allergic reaction in some individuals."

48. The July 8, 2013 label contained the following "Personal Protective Equipment (PPE)" language:

"PERSONAL PROTECTIVE EQUIPMENT (PPE)

Mixers, loaders, applicators and other handlers must wear the following:

- *Long-sleeved shirt*
- *Long pants*
- *Shoes and socks*
- *Chemical-resistant gloves (such as those made out of Barrier Laminate, Nitrile Rubber, Neoprene Rubber or Viton [selection category E])*

In addition to the above PPE, applicators using hand-held foggers in an enclosed area must wear at least a NIOSH-approved respirator with:

- *A dust/mist filter with MSHA/NIOSH approval prefix TC-21C or*
- *Any R, P, or HE filter*

In addition to the above PPE, applicators using hand-held foggers in an enclosed are must wear a half-face or full-face hood style NIOSH approved respirator with:

- *A dust/mist filtering cartridge with MSHA/NIOSH approval number prefix TC-21C, or*
- *A cartridge or canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G),*
- *Or a cartridge or canister with any R, P, or HE filter*

See engineering controls for additional requirements.

User Safety Requirements:

- *Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry.*
- *Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.*

Use Safety Recommendations:

- *User should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.*
- *User should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.*
- *Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing."*

49. The "Environmental Hazards" language on the July 8, 2013 accepted label stated:

"This product is toxic to aquatic organisms, including fish and invertebrates. Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas. This product may contaminate water through runoff. This product has a potential for runoff for several weeks after application. Poorly draining soils and soils with shallow water tables are more prone to produce runoff that contains this product.

This pesticide is highly toxic to bees exposed to direct treatment on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area."

50. The July 8, 2013 accepted label contained the following "Use Restrictions" in the

"Directions for Use" section:

"Use Restrictions

- *For use as a surface spray: Do not enter or allow others to enter until sprays have dried.*
- *For use as a surface spray: Do not enter or allow others to enter until vapors, mists and aerosols have dispersed and the treated area has been thoroughly ventilated.*
- *Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.*
- *For use as a space spray: Do not remain in treated area. Exit area immediately and remain outside the treated area until aerosols, vapors, and/or mists have dispersed.*
- *Do not apply this product in any room being used as a living, eating, or recovery room by patients, the elderly or the infirm when they are in the room.*
- *Remove or cover exposed food and drinking water before application.*
- *Remove or cover dishes, utensils, food processing equipment, and food preparation surfaces or wash them before use.*
- *For use in feed/food handling and processing facilities: Do not make space spray application when facility is in operation. Prior to space spray applications, cover food processing surfaces or clean after treatment and before use.*
- *Do not apply directly into sewers or to any area like a gutter where drainage to storm sewers, water bodies or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.*
- *Not for use in outdoor residential misting systems.*
- *Remove pets, birds, and cover any water inhabited by fish (such as aquariums and ornamental fish ponds) before application. Turn off aquarium filtering systems before spraying and wait approximately 15 minutes after application before turning the filter back on."*

51. The July 8, 2013 accepted label contained the following directions for use "For Pests in Dried Fruit Products" in the "Directions for Use" section:

"UNDILUTED For Pests In Dried Fruit Products: To kill Accessible Stages of insects such as Indian Meal Moth, Dried Fruit Beetle, Confused Flour Beetle, Sawtoothed Grain Beetle and Roaches, infesting dried fruit products in storage or being processed, close the room or warehouse and shut off all ventilating systems. Dispense this product as a fine mist in the air above trays or shelves of dried fruit. Use spraying device similar to the Microsol Machine or use fixed ceiling sprayers that produce a very fine aerosol spray. Do not apply to fruit directly. If overhead sprayers are used, be sure that the spray is discharged from a position of at least 6 feet over the top trays of fruit. Use a dosage of 1 ounce per 1000 cubic feet of room space. Repeat applications as necessary for insect control but do not exceed more than ten applications at this dosage in any given month.

[...]

DILUTED: The dilute 1 part Pyronox Dual 0.5 plus 5.6 parts of a suitable mineral oil (22.85 ounces of Pyronox Dual 0.5 plus 1 gallon of mineral oil). Apply as directed below. For Pests In Dried Fruit Products: To kill Accessible Stages of insects such as Indian Meal Moth, Dried Fruit Beetle, Confused Flour Beetle, Sawtoothed Grain Beetle and Roaches, infesting dried fruit products in storage or being processed, close the room or warehouse and shut off all ventilating systems. Dispense this product as a fine mist in the air above trays or shelves of dried fruit. Use spraying device similar to the Microsol Machine or use fixed ceiling sprayers that produce a very fine aerosol spray. Do not apply to fruit directly. If overhead sprayers are used, be sure that the spray is discharged from a position of at least 6 feet over the top trays of fruit. Use a dosage not to exceed 6:5 ounces per 1000 cubic feet of room space.”

52. The July 8, 2013 accepted label contained the following directions for use on

“Stored Food Products” in the “Directions for Use” Section:

“UNDILUTED

[...]

Stored Food Products: For food stored in multiwall paper bags or cloth bags in warehouses, storage rooms and similar locations: To kill the adult and accessible forms of insect pests such as Rice Weevil, Yellow Meal Worm, Cadelle, Confused Flour Beetle, Sawtoothed Grain Beetle, Angoumois Groin Moth, Mediterranean Flour Moth and Indian Meal Moth, close room or warehouse and shut off all ventilating systems. Use a spraying device similar to the Microsol machine or used fixed ceiling sprayers that produce a very fine spray. Space sprays may be made to the surfaces of bags of stored food products Use a dosage of one fluid ounce of this spray per 1000 cubic feet of room space. Direct application to food contact surfaces is prohibited.

[...]

DILUTED

[...]

Stored Food Products: For food stored in multiwall paper bags or cloth bags in warehouses, storage rooms and similar locations: To kill the adult and accessible forms of insect pests such as Rice Weevil, Yellow Meal Worm, Cadelle, Confused Flour Beetle, Sawtoothed Grain Beetle, Angoumois Gr[a]in Moth, Mediterranean Flour Moth and Indian Meal Moth, close room or warehouse and shut off all ventilating systems. Use a spraying device similar to the Microsol machine or used fixed ceiling sprayers that produce a very fine spray. Space sprays may be made to the surfaces of bags of stored food products Use a dosage not to exceed 6.5 fluid ounces of this spray per 1000 cubic feet of room space. Direct application to food contact surfaces is prohibited.”

53. The label of “Beskill Pyronex Dual 0.5,” EPA Reg. No. 45385-24-47943, collected during the August 2 and 3, 2017 inspection at the Twinsburg establishment was a true and accurate representation of the label on the product held for distribution or sale by J.T. Eaton and for all the shipping records collected as part of the inspection at that establishment.

54. The label of “Beskill Pyronox Dual 0.5,” EPA Reg. No. 45385-24-47943, collected during the August 2 and 3, 2017 inspection contained the following language in the “First Aid” section:

“IF SWALLOWED Call a Poison Control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to by a Poison Control Center or doctor. Do not give anything by mouth to an unconscious person.”

55. The “Beskill Pyronox Dual 0.5,” EPA Registration Number 45385-24-47943, label, collected during the August 2 and 3, 2017 inspection, contained the following “Hazards to Humans and Domestic Animals” statement:

“CAUTION Harmful If swallowed or absorbed through the skin. Avoid breathing vapors or spray mist. Avoid contact with eyes or skin. In case of contact, immediately flush eyes or skin with plenty of water. Obtain medical attention if irritation persists. If swallowed do not induce vomiting because of aspiration hazard. Contact a physician Immediately.

Do not apply directly to food. In commercial food handling facilities, cover or remove any food and food processing equipment during application. Do not apply while food processing is underway. After space spraying in meat packaging plants, bakeries and other food processing plants, wash all equipment, benches, shelving, etc., where exposed food will be handled, with potable water. In the home, all food processing surfaces and utensils should be covered during treatment, or thoroughly washed before use.

Remove pets, birds and cover fish aquariums before spraying.”

56. The “Beskill Pyronox Dual 0.5,” EPA Registration Number 45385-24-47943, label, collected during the August 2 and 3, 2017 inspection, did not contain the “Personal Protective Equipment (PPE)” language identified in Paragraph 48

57. The “Beskill Pyronox Dual 0.5,” EPA Registration Number 45385-24-47943, label, collected during the August 2 and 3, 2017 inspection, contained the following Environment Hazards language:

“This product is toxic to fish. Do not contaminate water by cleaning of equipment or disposal of wastes. Do not apply directly to water.”

58. The “Beskill Pyronox Dual 0.5,” EPA Registration Number 45385-24-47943, label, collected during the August 2 and 3, 2017 inspection, did not contain the “Use Restrictions” language in the Directions for Use section identified in Paragraph 50.

59. The “Beskill Pyronox Dual 0.5,” EPA Registration Number 45385-24-47943, label, collected during the August 2 and 3, 2017 inspection, contained the following directions for use “For Pest in Dried Fruit” in the “Directions for Use” section:

“FOR PEST IN DRIED FRUIT PRODUCTS: To kill Accessible Stages of Insects such as Indian Meal Moth, Dried Fruit Beetle, Confused Flour Beetle, Sawtoothed Grain Beetle and Roaches, infesting dried fruit products in storage or being processed, close the room or warehouse and shut off all ventilating systems. Dispense this product as a fine mist in the air above trays or shelves of dried fruit. Use spraying device similar to the Microsol Machine, or use fixed ceiling sprayers that produce a very fine aerosol spray. Do not apply to fruit directly. If overhead sprayers are used, be sure that the spray is discharged from a position of at least 6 feet over the top trays of fruit. Use a dosage of 1 gallon of this spray per 50,000 cubic feet of room space. Repeat applications as necessary for insect control, but do not exceed more than ten applications at this dosage in any given month. FOR USE DILUTED: The maximum dilution is 1 part BESKILL Pyronox Dual 0.5 plus 5.6 parts of a suitable mineral oil. More than ten applications may also be made if this spray is diluted with mineral oil, so that the pyrethrins and synergists in the final spray are reduced proportionately. Do not remain in treated areas. After the treatment is completed wait 5 to 10 minutes and then ventilate the area. Sweep up dead insects and destroy.”

60. The “Beskill Pyronox Dual 0.5,” EPA Registration Number 45385-24-47943, label, collected during the August 2 and 3, 2017 inspection, contained the following directions for use on “Stored Food Products” in the “Directions for Use” section:

“STORED FOOD PRODUCTS

For food stored in Multiwall Paper Bags, or Cloth Bags, in Warehouses, Storage rooms and Similar Locations: To Kill the Adult and Accessible Forms of Insect Pests Such As Rice Weevil, Yellow Meal Worm, Cadelle, Confused Flour Beetle, Sawtoothed Grain Beetle, Angoumois Grain Moth, Mediterranean Flour Moth and Indian Meal Moth, close room or warehouse and shut off all ventilating systems. Use a spraying device similar to the Microsol machine, or use fixed ceiling sprayers that produce a very fine spray. Use a dosage one fluid ounce of this spray per 1000 cubic feet of room space. Do not remain in treated areas. Ventilate the area after treatment is completed. Repeat applications as necessary for insect control. To Kill Flies, Mosquitoes and Gnats: Close room and discharge spray mist as described above. Use a dosage of 1/2 to 1 fluid ounce per 1000 cubic feet of room space. Leave room closed for at least ten minutes. Sweep up and destroy fallen insects. Repeat as necessary for control. Do not remain in treated areas. Ventilate the area after treatment is completed.”

61. The “Beskill Pyronox Dual 0.5,” EPA Registration Number 45385-24-47943, label, collected during the August 2 and 3, 2017 inspection, contained the following directions for use as in “Pressurized Tank Sprayers for Wetting Contact Sprays” in the “Directions for Use” section:

“PRESSURIZED TANK SPRAYERS FOR WETTING CONTACT SPRAYS As a Surface Spray to Kill the Accessible Stages of Granary Insects such as: Rice Weevils, Confused Flour Beetles, Rust Red Flour Beetles, Sawtoothed Grain Beetles, Cadelles, Meal Moth Larvae and Adults, Cigarette Beetles, Drug Store Beetles and Granary Weevils: Apply as a coarse wet spray to all areas infested by these insects. Use a dosage of 1 gallon per 1000 square feet. Pay particular attention to cracks and crevices in floor, walls and ceilings. Spray thoroughly around and into floor drains, conveyors and other areas where granary insects may be found. (For Flying Moths and Beetles, treat as for Flies, Mosquitoes and Gnats. See above.) Do not apply this spray to surfaces that may come in contact with food; excessive residues in food may result. To Kill Roaches, Silverfish and Waterbugs in sheltered situations: Apply this spray with a sprayer that produces coarse wetting droplets into all cracks and crevices in woodwork, floors, underneath sinks, areas behind pipes, and in all spaces where these insects shelter. Contact as many insects as possible. Repeat as necessary for control. Do not allow spray to contact any stored food.”

62. The directions for use in “Pressurized Tank Sprayers for Wetting Contact Sprays” listed in Paragraph 61 are not included in the July 8, 2013 accepted label.

63. On or about January 16, 2015, Respondent distributed or sold "Beskill Pyronox Dual 0.5," EPA Registration Number 45385-24-47943, to Beskill Chemical, located in Fox Lake, Wisconsin.

64. On or about June 15, 2015, Respondent distributed or sold "Beskill Pyronox Dual 0.5," EPA Registration Number 45385-24-47943, to Beskill Chemical, located in Fox Lake, Wisconsin.

65. On or about April 20, 2016, Respondent distributed or sold "Beskill Pyronox Dual 0.5," EPA Registration Number 45385-24-47943, to Herbco International, located in Kenosha, Wisconsin.

66. On or about May 5, 2016, Respondent distributed or sold "Beskill Pyronox Dual 0.5," EPA Registration Number 45385-24-47943, to Beskill Chemical located in Fox Lake, Wisconsin.

67. On or about August 11, 2016, Respondent distributed or sold "Beskill Pyronox Dual 0.5," EPA Registration Number 45385-24-47943, to Beskill Chemical, located in Fox Lake, Wisconsin.

68. Respondent distributed or sold "Beskill Pyronox Dual 0.5," EPA Reg. No. 45384-24-47943, on five separate occasions, that was misbranded as that term is defined by Section 2(q)(1)(F) of FIFRA, because its label did not contain directions for use necessary to make the product effective and to adequately protect human health and the environment, and by Section 2(q)(1)(G) of FIFRA, because the label did not contain a warning or caution statement adequate to protect human health and the environment.

69. Respondent's distribution or sale of "Beskill Pyronox Dual 0.5," EPA Reg. No. 45384-24-47943, on five occasions constitutes five unlawful acts pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

70. Respondent's violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), 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).

JT Eaton Kills Roaches, Ants & Spiders, EPA Reg. No. 45385-97-56

71. On or about September 21, 2000, EPA registered the pesticide product "Cenol D 200."

72. EPA assigned "Cenol D 200" EPA Reg. No. 45385-97.

73. CTX-Cenol, Inc. is the "registrant" of "Cenol D 200," EPA Reg. No. 45385-97, as that term is defined by Section 2(y) of FIFRA.

74. On or about December 6, 2011, EPA received a Notice of Supplemental Distribution for "Cenol D 200," EPA Reg. No. 45385-97.

75. The Notice of Supplemental Distribution identified the distributor product name for "Cenol 200 D" as "JT Eaton Kills Roaches, Ants & Spiders."

76. "JT Eaton Kills Roaches, Ants & Spiders" was assigned EPA Reg. No. 45384-97-56.

77. The Notice of Supplemental Distribution identified JT Eaton & Co., Inc. as the distributor of "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56.

78. "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56, is a "pesticide" as that term is defined by Section 2(u) of FIFRA.

79. On February 26, 2014, EPA accepted a label for “Cenol D 200,” EPA Reg. No. 45385-97.

80. The February 26, 2014 accepted label contained the following “Environmental Hazards” language:

“This product is extremely toxic to fish and aquatic invertebrates. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment areas.”

81. The February 26, 2014 accepted label contained the following restrictions in the “Directions for Use” section:

“DIRECTIONS FOR USE It is a violation of Federal law to use this product in a manner inconsistent with its, labeling. Application is prohibited directly into sewers or drains or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.”

82. The February 26, 2014 accepted label contained the following directions and/or restrictions in the directions “For Use Outdoors” in the “Directions for Use” section:

*“FOR USE OUTDOORS:
Do not water the treated area to the point of run-off. Do not make applications during rain. All outdoor applications, if permitted elsewhere on this label, must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses: 1) Applications [to] soil or vegetation, as listed on this label, around structures; 2) Applications to lawns, turf and other vegetation as listed on this label; 3) Applications to the side of a building, up to a maximum height of 3 feet above grade; 4) Applications to underside of eaves, soffits, doors or windows permanently protected from rainfall by a covering, overhang, awning or other structure; 5) Applications around potential pest entry points into buildings when limited to a surface band not to exceed one inch in width; 6) Applications made through the use of a coarse, low pressure spray to only those portions of surfaces that are directly above bare soil, lawn, turf, mulch or other vegetation, as listed on this label and not over an impervious surface, drainage or other condition that could result in run-off into storm drains, drainage ditches, gutters or surface waters, in order to control occasional invaders or aggregating pests.*

Point spray away from face. Hold sprayer on a slant downward angle, approximately 12 inches from surface to be sprayed. Spray with wind if breeze is blowing. Do not contaminate fish ponds or apply directly to water."

83. The "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56, label, collected during the August 2 and 3, 2017 inspection at the Twinsburg establishment, was a true and accurate representation of the label on the product for all the shipping records collected as part of the inspection at that establishment.

84. The "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56, label, collected during the August 2 and 3, 2017 inspection, bore the claim "Keeps killing up to 16 weeks."

85. The claim in Paragraph 84 is not listed or included in the February 26, 2014 accepted label.

86. The "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56, label, collected during the August 2 and 3, 2017 inspection, contained the following "Environmental Hazards" statement:

"This product is extremely toxic to fish and aquatic invertebrates. Do not apply directly to water. Do not dump leftover pesticide or rinse water into drains or sewers. BEE WARNING: This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area."

87. The "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56, label, collected during the August 2 and 3, 2017 inspection, did not contain the required restrictions identified in Paragraph 86.

88. The "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56, label, collected during the August 2 and 3, 2017 inspection, contained the following directions "For Use Outdoors" in the "Directions for Use" section:

“FOR USE OUTDOORS: Remove all exposed food and cooking utensils. Cover all food handling surfaces or wash thoroughly after treatment and before use. Do not use on edible crops. Point sprayer away from face. Hold sprayer on a slight downward angle, approximately 12 inches from surface to be sprayed. Spray with wind if breeze is blowing. Do not contaminate fish ponds or apply directly to water.”

89. On or about May 16, 2015, Respondent distributed or sold “JT Eaton Kills Roaches, Ants & Spiders,” EPA Reg. No. 45385-97-56, to Lee Distributors, located in Brooklyn, New York.

90. On or about March 24, 2016, Respondent distributed or sold “JT Eaton Kills Roaches, Ants & Spiders,” EPA Reg. No. 45385-97-56, to PACOA, located in Port Washington, New York.

91. On or about April 18, 2016, Respondent distributed or sold “JT Eaton Kills Roaches, Ants & Spiders,” EPA Reg. No. 45385-97-56, to Reiss Wholesale Hardware, located in Brooklyn, New York.

92. On or about June 22, 2016, Respondent distributed or sold “JT Eaton Kills Roaches, Ants & Spiders,” EPA Reg. No. 45385-97-56, to Reiss Wholesale Hardware, located in Brooklyn, New York.

93. On or about July 8, 2016, Respondent distributed or sold “JT Eaton Kills Roaches, Ants & Spiders,” EPA Reg. No. 45385-97-56, to PACOA, located in Port Washington, New York.

94. On or about July 21, 2016, Respondent distributed or sold “JT Eaton Kills Roaches, Ants & Spiders,” EPA Reg. No. 45385-97-56, to Reiss Wholesale Hardware, located in Brooklyn, New York.

95. Respondent distributed or sold “JT Eaton Kills Roaches, Ants & Spiders,” EPA Reg. No. 45385-97-56, on six separate occasions, that was misbranded as defined by Section

2(q)(1)(F) of FIFRA, because its label did not contain directions for use necessary to make the product effective and to adequately protect human health and the environment, and by Section 2(q)(1)(G) of FIFRA, because the label did not contain a warning or caution statement adequate to protect human health and the environment.

96. Respondent's distribution or sale of "JT Eaton Kills Roaches, Ants & Spiders," EPA Reg. No. 45385-97-56, on six occasions constitutes six unlawful acts pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

97. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), 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).

JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks, EPA Reg. No. 45385-28-56

98. On or about August 13, 1982, EPA registered the pesticide product "Pyronox No. 3 Insecticide."

99. EPA assigned "Pyronox No. 3 Insecticide" EPA Reg. No. 45385-28.

100. CTX-Cenol, Inc. is the "registrant" of "Pyronox No. 3 Insecticide," EPA Reg. No. 45385-28, as that term is defined by Section 2(y) of FIFRA.

101. On or about December 6, 2011, EPA received a Notice of Supplemental Distribution for "Pyronox No. 3 Insecticide," EPA Reg. No. 45385-28.

102. The Notice of Supplemental Distribution identified the distributor product name for "Pyronox No. 3 Insecticide" as "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks."

103. "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks" was assigned EPA Reg. No. 45384-28-56.

104. The Notice of Supplemental Distribution identified JT Eaton & Co., Inc. as the distributor of “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56.

105. “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, is a “pesticide” as that term is defined by Section 2(u) of FIFRA.

106. On September 3, 2003, EPA accepted, with comments, a label for “Pyronox No. 3 Insecticide,” EPA Reg. No. 45385-28-56.

107. The September 3, 2003 accepted label required a change to the “If Swallowed” section of the “First Aid” statement as follows:

“...replace ‘Have person sip a glass of water if able to swallow.’ with ‘Do not give any liquid to the person.’” (emphasis in original)

108. The labels of “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, collected during the August 2 and 3, 2017 inspection at the Twinsburg establishment was a true and accurate representation of the labels on the product for all the shipping records collected during the inspection at that establishment.

109. The “If Swallowed” section of the “First Aid” statement on the labels of “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, collected during the August 2 and 3, 2017 inspection, states:

“IF SWALLOWED: Call a Poison Control Center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.”

110. On or about April 5, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Femke Harvey, in care of THD Ship to Store #2408, located in Ellsworth, Maine.

111. On or about May 3, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Wassily Kastritsios, in care of THD Ship to Store #8475, located in North Bergen, New Jersey.

112. On or about May 25, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Winners Circle Motel, located in Georgetown, Kentucky.

113. On or about June 23, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Amazon.com.kydc, LLC, located in Hebron, Kentucky.

114. On or about July 6, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Old Lyons TV Hdwr, located in Lyons, New York.

115. On or about July 7, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Amazon.com.kydc, LLC, located in Hebron, Kentucky.

116. On or about July 12, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Amazon.com.kydc, LLC, located in Hebron, Kentucky.

117. On or about July 18, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to Queens Adult Care, located in Elmhurst, New York.

118. On or about July 19, 2017, Respondent distributed or sold "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks," EPA Reg. No. 45385-28-56, to Amazon.com.kydc, LLC, located in Hebron, Kentucky.

119. On or about July 28, 2017, Respondent distributed or sold "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks," EPA Reg. No. 45385-28-56, to Univar Eastlake, located in Eastlake, Ohio.

120. On or about August 1, 2017, Respondent distributed or sold "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks," EPA Reg. No. 45385-28-56, to Orgill Brothers, located in Kilgore, Texas.

121. On or about August 1, 2017, Respondent distributed or sold "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks," EPA Reg. No. 45385-28-56, to HD Supply Denver DC, located in Denver, Colorado.

122. On or about August 2, 2017, Respondent distributed or sold "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks," EPA Reg. No. 45385-28-56, to Dept. Foxrw Wilmer Retail, located in Wilmer, Texas.

123. On or about August 2, 2017, Respondent distributed or sold "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks," EPA Reg. No. 45385-28-56, to ACE Hardware Corp., located in West Jefferson, Ohio.

124. On or about August 2, 2017, Respondent distributed or sold "JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks," EPA Reg. No. 45385-28-56, to ACE Hardware Tampa Retail, located in Tampa, Florida.

125. On or about August 2, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to ACE Hardware Sacramento Region, located in Rocklin, California.

126. On or about August 2, 2017, Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, to ACE Hardware Prescott Valley, located in Prescott Valley, Arizona.

127. Respondent distributed or sold “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, on 17 occasions that was misbranded as defined by Section 2(q)(1)(G) of FIFRA, because the label did not contain a warning or caution statement adequate to protect human health and the environment.

128. Respondent’s distribution or sale of “JT Eaton Kills Bedbugs, Fleas, and Brown Dog Ticks,” EPA Reg. No. 45385-28-56, on 17 occasions constitutes 17 unlawful acts pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

129. Respondent’s violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), 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).

United 205 Last Stop Glue Trap

130. “United 205 Last Stop Glue Trap” is a “device” as that term is defined by Section 2(h) of FIFRA.

131. The label of “United 205 Last Stop Glue Trap” collected during the August 2 and 3, 2017 inspection at the Twinsburg establishment was a true and accurate representation of the labels on the product for all the shipping records collected during the inspection at that establishment.

132. The label of “United 205 Last Stop Glue Trap” collected during the August 2 and 3, 2017 inspection, did not bear or identify the establishment number assigned to the establishment in which it was produced under Section 7 of FIFRA.

133. The label of “United 205 Last Stop Glue Trap” collected during the August 2 and 3, 2017 inspection, bore the following claim:

“non-poisonous”

134. On or about March 3, 2015, Respondent distributed or sold “United 205 Last Stop Glue Trap” to United Laboratories, located in St. Charles, Illinois.

135. On or about January 1, 2017, Respondent distributed or sold “United 205 Last Stop Glue Trap” to United Laboratories, located in St. Charles, Illinois.

136. Respondent distributed or sold “United 205 Last Stop Glue Trap” to United Laboratories, on two occasions, that was misbranded as defined by Section 2(q)(1)(A), because its label bore a statement which was false or misleading, and by Section 2(q)(1)(D), because its label did not bear the establishment registration number of its producing establishment.

137. Respondent’s distribution or sale of “United 205 Last Stop Glue Trap” on two occasions constitutes two unlawful acts pursuant to Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F).

138. Respondent’s violations of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), 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).

Civil Penalty

139. 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 \$109,827. In determining the

penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the violation. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

140. Within 30 days after the effective date of this CAFO, Respondent must pay a \$109,827 civil penalty for the FIFRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
Post Office Box 979077
St. Louis, Missouri 63197-9000

[for checks sent by express mail] sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note J.T. Eaton & Co., Inc. and the docket number of this CAFO.

141. 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 Boulevard
Chicago, Illinois 60604

Claudia Niess (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard.
Chicago, Illinois 60604

Luis Oviedo (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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

143. If Respondent does not pay timely the civil penalty, 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.

144. 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

145. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: oviedo.luis@epa.gov (for Complainant), and joel.eagle@thompsonhine.com (for Respondent).

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

147. This CAFO does not affect the rights 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 FIFRA Enforcement Response Policy.

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.

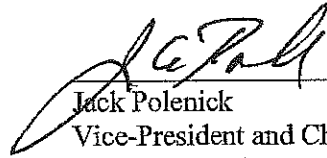
152. Each party agrees to bear its own costs and attorneys fees, in this action.

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

**In the Matter of:
J.T. Eaton & Co., Inc.**

J.T. Eaton & Company, Inc., Respondent

2/20/2020
Date



Jack Polenick
Vice-President and Chief Financial Officer
J.T. Eaton & Company, Inc.

In the Matter of:
J.T. Eaton & Co., Inc.

United States Environmental Protection Agency, Complainant

2-27-2020
Date

Sara Brennan
for Michael D. Harris
Director
Enforcement and Compliance Assurance Division

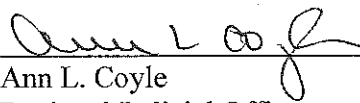
In the Matter of:
J.T. Eaton & Co., Inc. Docket No.

FIFRA-05-2020-0025

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.

2/28/2020
Date



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

Consent Agreement and Final Order
In the matter of: J.T. Eaton & Company, Inc.
Docket Number: FIFRA-05-2020-0025

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Consent Agreement and Final Order, docket number FIFRA-05-2020-0025, which was filed on February 28, 2020, in the following manner to the following addressees:

Copy by E-mail to
Attorney for Complainant:

Mr. Luis Oviedo
oviedo.luis@epa.gov

Copy by E-mail to
Attorney for Respondent:

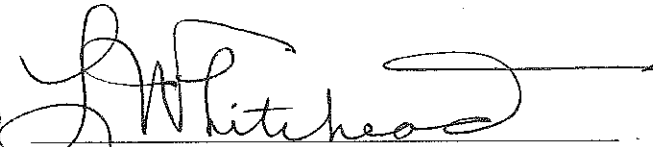
Mr. Joel Eagle
joel.eagle@thompsonhine.com

Copy by E-mail to
Regional Judicial Officer:

Ms. Ann Coyle
coyle.ann@epa.gov

Dated:

February 28, 2020



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