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4 Region IX  
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**\*\*FILED\*\***  
**05 AUG 2021**  
**U.S. EPA - REGION IX**

7 UNITED STATES  
8 ENVIRONMENTAL PROTECTION AGENCY  
9 REGION IX

10 In the matter of: ) Docket No. FIFRA-09-2021-0064  
11 )  
12 Seychelle Environmental Technologies, ) CONSENT AGREEMENT  
Inc., ) AND FINAL ORDER  
13 ) pursuant to 40 C.F.R. §§ 22.13(b),  
14 Respondent. ) 22.18(b)(2), and 22.18(b)(3)

15 I. CONSENT AGREEMENT

16 The United States Environmental Protection Agency (“EPA”), Region IX, and Seychelle  
17 Environmental Technologies, Inc. (“Respondent”) agree to settle this matter and consent to the  
18 entry of this Consent Agreement and Final Order (“CAFO”). This CAFO simultaneously  
19 initiates and concludes this proceeding in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).  
20

21 A. AUTHORITY AND PARTIES

22 1. This is a civil administrative action brought pursuant to Section 14(a)(1) of the Federal  
23 Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(1), for the assessment  
24 of a civil administrative penalty against Respondent for: (1) the sale and/or distribution of an  
25 unregistered pesticide in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A),  
26 and (2) the production of a pesticide in an unregistered establishment in violation of Section  
27 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).

28 2. Complainant is the Manager of the Toxics Section in the Enforcement and  
Compliance Assurance Division, EPA Region IX, who has been duly delegated the authority to

1 bring this action and to sign a consent agreement settling this action.

2 3. Respondent is Seychelle Environmental Technologies, Inc., a Nevada corporation  
3 with headquarter offices located at 22 Journey Road in Aliso Viejo, California, 92656.

4 B. STATUTORY AND REGULATORY BASIS

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

8 5. Under Section 2(s) of FIFRA, 7 U.S.C. § 136(s), the term “person” means “any  
9 individual, partnership, association, corporation, or any organized group of persons whether  
10 incorporated or not.”

11 6. Under Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the term “to distribute or sell”  
12 means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment,  
13 ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or  
14 offer to deliver.

15 7. Under Section 2(u) of FIFRA, 7 U.S.C. § 136(u), the term “pesticide” is, among other  
16 things, any substance or mixture of substances intended for preventing, destroying, repelling, or  
17 mitigating any pest.

18 8. Under Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), it is unlawful for any  
19 person who is a producer to violate any of the provisions of Section 7.

20 9. Under Section 2(w) of FIFRA, 7 U.S.C. § 136(w), the term “producer” means the  
21 person who manufactures, prepares, compounds, propagates, or processes any pesticide or device  
22 or active ingredient used in producing a pesticide.

23 10. Under Section 7(a) of FIFRA, 7 U.S.C. § 136e(a), no person shall produce a pesticide  
24 subject to FIFRA in any State unless the establishment in which it is produced is registered with  
25 the EPA.

26 11. Under Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd), the term “establishment” means  
27 any place where a pesticide or device or active ingredient used in producing a pesticide is  
28 produced, or held, for distribution or sale.

1 12. The Administrator of EPA may assess a civil penalty against any registrant,  
2 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any  
3 provision of FIFRA of up to \$20,528 for each offense that occurred after November 2, 2015  
4 where penalties are assessed on or after December 23, 2020. See Section 14(a)(1) of FIFRA, 7  
5 U.S.C. § 136l(a)(1); 40 C.F.R. Part 19; and Civil Monetary Penalty Inflation Adjustment Rule at  
6 85 Fed. Reg. 83818 (December 23, 2020).

7 C. ALLEGED VIOLATIONS

8 13. Respondent is a corporation and therefore a “person,” as that term is defined by  
9 Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations  
10 promulgated thereunder.

11 14. At all times relevant to this CAFO, Respondent produced and “distributed or sold,”  
12 as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the product families  
13 known as “Seychelle Standard Filter” and “Seychelle Advanced Filter” (collectively, “Seychelle  
14 Filter”) to persons in the United States.

15 15. At all times relevant to this CAFO, the labeling for the product, “Seychelle Filter,”  
16 bore numerous pesticidal claims including “removes up to 99.9999% of bacteria and virus” and  
17 “99.99% reduction” in “microbiological pathogens such as *Cryptosporidium*, *Giardia*, and others.”  
18 “Seychelle Filter” is thus a substance intended for use as a bactericide, virucide, and antiparasitic  
19 and is therefore a “pesticide,” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. §  
20 136(u).

21 16. From September 1, 2017 to August 31, 2018, Respondent “distributed or sold” as  
22 that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the pesticide “Seychelle  
23 Filter” to persons in the United States on 1,053 separate occasions.

24 17. At all times relevant to this CAFO, the pesticide, “Seychelle Filter,” that Respondent  
25 “distributed or sold” on 1,053 separate occasions was not registered under Section 3 of FIFRA, 7  
26 U.S.C. § 136a.

27 18. By distributing or selling the unregistered pesticide, “Seychelle Filter,” on 1,053  
28 separate occasions from September 1, 2017 to August 31, 2018, Respondent committed 1,053

1 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

2 19. On or about August 29, 2018, Respondent manufactured the pesticide, Seychelle  
3 Filter, at a facility located at 22 Journey Road in Aliso Viejo, California (the “Aliso Viejo  
4 Facility”) and is therefore a “producer,” as that term is defined by Section 2(w) of FIFRA, 7  
5 U.S.C. § 136(w), and 40 C.F.R. § 165.3.

6 20. At all times relevant to this CAFO, Respondent, by repackaging the pesticide,  
7 Seychelle Filter, at the Aliso Viejo Facility, operated a pesticide-producing facility that is an  
8 “establishment,” as that term is defined by Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd), and 40  
9 C.F.R. § 165.3.

10 21. At all times relevant to this CAFO, Respondent’s pesticide-producing establishment  
11 known as the Aliso Viejo Facility was not registered with EPA, as required pursuant to Section  
12 7(a) of FIFRA, 7 U.S.C. § 136e(a).

13 22. By producing the pesticide, Seychelle Filter, on or about August 29, 2018, at the  
14 pesticide production establishment known as the Aliso Viejo Facility, which was not registered  
15 with EPA, Respondent violated Section 7(a) of FIFRA, 7 U.S.C. § 136e(a).

16 23. By violating Section 7(a) of FIFRA, 7 U.S.C. § 136e(a), on or about August 29,  
17 2018, Respondent committed one violation of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. §  
18 136j(a)(2)(L).

#### 19 D. RESPONDENT’S ADMISSIONS

20 24. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,  
21 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over  
22 Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section  
23 I.C of this CAFO; (iii) consents to any and all conditions specified in this CAFO and to the  
24 assessment of the civil administrative penalty under Section I.E of this CAFO; (iv) waives any  
25 right to contest the allegations contained in this CAFO; and (v) waives the right to appeal the  
26 proposed Final Order contained in this CAFO.

#### 27 E. CIVIL ADMINISTRATIVE PENALTY

28 25. In full and final settlement of the violations specifically alleged in Section I.C of this

1 CAFO, Respondent shall pay a civil administrative penalty of ONE HUNDRED AND FIFTY  
2 THOUSAND DOLLARS (\$150,000). Respondent shall pay this civil penalty within thirty (30)  
3 days of the effective date of this CAFO. The civil penalty shall be paid by remitting a certified or  
4 cashier's check, including the name and docket number of this case, for the amount, payable to  
5 "Treasurer, United States of America," (or be paid by one of the other methods listed below) and  
6 sent as follows:

7  
8 Regular Mail:

9 U.S. Environmental Protection Agency  
10 Fines and Penalties  
11 Cincinnati Finance Center  
12 PO Box 979077  
13 St. Louis, MO 63197-9000

14 Wire Transfers:

15 Wire transfers must be sent directly to the Federal Reserve Bank in New  
16 York City with the following information:  
17 Federal Reserve Bank of New York  
18 ABA = 021030004  
19 Account = 68010727  
20 SWIFT address = FRNYUS33  
21 33 Liberty Street  
22 New York, NY 10045  
23 Beneficiary = U.S. Environmental Protection Agency

24 Certified or Overnight Mail:

25 U.S. Bank  
26 1005 Convention Plaza  
27 Mail Station SL-MO-C2GL  
28 ATTN Box 979077  
St. Louis, MO 63101

ACH (also known as Remittance Express or REX):

Automated Clearinghouse (ACH) payments to EPA can be made through  
the U.S. Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver  
ABA = 051036706  
Account = 31006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court  
Riverdale, MD 20737

1 Remittance Express (REX) = (866) 234-5681

2 On Line Payment:

3 This payment option can be accessed from the information below:

4 www.pay.gov  
5 Enter "SFO 1.1" in the search field  
6 Open form and complete required fields

7 If clarification regarding a particular method of payment remittance is  
8 needed, contact the EPA's Cincinnati Finance Center at (513) 487-2091.

9 A copy of each check, or notification that the payment has been made by one of the other  
10 methods listed above, including proof of the date payment was made, shall be sent with a  
11 transmittal letter, indicating Respondent's name, the case title, and docket number, to the  
12 following regular mail or email addresses:

13 Regional Hearing Clerk  
14 Office of Regional Counsel (ORC-1)  
15 U.S. Environmental Protection Agency, Region IX  
16 75 Hawthorne Street  
17 San Francisco, CA 94105  
18 R9HearingClerk@epa.gov

19 Lynn Kuo  
20 Toxics Section  
21 Enforcement and Compliance Assurance Division (ENF-2-3)  
22 U.S. Environmental Protection Agency, Region IX  
23 75 Hawthorne Street  
24 San Francisco, CA 94105  
25 kuo.lynn@epa.gov

26 26. Respondent shall not use payment of any penalty under this CAFO as a tax deduction  
27 from Respondent's federal, state, or local taxes, nor shall Respondent allow any other person to  
28 use such payment as a tax deduction.

29 27. If Respondent fails to pay the assessed civil administrative penalty of ONE  
30 HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000), as identified in Paragraph 25, by  
31 the deadline specified in that Paragraph, then Respondent shall pay a stipulated penalty to EPA of  
32 FIVE HUNDRED DOLLARS (\$500) per day in addition to the assessed penalty. Stipulated  
33 penalties shall accrue until such time as the assessed penalty and all accrued stipulated penalties  
34 are paid and shall become due and payable upon EPA's written request. Failure to pay the civil



1 administrative penalty specified in Paragraph 25 by the deadline specified in that Paragraph may  
2 also lead to any or all of the following actions:

3 (1) EPA may refer the debt to a credit reporting agency, a collection  
4 agency, or to the Department of Justice for filing of a collection action in the appropriate United  
5 States District Court. 40 C.F.R. §§ 13.13, 13.14 and 13.33. The validity, amount, and  
6 appropriateness of the assessed penalty or of this CAFO is not subject to review in any such  
7 collection proceeding.

8 (2) The U.S. Government may collect the debt by administrative offset  
9 (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a  
10 person to satisfy the debt the person owes the U.S. Government), which includes, but is not  
11 limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40  
12 C.F.R. §§ 13(C) and 13(H).

13 (3) Pursuant to 40 C.F.R. § 13.17, EPA may either: (i) suspend or revoke  
14 Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing  
15 business with EPA or engaging in programs EPA sponsors or funds.

16 (4) Pursuant to 31 U.S.C. § 3701 *et seq.* and 40 C.F.R. Part 13, the U.S.  
17 Government may assess interest, administrative handling charges, and nonpayment penalties  
18 against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the  
19 civil administrative penalty specified in Paragraph 25 by the deadline specified in that Paragraph.

20 (a) Interest. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R.  
21 §13.11(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established  
22 according to 26 U.S.C. § 6621(a)(2) from the effective date of this CAFO, provided, however,  
23 that no interest shall be payable on any portion of the assessed penalty that is paid within thirty  
24 (30) days of the effective date of this CAFO.

25 (b) Administrative Handling Charges. Pursuant to 31 U.S.C.  
26 Section 3717(e)(1) and 40 C.F.R. § 13.11(b), Respondent shall pay a monthly handling charge,  
27 based on either actual or average cost incurred (including both direct and indirect costs), for  
28 every month in which any portion of the assessed penalty is more than thirty (30) days past due.

1 (c) Nonpayment Penalties. Pursuant to 31 U.S.C. § 3717(e)(2)  
2 and 40 C.F.R. § 13.11(c), a monthly penalty charge, not to exceed six percent (6%) annually,  
3 may be assessed on all debts more than ninety (90) days delinquent.

4 F. CERTIFICATION OF COMPLIANCE

5 28. In executing this CAFO, Respondent certifies that the information it has supplied  
6 concerning this matter was at the time of submission, and is at the time of signature to this  
7 CAFO, truthful, accurate, and complete; and that Respondent has corrected the violations alleged  
8 in Section I.C of this CAFO. Under 18 U.S.C. § 1001, submitting false or misleading  
9 information can result in significant penalties, including the possibility of fines and  
10 imprisonment for knowing submission of such information.

11 G. RETENTION OF RIGHTS

12 29. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's  
13 liabilities for federal civil penalties for the violations and facts specifically alleged in Section I.C  
14 of this CAFO. Nothing in this CAFO is intended to or shall be construed to resolve: (i) any civil  
15 liability for violations of any provision of any federal, state, or local law, statute, regulation, rule,  
16 ordinance, or permit not specifically alleged in Section I.C of this CAFO; or (ii) any criminal  
17 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it  
18 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address  
19 any violation of this CAFO or any violation not specifically alleged in Section I.C of this CAFO.

20 30. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's  
21 duties to comply with all applicable federal, state, and local laws, regulations, rules, ordinances,  
22 and permits.

23 H. ATTORNEYS' FEES AND COSTS

24 31. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in  
25 this proceeding.

26 I. EFFECTIVE DATE

27 32. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be  
28 effective on the date that the Final Order contained in this CAFO, having been approved and



1 issued by either the Regional Judicial Officer or Regional Administrator, is filed.

2 J. BINDING EFFECT

3 33. The undersigned representative of Complainant and the undersigned representative of  
4 Respondent each certifies that he or she is fully authorized to enter into the terms and conditions  
5 of this CAFO and to bind the party he or she represents to this CAFO.

6 34. The provisions of this CAFO shall apply to and be binding upon Respondent and its  
7 officers, directors, employees, agents, trustees, servants, authorized representatives, successors,  
8 and assigns.

9 FOR RESPONDENT SEYCHELLE ENVIRONMENTAL TECHNOLOGIES, INC.:

10  
11 4/10/2021  
DATE

10 Cari Beck  
11 CARI BECK  
12 President  
13 Seychelle Environmental Technologies, Inc.  
14 22 Journey Road  
Aliso Viejo, CA 92656

15 FOR COMPLAINANT EPA:

16  
17  
18 DATE

16 CLAIRES  
17 TROMBADORE  
18 MATT SALAZAR, P.E. for  
19 Manager, Toxics Section  
20 Enforcement and Compliance Assurance Division  
21 U.S. Environmental Protection Agency, Region IX  
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Digitally signed by CLAIRE  
TROMBADORE  
Date: 2021.06.24 13:09:20  
-07'00'

1 II. FINAL ORDER

2 EPA and Seychelle Environmental Technologies, Inc. having entered into the foregoing  
3 Consent Agreement,

4 IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2021-0064) be  
5 entered, and Respondent shall pay a civil administrative penalty in the amount of ONE  
6 HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000) and comply with the terms and  
7 conditions set forth in the Consent Agreement.

8  
9 **STEVEN JAWGIEL**

Digitally signed by STEVEN JAWGIEL  
Date: 2021.08.05 09:50:36 -07'00'

10 \_\_\_\_\_  
11 DATE

12 \_\_\_\_\_  
13 STEVEN JAWGIEL  
14 Regional Judicial Officer  
15 U.S. Environmental Protection Agency, Region IX  
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CERTIFICATE OF SERVICE

This is to certify that the fully executed Consent Agreement and Final Order in the matter of Seychelle Environmental Technologies, Inc. (FIFRA-09-2021-0064) was filed with the Regional Hearing Clerk and a true and correct copy of the same was sent to the following parties:

VIA E-MAIL

RESPONDENT:

Carl Palmer  
President  
Seychelle Environmental Technologies, Inc.  
22 Journey Road  
Aliso Viejo, California 92656  
cpalmer@seychelle.com

VIA E-MAIL

COMPLAINANT:

Edgar Coral  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
coral.edgar@epa.gov

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Regional Hearing Clerk  
U.S. EPA, Region IX

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Date