

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

U.S. EPA-REGION 3-RHC
FILED-17DEC2019AM11:38

IN RE:)	
)	DOCKET NO. FIFRA-03-2020-0018
)	
Mexel USA LLC)	
1655 N. Fort Myer Drive #350)	CONSENT AGREEMENT
Arlington, VA 22209)	
)	
Respondent.)	Proceeding under Section 14(a) of FIFRA,
)	7 U.S.C. § 136l(a)
)	

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement & Compliance Assurance Division, Region III (“Complainant”), of the U.S. Environmental Protection Agency (“EPA”) and Mexel USA LLC (“Respondent”) (collectively, “Parties”), pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136l(a), the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“*Consolidated Rules of Practice*”), 40 C.F.R. Part 22. Section 14(a) of FIFRA authorizes the Administrator of EPA to assess penalties for violations of any provision of FIFRA. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated it to Complainant and the Regional Judicial and Presiding Officer. This Consent Agreement and attached Final Order (hereinafter jointly referred to as the “CAFO”) resolve Complainant’s civil penalty claims against Respondent for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice*, Complainant hereby simultaneously commences and resolves this administrative proceeding.

II. JURISDICTION

3. EPA has jurisdiction over the above-captioned matter as described in paragraph 1 herein.

4. The *Consolidated Rules of Practice* govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(1).

III. GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO.
6. Except as provided in paragraph 5 herein Respondent neither admits nor denies the specific factual allegations and legal conclusions set forth in this CAFO.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, and the enforcement of this CAFO.
8. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this CAFO and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

11. In accordance with 40 C.F.R. § 22.13(b) and .18(b)(2) and (3) of the *Consolidated Rules of Practice*, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
12. Respondent is, and was, at all times relevant to the violations alleged herein, a Virginia corporation with its principal place of business located at 1655 N. Fort Myer Drive, #350, Arlington, Virginia, 22209.
13. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines "person" to mean any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.
14. Respondent is, and was, at all times relevant to the violations alleged herein a "person" within the meaning of Section 2(s) of FIFRA, 7 U.S.C. § 136(s).
15. Pursuant to Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.3, the term "pesticide" includes "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest," with exceptions not relevant to this matter.
16. On January 31, 1996, pursuant to Section 3 of FIFRA, 7 U.S.C. § 136, EPA conditionally registered "Mexel 432" (EPA Reg. No. 69100-1) as a molluscicide for the control of mollusks, including zebra mussels and clams, in closed delivery systems of non-potable industrial water.

17. On or about September 14, 2011, EPA approved an amendment to the registration of “Mexel 432,” changing the product name to “Mexel 432/0” (EPA Reg. No. 84034-1).
18. As of at least September 2011, Respondent was the registrant of the pesticide product, “Mexel 432/0” (EPA Reg. No. 84034-1).
19. On February 19, 2014, EPA approved an amendment to the registration of “Mexel 432/0” (EPA Reg. No. 84034-1), with Directions for Use as follows:

Mexel 432/0 is to be used for the control of biofouling including zebra mussels and clams, in once through cooling and cooling water tower circuits with closed loading and delivery systems for non-potable industrial fresh water and sea water systems. The product may be applied to maintain clean systems or to treat systems that are already fouled. Treatment is limited to 30 minutes once per day to maintain a residual concentration of Mexel 432/0 of 2.5 ppm.
20. At all times relevant to the violations alleged herein, Respondent’s product “Mexel 432/0” (EPA Reg. No. 84034-1) was a “pesticide” within the meaning of Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.3.
21. Respondent is, and was, at all times relevant to the violations alleged herein, a “registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor” within the meaning of Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1).
22. On February 13, 2018, an inspector from the Virginia Department of Agriculture and Consumer Services, duly authorized to conduct inspections for EPA, conducted an inspection at Respondent’s office located at 4427 N. 25th Street, Arlington, VA 22207.
23. By letter dated March 12, 2018, EPA requested information from Respondent pursuant to Section 8 of FIFRA, 7 U.S.C. § 136f.
24. On or about March 22, 2018, Respondent furnished additional information to EPA.

Counts 1-13

(Sales and/or Distributions of Misbranded Pesticides)

25. The allegations of the preceding paragraphs are incorporated by reference as though fully set forth herein.
26. Pursuant to Section 12(a)(1)(E) of FIFRA 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person in any state to distribute or sell to any person any pesticide which is, *inter alia*, misbranded.
27. Pursuant to Section 2(gg) of FIFRA, 7, U.S.C §136(gg), to “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.
28. Pursuant to Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), a pesticide is “misbranded” if “its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.”
29. The approved amended label for “Mexel 432/0” (EPA Reg. No. 84034-1) bears, in pertinent part, the signal word of “Danger” and the following:

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMAN AND DOMESTIC ANIMALS

Corrosive. Causes irreversible eye damage. Causes skin burns. Do not get in eyes, on skin, or on clothing. Harmful if swallowed, inhaled, or absorbed through the skin. Avoid breathing vapor or mists. Wash hands thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Wear long pants, long-sleeved shirt, shoes plus socks, goggles or face shield and chemical resistant gloves. The product must be applied using a closed delivery system such as dry coupling and/or meter pump.

ENVIRONMENTAL HAZARDS

This product is toxic to fish, aquatic invertebrates, oysters, and shrimp. Do not discharge effluent containing this product into lakes, streams, ponds[,] estuaries, oceans, or other waters unless in accordance with a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. For guidance, contact your State Water Board or the Regional Office of the EPA.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

Mexel 432/0 is to be used for the control of biofouling including zebra mussels and clams, in once-through cooling and cooling tower water circuits with closed loading and delivery systems for non-potable industrial fresh water and sea water systems. The product may be applied to maintain clean systems or to treat systems that are already fouled. Treatment is limited to 30 minutes once per day to maintain a residual concentration of Mexel 432/0 of 2.5 ppm.

30. The labeling associated with “Mexel 432/0” (EPA Reg. No. 84034-1) bore the following statements: “Mexel 432/0 is non-toxic to humans”, is “environmentally safe and sustainable”, and is “safer to handle than comparable products.” The labeling also claimed the product is effective against the bacterium *Legionella pneumophila* and biofilm and can be used in heating systems. The labeling also bore the EPA logo.

31. Each of the statements, designs or graphic representations described in paragraph 30 herein is false or misleading because “Mexel 432/0” (EPA Reg. No. 84034-1) is corrosive,

causes irreversible eye damage and skin burns; is toxic to fish, aquatic invertebrates, oysters and shrimp; is not approved to control the bacterium *Legionella* or biofilm; and is not endorsed by EPA.

32. On 13 occasions in 2017, Respondent distributed and/or sold the pesticide product “Mexel 432/0” (EPA Reg. No. 84034-1) with labeling described in paragraph 30 herein to various “persons” within the meaning of Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

33. Respondent’s pesticide product “Mexel 432/0” (EPA Reg. No. 84034-1) was “misbranded” within the meaning of Sections 2(q)(1)(A) of FIFRA, 7 U.S.C. §§ 136(q)(1)(A), at the time of each distribution and/or sale identified in paragraph 32 herein.

34. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by distributing and/or selling the misbranded pesticide product “Mexel 432/0” (EPA Reg. No. 84034-1) to other persons on 13 separate occasions in 2017.

35. Respondent’s acts or omissions as described in paragraph 34 herein constitute 13 separate unlawful acts under Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), for which penalties may be assessed pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Counts 14-15

(Failure to File Reports)

36. The allegations of the preceding paragraphs are incorporated by reference as though fully set forth herein.

37. Section 17(e) of FIFRA, 7 U.S.C. § 136o(e), provides that the Secretary of the Treasury, in consultation with the Administrator, shall prescribe regulations for the enforcement of Section 17(c) of FIFRA, entitled Importation of Pesticides and Devices.

38. 19 C.F.R. § 12.110 provides that, with exceptions not relevant hereto, the terms used in 19 C.F.R. § 12.110 - 12.117 shall have the meanings set forth for those terms in FIFRA.

39. 19 C.F.R. § 12.112(a) requires that an importer desiring to import pesticides or devices into the United States submit to the Administrator a paper Notice of Arrival of Pesticides and Devices, EPA Form 3540-1 (NOA), prior to the arrival of the shipment in the United States. Alternatively, the importer may file the NOA information electronically concurrently with the filing of the entry documentation, via any U.S. Customs and Border Patrol (CBP)-authorized electronic data interchange system. On the NOA and its electronic alternative, the importer reports, *inter alia*, active ingredients, quantity, country of origin, port of entry, and points of contact. Such information allows EPA to make informed decisions as to the disposition of the shipment, that is, whether CBP can release, release under bond, or detain the shipment for inspection. Therefore, the NOA is a report, required by FIFRA, which must be filed prior to, or, if filed electronically, concurrent with entry documentation, the arrival of a pesticide shipment in the United States.

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

41. On or about March 31, 2017, and August 26, 2017, Respondent imported shipments of its pesticide product “Mexel 320/0” (EPA Reg. No. 84034-1) into the United States.
42. On each occasion identified in paragraph 41 herein, Respondent failed to timely submit a paper NOA or an electronic alternative, a report required by FIFRA, prior to, or concurrent with electronically filed entry documentation, the arrival of each such pesticide shipment in the United States as required by 19 C.F.R. § 12.112(a).
43. Respondent's acts or omissions described in paragraph 42 herein constitute two violations of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), for which penalties may be assessed pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

V. CIVIL PENALTY

44. In settlement of EPA’s claims for civil monetary penalties for the violations of FIFRA alleged herein Respondent consents to the assessment of a civil penalty in the amount of **Three Thousand Dollars (\$3,000)** which Respondent shall be liable to pay in accordance with the terms set forth below.
45. The civil penalty is based upon EPA’s consideration of a number of factors, including the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4) (the size of Respondent’s business, the effect of the penalty on Respondent's ability to continue in business, and the gravity of the violation). These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s December 2009 *FIFRA Enforcement Response Policy Federal Insecticide, Fungicide, Rodenticide Act*, the *Adjustment of Civil Monetary Penalties for Inflation*, 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
46. The Parties further acknowledge and represent that the aforesaid settlement is based upon an analysis of Respondent’s ability to pay a civil penalty, performed in accordance with EPA’s June 29, 2015, *Guidance on Evaluating a Violator’s Ability to Pay a Civil Penalty in an Administrative Enforcement Proceeding*. This analysis was based upon the following documents submitted to Complainant by Respondent:

Mexel USA, LLC, Tax Returns (Form 1065), for years 2015, 2016, 2017
Internal Financial Statements, for year 2018

Based on this analysis, EPA has determined that Respondent is unable to pay a civil penalty in excess of the dollar amount set forth in paragraph 44 herein in settlement of the above-captioned action.

47. Respondent shall remit payment of the civil penalty described in paragraph 44 herein and any interest, administrative fees and late payment penalties owed, by either certified or cashier’s check, automated clearinghouse, or electronic wire/funds transfer, in accordance with the following:

- a. All payments by Respondent shall include reference to Respondent’s name and

address, and the Docket Number of this action, *i.e.*, Docket No. FIFRA-03-2020-0018;

- b. All checks shall be made payable to the “United States Treasury”;
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment see:

<https://www.epa.gov/financial/makepayment>

- e. At the same time any payment is made, Respondent shall mail or e-mail a copy of each payment (check or written confirmation of each EFT, ACH or online payment) to:

<p>Janet E. Sharke Senior Asst. Regional Counsel U.S. EPA, Region III (3RC50) 1650 Arch Street Philadelphia, PA 19103-2029 sharke.janet@epa.gov</p>	<p>Regional Hearing Clerk U.S. EPA, Region III (3RC00) 1650 Arch Street Philadelphia, PA 19103-2029 R3_Hearing_Clerk@epa.gov</p>
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48. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent’s failure to make timely payment of the penalty specified herein shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

49. Payment of the civil penalty is due and payable immediately upon receipt by Respondent of a true and correct copy of the fully executed and filed CAFO. Receipt by Respondent or Respondent’s legal counsel of such copy of the fully executed CAFO, with a date stamp indicating the date on which the CAFO was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

50. INTEREST: In accordance with 40 C.F.R. § 13.11, interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a copy of the fully executed and filed CAFO is mailed or hand delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which

such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

51. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

52. LATE PAYMENT PENALTY: A late penalty payment of six percent (6%) per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

53. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

VI. GENERAL SETTLEMENT CONDITIONS

54. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and represents that, to the best of Respondent's knowledge and belief, this CAFO does not contain any confidential business information of, or personally identifiable information from, Respondent.

55. Respondent further certifies that any information submitted and representations made to EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by Respondent to EPA regarding matters relevant to this CAFO, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

VII. CERTIFICATION OF COMPLIANCE

56. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it is currently in compliance with applicable provisions of FIFRA.

VIII. OTHER APPLICABLE LAWS

57. Nothing in this CAFO shall relieve Respondent of the obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling

on the validity of any federal, state or local permit. This CAFO does not constitute a waiver, suspension or modification of the requirements of FIFRA or any regulations promulgated thereunder.

IX. RESERVATION OF RIGHTS

58. This CAFO resolves only EPA’s claims for civil penalties for the specific violations alleged herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the *Consolidated Rules of Practice*, 40 C.F.R. § 22.18(c). Further, EPA reserves any rights and remedies available to it under FIFRA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO after its effective date.

X. EXECUTION/PARTIES BOUND

59. This CAFO shall apply to and be binding upon EPA, Respondent and the officers, employees, contractors, successors, agents and assigns of Respondent. By her signature below, the person signing this CAFO on behalf of Respondent acknowledges that she is fully authorized to enter into this Consent Agreement and to legally bind Respondent to the terms and conditions of this CAFO.

XI. EFFECTIVE DATE

60. The effective date of this CAFO is the date on which the Final Order, signed by the Regional Administrator of EPA, Region III, or his designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the *Consolidated Rules of Practice*.

XII. ENTIRE AGREEMENT

61. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the Parties regarding settlement of all claims pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this CAFO.

For Respondent:

Date: 12/10/19

By: Mary Wolter Glass

Mary Wolter Glass, President
Mexel USA LLC

For Complainant:

After reviewing the foregoing Consent Agreement and other pertinent matters, the Director of the Enforcement & Compliance Assurance Division of the U.S. Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, the Regional Judicial Officer, issue the attached Final Order.

Date: DEC 5 2019

By: 

Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA, Region III

Date: 11/27/19

By: 

Janet E. Sharke
Senior Assistant Regional Counsel
U.S. EPA, Region III
Counsel for Complainant

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

U.S. EPA-REGION 3-RHC
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IN RE:)	
)	DOCKET NO. FIFRA-03-2020-0018
)	
Mexel USA LLC)	
1655 N. Fort Myer Drive #350)	FINAL ORDER
Arlington, VA 22209)	
)	
Respondent.)	Proceeding under Section 14(a) of FIFRA,
)	7 U.S.C. § 136l(a)
)	

FINAL ORDER

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Mexel USA LLC, have executed a document entitled “Consent Agreement,” which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (“*Consolidated Rules of Practice*”), 40 C.F.R. Part 22 (with specific reference to Sections 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the Parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4) (the size of Respondent’s business, the effect of the penalty on Respondent’s ability to continue in business, and the gravity of the violation). These factors were applied to the particular facts and circumstances of this case with specific reference to EPA’s December 2009 *FIFRA Enforcement Response Policy Federal Insecticide, Fungicide, Rodenticide Act*, the *Adjustment of Civil Monetary Penalties for Inflation*, 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.

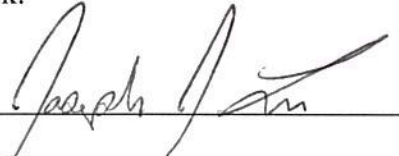
NOW, THEREFORE, PURSUANT TO Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and Section 22.18(b)(3) of the *Consolidated Rules of Practice*, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **Three Thousand Dollars (\$3000)**, in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive,

extinguish or otherwise affect Respondent's obligations to comply with all applicable provisions of FIFRA, as amended, and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Dec 17, 2019
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

U.S. EPA-REGION 3-RHC
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CERTIFICATE OF SERVICE

I certify that on _____, the original and one (1) copy of foregoing **Consent Agreement and Final Order** (EPA Docket No. FIFRA-03-2020-0018) were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the same to each of the following persons, in the manner specified below, at the following addresses:

Copy served via Certified Mail, Return Receipt Requested, to:

Michael C. Novak, Esq.
Keller and Heckman LLP
1001 G Street, NW
Washington, DC 20001
novak@khlaw.com
202-434-4100 (phone)
202-434-4646 (fax)
(Attorney for Respondent)

Copy served via **Hand Delivery or Inter-Office Mail** to:

Janet E. Sharke (3RC50)
Sr. Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(Attorney for Complainant)

Dated: DEC 17 2019 Bethina L Dunn
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): 70151520 000308965089