

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2023-0018
)	
Celcius Corp.)	Proceeding to Assess a Civil Penalty
Southfield, Michigan)	Under Section 14(a) of the Federal
)	Insecticide, Fungicide, and Rodenticide
Respondent.)	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 Celcius Corp., a corporation doing business in the State of Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. § 136-136y.

Statutory and Regulatory Background

10. Section 3 of FIFRA, 7 U.S.C. § 136a, states that no person in any State may distribute or sell to any person any pesticide that is not registered with EPA, and establishes procedures and requirements for pesticide registration.

11. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states, in pertinent part, that it is unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

12. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a “person” as “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”

13. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a “pesticide,” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”

14. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as “(1) any insect, rodent, nematode, fungus, weed or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or

in living man or other living animals) which the Administrator [of EPA] declares to be a pest under [Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1)].” See also 40 C.F.R. § 152.5.

15. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines a “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.”

16. Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2), defines “labeling” as “all labels and all other written, printed, or graphic matter (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide or device.”

17. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines “to distribute or sell” as “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.”

18. Pursuant to FIFRA, EPA promulgated regulations at 40 C.F.R. Part 152, 40 C.F.R. § 152.1 *et seq.*, to set forth procedures, requirements, and criteria concerning the registration of pesticide products under Section 3 of FIFRA. See 53 FR 15975 (May 4, 1988).

19. The regulation at 40 C.F.R. § 152.15(a)(1) provides that a substance is considered to be intended for a pesticidal purpose (i.e., for the purpose of preventing, destroying, repelling, or mitigating any pest), and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance (either by itself or in a combination with any other substance) can or should be used as a pesticide.

20. 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 \$23,494 for each offense occurring after November 2, 2015, and assessed after January 6, 2023, 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

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

22. At all times relevant to this CAFO, Respondent owned or operated a place of business located at 21415 Civic Center Drive, Suite 100, Southfield, Michigan 48076.

23. On July 7, 2021, EPA received an anonymous tip that the Respondent was distributing potentially unregistered pesticide products in violation of FIFRA.

24. On May 17, 2022, an inspector employed by the Michigan Department of Agriculture and Rural Development (MDARD) conducted an inspection in accordance with Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136(f) and 136(g), at Respondent’s corporate office located at 21415 Civic Center Drive, Suite 100, Southfield, Michigan 48076 (the Inspection).

25. During the Inspection, MDARD obtained a statement from Respondent’s representative indicating the following:

- a. Respondent offers for distribution or sale, or has offered for distribution or sale, products including the following: “PetGlow Doggy Ear Care (Turmeric),” “PetGlow Doggy Ear Mite,” “PetGlow Kitty Ear Mite,” “PetGlow Doggy Ear Wash (Lavender),” “Organic Life Shoe Cleanser + Deodorizer,” “PetGlow Doggy Freshener,” “Aureola iClear Screen,” and “Orange Peel Kitchen Degreaser” (collectively, the “Celcius Products”).

- b. Respondent owns and operates the websites “www.celsiusherbs.com” and “www.mypetglow.com.”
- c. Respondent distributes or sells certain Celcius Products through www.celsiusherbs.com, www.mypetglow.com, and/or Amazon.com.

26. During the Inspection, MDARD collected from Respondent labels and distribution and sales records for Celcius Products distributed or sold via www.celcius.us (which redirects to www.celsiusherbs.com), www.mypetglow.com, and for fulfillment by Amazon.

27. Prior to and after the Inspection, MDARD and EPA collected screenshots of Celcius Products for sale on www.celsiusherbs.com and www.mypetglow.com.

Aureola iClear Screen

28. During the Inspection, MDARD collected a record of Respondent’s distribution or sale of Aureola iClear Screen (referred to as “iClear screen electronics soap”) via www.celcius.us on July 12, 2021.

29. On October 25, 2021 and May 11, 2022, EPA and MDARD, respectively, collected screenshots of Aureola iClear Screen (referred to as “iClear screen electronics soap”) offered for sale on www.celsiusherbs.com with a claim that the product is “antibacterial.”

30. Based on the product-related claim described in Paragraph 29, Respondent claims, states, or implies that Aureola iClear Screen can or should be used to prevent, destroy, repel or mitigate a pest.

31. Aureola iClear Screen is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. § 152.15(a)(1).

32. Aureola iClear Screen is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

Orange Peel Kitchen Degreaser

33. During the Inspection, MDARD collected a record of Respondent's distribution or sale of Orange Peel Kitchen Degreaser (referred to as "All purpose Kitchen degreaser") via www.celcius.us on April 21, 2021.

34. On October 25, 2021 and May 11, 2022, EPA and MDARD, respectively, collected screenshots of Orange Peel Kitchen Degreaser (referred to as "All purpose Kitchen degreaser") offered for sale on www.celsiusherbs.com with the following claims:

- a. "Packed with antiseptic and anti microbial properties that come with tea tree oil and ginger"
- b. "Ginger – antifungal"
- c. "Tea tree oil – antiseptic"

35. Based on the product-related claims described in Paragraph 34, Respondent claims, states, or implies that Orange Peel Kitchen Degreaser can or should be used to prevent, destroy, repel or mitigate a pest.

36. Orange Peel Kitchen Degreaser is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. § 152.15(a)(1).

37. Orange Peel Kitchen Degreaser is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

PetGlow Doggy Ear Mite

38. During the Inspection, MDARD collected a record of Respondent's distribution or sale of PetGlow Doggy Ear Mite (referred to as "Petglow Ear Mites Treatment for Dogs") for fulfillment by Amazon on April 8, 2022.

39. During the Inspection, MDARD collected a label of PetGlow Doggy Ear Mite with the claim “Treats, Cleans and Heals Ear infections from Mites.”

40. Based on the product-related claim described in Paragraph 39, as well as the product name “PetGlow Doggy Ear Mite,” Respondent claims, states, or implies that PetGlow Doggy Ear Mite can or should be used to prevent, destroy, repel or mitigate a pest.

41. PetGlow Doggy Ear Mite is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. § 152.15(a)(1).

42. PetGlow Doggy Ear Mite is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

Organic Life Shoe Cleanser + Deodorizer

43. During the Inspection, MDARD collected records of Respondent’s distribution or sale of Organic Life Shoe Cleanser + Deodorizer (referred to as “Foot Odor Eliminator Spray Usable on Both Stinky Shoes and Smelly Feet”) via www.celcius.us on March 18, 2022, and April 2, 2022.

44. On October 25, 2021, EPA collected a screenshot of Organic Life Shoe Cleanser + Deodorizer (referred to as “Foot Odor Eliminator Spray Usable on Both Stinky Shoes and Smelly Feet”) offered for sale on www.celsiusherbs.com with the following claims:

- a. “Foot odor eliminator spray disinfectant for men, women and kids”
- b. “Eliminates odor bacteria”
- c. “Effectively eliminates odor-causing bacteria”
- d. “Tea tree oil: a powerful antiseptic and cleanser”

45. On May 11, 2022, MDARD collected a screenshot of Organic Life Shoe Cleanser + Deodorizer (referred to as “Foot Odor Eliminator Spray Usable on Both Stinky Shoes and

Smelly Feet”) offered for sale on www.celsiusherbs.com with the claims “Tea tree oil: a powerful antiseptic and cleanser,” and “Plant enzymes neutralize odor microbes on shoes and feet.”

46. Based on the product-related claims described in Paragraphs 44 and 45, Respondent claims, states, or implies that Organic Life Shoe Cleanser + Deodorizer can or should be used to prevent, destroy, repel or mitigate a pest

47. Organic Life Shoe Cleanser + Deodorizer is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. § 152.15(a)(1).

48. Organic Life Shoe Cleanser + Deodorizer is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

PetGlow Kitty Ear Mite

49. During the Inspection, MDARD collected records of Respondent’s distribution or sale of PetGlow Kitty Ear Mite (referred to as “Petglow Ear Mite Treatment for Cats,” “Ear Mite Treatment for Cats,” or “Natural Ear Mite Treatment for Cats”) through the following channels: for fulfillment by Amazon on January 4, 2022, January 10, 2022, January 13, 2022, January 19, 2022, February 18, 2022, March 25, 2022, April 25, 2022 and May 13, 2022; via www.celcius.us on April 1, 2022, April 18, 2022, April 20, 2022, and May 3, 2022; via www.mypetglow.com on February 2, 2022 and May 10, 2022.

50. During the Inspection, MDARD collected a label of PetGlow Kitty Ear Mite with the claim “Treats, Cleans and Heals Ear infections from Mites.”

51. On May 11, 2022, MDARD collected a screenshot of PetGlow Kitty Ear Mite (referred to as “Natural Ear Mite Treatment for Cats”) offered for sale on www.celsiusherbs.com with the following claims and graphics:

- a. “Proven by the best labs to kill mites in less than 56 seconds”
- b. “Kills mites buried deep in the skin and the entire cycle in days”
- c. “Kills mites”
- d. “Natural ear mite treatment for cats”
- e. An infographic on symptoms of ear mite infestations in pets
- f. An infographic on the mite life cycle

52. On September 7, 2022, EPA collected a screenshot of PetGlow Kitty Ear Mite (referred to as “PetGlow Ear Mite Treatment for Cats”) offered for sale on www.mypetglow.com with the following claims and graphics:

- a. “Kills mites buried deep in the skin and the entire cycle in days”
- b. “Petglow ear mite treatment for cats”
- c. “Kills mites”
- d. An infographic on symptoms of ear mite infestations in pets

53. Based on the product-related claims and graphics described in Paragraphs 50, 51, and 52, as well as the product name “PetGlow Kitty Ear Mite,” Respondent claims, states, or implies that PetGlow Kitty Ear Mite can or should be used to prevent, destroy, repel or mitigate a pest.

54. PetGlow Kitty Ear Mite is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. §152.15(a)(1).

55. PetGlow Kitty Ear Mite is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

Petglow Doggy Ear Care (Turmeric)

56. During the Inspection, MDARD collected records of Respondent’s distribution or sale of Petglow Doggy Ear Care (Turmeric) (referred to as “Ear Cleaner for Pet Mite and Yeast Infection treatment for Dogs and Cats” “PetGlow Dog Ear Infection Treatment. Organic Herbal Ear Drops Treat Dog Yeast, Ear Mite,” “Dog Ear Infection Treatment for Pet Mite and Yeast,” or “All Natural Dog Ear Cleanser”) through the following channels: for fulfillment by Amazon on February 7, 2022, February 18, 2022, February 21, 2022, March 21, 2022, March 25, 2022, April 8, 2022, April 14, 2022, May 5, 2022; via www.celcius.us on March 13, 2021, March 18, 2021, March 22, 2021, March 26, 2021, April 15, 2021, April 29, 2021, July 8, 2021, July 27, 2021, September 8, 2021, October 7, 2021, November 17, 2021, January 3, 2022, February 16, 2022, March 26, 2022, and April 29, 2022; via www.mypetglow.com on January 13, 2022, April 17, 2022, and May 8, 2022.

57. During the Inspection, MDARD collected a label of Petglow Doggy Ear Care (Turmeric) with the claim, “Bacterial, Fungal, Ear Mite, Yeast, Inflammation Itch relief.”

58. On May 11, 2022, MDARD collected a screenshot of Petglow Doggy Ear Care (Turmeric) (referred to as “Turmeric Dog Ear Infection Treatment”) offered for sale on www.celsiusherbs.com with the following claims and graphics:

- a. “Herbal ear mite control and yeast infection treatment”
- b. Images of mites crossed out

59. On September 7, 2022, EPA collected a screenshot of Petglow Doggy Ear Care (Turmeric) (referred to as “Ear Cleaner for Pet Mite and Yeast Infection treatment for Dogs and

Cats”) offered for sale on www.mypetglow.com with the claim, “ear cleaner for pet mite and yeast infection treatment for dogs and cats.”

60. Based on the product-related claims and graphics described in Paragraphs 57, 58, and 59, Respondent claims, states, or implies that PetGlow Doggy Ear Care (Turmeric) can or should be used to prevent, destroy, repel or mitigate a pest.

61. Petglow Doggy Ear Care (Turmeric) is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. §152.15(a)(1).

62. Petglow Doggy Ear Care (Turmeric) is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

PetGlow Doggy Ear Wash (Lavendar)

63. During the Inspection, MDARD collected records of Respondent’s distribution or sale of PetGlow Doggy Ear Wash (Lavendar) (referred to as “Dog Ear Infection Treatment. All Natural with Organic Lavendar”) via www.mypetglow.com on December 10, 2021 and February 13, 2022.

64. On September 7, 2022, EPA collected a screenshot of PetGlow Doggy Ear Wash (Lavendar) (referred to as “Dog Ear Infection Treatment. All Natural with Organic Lavendar”) offered for sale on www.mypetglow.com with the claim, “Herbal ear mite control and yeast infection treatment.”

65. Based on the product-related claims described in Paragraph 64, Respondent claims, states, or implies that PetGlow Doggy Ear Wash (Lavendar) can or should be used to prevent, destroy, repel or mitigate a pest.

66. PetGlow Doggy Ear Wash (Lavendar) is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. §152.15(a)(1).

67. PetGlow Doggy Ear Wash (Lavendar) is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

PetGlow Doggy Freshener

68. During the Inspection, MDARD collected records of Respondent's distribution or sale of PetGlow Doggy Freshener (referred to as "Natural Pet Deodorizer Spray") via www.celcius.us on March 4, 2021, April 14, 2021, April 21, 2021, and August 13, 2021.

69. On May 11, 2022, MDARD collected a screenshot of PetGlow Doggy Freshener (referred to as "Natural Dog Deodorizing Body Spray") offered for sale on www.celsiusherbs.com with the following claims:

- a. "This non-toxic solution is infused with organic Ginger extract has anti-viral, anti-toxic, and anti-fungal properties."
- b. "Organic ginger – antifungal"
- c. "Can be used for beds and clothes"

70. Based on the product-related claims described in Paragraph 69, Respondent claims, states, or implies that PetGlow Doggy Freshener can or should be used to prevent, destroy, repel or mitigate a pest.

71. PetGlow Doggy Freshener is intended for a pesticidal purpose, and thus is a pesticide requiring registration under Section 3 of FIFRA, 7 U.S.C. § 136a. See 40 C.F.R. §152.15(a)(1).

72. PetGlow Doggy Freshener is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide.

Count 1

Sale of Unregistered Pesticide: Aureola iClear Screen

73. Complainant incorporates Paragraphs 1 through 32 of this CAFO as though set forth in this paragraph.

74. On July 12, 2021, Respondent distributed or sold Aureola iClear Screen, a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

75. Respondent's distribution or sale of the unregistered pesticide, Aureola iClear Screen, on one occasion constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Count 2

Sale of Unregistered Pesticide: Orange Peel Kitchen Degreaser

77. Complainant incorporates Paragraphs 1 through 27 and 33 through 37 of this CAFO as though set forth in this paragraph.

78. On April 21, 2021, Respondent distributed or sold Orange Peel Kitchen Degreaser, a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

79. Respondent's distribution or sale of the unregistered pesticide, Orange Peel Kitchen Degreaser, on one occasion constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Count 3

Sale of Unregistered Pesticide: Petglow Doggy Ear Mite

81. Complainant incorporates Paragraphs 1 through 27 and 38 through 42 of this CAFO as though set forth in this paragraph.

82. On April 8, 2022, Respondent distributed or sold Petglow Doggy Ear Mite, a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

83. Respondent's distribution or sale of the unregistered pesticide, Petglow Doggy Ear Mite, on one occasion constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Counts 4 - 5

Sale of Unregistered Pesticide: Organic Life Shoe Cleanser + Deodorizer

85. Complainant incorporates Paragraphs 1 through 27 and 43 through 48 of this CAFO as though set forth in this paragraph.

86. On March 18, 2022 and April 2, 2022, Respondent distributed or sold Organic Life Shoe Cleanser + Deodorizer, a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

87. Respondent's distribution or sale of the unregistered pesticide, Organic Life Shoe Cleanser + Deodorizer, on two occasions constitutes two unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Counts 6-19

Sale of Unregistered Pesticide: Petglow Kitty Ear Mite

89. Complainant incorporates Paragraphs 1 through 27 and 49 through 55 of this CAFO as though set forth in this paragraph.

90. On fourteen occasions between and including January 4, 2022 and May 13, 2022, Respondent distributed or sold Petglow Kitty Ear Mite, a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

91. Respondent's distribution or sale of the unregistered pesticide, Petglow Kitty Ear Mite, on fourteen occasions constitutes fourteen separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Counts 20-46

Sale of Unregistered Pesticide: Petglow Doggy Ear Care (Turmeric)

93. Complainant incorporates Paragraphs 1 through 27 and 56 through 62 of this CAFO as though set forth in this paragraph.

94. On twenty-seven occasions between and including March 13, 2021, and May 8, 2022, Respondent distributed or sold Petglow Doggy Ear Care (Turmeric), a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

95. Respondent's distribution or sale of the unregistered pesticide, Petglow Doggy Ear Care (Turmeric), on twenty-seven occasions constitutes twenty-seven separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Counts 47-48

Sale of Unregistered Pesticide: PetGlow Doggy Ear Wash (Lavendar)

97. Complainant incorporates Paragraphs 1 through 27 and 63 through 67 of this CAFO as though set forth in this paragraph.

98. On December 10, 2021 and February 13, 2022, Respondent distributed or sold PetGlow Doggy Ear Wash (Lavendar), a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

99. Respondent's distribution or sale of the unregistered pesticide, PetGlow Doggy Ear Wash (Lavendar), on two occasions constitutes two unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Counts 49-52

Sale of Unregistered Pesticide: PetGlow Doggy Freshener

101. Complainant incorporates Paragraphs 1 through 27 and 68 through 72 of this CAFO as though set forth in this paragraph.

102. On March 4, 2021, April 14, 2021, April 21, 2021, and August 13, 2021, Respondent distributed or sold PetGlow Doggy Freshener, a pesticide as that term is defined under FIFRA, which was not registered under Section 3 of FIFRA, and as such, is an unregistered pesticide.

103. Respondent's distribution or sale of the unregistered pesticide, PetGlow Doggy Freshener, on four occasions constitutes four unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

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

Civil Penalty

105. 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 **\$1,000**. In determining the

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

106. Within 30 days after the effective date of this CAFO, Respondent must pay a **\$1,000** civil penalty for the FIFRA violations by an on-line payment. To pay on-line, go to www.pay.gov. Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

107. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following e-mail addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Angela Bouche (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
bouche.angela@epa.gov
and
R5lecab@epa.gov

Sue Landsittel (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
landsittel.sue@epa.gov

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

109. 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.

110. 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

111. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: landsittel.sue@epa.gov (for Complainant), and sales@celcius.us (for Respondent).

112. The Respondent's full compliance with this CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

113. 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.

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

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

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

117. 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.

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

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

Celcius Corp., Respondent

08/25/2023

Date



Raghavendra Katragadda
President
Celcius Corp.

United States Environmental Protection Agency, Complainant

Michael D. Harris

Director

Enforcement and Compliance Assurance Division

United States Environmental Protection Agency

Region 5

**In the Matter of:
Celcius Corp.
Docket No.: FIFRA-05-2023-0018**

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.

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