

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. FIFRA-05-2024-0001</b>
	)	
<b>MCF Holdings, LLC</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Aurora, Illinois</b>	)	<b>Under Section 14(a) of the Federal</b>
	)	<b>Insecticide, Fungicide, and Rodenticide</b>
<b>Respondent.</b>	)	<b>Act, 7 U.S.C. § 136l(a)</b>

**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 & Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. The Respondent is MCF Holdings, LLC (MCF), a corporation doing business in the State of Illinois, with a place of business and a principal office located at 55 E. New York Street, Aurora, Illinois 60505.

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 admit 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 it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

**Statutory and Regulatory Background**

10. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), states that no person in any state may distribute or sell to any person any pesticide that is not registered under FIFRA.

11. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it shall be 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.

12. 40 C.F.R. § 152.15(a) states, in pertinent part, no person may distribute or sell any pesticide product that is not registered under FIFRA. It further states that a substance is considered to be intended for a pesticidal purpose, 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 can or should be used as a pesticide.

13. The term “person” is defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s), as any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

14. The term “pest” is defined at Section 2(t) of FIFRA, 7 U.S.C. § 136(t), as, in pertinent part, any form of virus, bacteria, or other micro-organism. See also 40 C.F.R. § 152.5(d).

15. The term “pesticide” is defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u), as, in pertinent part, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

16. The term “to distribute or sell” is defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), as “to distribute, sell, offer for sale, hold for distribution, hold for shipment, or receive and (having so received) deliver or offer to deliver.”

#### **Factual Allegations and Alleged Violations**

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

18. On or about July 6, 2022, inspectors employed by the EPA and authorized to conduct federal inspections under FIFRA conducted an inspection at MCF located at 55 East New York Street, Aurora, Illinois 60505.

19. During the inspection, the inspectors requested information about a product called **Cleanz Eco Bamboo Wipes**.

20. On or about July 15, 2022, MCF provided, amongst other documents, sale records of **Cleanz Eco Bamboo Wipes** to EPA.

21. On or about July 18, 2022, MCF provided a statement confirming that the version of the **Cleanz Eco Bamboo Wipes** label that was previously provided to EPA on or about March 2022, with an import shipment of the product, was an accurate representation of the label used on the product that was released for shipment on or before mid-April of 2022.

22. The **Cleanz Eco Bamboo Wipes** label that was collected in March 2022 stated:

- a) “Kills 99.9% of bacteria in seconds;”
- b) “Keeps Your Training Area Germ Free” and
- c) The label also included the website [www.Cleanzwipes.com](http://www.Cleanzwipes.com).

23. On or about June 6, 2022, the label on a bucket of **Cleanz Eco Bamboo Wipes** depicted on [www.Cleanzwipes.com](http://www.Cleanzwipes.com) stated:

- a) “Kills 99.9% of bacteria in seconds;”
- b) “Keeps Your Training Area Germ Free” and
- c) The label also included the website [www.Cleanzwipes.com](http://www.Cleanzwipes.com).

24. On or about June 6, 2022, the label on a roll of **Cleanz Eco Bamboo Wipes** depicted on [www.Cleanzwipes.com](http://www.Cleanzwipes.com) stated:

- a) “Kills 99.9% of bacteria in seconds;”
- b) “Keeps Your Training Area Germ Free” and
- c) The label also included the website [www.Cleanzwipes.com](http://www.Cleanzwipes.com).

25. On or about June 6, 2022, the following language was included on the [www.Cleanzwipes.com](http://www.Cleanzwipes.com) website under “Case of Cleanz Wipes – 1 Roll:”

- a) “Kills 99.9% of bacteria in seconds” on the label of the product;
- b) “Keeps Your Training Area Germ Free” on the label of the product; and
- c) “Safe and effective cleaning and sanitizing everything from equipment to upholstery, hands, high touch areas, and hard surfaces” in the description of the product.

26. On or about June 6, 2022, the following language was included on the [www.Cleanzwipes.com](http://www.Cleanzwipes.com) website under “Case of Cleanz Wipes – 4 Rolls:” “Anti-bacterial wipe

safe and effective cleaning and sanitizing everything from equipment to upholstery, hands, high touch areas, and hard surfaces.”

27. On or about September 21, 2021, the following language was included on the [www.Cleanzwipes.com](http://www.Cleanzwipes.com):

- a) Under “Case of Cleanz Wipes – 4 Rolls,” the container label stated “Antibacterial wipe safe and effective for cleaning and sanitizing everything from equipment to upholstery, hands, high touch areas, and hard surfaces.”
- b) Under “Cleanz Wipes – 1 Roll” the container label stated “kills 99.9% of bacteria in seconds” and “Keeps Your Training Area Germ Free.”
- c) Under “Cleanz Wipes Dispenser Bucket with Roll” the container label stated “kills 99.9% of bacteria in seconds” and “Keeps Your Training Area Germ Free.”
- d) Under “START REDUCING YOUR CARBON FOOTPRINT NOW!” all the container label stated it “kills 99.9% of bacteria in seconds” and “Keeps Your Training Area Germ Free.”
- e) “Kills 99% of bacteria and germs in seconds”
- f) “100% BIODEGRADABLE SANITIZING WIPES”
- g) “Safe and effective for cleaning, sanitizing, and disinfecting everything from equipment to upholstery, hands, high touch areas, and hard surfaces.”
- h) “Active ingredients are EPA listed\* [...] \*Our active ingredients are listed on the EPA’s N list and have efficacy against human coronavirus. EPA expects all products on list N to be effective against SARS-CoV-2 (COVID-19) when used according to label directions\*”

28. On or about December 1, 2021, and December 21, 2021, the following language

was included on the [www.Cleanzwipes.com](http://www.Cleanzwipes.com) website:

- a) “Kills 99% of bacteria and germs in seconds;”
- b) “Safe and effective for cleaning, sanitizing, and disinfecting everything from equipment to upholstery, hands, high touch areas, and hard surfaces;”
- c) “100% Biodegradable Sanitizing Wipes.”
- d) “Safe and effective for cleaning, sanitizing, and disinfecting everything from equipment to upholstery, hands, high touch areas, and hard surfaces.”
- e) “Active ingredients are EPA listed\* [...] \*Our active ingredients are listed on the EPA’s N list and have efficacy against human coronavirus. EPA expects all products on list N to be effective against SARS-CoV-2 (COVID-19) when used according to label directions\*”

29. **Cleanz Eco Bamboo Wipes** is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

31. **Cleanz Eco Bamboo Wipes** is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

32. From August 19, 2020, through February 28, 2022, MCF distributed or sold **Cleanz Eco Bamboo Wipes** to persons in the United States on 209 separate occasions.

#### Counts 1-209

33. Complainant incorporates the above paragraphs, as if set forth in this paragraph.

34. From on about August 19, 2020, through on or about February 28, 2022, Respondent distributed or sold, on 209 separate occasions, an unregistered pesticide, **Cleanz Eco Bamboo Wipes**, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

35. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on 290 separate occasions 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) for each separate occasion.

### **Civil Penalty and Other Relief**

36. 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 \$20,000. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business and the effect on Respondent's ability to continue in business. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

37. Complainant agrees that the appropriate penalty to settle this action is \$20,000.

38. Respondent agrees to pay a \$20,000 civil penalty in four installments, with interest, to resolve this matter as follows:

<b>Payment Number</b>	<b>Due Date</b>	<b>Principal Due</b>	<b>Interest</b>	<b>Payment Amount Due</b>
<b>Payment 1</b>	Within 90 days of the effective date of the CAFO	\$5,000.00	\$150.00	\$5,150.00
<b>Payment 2</b>	Within 180 days of the effective date of the CAFO	\$5,000.00	\$112.50	\$5,112.50
<b>Payment 3</b>	Within 270 days of the effective date of the CAFO	\$5,000.00	\$75.00	\$5,075.00
<b>Payment 4</b>	Within 360 days of the effective date of the CAFO	\$5,000.00	\$37.50	\$5,037.50
<b>Total</b>		<b>\$20,000.00</b>	<b>\$375.00</b>	<b>\$20,375.00</b>

Respondent must pay the four payments on-line as follows: go to [www.pay.gov](http://www.pay.gov), enter “SFO 1.1” in the search box and follow instructions to make payments. There is no penalty for early payment, but Respondent must contact CFC at [cinwd\\_acctsreceivable@epa.gov](mailto:cinwd_acctsreceivable@epa.gov) before paying the penalty early to recalculate the appropriate interest amount. Respondent shall include EPA Counsel, Nidhi O’Meara, in any such communication.

39. Respondent must send a notice of each payment that states Respondents’ name and the case docket number to EPA at the following addresses when it pays the penalty:

Juliane Grange  
Regional Hearing Clerk  
[R5hearingclerk@epa.gov](mailto:R5hearingclerk@epa.gov)

Claudia Niess  
[niess.claudia@epa.gov](mailto:niess.claudia@epa.gov)

Nidhi K. O’Meara  
[omeara.nidhi@epa.gov](mailto:omeara.nidhi@epa.gov)

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

41. If Respondent does not pay the civil penalty in a timely manner, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

42. 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**

43. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Nidhi O’Meara at [omeara.nidhi@epa.gov](mailto:omeara.nidhi@epa.gov) (for Complainant), and Vincent Oleszkiewicz at [voleszkiewicz@leechtishman.com](mailto:voleszkiewicz@leechtishman.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

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

45. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

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

47. This CAFO is a “final order” for purposes of EPA’s Enforcement Response Policy for FIFRA.

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

49. 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.

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

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

**In the Matter of:  
MCF Holdings, LLC**

9/19/2023 | 1:38 PM EDT

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Date

DocuSigned by:  
*Rich Allen*  
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Richard Allen  
MCF Holdings, LLC

**In the Matter of:  
MCF Holdings, LLC**

**United States Environmental Protection Agency, Complainant**

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Date

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Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

**In the Matter of:  
MCF Holdings, LLC  
Docket No. FIFRA-05-2024-0001**

**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.

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