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8 UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
9 REGION IX

10 Docket No. FIFRA-09-2024-0021

11 **In the Matter of:**

12 **Pan Pacific Retail Management (USA) Co.; QSI,**  
13 **Inc. dba Times Supermarket; Don Quijote (USA)**  
14 **Co., Ltd.; and Marukai Hawaii Co., Ltd.,**  
15 **Respondents.**

**CONSENT AGREEMENT AND FINAL  
ORDER PURSUANT TO  
40 C.F.R. §§ 22.13 AND 22.18**

17 **I. CONSENT AGREEMENT**

18 The United States Environmental Protection Agency (“EPA”), Region IX, and Pan Pacific Retail  
19 Management (USA) Co.; QSI, Inc. dba Times Supermarket; Don Quijote (USA) Co., Ltd., and Marukai  
20 Hawaii Co., Ltd. (“Respondents”) agree to settle this matter and consent to the entry of this Consent  
21 Agreement and Final Order (“CAFO”), which simultaneously commences and concludes this matter in  
22 accordance with 40 C.F.R. §§ 22.13 and 22.18.

24 **A. AUTHORITY AND PARTIES**

25 1. This is a civil administrative penalty action brought against Respondents pursuant to Section  
26 14(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA” or “the Act”), 7 U.S.C. §

1 136/(a)(1), for the assessment of a civil administrative penalty against Respondents for violations of  
2 Section 12 of the Act, 7 U.S.C. § 136j.

3 2. Complainant is the Manager of the Toxics Section of the Enforcement and Compliance  
4 Assurance Division, EPA, Region IX, who has been duly delegated the authority to bring this action and  
5 to sign a consent agreement settling this action.

6 3. Respondents are parent, Pan Pacific Retail Management (USA) Co. ("Pan Pacific"), a Delaware  
7 corporation, and its subsidiaries, QSI, Inc. dba Times Supermarket ("QSI"); Don Quijote (USA) Co., Ltd.  
8 ("Don Quijote"); and Marukai Hawaii Co., Ltd. ("Marukai"), which are each a Hawaii corporation that  
9 own and/or operate retail stores located in the State of Hawaii.  
10

11 **B. STATUTORY AND REGULATORY BASIS**

12 4. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines the term "person" as "any individual,  
13 partnership, association, corporation, or any organized group of persons whether incorporated or not."

14 5. Section 2(b) of FIFRA, 7 U.S.C. § 136(b), defines the term "Administrator" as "the  
15 Administrator of the Environmental Protection Agency."

16 6. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term "pesticide," in relevant part, as "(1)  
17 any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any  
18 pest" and "(2) any substance or mixture of substances intended for use as a plant regulator."

19 7. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a "pest" as any insect, rodent, nematode,  
20 fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other  
21 micro-organism (except viruses, bacteria, or other living micro-organisms on or in living man or other  
22 living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. §  
23 136w(c)(1).  
24

25 8. Section 2(v) of FIFRA, 7 U.S.C. § 136(v), defines a "plant regulator," in relevant part, as "any  
26 substance or mixture of substances intended, through physiological action, for accelerating or retarding  
27

1 the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce  
2 thereof.”

3 9. 40 C.F.R. § 152.15 states, in pertinent part, that “a pesticide is any substance (or mixture of  
4 substances) intended for a pesticidal purpose...” and that a substance is considered to be intended for a  
5 pesticidal purpose, and thus to be a pesticide requiring registration, if: (a) The person who distributes or  
6 sells the substance claims, states, or implies (by labeling or otherwise) that: (1) the substance (either by  
7 itself or in combination with any other substance) can or should be used as a pesticide; or (2) the  
8 substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide; or  
9 (b) The substance consists of or contains one or more active ingredients and has no significant  
10 commercially valuable use as distributed or sold other than (1) use for pesticidal purpose (by itself or in  
11 combination with any other substance), (2) use for manufacture of a pesticide; or (c) The person who  
12 distributes or sells the substance has actual or constructive knowledge that the substance will be used, or  
13 is intended to be used, for a pesticidal purpose.  
14

15 10. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the phrase “to distribute or sell” to mean “to  
16 distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for  
17 shipment, release from shipment, or receive and (having so received) deliver or offer to deliver.”  
18

19 11. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), provides that no person in any State may distribute or  
20 sell to any person any pesticide that is not registered under this Act.

21 12. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it shall be unlawful for any  
22 person in any State to distribute or sell to any person any pesticide that is not registered under section 3 of  
23 FIFRA.

24 13. The Administrator of EPA may assess a civil penalty of up to \$23,494 against any registrant,  
25 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of  
26 FIFRA for each offense that occurred after November 2, 2015, and is assessed on or after January 6, 2023.  
27

1 See Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), as amended by the Civil Monetary Penalty  
2 Inflation Adjustment Rule at 40 C.F.R. Part 19 (88 Fed. Reg. 988 (January 6, 2023)).

3 **C. ALLEGED VIOLATIONS**

4 14. Respondent Pan Pacific is the parent corporation of Respondents QSI, Don Quijote, and Marukai.

5 15. At all times relevant to this CAFO, each Respondent was a corporation and therefore a “person,”  
6 as that term is defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

7 16. At all times relevant to this CAFO, Respondent QSI owned and/or operated retail stores located at  
8 98-1264 Ka’ahumanu Street in Pearl City, Hawaii (the “Times Pearl City Store”), and at 94-615 Kupuohi  
9 Street in Waipahu, Hawaii (the “Times Royal Kunia Store”).

10 17. On or about February 28, 2022, Respondent QSI offered for sale the product, “Hawaii Selection  
11 Mask Spray,” at the Times Pearl City Store.

12 18. The label on the product “Hawaii Selection Mask Spray” contained the claims: “Antibacterial  
13 Mask Spray,” “Effective against bacteria,” and “Antiseptic” to describe the product’s intended use as a  
14 surface disinfectant.

15 19. Based on the claims on its label, the product, “Hawaii Selection Mask Spray,” is a “pesticide”  
16 pursuant to Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.15.

17 20. From on or about April 16, 2020, to on or about April 24, 2022, Respondent QSI “distributed or  
18 sold” the pesticide, “Hawaii Selection Mask Spray,” at the Times Pearl City Store, as defined by Section  
19 20(gg) of FIFRA, 7 U.S.C. § 136(gg), in at least forty-eight (48) separate transactions.

20 21. At all times relevant to this CAFO, the pesticide, “Hawaii Selection Mask Spray,” was not  
21 registered with EPA under section 3 of FIFRA.

22 22. Consequently, Respondent QSI’s “distributions or sales” of the pesticide, “Hawaii Selection  
23 Mask Spray,” at the Times Pearl City Store from on or about April 16, 2020, to on or about April 24,  
24 2022, constitute forty-eight (48) violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A),

1 which provides that it is unlawful for any person to distribute or sell to any person a pesticide that is not  
2 registered under section 3 of FIFRA.

3 23. On or about March 2, 2022, Respondent QSI offered for sale the product, "Copper Mask," at the  
4 Times Royal Kunia Store.

5 24. The label on the product, "Copper Mask," contained the claims: "Copper is scientifically-proven  
6 to be anti-microbial," "Copper mask . . . has strong antibacterial effects on harmful respiratory allergens,"  
7 and "Antibacterial."  
8

9 25. Based on the claims on its label, the product, "Copper Mask," is a "pesticide" pursuant to Section  
10 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.15.

11 26. Thus, on or about March 2, 2022, Respondent QSI "distributed or sold" the pesticide "Copper  
12 Mask" at the Times Royal Kunia Store, as defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

13 27. At all times relevant to this CAFO, the pesticide, "Copper Mask," was not registered with EPA  
14 under section 3 of FIFRA.

15 28. Consequently, Respondent QSI's "distribution or sale" of the pesticide, "Copper Mask," on or  
16 about March 2, 2022, constitutes one (1) violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. §  
17 136j(a)(1)(A), which provides that it is unlawful for any person to distribute or sell to any person a  
18 pesticide that is not registered under section 3 of FIFRA.  
19

20 29. At all times relevant to this CAFO, Respondent Don Quijote owned and/or operated retail stores  
21 located at 850 Kamehameha Highway in Pearl City, Hawaii (the "Don Quijote Pearl City Store"), and at  
22 94-144 Farrington Highway in Waipahu, Hawaii (the "Don Quijote Waipahu Store").

23 30. On or about February 28, 2022, Respondent Don Quijote offered for sale the products, "Hattori's  
24 Kitchen Wipes," "Hattori's Floor Wipes," and "Hattori's Living Room Wipes," at the Don Quijote Pearl  
25 City and Waipahu Stores.

26 31. The labels on the products, "Hattori's Kitchen Wipes," "Hattori's Floor Wipes," and "Hattori's  
27 Living Room Wipes," contained the claim "sanitizer."

1 32. Based on the claim on their labels, the products, “Hattori’s Kitchen Wipes,” “Hattori’s Floor  
2 Wipes,” and “Hattori’s Living Room Wipes,” are “pesticides” pursuant to Section 2(u) of FIFRA, 7  
3 U.S.C. § 136(u), and 40 C.F.R. § 152.15.

4 33. From on or about February 28, 2021, to on or about March 2, 2022, Respondent Don Quijote  
5 “distributed or sold” the pesticides, “Hattori’s Kitchen Wipes,” “Hattori’s Floor Wipes,” and “Hattori’s  
6 Living Room Wipes,” at the Pearl City and Waipahu Stores, as defined by Section 2(gg) of FIFRA, 7  
7 U.S.C. § 136(gg), in at least five (5) separate transactions.

8 34. At all times relevant to this CAFO, the pesticides, “Hattori’s Kitchen Wipes,” “Hattori’s Floor  
9 Wipes,” and “Hattori’s Living Room Wipes,” were not registered with EPA under section 3 of FIFRA.  
10

11 35. Consequently, Respondent Don Quijote’s “distributions or sales” of the pesticides, “Hattori’s  
12 Kitchen Wipes,” “Hattori’s Floor Wipes,” and “Hattori’s Living Room Wipes,” constitute five (5)  
13 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), which provides that it is unlawful  
14 for any person to distribute or sell to any person a pesticide that is not registered under section 3 of  
15 FIFRA.

16 36. On or about March 2, 2022, Respondent Don Quijote offered for sale the product, “HB-101 Plant  
17 Vitalizer,” at its Waipahu store.

18 37. The label on the product, “HB-101 Plant Vitalizer,” contains the claim: “Increase longevity of  
19 flowers.”  
20

21 38. Based on the claim on its label, the product “HB-101 Plant Vitalizer” is a “plant regulator”  
22 pursuant to Section 2(v) of FIFRA, 7 U.S.C. § 136(v), and therefore a “pesticide” pursuant to Section 2(u)  
23 of FIFRA, 7 U.S.C. § 136(u) and 40 C.F.R. § 152.15.

24 39. From on or about February 28, 2021, to on or about March 2, 2022, Respondent Don Quijote  
25 “distributed or sold” the pesticide, “HB-101 Plant Vitalizer,” from its Pearl City and Waipahu stores in at  
26 least forty-two (42) separate transactions.  
27

1 40. At all times relevant to this CAFO, the pesticide “HB-101 Plant Vitalizer” was not registered with  
2 EPA under section 3 of FIFRA.

3 41. Consequently, Respondent Don Quijote’s “distributions or sales” of the pesticide, “HB-101 Plant  
4 Vitalizer” from on or about February 28, 2021, to on or about March 2, 2022, constitute forty-two (42)  
5 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), which provides that it is unlawful  
6 for any person to distribute or sell to any person a pesticide that is not registered under section 3 of  
7 FIFRA.

8  
9 42. At all times relevant to this CAFO, Respondent Marukai owned and/or operated a retail store  
10 located at 2310 Kamehameha Highway in Honolulu, Hawaii (the “Marukai Honolulu Store”).

11 43. On or about March 26, 2021, Respondent Marukai offered for sale the products, “Hawaii  
12 Selection Mask Spray,” “LEC Wet Polishing Wiper Sheets,” “Welco White Fragrance Musk Laundry  
13 Detergent,” and “Hattori’s Living Room Wipes,” at the Marukai Honolulu Store.

14 44. The label on the product, “Hawaii Selection Mask Spray” contained the claim “Antiseptic,” to  
15 describe the product’s intended use as a surface disinfectant.

16 45. The label on the product, “LEC Wet Polishing Wiper Sheets,” contained the claim (in Japanese  
17 only) that the product is a disinfectant and/or removes germs.

18 46. The label on the product, “Welco White Fragrance Musk Laundry Detergent,” contained the  
19 claim that the product will “make dirt antibacterial and clean.”

20 47. The label on the product, “Hattori’s Living Room Wipes,” contained the claim “sanitizer.”

21 48. Based on the claims on their labels, the products, “Hawaii Selection Mask Spray,” “LEC Wet  
22 Polishing Wiper Sheets,” “Welco White Fragrance Musk Laundry Detergent,” and “Hattori’s Living  
23 Room Wipes,” are “pesticides” pursuant to Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. §  
24 152.15.  
25

26 49. From on or about October 28, 2020, to on or about April 27, 2021, Respondent Marukai  
27 “distributed or sold” the pesticides “Hawaii Selection Mask Spray,” in at least one hundred and eleven  
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1 (111) transactions; “LEC Wet Polishing Wiper Sheets” in at least four (4) transactions; “Welco White  
2 Fragrance Musk Laundry Detergent,” in at least three (3) transactions; and “Hattori’s Living Room  
3 Wipes” in at least three (3) transactions at the Marukai Honolulu Store, as defined by Section 2(gg) of  
4 FIFRA, 7 U.S.C. § 136(gg), for a total of at least one hundred and twenty-one separate transactions.

5 50. At all times relevant to this CAFO, the pesticides, “Hawaii Selection Mask Spray,” “LEC Wet  
6 Polishing Wiper Sheets,” “Welco White Fragrance Musk Laundry Detergent,” and “Hattori’s Living  
7 Room Wipes” were not registered with EPA under section 3 of FIFRA.

8  
9 51. Consequently, Respondent Marukai’s “distributions or sales” of the pesticides, “Hawaii Selection  
10 Mask Spray,” “LEC Wet Polishing Wiper Sheets,” “Welco White Fragrance Musk Laundry Detergent,”  
11 and “Hattori’s Living Room Wipes,” constitute one hundred and twenty-one (121) violations of Section  
12 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), which provides that it is unlawful for any person to  
13 distribute or sell to any person a pesticide that is not registered under section 3 of FIFRA..

14 **D. RESPONDENTS’ ADMISSIONS**

15 52. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondents:

- 16 a. admit that EPA has jurisdiction over the subject matter of this CAFO and over  
17 Respondents;  
18  
19 b. neither admit nor deny the specific factual allegations contained in Section I.C of this  
20 CAFO;  
21  
22 c. consent to the assessment of the civil administrative penalty under Section I.E of this  
23 CAFO and to any and all conditions specified in the CAFO;  
24  
25 d. waive any right to contest the allegations contained in Section I.C of the CAFO; and  
26  
27 e. waive the right to appeal the proposed Final Order accompanying this Consent  
28 Agreement.

**E. CIVIL ADMINISTRATIVE PENALTY**



1 53. Respondents agree to the assessment of a penalty in the amount of SIX HUNDRED, SIXTY-  
2 THREE THOUSAND AND EIGHTY-ONE DOLLARS (\$663,081) ("EPA Penalty") as final settlement  
3 of the civil claims against Respondents arising under the Act as alleged in Section I.C of this CAFO.

4 54. Respondents shall pay the EPA Penalty no later than thirty (30) days from the effective date of  
5 this CAFO. Payment shall be made by cashier's or certified check payable to the "Treasurer, United States  
6 of America," or be paid by one of the other methods listed below:

7 a. Pay online through the Department of the Treasury website at [www.pay.gov](http://www.pay.gov). In the  
8 Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments – Cincinnati Finance  
9 Center, and complete the SFO Form Number 1.1.

10 b. Pay using any method or combination of methods provided on the following website:  
11 <https://www.epa.gov/financial/additional-instructions-making-payments-epa> and identify the payment  
12 with "Docket No. FIFRA-09-2024-0021."

13 55. If any clarification regarding a particular method of payment remittance is needed, please contact  
14 the EPA Cincinnati Finance Center at 513-487-2091. The payment shall be accompanied by a transmittal  
15 letter identifying the case name, the case docket number, and this CAFO. Concurrent with delivery of the  
16 payment of the penalty, Respondent shall send a copy of the check or notification that the payment has  
17 been made by one of the other methods listed above, including proof of the date payment was made, and  
18 transmittal letter to the following addresses:  
19  
20

21 Regional Hearing Clerk  
22 Office of Regional Counsel (ORC-1)  
23 U.S. Environmental Protection Agency, Region IX  
[r9HearingClerk@epa.gov](mailto:r9HearingClerk@epa.gov)

24 Ejan Petrie  
25 Enforcement and Compliance Assurance Division (ENF-2-3)  
26 U.S. Environmental Protection Agency, Region IX  
[petrie.ejan@epa.gov](mailto:petrie.ejan@epa.gov)

27 56. Payment of the EPA Penalty shall not be used by Respondents or any other person as a tax  
28 deduction from Respondents' federal, state, or local taxes.

1 57. In addition, if Respondents fail to pay the EPA Penalty by the deadline specified in Paragraph 54,  
2 then Respondents shall pay to EPA the stipulated penalty of FIVE HUNDRED DOLLARS (\$500.00) for  
3 each day the default continues, in addition to the assessed penalty upon written demand by EPA. In  
4 addition, failure to pay the civil administrative penalty by the deadline specified in Paragraph 54 may lead  
5 to any or all of the following actions:

6 a. The debt being referred to a credit reporting agency, a collection agency, or to the  
7 Department of Justice for filing of a collection action in the appropriate United States District Court. 40  
8 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and  
9 appropriateness of the assessed penalty and of this CAFO shall not be subject to review.  
10

11 b. The debt being collected by administrative offset (i.e., the withholding of money payable  
12 by the United States to, or held by the United States for, a person to satisfy the debt the person owes the  
13 Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset  
14 against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.

15 c. EPA may (i) suspend or revoke Respondent(s) licenses or other privileges; or (ii) suspend  
16 or disqualify Respondent(s) from doing business with EPA or engaging in programs EPA sponsors or  
17 funds. 40 C.F.R. § 13.17.

18 d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13, interest,  
19 penalties charges, and administrative costs will be assessed against the outstanding amount that  
20 Respondents owe to EPA for Respondents' failure to pay the civil administrative penalty by the deadline  
21 specified in Paragraph 54. Interest will be assessed at an annual rate that is equal to the rate of current  
22 value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed  
23 and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal  
24 Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a  
25 rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting  
26 Respondents' overdue debt will be based on either actual or average cost incurred and will include both

1 direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department  
2 or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may  
3 assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting  
4 Respondents' overdue debt.

#### 5 **F. CERTIFICATION OF COMPLIANCE**

6 58. In executing this CAFO, Respondents certify that they are now fully in compliance with any  
7 FIFRA requirements that may apply to their ongoing operations.

#### 8 **G. RETENTION OF RIGHTS**

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

18 60. This CAFO does not exempt, relieve, modify, or affect in any way Respondents' duty to comply  
19 with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.  
20

#### 21 **H. ATTORNEY'S FEES AND COSTS**

22 61. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this  
23 proceeding.

#### 24 **I. EFFECTIVE DATE**

25 62. In accordance with 40 C.F.R. 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date  
26 that the Final Order contained in this CAFO, having been approved and issued by either the Regional  
27 Judicial Officer or Regional Administrator, is filed.

1 **J. BINDING EFFECT**

2 63. The undersigned representative of Complainant and the undersigned representative of  
3 Respondents each certifies that he or she is fully authorized to enter into the terms and conditions of this  
4 CAFO and to bind the parties he or she represents to this CAFO.

5 64. The provisions of this CAFO shall apply to and be binding upon Respondents and their officers,  
6 directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

7 65. By signing this CAFO, Respondents acknowledge that this CAFO will be available to the public  
8 and agree that this CAFO does not contain any confidential business information or personally  
9 identifiable information.  
10

11 66. By signing this CAFO, Respondents certify, to the best of Respondents' knowledge and belief,  
12 that the information they have supplied concerning this matter was at the time of submission true,  
13 accurate, and complete for each submission, response, and statement. Respondents acknowledge that  
14 there are significant penalties for submitting false or misleading information, including the possibility of  
15 fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

16 **K. TAX REPORTING INFORMATION**

17 67. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the  
18 Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other  
19 Amounts") with respect to any court order or settlement agreement (including administrative settlements),  
20 that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in  
21 excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's  
22 potential violation of any law, including amounts paid for "restitution or remediation of property" or to  
23 come "into compliance with a law." EPA is further required to furnish a written statement, which  
24 provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F).  
25 Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described  
26 below, may subject Respondents to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26  
27

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1 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these  
2 obligations, EPA herein requires, and Respondents herein agree, that:

- 3 a. Respondents shall complete an IRS Form W-9 (“Request for Taxpayer Identification  
4 Number and Certification”), which is available at [https://www.irs.gov/pub/irs-](https://www.irs.gov/pub/irs-pdf/fw9.pdf)  
5 [pdf/fw9.pdf](https://www.irs.gov/pub/irs-pdf/fw9.pdf);
- 6 b. Respondents shall therein certify that their completed IRS Form W-9s include  
7 Respondents’ correct TINs or that Respondents have applied and are waiting for issuance  
8 of TINs;
- 9 c. Respondents shall email their completed Form W-9s to EPA’s Cincinnati Finance  
10 Center at [sherrer.dana@epa.gov](mailto:sherrer.dana@epa.gov), within 30 days after the Final Order ratifying this  
11 Agreement is filed, and EPA recommends encrypting IRS Form W-9 email  
12 correspondence; and
- 13 d. In the event that Respondents have certified in their completed IRS Form W-9s that they  
14 have applied for TINs and that TINs have not been issued to Respondents within 30 days  
15 after the Effective Date, then Respondents, using the same email address identified in the  
16 preceding sub-paragraph, shall further:
- 17 i. notify EPA’s Cincinnati Finance Center of this fact, via email, within 30 days  
18 after the 30 days after the Effective Date of this Order per Paragraph 62; and
- 19 ii. provide EPA’s Cincinnati Finance Center with Respondents’ TINs, via email,  
20 within five (5) days of Respondents’ issuance and receipt of the TINs.  
21  
22  
23  
24  
25  
26

1 FOR RESPONDENTS, PAN PACIFIC RETAIL MANAGEMENT (USA) CO.; QSI, INC. dba  
2 TIMES SUPERMARKET; DON QUIJOTE (USA) CO., LTD.; MARUKAI HAWAII CO.,  
3 LTD.:

4  
5 **JAN - 9 2024**

6 DATE

  
Kazuhiro Matsumoto  
Chief Executive Officer & President  
Pan Pacific Retail Management (USA) Co.

7  
8  
9  
10 FOR COMPLAINANT EPA:

11  
12 1/24/2024

13 DATE

MATTHEW Digitally signed by  
MATTHEW SALAZAR  
Date: 2024.01.24  
11:09:05 -08'00'  
SALAZAR  
MATT SALAZAR, P.E.,  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

**FINAL ORDER**

EPA and Respondents, having entered into the foregoing Consent Agreement, IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2024-0021) be entered, and Respondents shall pay a civil administrative penalty in the amount of SIX HUNDRED, SIXTY-THREE THOUSAND AND EIGHTY-ONE DOLLARS (\$663,081) and comply with the terms and conditions set forth in the Consent Agreement.

\_\_\_\_\_  
Beatrice Wong                                      Date  
Regional Judicial Officer  
U.S. EPA, Region IX

1 **CERTIFICATE OF SERVICE**

2 I certify that the original and one copy of the fully executed Consent Agreement and Final Order in the  
3 matter of Pan Pacific Retail Management (USA) Co.; QSI, Inc. dba Times Supermarket; Don Quijote  
4 (USA) Co., Ltd., and Marukai Hawaii Co., Ltd. (Docket No. FIFRA-09-2024-0021) was filed with the  
5 Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that  
6 a true and correct copy of the same was sent to the following parties via electronic mail:  
7  
8

9 **Respondents:**

Karl K. Kobayashi, Esq.  
Carlsmith Ball LLP  
1001 Bishop Street, Suite 2100  
Honolulu, HI 96813  
kkobayashi@carlsmith.com

12 **Complainant:**

Jacob Finkle  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
finkle.jacob@epa.gov

17  
18 \_\_\_\_\_  
19 Ponly Tu Date  
20 Regional Hearing Clerk  
21 U.S. EPA, Region IX