

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. FIFRA-05-2023-0010</b>
	)	
<b>Grow Green, LLC</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>doing business as</b>	)	<b>Under Section 14(a) of the</b>
<b>Hydro Pros Indoor Garden Supply</b>	)	<b>Federal Insecticide, Fungicide, and</b>
<b>Utica, Michigan</b>	)	<b>Rodenticide Act, 7 U.S.C. § 136l(a)</b>
<b>Respondent.</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 and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Grow Green, LLC, doing business as Hydro Pros Indoor Garden Supply, a limited liability company 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 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states 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, or whose registration has been cancelled or suspended.

11. Section 2(a)(2) of FIFRA, 7 U.S.C. § 136(a)(2), defines an “active ingredient,” to mean “in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof.”

12. 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 of any of its containers or wrappers.”

13. 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 ... accompanying the pesticide or device at any

time; or ... to which reference is made on the label or in literature accompanying the pesticide or device.”

14. 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.”

15. Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2), defines a “pesticide,” in part, as a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

16. Section 2(v) of FIFRA, 7 U.S.C. § 136(v), defines a “plant regulator” as “any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof.”

17. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), states that the term “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.”

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

19. The regulation at 40 C.F.R. 152.15(b) further states that a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the substance consists of or contains one or more active ingredients and has no significant

commercially valuable use as distributed or sold other than (1) use for pesticidal purpose (by itself or in combination with any other substance), or (2) use for manufacture of 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 \$20,528 for each offense occurring after November 2, 2015 and assessed after December 23, 2020, 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 44880 Van Dyke Avenue, Utica, Michigan 48317, during calendar years 2020 and 2021 .

23. On March 17, 2020, inspectors employed by the Michigan Department of Agriculture and Rural Development (MDARD) and authorized to conduct inspections under FIFRA conducted an inspection in accordance with Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136(f) and 136(g), at Respondent’s retail store known as Hydro Pros Garden Center located at 44880 Van Dyke Avenue, Utica, Michigan 48317.

24. During the March 17, 2020 inspection, MDARD inspectors observed the products Power Si 1.22 – 2.14 – 0.90, Power Si Bloom 0.81 – 2.47 – 0.95, Hammer Head Bloom Enhancer, and Jungle Control Ferocious Premium Plant Optimizer offered for sale at Hydro Pros Garden Center and collected receiving, sales, and photographic records of these products from the 2020 calendar year.

25. Respondent sold Power Si Bloom 0.81 – 2.47 – 0.95 on March 8, 2020 (Ticket Number 220000156963), March 12, 2020 (Ticket Number 220000157834), March 13, 2020 (Ticket Number 220000158043) and March 17, 2020 (Ticket Number 220000159063).

26. Respondent sold Power Si 1.22 – 2.14 – 0.90 on March 17, 2020 (Ticket Number 220000159063).

27. Respondent sold Hammer Head Bloom Enhancer on March 17, 2020 (Ticket Number 220000159063).

28. Respondent sold Jungle Control Ferocious Premium Plant Optimizer on March 17, 2020 (Ticket Number 220000159063).

29. During the March 17, 2020 inspection, MDARD inspectors purchased and collected samples of two 500 milliliter (mL) bottles of Power Si 1.22 – 2.14 – 0.90, one 1-liter bottle of Power Si Bloom 0.81 – 2.47 – 0.95, one 1-gallon container of Hammer Head Bloom Enhancer, and one 1-gallon container of Jungle Control Ferocious Premium Plant Optimizer, from the Respondent's retail store. MDARD submitted the samples purchased on March 17, 2020 to the MDARD Geagley Laboratory to analyze the presence of growth regulators.

30. A plant growth regulator compound, paclobutrazol, was detected in the sample of the Hammer Head Bloom Enhancer product.

31. The label of Hammer Head Bloom Enhancer observed by MDARD during the March 17, 2020 inspection and affixed to the container of the product collected as a physical sample contained the following plant regulator claim or statement:

- a. Increased resin production, increased density, faster maturity, and increased yield.

32. The product labels for Power Si 1.22 – 2.14 – 0.90 and Power Si Bloom 0.81 – 2.47 – 0.95 observed by MDARD during the March 17, 2020 inspection state: “For more feeding instructions and ideas: [www.powertotheplants.com](http://www.powertotheplants.com).”

33. On October 23, 2020, EPA visited [www.powertotheplants.com](http://www.powertotheplants.com) and observed the following plant regulator claim or statement for Power Si products:

- a. Power Si is proven to build stronger cell walls decreasing susceptibility to various diseases resulting in stronger plants and thicker stems.

34. On April 9, 2021, EPA visited [www.powertotheplants.com](http://www.powertotheplants.com) and observed the following plant regulator claims or statements for Power Si products:

- a. Thicker stalks and stems, more lateral branching, and better nutrient availability.
- b. Lateral branching and tight internodal spacing will give you a canopy full of tops giving you uniform flowers and high yields.
- c. Our blend of plant extract will ensure more resin, more terps, and higher concentrate yields.

35. On November 20, 2020 and March 9, 2021, EPA visited Respondent’s website at [www.hydropros.com](http://www.hydropros.com).

36. On November 20, 2020 and March 9, 2021, Respondent’s website offered Power Si Bloom 0.81 – 2.47 – 0.95 for sale and contained the following plant regulator claims or statements:

- a. Decreased internodal spacing.
- b. Faster bud onset.
- c. Increased bud sites.
- d. Faster, more homogenous ripening.

- e. Higher concentrate yields.
- f. Increased trichome, resin, and terpene production.
- g. Increased Brix levels.
- h. Larger, more dense flowers.

37. The label of Jungle Control Ferocious Premium Plant Optimizer observed by MDARD during the March 17, 2020 inspection and affixed to the container of the product collected as a physical sample contained the following plant regulator claims or statements:

- a. Strengthens the cellular structure of plants.
- b. Reduced the space between internodes, creating more flowers and increasing yield.

38. On April 20 and 22, 2021, an inspector employed by MDARD and authorized to conduct inspections under FIFRA conducted an inspection in accordance with Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136(f) and 136(g), at Respondent's retail store known as Hydro Pros Garden Center located at 44880 Van Dyke Avenue, Utica, Michigan 48317.

39. During the April 20 and 22, 2021 inspection, the MDARD inspector observed the product BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster offered for sale at Hydro Pros Garden Center and collected receiving, sales, and photographic records of this product from the 2021 calendar year.

40. Respondent sold BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster on April 2, 2021 (Ticket Number 220000257309), April 5, 2021 (Ticket Numbers 220000257846, 220000257891, and 220000257975), April 8, 2021 (Ticket Number 220000258737), April 12, 2021 (Ticket Number 220000259741), April 14, 2021 (Ticket Number 220000260155), April 15, 2021 (Ticket Numbers 220000260541 and 220000260673) and April 16, 2021 (Ticket Number 220000260794).

41. During the April 20 and 22, 2021 inspection, the MDARD inspector purchased and collected a sample of one 1-liter container of BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster from the Respondent's retail store. MDARD submitted the sample purchased on April 20, 2021 to the MDARD Geagley Laboratory to analyze the presence of growth regulators.

42. A plant growth regulator compound, paclobutrazol, was detected in the sample of the BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster product.

43. The label of the BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster product observed by MDARD during the April 20 and 22, 2021 inspection and affixed to the container of the product collected as a physical sample contained the following plant regulator claims or statements:

- a. A proprietary formula of vitamins and extra strength nutrients that help maximize yields and increase flower and fruit production.

**Power Si 1.22 – 2.14 – 0.90**

44. **Power Si 1.22 – 2.14 – 0.90** is a "pesticide" as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

45. **Power Si 1.22 – 2.14 – 0.90** is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

46. **Power Si 1.22 – 2.14 – 0.90** is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use and pesticidal claims made in relation to the product.

47. Respondent sold one container of **Power Si 1.22 – 2.14 – 0.90** on March 17, 2020.

**Power Si Bloom 0.81 – 2.47 – 0.95**

48. **Power Si Bloom 0.81 – 2.47 – 0.95** is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

49. **Power Si Bloom 0.81 – 2.47 – 0.95** is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

50. **Power Si Bloom 0.81 – 2.47 – 0.95** is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use and pesticidal claims made in relation to the product.

51. Respondent sold a total of four containers of **Power Si Bloom 0.81 – 2.47 – 0.95** on March 8, 2020, March 12, 2020, March 13, 2020, and March 17, 2020.

**Hammer Head Bloom Enhancer**

52. **Hammer Head Bloom Enhancer** is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

53. **Hammer Head Bloom Enhancer** is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

54. **Hammer Head Bloom Enhancer** is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use, active ingredients, and pesticidal claims made in relation to the product.

55. Respondent sold one container of **Hammer Head Bloom Enhancer** on March 17, 2020.

**Jungle Control Ferocious Premium Plant Optimizer**

56. **Jungle Control Ferocious Premium Plant Optimizer** is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

57. **Jungle Control Ferocious Premium Plant Optimizer** is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

58. **Jungle Control Ferocious Premium Plant Optimizer** is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use and pesticidal claims made in relation to the product.

59. Respondent sold one container of **Jungle Control Ferocious Premium Plant Optimizer** on March 17, 2020.

#### **BluMagic Nutrients Bam Bam**

60. **BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster** is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

61. **BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster** is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

62. **BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster** is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use, active ingredients, and pesticidal claims made in relation to the product.

63. Respondent sold a total of ten containers of **BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster** on April 2, 2021, April 5, 2021, April 8, 2021, April 12, 2021, April 14, 2021, April 15, 2021, and April 16, 2021.

#### **Count 1**

##### **Sale of Unregistered Pesticide Power Si 1.22 – 2.14 – 0.90**

64. Complainant incorporates Paragraphs 1 through 29, 32 through 34, and 44 through 47 of this CAFO as though set forth in this paragraph.

65. On March 17, 2020, Respondent distributed or sold **Power Si 1.22 – 2.14 – 0.90**, a pesticide, as that term is defined in Paragraph 15, that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

66. Respondent's distribution or sale of the unregistered pesticide **Power Si 1.22 – 2.14 – 0.90** constitutes an unlawful act, pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

67. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

#### Counts 2-5

##### Sales of Unregistered Pesticide Power Si Bloom 0.81 – 2.47 – 0.95

68. Complainant incorporates Paragraphs 1 through 29, 32 through 36, and 48 through 51 of this CAFO as though set forth in this paragraph.

69. On March 8, 2020; March 12, 2020; March 13, 2020; and March 17, 2020; Respondent distributed or sold **Power Si Bloom 0.81 – 2.47 – 0.95**, a pesticide, as that term is defined in Paragraph 15, that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

70. Respondent's distribution or sale of unregistered pesticide **Power Si Bloom 0.81 – 2.47 – 0.95**, on four separate occasions, constitutes four separate unlawful acts, pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

71. Respondent's violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subject Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

## Count 6

### Sale of Unregistered Pesticide Hammer Head Bloom Enhancer

72. Complainant incorporates Paragraphs 1 through 31 and 52 through 55 of this CAFO as though set forth in this paragraph.

73. On March 17, 2020, Respondent distributed or sold **Hammer Head Bloom Enhancer**, a pesticide, as that term is defined in Paragraph 15, that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

74. Respondent's distribution or sale of unregistered pesticide **Hammer Head Bloom Enhancer** constitutes an unlawful act, pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

75. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

## Count 7

### Sale of Unregistered Pesticide Jungle Control Ferocious Premium Plant Optimizer

76. Complainant incorporates Paragraphs 1 through 29, 37, and 56 through 59 of this CAFO as though set forth in this paragraph.

77. On March 17, 2020, Respondent distributed or sold **Jungle Control Ferocious Premium Plant Optimizer**, a pesticide, as that term is defined in Paragraph 15, that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

78. Respondent's distribution or sale of unregistered pesticide **Jungle Control Ferocious Premium Plant Optimizer** constitutes an unlawful act, pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

79. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

### Counts 8-17

#### Sales of Unregistered BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster

80. Complainant incorporates Paragraphs 1 through 22, 38 through 43, and 60 through 63 of this CAFO as though set forth in this paragraph.

81. On April 2, 2021; April 5, 2021; April 8, 2021; April 12, 2021; April 14, 2021; April 15, 2021; and April 16, 2021; Respondent distributed or sold a total of ten 1-liter containers of **BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster**, a pesticide, as that term is defined in Paragraph 15, that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

82. Respondent's distribution or sale of unregistered pesticide **BluMagic Nutrients Bam Bam 1-0-0 Hard Bloom Booster**, on ten separate occasions, constitutes ten separate unlawful acts, pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

83. Respondent's violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subject Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

### Civil Penalty

84. 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 **\$64,880**. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of the Respondent's business, the effect on Respondent's ability to continue in business, and the gravity

of the violation. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

85. Within 30 days after the effective date of this CAFO, Respondent must pay a **\$64,880** civil penalty for the alleged FIFRA violations by one of the following methods:

For checks sent by regular U.S. Postal Service mail, sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
Post Office Box 979077  
St. Louis, Missouri 63197-9000

The check must note "Grow Green, LLC" and the docket number of this CAFO.

For checks sent by express mail, sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must note "Grow Green, LLC" and the docket number of this CAFO.

For electronic funds transfer, using electronic funds transfer payable to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state "Grow Green, LLC" and the docket number of this CAFO.

For Automated Clearinghouse (ACH) also known as REX or remittance express,  
using ACH electronic funds transfer payable to “Treasurer, United States of America,” and  
sent to:

US Treasury REX/Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking

In the comment area of the electronic funds transfer, state “Grow Green, LLC” and the  
docket number of this CAFO.

86. 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:

Juliane Grange (E-19J)  
Regional Hearing Clerk  
U.S. EPA, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Angela Bouche (ECP-17J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
[bouche.angela@epa.gov](mailto:bouche.angela@epa.gov)  
and  
[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

Kevin Chow (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
[chow.kevin@epa.gov](mailto:chow.kevin@epa.gov)

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

88. 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.

89. 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**

90. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [chow.kevin@epa.gov](mailto:chow.kevin@epa.gov) (for Complainant), and [drew@petersoncalunas.com](mailto:drew@petersoncalunas.com) (for Respondent).

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

92. 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.

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

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

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

96. 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.

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

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

**Grow Green, LLC d/b/a Hydro Pros Indoor Garden Supply, Respondent**

03/22/2023  
Date

  
Mr. Hansee Ses  
President  
Grow Green, LLC d/b/a Hydro Pros Indoor Garden Supply

**United States Environmental Protection Agency, Complainant**

**MICHAEL**  
**HARRIS**  
Michael D. Harris  
Division Director  
Enforcement & Compliance Assurance Division  
United States Environmental Protection Agency  
Region 5

Digitally signed by  
MICHAEL HARRIS  
Date: 2023.04.10  
14:51:11 -05'00'

**In the Matter of:  
Grow Green, LLC d/b/a Hydro Pros Indoor Garden Supply  
Docket No.: FIFRA-05-2023-0010**

**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 COYLE** Digitally signed by ANN  
COYLE  
Date: 2023.04.12  
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Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5