

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2025-0014
)	
Multi-Clean, Inc.)	Proceeding to Assess a Civil Penalty
600 Cardigan Road)	Under Section 14(a) of the Federal
Shoreview, Minnesota,)	Insecticide, Fungicide, and Rodenticide
)	Act, 7 U.S.C. § 136l(a)
Respondent.)	
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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 or “the Agency”), Region 5.

3. Respondent is Multi-Clean, Inc. (Multi-Clean), a corporation organized under the laws of the State of Minnesota and doing business in the State of Minnesota.

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. In addition, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136-136y, and the regulations promulgated thereunder.

Statutory and Regulatory Background

10. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), provides that no person in any State may distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a (except as otherwise provided under FIFRA).

11. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and the regulation at 40 C.F.R. § 152.15 define a “pesticide” as a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating a pest.

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

living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

13. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and the regulation at 40 C.F.R. § 167.3 define the term “producer” as a person who manufactures, prepares or packages any pesticide.

14. Section 2(z) of FIFRA, 7 U.S.C. § 136(z) defines the term “registrant” as a person who has registered any pesticide pursuant to the provisions of FIFRA.

15. Section 3(c)(1)(C) of FIFRA, 7 U.S.C. § 136a(c)(1)(C), requires that a statement must be submitted in connection with the registration of a pesticide, and this statement must include a complete copy of the labeling of the pesticide, a statement of all claims to be made for it, and any directions for its use.

16. Under 40 C.F.R. § 152.132 (Supplemental distribution), a registrant may distribute or sell his registered pesticide product under another person’s name and address instead of (or in addition to) his own. Such “distribution and sale” is termed “supplemental distribution” and the product is referred to as a “distributor product.” The distributor is considered an agent of the registrant for all intents and purposes under FIFRA, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.

17. The regulation at 40 C.F.R. § 152.132 states that supplemental distribution is permitted upon notification to the Agency, if all of the following conditions are met: (a) the registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor’s company number, the additional brand name(s) to be used, and the registration number of the registered product; (b) the distributor product is produced, packaged and labeled in a registered establishment operated by the same producer who produces,

packages, and labels the registered product; (c) the distributor product is not repackaged (remains in the producer's unopened containers); (d) the label of the distributor product is the same as that of the registered product, except that the product name of the distributor product may be different, the name and address of the distributor may appear instead of that of the registrant, the registration number of the registered product must be followed by a dash, followed by the distributor's company number, the establishment number must be that of the final establishment at which the product was produced, and specific claims may be deleted, provided that no other changes are necessary; and (e) voluntary cancellation of a product applies to the registered product and all distributor products distributed or sold under that registration number.

18. 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.
40 C.F.R. § 152.15(a)(1).

19. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), states that the term "to distribute or sell" means to "distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver."

20. Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), provides that a pesticide is misbranded if "the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and[,] if complied with, together with any requirements imposed under section 136a(d) of FIFRA, are adequate to protect health and the environment."

21. Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), provides that a pesticide is misbranded if “the label does not contain a warning or caution statement which may be necessary and, if complied with, together with any requirements imposed under section 136a(d) of this FIFRA, is adequate to protect health and the environment.”

22. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), makes it unlawful to distribute or sell to any person any pesticide that is misbranded.

23. Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), makes it unlawful to distribute or sell any registered pesticide if any claims made for it as part of its distribution or sale substantially differ from any claims made for it as part of the statement required in connection with its registration under Section 3 of FIFRA, 7 U.S.C. § 136a.

24. 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 \$24,255 for each offense that occurred after November 2, 2015, where penalties are assessed on or after December 27, 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

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

26. During calendar years 2022 and 2023, Respondent owned or operated a place of business located at 600 Cardigan Road, Shoreview, Minnesota.

27. At all times relevant to this CAFO, Respondent held an EPA Pesticide Producing Establishment Number, 5449-MN-001, and produced pesticides at its establishment located at 600 Cardigan Road, Shoreview, Minnesota. Therefore, Respondent is a “producer” of a pesticide within the meaning of 7 U.S.C. § 136(w) and 40 C.F.R. § 167.3.

28. Respondent is an “other distributor” within the meaning of Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1).

29. According to Respondent’s website, <https://www.multi-clean.com/>, “Multi-Clean makes a variety of hospital-grade disinfectants and sanitizers for use in healthcare facilities, schools, offices, day-cares, restaurants and more.”

30. Among the disinfectant products advertised by Respondent on its website are the products “M-C 10 Sanitizer” (described as a “Food Service Sanitizer”) and “256 Century Q” (described as a “Healthcare Disinfectant”). <https://www.multi-clean.com/products/disinfectants/>.

M-C 10 Sanitizer

31. On or about March 17, 1976, EPA registered the pesticide “Maquat 10” and assigned to it EPA Registration Number 10324-63. The registrant was Registrant A (or its predecessor in interest).

32. On or about August 28, 1995, EPA registered the distributor pesticide product “M-C 10 Sanitizer” and assigned to it EPA Registration Number 10324-63-5449.

33. On or about November 28, 1995, Registrant A submitted to EPA a Notice of Supplemental Distribution of a Registered Pesticide Product to allow for the “supplemental distribution” of the registered pesticide, “Maquat 10” (Registration Number 10324-63), by Multi-Clean under the distributor product name “M-C 10 Sanitizer” (Registration and Distributor Product Number 10324-63-5449).

34. “M-C 10 Sanitizer” is a “distributor product,” and Respondent’s distribution or sale of this product was a “supplemental distribution” of Registrant A’s registered pesticide product, “Maquat 10,” all within the meaning of 40 C.F.R. § 152.132.

35. On or about October 13, 2021, EPA accepted a label amendment for the registered pesticide “Maquat 10” (EPA Reg. No. 10324-63), which was submitted by Registrant A in connection with the pesticide’s registration under Section 3(c)(5)(B) of FIFRA, 7 U.S.C. § 136a(c)(5)(B).

36. The product “M-C 10 Sanitizer” (EPA Reg. No. 10324-63-5449) is a pesticide within the meaning of Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and the regulation at 40 C.F.R. § 152.15.

256 Century Q

37. On or about June 6, 1985, EPA registered the pesticide “Formulation HWS 256” and assigned to it EPA Registration Number 47371-129. The registrant was Registrant B (or its predecessor in interest).

38. On or about February 18, 1988, EPA assigned distributor pesticide product number 47371-129-5449 to the registered pesticide “Formulation HWS 256” (EPA Reg. No. 47371-129).

39. On or about November 4, 2014, Registrant B submitted to EPA a Notice of Supplemental Distribution of a Registered Pesticide Product to allow for the “supplemental distribution” of the registered pesticide, “Formulation HWS-256” (Registration Number 47371-129), by Multi-Clean under the distributor product name “256 Century Q” (Registration and Distributor Product Number 47371-129-5449).

40. “256 Century Q” is a “distributor product,” and Respondent’s distribution or sale of this product was a “supplemental distribution” of Registrant B’s registered pesticide product, “Formulation HWS-256,” all within the meaning of 40 C.F.R. § 152.132.

41. On or about April 6, 2021, EPA accepted a label amendment for the registered pesticide “Formulation HWS-256” (EPA Reg. No. 47371-129), which was submitted by

Registrant B in connection with the pesticide's registration under Section 3(c)(5)(B) of FIFRA, 7 U.S.C. § 136a(c)(5)(B). The product "256 Century Q" (EPA Reg. No. 47371-129-5449) is a pesticide within the meaning of Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and the regulation at 40 C.F.R. § 152.15.

128 Disinfectant

42. On or about January 15, 2015, EPA registered the pesticide "NUGEN MB5N-128" and assigned to it EPA Registration Number 6836-365. The registrant was Registrant B (or its predecessor in interest).

43. On or about April 4, 2018, Registrant B submitted to EPA a Notice of Supplemental Distribution of a Registered Pesticide Product to allow for the "supplemental distribution" of the registered pesticide, "NUGEN MB5N-128" (Registration Number 6836-365), by Respondent under the distributor product name "128 Disinfectant" (Registration and Distributor Product Number 6836-365-87580).

44. "128 Disinfectant" is a "distributor product," and Respondent's distribution or sale of this product was a "supplemental distribution" of Registrant B's registered pesticide product, "NUGEN MB5N-128," all within the meaning of 40 C.F.R. § 152.132.

45. On or about April 6, 2021, EPA accepted a label amendment for the registered pesticide "NUGEN MB5N-128" (Registration Number 6836-365), which was submitted by Registrant B in connection with the pesticide's registration under Section 3(c)(5)(B) of FIFRA, 7 U.S.C. § 136a(c)(5)(B).

46. The product "128 Disinfectant" (EPA Reg. No. 6836-365-87580) is a pesticide within the meaning of Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and the regulation at 40 C.F.R. § 152.15.

47. During calendar years 2022 and 2023, Respondent produced the pesticides “M-C 10 Sanitizer” (EPA Reg. No. 10324-63-5449), “256 Century Q” (EPA Reg. No. 47371-129-5449) and “128 Disinfectant” (EPA Reg. No. 6836-365-87580) at its establishment located at 600 Cardigan Road, Shoreview, Minnesota.

Misbranding Allegations

M-C 10 Sanitizer (EPA Reg. No. 10324-63-5449), Item No. 908802

48. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” (EPA Reg. No. 10324-63) required the following language:

*HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER. Corrosive. Causes irreversible eye damage and skin burns. Harmful if swallowed, inhaled, or absorbed through the skin. Avoid breathing spray mist. Do not get in eyes, on skin or on clothing. Wear goggles or face shield, chemical-resistant gloves, and protective clothing when handling. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.*

49. On or about November 30, 2023, and December 6, 2023, two inspectors employed by the Minnesota Department of Agriculture (MDA) and authorized to conduct inspections under FIFRA inspected Respondent’s establishment at 600 Cardigan Road, Shoreview, Minnesota.

50. During the inspections, the MDA inspectors photographed and collected copies of labels for each of the pesticides “M-C 10 Sanitizer” (EPA Reg. No. 10324-63-5449), “256 Century Q” (EPA Reg. No. 47371-129-5449), “128 Disinfectant” (EPA Reg. No. 6836-365-87580) from Respondent’s establishment located at 600 Cardigan Road, Shoreview, Minnesota.

51. The label for the 2-liter containers of the product “M-C 10 Sanitizer” found by the MDA inspectors did not include the word “inhaled” after the phrase “Harmful if swallowed,” and also did not include the warning “Avoid breathing spray mist.” Therefore, the label found by the MDA inspectors for the 2-liter containers of the product “M-C 10 Sanitizer,” EPA Reg. No.

10324-63-5449 (Item No. 908802), did not contain a warning or caution statement which may be necessary and (if complied with) is adequate to protect health and the environment, and Respondent's pesticide "M-C 10 Sanitizer," EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) was "misbranded" within the meaning of Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G).

52. The label for the pesticide "Maquat 10" (EPA Reg. No. 10324-63) accepted by EPA in connection with the pesticide's registration required use of the language "This product is toxic to fish, aquatic invertebrates, oysters, and shrimp."

53. The label for the 2-liter containers of the product "M-C 10 Sanitizer," EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) found by the MDA inspectors at Respondent's establishment only included the language "This product is toxic to fish," and omitted the language "aquatic invertebrates, oysters, and shrimp." Therefore, the label found by the MDA inspectors for the product "M-C 10 Sanitizer" (2-liter container) did not contain a warning or caution statement which may be necessary and (if complied with) is adequate to protect health and the environment, and Respondent's pesticide "M-C 10 Sanitizer," EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) was "misbranded" within the meaning of Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G).

54. The label accepted by EPA in connection with the registration of the product "Maquat 10" (EPA Reg. No. 10324-63) required the following directions for use:

WISCONSIN STATE DIVISION OF HEALTH DIRECTIONS FOR EATING ESTABLISHMENTS:

- 1. Scrape and pre-wash hard, non-porous utensils and glasses whenever possible.*
- 2. Wash with a good detergent or compatible cleaner.*
- 3. Rinse with potable water.*
- 4. Sanitize in a solution of 1 - 2 oz. of this product per 4 gal. of water (200 - 400 ppm active quat). Immerse all utensils for at least 1 minute or for contact time specified by governing sanitary code.*

5. *Place sanitized utensils on a rack or drain board to air-dry.*

6. *Prepare a fresh solution daily or when visibly dirty.*

Note: A clean potable water rinse following sanitization is not permitted under Section HFS 196, Appendix 7-204.11 of the Wisconsin Administrative Code (reference 40 CFR 180.940 (a)).

55. The label found by the MDA inspectors for the product “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) at Respondent’s establishment did not include the directions “Prepare a fresh solution daily or when visibly dirty,” instead using the language “Change the solution at least daily.” Therefore, the label used by Respondent did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment, and Respondent’s pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

56. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” (EPA Reg. No. 10324-63) did not authorize use of the following language as directions for use: “For equipment and utensils too large to sanitize by immersion, apply use solution of 0.5-1 ounce of this product per 2 gallons of water (200-400 ppm active) (or equivalent use dilution) by misting spraying or swabbing until thoroughly wetted for 60 seconds.”

57. The label found by the MDA inspectors for the product “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) included the unauthorized language described in paragraph 56, above: “For equipment and utensils too large to sanitize by immersion, apply use solution of 0.5-1 ounce of this product per 2 gallons of water (200-400 ppm active) (or equivalent use dilution) by misting spraying or swabbing until thoroughly wetted

for 60 seconds.” Therefore, the label found by the MDA inspectors for the product “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) included claims that substantially differed from the claims made for this pesticide as part of the statement required in connection with its registration under Section 3 of FIFRA, in violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B).

58. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” (EPA Reg. No. 10324-63) required use of the following language:

*FOOD CONTACT SURFACE SANITIZING DIRECTIONS
Prior to application, remove visible food particles and other soil by a pre-flush or pre-scrape and when necessary, presoak. Then thoroughly wash or flush objects with a good detergent or compatible cleaner, followed by a potable water rinse before application of the sanitizing solution.*

59. The label for “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) found by the MDA inspectors at Respondent’s establishment used the language, “remove gross food particles,” instead of the language, “remove visible food particles,” required by the EPA-accepted label.

60. The label used by Respondent, with the words “remove gross food particles and soil” instead of the required language of “remove visible food particles and other soil,” for the pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container) did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment. Therefore, Respondent’s pesticide was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

61. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” (EPA Reg. No. 10324-63) included the following directions for use:

FOOD CONTACT SURFACE SANITIZING PERFORMANCE {FOR PUBLIC EATING PLACES, DAIRY PROCESSING EQUIPMENT AND FOOD PROCESSING EQUIPMENT, UTENSILS, AND OTHER HARD, NON-POROUS FOOD CONTACT SURFACES IN FOOD PROCESSING LOCATIONS, MEAT PLANTS, DAIRIES, BAKERIES, CANNERIES, BEVERAGE PLANTS, RESTAURANTS, AND BARS;} DIRECTIONS {(REGULATED BY 40 CFR 180.940(a)(c))}:

(OR)

TO SANITIZE HARD, NON-POROUS FOOD CONTACT SURFACES, {FOOD PROCESSING EQUIPMENT} {AND} {OTHER HARD, NON-POROUS SURFACES IN FOOD PROCESSING LOCATIONS}, {DAIRIES}, {RESTAURANTS} {AND} {BARS} {IN A THREE COMPARTMENT SINK}:

Immerse pre-cleaned glassware, dishes, silverware, cooking utensils, and other similarly sized food processing equipment in a solution of 1 - 2 oz. of this product per 4 gal. of water (200 - 400 ppm active quat) (or equivalent use dilution) for at least 1 minute. Allow sanitized surfaces to adequately drain {and then air dry} before contact with food {so that little or no residue remains}. Do not rinse.

For articles too large for immersing, apply a use solution of 1 - 2 oz. of this product per 4 gal. of water (200 - 400 ppm active quat) (or equivalent use dilution) to sanitize hard, non-porous food contact surfaces with a brush, cloth, mop, sponge, auto scrubber, mechanical spray device, [{hand pump} {coarse}] trigger spray device. For spray applications, spray 6 - 8 inches from surface. Do not breathe spray.

Surfaces must remain visibly wet for at least 1 minute. Allow sanitized surfaces to adequately drain {and then air dry} before contact with food {so that little or no residue remains}. Do not rinse. Prepare a fresh solution daily or when visibly dirty. For mechanical application, use solution must not be reused for sanitizing applications.

62. The label found by the MDA inspectors for the product “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), at Respondent’s establishment did not contain the requisite directions for use described in Paragraph 62, above, and instead contained the following language:

FOOD CONTACT SANITIZING DIRECTIONS: Apply a use solution of 1-2 ounces of this product per 4 gallons of water (200-400 ppm) (or equivalent use dilution) as to sanitize hard nonporous surfaces with a brush, cloth, mop, sponge, mechanical spray device, coarse pump or trigger spray device or by immersion. For spray applications, spray 6-8 inches from surface. Do not breathe spray. Rub with brush, cloth or sponge. Allow surface to remain wet for at least 60 seconds. Remove items from solution. Allow surfaces to air dry. NO POTABLE WATER RINSE IS ALLOWED following the use of this product as a sanitizer on previously cleaned hard, non-porous surfaces. Change cloth, sponge or towels frequently to avoid redeposition of soil. Change the solution at least daily or when the use solution becomes visibly dirty. The used sanitizing solution must not be reused for sanitizing but can be reused for other purposes such as cleaning.

63. The label used by Respondent for the product “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), did not contain the requisite directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment. Specifically, the label used by Respondent did not contain the following directions: “Surfaces must remain visibly wet for at least 1 minute. Allow sanitized surfaces to adequately drain {and then air dry} before contact with food {so that little or no residue remains}”, and “Do not rinse. Prepare a fresh solution daily or when visibly dirty. For mechanical application, use solution must not be reused for sanitizing applications.” Therefore, the label used by Respondent for the pesticide “M-C 10 Sanitizer” (2-liter container) did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment, and Respondent’s pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

64. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” (EPA Reg. No. 10324-63) required the following directions for use in “SANITIZING OF FOOD PROCESSING EQUIPMENT AND OTHER HARD, NON-POROUS SURFACES IN FOOD CONTACT LOCATIONS”: “For sanitizing food processing equipment, refrigerated storage and display equipment and other hard, non-porous food contact surfaces, surfaces must be thoroughly pre-flushed or pre-scraped and, when necessary, presoaked to remove visible dirt. Turn off refrigeration. *Allow surfaces to come to room temperature prior to treatment.*”

65. The label for the pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), found by the MDA inspectors at Respondent’s establishment did not include the direction “Allow surfaces to come to room temperature prior to treatment.” Therefore, the label used by Respondent for this pesticide did not include directions for use which are necessary for effecting the purpose for which the product is intended and (if complied with) are adequate to protect health and the environment, and Respondent’s pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), was misbranded within the meaning of Section 2(q)(1)(F) of FIFRA,

66. The label for the pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), found by the MDA inspectors at Respondent’s establishment did not include the following instructions which were required by the EPA-accepted label for this pesticide:

SANITIZATION OF INTERIOR HARD, NON-POROUS SURFACES OF {ICE MACHINES}, {WATER COOLERS}, {WATER HOLDING TANKS} {AND} {PRESSURE TANKS}}: (Note to Reviewer: Must choose appropriate instructions below.)
{Ice Machines - }Sanitization must occur after initial installation, after the machine is serviced, and periodically during its use.
1. Shut off incoming water line to machine and turn off refrigeration. Allow surfaces to come to room temperature.
2. Wash with a compatible detergent and rinse with potable water before sanitizing. (Note: Use this direction only if applicable.)
3. Apply a solution of (Insert appropriate food contact dilution from list) {(or equivalent use dilution)} by mechanical spray, direct pouring, or by circulating through the system.
4. Allow surfaces to remain visibly wet or solution to remain in equipment for at least 1 minute. Drain thoroughly before reuse and allow sanitized surfaces to adequately drain {and then air dry} before contact with liquid.
5. Return machine to normal operation.

67. The label used by Respondent for the pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), did not contain the requisite directions for use quoted in paragraph 66, above, which are necessary for effecting the purpose for which the

product is intended and if complied with are adequate to protect health and the environment, and therefore Respondent's pesticide "M-C 10 Sanitizer," EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), was "misbranded" within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

68. The label accepted by EPA in connection with the registration of the pesticide "Maquat 10," EPA Reg. No. 10324-63, included the following directions for use: "NON-FOOD CONTACT SURFACE SANITIZING: Pre-clean visibly soiled surfaces. Add 1 oz. of this product per gal. of water (780 ppm active) (or equivalent use dilution) at 3 minutes."

69. The label found by the MDA inspectors for the product "M-C 10 Sanitizer," EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), did not contain the directions for use identified in paragraph 68, above, "Add 1 oz. of this product per gal. of water (780 ppm active) (or equivalent use dilution) at 3 minutes". Therefore, the label used by Respondent for this pesticide did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment, and Respondent's pesticide "M-C 10 Sanitizer," EPA Reg. No. 10324-63-5449 (Item No. 908802, 2-liter container), was "misbranded" within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

M-C 10 Sanitizer (1-gallon container)

70. The label accepted by EPA in connection with the registration of the pesticide "Maquat 10" required use of the following language:

*HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER. Corrosive. Causes irreversible eye damage and skin burns. Harmful if swallowed, inhaled, or absorbed through the skin. Avoid breathing spray mist. Do not get in eyes, on skin or on clothing. Wear goggles or face shield, chemical-resistant gloves, and protective clothing when handling. Wash thoroughly with soap and water after*

handling and before eating, drinking, chewing gum, using tobacco, or using the toilet. Remove contaminated clothing and wash clothing before reuse.

71. The label for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 910353, which the MDA inspectors found at Respondent’s establishment did not include the phrase “Wear ... chemical-resistant gloves” as required by the EPA-accepted label; instead, the label on Respondent’s product used the phrase “rubber gloves.” Therefore, the label found by the MDA inspectors for the product “M-C 10 Sanitizer” (1-gallon container) did not contain a warning or caution statement which may be necessary and (if complied with) is adequate to protect health and the environment, and Respondent’s pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (1-gallon container), was “misbranded” as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. §§ 136(q)(1)(G).

72. The label for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, which the MDA inspectors found at Respondent’s establishment did not include the phrase “Wear ... chemical-resistant gloves” as required by the EPA-accepted label; instead, the label on Respondent’s product used the phrase “rubber gloves.” Therefore, the label found by the MDA inspectors for the product “M-C 10 Sanitizer” (1-gallon container) did not contain a warning or caution statement which may be necessary and (if complied with) is adequate to protect health and the environment, and Respondent’s product “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (1-gallon container), was “misbranded” as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. §§ 136(q)(1)(G).

73. The label for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, which the MDA inspectors found at Respondent’s establishment did not include the warning or caution statement “This product is toxic to fish, aquatic invertebrates, oysters, and shrimp,” and instead stated “This product is toxic to fish and aquatic invertebrates.” Therefore,

the label found by the MDA inspectors for the product “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, did not contain a warning or caution statement which may be necessary and (if complied with) is adequate to protect health and the environment, and Respondent’s product “M-C 10 Sanitizer,” EPA Reg. No. 10324-68-5449 (1-gallon container), was “misbranded” as that term is defined by Section 2(q)(1)(G) of FIFRA, 7 U.S.C. §§ 136(q)(1)(G).

74. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” (1-gallon container) required the following directions for use: “NON-FOOD CONTACT SURFACE SANITIZING PERFORMANCE: This product is an effective one-step sanitizer in 3 minutes at 1 oz. per gal. of 400 ppm hard water (780 ppm active) and 5% soil on hard, non-porous surfaces against: *Staphylococcus aureus*[,] *Enterobacter aerogenes*[.]”

75. The label for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, which the MDA inspectors found at Respondent’s establishment included the following directions for use (see italicized language): “NON-FOOD CONTACT SURFACE SANITIZING PERFORMANCE: This product is an effective one-step sanitizer in 3 minutes at 1 oz. per 4 gal. of water (200 ppm active) and 5% soil on hard, non-porous surfaces: *Enterobacter aerogenes*, *Staphylococcus aureus*[.]”

76. The label found by the MDA inspectors for the product “M-C 10 Sanitizer” (1-gallon container), Item No. 902803 did not contain the directions for use required by the EPA-accepted label and identified in paragraph 75, above, “1 oz. per 4 gal. of water (200 ppm active),” and therefore Respondent’s pesticide was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

77. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” (1-gallon container), required the following directions for use: “To reduce cross-

contamination on treated surfaces, kitchenware, and hard, non-porous food contact surfaces of equipment must be washed, rinsed with potable water, and sanitized after each use and following any interruption of operation during which time contamination may have occurred[.]”

78. The label found by the MDA inspectors for the product “M-C 10 Sanitizer” (1-gallon container), Item No. 902803 used the phrase “To prevent cross-contamination” in the directions for use rather than the language required by the EPA-accepted label, “To reduce cross-contamination.” Therefore, the label for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, used by Respondent did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment, and Respondent’s pesticide was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

79. The label for “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, found by the MDA inspectors at Respondent’s establishment used the language, “remove gross food particles,” instead of the language, “remove visible food particles,” required by the EPA-accepted label.

80. The label used by Respondent, with the words “remove gross food particles and soil” instead of the required language of “remove visible food particles and other soil,” for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment. Therefore, Respondent’s pesticide was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

81. The label accepted by EPA in connection with the registration of the pesticide “Maquat 10” required the following directions for use in “SANITIZATION OF INTERIOR HARD, NON-POROUS SURFACES OF ICE MACHINES”: Ice Machines-Sanitization must occur after initial installation, after the machine is serviced, and periodically during its use. Shut off incoming water line to machine and turn off refrigeration. Allow surfaces to come to room temperature ...”

82. The label found by the MDA inspectors for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, at Respondent’s establishment did not include the direction for use, “Allow surfaces to come to room temperature.” Therefore, the label used by Respondent for “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment, and Respondent’s pesticide was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

83. The label accepted by EPA in connection with the registration of the pesticide “M-C 10 Sanitizer” required the following directions for use: “NON-FOOD CONTACT SURFACE SANITIZING: Pre-clean visibly soiled surfaces. Add 1 oz. of this product per gal. of water (780 ppm active) (or equivalent use dilution) at 3 minutes).”

84. The label found by the MDA inspectors for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, at Respondent’s establishment used the following directions for use instead of the language required by the EPA-accepted label and identified in paragraph 84, above: “Add 1 oz. of this product to 4 gal. of water (or equivalent use dilution) (200 ppm active).”

85. Therefore, the label used by Respondent for the pesticide “M-C 10 Sanitizer” (1-gallon container), Item No. 902803, did not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with are adequate to protect health and the environment, and Respondent’s pesticide was “misbranded” within the meaning of Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F).

“256 Century Q” (EPA Reg. No. 47371-129)

86. The label accepted by EPA in connection with the registration of the pesticide “Formulation HWS-256” (EPA Reg. No. 47371-129) required the following warning or caution statement (see italicized language): “NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, respiratory depression and convulsion may be needed.”

87. The label found by the MDA inspectors at Respondent’s establishment for the pesticide “256 Century Q” did not include the warning or caution statement “Measures against circulatory shock, respiratory depression and convulsion may be needed,” and thus did not contain a warning or caution statement which may be necessary and (if complied with) is adequate to protect health and the environment. Therefore, Respondent’s product “256 Century Q” was “misbranded” within the meaning of Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G).

128 Disinfectant (EPA Reg. No. 6836-365-87580)

88. During calendar years 2022 and 2023, Respondent produced the pesticide “NUGEN MB5N-128” (EPA Reg. No. 6836-365) for another company (Customer A), under the name “128 Disinfectant” (EPA Reg. No. 6836-365-87580).

89. On or about December 9, 2022, and on or about June 7, 2023, Respondent distributed or sold one or more units of the pesticide, “128 Disinfectant” (EPA Reg. No. 6836-365-87580) to Customer A.

90. The label accepted by EPA in connection with the registration of the pesticide “NUGEN MB5N-128” (EPA Reg. No. 6836-365) required the following warning or caution statement:

DANGER. Corrosive. Causes irreversible eye damage and skin burns. Do not get in eyes, on skin, or on clothing. May be fatal if inhaled or absorbed through the skin. Harmful if swallowed. Do not breathe vapor. Wear protective eyewear (goggles, face shield or safety glasses), protective clothing and protective (rubber or chemical resistant) gloves. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove contaminated clothing and wash clothing before reuse.

91. The label for “128 Disinfectant” (EPA Reg. No. 6836-365-87580) found by the MDA inspectors at Respondent’s establishment did not contain the warning or caution statement “Do not breathe vapor,” and therefore did not contain a warning or caution statement which may be necessary and (if complied with) is adequate to protect health and the environment.

92. Respondent’s pesticide “128 Disinfectant” (EPA Reg. No. 6836-365-87580) was “misbranded” within the meaning of Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G).

Counts 1-6
Distribution or Sale of Misbranded Pesticide and Pesticide with Claims that Substantially Differed from Claims Made in connection with Registration, “M-C 10 Sanitizer” (EPA Reg. No. 10324-63-5449)

93. Paragraphs 1 through 92 are incorporated by reference as if fully set forth herein.

94. According to records maintained by Respondent and obtained by the MDA inspectors, during calendar years 2022 and 2023, Respondent “distributed or sold” the registered pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (1-gallon container), within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), on at least five (5) occasions on or

about the following dates: November 29, 2022; February 28, 2023; April 20, 2023; June 29, 2023; and October 5, 2023.

95. According to records maintained by Respondent and obtained by the MDA inspectors, on or about January 2, 2023, Respondent “distributed or sold” the registered pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (2-liter container), within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

96. At the time of each distribution or sale of the registered pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63 (1-gallon container), identified in paragraph 94, above, Respondent’s pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (1-gallon container) was “misbranded” within the meaning of Sections 2(q)(1)(F) and (G) of FIFRA, 7 U.S.C. § 136(q)(1)(F) and (G).

97. At the time of the distribution or sale of the registered pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (2-liter container), identified in paragraph 94, above, Respondent’s pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (2-liter container) was “misbranded” within the meaning of Sections 2(q)(1)(F) and (G) of FIFRA, 7 U.S.C. § 136(q)(1)(G); and included claims that substantially differed from the claims made for it as part of the statement required in connection with its registration under Section 3 of FIFRA, within the meaning of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B).

98. Each distribution or sale of the misbranded pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (1-gallon container) constituted a separate and distinct unlawful action under Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

99. The distribution or sale of the misbranded pesticide “M-C 10 Sanitizer,” EPA Reg. No. 10324-63-5449 (2-liter container), and the distribution or sale of this pesticide with claims that substantially differed from the claims made for it as part of the statement required in connection with its registration under Section 3 of FIFRA, constituted a separate and distinct unlawful action under Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

Count 7
Distribution or Sale of Misbranded Pesticide, “256 Century Q”
(EPA Reg. No. 47371-129-5449)

100. Paragraphs 1 through 92 are incorporated by reference as if fully set forth herein.

101. On or about January 16, 2023, Respondent distributed or sold one unit of the registered pesticide “256 Century Q” (EPA Reg. No. 47371-129-5449).

102. At the time of its distribution or sale, the pesticide “256 Century Q” (EPA Reg. No. 47371-129-5449) was “misbranded” within the meaning of Sections 2(q)(1)(F) and (G) of FIFRA, 7 U.S.C. § 136(q)(1)(G).

103. Respondent’s distribution or sale of the registered pesticide “256 Century Q” (EPA Reg. No. 47371-129-5449), when the pesticide was misbranded constitutes an unlawful act within the meaning of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

Counts 8-9
Distribution or Sale of Misbranded Pesticide, “128 Disinfectant”
EPA Reg. No. 6836-365-87580

104. Paragraphs 1 through 92 are incorporated by reference as if fully set forth herein.

105. According to records maintained by Respondent and obtained by the MDA inspectors, on or about December 9, 2022, and June 7, 2023, Respondent “distributed or sold”

the registered pesticide “128 Disinfectant” (EPA Reg. No. 6836-365-87580), within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

106. At the time of its distribution or sale, Respondent’s pesticide “128 Disinfectant” (EPA Reg. No. 6836-365-87580) was “misbranded” within the meaning of Sections 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G).

107. Each distribution or sale of the misbranded pesticide “128 Disinfectant” (EPA Reg. No. 6836-365-87580) constituted a separate and distinct unlawful action under Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

Civil Penalty

108. 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 \$22,452. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent’s business, the effect of the penalty on Respondent’s ability to continue in business, and the gravity of the violation. Complainant also considered EPA’s FIFRA Enforcement Response Policy, dated December 2009.

109. Respondent agrees to pay a civil penalty in the amount of \$22,452 (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

110. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

111. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, FIFRA-05-2025-0014,
- b. Concurrently with any payment, or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5
r5hearingclerk@epa.gov

Claudia Niess
Enforcement Officer
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
niess.claudia@epa.gov
and
R5LEECAB@epa.gov

James Cha
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
Cha.james@epa.gov

U.S. Environmental Protection
Agency Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

112. Interest, Charges, and Penalties on Late Payments. Pursuant to 15 U.S.C. § 2615, 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed

Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed each subsequent thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty, as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, and other charges, that remain delinquent more than ninety (90) days.

113. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, EPA may take additional actions. Such actions may include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.
- d. Per 15 U.S.C. § 2615(a), the Attorney General will bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In such an action, the validity, amount, and appropriateness of the Assessed Penalty shall not be subject to review.

General Provisions

114. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: cha.james@epa.gov (for Complainant), and kamp.c@minutemanintl.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

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

116. 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.

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

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

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

120. 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.

121. Each party agrees to bear its own costs and attorneys' fees, in this action.

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

Multi-Clean, Inc., Respondent

Date

Cameron Kamp
Director of Finance
Minuteman International
(parent company of Multi-Clean, Inc.)

United States Environmental Protection Agency, Complainant

Date

Michael D. Harris
Director
Enforcement and Compliance Assurance Division

**In the Matter of:
Multi-Clean, Inc.
Docket No. FIFRA-05-2025-0014**

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.

Date

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