



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
August 2, 2021

VIA EMAIL ONLY

Ms. Tammy Grezenski
Allen Supply Company, Inc.
3625 Simonis Street
Stevens Point, Wisconsin 54481

tammy.grezenski@allensc.com

Consent Agreement and Final Order
In the Matter of Allen Supply Company, Inc.
Docket Number FIFRA-05-2021-0020

Ms. Grezenski:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. This document was filed on August 2, 2021 with the Regional Hearing Clerk.

The civil penalty in the amount of \$20,250 is to be paid in the manner described in paragraphs 104-105 of the CAFO.

Thank you for your cooperation in resolving this matter.

Sincerely,

ABIGAIL
WESLEY

Digitally signed by
ABIGAIL WESLEY
Date: 2021.07.01
17:19:53 -05'00'

Abigail Wesley
Enforcement Officer
Pesticides and Toxics Compliance Section

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2021-0020
)	
Allen Supply Company, Inc.)	Proceeding to Assess a Civil Penalty
Stevens Point, Wisconsin)	Under Section 14(a) of the
)	Federal Insecticide, Fungicide, and
)	Rodenticide Act, 7 U.S.C. § 136l(a)
Respondent.)	
<hr/>)	

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Allen Supply Company, Inc. (Allen Supply), a corporation doing business at 5790 Isherwood Road, Plover, Wisconsin 54467.

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, and the regulations promulgated thereunder.

Statutory and Regulatory Background

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

11. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “to distribute or sell” in part as “to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.” Also see 40 C.F.R. § 152.3.

12. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “pest” as “(1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator [of the EPA] declares to be a pest” under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1). Also see 40 C.F.R. § 152.5.

13. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” as, among other things, “(1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.” Also see 40 C.F.R. § 152.3.

14. 40 C.F.R. § 152.3 defines the term “pesticide product” as “a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.”

15. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), defines the term “produce” in part as “to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide.” Also see 40 C.F.R. § 167.3.

16. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), defines the term “producer” as “the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide.”

17. Section 2(dd) of FIFRA 7 U.S.C. § 136(dd), defines an “establishment” as “any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.”

18. Section 8(a) of FIFRA, 7 U.S.C. § 136f(a), in pertinent part, provides that “The Administrator may prescribe regulations requiring producers, registrants, and applicants for registration to maintain such records with respect to their operations and the pesticides and devices produced as the Administrator determines are necessary for the effective enforcement of [FIFRA].”

19. 40 C.F.R. § 169.2, in pertinent part, provides that “All producers of pesticides, devices, or active ingredients used in producing pesticides subject to this Act, including pesticides produced pursuant to an experimental use permit and pesticides, devices, and pesticide active ingredients produced for export, shall maintain the following records:

- (a) Records showing the product name, EPA Registration Number, Experimental Permit Number if the pesticide is produced under an Experimental Use Permit, amounts per batch and batch identification (numbers, letters, etc.) of all pesticides produced. In cases where the product is an active ingredient used in producing a pesticide or where the product is a pesticide which is not registered, is not the subject of an application for registration, or is not produced under an Experimental Use Permit, the records shall also show the complete formula. The batch identification shall appear on all production control records. These records shall be retained for a period of two (2) years.”

20. Section 19(e) of FIFRA, 7 U.S.C. § 136q(e), in pertinent part, provides that “the Administrator shall, in consultation with the heads of other interested Federal agencies, promulgate regulations for the design of pesticide containers that will promote the safe storage and disposal of pesticides.”

21. Section 19(f) of FIFRA, 7 U.S.C. § 136q(f), in pertinent part, provides that “the Administrator shall, in consultation with the heads of other interested Federal agencies, promulgate regulations prescribing procedures and standards for the removal of pesticides from containers prior to disposal.”

22. The regulations at 40 C.F.R. § 165.70 apply to refillers of pesticide products who are not registrants of the pesticide products they are refilling. See 40 C.F.R. § 165.70(a).

23. 40 C.F.R. § 165.3 defines the term “refiller” as “a person who engages in the activity of repackaging pesticide product into refillable containers. This could include a registrant or a person operating under contract to a registrant.”

24. 40 C.F.R. § 165.3 defines the term “repackage” as “for the purposes of [40 C.F.R. Part 165], to transfer a pesticide formulation from one container to another without a change in the composition of the formulation, the labeling content, or the product's EPA registration number, for sale or distribution.

25. 40 C.F.R. § 165.3 defines the term “refillable container” as “a container that is intended to be filled with pesticide more than once for sale or distribution.”

26. Section 2(dd) of FIFRA 7 U.S.C. § 136(dd), defines an “establishment” as “any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.”

27. 40 C.F.R. § 165.70(e)(5)(10) states that you must maintain records in accordance with 40 C.F.R. § 165.70(j).

28. 40 C.F.R. § 165.70(e)(11) states that you must maintain records as required by 40 C.F.R. Part 169.

29. 40 C.F.R. § 165.70(j) provides that refillers who repackage pesticide products into refillable containers must maintain all the records listed in 40 C.F.R. § 165.70(j) in addition to the applicable records identified in parts 40 C.F.R. §§ 167 and 169, specifically:

“(2) Each time you repackage a pesticide product into a refillable container and distribute or sell the product, the following records must be generated and maintained for at least 3 years after the date of repackaging:

(i) The EPA registration number of the pesticide product distributed or sold in the refillable container.

(ii) The date of the repackaging.

(iii) The serial number or other identifying code of the refillable container.”

30. Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i), states that it is unlawful for any person to refuse to prepare, maintain, or submit any records required by or under section 5, 7, 8, 11, or 19 [of FIFRA].

31. Section 12(a)(2)(S) of FIFRA, 7 U.S.C. § 136j(a)(2)(S), states that it is unlawful for any person to violate any regulation issued under section 3(a) or 19 [of FIFRA].

32. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), states that any registrant, commercial applicator, wholesaler, dealer, retailer or other distributor who violates any provision of FIFRA may be assessed a civil penalty by EPA of not more than \$5,000 for each offense. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, 28 U.S.C. § 2461, and its implementing regulations at 40 C.F.R. Part 19, increased the amount that can be assessed to \$20,528 for each offense occurring after November 2, 2015 and assessed after December 23, 2020. See 85 Fed. Reg. 247 (December 23, 2020).

Factual Allegations and Alleged Violations

33. At all times relevant to this CAFO, Respondent was an individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

34. At all times relevant to this CAFO, Respondent was a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

35. At all times relevant to this CAFO, Respondent owned or operated a business at or about 5790 Isherwood Road, Plover, Wisconsin 54467 (“Respondent’s facility”).

36. At all times relevant to this CAFO, Respondent's facility was a place where a pesticide or device or active ingredient used in producing a pesticide was produced, or held, for distribution or sale.

37. At all times relevant to this CAFO, Respondent's facility was an "establishment" as defined at Section 2(dd) of FIFRA 7 U.S.C. § 136(dd).

38. At all times relevant to this CAFO, Respondent's facility had EPA Establishment Number (EPA Est. No.) 88486-WI-1.

39. At all times relevant to this CAFO, Respondent was a person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide.

40. At all times relevant to this CAFO, Respondent was a "producer" as defined at Section 2(w) of FIFRA, 7 U.S.C. § 136(w).

41. On or about August 13, 2019, an inspector employed by the Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) and authorized to conduct inspections under FIFRA conducted an inspection at Respondent's facility ("Inspection").

Acuron, EPA Reg. No. 100-1466

42. At all times relevant to this CAFO, **Acuron**, EPA Registration Number (EPA Reg. No.) 100-1466 was a "pesticide" as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

43. During calendar year 2019, Respondent manufactured, prepared, compounded, propagated, or processed **Acuron**, EPA Reg. No. 100-1466.

44. During calendar year 2019, Respondent "produced" **Acuron**, EPA Reg. No. 100-1466, as defined at Section 2(w) of FIFRA, 7 U.S.C. § 136(w).

45. During calendar year 2019, Respondent was a person who engaged in the activity of “repackaging” **Acuron**, EPA Reg. No. 100-1466, into “refillable containers”, as defined at 40 C.F.R. § 165.3.

46. During calendar year 2019, Respondent was a “refiller” of **Acuron**, EPA Reg. No. 100-1466, as defined at 40 C.F.R. § 165.3.

47. At all times relevant to this Complaint, Respondent was not the registrant of **Acuron**, EPA Reg. No. 100-1466.

48. During the Inspection, the inspector collected production records for **Acuron**, EPA Reg. No. 100-1466, for production occurring during calendar year 2019.

49. Respondent’s production records for calendar year 2019 for **Acuron**, EPA Reg. No. 100-1466, failed to contain a batch identification number.

50. At all times relevant to this CAFO, 40 C.F.R. §§ 169.2 and 165.70(e)(11) required Respondent to maintain records showing the batch identification of **Acuron**, EPA Reg. No. 100-1466.

51. On or about April 23, 2019, Respondent distributed, sold, offered for sale, held for distribution, held for sale, held for shipment, shipped, delivered for shipment, released for shipment, or received and (having so received) delivered or offered to deliver **Acuron**, EPA Reg. No. 100-1466 (“**Acuron** distribution or sale”).

52. In the **Acuron** distribution or sale, Respondent “distributed or sold” **Acuron**, EPA Reg. No. 100-1466, as defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

53. The **Acuron** distribution or sale included quantities of **Acuron**, EPA Reg. No. 100-1466, which Respondent had repackaged into one or more refillable containers (“refillable containers for the **Acuron** distribution or sale”).

54. At all times relevant to this CAFO, Respondent failed to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Acuron distribution or sale.

55. At all times relevant to this CAFO, 40 C.F.R. §§ 165.70(j)(2)(iii) and 165.70(e)(10) required Respondent to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Acuron distribution or sale.

Harness Max, EPA Reg. No. 524-636

56. At all times relevant to this CAFO, **Harness Max**, EPA Reg. No. 524-636 was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

57. During calendar year 2019, Respondent manufactured, prepared, compounded, propagated, or processed **Harness Max**, EPA Reg. No. 524-636.

58. During calendar year 2019, Respondent “produced” **Harness Max**, EPA Reg. No. 524-636, as defined at Section 2(w) of FIFRA, 7 U.S.C. § 136(w).

59. During calendar year 2019, Respondent was a person who engaged in the activity of “repackaging” **Harness Max**, EPA Reg. No. 524-636, into “refillable containers”, as defined at 40 C.F.R. § 165.3.

60. During calendar year 2019, Respondent was a “refiller” of **Harness Max**, EPA Reg. No. 524-636, as defined at 40 C.F.R. § 165.3.

61. At all times relevant to this Complaint, Respondent was not the registrant of **Harness Max**, EPA Reg. No. 524-636.

62. During the Inspection, the inspector collected production records for **Harness Max**, EPA Reg. No. 524-636, for production occurring during calendar year 2019.

63. Respondent's production records for calendar year 2019 for **Harness Max**, EPA Reg. No. 524-636, failed to contain a batch identification number.

64. At all times relevant to this CAFO, 40 C.F.R. §§ 169.2 and 165.70(e)(11) required Respondent to maintain records showing the batch identification of **Harness Max**, EPA Reg. No. 524-636.

65. On or about April 25, 2019 and June 4, 2019, Respondent distributed, sold, offered for sale, held for distribution, held for sale, held for shipment, shipped, delivered for shipment, released for shipment, or received and (having so received) delivered or offered to deliver **Harness Max**, EPA Reg. No. 524-636 ("Harness Max distributions or sales").

66. In each of the Harness Max distributions or sales, Respondent "distributed or sold" **Harness Max**, EPA Reg. No. 524-636, as defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

67. Each of the Harness Max distributions or sales included quantities of **Harness Max**, EPA Reg. No. 524-636, which Respondent had repackaged into one or more refillable containers ("refillable containers for the Harness Max distributions or sales").

68. At all times relevant to this CAFO, Respondent failed to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Harness Max distributions or sales.

69. At all times relevant to this CAFO, 40 C.F.R. §§ 165.70(j)(2)(iii) and 165.70(e)(10) required Respondent to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Harness Max distributions or sales.

Roundup PowerMax, EPA Reg. No. 524-549

70. At all times relevant to this CAFO, **Roundup PowerMax**, EPA Reg. No. 524-549 was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

71. During calendar year 2019, Respondent manufactured, prepared, compounded, propagated, or processed **Roundup PowerMax**, EPA Reg. No. 524-549.

72. During calendar year 2019, Respondent “produced” **Roundup PowerMax**, EPA Reg. No. 524-549, as defined at Section 2(w) of FIFRA, 7 U.S.C. § 136(w).

73. During calendar year 2019, Respondent was a person who engaged in the activity of “repackaging” **Roundup PowerMax**, EPA Reg. No. 524-549, into “refillable containers”, as defined at 40 C.F.R. § 165.3.

74. During calendar year 2019, Respondent was a “refiller” of **Roundup PowerMax**, EPA Reg. No. 524-549, as defined at 40 C.F.R. § 165.3.

75. At all times relevant to this Complaint, Respondent was not the registrant of **Roundup PowerMax**, EPA Reg. No. 524-549.

76. During the Inspection, the inspector collected production records for **Roundup PowerMax**, EPA Reg. No. 524-549, for production occurring during calendar year 2019.

77. Respondent’s production records for calendar year 2019 for **Roundup PowerMax**, EPA Reg. No. 524-549, failed to contain a batch identification number.

78. At all times relevant to this CAFO, 40 C.F.R. §§ 169.2 and 165.70(e)(11) required Respondent to maintain records showing the batch identification of **Roundup PowerMax**, EPA Reg. No. 524-549.

79. On or about April 30, 2019, Respondent distributed, sold, offered for sale, held for distribution, held for sale, held for shipment, shipped, delivered for shipment, released for

shipment, or received and (having so received) delivered or offered to deliver **Roundup PowerMax**, EPA Reg. No. 524-549 (“Roundup PowerMax distribution or sale”).

80. In the Roundup PowerMax distribution or sale, Respondent “distributed or sold” **Roundup PowerMax**, EPA Reg. No. 524-549, as defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

81. The Roundup PowerMax distribution or sale included quantities of **Roundup PowerMax**, EPA Reg. No. 524-549, which Respondent had repackaged into one or more refillable containers (“refillable containers for the Roundup PowerMax distribution or sale”).

82. At all times relevant to this CAFO, Respondent failed to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Roundup PowerMax distribution or sale.

83. At all times relevant to this CAFO, 40 C.F.R. §§ 165.70(j)(2)(iii) and 165.70(e)(10) required Respondent to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Roundup PowerMax distribution or sale.

Count 1

84. The preceding paragraphs are incorporated by reference.

85. Respondent’s failure to maintain records showing the batch identification of **Acuron**, EPA Reg. No. 100-1466, set forth at paragraph 49, above, constitutes a violation of Section 12(a)(2)(B)(i) of FIFRA.

86. Respondent’s violation of Section 12(a)(2)(B)(i) of FIFRA set forth at paragraph 85, above, subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA.

Count 2

87. The preceding paragraphs are incorporated by reference.

88. Respondent's failure to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Acuron distribution or sale, set forth in paragraphs 51-54, above, constitutes a violation of Section 12(a)(2)(S) of FIFRA.

89. Respondent's violation of Section 12(a)(2)(S) of FIFRA set forth at paragraph 88, above, subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA.

Count 3

90. The preceding paragraphs are incorporated by reference.

91. Respondent's failure to maintain records showing the batch identification of **Harness Max**, EPA Reg. No. 524-636, set forth at paragraph 63, above, constitutes a violation of Section 12(a)(2)(B)(i) of FIFRA.

92. Respondent's violation of Section 12(a)(2)(B)(i) of FIFRA set forth at paragraph 91, above, subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA.

Counts 4-5

93. The preceding paragraphs are incorporated by reference.

94. Respondent's failure to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Harness Max distributions or sales, set forth in paragraphs 65-68, above, constitute two separate violations of Section 12(a)(2)(S) of FIFRA.

95. Respondent's violations of Section 12(a)(2)(S) of FIFRA set forth at paragraph 94, above, subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA.

Count 6

96. The preceding paragraphs are incorporated by reference.

97. Respondent's failure to maintain records showing the batch identification of **Roundup PowerMax**, EPA Reg. No. 524-549, set forth at paragraph 77, above, constitutes a violation of Section 12(a)(2)(B)(i) of FIFRA.

98. Respondent's violation of Section 12(a)(2)(B)(i) of FIFRA set forth at paragraph 97, above, subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA.

Count 7

99. The preceding paragraphs are incorporated by reference.

100. Respondent's failure to generate and maintain records containing the serial number or other identifying code of the refillable containers for the Roundup PowerMax distribution or sale, set forth in paragraphs 79-82 above, constitutes a violation of Section 12(a)(2)(S) of FIFRA.

101. Respondent's violation of Section 12(a)(2)(S) of FIFRA set forth at paragraph 100, above, subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA.

Civil Penalty and Other Relief

102. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires the Administrator to consider the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation, when assessing an administrative penalty under FIFRA.

103. Based on an evaluation of the facts alleged in this CAFO, the factors in Section 14(a)(4) of FIFRA and EPA's Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act, dated December 2009, Complainant has determined the appropriate penalty to settle this action is \$20,250.

104. Within 30 days after the effective date of this CAFO, Respondent must pay a \$20,250 civil penalty for the FIFRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," by regular U.S. Postal Service mail to:

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

If sending the payment by express mail, then send a cashier's or certified checks, 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 "Allen Supply Company, Inc." and the docket number of this CAFO.

To pay on-line, go to www.pay.gov. Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field. Open the form and complete the required fields.

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

Regional Hearing Clerk
whitehead.ladawn@epa.gov

Abigail Wesley
wesley.abigail@epa.gov

Kriz P. Vezner
vezner.kris@epa.gov

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

107. 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.

108. 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

109. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses for their respective representatives: vezner.kris@epa.gov

(counsel for Complainant), and tammy.grezenski@allensc.com (counsel for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

110. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in this CAFO.

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

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

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

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

115. 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.

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

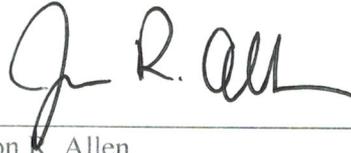
117. This CAFO constitutes the entire agreement between the parties.

In the Matter of:
Allen Supply Company, Inc.

Allen Supply Company, Inc., Respondent

6/23/21

Date



Jason R. Allen
Vice President
Allen Supply Company, Inc.

**In the Matter of:
Allen Supply Company, Inc.**

United States Environmental Protection Agency, Complainant

**Harris,
Michael**

Digitally signed by Harris,
Michael
Date: 2021.07.30
12:10:17 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

In the Matter of:
Allen Supply Company, Inc.
Docket No. FIFRA-05-2021-0020

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: 2021.08.02
09:43:02 -05'00'

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

Consent Agreement and Final Order
In the Matter of: Allen Supply Company, Inc.
Docket Number: **FIFRA-05-2021-0020**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number **FIFRA-05-2021-0020**, which was filed on **August 2, 2021**, in the following manner to the following addressees:

Copy by E-mail to
Attorney for Complainant: Mr. Kriz P. Vezner
vezner.kris@epa.gov

Copy by E-mail to
Respondent: Ms. Tammy Grezenski
tammy.grezenski@allensc.com

Copy by E-mail to
Regional Judicial Officer: Ms. Ann Coyle
coyle.ann@epa.gov

LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5