

SUZANNE ANDREWS
Regional Counsel

EDGAR P. CORAL
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3898



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of:)	Docket No. FIFRA-09-2025-0095
)	
Ultra Chem Labs Corporation,)	
)	CONSENT AGREEMENT
)	AND FINAL ORDER
Respondent.)	pursuant to 40 C.F.R. §§ 22.13(b),
)	22.18(b)(2), and 22.18(b)(3)

I. CONSENT AGREEMENT

The United States Environmental Protection Agency (“EPA”), Region IX, and Ultra Chem Labs (“Respondent”) agree to settle this matter and consent to the entry of this Consent Agreement and Final Order (“CAFO”). This CAFO simultaneously initiates and concludes this proceeding in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).

A. AUTHORITY AND PARTIES

1. This is a civil administrative action brought pursuant to Section 14(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(1), for the assessment of a civil administrative penalty against Respondent for: (1) the sale and/or distribution of an unregistered pesticide in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A); (2) the production of a pesticide in an unregistered establishment in violation of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L); and (3) the failure to file a report required by FIFRA (*e.g.*, a “Notice of Arrival” for an imported pesticide or device) in violation of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

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

4 3. Respondent is Ultra Chem Labs (“Respondent”), a California corporation whose
5 principal offices are located at 1370 Valley Vista Drive, Suite 200, in Diamond Bar, California.

6 B. STATUTORY AND REGULATORY BASIS

7 4. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it is unlawful
8 for any person to distribute or sell to any person any pesticide that is not registered under Section
9 3 of FIFRA, 7 U.S.C. § 136a.

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

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

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

19 8. Section 2(u) of FIFRA, 7 U.S.C. §136(u), defines a “pesticide,” in part, as any
20 substance or mixture of substances intended for preventing, destroying, repelling, or mitigating
21 any pest.

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

27 10. Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), makes it unlawful for any
28 person who is a producer to violate any of the provisions of Section 7 of FIFRA.

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

4 12. Forty C.F.R. § 165.3 defines a “producer” as any person who produces any pesticide,
5 active ingredient, or device (including packaging, repackaging, labeling, and relabeling).

6 13. Section 7(a) of FIFRA, 7 U.S.C. § 136e(a), provides that no person shall produce a
7 pesticide subject to FIFRA in any State unless the establishment in which it is produced is
8 registered with the EPA.

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

12 15. The importation of pesticides and devices into the United States is governed by
13 Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations
14 promulgated thereunder by the Secretary of the Treasury in consultation with the Administrator
15 of the EPA (the “Administrator”). These regulations are found at 19 C.F.R. Part 12.

16 16. 19 C.F.R. § 12.112 states, in part, that an importer desiring to import pesticides or
17 devices into the United States shall submit to the Administrator a Notice of Arrival of Pesticides
18 and Devices (Environmental Protection Agency Form 3540-1, or “Notice of Arrival”), prior to
19 the arrival of the shipment in the United States. In the alternative, the importer or the importer’s
20 agent may file an electronic equivalent to the Notice of Arrival. See also Section 17(c) of
21 FIFRA, 7 U.S.C. § 136o(c).

22 17. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any
23 person who is a registrant, wholesaler, dealer, retailer, or other distributor (*e.g.*, importer) to fail
24 to file reports required by FIFRA.

25 18. The Administrator of EPA may assess a civil penalty against any registrant,
26 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any
27 provision of FIFRA of up to \$24,885 for each offense that occurred after November 2, 2015,
28 where penalties are assessed on or after January 8, 2025. See Section 14(a)(1) of FIFRA, 7

1 U.S.C. § 136l(a)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19
2 (as amended by 90 Fed. Reg. 1375 (January 8, 2025)).

3 C. ALLEGED VIOLATIONS

4 19. At all times relevant to this CAFO, Respondent was a corporation and therefore a
5 “person” as that term is defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is
6 subject to FIFRA and the regulations promulgated thereunder.

7 20. At all times relevant to this CAFO, the labeling for the product, “Ultra Q-128
8 Disinfectant,” bore numerous pesticidal claims including “disinfectant” (in the product’s name),
9 “registered to kill emerging pathogens,” “hospital-grade disinfectant and cleaner designed to
10 kill 100% of bacteria,” and “successfully kill the COVID-19 virus.” “Ultra Q-128 Disinfectant”
11 is thus a substance intended for use as a bactericide and virucide and is a “pesticide,” as that term
12 is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

13 21. On or about April 17, 2023, April 26, 2023 (two different customers), May 25, 2023,
14 July 25, 2023, September 28, 2023, February 14, 2024, February 26, 2024 (two different
15 customers), and March 10, 2024, Respondent “distributed or sold,” as that term is defined by
16 Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the product, “Ultra Q-128 Disinfectant,” to
17 customers in the United States.

18 22. At all times relevant to this CAFO, the pesticide, “Ultra Q-128 Disinfectant,” that
19 Respondent distributed or sold was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

20 23. By distributing or selling the unregistered pesticide, “Ultra Q-128 Disinfectant,” on
21 or about April 17, 2023, April 26, 2023 (two different customers), May 25, 2023, July 25, 2023,
22 September 28, 2023, February 14, 2024, February 26, 2024 (two different customers), and March
23 10, 2024, Respondent committed 10 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. §
24 136j(a)(1)(A).

25 24. In calendar years 2023 and 2024, Respondent repackaged the pesticide, “Ultra Q-128
26 Disinfectant” at its facility in Ontario, Canada, and is therefore a “producer,” as that term is
27 defined by Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. § 165.3.

28 25. At all times relevant to this CAFO, Respondent, by repackaging the pesticide, “Ultra

1 Q-128 Disinfectant,” at its facility in Ontario, Canada, operated a pesticide-producing facility that
2 is an “establishment,” as that term is defined by Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd), and
3 40 C.F.R. § 165.3.

4 26. At all times relevant to this CAFO, Respondent’s pesticide-producing establishment
5 in Ontario, Canada, was not registered with EPA, as required pursuant to Section 7(a) of FIFRA,
6 7 U.S.C. § 136e(a).

7 27. By producing the pesticide, “Ultra Q-128 Disinfectant,” in a pesticide production
8 establishment unregistered with EPA in 2023 and 2024, Respondent violated Section 7(a) of
9 FIFRA, 7 U.S.C. § 136e(a).

10 28. By violating Section 7(a) of FIFRA, 7 U.S.C. § 136e(a), in 2023 and 2024,
11 Respondent committed two violations of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).

12 29. On or about April 17, 2023, April 26, 2023 (two different shipments), May 25, 2023,
13 July 25, 2023, September 28, 2023, February 14, 2024, February 26, 2024 (two different
14 shipments), and March 10, 2024, Respondent failed to submit to the EPA Notices of Arrival (or a
15 digital alternative pursuant to the U.S. Department of Homeland Security, Bureau of Customs
16 and Border Protection’s (“CBP”) Automated Commercial Environment (“ACE”) system) for the
17 importation into the United States of the product, “Ultra Q-128 Disinfectant,” prior to the arrival
18 of these ten shipments in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. §
19 136o(c), and 19 C.F.R. § 12.112.

20 30. By failing to submit to the EPA Notices of Arrival (or a digital alternative pursuant to
21 CBP’s ACE system) for the importation into the United States of the product, “Ultra Q-128
22 Disinfectant,” prior to the arrival of these ten shipments in the United States on or about April
23 17, 2023, April 26, 2023 (two different shipments), May 25, 2023, July 25, 2023, September 28,
24 2023, February 14, 2024, February 26, 2024 (two different shipments), and March 10, 2024,
25 Respondent failed to file a report required by FIFRA on ten separate occasions and thus
26 committed ten violations of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

27 D. RESPONDENT’S ADMISSIONS

28 31. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,

Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section I.C of this CAFO; (iii) consents to any and all conditions specified in this CAFO and to the assessment of the civil administrative penalty under Section I.E of this CAFO; (iv) waives any right to contest the allegations contained in this CAFO; and (v) waives the right to appeal the Final Order contained in this CAFO. In addition, by signing this CAFO, 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 contained in this CAFO.

E. CIVIL ADMINISTRATIVE PENALTY

32. In full and final settlement of the violations specifically alleged in Section I.C of this CAFO, Respondent shall pay a civil administrative penalty of THREE THOUSAND DOLLARS (\$3,000). Respondent shall pay this civil penalty within thirty (30) days of the effective date of this CAFO. The civil penalty shall be paid by remitting a certified or cashier's check, including the name and docket number of this case, for the amount, payable to "Treasurer, United States of America," (or be paid by one of the other methods listed below) and sent as follows:

Regular Mail:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:
Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary = U.S. Environmental Protection Agency

Certified or Overnight Mail:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
ATTN Box 979077
St. Louis, MO 63101

ACH (also known as Remittance Express or REX):

Automated Clearinghouse (ACH) payments to EPA can be made through the U.S. Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver
ABA = 051036706
Account = 31006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

Physical location of U.S. Treasury facility:

5700 Rivertech Court
Riverdale, MD 20737

Remittance Express (REX) = (866) 234-5681

On Line Payment:

This payment option can be accessed from the information below:

www.pay.gov
Enter “SFO 1.1” in the search field
Open form and complete required fields

If clarification regarding a particular method of payment remittance is needed, contact the EPA’s Cincinnati Finance Center at (513) 487-2091.

A copy of each check, or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, shall be sent with a transmittal letter, indicating Respondent’s name, the case title, and docket number, to the following regular mail or email addresses:

Regional Hearing Clerk
Office of Regional Counsel (ORC-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
R9HearingClerk@epa.gov

Rieko Nishimura
Toxics Section
Enforcement and Compliance Assurance Division (ENF-2-3)

U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
nishimura.rieko@epa.gov

33. Respondent shall not use payment of any penalty under this CAFO as a tax deduction from Respondent's federal, state, or local taxes, nor shall Respondent allow or otherwise facilitate any other person to use such payment as a tax deduction.

34. If Respondent fails to pay the assessed civil administrative penalty of THREE THOUSAND DOLLARS (\$3,000) as identified in Paragraph 32 by the deadline specified in that Paragraph, then Respondent shall pay a stipulated penalty to EPA of FIVE HUNDRED DOLLARS (\$500) per day in addition to the assessed penalty. Stipulated penalties shall accrue until such time as the assessed penalty and all accrued stipulated penalties are paid and shall become due and payable upon EPA's written request. Failure to pay the civil administrative penalty specified in Paragraph 32 by the deadline specified in that Paragraph may also lead to any or all of the following actions:

(1) EPA may refer the debt to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14 and 13.33. The validity, amount, and appropriateness of the assessed penalty or of this CAFO is not subject to review in any such collection proceeding.

(2) The U.S. Government may collect the debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the U.S. Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. §§ 13(C) and 13(H).

(3) Pursuant to 40 C.F.R. § 13.17, EPA may either: (i) suspend or revoke Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds.

(4) Pursuant to 31 U.S.C. § 3701 *et seq.* and 40 C.F.R. Part 13, the U.S.

1 Government may assess interest, administrative handling charges, and nonpayment penalties
2 against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the
3 civil administrative penalty specified in Paragraph 32 by the deadline specified in that Paragraph.

4 (a) Interest. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. §
5 13.11(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established
6 according to 26 U.S.C. § 6621(a)(2) from the effective date of this CAFO, provided, however,
7 that no interest shall be payable on any portion of the assessed penalty that is paid within thirty
8 (30) days of the effective date of this CAFO.

9 (b) Administrative Handling Charges. Pursuant to 31 U.S.C. §
10 3717(e)(1) and 40 C.F.R. § 13.11(b), Respondent shall pay a monthly handling charge, based on
11 either actual or average cost incurred (including both direct and indirect costs), for every month
12 in which any portion of the assessed penalty is more than thirty (30) days past due.

13 (c) Nonpayment Penalties. Pursuant to 31 U.S.C. § 3717(e)(2)
14 and 40 C.F.R. § 13.11(c), a monthly penalty charge, not to exceed six percent (6%) annually,
15 may be assessed on all debts more than ninety (90) days delinquent.

16 F. CERTIFICATION OF COMPLIANCE

17 35. In executing this CAFO, Respondent certifies that the information it has supplied
18 concerning this matter was at the time of submission, and is at the time of signature to this
19 CAFO, truthful, accurate, and complete; and that Respondent has corrected the violations alleged
20 in Section I.C of this CAFO. Under 18 U.S.C. § 1001, submitting false or misleading
21 information can result in significant penalties, including the possibility of fines and
22 imprisonment for knowing submission of such information.

23 G. RETENTION OF RIGHTS

24 36. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's
25 liabilities for federal civil penalties for the violations and facts specifically alleged in Section I.C
26 of this CAFO. Nothing in this CAFO is intended to or shall be construed to resolve: (i) any civil
27 liability for violations of any provision of any federal, state, or local law, statute, regulation, rule,
28 ordinance, or permit not specifically alleged in Section I.C of this CAFO; or (ii) any criminal

1 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it
2 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address
3 any violation of this CAFO or any violation not specifically alleged in Section I.C of this CAFO.

4 37. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's
5 duties to comply with all applicable federal, state, and local laws, regulations, rules, ordinances,
6 and permits.

7 H. ATTORNEYS' FEES AND COSTS

8 38. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in
9 this proceeding.

10 I. EFFECTIVE DATE

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

14 J. BINDING EFFECT

15 40. The undersigned representative of Complainant and the undersigned representative of
16 Respondent each certifies that he or she is fully authorized to enter into the terms and conditions
17 of this CAFO and to bind the party he or she represents to this CAFO.

18 41. The provisions of this CAFO shall apply to and be binding upon Respondent and its
19 officers, directors, employees, agents, trustees, servants, authorized representatives, successors,
20 and assigns.

FOR RESPONDENT ULTRA CHEM LABS CORPORATION:

MAY 27, 2025
DATE


CHRISTOPHER SHIEH
General Manager
Ultra Chem Labs Corporation

FOR COMPLAINANT EPA:

6/30/2025
DATE

MATTHEW SALAZAR
MATT SALAZAR, P.E.
Manager, Toxics Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX

Digitally signed by
MATTHEW SALAZAR
Date: 2025.06.30
08:21:00 -07'00'

1 II. FINAL ORDER

2 EPA and Ultra Chem Labs having entered into the foregoing Consent Agreement,
3 IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2025-0095) be
4 entered, and Respondent shall pay a civil administrative penalty in the amount of THREE
5 THOUSAND DOLLARS (\$3,000) and comply with the terms and conditions set forth in the
6 Consent Agreement.

7
8
9 _____
10 DATE

11 STEVEN JAWGIEL
12 Regional Judicial Officer
13 U.S. Environmental Protection Agency, Region IX
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing Consent Agreement and Final Order in the matter of
3 Ultra Chem Labs Corporation (Docket No. FIFRA-09-2025-0095) was filed with the Regional
4 Hearing Clerk, and that a true and correct copy of the same was sent to the following parties via
5 electronic mail, as indicated below:

6 **RESPONDENT:**

Christopher Shieh
General Manager
Ultra Chem Labs Corporation
1370 Valley Vista Drive, Suite 200
Diamond Bar, CA 91765
Chrisshieh@hotmail.com

10
11 **COMPLAINANTS:**

Edgar Coral
Assistant Regional Counsel
U.S. EPA – Region IX
Air & Toxics Section I (ORC-2-1)
75 Hawthorne Street
San Francisco, CA 94105
Coral.Edgar@epa.gov

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18 _____
19 Ponly Tu
20 Regional Hearing Clerk
21 U.S. EPA - Region IX
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CERTIFIATE OF SERVICE