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REGIONAL HEARING CLERK  
EPA REGION 6

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270**

In the Matter of	§	
	§	
TxSyn Int, LLC	§	Docket No. FIFRA-06-2024-0306
San Antonio, Texas	§	
	§	
Respondent.	§	

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**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

The U.S. Environmental Protection Agency, Region 6 (“the EPA” or “Complainant”), and TxSyn Int, LLC (“Respondent”) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Respondent enters this Agreement for the sole purpose of avoiding the time, expense and uncertainty which would accompany further litigation. Respondent, for the purpose of the proceeding, admits the jurisdictional allegations in this agreement and neither admits nor denies the specific factual allegations that make up the violations alleged in this agreement. Respondent consents to assessment of a civil penalty as a compromise of disputed claims and to avoid the time, expense and uncertainty which would accompany further litigation.

**Jurisdiction**

1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated section 12 of FIFRA, 7 U.S.C. § 136j.

**Parties**

3. Complainant is the Director of Enforcement and Compliance Assurance Division of the EPA, Region 6, as duly delegated by the Administrator of the EPA and the Regional Administrator, EPA, Region 6.

4. Respondent is TxSyn Int., LLC, a company formed in the state of Texas and conducting business in the state of Texas.

**Statutory and Regulatory Background**

5. Congress enacted FIFRA, 7 U.S.C. § 136 *et seq.*, in 1947 and amended it in 1972 and in 1996. The general purpose of FIFRA is to provide the basis for regulation, sale, distribution, and use of pesticides in the United States.

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

7. Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), states that it shall be unlawful for any person who is a producer of pesticides to fail to comply with the requirement that pesticide producing establishments be registered in Section 7 of FIFRA, 7 U.S.C. § 136e.

8. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), authorizes a civil penalty of not more than \$5,000 for each offense. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$21,805 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 12, 2022.

#### **Definitions**

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

10. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines “pesticide” to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. The scope of this definition is clarified in 40 C.F.R. § 152.15 which provides, among other things, that 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.

11. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “pest” to mean (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-organism on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1).

12. Pursuant to the authority in section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1), the Administrator established that “an organism is declared to be a pest under circumstances that make it deleterious to man or the environment, if it is: . . . [a]ny fungus, bacterium, virus, prion, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs . . . and cosmetics . . . .” 40 C.F.R. § 152.5(d).

13. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines “to distribute or sell” to mean 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.

14. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), defines “producer” to mean the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide. In 40 C.F.R. § 167.3 the definitions of “produce” and “producer” applicable to the establishment registration requirements explicitly include packaging, repackaging, labeling and relabeling (and any person who conducts these activities).

15. “Disputed Matters” refers to the one hundred eighty-seven (187) alleged violations of FIFRA categorized as the sale of unregistered pesticides and the one (1) alleged violation of FIFRA categorized as pesticide production in an unregistered establishment, as more particularly described in paragraphs 16 – 30, below.

#### **Alleged Facts and Violations**

16. Respondent, as a corporation, is, a “person” as defined by section 2(s) of FIFRA, 7 U.S.C. § 136(s).

17. In 2022, the EPA began investigating Respondent's compliance with FIFRA and the federal regulations promulgated thereunder (the "Investigation").

18. On March 20, 2023, on the basis of available information, the EPA issued Respondent a Notice of Potential Violations and Opportunity to Confer letter, describing potential FIFRA violations and extending an opportunity for the Respondent to reply to the EPA's concerns.

19. EPA met with the Respondents representatives on April 4, 2023, and initiated a process of information gathering and settlement discussions culminating in this agreement.

*Counts 1-187: Sales of Unregistered Pesticides*

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

21. From the beginning of the period investigated by the EPA until the present—the duration during which the violations alleged in this agreement occurred—no pesticide products were registered pursuant to section 3 of FIFRA, 7 U.S.C. § 136a, for sale under the brand "TxSyn Labs."

22. Pursuant to the regulation at 40 C.F.R. § 152.15, in relevant part, no person may distribute or sell any pesticide product that is not registered under the Act with limited exceptions. The regulation explains that a pesticide is any substance (or mixture of substances) intended for a pesticidal purpose, i.e., use for the purpose of preventing, destroying, repelling, or mitigating any pest or use as a plant regulator, defoliant, or desiccant. 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 (either by itself or in combination with any other substance) can or should be used as a pesticide.

23. Products sold by the Respondent during the period investigated by the EPA under the brand name “TxSyn Labs” utilized product names on the product labels that incorporated a pesticidal claim—including “Disinfect Spray”, “Disinfecting Spray”, and “Alcohol Sanitizer Spray”—demonstrating that the products were intended for a pesticidal purpose (“Products”).

24. As products intended for a pesticidal purpose, the Products were pesticides requiring registration prior to being distributed or sold under 40 C.F.R. § 152.15.

25. The Products were not registered with the EPA pursuant to FIFRA section 3, 7 U.S.C. § 136a.

26. During the period for which the EPA obtained records from the Respondent, 187 distribution or sales of the Products occurred.

27. Each of the 187 distributions or sales of the Products was a sale or distribution of an unregistered pesticide and was an unlawful act under section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

*Count 188: Pesticide Production in Unregistered Establishment*

28. Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), states that it shall be unlawful for any person who is a producer of pesticides to fail to comply with the requirement that pesticide producing establishments be registered in section 7 of FIFRA, 7 U.S.C. § 136e.

29. Respondent, as a person who, at minimum, packaged and labeled the Products, was a producer as defined in section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. § 167.3 which make “produce” and “producer” as applicable to the establishment registration requirements include packaging, repackaging, labeling, and relabeling (and any person who conducts these activities).

30. Respondent failed to register the establishment where production of the Products occurred during the period when production was occurring, an unlawful act under section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).

**CONSENT AGREEMENT**

31. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to any conditions specified herein;
- e. waives any right to contest the allegations set forth herein; and
- f. waives its right to appeal the Final Order accompanying this Consent Agreement.

32. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the Settlement Amount specified herein.

33. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

**Settlement Payment**

34. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of One Hundred Thousand Dollars (\$100,000) ("Settlement Amount") as set forth below.

35. The payment shall be made in two (2) installments according to the following schedule:

December 15, 2024,	\$50,000
May 15, 2025,	\$50,000

36. Such Settlement Installment Payments shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

37. A copy of the check or other information confirming payment shall simultaneously be sent to the following:

Lorena S. Vaughn  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ORC)  
Dallas, Texas 75270-2102  
vaughn.lorena@epa.gov; and



Kiera Hancock  
Enforcement and Compliance Assurance Division  
Waste Enforcement Branch  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ECDST)  
Dallas, Texas 75270-2101  
Hancock.kiera@epa.gov

38. Respondent understands that its failure to timely pay any portion of the Settlement Amount may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with any applicable penalties and accumulated interest. In such case, interest shall begin to accrue on the outstanding Settlement Installment Payment(s) then past due and owed from the date of delinquency until such past due and owing Settlement Installment Payment(s) and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge of six percent (6%) per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

**Effect of Settlement and Reservation of Rights**

39. Full payment of the Settlement Amount proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the for the violations and facts alleged herein.

40. Complainant reserves the right to take any enforcement action with respect to any other violations of the FIFRA or any other applicable law, if any such violations are found.

41. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondents' representations to the EPA, as memorialized in paragraph directly below.

42. Respondent certifies by the signing of this Consent Agreement that, to the best of its knowledge as of the date of Respondent's execution of this Agreement, it is presently in compliance with all requirements of FIFRA and its implementing regulations.

43. Full payment of the Settlement Amount proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law which may include the Disputed Matters. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the FIFRA and regulations promulgated thereunder.

44. Complainant reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order.

#### **General Provisions**

45. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party it represents to this Consent Agreement.

46. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing

of the Final Order by the Regional Hearing Clerk for EPA, Region 6. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

47. The Settlement Amount specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

48. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service (“IRS”) annually, a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at Chalifoux.Jessica@EPA.gov, within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the Effective Date, then Respondent, using the same email address identified in the preceding sub-paragraph, shall further:
  - i. notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the effective date of this Order.
  - ii. provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

49. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

50. The EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Consent Agreement and Final Order by email to the following:

To EPA: *sharma.ravi@epa.gov*

To Respondent: *zgilbert@lawdcm.com*

**RESPONDENT:**  
**TXSYN INT, LLC**

Date: 6/18/2024



\_\_\_\_\_  
Signature

Aamir Ajani

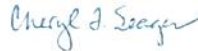
\_\_\_\_\_  
Name

Ceo

\_\_\_\_\_  
Title

**COMPLAINANT:**  
**U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: \_\_\_\_\_



Digitally signed by  
CHERYL SEAGER  
Date: 2024.06.20 10:35:42  
-05'00'

\_\_\_\_\_  
Cheryl T. Seager, Director  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 6

**FINAL ORDER**

Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136/(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/ Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondents' (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

**THOMAS  
RUCKI** Digitally signed by  
THOMAS RUCKI  
Date: 2024.06.20  
13:35:19 -04'00'

\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

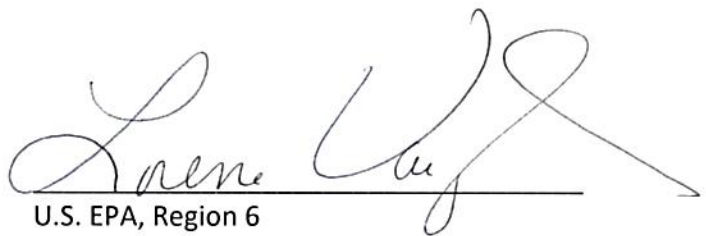
I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

sharma.ravi@epa.gov

Copy via Email to Respondent:

Zachary Gilbert  
zgilbert@lawdcm.com  
Davis, Cedillo & Mendoza, Inc.  
755 E. Mulberry Ave., Suite 250  
San Antonio, Texas 78212

  
U.S. EPA, Region 6