

SUZANNE ANDREWS
Regional Counsel

Carol Bussey
Assistant Regional Counsel (ORC-2)
United States Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
(415) 972-3950



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
SAN FRANCISCO, CALIFORNIA

In the Matter of:	)	
	)	
Richmont Industries LLC,	)	Docket No. FIFRA-09- 2026-0013
	)	
	)	CONSENT AGREEMENT AND FINAL
	)	ORDER PURSUANT TO
	)	40 C.F.R. §§ 22.13 AND 22.18
_____ Respondent.	)	

I. CONSENT AGREEMENT

The United States Environmental Protection Agency, Region IX (“EPA”), and Richmont Industries LLC (“Respondent”) agree to settle this matter and consent to the entry of this Consent Agreement and Final Order (“CAFO”), which simultaneously commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13 and 22.18.

A. AUTHORITY AND PARTIES

1. This is a civil administrative action instituted pursuant to Section 14(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA” or “the Act”), as amended, 7 U.S.C §136/(a)(1), for the assessment of a civil administrative penalty against Respondent for violations of Section 12 of the Act.

2. Complainant is the Manager of the Toxics Section of the Enforcement and Compliance Assurance Division, EPA Region IX, who has been duly delegated the authority to bring this action and to sign a consent agreement settling this action.
3. Respondent is a Delaware corporation that imported a pesticidal product into the United States through the State of California.

B. APPLICABLE STATUTORY AND REGULATORY SECTIONS

4. Section 17(c) of FIFRA and regulations promulgated at 19 C.F.R. Part 12 pursuant to Section 17(e) of FIFRA by the Secretary of the Treasury in consultation with the EPA Administrator govern the importation of pesticides into the United States.
5. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a “person” as any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.
6. 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 micro-organism (except viruses, bacteria, or other living micro-organisms 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. § 136 w(c)(1).”
7. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a “pesticide,” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”
8. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines the term “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.” Section 2(p)(2)(A) of FIFRA, 7 U.S.C. § 136(p)(2)(A), defines

the term “labeling” as “all labels and all other written, printed, or graphic matter...accompanying the pesticide or device at any time...”

9. Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), provides that a pesticide is “misbranded” if “(A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.”
10. 40 C.F.R. §156.10(a)(5) states, in pertinent part, that “[p]ursuant to section 2(q)(1)(A) of the Act, a pesticide is misbranded if the labeling is false or misleading in any particular, including both pesticidal and non-pesticidal claims.”
11. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “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.”
12. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it shall be unlawful for any person to distribute or sell to any person any pesticide which is adulterated or misbranded.
13. The Administrator of EPA may assess a civil penalty of up to \$24,885 against any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of FIFRA for each offense that occurred after November 2, 2015 and is assessed on or after January 8, 2025. *See* Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1); 40 C.F.R. Part 19; and the Civil Monetary Penalty Inflation Adjustment Rule at 90 Fed. Reg. 1375 (January 8, 2025).

C. ALLEGATIONS

14. At all times relevant to this CAFO, Respondent was a corporation and therefore a "person" as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).
15. On or about June 24, 2025, Respondent imported six (6) shipments of the pesticide, "Disinfex Disinfecting Wipes" (EPA Registration No. 98194-1), Entry Numbers BPC-02298362, BPC-02298370, BPC-02298388, BPC-02298396, BPC-02298404 and BPC-02300184, into the United States at the Port of Long Beach, California from China.
16. On or about June 27, 2025, Respondent imported one (1) shipment of the pesticide, "Disinfex Disinfecting Wipes" (EPA Registration No. 98194-1), Entry Number BPC-02297703, into the United States at the Port of Los Angeles, California from China.
17. As the importer of the shipments referenced above and by doing business in the United States, Respondent is subject to the requirements of FIFRA and its implementing regulations.
18. Respondent's shipments of the pesticide, "Disinfex Disinfecting Wipes," into the United States through the Port of Long Beach, California on or about June 24, 2025 and through the Port of Los Angeles, California on or about June 27, 2025 constitute "distributions or sales" of the pesticide pursuant to Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).
19. At all times relevant to this CAFO, the labeling on the pesticide, "Disinfex Disinfecting Wipes," that Respondent shipped into the United States contained the statement "Manufactured By: Richmond Industries, LLC, 17 State St., New York, NY 100-4" even though the pesticide was manufactured by Jiaxing Qinya Sanitary Product Co., Ltd. in China."

20. Based on the labeling on the pesticide, “Disinfex Disinfecting Wipes,” that Respondent shipped into the United States containing the statement “Manufactured By: Richmond Industries, LLC, 17 State St., New York, NY 100-4,” the pesticide, “Disinfex Disinfecting Wipes,” was “misbranded” pursuant to Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A) and 40 C.F.R. §156.10(a)(5).
21. Consequently, Respondent’s importation of the pesticide, “Disinfex Disinfecting Wipes,” into the United States through the Port of Long Beach, California on or about June 24, 2025 and through the Port of Los Angeles, California on or about June 27, 2025 constitute seven (7) violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), which provides that it is unlawful for any person to distribute or sell to any person a pesticide which is adulterated or misbranded.

D. RESPONDENT’S ADMISSIONS

22. 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 the 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 Section I.C of the CAFO; and (v) waives the right to appeal the final order contained in this CAFO. By signing this consent agreement, 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.

E. CIVIL ADMINISTRATIVE PENALTY

23. Respondent agrees to the assessment of a penalty in the amount of FORTY-FIVE THOUSAND, ONE HUNDRED AND NINETY-ONE DOLLARS (\$45,191) as final settlement of the civil claims against Respondent arising under the Act as alleged in Section I.C of the CAFO.
24. Respondent shall pay the assessed penalty no later than thirty (30) days from the effective date of this CAFO using any method or combination of appropriate methods provided in the EPA website at <https://www.epa.gov/financial/makepayment>. For additional instructions see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. If any clarification regarding a particular method of payment remittance is needed, please contact the EPA Cincinnati Finance Center at 513-487-2092. Payment shall be accompanied by a transmittal letter identifying Respondent, the case name, the case docket number and this CAFO. Concurrent with payment of the penalty, Respondent shall send a PDF copy of the notification that the payment has been made by one of the methods provided, including proof of the date payment was made, and the transmittal letter to the following email addresses:

Regional Hearing Clerk
U.S. EPA, Region IX
r9HearingClerk@epa.gov

Emily Benayoun
Toxics Section
Enforcement and Compliance Assurance Division
U.S. EPA, Region IX
Benayoun.Emily@epa.gov

25. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.

25. If Respondent fails to pay the assessed civil administrative penalty specified in Paragraph 23, then Respondent shall pay to EPA the stipulated penalty of ONE HUNDRED AND FIFTY DOLLARS (\$150) for each day the default continues, in addition to the assessed penalty upon written demand by EPA. In addition, failure to pay the civil administrative penalty by the deadline specified in Paragraph 24 may lead to any or all of the following actions:
- a. The debt being referred 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. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.
 - b. The debt being collected 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 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. EPA may (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. 40 C.F.R. § 13.17.
 - d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13 interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty by the deadline specified in Paragraph 24. Interest

will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.

F. CERTIFICATION OF COMPLIANCE

26. In executing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission and is at the time of signature to this CAFO, truthful, accurate, and complete; and that, to the best of its knowledge, it is currently in compliance with any and all FIFRA requirements that apply to its ongoing operations. Under 18 U.S.C. § 1001, submitting false or misleading information can result in significant penalties, including the possibility of fines and imprisonment for knowing submission of such information.

G. RETENTION OF RIGHTS

27. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in Section I.C of

the CAFO. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in Section I.C of the CAFO; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in Section I.C of the CAFO.

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

H. ATTORNEY'S FEES AND COSTS

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

I. EFFECTIVE DATE

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

J. BINDING EFFECT

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

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

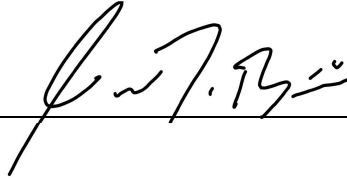
FOR RESPONDENT, RICHMONT INDUSTRIES LLC

9/29/25

DATE

Joseph Bibi
Member

Richmont Industries LLC



FOR COMPLAINANT, EPA REGION IX:

10/2/2025

DATE

MATTHEW
SALAZAR

Digitally signed by
MATTHEW SALAZAR
Date: 2025.10.02
13:43:13 -07'00'

Matt Salazar, P.E.

Manager

Toxics Section

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region IX

II. FINAL ORDER

Complainant and Respondent, Richmond Industries LLC, having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2026-0013) be entered and that Respondent shall pay a civil administrative penalty in the amount of FORTY-FIVE THOUSAND, ONE HUNDRED AND NINETY-ONE DOLLARS (\$45,191) and comply with the terms and conditions set forth in the Consent Agreement.

Beatrice Wong
Regional Judicial Officer
U.S. Environmental Protection Agency, Region IX

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of Richmond Industries LLC (Docket No. FIFRA-09-2026-0013) was filed with Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

RESPONDENT: Thomas H. Prol
Member
Sills Cummis & Gross P.C.
One Riverfront Plaza,
Newark, NJ 07102
Tprol@sillscummis.com

COMPLAINANT: Carol Bussey
Assistant Regional Counsel
U.S. EPA – Region IX
Air & Toxic Section II (ORC-2-2)
75 Hawthorne Street
San Francisco, CA 94105
Bussey.Carol@epa.gov

Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX