

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

In the Matter of:

Docket No. FIFRA-02-2026-5026

VCM Products LLC

RESPONDENT.

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“Complainant”) alleges that VCM Products LLC (“Respondent”), located at 6 Paragon Way Suite 103, Freehold, NJ, failed to file required reports in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N).
2. The registration, production, distribution, and sale of pesticides is governed by FIFRA, 7 U.S.C. §§ 136a-y.
3. The importation of pesticides into the United States is governed by Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations promulgated thereunder by the Secretary of the Treasury in consultation with the Administrator of the EPA (“Administrator”). These regulations are found at 19 C.F.R. Part 12.
4. Section 2(u)(1) of FIFRA, 7 U.S.C. § 136(u)(1) defines a “pesticide” as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”
5. Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines a “device,” in pertinent part, as any instrument or contrivance which is intended for destroying or mitigating any pest or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism.
6. Nineteen C.F.R. § 12.112 states, in pertinent part, that an importer desiring to import pesticides or devices into the United States shall submit to the Administrator a Notice of Arrival (“NOA”) of Pesticides or Devices (EPA Form 3540-1) prior to the arrival of the shipment in the United States. See also Section 17(c) of FIFRA, 7 U.S.C. § 136o(c).
7. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), states in relevant part that it is unlawful for any person who is a distributor to fail to file required reports.
8. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), provides 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 through 2015, 28 U.S.C. § 2461 *note*, and its implementing regulations at 40 C.F.R. Part 19, increased this amount to \$24,885 for each offense for which a penalty is assessed where penalties were assessed on or after January 8, 2025.

9. 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.

10. Respondent is, and was at all times relevant to this Agreement, a corporation, and therefore, a “person” as that term is defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

11. Respondent is an “importer” within the meaning of 19 C.F.R. § 12.112.

12. On or about March 31, 2026, a shipment, House Bill of Lading No. SXCO-NBOE26020685 (“the shipment”), containing Grandpa Gus’s Indoor Fly Trap (Twin Pack), Grandpa Gus’s Indoor Fly Trap (Single Pack), Grandpa Gus’s Indoor Fly Trap Refills (10 pack), and Grandpa Gus’s Indoor Fly Trap Refills (4 pack) arrived in the Port of New York/Newark.

13. On or about March 31, 2026, a customs entry was filed for this shipment under Entry No. 600-XXXX5785.

14. After reviewing the entry forms and labels on the products in the shipment, EPA staff determined that:

- a. Respondent is the importer of record for the shipment;
- b. The products in the shipment were pesticide devices; and
- c. Respondent did not file NOAs for the four pesticide devices in the shipment.

15. Respondent’s failures to file NOAs for the Grandpa Gus’s Indoor Fly Trap (Twin Pack), Grandpa Gus’s Indoor Fly Trap (Single Pack), Grandpa Gus’s Indoor Fly Trap Refills (10 pack), and Grandpa Gus’s Indoor Fly Trap Refills (4 pack) in the shipment constitutes unlawful acts as described by Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

16. The EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) and Final Order (“Final Order”), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a) and 40 C.F.R. § 22.13(b) and § 22.18(b).

17. Based on the allegations above, and using the penalty matrix in the Expedited Settlement Agreement Pilot Program Under the Federal Insecticide, Fungicide, and Rodenticide Act (available at <https://www.epa.gov/system/files/documents/2025->

[01/fifraesapilotprogram01172025.pdf](#)), Complainant has determined the civil administrative penalty amount agreed upon below is appropriate to settle this matter.

18. The EPA and Respondent (collectively referred to as the “Parties”) agree to settle this matter for a civil penalty of \$7,200.00 (“Assessed Penalty”), to be paid within 30 days of the date the Agreement and Final Order is filed with the Regional Hearing Clerk for the FIFRA violations identified herein.

19. 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>. Please note, for payments made after September 30, 2025, and in accordance with the March 25, 2025, Executive Order on Modernizing Payments To and From America’s Bank Account, Respondent shall pay using one of the electronic payments methods listed on EPA’s How to Make a Payment website and will not pay with a paper check.

20. When making a payment, Respondent shall:

- a. Identify payment with Respondent’s name and the docket number of this Agreement and Final Order, Docket No. FIFRA-02-2026-5026.
- 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 2
Region2_RegionalHearingClerk@epa.gov

Michael Brannick
U.S. Environmental Protection Agency, Region 2
brannick.michael@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

- c. “Proof of payment” means, as applicable, a copy of the cashed 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 the EPA requirements, in

the amount due, and identified with the appropriate docket number and Respondent's name.

21. Full payment of the penalty set forth in this Agreement and Final Order shall only resolve Respondent's liability for Federal civil penalties for the violations and facts alleged herein.

22. No portion of the civil payment or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction of federal, state, or local income tax purposes.

23. Respondent certifies under penalty of perjury that it has provided a detailed explanation for how compliance was achieved, including the date, location, and description of the action that was taken, the quantity of product brought into compliance, and any other demonstrative information (*e.g.*, product images) showing that compliance was achieved. If the violation could not be corrected, the report will include steps taken by Respondent to prevent recurrence of the violation.

24. By signing this Agreement and submitting payment for the above penalty amount, Respondent:

- a. Admits that the EPA had jurisdiction over Respondent and Respondent's conduct as alleged herein;
- b. Neither admits nor denies the factual allegations contained herein;
- c. Consents to the assessment of the penalty set forth herein;
- d. Acknowledges this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action; and
- e. Waives any right to contest the allegations in the Agreement and to appeal any final order ratifying this Agreement.

25. Upon signing and returning this Agreement to the EPA, 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.

26. If Respondent does not timely pay the Assessed Penalty, the EPA is authorized to recover any unpaid amount of the Assessed Penalty, plus interest (at the IRS standard underpayment rate) and enforcement expenses. For more information, see 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11. The validity, amount, and appropriateness of the civil penalties are not reviewable in a collection action.

27. Except as qualified by paragraph 26, above, the Parties shall bear their own costs and fees, if any.

28. The Parties agree that settlement of this matter is in the public interest.

29. The Agreement authorized by the EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

30. This Agreement is binding on the Parties and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing of the Final Order.

31. The Parties consent to service of this Agreement and Final Order by email at the following valid email addresses: Region2_RegionalHearingClerk@epa.gov (for Complainant) and npitman@vcmproducts.com (for Respondent).

32. Unless an extension has been granted in writing by the EPA, if Respondent does not sign and return this Agreement with proof of payment of the penalty amount within 30 days of receipt of this Agreement, the Agreement is automatically withdrawn without prejudice to the EPA's ability to file an enforcement action for the above or any other violations.

33. If the Respondent chooses to not to enter into this Agreement and fully comply with its terms, the EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to \$24,885 per violation pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l. 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, 1377 (January 8, 2025).

WE HEREBY AGREE TO THIS:

RESPONDENT:

BY: Nicole Pitman

(Signature)

NAME: Nicole Pitman

TITLE: VP of Operations

COMPANY NAME: VCM Products LLC

DATE: 05/27/26

WE HEREBY AGREE TO THIS:

**COMPLAINANT:
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Douglas McKenna, Acting Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 2

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

Docket No. FIFRA-02-2026-5026

VCM Products LLC,

Respondent,

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA's Consolidated Rules of Practice, the attached Expedited Settlement Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Expedited Settlement Agreement, effective immediately.

So ordered.

Dana P. Friedman
Regional Judicial Officer