

**U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219
BEFORE THE ADMINISTRATOR**

FILED

July 28, 2026

7:54AM

**U.S. EPA REGION 7
HEARING CLERK**

In the Matter of

**Express Chem, LLC,
Kirkwood, Missouri**

Respondent.

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Docket No. FIFRA-07-2025-0088

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and Express Chem, 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).

Jurisdiction

1. This proceeding is an administrative action for the assessment of civil penalties initiated pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l, and in accordance with the Consolidated Rules of Practice.

Parties

2. Complainant, by delegation from the Administrator of EPA and the Regional Administrator of EPA Region 7, is the Director of the Enforcement and Compliance Assurance Division of EPA Region 7.

3. The Respondent is a limited liability company in good standing doing business in the state of Missouri.

Statutory and Regulatory Background

4. Congress enacted FIFRA 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. 7 U.S.C. 136 *et. seq.*

5. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, or whose registration has been cancelled or suspended.

6. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states it shall be unlawful for any person in any state to distribute or sell to any person any pesticide which is adulterated or misbranded.

7. 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).

8. 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.

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(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.

11. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), defines “produce” to mean to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. 40 C.F.R. § 167.3 further defines “produce” to mean to package, repack, label, relabel, or otherwise change the container of any pesticide or device.

12. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), defines “producer” to mean any person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide. 40 C.F.R. § 167.3 further defines “producer” to mean any person who packages, repackages, labels, or relabels any pesticide, active ingredient, or device.

13. Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), states, in pertinent part, a pesticide is misbranded if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.

14. 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 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 \$24,885, for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025.

EPA's General Factual Allegations

15. Respondent is, and at all times referred to herein was, a “person” within the meaning of FIFRA.

16. At all relevant times, Respondent held EPA Establishment Number (EPA Est. No.) 87919-MO-1.

17. The address associated with the establishment number EPA Est. No. 87919-MO-1 is 10465 Manchester Road, Kirkwood, Missouri.

18. Respondent is primarily a distributor of bulk chemicals.

19. Respondent is headquartered at 10465 Manchester Road, Kirkwood, Missouri.

20. Respondent owns and operates a facility at 1200 West 4th Street, Suite D, Granite City, Illinois.

21. On January 15, 2025, the Missouri Department of Agriculture (MDA) conducted a Neutral Scheme Producer Establishment Inspection (PEI) at 10465 Manchester Road, Kirkwood, Missouri (January 2025 inspection).

22. At the time of the January 2025 inspection, Respondent formulated, packaged, held for sale, and distributed registered pesticides out of the Granite City, Illinois facility.

23. According to EPA's Pesticide Product Label System (PPLS), Respondent holds four active supplemental distributor registrations:

- a. Myco Mold Control, EPA Registration Number (EPA Reg. No.) 1032480-87919
- b. Myco Mold Control RTU, EPA Reg. No. 10324-85-87919
- c. Myco Botanical Disinfectant, EPA Reg. No. 34810-25-87919
- d. Jet Disinfecting Wipes, EPA Reg. No. 34810-36-87919

24. During the January 2025 inspection, Respondent's representative indicated that all pesticide products were produced at the Granite City, Illinois facility.

25. During the January 2025 inspection, Respondent provided labels, production reports, receiving records, and shipping records for Myco Mold Control and Myco Botanical Disinfectant.

26. Those labels only indicated the EPA Est. No. 87919-MO-1.

27. On May 14, 2025, EPA Region 5 called Respondent to notify it of the inspection scheduled for May 21, 2025, for suspected violations of Section 7 of FIFRA and the sale and distribution of misbranded pesticides from the Granite City facility.

28. On or about May 15, 2025, Respondent submitted an Application for Pesticide Establishment Registration (EPA Form 3540-8) for the Granite City facility.

29. On May 21, 2025, EPA Region 5 (Region 5) conducted a for-cause inspection at the Granite City, Illinois facility (Region 5 inspection).

30. At the time of Region 5's inspection, Respondent was only registered for one EPA establishment registration number (87919-MO-1).

31. Respondent produced Myco Mold Control and Myco Mold Control RTU at the Granite City facility from approximately 2020 to December 2025.

32. Respondent produced Myco Botanical Disinfectant at the Granite City facility from approximately 2023 to December 2025.

33. Respondent distributed or sold Myco Mold Control, Myco Botanical Disinfectant, and Myco Mold Control RTU from the Granite City facility.

34. During the May 2025 inspection, Respondent was in the process of relabeling the front of the Myco Mold Control labels, the Myco Botanical Disinfectant labels, and the Myco Mold Control RTU labels with an 87919-IL-1 label sticker to indicate it was produced in the Granite City facility.

35. The Region 5 inspector noted that the inside label panels of partially relabeled products still displayed EPA Est. No. 87919-MO-1.

36. On the date of the Region 5 inspection, the Respondent held for sale or distribution Myco Mold Control, Myco Botanical Disinfectant, and Myco Mold Control RTU.

37. On May 28, 2025, EPA Est. No. 87919-IL-1 was assigned to Respondent's Granite City, Illinois location.

38. The Respondent has reported pesticide production at the Missouri location on its annual reports since 2009.

39. The Respondent updated its 2021–2025 reports to show the correct establishment number for the products in Paragraph 23.

40. The Respondent stopped producing EPA-registered pesticides in December 2025 and stopped distributing and holding for sale any registered pesticides in March 2026.

Allegations of Violations

41. The Complainant hereby states and alleges that Respondent has violated FIFRA and federal regulations promulgated thereunder, as follows:

Counts 1-3 Misbranding

42. The facts stated in Paragraphs 15 through 40 above are herein incorporated.

43. Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person in any state to distribute or sell to any person any pesticide which is adulterated or misbranded.

44. 40 C.F.R. § 156.10(a) states that every pesticide product shall bear a label containing the information specified by the Act and the regulations in this part and lists what is required.

45. 40 C.F.R. § 156.10(a)(1)(v) states the contents of a label must show clearly and prominently the producing establishment number as prescribed in paragraph (f) of this section.

46. 40 C.F.R. § 156.10(a)(2)(ii)(C) states the label must not be obscured or crowded.

47. On the date of the Region 5 inspection, the Respondent offered for sale or distribution Myco Mold Control, Myco Botanical Disinfectant, and Myco Mold Control RTU. The labels displayed two EPA establishment numbers: 87919-IL-1 on the front and 87919-MO-1 inside.

48. On the date of the Region 5 inspection, the EPA inspector observed a Myco Botanical Disinfectant bottle with a new EPA Est. No. 87919-IL-1 label sticker placed on top of the net contents of the label.

49. Respondent violated FIFRA Section 12(a)(1)(E) and Section 2(q)(1)(A) by offering for sale or distribution Myco Mold Control products with labels featuring two EPA Establishment Numbers (using stickers) and, at least once, obscuring the net contents.

Counts 4-6 Production of a Pesticide at an Unregistered Establishment

50. The facts stated in Paragraphs 15 through 40 above are herein incorporated.

51. Pursuant to Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), it is unlawful for any person who is a producer to violate any provisions of section 136e of this title.

52. 7 U.S.C. § 136e(a) states that no person shall produce any pesticide subject to this subchapter or active ingredient used in producing a pesticide subject to this subchapter in any State unless the establishment in which it is produced is registered with the Administrator.

53. On the date of the Region 5 inspection, the Respondent had been producing Myco Botanical Disinfectant at the Granite City facility since approximately 2023. At the time of the Region 5 inspection, Respondent distributed or sold Myco Mold Control, Myco Botanical Disinfectant, and Myco Mold Control RTU from the Granite City facility.

54. During the Region 5 inspection, Respondent was in the process of relabeling the front of the Myco Mold Control labels, the Myco Botanical Disinfectant labels, and the Myco Mold Control RTU labels with an 87919-IL-1 label sticker.

55. On the date of the Region 5 inspection, the EPA inspector observed partially relabeled products still displayed 'EPA Est. No. 87919-MO-1' on all three products held for sale or distribution: Myco Mold Control, Myco Botanical Disinfectant, and Myco Mold Control RTU.

56. At the time of the Region 5 inspection, the Respondent was relabeling product fronts with an 87919-IL-1 sticker; however, some inside label panels still showed 'EPA Est. No. 87919-MO-1'.

57. Respondent violated 7 U.S.C. § 136j(a)(2)(L) by producing pesticide products Myco Mold Control, Myco Botanical Disinfectant, and Myco Mold Control RTU at an unregistered establishment.

Count 7 Failure to Submit Accurate Reports

58. The facts stated in Paragraphs 15 through 40 above are herein incorporated.

59. Pursuant to Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), it is unlawful for any person who is a producer to violate any provisions of section 136e of this title.

60. 7 U.S.C. § 136e(c)(1)(C) states that a producer operating an establishment registered under this section shall inform the Administrator within 30 days after it is registered of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides. The Producer must submit annual reports as required under such regulations as the Administrator may prescribe.

61. At the time of the Region 5 inspection, the Respondent had submitted reports as required by 7 U.S.C. § 136e(c)(1)(C) under the registered Missouri 87919-MO-1 establishment number.

62. Per paragraphs 31 and 32 above, the Respondent produced at the Granite City facility Myco Mold Control and Myco Mold Control RTU from approximately 2020 to December 2025, and Myco Botanical Disinfectant from approximately 2023 to December 2025.

63. Respondent violated 7 U.S.C. § 136j(a)(2)(L) by submitting the inaccurate Missouri establishment number for production that occurred in Illinois.

CONSENT AGREEMENT

64. 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 the issuance of any specified compliance or corrective action order;
- e. consents to any conditions specified herein;
- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this Consent Agreement.

65. 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 any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

66. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

67. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

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

69. Respondent consents to receiving the filed Consent Agreement and Final Order electronically at the following e-mail address: brittany.barrientos@stinson.com and struby.sarah@stinson.com.

Penalty Payment

70. EPA has considered the appropriateness of the penalty pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), and has determined that, in settlement of the claims alleged

herein, Respondent shall pay a civil penalty of Twenty-Three Thousand Eight Hundred and Twenty-Two Dollars (\$23,822), as set forth below.

71. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be made using any payment method provided at <http://www.epa.gov/financial/makepayment>. For instructions for wire transfers and additional information, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

72. A copy of the confirmation of payment shall simultaneously be sent to the following:

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov; and

Anna Landis, Attorney
landis.anna@epa.gov.

73. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty 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 (6) percent 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

74. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of FIFRA or any other applicable law.

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

76. Respondent certifies, to the best of its knowledge and belief after reasonable inquiry, by signing this Consent Agreement that it is presently in compliance with all requirements of FIFRA and its implementing regulations.

77. Full payment of the penalty 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. This Consent Agreement and Final

Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and regulations promulgated thereunder.

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

79. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

General Provisions

80. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party they represent to this Consent Agreement.

81. 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 filing by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

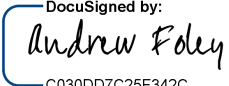
82. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

83. 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.

IN THE MATTER OF Express Chem, LLC
Docket No. FIFRA-07-2025-0088

RESPONDANT
EXPRESS CHEM, LLC

Date: 07/24/2026 _____

By:  _____
C030DD7C25F342C...

Andrew Foley

Print Name

President

Title

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

Alyse Stoy
Acting Director
Enforcement and Compliance Assurance Division

Anna Landis
Office of Regional Counsel

FINAL ORDER

Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(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.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Anna Landis
Office of Regional Counsel
landis.anna@epa.gov

Kash Kruep
Enforcement and Compliance Assurance Division
kruep.kash@epa.gov

Carrie Venerable | New Solutions
EPA Office of Regional Counsel
venerable.carrie@epa.gov

Copy via Email to Respondent:

Brittany Barrientos
Sarah Struby
Stinson, LLP
1201 Walnut Street, Suite 2900
Kansas City, Missouri 64106-2150
brittany.barrientos@stinson.com
struby.sarah@stinson.com

Dated this _____ day of _____, _____.

Signed