



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:

Unelko Corporation,

Respondent.

Docket No. FIFRA-09-2025-0096

CONSENT AGREEMENT
AND FINAL ORDER
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 Unelko Corporation ("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 the sale and/or distribution of unregistered pesticides in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

2. Complainant is the Manager of the Toxics Section in 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.

1 3. Respondent is Unelko Corporation (“Respondent”), an Arizona corporation whose
2 principal offices are located at 1616 W. Williams Drive in Scottsdale, Arizona.

3 B. STATUTORY AND REGULATORY BASIS

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

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

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

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

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

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

24 10. The Administrator of EPA may assess a civil penalty against any registrant,
25 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any
26 provision of FIFRA of up to \$24,885 for each offense that occurred after November 2, 2015,
27 where penalties are assessed on or after January 8, 2025. See Section 14(a)(1) of FIFRA, 7
28 U.S.C. § 136l(a)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19

1 (as amended by 90 Fed. Reg. 1375 (January 8, 2025)).

2 C. ALLEGED VIOLATIONS

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

6 12. At all times relevant to this CAFO, Respondent “distributed or sold” the products,
7 “Sani-Shield 3 in 1 RTU,” “Sani-Shield 3 in 1 Concentrate,” “Eliminate Shower Tub and Tile
8 Cleaner,” “Invisible Shield Glass & Surface Cleaner,” “Invisible Shield Multi-Surface Cleaner
9 Deodorizer,” “Invisible Shield Stainless Shine Cleaner and Protector,” “Sani-Scrub 3-in-1
10 Surface Cleaner,” and “Sani-Shield 1 Step Surface Wipes,” as that term is defined by Section
11 2(gg) of FIFRA, 7 U.S.C. § 136(gg), to persons in the United States.

12 13. At all times relevant to this CAFO, the labeling for the product, “Sani-Shield 3 in 1
13 RTU,” bore numerous pesticidal claims including “Imparts a Durable Microbiostatic
14 ‘Antimicrobial Coating’ that Inhibits the Growth of Odor Causing Bacteria Mold and Mildew,”
15 “It simultaneously shields surfaces with an invisible ‘antimicrobial’ water, soil & stain repellant
16 barrier coating that inhibits the growth of odor causing bacteria, mold and mildew which can
17 cause staining, discoloration, and deterioration of a surface,” and “Protects surfaces with an
18 invisible antimicrobial barrier coating on which odor causing bacteria, mold & mildew will not
19 grow in between regular cleaning,” “Sani-Shield 3 in 1 RTU” is thus a substance intended for
20 use as an antimicrobial, bactericide, moldicide, and mildewcide and is therefore a “pesticide,” as
21 that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

22 14. On or about March 4, 2022, March 11, 2022, May 16, 2022, August 25, 2022, and
23 September 8, 2022, Respondent “distributed or sold” as that term is defined by Section 2(gg) of
24 FIFRA, 7 U.S.C. § 136(gg), the pesticide, “Sani-Shield 3 in 1 RTU,” to persons in the United
25 States on five separate occasions.

26 15. At all times relevant to this CAFO, the pesticide, “Sani-Shield 3 in 1 RTU,” that
27 Respondent “distributed or sold” to persons in the United States on five separate occasions on or
28 about March 4, 2022, March 11, 2022, May 16, 2022, August 25, 2022, and September 8, 2022,

1 was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

2 16. By distributing or selling the unregistered pesticide, “Sani-Shield 3 in 1 RTU,” to
3 persons in the United States on five separate occasions on or about March 4, 2022, March 11,
4 2022, May 16, 2022, August 25, 2022, and September 8, 2022, Respondent committed five
5 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

6 17. At all times relevant to this CAFO, the labeling for the product, “Sani-Shield 3 in 1
7 Concentrate,” bore numerous pesticidal claims including “Microbe-Resistant Barrier Coating
8 Technology Reduces Time, Labor & Maintenance,” “Provides Invisible Barrier on Which
9 Odor-Causing Bacteria, Mold & Mildew Will Not Grow In-Between Cleaning,” and “Shields
10 surfaces with an invisible water, soil & stain repellent barrier coating on which odor-causing
11 bacteria, mold & mildew will not grow in-between cleaning.” “Sani-Shield 3 in 1 Concentrate”
12 is thus a substance intended for use as a bactericide, moldicide, and mildewcide and is therefore a
13 “pesticide,” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

14 18. On or about January 18, 2022, February 9, 2022, March 18, 2022, April 15, 2022,
15 and October 6, 2022, Respondent “distributed or sold” as that term is defined by Section 2(gg) of
16 FIFRA, 7 U.S.C. § 136(gg), the pesticide, “Sani-Shield 3 in 1 Concentrate,” to persons in the
17 United States on five separate occasions.

18 19. At all times relevant to this CAFO, the pesticide, “Sani-Shield 3 in 1 Concentrate,”
19 that Respondent “distributed or sold” to persons in the United States on five separate occasions
20 on or about January 18, 2022, February 9, 2022, March 18, 2022, April 15, 2022, and October 6,
21 2022, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

22 20. By distributing or selling the unregistered pesticide, “Sani-Shield 3 in 1
23 Concentrate,” to persons in the United States on five separate occasions on or about January 18,
24 2022, February 9, 2022, March 18, 2022, April 15, 2022, and October 6, 2022, Respondent
25 committed five violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

26 21. At all times relevant to this CAFO, the labeling for the product, “Eliminate Shower
27 Tub and Tile Cleaner,” bore pesticidal claims including “Powerful foaming action-liquid cleaner
28 that removes soap scum, mold, mildew, mineral deposits and body oils quickly.” “Eliminate

1 Shower Tub and Tile Cleaner” is thus a substance intended for use as a moldicide and
2 mildewcide and is therefore a “pesticide,” as that term is defined in Section 2(u) of FIFRA, 7
3 U.S.C. § 136(u).

4 22. At all times relevant to this CAFO, the labeling for the product, “Invisible Shield
5 Glass & Surface Cleaner,” bore pesticidal claims including “Utilizes a special, Unelko patented
6 organosilane barrier coating to make surfaces antimicrobial.” “Invisible Shield Glass & Surface
7 Cleaner” is thus a substance intended for use as an antimicrobial and is therefore a “pesticide,” as
8 that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

9 23. At all times relevant to this CAFO, the labeling for the product, “Invisible Shield
10 Multi-Surface Cleaner Deodorizer,” bore pesticidal claims including “Invisible Shield
11 Multi-Surface is a tried and proven-patented formula that cleans with the power of hydrogen
12 peroxide and imparts a soil and stain-resistant-antimicrobial barrier” and “This controls the
13 growth of odor-causing bacteria mold, and mildew in between cleaning.” “Invisible Shield
14 Multi-Surface Cleaner Deodorizer” is thus a substance intended for use as an antimicrobial,
15 bactericide, moldicide, and mildewcide and is therefore a “pesticide,” as that term is defined in
16 Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

17 24. At all times relevant to this CAFO, the labeling for the product, “Invisible Shield
18 Stainless Shine Cleaner and Protector,” bore pesticidal claims including “Applies a protective,
19 hydrogen peroxide-antimicrobial/bacteriostatic barrier on which odor causing bacteria, mold &
20 mildew will not grow in between cleanings.” “Invisible Shield Stainless Shine Cleaner and
21 Protector” is thus a substance intended for use as an antimicrobial, bactericide, moldicide, and
22 mildewcide and is therefore a “pesticide,” as that term is defined in Section 2(u) of FIFRA, 7
23 U.S.C. § 136(u).

24 25. At all times relevant to this CAFO, the labeling for the product, “Sani-Scrub 3-in-1
25 Surface Cleaner,” bore pesticidal claims including “Simultaneously Applies an Antimicrobial
26 Barrier” and “Controls Odor-Causing Bacteria, Mold & Mildew.” “Sani-Scrub 3-in-1 Surface
27 Cleaner” is thus a substance intended for use as an antimicrobial, bactericide, moldicide, and
28 mildewcide and is therefore a “pesticide,” as that term is defined in Section 2(u) of FIFRA, 7

1 U.S.C. § 136(u).

2 26. At all times relevant to this CAFO, the labeling for the product, “Sani-Shield 1 Step
3 Surface Wipes,” bore pesticidal claims including “Sani-Shield 1 Step Surface Wipes with
4 Antimicrobial Barrier Coating Technology,” “Cleans and Protects All Hard Surfaces with
5 Antimicrobial Resistant Barrier,” and “Protects with invisible antimicrobial barrier on which
6 odor causing bacteria, mold, mildew will not grow in between cleaning and shields against
7 microorganisms and biofilms.” “Sani-Shield 1 Step Surface Wipes” is thus a substance intended
8 for use as an antimicrobial, bactericide, moldicide, and mildewcide and is therefore a “pesticide,”
9 as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

10 27. On or about December 5, 2023, Respondent “distributed or sold” as that term is
11 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the pesticides, “Eliminate Shower Tub
12 and Tile Cleaner,” “Invisible Shield Glass & Surface Cleaner,” “Invisible Shield Multi-Surface
13 Cleaner Deodorizer,” “Invisible Shield Stainless Shine Cleaner and Protector,” “Sani-Scrub
14 3-in-1 Surface Cleaner,” and “Sani-Shield 1 Step Surface Wipes,” by advertising and offering
15 them for sale from its internet website.

16 28. At all times relevant to this CAFO, the pesticides, “Eliminate Shower Tub and Tile
17 Cleaner,” “Invisible Shield Glass & Surface Cleaner,” “Invisible Shield Multi-Surface Cleaner
18 Deodorizer,” “Invisible Shield Stainless Shine Cleaner and Protector,” “Sani-Scrub 3-in-1
19 Surface Cleaner,” and “Sani-Shield 1 Step Surface Wipes,” that Respondent “distributed or sold”
20 on or about December 5, 2023, from its internet website were not registered under Section 3 of
21 FIFRA, 7 U.S.C. § 136a.

22 29. By distributing or selling the unregistered pesticides, “Eliminate Shower Tub and
23 Tile Cleaner,” “Invisible Shield Glass & Surface Cleaner,” “Invisible Shield Multi-Surface
24 Cleaner Deodorizer,” “Invisible Shield Stainless Shine Cleaner and Protector,” “Sani-Scrub
25 3-in-1 Surface Cleaner,” and “Sani-Shield 1 Step Surface Wipes,” on or about December 5,
26 2023, from its internet website, Respondent committed six violations of Section 12(a)(1)(A) of
27 FIFRA, 7 U.S.C. § 136j(a)(1)(A).

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

E. CIVIL ADMINISTRATIVE PENALTY

U.S. Environmental Protection Agency
PO Box 979078
St. Louis, MO 63197-9000

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. Environmental Protection Agency
Government Lockbox 979078
3180 Rider Trail S.
Earth City, MO 63045

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

Julie Jordan
Toxics Section
Enforcement and Compliance Assurance Division (ENF-1-1)
U.S. Environmental Protection Agency, Region IX

75 Hawthorne Street
San Francisco, CA 94105
jordan.julie@epa.gov

32. 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.

33. If Respondent fails to pay the assessed civil administrative penalty of SEVEN THOUSAND DOLLARS (\$7,000) as identified in Paragraph 31 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 31 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. Government may assess interest, administrative handling charges, and nonpayment penalties

1 against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the
2 civil administrative penalty specified in Paragraph 31 by the deadline specified in that Paragraph.

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

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

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

15 F. CERTIFICATION OF COMPLIANCE

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

22 G. RETENTION OF RIGHTS

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

1 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address
2 any violation of this CAFO or any violation not specifically alleged in Section I.C of this CAFO.

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

6 H. ATTORNEYS' FEES AND COSTS

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

9 I. EFFECTIVE DATE

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

13 J. BINDING EFFECT

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

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

20
21
22
23 FOR RESPONDENT UNELKO CORPORATION:

24 8/4/25
25 DATE

26 
27 STEVEN OHLHAUSEN
28 Owner
Unelko Corporation

FOR COMPLAINANT EPA:

KAORU
MORIMOTO

Digitally signed by
KAORU MORIMOTO
Date: 2025.08.12
10:59:38 -07'00'

DATE

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

1 II. FINAL ORDER

2 EPA and Unelko Corporation having entered into the foregoing Consent Agreement,
3 IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2025-0096) be
4 entered, and Respondent shall pay a civil administrative penalty in the amount of SEVEN
5 THOUSAND DOLLARS (\$7,000) and comply with the terms and conditions set forth in the
6 Consent Agreement.

7
8 BEATRICE WONG
Digitally signed by
BEATRICE WONG
Date: 2025.08.15
10:35:58 -07'00'

9 DATE

10 BEATRICE WONG
11 Regional Judicial Officer
12 U.S. Environmental Protection Agency, Region IX
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order in the matter of Unelko Corporation (Docket No. FIFRA-09-2025-0096) was filed with the Regional Hearing Clerk, and that a true and correct copy of the same was sent to the following parties via electronic mail, as indicated below:

RESPONDENT:

Steven Ohlhausen
Unelko Corporation
1616 W Williams Dr.
Scottsdale, AZ 85260
Steven@unelko.com

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

Tu, Ponly

Digitally signed by Tu,
Ponly
Date: 2025.08.15
11:26:35 -07'00'

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

CERTIFICATE OF SERVICE