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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
SAN FRANCISCO, CALIFORNIA

In the Matter of:	)	Docket No. FIFRA-09-2024-0066
	)	
The GEO Group, Inc.,	)	COMPLAINT AND NOTICE OF
	)	OPPORTUNITY FOR HEARING
	)	
<u>Respondent.</u>	)	

I. PRELIMINARY STATEMENT

This is a civil administrative action brought pursuant to section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (“FIFRA”), 7 U.S.C. § 136l(a), for the assessment of a civil administrative penalty against The GEO Group, Inc. for violations of section 12 of FIFRA, 7 U.S.C. § 136j.

Complainant is the Manager of the Toxics Section in the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region IX (“EPA Region IX”), who has been duly delegated the authority to issue this Complaint and Notice of Opportunity for Hearing (“Complaint”) pursuant to EPA Region 9 Delegation R9-5-14 (Feb. 11, 2013) and EPA Administrator Delegation 5-14 (May 11, 1994, updated Feb. 4, 2016).

Respondent is The GEO Group, Inc. (“Respondent”), a Florida corporation that owns, leases, and manages correctional, detention, and re-entry facilities located throughout the United States, including in California and Arizona.

## II. APPLICABLE STATUTORY AND REGULATORY SECTIONS

1. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), provides that “person” means “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”
2. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), provides that “pest” means “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).”
3. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), provides that a “pesticide” means, in part, “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”
4. Section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), provides that the term “to use any registered pesticide in a manner inconsistent with its labeling” means, in part, “to use any registered pesticide in a manner not permitted by the labeling...”
5. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), provides that the term “label” means “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.”
6. Section 2(p)(2)(A) of FIFRA, 7 U.S.C. § 136(p)(2)(A), provides that the term “labeling” means “all labels and all other written, printed, or graphic matter...accompanying the

pesticide or device at any time or to which reference is made on the label or in literature accompanying the pesticide or device.”

7. Section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G), provides that it shall be unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling.

### III. ALLEGATIONS

8. Paragraphs 1 through 7 above are hereby realleged and incorporated by reference.
9. At all times relevant to this Complaint, Respondent was a corporation and therefore a "person" as defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
10. At all times relevant to this Complaint, Respondent was the owner and operator of the Adelanto Immigration & Customs Enforcement (“ICE”) Processing Center located at 10250 and 10400 Rancho Road in Adelanto, California (“Facility”).
11. At all times relevant to this Complaint, Respondent’s employees applied the product, “Halt,” to disinfect surfaces at the Facility on numerous occasions.
12. “Halt” (EPA Reg. No. 10324-93-5741) is a registered “pesticide” as defined at section 2(u) of FIFRA, 7 U.S.C. § 136(u).
13. The “Precautionary Statements” section of the label for the registered pesticide, “Halt,” states: “Danger: Corrosive.” “Causes irreversible eye damage and skin burns. Harmful if swallowed or absorbed through the skin.” “Wear goggles or face shield and chemical resistant gloves and protective clothing when handling.”

#### **COUNTS 1-1137: Use of registered pesticide in a manner inconsistent with its labeling**

14. Paragraphs 1 through 13 above are hereby realleged and incorporated by reference.

15. At all times relevant to this Complaint, Respondent provided “Life Guard Nitrile Exam Gloves” to its employees for the employees’ applications of the registered pesticide, Halt,” at the Facility.
16. Each box/package of “Life Guard Nitrile Exam Gloves” contained 100 disposable gloves that were 4 mil in thickness.
17. The labeling of the box/package of “Life Guard Nitrile Exam Gloves” states that the gloves are “extra soft” and “professional medical quality.”
18. The “Caution” section of the labeling on the box/package of “Life Guard Nitrile Exam Gloves” states: “Not intended for use as a general chemical barrier.”
19. Thus, based on their softness, thickness, stated purpose, and the “Caution” statement on the labeling on the box/package, at all times relevant to this Complaint, “Life Guard Nitrile Exam Gloves” were not chemical resistant gloves.
20. From on or about March 2022 to on or about February 2023, Respondent’s employees wore “Life Guard Nitrile Exam Gloves” when applying the registered pesticide, “Halt,” at the Facility for at least 1,137 applications of the pesticide.
21. Each of Respondent’s employees’ applications of the registered pesticide, “Halt,” at the Facility wearing “Life Guard Nitrile Exam Gloves” was “use of a registered pesticide in a manner inconsistent with its labeling” pursuant to section 2(ee) of FIFRA, 7 U.S.C. § 136(ee), because the gloves were not chemical resistant.
22. Consequently, Respondent’s employees’ applications of the registered pesticide, “Halt,” at the Facility wearing “Life Guard Nitrile Exam Gloves” for at least 1,137 applications from on or about March 2022 to on or about February 2023 constitute 1,137 violations of section 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G), which provides that it is

unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling.

23. On March 2, 2021, EPA Region IX issued a Notice of Warning to Respondent for prior violations of FIFRA for use of a registered pesticide in a manner inconsistent with its labeling.

#### IV. PROPOSED CIVIL PENALTY

Section 14(a)(2) of FIFRA, 7 U.S.C. § 136l(a)(2), and the Civil Monetary Penalty Inflation Adjustment Rule at 40 C.F.R. Part 19 (see 88 Fed. Reg. 89,309 [Dec. 27, 2023]) provide that any private applicator or other person not included in section 14(a)(1) who violates any provision of FIFRA subsequent to receiving a written warning from EPA or following a citation for a prior violation, may be assessed a civil penalty of not more than \$3,558 for each offense that occurred after November 2, 2015 and is assessed on or after December 27, 2023. When determining an appropriate civil penalty, section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires EPA to consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation. Accordingly, Complainant requests that, after consideration of these statutory assessment factors, Respondent be assessed a civil administrative penalty of up \$3,558 for each of the violations of FIFRA set forth above.

#### V. NOTICE OF OPPORTUNITY TO REQUEST HEARING

You have the right to request a formal hearing to contest any material fact set forth in this Complaint or to contest the appropriateness of the proposed penalty. Any hearing requested will be conducted in accordance with the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties

and the Revocation or Suspension of Permits (“Consolidated Rules of Practice”) at 40 C.F.R. Part 22. A copy of the Consolidated Rules of Practice is enclosed with this Complaint.

**You must file a written Answer within thirty (30) days of receiving this Complaint to avoid being found in default, which constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing and to avoid having the above penalty assessed without further proceedings.** If you choose to file an Answer, you are required by the Consolidated Rules of Practice to clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint to which you have any knowledge. If you have no knowledge of a particular fact and so state, the allegation is considered denied. Failure to deny any of the allegations in this Complaint will constitute an admission of the undenied allegation.

The Answer shall also state the circumstances and arguments, if any, which are alleged to constitute the grounds of defense, and shall specifically request an administrative hearing, if desired. If you deny any material fact or raise any affirmative defense, you will be considered to have requested a hearing. The Answer must be filed with:

Regional Hearing Clerk (ORC-1)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
R9 Hearing Clerk@epa.gov

In addition, please send a copy of the Answer and all other documents that you file in this action to:

Carol Bussey  
Office of Regional Counsel (ORC-2)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
bussey.carol@epa.gov

Carol Bussey is the attorney assigned to represent EPA in this matter and can be contacted at bussey.carol@epa.gov or (415) 972-3950.

You are further informed that the Consolidated Rules of Practice prohibit any *ex parte* (unilateral) discussion of the merits of any action with the Regional Administrator, Regional Judicial Officer, Administrative Law Judge, or any person likely to advise these officials in the decision of the case, after the Complaint is issued.

#### VI. INFORMAL SETTLEMENT CONFERENCE

EPA encourages all parties against whom a civil penalty is proposed to pursue the possibility of settlement through informal conferences. Therefore, regardless of whether you request a hearing or not, you may confer informally with EPA through Ms. Bussey, the EPA attorney assigned to this case, regarding the facts of this case, the amount of the proposed penalty, and the possibility of settlement. **An informal settlement conference does not, however, affect your obligation to file an Answer to this Complaint.**

#### VII. ALTERNATIVE DISPUTE RESOLUTION

The parties also may engage in any process within the scope of the Alternative Dispute Resolution Act, 5 U.S.C. § 581 *et seq.*, which may facilitate voluntary settlement efforts. Dispute resolution using alternative means of dispute resolution does not divest the Presiding Officer of jurisdiction nor does it automatically stay the proceeding.

#### VIII. CONSENT AGREEMENT AND FINAL ORDER

EPA has the authority, where appropriate, to modify the amount of the proposed penalty to reflect any settlement reached with you in an informal conference or through alternative dispute resolution. The terms of such an agreement would be embodied in a Consent Agreement

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and Final Order. A Consent Agreement signed by both parties would be binding as to all terms and conditions specified therein when the Regional Judicial Officer signs the Final Order.

Dated on this 3rd day of June 2024.

**MATTHEW  
SALAZAR**

Digitally signed by MATTHEW  
SALAZAR  
Date: 2024.06.03 16:09:48  
-07'00'

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Matt Salazar, PE  
Manager, Toxics Section  
Enforcement & Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX



**CERTIFICATE OF SERVICE**

I hereby certify that the original and one copy of the foregoing Complaint and Notice of Opportunity for Hearing was filed with the Regional Hearing Clerk, United States Environmental Protection Agency, Region IX and that a true and correct copy of (1) the Complaint and Notice of Opportunity for Hearing; (2) the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits at 40 C.F.R. Part 22; (3) the FIFRA Enforcement Response Policy; and (4) the Memorandum re: to EPA's Civil Penalty Policies to Account for Inflation (January 10, 2024)/Transmittal of the 2024 Civil Monetary Penalty Inflation Adjustment Rule were sent by U.S. Certified Mail, Return Receipt Requested, to:

Corporate Creations Network, Inc.  
Registered Agent for Service- The GEO Group, Inc.  
801 U.S. Highway 1  
North Palm Beach, FL 33408

Certified Mail # 7019 0140 0000 7558 2535

Gregory M. Munson  
Gunster Law Firm  
215 South Monroe Street, Suite 601  
Tallahassee, FL 32301-1804

Certified Mail # 7019 ~~14~~ 0140 0000 7558 2542

Date: JUN 13 2024

By:   
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX