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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of:

Super Center Concepts, Inc.,

Respondent.

Docket No. FIFRA-09-2025-0029

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 Super Center Concepts, Inc. ("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 Super Center Concepts, Inc. ("Respondent"), a California corporation,
2 the principal offices of which are located at 15510 Carmenita Road in Santa Fe Springs,
3 California.

4 B. STATUTORY AND REGULATORY BASIS

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

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

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

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

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

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

25 10. The Administrator of EPA may assess a civil penalty against any registrant,
26 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any
27 provision of FIFRA of up to \$24,255 for each offense that occurred after November 2, 2015,
28 where penalties are assessed on or after December 27, 2023. See Section 14(a)(1) of FIFRA, 7

1 U.S.C. § 136l(a)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19
2 (as amended by 88 Fed. Reg. 89309 (December 27, 2023)).

3 C. ALLEGED VIOLATIONS

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

7 12. At all times relevant to this CAFO, the labeling for the product, “Home Line
8 Antibacterial Wipes,” bore pesticidal claims specifically “antibacterial” (in the product’s name)
9 and “kills germs.” “Home Line Antibacterial Wipes” is thus a substance intended for use as an
10 antimicrobial and germicide and is therefore a “pesticide,” as that term is defined in Section 2(u)
11 of FIFRA, 7 U.S.C. § 136(u).

12 13. At all times relevant to this CAFO, the labeling for the product, “Ha Ha Fu Sterilized
13 Wet Wipes,” bore pesticidal claims including “sterilized” (in the product’s name), “Kills 99.9%
14 of Germs and Bacteria,” “Could Effectively Eliminating [sic] The Coronavirus And Other Germs
15 And Prevent Them From Spreading,” “Eliminating the virus and germs which easily breed in
16 kitchen and toilet,” “Cleaning and Disinfecting . . . as well for the office facilities,” and “Use for
17 the daily disinfection of the School.” “Ha Ha Fu Sterilized Wet Wipes” is thus a substance
18 intended for use as an antimicrobial, germicide, and virucide and is therefore a “pesticide,” as
19 that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

20 14. In the weeks prior to August 1st, 2020, Respondent did “distribute or sell” as that
21 term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the pesticide, “Home Line
22 Antibacterial Wipes,” by shipping it from Respondent’s central distribution center to each of 47
23 of its stores that subsequently distributed or sold the pesticide, “Home Line Antibacterial Wipes,”
24 to customers in the United States.

25 15. At all times relevant to this CAFO, the pesticide, “Home Line Antibacterial Wipes,”
26 that Respondent did “distribute or sell” in 47 separate instances in the weeks prior to August 1st,
27 2020, was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

28 16. By distributing or selling the unregistered pesticide, “Home Line Antibacterial

1 Wipes,” in 47 separate instances in the weeks prior to August 1st, 2020, Respondent committed
2 47 violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

3 17. On or about April 27, 2021, Respondent did “distribute or sell,” as that term is
4 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the pesticide, “Home Line Antibacterial
5 Wipes,” by holding and offering it for sale from its store located at 1710 South Main Street in
6 Santa Ana, California (the “Santa Ana Store”).

7 18. On or about April 27, 2021, Respondent did “distribute or sell,” as that term is
8 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the pesticide, “Ha Ha Fu Sterilized Wet
9 Wipes,” by holding and offering it for sale from the Santa Ana Store.

10 19. At all times relevant to this CAFO, the two pesticides identified in Paragraphs 17-18
11 that Respondent “distributed or sold” on or about April 27, 2021, by holding and offering them
12 for sale from the Santa Ana Store were not registered under Section 3 of FIFRA, 7 U.S.C. §
13 136a.

14 20. By distributing or selling the two unregistered pesticides identified in Paragraphs 17-
15 18 on or about April 27, 2021, by holding them and offering them for sale from the Santa Ana
16 Store, Respondent committed two violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. §
17 136j(a)(1)(A).

18 D. RESPONDENT’S ADMISSIONS

19 21. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,
20 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over
21 Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section
22 I.C of this CAFO; (iii) consents to any and all conditions specified in this CAFO and to the
23 assessment of the civil administrative penalty under Section I.E of this CAFO; (iv) waives any
24 right to contest the allegations contained in this CAFO; and (v) waives the right to appeal the
25 Final Order contained in this CAFO. In addition, by signing this CAFO, Respondent waives any
26 rights or defenses that Respondent has or may have for this matter to be resolved in federal court,
27 including but not limited to any right to a jury trial, and waives any right to challenge the
28 lawfulness of the Final Order contained in this CAFO.

1 E. CIVIL ADMINISTRATIVE PENALTY

2 22. In full and final settlement of the violations specifically alleged in Section I.C of this
3 CAFO, Respondent shall pay a civil administrative penalty of TWO HUNDRED AND FIFTY-
4 THREE THOUSAND, NINE HUNDRED, AND NINE DOLLARS (\$253,909). Respondent
5 shall pay this civil penalty within thirty (30) days of the effective date of this CAFO. The civil
6 penalty shall be paid either by remitting a certified or cashier's check, including the name and
7 docket number of this case, for the amount, payable to "Treasurer, United States of America," or
8 be paid by one of the other methods listed below, and sent as follows:

9 Regular Mail:

10 U.S. Environmental Protection Agency
11 Fines and Penalties
12 Cincinnati Finance Center
13 PO Box 979077
14 St. Louis, MO 63197-9000

15 Wire Transfers:

16 Wire transfers must be sent directly to the Federal Reserve Bank in New
17 York City with the following information:
18 Federal Reserve Bank of New York
19 ABA = 021030004
20 Account = 68010727
21 SWIFT address = FRNYUS33
22 33 Liberty Street
23 New York, NY 10045
24 Beneficiary = U.S. Environmental Protection Agency

25 Certified or Overnight Mail:

26 U.S. Bank
27 1005 Convention Plaza
28 Mail Station SL-MO-C2GL
29 ATTN Box 979077
30 St. Louis, MO 63101

31 ACH (also known as Remittance Express or REX):

32 Automated Clearinghouse (ACH) payments to EPA can be made through
33 the U.S. Treasury using the following information:

34 U.S. Treasury REX/Cashlink ACH Receiver
35 ABA = 051036706
36 Account = 31006, Environmental Protection Agency
37 CTX Format Transaction Code 22 – checking

38 Physical location of U.S. Treasury facility:

1 5700 Rivertech Court
2 Riverdale, MD 20737

3 Remittance Express (REX) = (866) 234-5681

4 On Line Payment:

5 This payment option can be accessed from the information below:

6 www.pay.gov
7 Enter "SFO 1.1" in the search field
8 Open form and complete required fields

9 If clarification regarding a particular method of payment remittance is
needed, contact the EPA's Cincinnati Finance Center at (513) 487-2091.

10 A copy of each check, or notification that the payment has been made by one of the other
11 methods listed above, including proof of the date payment was made, shall be sent with a
12 transmittal letter, indicating Respondent's name, the case title, and docket number, to the
13 following regular mail or email addresses:

14
15 Regional Hearing Clerk
16 Office of Regional Counsel (ORC-1)
17 U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
R9HearingClerk@epa.gov

18
19 Brandon Boatman
20 Toxics Section
21 Enforcement and Compliance Assurance Division (ENF-2-3)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
boatman.brandon@epa.gov

22
23 23. Respondent shall not use payment of any penalty under this CAFO as a tax deduction
24 from Respondent's federal, state, or local taxes, nor shall Respondent allow or otherwise
25 facilitate any other person to use such payment as a tax deduction.

26 24. If Respondent fails to pay the assessed civil administrative penalty of TWO
27 HUNDRED AND FIFTY-THREE THOUSAND, NINE HUNDRED, AND NINE DOLLARS
28 (\$253,909) as identified in Paragraph 22 by the deadline specified in that Paragraph, then
Respondent shall pay a stipulated penalty to EPA of FIVE HUNDRED DOLLARS (\$500) per

1 day in addition to the assessed penalty. Stipulated penalties shall accrue until such time as the
2 assessed penalty and all accrued stipulated penalties are paid and shall become due and payable
3 upon EPA's written request. Failure to pay the civil administrative penalty specified in
4 Paragraph 22 by the deadline specified in that Paragraph may also lead to any or all of the
5 following actions:

6 (1) EPA may refer the debt to a credit reporting agency, a collection
7 agency, or to the Department of Justice for filing of a collection action in the appropriate United
8 States District Court. 40 C.F.R. §§ 13.13, 13.14 and 13.33. The validity, amount, and
9 appropriateness of the assessed penalty or of this CAFO is not subject to review in any such
10 collection proceeding.

11 (2) The U.S. Government may collect the debt by administrative offset
12 (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a
13 person to satisfy the debt the person owes the U.S. Government), which includes, but is not
14 limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40
15 C.F.R. §§ 13(C) and 13(H).

16 (3) Pursuant to 40 C.F.R. § 13.17, EPA may either: (i) suspend or revoke
17 Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing
18 business with EPA or engaging in programs EPA sponsors or funds.

19 (4) Pursuant to 31 U.S.C. § 3701 *et seq.* and 40 C.F.R. Part 13, the U.S.
20 Government may assess interest, administrative handling charges, and nonpayment penalties
21 against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the
22 civil administrative penalty specified in Paragraph 22 by the deadline specified in that Paragraph.

23 (a) Interest. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. §
24 13.11(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established
25 according to 26 U.S.C. § 6621(a)(2) from the effective date of this CAFO, provided, however,
26 that no interest shall be payable on any portion of the assessed penalty that is paid within thirty
27 (30) days of the effective date of this CAFO.

28 (b) Administrative Handling Charges. Pursuant to 31 U.S.C. §

1 3717(e)(1) and 40 C.F.R. § 13.11(b), Respondent shall pay a monthly handling charge, based on
2 either actual or average cost incurred (including both direct and indirect costs), for every month
3 in which any portion of the assessed penalty is more than thirty (30) days past due.

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

7 F. CERTIFICATION OF COMPLIANCE

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

14 G. RETENTION OF RIGHTS

15 26. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's
16 liabilities for federal civil penalties for the violations and facts specifically alleged in Section I.C
17 of this CAFO. Nothing in this CAFO is intended to or shall be construed to resolve: (i) any civil
18 liability for violations of any provision of any federal, state, or local law, statute, regulation, rule,
19 ordinance, or permit not specifically alleged in Section I.C of this CAFO; or (ii) any criminal
20 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it
21 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address
22 any violation of this CAFO or any violation not specifically alleged in Section I.C of this CAFO.

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

26 H. ATTORNEYS' FEES AND COSTS

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

1 I. EFFECTIVE DATE

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

5 J. BINDING EFFECT

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

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

12 K. TAX REPORTING INFORMATION

13 32. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send
14 to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines,
15 Penalties, and Other Amounts") with respect to any court order or settlement agreement
16 (including administrative settlements) that require a payor to pay an aggregate amount that EPA
17 reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law
18 or the investigation or inquiry into the payor's potential violation of any law, including amounts
19 paid for "restitution or remediation of property" or to come "into compliance with a law." EPA
20 is further required to furnish a written statement, which provides the same information provided
21 to the IRS, to each payor (*i.e.*, a copy of IRS Form 1098-F). Failure to comply with providing
22 IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject
23 Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. §
24 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these
25 obligations, EPA herein requires, and Respondent herein agrees, that:

26 (1) Respondent shall complete an IRS Form W-9 ("Request for Taxpayer
27 Identification Number and Certification"), which is available at
28 <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

1 (2) Respondent shall therein certify that its completed IRS Form W-9
2 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of
3 a TIN;

4 (3) Respondent shall email its completed Form W-9 to EPA's Cincinnati
5 Finance Center at sherrer.dana@epa.gov within 30 days after the Final Order ratifying this
6 Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and

7 (4) In the event that Respondent has certified in its completed IRS Form
8 W-9 that it has applied for a TIN and that a TIN has not been issued to Respondent within 30
9 days after the Effective Date, then Respondent, using the same email address identified in the
10 preceding sub-paragraph, shall further:

11 (a) notify EPA's Cincinnati Finance Center of this fact, via
12 email, within 30 days after the 30 days after the Effective Date of this Order per Paragraph 29;
13 and

14 (b) provide EPA's Cincinnati Finance Center with
15 Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the
16 TIN.

17
18 FOR RESPONDENT SUPER CENTER CONCEPTS, INC.:

19 12/9/2024

20 DATE



21 BLAKE LARSON
22 Chief Financial Officer
23 Super Center Concepts, Inc.

24 FOR COMPLAINANT EPA:

25 12/16/2024

26 DATE

27 MATTHEW SALAZAR

Digitally signed by
MATTHEW SALAZAR
Date: 2024.12.16
07:25:22 -08'00'

28 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 Super Center Concepts, Inc. having entered into the foregoing Consent
3 Agreement,

4 IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2025-0029) be
5 entered, and Respondent shall pay a civil administrative penalty in the amount of TWO
6 HUNDRED AND FIFTY-THREE THOUSAND, NINE HUNDRED, AND NINE DOLLARS
7 (\$253,909) and comply with the terms and conditions set forth in the Consent Agreement.
8
9

10 _____
11 DATE

11 _____
12 BEATRICE WONG
13 Regional Judicial Officer
14 U.S. Environmental Protection Agency, Region IX
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing Consent Agreement and Final Order in the matter of Super
3 Center Concepts, Inc. (FIFRA-09-2025-0029) was filed with the Regional Hearing Clerk, U.S.
4 EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct
copy of the same was sent to the following parties via electronic mail, as indicated below:

5 **RESPONDENT:** Blake Larson
6 Chief Financial Officer
7 Super Center Concepts, Inc.
8 15510 Carmenita Rd.
9 Santa Fe Springs, CA 90670
Blarson@SuperiorGrocers.com

10 **COMPLAINANT:** Edgar Coral
11 Assistant Regional Counsel
12 Air & Toxics Section (ORC-2-1)
13 U.S. EPA, Region IX
14 75 Hawthorne Street
15 San Francisco, CA 94105

16
17 _____
18 Ponly J. Tu
19 Regional Hearing Clerk
20 U.S. EPA - Region IX
21
22
23
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CERTIFIATE OF SERVICE