



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 28 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Narainedat Moonasar
Caribbean Supercenter, Inc.
5111 West Colonial Drive
Orlando, Florida 32808

Re: Docket No. FIFRA-04-2010-3025(b)
Caribbean Supercenter, Inc.

Dear Mr. Moonasar:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

As stated in Section IV of the CAFO, the initial payment of \$2012.52 of the assessed penalty of \$8,000 is due within 30 days from the effective date. Section IV also provides information on when remaining payments are due. Please ensure that the face of your cashier's or certified check includes the name of the company and the Docket Number of this case.

Penalty payment questions should be directed to Ms. Lori Weidner either by telephone at (513) 487-2125 or by written correspondence to her attention at the U.S. Environmental Protection Agency's (EPA's) Cincinnati Accounting Operations address identified in the CAFO. Should you have any questions about this matter or your compliance status in the future, please call me at (404) 562-8979 or Ms. Dawn Johnson at (404) 562-9017.

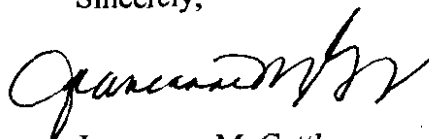
Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by EPA.

Sincerely,



Jeaneanne M. Gettle
Chief
Pesticides and Toxic
Substances Branch

Enclosures

cc: Craig Bryant
FL Department of Agriculture
File #107-034-2106

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:)
)
 Caribbean Supercenter, Inc.)
)
 Respondent.)
_____)

Docket No. FIFRA-04-2010-3025(b)

2010 MAY 26 AM 9:33
HEATHER CLEARY
EPA REGION 4

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

- I. This is a civil penalty proceeding pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136(a) (FIFRA), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 CFR Part 22. Complainant is the Director of the Air, Pesticides, and Toxics Management Division, United States Environmental Protection Agency, Region 4 (EPA). Respondent is Caribbean Supercenter, Inc.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 CFR § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 CFR § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

Caribbean Supercenter, Inc.
Docket No. FIFRA-04-2010-3025(b)

II. Preliminary Statements

3. The authority to take action under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under FIFRA to EPA Region 4 by EPA Delegation 5-14, dated May 11, 1994.
4. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Dawn Johnson
Pesticides Section
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960
(404) 562-9017.

5. Respondent is Caribbean Supercenter, Inc., a Florida corporation, located at 5111 West Colonial Drive, Orlando, Florida 32808.
6. Respondent is a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.

III. Specific Allegations

7. On or about March 14, 2007, an authorized representative of the EPA conducted an inspection at Respondent's retail facility, Caribbean Supercenter, Inc., located at 5111 West Colonial Drive, Orlando, FL.
8. The inspection revealed that the following products were identified as being offered for sale by Respondent:

Original King Pine Concentrated Disinfectant
Royalty Black Disinfectant
Harpic Powerons Gel.

9. Respondent "distributes or sells" pesticide products. The term "to distribute or sell" as defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), includes to distribute, sell, offer

for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, or release for shipment.

9. "Original King Pine Concentrated Disinfectant," "Royalty Black Disinfectant," and the "Harpic Powerons Gel" are antimicrobial pesticides as defined in FIFRA 2(mm), 7 U.S.C. §136(mm).
10. Section 2(mm)(1)(A)(i) states in part that antimicrobial pesticides disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.
11. The products are not registered as pesticides with EPA as required by FIFRA Section 3(a), 7 U.S.C. § 136(a).
12. Section 12(a)(1)(A) states in part that it shall be unlawful for any person in any state to distribute or sell any pesticide that is not registered under Section 3 or whose registration has been canceled or suspended.
12. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.
13. "Original King Pine Concentrated Disinfectant," "Royalty Black Disinfectant," and the "Harpic Powerons Gel" were misbranded as the term is defined in FIFRA 2(q), 7 U.S.C. § 136(q), in the following manner:
 - a. The labels failed to bear EPA registration and establishment numbers;
 - b. The labels failed to bear precautionary statements and signal words;
 - c. The labels failed to bear ingredient, storage and disposal statements;
 - d. The labels failed to bear directions for use;
 - e. The Original King Pine Concentrated Disinfectant label also contained the

statement "EPA Establishment Number 62644-OH-1" which is false and misleading in that the number is inactivated.

14. According 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 a pesticide which is misbranded.
15. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.
16. The March 14, 2007, inspection revealed that the following products were also identified as being offered for sale by Respondent:
 - Fish Mosquito Destroyer
 - BOP Insecticide Spray
 - Baygon Aerosol Against Flying and Crawling Insects.
17. "Fish Mosquito Destroyer," "BOP Insecticide Spray," and "Baygon Aerosol Against Flying and Crawling Insects" are pesticides as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), in that they are substances or mixture of substances intended for preventing, destroying, repelling, or mitigating pests.
18. The products are not registered as pesticides with EPA as required by FIFRA Section 3(a), 7 U.S.C. § 136(a).
19. Section 12(a)(1)(A) states in part that it shall be unlawful for any person in any state to distribute or sell any pesticide that is not registered under Section 3 or whose registration has been canceled or suspended.
20. Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.

21. “Fish Mosquito Destroyer,” “BOP Insecticide Spray,” and “Baygon Aerosol Against Flying and Crawling Insects” were misbranded as the term is defined in FIFRA 2(q), 7 U.S.C. § 136(q), in the following manner:
 - a. The labels failed to bear EPA registration and establishment numbers;
 - b. The labels failed to bear precautionary statements and signal words;
 - c. The labels failed to bear ingredient, storage and disposal statements;
 - d. The labels failed to bear directions for use.
22. According 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 a pesticide which is misbranded.
23. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.
24. The “Fish Mosquito Destroyer,” “Harpic Powerons Gel,” and “BOP Insecticide Spray” were imported from Trinidad and offered for sale by Respondent.
25. Respondent imported the “Fish Mosquito Destroyer,” “Harpic Powerons Gel,” and “BOP Insecticide Spray” without filing a Notice of Arrival of Pesticides and Devices with the Administrator of EPA.
26. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), states that it is unlawful for a registrant, wholesaler, dealer, retailer, or other distributor to fail to file required reports.
27. The Notice of Arrival of Pesticides and Devices is a report required by FIFRA that must be filed with the Administrator of EPA prior to the arrival of each pesticide shipped into the United States.

28. Respondent violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.
29. Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), in conjunction with the Debt Collection Improvement Act of 1996, authorizes the assessment of a civil penalty.
30. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation. After consideration of the factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), the EPA proposes to assess a total civil penalty of EIGHT THOUSAND DOLLARS (\$8,000) against the Respondent for the above-described violations. Civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), may be assessed by Administrative Order.

IV. Consent Agreement

31. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
32. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
33. Respondent consents to the assessment of the penalty proposed by EPA and agrees to pay the civil penalty as set forth in this CAFO.
34. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of FIFRA.

34. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
35. Respondent consents to the assessment of the penalty proposed by EPA and agrees to pay the civil penalty as set forth in this CAFO.
36. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of FIFRA.

V. Final Order

37. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
38. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.
39. Respondent is assessed a civil penalty of EIGHT THOUSAND Dollars (\$8,000). Four quarterly installments will be made to complete payment of the entire civil penalty including interest. The first payment is due within thirty (30) days of the effective date of this CAFO and subsequent payments will be due in ninety (90) day intervals thereafter. Including the civil penalty and interest, the total amount that will be paid upon the completion of all payments will be EIGHT THOUSAND FIFTY Dollars and Eight Cents (\$8,050.08). Respondent shall make payments in accordance with the following

38. Respondent shall remit each penalty payment by either a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the check via U.S. mail to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000.

The check shall reference on its face the name of the Respondent and Docket Number of this CAFO.

39. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960;

Dawn Johnson
Pesticides Section
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960; and

Saundi Wilson
Office of Environmental Accountability
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

40. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.

41. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
42. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
43. This CAFO shall be binding upon the Respondent, its successors and assigns.
44. The undersigned representative of the party to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

The remainder of this page is intentionally left blank

VI. Effective Date

45. The effective date of this CAFO shall be the date on which the CAFO is filed with the
Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Caribbean Supercenter, Inc.
Docket No.: FIFRA 04-2010-3025(b)

By: *Mason* (Signature)

Date: *4/30/10*

Name: *NARADNE MAWASAM* (Typed or Printed)

Title: *President* (Typed or Printed)

Complainant: U.S. Environmental Protection Agency

By: *Kenneth R. Lapierre*
Kenneth R. Lapierre, Acting Director
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, Georgia 30303-8960

Date: *5-20-2010*

APPROVED AND SO ORDERED this *25th* day of *May* 20*10*.

Susan B. Schub
Susan B. Schub
Regional Judicial Officer

By: _____ (Signature)

Date: _____

Name: _____ (Typed or Printed)

Title: _____ (Typed or Printed)

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Caribbean Supercenter, Inc., Docket Number: FIFRA-04-2010-3025(b), to the addressees listed below.

Narainedat Moonasar
Caribbean Supercenter, Inc.
5111 West Colonial Drive
Orlando, FL 32808

(via Certified Mail, Return Receipt Requested)

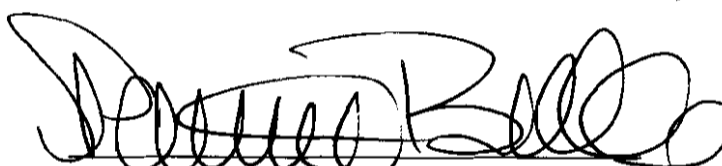
Dawn Johnson
Pesticides Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

(via EPA's internal mail)

Saundi Wilson
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

(via EPA's internal mail)

Date: 5-26-10



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth St., SW
Atlanta, GA 30303
(404) 562-9511

EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE COMPLETED BY THE ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundl Wilson on 5/24/10
(Name) (Date)

in the Region 4, ORC, OEA at (404) 562-9504
(Office) (Telephone Number)

- | | |
|--|--|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree
USAO COLLECTS | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement
FMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree
DOJ COLLECTS | <input type="checkbox"/> Oversight Billing - Cost Package required:
Sent with bill |
| <input type="checkbox"/> Other Receivable | <input type="checkbox"/> Not sent with bill |
| <input type="checkbox"/> This is an original debt | <input type="checkbox"/> Oversight Billing - Cost Package not required |
| | <input type="checkbox"/> This is a modification |

PAYEE: Caribbean Supercenter Inc
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 8000
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: FIERA 04 2010 3025(b)

The Site Specific Superfund Account Number: _____

The Designated Regional/Headquarters Program Office: _____

The IFMS Accounts Receivable Control Number is: _____ Date _____

If you have any questions, please call: _____ of the Financial Management Section at: _____

DISTRIBUTION:

- A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:
- | | | |
|--|-----------------------------|------------------------------|
| 1. Debt Tracking Officer
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
Washington, D.C. 20044 | 2. Originating Office (EAD) | 3. Designated Program Office |
|--|-----------------------------|------------------------------|
- B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:
- | | |
|---------------------------|------------------------------|
| 1. Originating Office | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD) |