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4 Region IX
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6

7 UNITED STATES
8 ENVIRONMENTAL PROTECTION AGENCY
9 REGION IX

10 In the matter of:) Docket No. FIFRA-09-2023-0055
11)
12 Watts Regulator Co.,) CONSENT AGREEMENT
AND FINAL ORDER
13) pursuant to 40 C.F.R. §§ 22.13(b),
22.18(b)(2), and 22.18(b)(3)
14 Respondent.)

15 I. CONSENT AGREEMENT

16 The United States Environmental Protection Agency (“EPA”), Region IX, and Watts
17 Regulator Co. (“Respondent”) agree to settle this matter and consent to the entry of this Consent
18 Agreement and Final Order (“CAFO”). This CAFO simultaneously initiates and concludes this
19 proceeding in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).
20

21 A. AUTHORITY AND PARTIES

22 1. This is a civil administrative action brought pursuant to Section 14(a)(1) of the Federal
23 Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(1), for (1) the sale
24 and/or distribution of misbranded pesticidal devices in violation of Section 12(a)(1)(F) of FIFRA,
25 7 U.S.C. § 136j(a)(1)(F), and (2) the failure to file reports required by FIFRA (e.g., “Notices of
26 Arrival” for imported pesticides or devices) in violation of Section 12(a)(2)(N) of FIFRA, 7
27 U.S.C. § 136j(a)(2)(N).
28

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

1 bring this action and to sign a consent agreement settling this action.

2 3. Respondent is Watts Regulator Co., a Massachusetts corporation with headquarter
3 offices located at 815 Chestnut Street, in North Andover, Massachusetts, 01845-6098.

4 B. STATUTORY AND REGULATORY BASIS

5 4. Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), provides that it shall be
6 unlawful for any person to distribute or sell to any person a pesticidal device which is
7 misbranded.

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

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

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

20 8. Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines a “device,” in part, as any
21 instrument or contrivance (other than a firearm) which is intended for trapping, destroying,
22 repelling, or mitigating any pest or any other form of plant or animal life.

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

26 10. Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D), states that a pesticide or
27 device is misbranded if its label does not bear the registration number assigned under Section 7
28 to each establishment in which it was produced.

1 11. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines “label” as the written,
2 printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or
3 wrappers.

4 12. Section 2(p)(2)(A) of FIFRA, 7 U.S.C. § 136(p)(2)(A), defines “labeling,” in part, as
5 all labels and all other written, printed or graphic matter accompanying the pesticide or device at
6 any time.

7 13. Forty C.F.R. § 156.10(a)(1)(v) states that every pesticide product shall bear a label
8 containing clearly and prominently, *inter alia*, the producing establishment number as prescribed
9 in paragraph (f) of this section.

10 14. Forty C.F.R. § 156.10(f) states that the producing establishment registration number
11 preceded by the phrase “EPA Est.”, of the final establishment at which the product was produced
12 may appear in any suitable location on the label or immediate container.

13 15. Forty C.F.R. § 156.10(a)(5) states that a pesticide or a device is misbranded if its
14 labeling is false or misleading in any particular including both pesticidal and non-pesticidal
15 claims.

16 16. The importation of pesticides and devices into the United States is governed by
17 Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations
18 promulgated thereunder by the Secretary of the Treasury in consultation with the Administrator
19 of the EPA (the “Administrator”). These regulations are found at 19 C.F.R. Part 12.

20 17. 19 C.F.R. § 12.112 states, in part, that an importer desiring to import pesticides or
21 devices into the United States shall submit to the Administrator a Notice of Arrival of Pesticides
22 and Devices (Environmental Protection Agency Form 3540-1, or “Notice of Arrival”), prior to
23 the arrival of the shipment in the United States. In the alternative, the importer or the importer’s
24 agent may file an electronic equivalent to the Notice of Arrival. See also Section 17(c) of
25 FIFRA, 7 U.S.C. § 136o(c).

26 18. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any
27 person who is a registrant, wholesaler, dealer, retailer, or other distributor (*e.g.*, importer) to fail
28 to file reports required by FIFRA.

1 19. The Administrator of EPA may assess a civil penalty against any registrant,
2 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any
3 provision of FIFRA of up to \$23,494 for each offense that occurred after November 2, 2015
4 where penalties are assessed on or after January 6, 2023. See Section 14(a)(1) of FIFRA, 7
5 U.S.C. § 136l(a)(1); 40 C.F.R. Part 19; and Civil Monetary Penalty Inflation Adjustment Rule at
6 88 Fed. Reg. 987 (January 6, 2023).

7 C. ALLEGED VIOLATIONS

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

11 COUNTS 1-10: Distribution or Sale of a Misbranded Device (Multiple Establishment Numbers)

12 21. At all times relevant to this CAFO, the label and/or labeling for the “Model Number
13 7100117”, “Model Number 7100642”, “Model Number 88005218”, “Model Number
14 WP105176”, “Model Number WP531631”, “Model Number WP560088”, and “Model Number
15 WP550017” products bore claims that included the following in various combinations: “reduces
16 . . . cysts”, “reduces water impurities down to 1/10,000 of a micron”, “reduces . . . parasitic cysts”,
17 “killing micro organisms such as bacteria, viruses, and mold”, and “sterilization.” The “Model
18 Number 7100117”, “Model Number 7100642”, “Model Number 88005218”, “Model Number
19 WP105176”, “Model Number WP531631”, “Model Number WP560088”, and “Model Number
20 WP550017” products are thus instruments or contrivances (other than a firearm) which are
21 intended for trapping, destroying, repelling, or mitigating any “pest,” as that term is defined by
22 Section 2(t) of FIFRA, 7 U.S.C. § 136(t), and are thereby “devices,” as that term is defined in
23 Section 2(h) of FIFRA, 7 U.S.C. § 136(h).

24 22. On or about February 6, 2021, Respondent “distributed or sold,” as that term is
25 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number 7100117” device by
26 importing it into the United States under Entry Number 231-33532510.

27 23. On or about February 6, 2021, Respondent “distributed or sold,” as that term is
28 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number 7100642” device by

1 importing it into the United States under Entry Number 231-33532510.

2 24. On or about February 6, 2021, Respondent “distributed or sold,” as that term is
3 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number 88005218” device
4 by importing it into the United States under Entry Number 231-33532510.

5 25. On or about February 6, 2021, Respondent “distributed or sold,” as that term is
6 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number WP105176” device
7 by importing it into the United States under Entry Number 231-33532510.

8 26. On or about February 11, 2021, Respondent “distributed or sold,” as that term is
9 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number 7100117” device by
10 importing it into the United States under Entry Number 231-33532585.

11 27. On or about February 11, 2021, Respondent “distributed or sold,” as that term is
12 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number WP531631” device
13 by importing it into the United States under Entry Number 231-33532585.

14 28. On or about February 12, 2021, Respondent “distributed or sold,” as that term is
15 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number 88005218” device
16 by importing it into the United States under Entry Number 231-33532619.

17 29. On or about February 19, 2021, Respondent “distributed or sold,” as that term is
18 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number WP560088” device
19 by importing it into the United States under Entry Number 231-33532759.

20 30. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number 7100117” device by
22 importing it into the United States under Entry Number 231-33532791.

23 31. Between February 11, 2021 and March 13, 2021, Respondent “distributed or sold,”
24 as that term is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number
25 WP531631” device to by distributing it within the United States (to Sparks, Nevada).

26 32. The labels on each of the devices that Respondent imported into or distributed within
27 the United States as specified in Paragraphs 21-31 above did not clearly and prominently identify
28 the EPA producing establishment registration numbers of the final establishments in which they

1 were each produced (*i.e.*, the devices each bore multiple establishment registration numbers and
2 the registration number of the final establishment in which each product was produced was not
3 clearly and prominently identified).

4 33. Respondent’s failure to clearly and prominently identify on the labels the EPA
5 producing establishment registration number of the final establishment in which each of the
6 devices as specified in Paragraphs 21-31 above was produced, as required by 40 C.F.R. §§
7 156.10(a)(1)(v) and 156.10(f), constitutes “misbranding,” as that term is defined by Section
8 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D).

9 34. Consequently, the importation and distribution into and within the United States of
10 the devices as specified in Paragraphs 21-31 above by the Respondent constitute ten violations of
11 Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F).

12 COUNT 11: Distribution or Sale of a Misbranded Device (Sterilization Claim)

13 35. At all times relevant to this CAFO, the label and/or labeling for the “Model Number
14 WP5550017” product bore the following claims: “killing micro organisms such as bacteria,
15 viruses, and mold” and “sterilization.” The “Model Number WP550017” product is thus an
16 instrument or contrivance (other than a firearm) which is intended for trapping, destroying,
17 repelling, or mitigating any “pest,” as that term is defined by Section 2(t) of FIFRA, 7 U.S.C. §
18 136(t), and is thereby a “device,” as that term is defined in Section 2(h) of FIFRA, 7 U.S.C. §
19 136(h).

20 36. On or about February 23, 2021, Respondent “distributed or sold,” as that term is
21 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Model Number WP550017” device
22 by importing it into the United States under Entry Number 231-33532817.

23 37. The labeling on the “Model Number WP550017” device that Respondent
24 “distributed or sold” on or about February 23, 2021, contained the false or misleading claim of
25 “sterilization.”

26 38. Respondent’s use of the false or misleading term, “sterilization,” on the labeling for
27 the “Model Number WP550017” device, in contravention 40 C.F.R. §§ 156.10(a)(5), constitutes
28 “misbranding,” as that term is defined by Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

1 39. Consequently, the distribution to persons in the United States of the “Model Number
2 WP550017” device by the Respondent on or about February 23, 2021, constitutes one violation
3 of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F).

4 COUNTS 12-13: Failure to File an Accurate Notice of Arrival

5 40. At all times relevant to this CAFO, the label and/or labeling for the “Model Number
6 7100451”, “Model Number 7100642”, “Model Number 7100643”, “Model Number 88005232”,
7 “Model Number WP531155”, “Model Number WP560039”, “Model Number WP550017”, and
8 “Model Number 88055447” products bore claims that included the following in various
9 combinations: “reduction of . . . cryptosporidium, giardia, entameoba”, “cyst reduction”, “cysts
10 like cryptosporidium, toxoplasma, giradia, and entamoeba are unable to pass through it”,
11 “sterilization.”, “killing micro organisms such as bacteria, viruses, and mold”, “reduces cysts”,
12 and “reduces water impurities down to 1/10,000 of a micron.” The “Model Number 7100451”,
13 “Model Number 7100642”, “Model Number 7100643”, “Model Number 88005232”, “Model
14 Number WP531155”, “Model Number WP560039”, “Model Number WP550017”, and “Model
15 Number 88055447” products are thus instruments or contrivances (other than a firearm) which
16 are intended for trapping, destroying, repelling, or mitigating any “pest,” as that term is defined
17 by Section 2(t) of FIFRA, 7 U.S.C. § 136(t), and are thereby “devices,” as that term is defined in
18 Section 2(h) of FIFRA, 7 U.S.C. § 136(h).

19 41. On or about February 23, 2021, Respondent failed to submit to the EPA a complete
20 and accurate Notice of Arrival (or a digital alternative pursuant to the U.S. Department of
21 Homeland Security, Bureau of Customs and Border Protection’s (“CBP”) Automated
22 Commercial Environment (“ACE”) system) for the importation into the United States of the
23 “Model Number 7100451”, “Model Number 7100642”, “Model Number 7100643”, “Model
24 Number 88005232”, “Model Number WP531155”, “Model Number WP560039”, and “Model
25 Number WP550017” devices prior to the arrival of their shipment under Entry Number 231-
26 33532817 in the United States as required by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19
27 C.F.R. § 12.112. While a Notice of Arrival had been filed via the ACE system prior to the
28 shipment’s arrival, it presented erroneous information as to the quantities of each product and

1 was thus incomplete and inaccurate.

2 42. On or about July 7, 2021, Respondent failed to submit to the EPA a complete and
3 accurate Notice of Arrival (or a digital alternative pursuant to CBP's ACE system) for the
4 importation into the United States of the "Model Number 88055447" device prior to the arrival
5 of its shipment under Entry Number 231-33585047 in the United States as required by Section
6 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112. While a Notice of Arrival had been
7 filed via the ACE system prior to the shipment's arrival, it presented erroneous information as to
8 the quantity of the product and was thus incomplete and inaccurate.

9 43. By failing to submit to the EPA a complete and accurate Notice of Arrival (or a
10 digital alternative pursuant to CBP's ACE system) for the importation into the United States of
11 the "Model Number 7100451", "Model Number 7100642", "Model Number 7100643", "Model
12 Number 88005232", "Model Number WP531155", "Model Number WP560039", "Model
13 Number WP550017", and "Model Number 88055447" devices prior to the arrival of each of the
14 aforementioned two shipments in the United States on or about February 23, 2021, and July 7,
15 2021, Respondent failed to file a report required by FIFRA in each instance and thus committed
16 two violations of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

17 D. RESPONDENT'S ADMISSIONS

18 44. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,
19 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over
20 Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section
21 I.C of this CAFO; (iii) consents to any and all conditions specified in this CAFO and to the
22 assessment of the civil administrative penalty under Section I.E of this CAFO; (iv) waives any
23 right to contest the allegations contained in this CAFO; and (v) waives the right to appeal the
24 proposed Final Order contained in this CAFO.

25 E. CIVIL ADMINISTRATIVE PENALTY

26 45. In full and final settlement of the violations specifically alleged in Section I.C of this
27 CAFO, Respondent shall pay a civil administrative penalty of SIXTY THOUSAND, FIVE
28 HUNDRED, AND FIFTY-EIGHT DOLLARS (\$60,558). Respondent shall pay this civil penalty

1 within thirty (30) days of the effective date of this CAFO. The civil penalty shall be paid by
2 remitting a certified or cashier's check, including the name and docket number of this case, for
3 the amount, payable to "Treasurer, United States of America," (or be paid by one of the other
4 methods listed below) and sent as follows:

5 Regular Mail:

6 U.S. Environmental Protection Agency
7 Fines and Penalties
8 Cincinnati Finance Center
9 PO Box 979077
10 St. Louis, MO 63197-9000

11 Wire Transfers:

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

21 Certified or Overnight Mail:

22 U.S. Bank
23 1005 Convention Plaza
24 Mail Station SL-MO-C2GL
25 ATTN Box 979077
26 St. Louis, MO 63101

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

28 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

1 On Line Payment:

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

3 www.pay.gov
4 Enter "SFO 1.1" in the search field
5 Open form and complete required fields

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

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

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

18 Brandon Boatman
19 Toxics Section
20 Enforcement and Compliance Assurance Division (ENF-2-3)
21 U.S. Environmental Protection Agency, Region IX
22 75 Hawthorne Street
23 San Francisco, CA 94105
24 boatman.brandon@epa.gov

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

28 47. If Respondent fails to pay the assessed civil administrative penalty of SIXTY
THOUSAND, FIVE HUNDRED, AND FIFTY-EIGHT DOLLARS (\$60,558), as identified in
Paragraph 45, 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.

1 Failure to pay the civil administrative penalty specified in Paragraph 45 by the deadline specified
2 in that Paragraph may also lead to any or all of the following actions:

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

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

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

16 (4) Pursuant to 31 U.S.C. § 3701 *et seq.* and 40 C.F.R. Part 13, the U.S.
17 Government may assess interest, administrative handling charges, and nonpayment penalties
18 against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the
19 civil administrative penalty specified in Paragraph 45 by the deadline specified in that Paragraph.

20 (a) Interest. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R.
21 §13.11(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established
22 according to 26 U.S.C. § 6621(a)(2) from the effective date of this CAFO, provided, however,
23 that no interest shall be payable on any portion of the assessed penalty that is paid within thirty
24 (30) days of the effective date of this CAFO.

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

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

4 F. CERTIFICATION OF COMPLIANCE

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

11 G. RETENTION OF RIGHTS

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

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

23 H. ATTORNEYS' FEES AND COSTS

24 51. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in
25 this proceeding.

26 I. EFFECTIVE DATE

27 52. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be
28 effective on the date that the Final Order contained in this CAFO, having been approved and

1 issued by either the Regional Judicial Officer or Regional Administrator, is filed.

2 J. BINDING EFFECT

3 53. The undersigned representative of Complainant and the undersigned representative of
4 Respondent each certifies that he or she is fully authorized to enter into the terms and conditions
5 of this CAFO and to bind the party he or she represents to this CAFO.

6 54. The provisions of this CAFO shall apply to and be binding upon Respondent and its
7 officers, directors, employees, agents, trustees, servants, authorized representatives, successors,
8 and assigns.

9
10
11 FOR RESPONDENT WATTS REGULATOR CO.:

12
13 April 27, 2023
14 DATE

Nathaniel Hulme

NATHANIEL HULME
Assistant General Counsel
Watts Regulator Co.
815 Chestnut Street
North Andover, MA 01845-6098

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18 FOR COMPLAINANT EPA:

19
20 May 9, 2023
21 DATE

KAORU
MORIMOTO

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

Digitally signed by KAORU MORIMOTO
Date: 2023.05.09 08:31:07 -07'00'

1 II. FINAL ORDER

2 EPA and Watts Regulator Co. having entered into the foregoing Consent Agreement,
3 IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2023-0055)
4 entered, and Respondent shall pay a civil administrative penalty in the amount of SIXTY
5 THOUSAND, FIVE HUNDRED, AND FIFTY-EIGHT DOLLARS (\$60,558) and comply with
6 the terms and conditions set forth in the Consent Agreement.

7
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9 _____
10 Beatrice Wong Date
11 Regional Judicial Officer
12 U.S. Environmental Protection Agency, Region IX
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