Regional Hearing Clerk (ORC-1)

U.S. Environmental Protection Agency, Region IX

75 Hawthorne Street

San Francisco, CA 94105

In the Matter of: Frontline Group LLC

Docket No. FIFRA-09-2023-0096

DEFENSE STATEMENT

Frontline Group LLC, hereafter referred to as the "Respondent," respectfully submits this defense in response to the Complaint and Notice of Opportunity for Hearing issued by the U.S. Environmental Protection Agency, Region IX.

I. PRELIMINARY STATEMENT

1. Respondent is no longer in business as of December 31, 2022 and has limited ability to respond to the complaint.

II. ALLEGATIONS

1. Respondent acknowledges that it supplied Lysol Disinfectant Spray to Many Farms Community School in Many Farms, Arizona, on or about February 11, 2021.

2. It is crucial to note that the EPA contacted the Respondent on April 24, 2023, which is a significant amount of time after the supply of the product.

III. DEFENSE ARGUMENTS

1. Respondent respectfully argues that it has limited capacity to respond to the allegations due to its business cessation. This, and in addition the long period of time between the supply of the product and the EPA's contact on April 24, 2023, presents a significant challenge for Respondent to obtain exact records to prove the specific circumstances surrounding the sale.

[redacted]

2. Respondent denies that the alleged product intended for export was supplied by the Respondent. The substantial time gap between the supply and the EPA's allegations raises the possibility that the product may have been tampered with or replaced by third parties with ill-intent during this period.

3. Given Respondent's business closure and the extended time elapsed since the alleged violation, the lack of access to records and evidence hampers Respondent's ability to present a comprehensive defense.

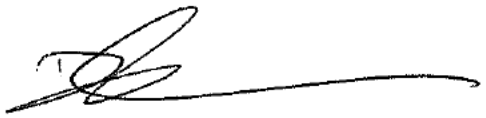
IV. CONCLUSION

1. In light of the arguments presented above, Respondent urges the EPA to consider the exceptional circumstances: the business closure, the extended time gap, and the potential for product tampering. Respondent's limited capacity to respond and the ambiguity surrounding the supply of the product must be taken into account when assessing the allegations.

2. Given these circumstances, Respondent requests a hearing to present its case further and believes that a full examination of the facts will reveal that the Respondent was not involved in any violation of FIFRA.

This response is submitted in good faith, considering the challenging circumstances Respondent faces, and with the expectation that the legal process will afford Respondent the opportunity to present its case in full.

Respectfully submitted on October 3, 2023,



Brad Gooden

Owner

Frontline Group LLC

[redacted]

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