

F I L E D

Sep 30 2019

Clerk, Environmental Appeals Board
INITIALS *AS*

**ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)	
)	
Earth Science Laboratories, Inc.,)	Docket No. FIFRA-HQ-2019-5003
)	
Respondent.)	
)	

FINAL ORDER


Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA’s Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified.

The Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: **Sep 30 2019**



 Kathie A. Stein
 Environmental Appeals Judge

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges Aaron P. Avila, Mary Kay Lynch, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing "Consent Agreement" and "Final Order" in the matter of *Earth Science Laboratories, Inc.*, Docket No. FIFRA-HQ-2019-5003, were filed and copies of the same were sent to the following persons in the manner indicated:

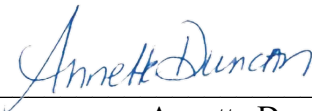
By First Class Certified U.S. Postal Service Mail, Return Receipt Requested:

William J. Walsh, Esq.
Lewis Brisbois Bisgaard & Smith, L.L.P.
2200 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20037-1701

By U.S. EPA Interoffice Mail:

Bryan T. Dyer
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 2249A
Washington, D.C. 20460-0001

Dated: **Sep 30 2019**



Annette Duncan
Administrative Specialist

**BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF:)	
)	
Earth Science Laboratories, Inc.)	Docket No. FIFRA-HQ-2019-5003
)	
Respondent.)	
)	
)	

CONSENT AGREEMENT AND FINAL ORDER

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency (“EPA”) and Respondent, Earth Science Laboratories, Inc. (“ESL”), agree to this action and consent to the entry of this Consent Agreement and Final Order (“CAFO”) before taking testimony and without any adjudication of any issues of law or fact herein.

I. NATURE OF ACTION

1. This is a civil administrative action instituted under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA” or the “Act”), as amended, 7 U.S.C. § 136l(a) and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R Part 22. This action imposes civil penalties pursuant to Section 14(a) of FIFRA.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R § 22.18, and desire to settle this action. Accordingly, before any testimony has been taken and without any admission of violation, or adjudication of any issue of fact or law, and in accordance with 40 C.F.R. § 22.13(b), Complainant and Respondent have agreed to the execution of this CAFO. Respondent consents to the issuance of this CAFO and hereby agrees to comply with the terms of this CAFO, including payment of its civil penalty.

II. THE PARTIES

3. Gregory Sullivan Director, Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, is authorized by lawful delegation to institute and settle civil administrative actions brought pursuant to Section 14(a) of FIFRA.

4. Respondent ESL is a corporation organized and/or existing under the laws of the State of Arkansas.

III. PRELIMINARY STATEMENT

5. Respondent admits that EPA has jurisdiction over the subject matter of this Consent Agreement and admits the jurisdictional allegations herein.
6. Pursuant to 40 C.F.R. § 22.18(b)(2), Respondent waives its right to contest the allegations herein, its right to appeal the proposed Final Order, and its right to request a judicial or administrative hearing on any issue of law or fact set forth in, and resolved by, this CAFO.
7. Respondent waives all defenses which have been raised or could have been raised to the claims set forth in this CAFO.
8. Respondent neither admits nor denies the factual allegations set forth in Section V of this Consent Agreement.
9. Respondent certifies that it is in full compliance with respect to the violations alleged in this Consent Agreement.

IV. STATUTORY AND REGULATORY AUTHORITY

10. Sections 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it is “unlawful for any person in any State to distribute or sell to any person— any pesticide which is adulterated or misbranded[.]”
11. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a “person” as “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”
12. Section 2(gg) of FIFRA, 7 U.S.C § 136(gg), defines “to distribute or sell” as “to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.”
13. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines “pesticide” as “(1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant[.]”
14. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “pest” as “(1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other 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].”

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

 - (E) any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared to other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
 - (F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment;
 - (G) the label does not contain a warning or caution statement which may be necessary and if complied with together with any requirements imposed under section 3(d) of the Act, is adequate to protect health and the environment . . . [.]”
16. Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2), defines “labeling” as “all labels and all other written, printed, or graphic matter—
 - (A) accompanying the pesticide or device at any time or
 - (B) to which reference is made on the label or in the literature accompanying the pesticide or device . . . [.]”
17. Section 2(y) of FIFRA, 7 U.S.C. § 136(y), defines “registrant” as “a person who has registered any pesticide pursuant to the provisions of [FIFRA].”
18. 40 C.F.R. § 156.10(a)(1)(vii) requires that every pesticide product bear a label that has “[h]azard and precautionary statements as prescribed in subpart D of this part for human and domestic animal hazards and subpart E of this part for environmental hazards.”
19. 40 C.F.R. § 152.132 provides that a registrant may distribute or sell its registered product under another person’s name and address instead of (or in addition to) its own. Such distribution or sale is termed “supplemental distribution” and the product is referred to as a “distributor product.”

20. 40 C.F.R. § 152.132 further provides that for a distributor product, “[t]he distributor is considered an agent of the registrant for all intents and purposes under the Act, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.”
21. Subject to exceptions that are not relevant here, any label for a distributor product must be the same as the registered, EPA-accepted master label. This includes having the same precautionary statements as what is found on the master label for the registered product. 40 C.F.R. § 152.132(d).

V. FACTUAL ALLEGATIONS AND ALLEGED VIOLATIONS

22. Respondent is a corporation located and incorporated in the state of Arkansas. Respondent is a person as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).
23. Respondent is the registrant of EarthTec, a pesticide which has been assigned EPA Registration Number (EPA Reg. No.) 64962-1. The active ingredient in EarthTec is copper sulfate pentahydrate (CAS No. 7758-99-8).
24. EarthTec is intended to destroy or mitigate algae and bacteria.
25. Therefore, EarthTec is a pesticide as defined under Section 2(u) of FIFRA, 7 U.S.C. § 136(u).
26. On July 22, 1991, EPA conditionally approved the registration for the product EarthTec as an algaecide and bactericide for lakes, ponds, reservoirs, canals, lagoons, pools, spas, hot tubs, and other water systems.
27. As part of the initial registration approval, EPA approved the use of an alternative brand name, “PristineBlue.”
28. Since the initial registration, EPA has approved the use of other brand names for EarthTec, including EarthTec QZ, Algae Shield, AgriTec, AgriTec 2, CopChek, Aqua Solution, High Country Footbath, Faze 1, Aquadrop, Pond Boss, Rice-Cop 5, Cleanwater Blue, Radiance, and Rezonate (together, “EarthTec Products”).
29. Of the products listed above, Cleanwater Blue (EPA Reg. No. 64962-1-82043), Radiance (EPA Reg. No. 64962-1-83940), Aquadrop (EPA Reg. No. 64962-1-85829), and Pond Boss (EPA Reg. No. 64962-1-84732) have been sold and distributed as distributor products in accordance with 40 C.F.R. § 152.132.
30. The current registration for EarthTec provides for its use as an algaecide, a bactericide for non-public health bacteria, and a molluscicide in a variety of locations, including but not limited to: impounded waters, lakes, and ponds; potable water supplies; irrigation

systems, canals, and ditches; pools, spas, and hot tubs; and feed lot run-off lagoons and organic sludge pits.

31. Respondent uses a variety of websites to communicate information about its products, including: “www.earthsciencelabs.com,” “www.earthtecwatertreatment.com,” “cleanwaterfortheplanet.com” (which directs readers to the EarthTec product website), “pristineblue.com,” “www.earthtecqz.com,” and “algaeshield.com.”
32. The EarthTec Products at issue in this matter were produced at an ESL facility located at 515 Brown Street, Holdrege, Nebraska 68949. That facility is registered with EPA as a pesticide producing establishment and assigned the EPA Establishment Number 64962-NE-001.
33. Beginning in April 2015, the Office of Civil Enforcement received information from the Office of Pesticide Programs regarding potential FIFRA violations associated with Respondent’s EarthTec Products.
34. On October 14, 2015, federally-credentialed inspectors performed an inspection of Respondent’s production establishment in Holdrege, Nebraska.
35. During the October 14, 2015, inspection, the inspectors obtained product samples and related documentation for PristineBlue, EarthTec, Cleanwater Blue, and other pesticide products produced by and/or registered to Respondent. Review of the sampled products and the accompanying documentation revealed evidence of FIFRA violations, as described below.
36. On December 4, 2015, EPA issued a Stop, Sale, Use, or Removal Order (“SSURO”) under Section 13(a) of FIFRA, 7 U.S.C. § 136k(a). The SSURO required that Respondent cease the sale, use, or removal of three EarthTec Products: PristineBlue (EPA Reg. No. 64962-1), EarthTec (EPA Reg. No. 64962-1), and Cleanwater Blue (EPA Reg. No. 64962-1-82943).
37. On January 14, 2016, February 12, 2016 and May 12, 2016, in response to Respondent’s efforts to come into compliance with FIFRA, EPA issued letters modifying the SSURO to permit sales of EarthTec Products with labeling consistent with FIFRA and the terms the EarthTec registration.
38. Information collected during the investigation of this matter shows that between June 1 and December 9, 2015, Respondent distributed or sold misbranded EarthTec Products on at least 308 separate occasions, in violation of FIFRA section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E).
39. Pursuant to the authority in FIFRA section 14(a)(1), Respondent may be assessed a civil penalty for violating FIFRA section 12(a)(1)(E).

A. Misbranded PristineBlue

40. The labels on the EarthTec Products sold under the brand name PristineBlue between June 1 and December 9, 2015, lacked the Environmental Hazard Statement as contained on the registered EarthTec EPA-accepted master label. As such, the labels were missing required information and did not contain a warning or hazard statement adequate to protect health and the environment.
41. Pursuant to FIFRA Sections 2(q)(1)(E) and (G), 7 U.S.C. §§ 136(q)(1)(E) and (G), PristineBlue was a misbranded pesticide because its label failed to include the required Environmental Hazard Statement.
42. Respondent developed the “PristineBlue Pool & Spa Care Guide” © 2015 (“Pool & Spa Care Guide”), a 24-page, full color brochure that provided detailed information on the PristineBlue product line and product use, including dosing instructions and maintenance application instructions.
43. The Pool & Spa Care Guide was regularly distributed to customers purchasing PristineBlue by Respondent and PristineBlue retailers between June 1 and December 9, 2015.
44. Pursuant to FIFRA Section 2(p)(2)(A), 7 U.S.C. § 136(p)(2)(A), the Pool & Spa Care Guide was labeling because it accompanied the PristineBlue pesticide product.
45. The Pool and Spa Care Guide was also available on a part of the PristineBlue website: <http://pristineblue.com/PoolSpaGuide2015.pdf> (October 14, 2015). The address of the PristineBlue website, <http://pristineblue.com> (“PristineBlue Website”), was referenced on the labels of the PristineBlue products sold between June 1 and December 9, 2015.
46. Pursuant to FIFRA Section 2(p)(2)(B), 7 U.S.C. § 136(p)(2)(B), the Pool & Spa Guide was labeling because it was on the website referenced on the Pristine Blue product labels.
47. As described in the SSURO, the Pool & Spa Care Guide included: (a) false and misleading statements about the safety of PristineBlue, (b) false and misleading statements that PristineBlue is a non-chlorine alternative, and (3) false and misleading maintenance dosage rates for pools and spas (that were substantially higher than what was authorized under the accepted EarthTec master label).
48. Pursuant to FIFRA Sections 2(q)(1)(A) and (F), 7 U.S.C. §§ 136(q)(1)(A) and (F), PristineBlue was a misbranded pesticide because its labeling contained false and misleading statements.
49. Respondent developed the “PristineBlue Pool/Spa Maintenance Dosage Calculator” (“Dosage Calculator”) © 2015, an approximately 3.75” by 7.5” laminated cardstock sliding calculator that provided detailed information on product use including, dosing

instructions, a toll-free number for technical support, and PristineBlue website information.

50. The Dosage Calculator was regularly distributed to customers purchasing PristineBlue by the Respondent and PristineBlue retailers between June 1 and December 9, 2015.
51. Pursuant to FIFRA Section 2(p)(2)(A), 7 U.S.C. § 136(p)(2)(A), the Dosage Calculator was labeling because it accompanied the PristineBlue pesticide product.
52. As described in the SSURO, the Dosage Calculator included false and misleading maintenance dosage rates for pools and spas (that were substantially higher than what was authorized under the accepted EarthTec master label).
53. Pursuant to FIFRA Sections 2(q)(1)(A) and (F), 7 U.S.C. §§ 136(q)(1)(A) and (F), inclusion of false and misleading statements on PristineBlue's labeling established PristineBlue as a misbranded pesticide.
54. Respondent's PristineBlue Website, accessible between June 1 and December 9, 2015, informed customers and potential customers about PristineBlue and provided application assistance to product users.
55. Pursuant to FIFRA Section 2(p)(2)(B), 7 U.S.C. § 136(p)(2)(B), PristineBlue's Website was labeling because it was referenced on the product label for PristineBlue products.
56. As detailed in the SSURO, PristineBlue's Website contained false and misleading statements about the safety of PristineBlue and false and misleading statements about the type of bacteria PristineBlue controls.
57. Pursuant to FIFRA Sections 2(q)(1)(A) and (F), 7 U.S.C. §§ 136(q)(1)(A) and (F), PristineBlue was a misbranded pesticide because its labeling contained false and misleading statements.

B. Misbranded EarthTec

58. Respondent developed an EarthTec product website with two linked web addresses, <http://www.cleanwaterfortheplanet.com> and <http://earthtecwatertreatment.com> ("EarthTec's Website"), accessible between June 1 and December 2015, which informed customers and potential customers about EarthTec and provided application assistance to product users.
59. Pursuant to FIFRA Sections 2(p)(2)(B), 7 U.S.C. § 136(p)(2)(B), EarthTec's Website was labeling because it was referenced on the product label for EarthTec products with the brand name EarthTec.
60. As detailed in the SSURO, EarthTec's Website contained (1) false and misleading statements about the type of bacteria EarthTec controls, (2) false and misleading

statements about EarthTec's use as a fungicide, (3) false and misleading statements about the use of EarthTec on fruits or vegetables, and (4) false and misleading statements about the use of EarthTec in cooling towers.

61. Pursuant to FIFRA Sections 2(q)(1)(A) and (F), 7 U.S.C. §§ 136(q)(1)(A) and (F), EarthTec was a misbranded pesticide because its labeling contained false and misleading statements.

C. Misbranded Cleanwater Blue

62. The labels on EarthTec distributor products sold under the brand name Cleanwater Blue between June 1 and December 2015 lacked the Environmental Hazard Statement as contained on the EPA-registered EarthTec accepted master label. As such, the label was missing required information and did not contain a warning or hazard statement adequate to protect health and the environment.
63. Pursuant to FIFRA Sections 2(q)(1)(E) and (G), 7 U.S.C. §§ 136(q)(1)(E) and (G), Cleanwater Blue was a misbranded pesticide because its label failed to include the required Environmental Hazard Statement.

VI. TERMS OF SETTLEMENT

64. Respondent consents to issuance of this CAFO and to its terms, and consents, for the purposes of settlement, to pay the civil penalty set forth in Section VII.
65. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations and facts alleged in Section V of this CAFO.
66. Compliance with this CAFO shall not be a defense to any subsequent action EPA may commence pursuant to federal law or regulation for violations occurring after the date of this Consent Agreement, or any violations of FIFRA not alleged in this CAFO that may have occurred prior to the date that this CAFO is fully executed by both Parties.
67. Nothing in this CAFO is intended to, nor shall be construed to operate in any way to, resolve any criminal liability of Respondent.

VII. CIVIL PENALTY

68. After consideration of the factors EPA must consider in determining an appropriate penalty set forth at FIFRA section 14(a)(4), the 2009 FIFRA Enforcement Response Policy, and Respondent's ability to pay, Complainant has determined the appropriate civil penalty to settle this action is one hundred and twenty-five thousand dollars (\$125,000).

69. Pursuant to the schedule and penalty amounts described below in Paragraph 71 below, Respondent agrees to either:

- a) Dispatch a cashier's or certified check for the appropriate amount made payable to the order of the "Treasurer of the United States of America," and bearing the case docket number FIFRA HQ-2019-5003, to the following address:

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

or

- b) Make an electronic payment by wire transfer for the appropriate amount with the notation, "Earth Science Laboratories Civil Penalty Docket No. FIFRA HQ-2019-5003," by using the following instructions:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency."

70. To ensure a record of compliance with this Consent Agreement, Respondent agrees to forward a copy of the check or wire transfer to EPA to the attention of:

Brian Dyer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Mail Code 2249A)
Washington, DC 20460-0001

and

Headquarters Hearing Clerk
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (Mail Code 1900C)
Washington, DC 20460-0001

71. Respondent agrees to pay a civil penalty in the amount of one hundred and twenty-five thousand dollars (\$125,000) pursuant to the following schedule:

- a. On or before the 45th calendar day after the Final Order is signed, Respondent will pay forty-one thousand and six hundred and sixty-seven dollars (\$41,667).
 - b. On or before the 365th calendar day after the Final Order is signed, Respondent will pay an additional sum of forty-one thousand and six hundred and sixty-seven dollars (\$41,667) plus an interest lump sum of four thousand and five hundred and eighty-three dollars and thirty-two cents (\$4,583.32) (combined total \$46,250.32).
 - c. On or before the 730th calendar day after the Final Order is signed, Respondent will pay an additional sum of forty-one thousand and six hundred and sixty-six dollars (\$41,666) plus an interest lump sum of four thousand and five hundred and eighty-three dollars and twenty-six cents (\$4,583.26) (combined total \$46,249.26).
72. The second and third payments will be subject to a fixed interest rate of five and a half percent (5.5%) per annum that will begin to accrue on the forty-sixth (46th) day after the Final Order is signed.
 73. Payments must be received as described herein on or before the dates described above (henceforth known as the “due dates”).
 74. Late Payment Provisions: Pursuant to 31 U.S.C. § 3717, if payment is not received on or before its due date, 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. Respondent understands that its failure to timely pay any portion of the civil penalty as described in Paragraph 71 of this Consent Agreement may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil or stipulated penalty and any accrued interest are paid in full. A late payment handling charge of fifteen dollars (\$15) will be imposed after thirty (30) days and an additional fifteen dollars (\$15) will be charged for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.
 75. Consistent with Section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), Respondent will not deduct penalties paid under this Consent Agreement for federal tax purposes.

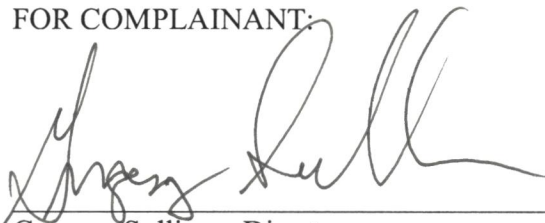
VIII. OTHER MATTERS

76. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of FIFRA and with other federal, state, tribal, and local laws and regulations.

77. The effect of settlement as described in this Consent Agreement is conditioned upon the accuracy of Respondent's representation of its ability to pay the penalty.
78. This CAFO shall bind the Parties in full effect upon execution of the Final Order by EPA's Environmental Appeals Board. This includes each Party's officers, directors, employees, successors, and assigns. The undersigned representative of each Party to this CAFO certifies that he or she is duly authorized to represent and bind the Party whom he or she claims to represent.
79. Respondent's obligations under this CAFO shall terminate when Respondent has paid the civil penalty, and any applicable interest or late charges, as specified in Section VII of the CAFO in accordance with the Final Order.
80. Each Party agrees to bear its own costs and attorney fees in this matter.

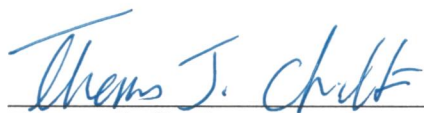
WE AGREE TO THIS:

FOR COMPLAINANT:



Gregory Sullivan, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

Date: 9/20/19



Thomas J. Charlton, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency

Date: 8/28/2019

FOR RESPONDENT:



David Nicholas, Chief Executive Officer
Earth Science Laboratories, Inc.

Date: Aug. 8, 2019



Jane C. Luxton



William J. Walsh
Lewis Brisbois Bisgaard & Smith, LLP
Counsel for Earth Sciences Laboratories, Inc.

Date: Aug. 8, 2019

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD
WASHINGTON, D.C.**

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IN THE MATTER OF:)
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Earth Science Laboratories, Inc.) Docket No. FIFRA-HQ-2019-5003
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Respondent.)
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_____)

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)-(c) of EPA’s Consolidated Rules of Practice, the attached Consent Agreement resolving this matter is incorporated by reference into this Final Order and hereby ratified.

Respondent is ORDERED to comply with all terms of the Consent Agreement, effective immediately.

So ordered.¹

ENVIRONMENTAL APPEALS BOARD

Dated: _____

Environmental Appeals Judge

¹ The three-member panel ratifying this matter is composed of Environmental Appeals Judges _____,
_____, and _____.