

Sylvia Quast  
Regional Counsel

Denise Leong  
Assistant Regional Counsel (ORC-2-1)  
United States Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 972-3409

**\*\*FILED\*\***  
**10 SEP 2021**  
**U.S. EPA - REGION IX**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 HAWTHORNE STREET  
SAN FRANCISCO, CALIFORNIA 94105**

_____ )	
In the Matter of: )	
Loginet Inc., )	Docket No. FIFRA-09-2021-0056
)	CONSENT AGREEMENT AND
)	FINAL ORDER PURSUANT TO
)	40 C.F.R. §§ 22.13 AND 22.18
Respondent. )	
_____ )	

**I. CONSENT AGREEMENT**

The United States Environmental Protection Agency, Region IX ("EPA"), and Loginet Inc. ("Respondent") agree to settle this matter and consent to the entry of this Consent Agreement and Final Order ("CAFO"), which simultaneously commences and concludes this matter in accordance with 40 C.F.R. §§ 22.13 and 22.18.

**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" or "the Act"), 7 U.S.C. § 136l(a)(1), for the assessment of a civil administrative penalty against Respondent for violations of Section 12 of the Act, 7 U.S.C. § 136j.

2. Complainant is the Manager of the Toxics Section of 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.

3. Respondent is a California corporation with a business located at 719 Nogales Street in City of Industry, California.

#### B. STATUTORY AND REGULATORY BACKGROUND

4. Section 17(c) of FIFRA, 7 U.S.C. § 136o(c) and the regulations promulgated at 19 C.F.R. Part 12 pursuant to Section 17(e) of FIFRA by the Secretary of Treasury in consultation with the EPA Administrator govern the importation of pesticides into the United States.

5. 19 C.F.R. § 12.111 provides that “[c]ertain imported pesticides are required to be registered under the provisions of section 3 of the Act . . . before being permitted entry into the United States. . . .”

6. 19 C.F.R. § 12.112 provides that “an importer or an importer’s agent desiring to ship pesticides or devices into the United States must submit to the Administrator, prior to the arrival of the shipment into the United States, a Notice of Arrival of Pesticides and Devices (“NOA”)....

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

8. Section 2(b) of FIFRA, 7 U.S.C. § 136(b), defines the term "Administrator" as " the Administrator of the Environmental Protection Agency."

9. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term "pesticide," in relevant part, as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”

10. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other living 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, 7 U.S.C. § 136 w(c)(1).

11. 40 C.F.R. § 152.15 states in pertinent part that “a pesticide is any substance (or mixture of substances) intended for a pesticidal purpose...” and that a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide required registration, if: (a) The person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that: (1) the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or (2) the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide; or (b) The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than (1) use for pesticidal purpose (by itself or in combination with any other substance), (2) use for manufacture of a pesticide; or (c) The person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.

12. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the phrase "to distribute or sell" to mean "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 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under section 3 of FIFRA.

14. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), provides that it shall be unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by FIFRA.

15. Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of the Act may be assessed a civil penalty of not more than \$20,528 for each violation that occurs after November 2, 2015 and is assessed on or after December 23, 2020. *See* Section 14(a)(1) of the Act, 7 U.S.C. § 136l(a)(1), as amended by the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, at 85 Fed Reg 83820 (December 23, 2020).

### C. ALLEGED VIOLATIONS

16. Respondent is a "person," as that term is defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

17. For the shipment of pesticides relevant to this CAFO, Respondent is the importer of record.

18. Respondent imported a shipment of 15 containers of 1050 packages of "75% Alcohol Wipes" associated with Entry Number 8X4-32190491 that entered into the United States at the Port of Long Beach, California from China on May 10, 2020.

19. Subsequently, Respondent sold and delivered the shipment of "75% Alcohol Wipes" to a customer on May 15, 2020.

20. As the importer of the shipment and by doing business in the United States, Respondent is subject to the requirements of FIFRA and its implementing regulations.

21. The label on the "75% Alcohol Wipes" in the shipment contained images indicating that the Wipes were intended for use on skin, wounds, toys, electronic products, office supplies, and tableware. The label also contained the claim, "sterilization rate: 99.9%."

22. Based on the images and the claim on its label, “75% Alcohol Wipes” are “pesticides” pursuant to Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.15.
23. The shipment of “75% Alcohol Wipes” associated with Entry Number 8X4 32190491 that entered into the United States at the Port of Long Beach, California is a “distribution or sale” of the pesticides, “75% Alcohol Wipes” pursuant to Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).
24. Respondent’s subsequent sale and delivery of the shipment of “75% Alcohol Wipes” on May 15, 2020 is also a “distribution or sale” of the pesticides, “75% Alcohol Wipes” pursuant to Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).
25. The “75% Alcohol Wipes” in the shipment were not registered with EPA under Section 3 of FIFRA.
26. Consequently, Respondent’s importation of the shipment of “75% Alcohol Wipes” associated with Entry Number 8X4-32190491 through the Port of Long Beach, California on May 10, 2020 and Respondent’s sale and delivery of the shipment of “75% Alcohol Wipes” to a customer on May 15, 2020 constitutes two (2) violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136(j)(a)(1)(A), which provides that it is unlawful for any person to distribute or sell to any person a pesticide that is unregistered.
27. Respondent also failed to file a Notice of Arrival of Pesticides and Devices for the shipment of “75% Alcohol Wipes,” associated with the Entry Number 8X4-32190491, as required by 19 C.F.R. § 12.112.
28. Respondent’s failure to file a Notice of Arrival of Pesticides and Devices for the shipment of “75% Alcohol Wipes” associated with Entry Number 8X4-32190491 constitutes a violation of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), which provides that it is unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by FIFRA.

#### D. RESPONDENT'S ADMISSIONS

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

#### E. CIVIL ADMINISTRATIVE PENALTY

30. Respondent agrees to the assessment of a penalty in the amount of SEVENTEEN THOUSAND SIX HUNDRED AND SIXTY-SIX DOLLARS (\$17,666) as final settlement of the civil claims against Respondent arising under the Act as alleged in Section I.C of the CAFO.

31. Respondent shall pay the assessed penalty no later than thirty (30) days from the effective date of this CAFO. Payment shall be made by cashier's or certified check payable to the "Treasurer, United States of America," or be paid by one of the other methods listed below:

a. Respondent may pay online through the Department of the Treasury website at [www.pay.gov](http://www.pay.gov). In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center, and complete the SFO Form Number 1.1.

b. Respondent may also pay the civil penalty using any method, or combination of methods, provided on the following website:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>

32. If any clarification regarding a particular method of payment remittance is needed, please contact the EPA Cincinnati Finance Center at 513-487-2091. The payment shall

be accompanied by a transmittal letter identifying the case name, the case docket number, and this CAFO. Concurrent with delivery of the payment of the penalty, Respondent shall send a copy of the check or notification that the payment has been made by one of the other methods listed above, including proof of the date payment was made, and transmittal letter to the following addresses:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency, Region IX  
[r9HearingClerk@epa.gov](mailto:r9HearingClerk@epa.gov)

Janice Chan  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX  
[chan.janice@epa.gov](mailto:chan.janice@epa.gov)

33. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.

34. If Respondent fails to pay the assessed civil administrative penalty as specified in Paragraph 30, then Respondent shall pay to EPA the stipulated penalty of FIVE HUNDRED DOLLARS (\$500.00) for each day the default continues, in addition to the assessed penalty upon written demand by EPA. In addition, failure to pay the civil administrative penalty by the deadline specified in Paragraph 31 may lead to any or all of the following actions:

- a. The debt being referred to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.
- b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to

satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.

- c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.
- d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13 interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty by the deadline specified in Paragraph 31. Interest will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred, and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.



F. CERTIFICATION OF COMPLIANCE

35. In executing this CAFO, Respondent certifies that, to its knowledge, it is currently in compliance with any FIFRA requirements that may apply to its ongoing operations.

G. RETENTION OF RIGHTS

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

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

H. ATTORNEY'S FEES AND COSTS

38. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this Proceeding.

I. EFFECTIVE DATE

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

J. BINDING EFFECT

40. The undersigned representative of Complainant and the undersigned representative of

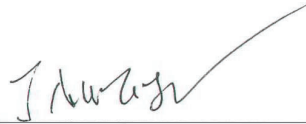
Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.

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

FOR RESPONDENT, LOGINET INC.

7-26-2021

DATE

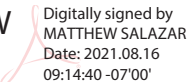
  
\_\_\_\_\_

Jianfeng Jin, President  
Loginet Inc.

FOR COMPLAINANT, EPA REGION IX:

8/16/2021

DATE

**MATTHEW SALAZAR**   
\_\_\_\_\_

Matt Salazar, PE  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

**II. FINAL ORDER**

Complainant and Respondent, Loginet Inc., having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2021-0056) be entered, and that Respondent shall pay a civil administrative penalty in the amount of SEVENTEEN THOUSAND SIX HUNDRED AND SIXTY-SIX DOLLARS (\$17,666) and comply with the terms and conditions set forth in the Consent Agreement.

**STEVEN  
JAWGIEL**

Digitally signed by  
STEVEN JAWGIEL  
Date: 2021.09.10  
11:43:42 -07'00'

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Steven Jawgiel  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region IX

CERTIFICATE OF SERVICE

This is to certify that the fully executed Consent Agreement and Final Order in the matter of **Loginet Inc. (FIFRA-09-2021-0056)** was filed with the Regional Hearing Clerk and that a true and correct copy of the same was sent to the following parties:

For RESPONDENT (Via ELECTRONIC Mail):

Jianfeng Jin, President  
Loginet Inc.  
719 Nogales Street  
City of Industry, CA 91748  
[contact@loginetinc.com](mailto:contact@loginetinc.com)

For COMPLAINANT (Via ELECTRONIC Mail):

Denise Leong  
Assistant Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
[Leong.denise@epa.gov](mailto:Leong.denise@epa.gov)

**Armsey**  
**, Steven**  
Digitally signed  
by Armsey,  
Steven  
Date: 2021.09.10  
17:40:40 -07'00'

---

Regional Hearing Clerk  
U.S. EPA, Region IX

---

Date