

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

Received by
EPA Region 7
Hearing Clerk

In the Matter of)	
)	
MJB Worldwide LLC,)	Docket No. FIFRA-07-2021-0023
)	
Respondent.)	

CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

This proceeding for the assessment of civil penalties was initiated on January 28, 2022, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l when the U.S. Environmental Protection Agency (EPA or Complainant) issued a Complaint and Notice of Opportunity for Hearing (Complaint) to and MJB Worldwide LLC (Respondent).

The Complaint charged Respondent with violations of Section 12 of FIFRA, 7 U.S.C. § 136j. Complainant and Respondent subsequently entered into negotiations in an attempt to settle the allegations in the Complaint; this Consent Agreement and Final Order in the result of such negotiations.

This Consent Agreement and Final Order is proposed and entered into under the authority vested in the Administrator of the EPA by Section 14 of FIFRA, 7 U.S.C. §136l and under the authority of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22. Complainant, by delegation from the Administrator of EPA, the Regional Administrator of EPA Region 7, and the Director of the Enforcement and Compliance Assurance Division of EPA Region 7, is the Chief of the Chemical Branch of EPA Region 7.

CONSENT AGREEMENT

1. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- (a) admits the jurisdictional allegations set forth herein;
- (b) neither admits nor denies the specific factual allegations stated herein;
- (c) consents to the assessment of a civil penalty, as stated herein;

- (d) consents to the issuance of any specified compliance or corrective action order;
- (e) consents to any conditions specified herein;
- (f) consents to any stated Permit Action;
- (g) waives any right to contest the allegations set forth herein; and
- (h) waives its rights to appeal the Final Order accompanying this Consent Agreement.

2. Respondent consents to the issuance of this Consent Agreement and Final Order.

3. Respondent and EPA agree to the terms of this Consent Agreement and Final Order and Respondent agrees to comply with the terms specified herein.

4. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

5. Respondent consents to receiving the filed Consent Agreement and Final Order electronically at the following e-mail address: *swp@kclawoffice.com*. Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

Penalty Payment

6. EPA has considered the appropriateness of the penalty pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), and has determined that the appropriate penalty for the violations is \$423,187. Pursuant to the statutory requirement that EPA consider a Respondent's ability to pay, Respondent has demonstrated that it is unable to pay any penalty in this matter. Because of Respondent's inability to pay the penalty, therefore, Complainant conditionally agrees to resolve the claims alleged herein.

Effect of Settlement and Reservation of Rights

7. This Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of FIFRA or any other applicable law.

8. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to EPA, as memorialized in the paragraph directly below.

9. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of FIFRA and its implementing regulations.

10. This Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and regulations promulgated thereunder.

11. Complainant reserves the right enforce the terms and conditions of this Consent Agreement and Final Order.

12. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

General Provisions

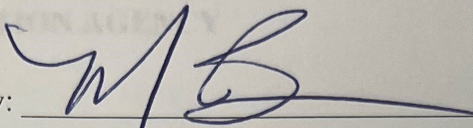
13. By signing this Consent Agreement, the undersigned representative of Respondent certifies that he or she is fully authorized to execute and enter into the terms and conditions of this Consent Agreement and has the legal capacity to bind the party he or she represents to this Consent Agreement.

14. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon filing by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

15. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this Consent Agreement and Final Order.

RESPONDENT
MJB Worldwide LLC

Date: 7-6-22

By:  _____

Michael BALANO
Print Name

OWNER.
Title

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

Candace Bednar
Chemical Branch Chief
Enforcement and Compliance Assurance Division

Katherine Kacsur
Office of Regional Counsel

FINAL ORDER

Pursuant to Section 14(a) of FIFRA, 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, 40 C.F.R. Part 22, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Katherine Kacsur, Attorney-Adviser
Office of Regional Counsel
kacsur.katherine@epa.gov

Copy via Email to Respondent:

Sean Pickett, Attorney for Respondent
swp@kclawoffice.com

Michael Balano, Registered Agent
MJB Worldwide LLC
michaeldiamond44@yahoo.com

Dated this _____ day of _____, _____.

Signed