



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JUN 10 2016

Nathan Moulds
General Manager
Callington, Inc.
2121 Ponce De Leon Boulevard 1100
Coral Gables, Florida 33134

Re: Callington, Inc.
Ratified Consent Agreement and Final Order
Docket No.: FIFRA-04-2016-3126(b)

Dear Mr. Moulds:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Please refer to Section V of the CAFO for penalty information and payment requirements. To ensure proper processing, the respondent name and docket number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U. S. Environmental Protection Agency. Where used in the document "SEC" refers to the Securities and Exchange Commission.

Should you have any questions about this matter or your compliance status in the future, please contact Dr. Karen Hill of the EPA Region 4 staff at (404) 562-8972.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Bingham".

Kimberly L. Bingham
Acting Chief
Chemical Safety and Enforcement Branch

Enclosure: Kelly Friend, FDACS

enforcement action as the Complainant in this matter, and has the authority to sign consent agreements memorializing settlements between the EPA and Respondent.

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

4. Pursuant to 40 C.F.R. § 22.5(c)(4), the following individual is authorized to receive service for the EPA in this proceeding:

Karen M. Hill
Pesticides Section
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960
(404) 562-8972.

5. Respondent Callington Inc. is licensed to do business in the State of Florida, and has its principal place of business located at 11380 Property Farm Road, 221E, Palm Beach Gardens, Florida 33140.
6. Respondent is a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.

III. Specific Allegations

7. The importation of pesticides into the United States is governed by Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations promulgated thereunder by the Secretary of the Treasury in consultation with the Administrator of the United States

EPA. These regulations are found in 19 C.F.R. Part 12.

8. Pursuant to FIFRA section 17(c) and 19 C.F.R. § 12.112, an importer of pesticides or devices into the United States is required to submit a Notice of Arrival of Pesticides and Devices (NOA) to the EPA using EPA Form 3540-1, prior to the arrival of the shipment in the United States. Pursuant to 19 C.F.R. § 12.113, when a shipment of pesticides or devices arrives in the United States without the presentation by the importer or its agent to the Customs Border Protection (CBP) Agency an NOA reviewed by EPA, the shipment shall be detained by CBP until the completed NOA is presented or other disposition is ordered by the EPA.
9. In a letter to the EPA dated May 13, 2015, Agility Logistics, as a broker on behalf of Respondent, disclosed that the Respondent had failed to submit three (3) NOAs prior to the importation of pesticides, including the registered pesticide, Callington 1-Shot Aircraft Insecticide (EPA Registration Number 83795-1) on two separate occasions, and the unregistered pesticide, Callington Pre-Spray Aircraft Insecticide on one occasion.
10. Respondent imported these pesticides on the following dates: Callington 1-Shot Aircraft Insecticide, made entry on December 2, 2014 [Entry Number 201-1908464-7], and Callington 1-Shot Aircraft Insecticide, and Callington Pre-Spray Aircraft Insecticide (intended for export only and not to be used or sold in the United States under PR Notice 99-1), both made entry on December 15, 2014 [Entry Number 201-1908468-8].
11. Pursuant to Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), it is unlawful for a registrant, wholesaler, dealer, retailer, or other distributor to fail to file any reports required by this Act. An NOA is a report that must be filed with the EPA. By failing to submit NOAs to the EPA prior to the importation of the three pesticide shipments into the United States as described in paragraphs 9 and 10 above, Respondent is in violation of

Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

12. On or about May 15, 2015, EPA received three NOAs from Respondent for the shipments that had arrived in December 2014 as set forth in paragraph 10 herein. On June 12, 2015, the EPA completed its review of the NOAs submitted after the arrival of the shipments, and provided the Respondent with NOAs that reflected a recommended release of the three pesticide shipments based upon the information provided on the NOAs.
13. The self-disclosure submitted to the EPA by Respondent's broker/freight forwarder on behalf of Respondent did not meet all of the conditions under the EPA's Audit Policy. Therefore, the disclosure of the alleged violations of FIFRA does not qualify for any mitigation of a penalty as set forth in EPA's Audit Policy.
14. Section 14(a) of FIFRA, 7 U.S.C. § 136/(a), in conjunction with the Debt Collection Improvement Act of 1996, authorizes the assessment of a civil penalty.
15. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136/(a)(4), requires the EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation(s).
16. After consideration of the factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136/(a)(4), the EPA proposes to assess a total civil penalty of **SEVEN THOUSAND, SEVEN HUNDRED DOLLARS (\$7,700)** against the Respondent for the above-described violations. Civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136/(a), may be assessed by Administrative Order.

IV. Consent Agreement

17. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.

18. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
19. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither the EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state Statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
20. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.

V. Final Order

21. Respondent is assessed a civil penalty of **SEVEN THOUSAND, SEVEN HUNDRED DOLLARS (\$7,700)**. Payment shall be paid within thirty (30) days of the effective date of this CAFO.
22. Respondent shall remit payment of the penalty by either a cashier's or certified check made payable to the "Treasurer, United States of America." and shall send the check. **The check shall reference on its face the name of the Respondent and Docket number of this CAFO.**

Payment of the penalty shall be sent by one of the methods below.

Address for payment submittal using the United States Postal Service (excluding USPS overnight mail):

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

Address for payment by USPS overnight mail or other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.):

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1818.

23. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960;

Karen M. Hill
Pesticides Section
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960; and

Saundi J. Wilson
Office of Environmental Accountability
U.S. EPA - Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960.

24. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, the 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. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, the EPA will not seek to recover interest on any amount of such civil penalty that is paid within

30 calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.

25. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
26. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
27. This CAFO shall be binding upon the Respondent, its successors and assigns.
28. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and hereby legally binds that party to it.

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VI. Effective Date

29. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Callington, Inc.

Docket No.: FIFRA-04-2016-3126(b)

By: N.M. (Signature) Date: April, 2016

Name: Nathan Moulds (Typed or Printed)

Title: General Manager (Typed or Printed)
Americas, UK/Europe, Middle-East

Complainant: U. S. Environmental Protection Agency

By: Beverly H. Banister for Date: 5/13/16
Beverly H. Banister, Director
Air, Pesticides and Toxics Management Division

APPROVED AND SO ORDERED this 8th day of June 2016.

Tanya Floyd
Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below I filed the original and one copy of the foregoing Consent Agreement and Final Order, In the Matter of: Callington, Inc., Docket Number FIFRA-04-2016-3126(b), and served a true and correct copy of same to the addressees listed below, in the manner indicated:


Nathan Moulds (via Certified Mail, Return Receipt Requested)
General Manager
Callington, Inc.
2121 Ponce De Leon Boulevard, 1100
Coral Gables, Florida 33134

Dr. Karen Hill (via EPA's internal mail)
Air, Pesticides and Toxics
Management Division
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Pamela Moultrie (via EPA's internal mail)
Air, Pesticides and Toxics
Management Division
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Robert Caplan (via EPA's internal mail)
Office of Regional Counsel
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Date: June 10, 2016



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562-9511