



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

**May 6, 2022**

**VIA EMAIL ONLY**

Ms. Meg Wood  
Senior Director of Legal Affairs  
Qiagen Sciences, LLC  
19300 Germantown Road  
Germantown, Maryland 20874

[meg.wood@qiagen.com](mailto:meg.wood@qiagen.com)

Consent Agreement and Final Order  
In the Matter of Qiagen Sciences, LLC  
Docket Number **FIFRA-05-2022-0007**

Ms. Wood:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above case. This document was filed on May 6, 2022 with the Regional Hearing Clerk.

The civil penalty in the amount of \$53,400 is to be paid in the manner described in paragraphs 59-60. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

**ANNA  
NGUYEN**

Digitally signed by ANNA  
NGUYEN  
Date: 2022.04.29  
10:16:31 -05'00'

Anna Nguyen  
Pesticides and Toxics Compliance Section

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

<b>In the Matter of:</b>	)	<b>Docket No. FIFRA-05-2022-0007</b>
	)	
<b>QIAGEN Sciences, LLC</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Germantown, Maryland</b>	)	<b>Under Section 14(a) of the</b>
	)	<b>Federal Insecticide, Fungicide, and</b>
	)	<b>Rodenticide Act, 7 U.S.C. § 136l(a)</b>
<b>Respondent.</b>	)	
<hr style="width: 100%;"/>	)	

**Consent Agreement and Final Order**  
**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is QIAGEN Sciences, LLC (QIAGEN), a limited liability company doing business at 19300 Germantown Road, Germantown, Maryland, 20874.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

**Statutory and Regulatory Background**

10. The importation of pesticides into the United States (U.S.) 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 EPA. These regulations are found at 19 C.F.R. Part 12. See also 19 C.F.R. § 12.1(b).

11. 19 C.F.R. § 12.112(a) states, in pertinent part, that an importer desiring to import devices into the U.S. shall submit to the EPA, prior to the arrival of the shipment in the U.S., a Notice of Arrival of Pesticides or Devices (NOA) on U.S. EPA Form 3540-1.

12. 40 C.F.R. § 152.500 sets forth the requirements for devices under FIFRA including specifying that a device is subject to the requirements set forth in Section 7 of FIFRA and 40 C.F.R. Part 167.

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

14. The term “device” is defined at Section 2(h) of FIFRA, 7 U.S.C. § 136(h) as any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest.

15. The term “pest” is defined at Section 2(t) of FIFRA, 7 U.S.C. § 136(t) as, in pertinent part, any form of virus, bacteria, or other micro-organism. See also 40 C.F.R. § 152.5(d).

16. The term “person” is defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s), as any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

17. The term “importer” is defined at 19 C.F.R. § 101.1 as the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be the importer of record.

18. The Administrator of EPA may assess a civil penalty against any registrant, wholesaler, dealer, retailer, importer, or other distributor who violates any provision of FIFRA of up to \$20,528 for each offense that occurred after November 2, 2015 and assessed before January 12, 2022, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

### **Factual Allegations and Alleged Violations**

19. Respondent is, and was at all times relevant to this CAFO, a “person” as that term is defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

20. Respondent is, and was at all times relevant to this CAFO, an “importer” as that term is defined in 19 C.F.R. § 101.1.

**9001795 QIAcube HT/QIAxtractor Intru. w/o laptop**

21. On October 30, 2021, Respondent imported **9001795 QIAcube HT/QIAxtractor Intru. w/o laptop** (Entry Number DSV-79258338) into the U.S. through the Chicago, Illinois Port of Entry.

22. **9001795 QIAcube HT/QIAxtractor Intru. w/o laptop** is a “device” as that term is defined in Section 2(h) of FIFRA.

23. On November 1, 2021, Respondent submitted a NOA to the EPA for this import shipment.

24. Respondent did not submit a NOA to the EPA for this import shipment prior to the arrival of the shipment into the U.S.

**Light/UV Portal QSYM**

25. On October 29, 2021, Respondent imported **Light/UV Portal QSYM** (Entry Number SCS-85348987) into the U.S through the Chicago, Illinois Port of Entry.

26. **Light/UV Portal QSYM** is a “device” as that term is defined in Section 2(h) of FIFRA.

27. On October 31, 2021, Respondent submitted a NOA to the EPA for this import shipment.

28. Respondent did not submit a NOA to the EPA for this import shipment prior to the arrival of the shipment into the U.S.

**9003070 QIAcube Connect MDX**

29. On October 29, 2021, Respondent imported **9003070 QIAcube Connect MDX** (Entry Number SCS-85348987) into the U.S through the Chicago, Illinois Port of Entry.

30. **9003070 QIAcube Connect MDX** is a “device” as that term is defined in Section 2(h) of FIFRA.

31. On October 31, 2021, Respondent submitted a NOA to the EPA for this import shipment.

32. Respondent did not submit a NOA to the EPA for this import shipment prior to the arrival of the shipment into the U.S.

**Tube 8W Germicidal UV 30CM**

33. On October 29, 2021, Respondent imported **Tube 8W Germicidal UV 30CM** (Entry Number SCS-85348987) into the U.S through the Chicago, Illinois Port of Entry.

34. **Tube 8W Germicidal UV 30CM** is a “device” as that term is defined in Section 2(h) of FIFRA.

35. On October 31, 2021, Respondent submitted a NOA to the EPA for this import shipment.

36. Respondent did not submit a NOA to the EPA for this import shipment prior to the arrival of the shipment into the U.S.

**9019464 UV tube Cxx**

37. On December 1, 2021, Respondent imported **9019464 UV tube Cxx** (Entry Number SCS-91601270) into the U.S through the Chicago, Illinois Port of Entry.

38. **9019464 UV tube Cxx** is a “device” as that term is defined in Section 2(h) of FIFRA.

39. On December 2, 2021, Respondent submitted a NOA to the EPA this import shipment.

40. Respondent did not submit a NOA to the EPA for this import shipment prior to the arrival of the shipment into the U.S.

**9002864 QIACube Connect Device**

41. On November 17, 2021, Respondent imported **9002864 QIACube Connect Device** (Entry Number SCS-89033189) into the U.S. through the Chicago, Illinois Port of Entry.

42. **9002864 QIACube Connect Device** is a “device” as that term is defined in Section 2(h) of FIFRA.

43. On November 18, 2021, Respondent submitted a NOA to the EPA for this import shipment.

44. Respondent did not submit a NOA to the EPA for this import shipment prior to the arrival of the shipment into the U.S.

**Count 1**

**Failure to File NOA for Pesticide Device 9001795 QIACube/QIAXtractor Intru. w/o laptop**

45. The preceding paragraphs are incorporated by reference.

46. Respondent’s failure to submit a NOA to the EPA for **9001795 QIACube HT/QIAXtractor Intru. w/o laptop**, Entry Number DSV-79248338, prior to the arrival of the shipment into the U.S. constitutes a violation of Section 12(a)(2)(N) of FIFRA.

47. Respondent’s violation of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA.

**Counts 2 through 4**

**Failure to File NOAs for Pesticide Devices Light/UV Portal QSYM, 9003070 QIACube**

**Connect MDX, and Tube 8W Germicidal UV30CM**

48. The preceding paragraphs are incorporated by reference.

49. Respondent’s failure to submit separate NOAs to the EPA for **Light/UV Portal QSYM, 9003070 QIACube Connect MDX, and Tube 8W Germicidal UV 30CM**, all under

Entry Number SCS-85348987, prior to the arrival of the shipment into the U.S. constitutes three separate violations of Section 12(a)(2)(N) of FIFRA.

50. Respondent's violation of Section 12(a)(2)(N) of FIFRA on three separate occasions subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty for each occasion under Section 14(a) of FIFRA.

#### **Count 5**

##### **Failure to File NOA for Pesticide Device 9019464 UV tube Cxx**

51. The preceding paragraphs are incorporated by reference.

52. Respondent's failure to submit a the NOA to the EPA for **9019464 UV tube Cxx**, Entry Number SCS-91601270, prior to the arrival of the shipment into the U.S. constitutes a violation of Section 12(a)(2)(N) of FIFRA.

53. Respondent's violation of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA.

#### **Count 6**

##### **Failure to File NOA for Pesticide Device 9002864 QIAcube Connect Device**

54. The preceding paragraphs are incorporated by reference.

55. Respondent's failure to submit a NOA to the EPA for **9002864 QIAcube Connect Device**, Entry Number SCS-89033189, prior to the arrival of the shipment into the U.S. constitutes a violation of Section 12(a)(2)(N) of FIFRA.

56. Respondent's violation of Section 12(a)(2)(N) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA.



### **Civil Penalty and Other Relief**

57. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$53,400. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business and the effect on Respondent's ability to continue in business. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

58. Based on an evaluation of the facts alleged in this CAFO, the factors in Section 14(a)(4) of FIFRA and EPA's Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act, dated December 2009, Complainant has determined the appropriate penalty to settle this action is \$53,400.

59. Within 30 days after the effective date of this CAFO, Respondent must pay a \$53,400 civil penalty for the FIFRA violations. Respondent must pay the penalty by electronic funds transfer, payable to the "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
SWIFT address FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state "QIAGEN Sciences, LLC" and the docket number of this CAFO.

60. Respondent must send a notice of payment that states Respondent's name and the case docket number to EPA at the following addresses when it pays the penalty:

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[R5hearingclerk@epa.gov](mailto:R5hearingclerk@epa.gov)

Anna Nguyen (ECP-17J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[nguyen.anna@epa.gov](mailto:nguyen.anna@epa.gov)

Nidhi O'Meara  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
[Omeara.nidhi@epa.gov](mailto:Omeara.nidhi@epa.gov)

61. This civil penalty is not deductible for federal tax purposes

62. If Respondent does not pay the civil penalty in a timely manner, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

63. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

### **General Provisions**

64. The parties consent to service of this CAFO by e-mail at the following valid e-mail address: Nidhi O'Meara at [omeara.nidhi@epa.gov](mailto:omeara.nidhi@epa.gov) (for Complainant), and Harry Weiss at [weiss@ballarspahr.com](mailto:weiss@ballarspahr.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

65. The Respondent's full compliance with this CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

66. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

67. This CAFO does not affect Respondent's responsibility to comply with FIFRA and other applicable federal, state, and local laws.

68. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for FIFRA.


69. The terms of this CAFO bind Respondent, its successors, and assigns.

70. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

71. Each party agrees to bear its own costs and attorney's fees, in this action.

72. This CAFO constitutes the entire agreement between the parties.

**In the Matter of:** Type text here  
**QIAGEN Sciences, LLC**



Digitally signed by  
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cn=GRABHANT  
Date: 2022.04.26 12:04:25  
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Date


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Tim Grabham, Head of Finance  
QDI, on behalf of QIAGEN Sciences, LLC

**In the Matter of:** Type text here  
**QIAGEN Sciences, LLC**

**United States Environmental Protection Agency, Complainant**

**MICHAEL  
HARRIS**

 Digitally signed by MICHAEL  
HARRIS  
Date: 2022.05.02 15:12:37  
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Michael D. Harris  
Division Director  
Enforcement & Compliance Assurance Division

**In the Matter of:**  
**QIAGEN Sciences, LLC**  
**Docket No. FIFRA-05-2022-0007**

**Final Order**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

**ANN COYLE** Digitally signed by ANN  
COYLE  
Date: 2022.05.05 09:22:03  
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Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

Consent Agreement and Final Order  
In the Matter of: Qiagen Sciences, LLC  
Docket Number: **FIFRA-05-2022-0007**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing Consent Agreement and Final Order, docket number **FIFRA-05-2022-0007**, which was filed on **May 6, 2022**, in the following manner to the following addressees:

Copy by E-mail to  
Attorney for Complainant:

Nidhi O'Meara  
[Omeara.Nidhi@epa.gov](mailto:Omeara.Nidhi@epa.gov)

Copy by E-mail to  
Attorney for Respondent:

Harry Weiss  
[Weiss@ballardspahr.com](mailto:Weiss@ballardspahr.com)

Meg Wood  
[Meg.Wood@qiagen.com](mailto:Meg.Wood@qiagen.com)

Copy by E-mail to  
Regional Judicial Officer:

Ms. Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

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Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5