



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

**May 6, 2022**

**VIA EMAIL ONLY**

Mr. Dan Dammen  
Vice President and Chief Financial Officer  
Reo Plastics, Inc.  
11850 93<sup>rd</sup> Avenue N.  
Maple Grove, Minnesota 55369

[ddammen@reoplastics.com](mailto:ddammen@reoplastics.com)

Consent Agreement and Final Order  
In the Matter of Reo Plastics, Inc.  
Docket Number **FIFRA-05-2022-0008**

Mr. Dammen:

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 \$41,680 is to be paid in the manner described in paragraphs 100-101. 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: 2022.05.03  
08:24:29 -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-05-2022-0008</b>
	)	
<b>Reo Plastics, Inc.</b>	)	<b>Proceeding to Assess a Civil Penalty</b>
<b>Maple Grove, Minnesota</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>	)	
_____	)	

**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, by lawful designation, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. The Respondent is Reo Plastics, Inc., a corporation doing business in the state of Minnesota, with a place of business located at 11850 93rd Ave. N., Maple Grove, Minnesota 55369.

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, and the regulations promulgated thereunder.

### **Statutory and Regulatory Background**

10. Section 2(t) of FIFRA, 7 U.S.C. § 136(t) defines the term “pest” to include “any form of 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 [of EPA] declares to be a pest under section 136w(c)(1).” *See also* 40 C.F.R. § 152.5(d).

11. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” to include “(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.” *See also* 40 C.F.R. § 152.3.

12. 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.”

13. Section 2(w) of FIFRA, 7 U.S.C. § 136(w) defines the term “producer” as “the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide.”

14. Section 2(w) of FIFRA, 7 U.S.C. § 136(w) defines the term “produce” as “to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide.”

15. Section 2(y) of FIFRA, 7 U.S.C. § 136(y) defines the term “registrant” as “a person who has registered any pesticide pursuant to the provisions of [FIFRA].”

16. Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd) defines the term “establishment” as “any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.”

17. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) defines the term “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.”

18. Section 2(n)(1) of FIFRA, 7 U.S.C. § 136(n)(1), defines “ingredient statement” as “a statement which contains (1) the name and percentage of each active ingredient, and the total percentage of all inert ingredients in the pesticide.”

19. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines a “label” as “written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.”

20. Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2)(A)-(B), 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 literature accompanying the pesticide or device...”

21. Section 2(q) of FIFRA, 7 U.S.C. § 136(q)(1)(A),(G), defines a pesticide as “misbranded” if “(A) its labeling bears any statement, design, or graphic representation relative thereto or its ingredients which is false or misleading in any particular . . . (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 136a(d) of this title, is adequate to protect health and the environment . . . [or] (2) . . . (A) the label does not bear an ingredient statement on that part of the immediate container (and on the outside container or wrapper of the retail package . . .) which is presented or displayed under customary conditions of purchase.”

22. Under 40 C.F.R. § 156.10(a)(5) and pursuant to Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), a pesticide subject to FIFRA is “misbranded if its labeling is false or misleading in any particular including both pesticidal and non-pesticidal claims.”

23. Under 40 C.F.R. § 156.10(c), every pesticide product label shall include the name and address of the producer, registrant, or person for whom produced. Moreover, “If the registrant’s name appears on the label and the registrant is not the producer, or if the name of the person for whom the pesticide was produced appears on the label, it must be qualified by appropriate wording such as “Packed for . . . ,” “Distributed by . . . ,” or “Sold by . . .” to show that the name is not that of the producer.”

24. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it is unlawful for any person “to distribute or sell . . . any pesticide which is adulterated or misbranded.”

25. Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i), states that it is “unlawful for any person (B) to refuse to (i) prepare, maintain, or submit any records required by

or under section 136c, 136e, 136f, 136i, or 136q of this title,” [Sections 5, 7, 8, 11 or 19 of FIFRA].”

26. Section 8 of FIFRA, 7 U.S.C. § 136f(a)-(b), requires “producers, registrants, and applicants for registration to maintain [] records with respect to their operations and the pesticides and devices produced,” and to make the records available for inspection.

27. 40 C.F.R. § 169.2 sets forth recordkeeping requirements for all producers of pesticides, devices, or active ingredients used in producing pesticides subject to FIFRA.

28. 40 C.F.R. § 169.2(a) requires producers of pesticides to maintain and retain for a period of two years records showing the product name, EPA Registration Number, amounts per batch and batch identification of all pesticides produced.

29. Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), states it is unlawful for any producers of pesticides to violate any of the provisions of Section 7 of FIFRA, 7 U.S.C. § 136e.

30. Section 7(a) of FIFRA, 7 U.S.C. § 136e(a) prohibits persons from producing any pesticide subject to FIFRA unless the establishment in which it is produced is registered with the EPA.

31. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision of FIFRA of up to \$21,805 for each offense that occurred after November 2, 2015 where penalties are assessed on or after 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**

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

33. At all times relevant to this CAFO, Respondent owned or operated a place of business located at 11850 93<sup>rd</sup> Avenue N., Maple Grove, Minnesota 55369 (the Facility).

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

35. At all times relevant to this CAFO, Respondent distributed or sold pesticides as that term is defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

36. At all times relevant to this CAFO, the Facility was a place where a pesticide or device or active ingredient used in producing pesticide was produced, or held, for distribution or sale.

37. On March 17, 2021, an inspector employed by the Minnesota Department of Agriculture (MDA) and authorized to conduct inspections under FIFRA conducted an inspection at the Facility (the Inspection).

38. During the Inspection, the inspector collected shipping records, receiving records, production records, inventory records, photographs, labels, labelling, Safety Data Sheets, contract agreements, and a signed affidavit for the pesticide kits: **Frog @ease Floating Sanitizing System, Frog @ease Sanitizing System, and Flippin’ Frog.**

39. The **Frog @ease Floating Sanitizing System** is a pesticide product kit consisting of individually packaged units of **Pool Frog Mineral Reservoir** EPA Reg. No. 53735-11, **Spa Shock** EPA Reg. No. 53735-12, and **Spa Chlorine Disinfectant** EPA Reg. No. 53735-14.

40. **Frog @ease Floating Sanitizing System** is a pesticide as defined by FIFRA and its regulations because it is intended to destroy bacteria commonly found in standing water

41. The **Frog @ease Sanitizing System** is a pesticide product kit consisting of individually packaged units of **Pool Frog Mineral Reservoir** EPA Reg. No. 53735-11, **Spa Shock** EPA Reg. No. 53735-12, and **Spa Chlorine Disinfectant** EPA Reg. No. 53735-14.

42. **Frog @ease Sanitizing System** is a pesticide as defined by FIFRA and its regulations because it is intended to destroy bacteria commonly found in standing water.

43. **Flippin' Frog** is a pesticide product kit consisting of individually packaged units of **Sani-King P-Max VIII Cartridge** EPA Reg. No. 53735-2 and **Pool Frog Mineral Reservoir** EPA Reg. No. 53735-11.

44. **Flippin' Frog** is a pesticide as defined by FIFRA and its regulations because it is intended to destroy bacteria commonly found in standing water.

45. King Technology, Inc. is the Registrant of the following pesticide-kit components: **Sani-King P-Max VIII Cartridge** EPA Registration Number (EPA Reg. No.) 53735-2, **Pool Frog Mineral Reservoir** EPA Reg. No. 53735-11, **Spa Shock** EPA Reg. No. 53735-12, and **Spa Chlorine Disinfectant** EPA Reg. No. 53735-14.

46. On February 6, 2018, EPA reviewed and approved the label for **Spa Shock**, EPA Registration Number (EPA Reg. No.) 53735-12.

47. On June 14, 2019, EPA reviewed and approved the label for **Sani-King P-Max VIII Cartridge**, EPA Reg. No. 53735-2.

48. On May 1, 2020, EPA reviewed and approved the label for **Pool Frog Mineral Reservoir**, EPA Reg. No. 53735-11.

49. On September 1, 2020, EPA reviewed and approved the label for **Spa Chlorine Disinfectant**, EPA Reg. No. 53735-14.

**Counts 1-2**  
**Sale or Distribution of Misbranded Pesticide Frog @ease Floating Sanitizing System**



50. Paragraphs 1 through 49 are incorporated by reference.

51. On January 22, 2021, Respondent produced **Frog @ease Floating Sanitizing System** for the purpose of sale and distribution, as those terms are defined in 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

52. On January 25, 2021, Respondent distributed **Frog @ease Floating Sanitizing System** to Distribution Alternatives, Inc., located at 6870 21st Avenue South, Lino Lakes, Minnesota 55038, as shown on Bill of Lading 15663, Packing Slip 410810.

53. On March 16, 2021, Respondent distributed **Frog @ease Floating Sanitizing System** to Distribution Alternatives, Inc., located at 6870 21st Avenue South, Lino Lakes, Minnesota 55038, as shown on Bill of Lading 16745, Packing Slip 413098.

54. The container label of **Frog @ease Floating Sanitizing System**, which Respondent used when it distributed the pesticide kit to Distribution Alternatives, Inc., lists the name and address of King Technologies, Inc. but fails to list a qualifying statement to clarify that King Technologies Inc. is not the producer, as required under 40 C.F.R § 156.10(c), and is therefore misbranded.

55. Respondent's distribution or sale of the misbranded pesticide, **Frog @ease Floating Sanitizing System**, constitutes two separate unlawful acts pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

56. Respondent's violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 3**  
**Failure to Maintain Records for Frog @ease Floating Sanitizing System**

57. Paragraphs 1 through 49 are incorporated by reference.

58. During the 2021 calendar year, Respondent produced **Frog @ease Floating Sanitizing System** for the purpose of sale and distribution.

59. During the Inspection, the inspector collected production records for **Frog @ease Floating Sanitizing System**.

60. Respondent provided a signed affidavit affirming that the production records for **Frog @ease Floating Sanitizing System** collected during inspection were true and accurate.

61. The production records Respondent provided for **Frog @ease Floating Sanitizing System** failed to include the EPA Reg. Nos. of the individual registered pesticide products used to produce the **Frog @ease Floating Sanitizing System**, as required by 40 C.F.R. § 169.2(a).

62. Respondent's failure to maintain production records for **Frog @ease Floating Sanitizing System** constitutes one unlawful act pursuant to Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i).

63. Respondent's violation of Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i), subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

#### **Count 4**

##### **Sale or Distribution of Misbranded Pesticide Frog @ease Sanitizing System**

64. Paragraphs 1 through 49 are incorporated by reference.

65. On March 15, 2021, Respondent produced **Frog @ease Sanitizing System** for the purpose of sale and distribution, as those terms are defined in 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

66. On March 16, 2021, Respondent distributed **Frog @ease Sanitizing System** to Distribution Alternatives, Inc., located at 6870 21st Avenue South, Lino Lakes, Minnesota 55038, as shown on Bill of Lading 16745, Packing Slip 413099.

67. The container label for **Frog @ease Sanitizing System**, which Respondent used when it distributed the pesticide kit to Distribution Alternatives, Inc., lists the name and address of King Technologies, Inc. but fails to list a qualifying statement to clarify that King Technologies Inc. is not the producer, as required under 40 C.F.R § 156.10(c), and is therefore misbranded.

68. Respondent's distribution or sale of misbranded pesticide, **Frog @ease Sanitizing System**, constitutes one unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

69. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 5**  
**Failure to Maintain Records for Frog @ease Sanitizing System**

70. Paragraphs 1 through 49 are incorporated by reference.

71. During the 2021 calendar year, Respondent produced **Frog @ease Sanitizing System** for the purpose of sale and distribution.

72. During the Inspection, the inspector collected production records for **Frog @ease Sanitizing System**.

73. Respondent provided a signed affidavit affirming that the production records for **Frog @ease Sanitizing System** collected during inspection were true and accurate.

74. The production records Respondent provided for **Frog @ease Sanitizing System** failed to include the EPA Reg. Nos. of the individual registered pesticide products used to produce the **Frog @ease Sanitizing System**, as required by 40 C.F.R. § 169.2(a).

75. Respondent's failure to maintain production records for **Frog @ease Sanitizing System** constitutes one unlawful act pursuant to Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i).

76. Respondent's violation of Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i), subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 6**  
**Sale or Distribution of Misbranded Pesticide Flippin' Frog**

77. Paragraphs 1 through 49 are incorporated by reference.

78. On December 29, 2020, Respondent produced **Flippin' Frog** for the purpose of sale and distribution, as those terms are defined in 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

79. On December 30, 2020, Respondent distributed **Flippin' Frog** to Distribution Alternatives, Inc., located at 6870 21st Avenue South, Lino Lakes, Minnesota 55038, as shown on Bill of Lading 15169, Packing Slip 409719.

80. The container label of **Flippin' Frog**, which Respondent used when it distributed the pesticide kit to Distribution Alternatives, Inc. lists the name and address of King Technologies, Inc. but fails to list a qualifying statement to clarify that King Technologies Inc. is not the producer, as required under 40 C.F.R § 156.10(c), and is therefore misbranded.

81. Respondent's distribution or sale of misbranded pesticide, **Flippin' Frog**, constitutes one unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

82. Respondent's violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 7**  
**Failure to Maintain Records for Flippin' Frog**

83. Paragraphs 1 through 49 are incorporated by reference.

84. During the 2020 calendar year, Respondent produced **Flippin' Frog** for the purpose of sale and distribution.

85. During the Inspection, the inspector collected production records for **Flippin' Frog**.

86. Respondent provided a signed affidavit affirming that the production records for **Flippin' Frog** collected during inspection were true and accurate.

87. The production records Respondent provided for **Flippin' Frog** failed to include the EPA Reg. Nos. of the individual registered pesticide products used to produce **Flippin' Frog**, as required by 40 C.F.R. § 169.2(a).

88. Respondent's failure to maintain production records for **Flippin' Frog**, constitutes one unlawful act pursuant to Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i).

89. Respondent's violation of Section 12(a)(2)(B)(i) of FIFRA subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

**Count 8**  
**Production of Pesticide Kits at an Unregistered Pesticide-Producing Establishment**

90. Paragraphs 1 through 49 are incorporated by reference.

91. Photographs of the **Frog @ease Floating Sanitizing System** label, collected during the Inspection, list EPA Establishment Number (EPA Est. No.) “64114-MN-1.”
92. Photographs of the **Frog @ease Sanitizing System** label, collected during the Inspection, list EPA Est. No. “64114-MN-1.”
93. Photographs of the **Flippin’ Frog** label, collected during the Inspection, list EPA Est. No. “64114-MN-1.”
94. Between December 30, 2020, and March 15, 2021, Respondent produced **Flippin’ Frog, Frog @ease Floating Sanitizing System, and Frog @ease Sanitizing System** for the purpose of sale and distribution at the Facility on several occasions.
95. At the time of production of **Flippin’ Frog, Frog @ease Floating Sanitizing System, and Frog @ease Sanitizing System**, EPA Est. No. 64114-MN-1 was not a registered EPA Establishment.
96. Respondent registered its pesticide-producing facility on November 18, 2021.
97. Respondent’s production of pesticides, **Flippin’ Frog, Frog @ease Floating Sanitizing System, and Frog @ease Sanitizing System** at an unregistered EPA Establishment constitutes one unlawful act pursuant to Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).
98. Respondent’s violation of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), subjects Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

#### **Civil Penalty**

99. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires the Administrator to consider the size of the business of the person charged, the effect on the person’s ability to

continue in business, and the gravity of the violation, when assessing an administrative penalty under FIFRA.

100. 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 **\$41,680**.

101. Within 30 days after the effective date of this CAFO, Respondent must pay a **\$41,680** 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 "Reo Plastics, Inc." and the docket number of this CAFO. To pay on-line, go to [www.pay.gov](http://www.pay.gov).

Use the Search Public Forms option on the tool bar and enter SFO 1.1 in the search field.

Open the form and complete the required fields.

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  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Anna Nguyen  
[nguyen.anna@epa.gov](mailto:nguyen.anna@epa.gov)

Justin Berchiolli  
[berchiolli.justin@epa.gov](mailto:berchiolli.justin@epa.gov)

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

103. 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.

104. 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**

105. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses for their respective representatives: [berchiolli.justin@epa.gov](mailto:berchiolli.justin@epa.gov) (attorney for Complainant), and [eric@lloonline.com](mailto:eric@lloonline.com) (Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6. Respondent understands that the CAFO will become publicly available upon filing.

106. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

107. 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.



108. Respondent certifies that it is complying with Sections 12(a)(1)(E), 12(a)(2)(B)(i), and 12(a)(2)(L) of FIFRA (7 U.S.C. §§ 136j(a)(1)(E), 136j(a)(2)(B)(i), 136j(a)(2)(L)), 40 C.F.R. §§ 156.10(c), 169.2(a), and the other regulations promulgated thereunder. Respondent also certifies that production records associated with **Frog @ease Floating Sanitizing System, Frog @ease Sanitizing System, and Flippin' Frog** have been retroactively amended to include the EPA Reg. Nos.

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

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

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

112. Each person signing this CAFO 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.


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

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

**In the Matter of:  
Reo Plastics, Inc.**

**Reo Plastics, Inc.**

May 2, 2022  
Date

A handwritten signature in black ink, appearing to read "Dan Dammen", written over a horizontal line.

Dan Dammen  
Executive Vice President, CFO  
Reo Plastics, Inc.

**In the Matter of:  
Reo Plastics, Inc.**

**United States Environmental Protection Agency, Complainant**

**MICHAEL  
HARRIS**

Digitally signed by  
MICHAEL HARRIS  
Date: 2022.05.05  
10:43:51 -05'00'

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Michael D. Harris, Division Director  
Enforcement & Compliance Assurance Division

**In the Matter of:**  
**Reo Plastics, Inc.**  
**Docket No. FIFRA-05-2022-0008**

**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: 2022.05.06  
09:42:09 -05'00'

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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: Reo Plastics, Inc.  
Docket Number: **FIFRA-05-2022-0008**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing Consent Agreement and Final Order, docket number **FIFRA-05-2022-0008**, which was filed on **May 6, 2022**, in the following manner to the following addressees:

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