

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. FIFRA-05-2024-0008
)	
Florida Garden Supplies, Inc.)	Proceeding to Assess a Civil Penalty
)	Under Section 14(a) of the
Livonia, Michigan)	Federal Insecticide, Fungicide, and
Respondent.)	Rodenticide Act, 7 U.S.C. § 136l(a)
)	
)	
)	

Consent Agreement and Final OrderPreliminary 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 and Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.
3. Respondent is Florida Garden Supplies, Inc. (Florida Garden Supplies or Respondent), a corporation doing business in the State of Michigan.
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. §§ 136-136y, and the regulations promulgated thereunder.

Statutory and Regulatory Background

10. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states that it is 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.

11. Section 2(a)(2) of FIFRA, 7 U.S.C. § 136(a)(2), defines an “active ingredient,” to mean “in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof.”

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

13. Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2), defines a “pesticide,” in part, as a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

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

15. Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2), defines “labeling” as “all labels and all other written, printed, or graphic matter ... accompanying the pesticide or device at any time; or ... to which reference is made on the label or in literature accompanying the pesticide or device.”

16. Section 2(v) of FIFRA, 7 U.S.C. § 136(v), defines a “plant regulator” as “any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof.”

17. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines “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. 40 C.F.R. § 152.15(a) states, in pertinent part, that no person may distribute or sell any pesticide product that is not registered under FIFRA. It further states that a substance is considered to be intended for a pesticidal purpose, *i.e.*, use for the purpose of preventing, destroying, repelling, or mitigating any pest or use as a plant regulator, defoliant, or desiccant, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states, or otherwise implies (by labelling or otherwise) that the substance (either by itself or in combination with any other substance) can or should be used as a pesticide.

19. The regulation at 40 C.F.R. 152.15(b) further states that a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if 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), or (2) use for manufacture of a pesticide.

20. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of FIFRA of up to \$21,805 for each offense occurring after November 2, 2015, and assessed 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

21. Respondent is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

22. At all times relevant to this CAFO, Respondent owned or operated a place of business located at 28190 Schoolcraft Road, Livonia, Michigan 48150.

23. On January 12, 2021, the Michigan Department of Agriculture and Rural Development (MDARD) conducted a state marketplace inspection in accordance with Act 451, Public Acts 1994 as amended, at Respondent’s retail store known as Florida Garden Supplies located at 28190 Schoolcraft Road, Livonia, Michigan 48150.

24. During the January 12, 2021, inspection, MDARD observed the product under the brand name “Xtreme Nutrients” named “Power Rock Flower Hardener 0-17-18” offered for sale at Florida Garden Supplies.

25. On February 9, 2021, MDARD purchased and collected a sample of one 1-pint container of “Power Rock Flower Hardener 0-17-18.” On February 11, 2021, MDARD submitted the sample of “Power Rock Flower Hardener 0-17-18” to the MDARD Geagley Laboratory to be screened for common pesticides.

26. A plant growth regulator compound, paclobutrazol, was detected in the sample of the “Power Rock Flower Hardener 0-17-18.”

27. On August 4, 2021, MDARD conducted a federal marketplace inspection in accordance with Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136(f) and 136(g), at the Respondent’s retail store known as Florida Garden Supplies located at 28190 Schoolcraft Road, Livonia, Michigan 48150.

28. During the August 4, 2021, inspection, MDARD observed the products “Power Rock Flower Hardener 0-17-18,” “A Early Turn 4-17-0,” “B Early Turn 4-0-7,” “Xtreme Veg 6-0-2,” “Root Tonic,” “Xtreme Boost 2-0-5,” and “Rhino Drive Triple Action 1-4-8” offered for sale at Florida Garden Supplies.

29. During the August 4, 2021, inspection, MDARD collected photographic records and a marketing brochure available at the store for “Power Rock Flower Hardener 0-17-18,” “A Early Turn 4-17-0,” “B Early Turn 4-0-7,” “Xtreme Veg 6-0-2,” “Root Tonic,” “Xtreme Boost 2-0-5,” and “Rhino Drive Triple Action 1-4-8.”

30. During the August 4, 2021, inspection, MDARD collected one distribution record in the form of a sales receipt for “Power Rock Flower Hardener 0-17-18,” “A Early Turn 4-17-0,” and “B Early Turn 4-0-7.”

31. On October 14, 2019, Respondent sold “Power Rock Flower Hardener 0-17-18,” “A Early Turn 4-17-0,” and “B Early Turn 4-0-7.”

32. The product labels of “Power Rock Flower Hardener 0-17-18,” “A Early Turn 4-17-0,” “B Early Turn 4-0-7,” “Xtreme Veg 6-0-2,” “Root Tonic,” “Xtreme Boost 2-0-5,” and “Rhino Drive Triple Action 1-4-8” observed by MDARD during the August 4, 2021 inspection list the following website: “www.xtremenutrients.com”.

33. On April 15, 2021, MDARD visited www.xtremenutrients.com and observed a PDF marketing catalog that appears to be identical to the marketing catalog obtained during the August 4, 2021 inspection.

34. The marketing catalog observed on www.xtremenutrients.com and collected during the August 4, 2021 inspection states the following plant regulator claims or statements regarding “Power Rock Flower Hardener 0-17-18”:

a. “Your yield will increase in mass, not only due to additional flowers, but also due to flowers being denser and heavier.”

b. “Use Power Rock in first 3-10 days of flower at half strength. This will stop stretching and induce flowering very quickly.”

35. The marketing catalog observed on www.xtremenutrients.com and collected during the August 4, 2021 inspection state the following plant regulator claims or statements regarding “A Early Turn 4-17-0” and “B Early Turn 4-0-7”:

a. “... a highly potent bloom stimulator...”

b. “...will encourage rapid bloom...”

c. “...easily stimulates the plant into full flowering production much earlier than normal.”

36. The labels of “A Early Turn 4-17-0” and “B Early Turn 4-0-7” observed by MDARD during the August 4, 2021, inspection contained the following plant regulator claim or statement:

a. “Turn growth into bloom, quick!”

37. The marketing catalog observed on www.xtremenutrients.com and collected during the August 4, 2021 inspection, and the label observed by MDARD during the August 4,

2021 inspection, state the following plant regulator claims or statements regarding “Xtreme Veg 6-0-2”:

- a. “...all-in-one root and grow stimulator...”
- b. “...consists of...natural growth hormones...”
- c. “...not only stimulates explosive root growth, but also promotes larger leaves, thicker stems and enzyme production...”

38. The label of “Xtreme Veg 6-0-2” observed by MDARD during the August 4, 2021 inspection contained the following ingredient list:

- a. Total Nitrogen(N): 6% (6% Water Soluble Nitrogen); Soluble Potash (K₂O): 2%; Calcium (Ca) 1% (1% Chelated Calcium); derived from seaweed kelp, Potassium Oxide, Calcium EDT; 2% Humic acids derived from Leonardite.

39. Humates (as derived from Leonardite) are a plant growth regulator compound.

40. Seaweed extracts are known to contain plant growth regulators including cytokinins, auxins, and gibberellins.

41. The marketing catalog observed on www.xtremenutrients.com and collected during the August 4, 2021 inspection state the following plant regulator claims or statements regarding “Root Tonic”:

- a. “The second secret in building massive root system lies in the application of breakthrough root stimulation technology. It is this specific stimulation of the plant’s root production system which induces the plant to produce a root system much larger than it normally would. A plant will send signals to the root system to grow larger, and we have been able to mimic that signal.”

42. The marketing catalog observed on www.xtremenutrients.com and collected during the August 4, 2021 inspection, and the label observed by MDARD during the August 4,

2021 inspection contain the following plant regulator claims or statements regarding “Xtreme Boost 2-0-5”:

- a. “...enhances metabolic grow, stimulates bud development...”
- b. “...encourages fruit swelling...”.
- c. “consists of [...] organic macro and micro nutrients from seaweed kelp and vegetable matter [...] specifically designed for the flowering and ripening of your plants.”

43. The label of “Xtreme Boost 2-0-5” observed by MDARD during the August 4, 2021 inspection contained the following ingredient list:

- a. Total Nitrogen(N) 2.00%, 2% Water Soluble Nitrogen (N); Soluble Potash (K₂O) 5.00%; Calcium (Ca) 1.00%, 1.0% Chelated Calcium; Magnesium (Mg) 2.00%, 2.00% Chelated Magnesium (Mg); Derived From: Seaweed Kelp (*Ascophyllum Nodosum*), Potassium oxide, Calcium EDTA, and Magnesium EDTA.

44. The marketing catalog observed on www.xtremenutrients.com and collected during the August 4, 2021 inspection state the following plant regulator claims or statements regarding “Rhino Drive Triple Action 1-4-8”:

- a. “...it uses anti-senescing agents (anti-ageing agents) that interrupt the normal hormonal signals which tell the plant that it is nearing the end of its life.”

45. The marketing catalog observed on www.xtremenutrients.com and collected during the August 4, 2021 inspection, and the label of “Rhino Drive Triple Action 1-4-8” observed by MDARD during the August 4, 2021 inspection contained the following plant regulator claim or statement:

- a. “...designed to pack on extra girth and weight increased production of the plant natural oil and Resin.”

46. The label of “Rhino Drive Triple Action 1-4-8” observed by MDARD during the August 4, 2021 inspection contained the following ingredient list:

a. Total Nitrogen(N) 1.00%, 1% Nitrate Nitrogen (N); Available Phosphate (P₂O₅) 4.00%; Soluble Potash (K₂O) 8.00%; Magnesium (Mg) 0.90%, 0.90% water soluble magnesium (Mg); Derived From Magnesium Phosphate, Potassium Nitrate, Potassium Phosphate, and Magnesium Sulfate.

b. Also Contains Non-Plant Food ingredients: 1.5% Humic Acid (derived from Leonardite).

Power Rock Flower Hardener 0-17-18

47. “Power Rock Flower Hardener 0-17-18” is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

48. “Power Rock Flower Hardener 0-17-18” is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

49. “Power Rock Flower Hardener 0-17-18” is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use, detected active ingredients, and pesticidal claims made in relation to the product.

50. On October 14, 2019, Respondent sold “Power Rock Flower Hardener 0-17-18.”

A Early Turn 4-17-0

51. “A Early Turn 4-17-0” is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

52. “A Early Turn 4-17-0” is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

53. “A Early Turn 4-17-0” is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use and pesticidal claims made in relation to the product.

54. On October 14, 2019, Respondent sold “A Early Turn 4-17-0.”

B Early Turn 4-0-7

55. “B Early Turn 4-0-7” is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

56. “B Early Turn 4-0-7” is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

57. “B Early Turn 4-0-7” is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use and pesticidal claims made in relation to the product.

58. On October 14, 2019, Respondent sold “B Early Turn 4-0-7.”

Xtreme Veg 6-0-2

59. “Xtreme Veg 6-0-2” is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

60. “Xtreme Veg 6-0-2” is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

61. “Xtreme Veg 6-0-2” is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use, active ingredients, and pesticidal claims made in relation to the product.

62. On August 4, 2021, “Xtreme Veg 6-0-2” was observed to be available for purchase at Florida Garden Supplies.

Root Tonic

63. “Root Tonic” is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

64. “Root Tonic” is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

65. “Root Tonic” is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use and pesticidal claims made in relation to the product.

66. On August 4, 2021, “Root Tonic” was observed to be available for purchase at Florida Garden Supplies.

Xtreme Boost 2-0-5

67. “Xtreme Boost 2-0-5” is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

68. “Xtreme Boost 2-0-5” is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

69. “Xtreme Boost 2-0-5” is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use, active ingredients, and pesticidal claims made in relation to the product.

70. On August 4, 2021, “Xtreme Boost 2-0-5” was observed to be available for purchase at Florida Garden Supplies.

Rhino Drive Triple Action 1-4-8

71. “Rhino Drive Triple Action 1-4-8” is a “pesticide” as that term is defined in Section 2(u)(2) of FIFRA, 7 U.S.C. § 136(u)(2).

72. “Rhino Drive Triple Action 1-4-8” is a pesticide, and, as such, is required to be registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

73. “Rhino Drive Triple Action 1-4-8” is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, is an unregistered pesticide based on the intended use, active ingredients, and pesticidal claims made in relation to the product.

74. On August 4, 2021, “Rhino Drive Triple Action 1-4-8” was observed to be available for purchase at Florida Garden Supplies.

Count 1

Sale of Unregistered Pesticide “Power Rock Flower Hardener 0-17-18”

75. Complainant incorporates Paragraphs 1 through 34, and 47 through 50 of this CAFO as though set forth in this paragraph.

76. On August 4, 2021, Respondent distributed or sold “Power Rock Flower Hardener 0-17-18.”

77. “Power Rock Flower Hardener 0-17-18” was not registered as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

78. Respondent’s distribution or sale of the unregistered pesticide, “Power Rock Flower Hardener 0-17-18,” constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) and subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 2

Sale of Unregistered Pesticide “A Early Turn 4-17-0”

79. Complainant incorporates Paragraphs 1 through 22, 27 through 33, 35 through 36 and 51 through 54 of this CAFO as though set forth in this paragraph.

80. On October 14, 2019, Respondent distributed or sold “A Early Turn 4-17-0.”

81. “A Early Turn 4-17-0” was not registered under as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

82. Respondent’s distribution or sale of the unregistered pesticide, “A Early Turn 4-17-0,” constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) and subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 3

Sale of Unregistered Pesticide “B Early Turn 4-0-7”

83. Complainant incorporates Paragraphs 1 through 22, 27 through 33, 35 through 36 and 55 through 58 of this CAFO as though set forth in this paragraph.

84. On October 14, 2019, Respondent distributed or sold “B Early Turn 4-0-7.”

85. “B Early Turn 4-0-7” was not registered as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

86. Respondent’s distribution or sale of the unregistered pesticide, “B Early Turn 4-0-7,” constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) and subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 4

Sale of Unregistered Pesticide “Xtreme Veg 6-0-2”

87. Complainant incorporates Paragraphs 1 through 22, 27 through 33, 37 through 40 and 59 through 62 of this CAFO as though set forth in this paragraph.

88. On August 4, 2021, Respondent distributed or sold “Xtreme Veg 6-0-2.”

89. “Xtreme Veg 6-0-2” was not registered as a pesticide by EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

90. Respondent's distribution or sale of the unregistered pesticide, "Xtreme Veg 6-0-2," constitutes an unlawful act, pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) and subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 5

Sale of Unregistered Pesticide "Root Tonic"

91. Complainant incorporates Paragraphs 1 through 22, 27 through 33, 41, and 63 through 66 of this CAFO as though set forth in this paragraph.

92. On August 4, 2021, Respondent distributed or sold "Root Tonic."

93. "Root Tonic" was not registered as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

94. Respondent's distribution or sale of the unregistered pesticide, "Root Tonic," constitutes an unlawful act, pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) and subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 6

Sale of Unregistered Pesticide "Xtreme Boost 2-0-5"

95. Complainant incorporates Paragraphs 1 through 22, 27 through 33, 42 through 43, and 67 through 70 of this CAFO as though set forth in this paragraph.

96. On August 4, 2021, Respondent distributed or sold "Xtreme Boost 2-0-5."

97. "Xtreme Boost 2-0-5" was not registered as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

98. Respondent's distribution or sale of the unregistered pesticide, "Xtreme Boost 2-0-5," constitutes an unlawful act, pursuant to Section 12(a)(1)(A) of FIFRA,

U.S.C. § 136j(a)(1)(A) and subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 7

Sale of Unregistered Pesticide “Rhino Drive Triple Action 1-4-8”

99. Complainant incorporates Paragraphs 1 through 22, 27 through 33, 44 through 46, and 71 through 74 of this CAFO as though set forth in this paragraph.

100. On March 17, 2020, Respondent distributed or sold “Rhino Drive Triple Action 1-4-8.”

101. “Rhino Drive Triple Action 1-4-8” was not registered as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

102. Respondent’s distribution or sale of the unregistered pesticide, “Rhino Drive Triple Action 1-4-8,” constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) and subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Civil Penalty

103. 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 **\$3,600**. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent’s business, the effect on Respondent’s ability to continue in business, and the gravity of the violation. Complainant also considered EPA’s FIFRA Enforcement Response Policy, dated December 2009.

104. Respondent must pay a **\$3,600** civil penalty in three installments with interest as follows:

<u>Installment</u>	<u>Due By</u>	<u>Payment</u>	<u>Principal</u>	<u>Interest</u>
Payment #1	Within 30 days of effective date of CAFO	\$1,200.00	\$0.00	\$0.00
Payment #2	Within 60 days of effective date of CAFO	\$1,212.00	\$1,200.00	\$12.00
Payment #2	Within 90 days of effective date of CAFO	\$1,203.00	\$1,200	\$3.00

Respondent must pay the installments by paying online.

105. To pay on-line, go to 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.

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

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Emma Gloekler (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
gloekler.emma@epa.gov

Logan Glasenapp (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
glasenapp.logan.m@epa.gov

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

108. 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.

109. 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

110. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: glasenapp.logan.m@epa.gov (for Complainant), and floridagarden@bellsouth.net (for Respondent).

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

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

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

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

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

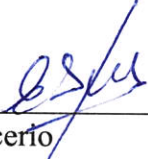
116. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

Florida Garden Supplies, Inc., Respondent

05/04/2024
Date


Elicer Salcerio
CEO
Florida Garden Supplies

United States Environmental Protection Agency, Complainant

Michael D. Harris
Director
Enforcement & Compliance Assurance Division
United States Environmental Protection Agency
Region 5

In the Matter of:
Florida Garden Supplies, Inc.
Docket No.: FIFRA-05-2024-0008

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 L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5