

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 3

Philadelphia, Pennsylvania 19103



IN RE: : U.S. EPA Docket No. FIFRA-03-2026-0118
 :
 Customized Distribution Services, Inc. : Proceeding under: Section 14 of the
 3355 E. Cedar Street, Suite A : Federal Insecticide, Fungicide and
 Ontario, California 91761 : Rodenticide Act, as amended, 7 U.S.C.
 : § 136/
 Respondent. :
 :
 Customized Distribution Services, Inc. :
 8400 Industrial Boulevard :
 Breinigsville, PA 18031 :
 :
 Facility. :

EXPEDITED SETTLEMENT AGREEMENT

1. Customized Distribution Services, Inc. ("Respondent") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended, 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 ("Consolidated Rules of Practice"), 40 C.F.R. § 22.13(b) and 22.18(b). The Administrator has delegated the authority to enter this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 has jurisdiction over this matter pursuant to Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a), and 40 C. F.R. Part 22 of the Consolidated Rules of Practice, including specifically 40 C.F.R. §§ 22.1, 22.13(b) and 22.18(b).
3. At all times relevant to the allegations described in this Agreement, Respondent was a "person" and a "producer" as those terms are defined in Sections 2(s) and (w) of FIFRA, 7 U.S.C. §§ 136(s) and (w) and 40 C.F.R. § 167.3 and an operator of an "establishment", as that term is defined in Section 2(dd) of FIFRA, 7 U.S.C. §§ 136(dd) and 40 C.F.R. § 167.3. This Establishment is registered with EPA under Establishment Number 87299-PA-1. The Establishment "Customized Distribution Services, Inc." is located at 8400 Industrial Boulevard, Breinigsville, PA 18031.

4. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating a registered pesticides-producing establishment to inform EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which it is producing, which it has produced during the past year, and which it has sold or distributed during the past year. The information required by this paragraph shall be kept current and submitted to the Administrator annually as required by such regulations as the Administrator may prescribe. The regulation found at 40 C.F.R § 167.85(d) requires such pesticides report to be filed annually on or before March 1, even if the producer has produced no pesticidal products for that reporting year. Respondent failed to comply with these regulations.
5. Complainant has identified the following violations:

On March 1, 2025, Respondent failed to file the 2024 annual pesticide production report (EPA Form 3540-16) for the above facility by March 1, 2025, as required by Section 7(c) of FIFRA, 2 U.S.C. § 136e(c) and 40 C.F.R. § 167.85(d). In failing to comply with FIFRA, 2 U.S.C. § 136e(c) and 40 C.F.R. § 167.85(d), Respondent is subject to the assessment of penalties under Section 14 (a) of FIFRA, 7 U.S.C. § 136(a).
6. Under EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements, updated May 2010*, EPA may reduce a civil penalty to zero when a producer who has failed to submit a timely production report under Section 7(c)(1) of FIFRA reports no pesticide production and request termination of the establishment's registration number within 20 days after received written notification of the violation by EPA.
7. In correspondence provided within 20 days of receiving EPA's notice of the violation alleged herein, Respondent reported that it produced no pesticides at the EPA Establishment Number 87299-PA-1, "Customized Distribution Services, Inc." located at 8400 Industrial Boulevard, Breinigsville, PA 18031, and requested that the establishment registration be terminated.
8. Complainant and Respondent agree that settlement of this matter for a penalty of **\$0.00 (ZERO DOLLARS)** is in the public interest. The penalty amount is based upon EPA's consideration of a number of the statutory factors listed in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136(a)(4).
9. In signing this Agreement, the Respondent: admits the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of

the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.

10. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.
11. The Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.
12. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the FIFRA, the FIFRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement and Final Order, following its filing with the Regional Hearing Clerk.
13. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
14. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b), pursuant to Section 14(a) of the FIFRA, 7 U.S.C. § 136/(a).
15. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Customized Distribution Services, Inc.
16. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: convery.christine@epa.gov (for Complainant), and cguerra@cdslogistics.com (for Respondent).
17. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
18. By signing this Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court,

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including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the Agreement.

For Respondent: Customized Distribution Services, Inc.

Name (print): CARLOS GUERRA
Title (print): DIRECTOR OPERATIONS

Signature: 

Date: 3/31/2026

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

[Digital Signature and Date]

Andrea Bain, Acting Director
Enforcement and Compliance Assurance Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**



In the Matter of: :

Customized Distribution Services, Inc. : U.S. EPA Docket No. [DOCKET NUMBER]

3355 E. Cedar Street, Suite A : :

Ontario, CA 91761 : Proceeding under: Section 14 of the Federal

Respondent. : Insecticide, Fungicide and Rodenticide Act, as

: amended, 7 U.S.C. § 136/

: :

Customized Distribution Services, Inc.

8400 Industrial Boulevard

Breinigsville, PA 18031

Facility.

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby **ORDERED** to comply with all of the terms of the Consent Agreement.

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.

By: _____
Regional Judicial and Presiding Officer
U.S. EPA, Region 3

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Customized Distribution Services, Inc.	:
8400 Industrial Boulevard	:
Breinigsville, PA 18031	:
	:
Facility.	:

CERTIFICATE OF SERVICE

I certify that the foregoing ***Expedited Settlement Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Expedited Settlement Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Carlos Guerra, General Manager
cguerra@cdslogistics.com
3355 E. Cedar Street, Suite A
Ontario, CA 91761

Christine Convery
Enforcement Officer
U.S. EPA, Region 3
convery.christine@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3