

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 paragraphs 1-4 of this CAFO but makes no admissions of any 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. Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, 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 consent agreement.

9. With respect to Respondent's alleged noncompliance under FIFRA, as alleged in this CAFO, 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, 7 U.S.C. § 136a.

11. Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), states that it is unlawful for any person in any state to distribute or sell to any person any registered pesticide if any claims made for it as a part of its distribution or sale substantially differ from any claims made for it as a part of the statement required in connection with its registration under section 3 of FIFRA, 7 U.S.C. § 136a.

12. 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.”

13. 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.”

14. 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.”

15. Section 2(u)(1) of FIFRA, 7 U.S.C. § 136(u)(1), defines a “pesticide,” in part, as a “substance . . . intended for preventing, destroying, repelling, or mitigating any pest.”

16. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as “(1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or 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 declares to be a pest under section 136w(c)(1) of this title.”

17. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), states that the term “distribute or sell” means “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 3(c)(1) of FIFRA, 7 U.S.C. § 136a(c)(1) states that each applicant for registration of a pesticide shall file a statement that includes, in part, a complete copy of the labeling of the pesticide, a statement of all claims to be made for it, and any directions for its use.

19. The regulation at 40 C.F.R. § 152.15(a)(1) states that “[a] pesticide is any substance . . . intended for a pesticidal purpose.”

20. The regulation at 40 C.F.R. § 152.15(a)(1) 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 labeling or otherwise) that the substance (either by itself or in combination with any other substance) can or should be used as a pesticide.

21. 40 C.F.R. § 152.44 provides for the modification of the labeling of a registered product through an amendment process.

22. 40 C.F.R. § 152.132 states that a registrant may distribute or sell his registered product under another person’s name and address instead of (or in addition to) his own. Such distribution and sale is termed “supplemental distribution” and the product is referred to as a “distributor product.” Supplemental distribution is permitted upon notification to the Agency if, among other things, the label of the distributor product is the same as that of the registered product, except that the product name of the distributor product may be different, the name and address of the distributor may appear instead of that of the registrant, the registration number of the registered product must be followed by a dash, followed by the distributor’s company number, the establishment number must be that of the final establishment at which the product was produced, and specific claims may be deleted, provided that no other changes are necessary.

23. 40 C.F.R. § 156.10(a)(5)(ii) states, in pertinent part, that a statement or representation in pesticide labeling that constitutes misbranding includes a false or misleading statement concerning the effectiveness of the product as a pesticide.

24. The Administrator of the 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 \$24,255 for each offense, 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

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

26. At all times relevant to this CAFO, Respondent owned or operated a place of business located at 26301 Curtiss-Wright Parkway, Suite 200, Cleveland, Ohio 44143 (“the Facility”).

27. On January 19, 2022, the Ohio Department of Agriculture (ODA) conducted an inspection in accordance with Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136(f) and 136(g), at the Facility (“the Inspection”).

28. During the Inspection, ODA collected information related to **SaniWorks Deluxe Antimicrobial Towel** and the pesticide with which it is treated, **Ionpure ZAF HS** (EPA Reg. No. 73148-6).

29. On July 27, 2022, as a follow up to the Inspection, the EPA issued a Request for Information to Respondent under its inspection authority under Section 8(b) of FIFRA, 7 U.S.C. § 136f(b), and the FIFRA regulations at 40 C.F.R. Part 169.

30. On December 9, 2022, Respondent provided production, receiving, sales, and labeling records of **SaniWorks Deluxe Antimicrobial Towel** from January 1, 2020 to June 30, 2020.

31. On or about November 4, 2022, Respondent submitted an eDisclosure under the EPA’s Audit Policy Program, made effective May 11, 2000, including information related to **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing), Odor Inhibiting**

Restroom Mats, and WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes, EPA Registration Number (EPA Reg. No.) 1839-190-98780.

32. On or about August 30, 2023, the EPA issued a Request for Information pursuant to its inspection authority under Section 8(b) of FIFRA, 7 U.S.C. § 136f(b), and the FIFRA regulations at 40 C.F.R. Part 169.

33. On or about January 15, 2024, Respondent provided, among other things, sales records for **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing), Odor Inhibiting Restroom Mats, and WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes**, EPA Registration Number (EPA Reg. No.) 1839-190-98780.

34. On or about April 29, 2024, the EPA issued a follow-up Request for Information pursuant to its inspection authority under Section 8(b) of FIFRA, 7 U.S.C. § 136f(b), and the FIFRA regulations at 40 C.F.R. Part 169.

35. On or about May 21, 2024, Respondent provided, among other things, labeling and marketing records for **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing), Odor Inhibiting Restroom Mats, and WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes**, EPA Registration Number (EPA Reg. No.) 1839-190-98780.

SaniWorks Deluxe Antimicrobial Towel

36. EPA alleges that, in certain product advertising and/or labeling, the **SaniWorks Deluxe Antimicrobial Towel** included the word “antimicrobial” in association with the product name, and that Respondent therefore implied, by labeling or otherwise, that the product can or should be used by itself as an antimicrobial product, or in other words, that the product can or should be used by itself to destroy micro-organisms.

37. The definition of “pest” includes micro-organisms, also known as microbes. Section 2(t) of FIFRA, 7 U.S.C. § 136(t).

38. The EPA alleges that, because Respondent implied that its product, the **SaniWorks Deluxe Antimicrobial Towel**, can or should be used by itself to destroy pests, then the **SaniWorks Deluxe Antimicrobial Towel** qualified as a pesticide requiring registration under 40 C.F.R. § 152.15(a)(1).

39. The sales records provided by Respondent on December 9, 2022 identified the “Item Code” of the quantities of **SaniWorks Deluxe Antimicrobial Towel** sold, which corresponded to the packaging and labeling applied to **SaniWorks Deluxe Antimicrobial Towel** from January 1, 2020 to June 30, 2020.

40. The packaging of **SaniWorks Deluxe Antimicrobial Towel** associated with Item Codes N-F310QCBA, N-F310QCGA, N-F310QCB2A, and N-F310QCWA contained the following claims or statements:

- a. “SaniWorks® Foodservice Towels”
- b. “Deluxe Antimicrobial Towels”
- c. “This product contains antimicrobial treatment, which inhibits the growth of odor-causing bacteria in the towel. The treatment does not protect users or others against bacteria, viruses, or germs”

41. By making the claims noted in paragraph 40, the EPA alleges that Respondent implied, by labeling or otherwise, that **SaniWorks Deluxe Antimicrobial Towel** can or should be used by itself as an antimicrobial, or in other words, that the product can or should be used by itself to destroy micro-organisms. Respondent disputes these allegations and asserts that the **SaniWorks Deluxe Antimicrobial Towel** and its labeling complied with FIFRA and relevant EPA guidance.

42. The EPA alleges that, at all times relevant to the CAFO, Respondent claimed that its product, **SaniWorks Deluxe Antimicrobial Towel**, can or should be used by itself to destroy

pests, qualifying **SaniWorks Deluxe Antimicrobial Towel** as a pesticide requiring registration under 40 C.F.R. § 152.15(a)(1).

43. **SaniWorks Deluxe Antimicrobial Towel** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, the EPA alleges that, at all times relevant to the CAFO, it was an unregistered pesticide based on the alleged pesticidal claim made in association with the product name.

SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)

44. In Respondent's May 21, 2024 response to the EPA's April 29, 2024 follow-up Request for Information, Respondent provided marketing records for **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)** for the time period of August 1, 2022 to November 1, 2022.

45. The marketing materials Respondent provided for **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)** contained the following claims or statements:

- a. "EPS Towels – Enhanced Performance for Sanitizing"
- b. "Great for cleaning and sanitizing tables, countertops and washing dishes"
- c. "200% greater quat release to surface than cotton towels"
- d. "98.5% quat release to surface"

46. By making the claims noted in paragraph 45, the EPA alleges that Respondent implied, by labeling or otherwise, that the product itself can or should be used for sanitizing, and that Respondent therefore made a pesticidal claim because "sanitizing" involves preventing, destroying, repelling, or mitigating any pest. 40 C.F.R. § 152.15(a)(1). Respondent disputes these allegations and asserts that the claims or statements regarding **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)** complied with FIFRA and relevant EPA guidance.

47. The EPA alleges that, because Respondent allegedly claimed, stated, or implied (by labeling or otherwise) that the **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)** can or should be used by itself as a pesticide, then the **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)** was intended for a pesticidal purpose as provided in 40 C.F.R. § 152.15(a)(1).

48. **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, the EPA alleges that, at all times relevant to the CAFO, it was an unregistered pesticide based on the alleged pesticidal claims made in relation to the product.

49. FIFRA defines “distribute or sell” to include offering for sale. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

Odor Inhibiting Restroom Mats

50. In Respondent’s May 21, 2024 response to the EPA’s April 29, 2024 follow-up Request for Information, Respondent provided marketing records for **Odor Inhibiting Restroom Mats** for the time period of August 1, 2022 to November 1, 2022.

51. The marketing materials Respondent provided for **Odor Inhibiting Restroom Mats** contained the following claims or statements:

- a. “Health Gards® Antimicrobial Mats”
- b. “The mat’s fibers are pretreated with an antimicrobial that inhibits the growth of odor causing bacteria in the mat”

52. The definition of “pest” includes micro-organisms, also known as microbes. Section 2(t) of FIFRA, 7 U.S.C. § 136(t).

53. The EPA alleges that, by making the claims noted in paragraph 51, Respondent implied, by labeling or otherwise, that **Odor Inhibiting Restroom Mats** can or should be used

as an antimicrobial, or in other words, that the product can or should be used to destroy micro-organisms. Respondent disputes these allegations and asserts that the **Odor Inhibiting Restroom Mats** and its labeling complied with FIFRA and relevant EPA guidance.

54. The EPA alleges that, because Respondent implied that its product, the **Odor Inhibiting Restroom Mats**, can or should be used to destroy pests, then the **Odor Inhibiting Restroom Mats** qualified as a pesticide requiring registration under 40 C.F.R. § 152.15(a)(1), at all times relevant to the CAFO.

55. **Odor Inhibiting Restroom Mats** is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, and as such, the EPA alleges that it was an unregistered pesticide at all times relevant to the CAFO based on the pesticidal claims made in relation to the product.

56. FIFRA defines “distribute or sell” to include offering for sale. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes (EPA Reg. No. 1839-190-98780)

57. In Respondent’s May 21, 2024 response to the EPA’s April 29, 2024 follow-up Request for Information, Respondent provided marketing records for **WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes** (EPA Reg. No. 1839-190-98780) for the time period of August 1, 2022 to November 1, 2022.

58. The provided marketing materials for **WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes** (EPA Reg. No. 1839-190-98780) contained the following claims or statements:

- a. “contains a hospital grade, all-purpose dual chain quaternary disinfectant”

59. On or about January 21, 2021, **WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes** (EPA Reg. No. 1839-190-98780) was registered as a supplemental distributor product pursuant to 40 C.F.R. § 152.132.

60. On or about April 23, 2007, Stepan Disinfectant Wipe (EPA Reg. No. 1839-190), the basic registered product, was registered under Section 3 of FIFRA.

61. The EPA accepted the most recent master label amendments for the basic registered product, Stepan Disinfectant Wipe (EPA Reg. No. 1839-190), on July 17, 2023, December 7, 2022, March 10, 2022, and May 12, 2021. None of these label amendments include the claim listed in paragraph 58.

62. The EPA alleges that, because the claim listed in paragraph 58 does not appear on the registered label for **WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes** (EPA Reg. No. 1839-190-98780), it is a false or misleading statement concerning the effectiveness of the product as a pesticide, per 40 C.F.R. § 156.10(a)(5)(ii), and the claim listed in paragraph 58 therefore qualifies the product as misbranded. Respondent disputes EPA's allegations and asserts that the claims in paragraph 58 were permissible under FIFRA and EPA guidance.

63. FIFRA defines "distribute or sell" to include offering for sale. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

Counts 1-265

SaniWorks Deluxe Antimicrobial Towel

64. Paragraphs 1-43 are incorporated by reference.

65. Between January 2, 2020 and June 30, 2020, Respondent allegedly distributed or sold an unregistered pesticide, **SaniWorks Deluxe Antimicrobial Towel**, on at least 265 separate occasions.

66. Respondent's alleged distribution or sale of an unregistered pesticide constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

67. Respondent's alleged violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. 136j(a)(1)(A), allows the EPA to issue an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).

Count 266

SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)

68. Paragraphs 1-35 and 44-49 are incorporated by reference.

69. Between August 1, 2022 and November 1, 2022, Respondent allegedly distributed or sold an unregistered pesticide, **SaniWorks® EPS Towels (Enhanced Performance for Sanitizing)**, on at least one occasion.

70. Respondent's alleged distribution or sale of an unregistered pesticide constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

71. Respondent's alleged violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. 136j(a)(1)(A), allows the EPA to issue an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).

Count 267

Odor Inhibiting Restroom Mats

72. Paragraphs 1-35 and 50-56 are incorporated by reference.

73. Between August 1, 2022 and November 1, 2022, Respondent allegedly distributed or sold an unregistered pesticide, **Odor Inhibiting Restroom Mats**, on at least one occasion.

74. Respondent's alleged distribution or sale of an unregistered pesticide constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

75. Respondent's alleged violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. 136j(a)(1)(A), allows the EPA to issue an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).

Count 268

WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes (EPA Reg. No. 1839-190-98780)

76. Paragraphs 1-35 and 57-63 are incorporated by reference.

77. Between August 1, 2022 and November 1, 2022, Respondent allegedly distributed or sold the registered pesticide **WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes** (EPA Reg. No. 1839-190-98780) with claims for the product that substantially differed from the claims made for the product as part of the statement required in connection with its registration under section 3 of FIFRA.

78. Respondent's alleged distribution or sale of the registered pesticide **WetWorks® +Plus Pre-saturated Surface Disinfecting Wipes** (EPA Reg. No. 1839-190-98780) with claims made for it as part of its distribution or sale that substantially differed from claims made for it as a part of the statement required in connection with its registration under section 3 of FIFRA constitutes one unlawful act, pursuant to Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B).

79. Respondent's alleged violations of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. 136j(a)(1)(B), allows the EPA to issue an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).

Civil Penalty

80. 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 \$326,200 ("Assessed Penalty").

In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of the Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the alleged violations. Complainant also considered the EPA's FIFRA Enforcement Response Policy.

81. Respondent consents to pay the Assessed Penalty within thirty (30) calendar days after the date of the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk ("Filing Date").

82. Respondent shall pay the Assessed Penalty, and any interest, fees, and other charges to the extent due under this Agreement, using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

83. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, FIFRA-05-2025-0017,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s)

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

Justin Berchiolli (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
Berchiolli.Justin@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov

“proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

84. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts:

a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charged are paid in full. To protect the interests of the United States the rate of interest is set at the Internal Revenue Service (IRS) standard underpayment rate. Any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA’s cost of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Filing Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest,

penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Filing Date.

85. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which included, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges for any inexcusable, prolonged, or repeated failure by Respondent to pay any portion of the Assessed Penalty, or suspend or disqualify Respondent from doing business with the EPA, or engaging in programs the EPA sponsors or funds, if Respondent fails to pay any portion of the Assessed Penalty within a reasonable time, per 40 C.F.R. § 13.17.
- d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.

86. Allocation of Payments. Pursuant to 30 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d),

a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

87. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

88. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to annually send to the IRS a completed IRS Form 1098-F (“Fines, Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that the EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” The EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent’s failure to comply with providing IRS Form W-9 or Tax Identification Number (TIN), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide the EPA with sufficient information to enable it to fulfill these obligations, the EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;

- c. Respondent shall email its completed Form W-9 to Milton Wise at the EPA's Cincinnati Finance Center at wise.milton@epa.gov, on or before the date that Respondent's penalty payment is due, pursuant to Paragraph 81 of this CAFO, or within seven (7) days should the order become effective between December 15 and December 31 of the calendar year. The EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

General Provisions

89. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Berchiolli.Justin@epa.gov (for Complainant), and Pat Fitzmaurice (pfitzmaurice@tranzonic.com) (for Respondent).

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

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

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

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

94. This CAFO is binding on Respondent, its successors, and assigns.

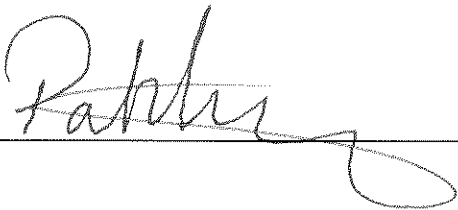
95. Each person signing this Agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

96. Each party agrees to bear its own costs and attorneys' fees, in this action.

97. This CAFO constitutes the entire agreement between the parties with respect to the subject matter herein.

The Tranzonic Companies, dba Hospeco Brands Group, Respondent

7/7/25
Date



RESPONDENT

Patrick Fitzmaurice
Chief Financial Officer

United States Environmental Protection Agency, Complainant

Michael D. Harris, Director
Enforcement and Compliance Assurance Division
Region 5

In the Matter of The Tranzonic Companies dba Hospeco Brands Group
Docket No.: FIFRA-05-2025-0017

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