



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 5**

**77 WEST JACKSON BOULEVARD**

**CHICAGO, IL 60604-3590**

**July 8, 2022**

**VIA EMAIL ONLY**

Mr. Marvin Church  
Executive Director, Environmental Health and Safety  
Calgon Carbon Corporation  
3000 GSK Drive  
Moon Township, Pennsylvania 15108

[marvin.church@kuraray.com](mailto:marvin.church@kuraray.com)

Consent Agreement and Final Order  
In the Matter of Calgon Carbon Corporation  
Docket Number: FIFRA-05-2022-0015

Mr. Church:

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 July 8, 2022 with the Regional Hearing Clerk.

The civil penalty in the amount of \$45,690 is to be paid in the manner described in paragraphs 73 – 78. 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,

**ANGELA  
BOUCHE**

Digitally signed by  
ANGELA BOUCHE  
Date: 2022.06.28  
16:56:02 -05'00'

Angela Bouche  
Pesticides and Toxics Compliance Section



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. §§ 136-136(a)(1)(E) and the regulations at 40 C.F.R. § 156.10.

**Statutory and Regulatory Background**

10. FIFRA section 12(a)(1)(E), 7 U.S.C § 136j, states “[I]t shall be unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded.”

11. According to FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E), a pesticide is misbranded if, among other things, any word, statement, or other information required by or under authority of FIFRA fails to appear on the label or labeling is not prominently placed thereon.

12. FIFRA sections 12(q)(1) & (2), 7 U.S.C §§ 136(q)(1) & (2), provide general pesticide labeling requirements. Implementing regulations, found at 40 C.F.R § 156.10, specify pesticide labeling requirements.

13. Under 40 C.F.R. § 156.10(a)(1), every pesticide product must bear a label containing the information specified by FIFRA and its implementing regulations at 40 C.F.R. part 156.

14. Federal regulations, at 40 C.F.R. §§ 156.10(a)(1), specify that the contents of a label

must show clearly and prominently the following: (i) the name, brand, or trademark under which the product is sold; (ii) the name and address of the producer, registrant, or person for whom produced; (iii) the net contents as prescribed; (iv) the product registration number; (v) the producing establishment number; (vi) an ingredient statement; (vii) hazard and precautionary statements; (viii) the directions for use; and (ix) the use classification(s).

15. According to section 2(s) of FIFRA, 7 U.S.C. § 136(s), the term “person” means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

16. According to section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the term “distribute or sell” means to distribute, sell, offer for sale, hold for sale, ship, hold for shipment, deliver for shipment, or receive and (having so received), to deliver or offer to deliver, or release for shipment to any person in any State.

17. According to section 2(u) of FIFRA, 7 U.S.C. § 136(u), the term “pesticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant.

18. Federal regulations, at 40 C.F.R. § 152.3, define “pesticide product” as a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

19. 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 \$19,936 for each offense that occurred after November 2, 2015, 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**

20. On January 21, 2020 and January 23, 2020, an inspector employed by the Ohio Department of Agriculture (ODA) and authorized to conduct inspections under FIFRA, conducted an inspection at Respondent's place of business located at 835 North Cassady Avenue, Columbus, Ohio.

21. As part of the inspection, among other things, the inspector took statements and photographs, and collected various records including purchase orders, invoices, picking tickets, and bills of lading.

22. Since approximately 2016, Respondent produced these products: "Type CE Bacteriostatic Water Filter Media," (EPA Registration Number (EPA Reg. No.) 58295-2), "Type 1184 Bacteriostatic Water Filter Media," (EPA Reg. No. 58295-3), and "Hygene" (EPA Reg. No. 35900-2). The active ingredient in these products is metallic silver (CAS 7440-22-4).

23. Master labels for both "Type CE Bacteriostatic Water Filter Media" (EPA Reg. No. 58295-2) and "Type 1184 Bacteriostatic Water Filter Media" (EPA Reg. No. 58295-3) were accepted by EPA on April 23, 1996. Complete copies of these accepted labels are included as Attachment 1 and 2 respectively.

24. The master label for "Hygene" (EPA Reg. No. 35900-2) was accepted by EPA on August 16, 2012. A complete copy of the accepted label is included as Attachment 3.

### **Count I**

25. On or about August 3, 2018, Respondent sold or distributed two sacks of the pesticide product "Type CE Bacteriostatic Water Filter Media" to Pentair Water (Suzhou) Co., Ltd, identified as delivery number 80117454.

26. The two sacks were shipped bearing the bin labels included in Attachment A, which

did not contain the information approved by EPA as reflected in Attachment 1, and therefore neither of the two sacks of pesticide product had a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

27. The two sacks comprising delivery number 80117454 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

28. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

### **Count II**

29. On or about October 2, 2018, Respondent sold or distributed two sacks of the pesticide product “Type CE Bacteriostatic Water Filter Media” to Pentair Water (Suzhou) Co., Ltd, identified as delivery number 80125742.

30. The two sacks were shipped bearing the bin labels included in Attachment A, which did not contain the information approved by EPA as reflected in Attachment 1, and therefore neither of the two sacks of pesticide product had a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

31. The two sacks comprising delivery number 80125742 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

32. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

### **Count III**

33. On or about December 3, 2018, Respondent sold or distributed one drum of the pesticide product “Type CE Bacteriostatic Water Filter Media” to Pentair Water (Suzhou) Co., Ltd, identified as delivery number 80133435.

34. The drum was shipped bearing the bin labels included in Attachment A, which did not contain the information approved by EPA as reflected in Attachment 1, and therefore the drum of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

35. The drum comprising delivery number 80133435 was misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

36. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

#### **Count IV**

37. On or about December 5, 2018, Respondent sold or distributed four drums of the pesticide product “Type CE Bacteriostatic Water Filter Media” to Pentair Water (Suzhou) Co., Ltd, identified as delivery number 80133436.

38. The four drums were shipped bearing the bin labels included in Attachment A, which did not contain the information approved by EPA as reflected in Attachment 1, and therefore the drums of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

39. The four drums comprising delivery number 80133436 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

40. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

#### **Count V**

41. On or about March 28, 2018, Respondent sold or distributed three drums of the pesticide product “Type 1184 Bacteriostatic Water Filter Media” to Carico International, Inc.,

identified as delivery number 80102139.

42. The three drums were shipped bearing the bin labels included in Attachment B, which did not contain the information approved by EPA as reflected in Attachment 2, and therefore the drums of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

43. The three drums comprising delivery number 80102139 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

44. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

#### **Count VI**

45. On or about May 22, 2018, Respondent sold or distributed four drums of the pesticide product “Type 1184 Bacteriostatic Water Filter Media” to Carico International Inc., identified as delivery number 80108835.

46. The four drums were shipped bearing the bin labels included in Attachment B, which did not contain the information approved by EPA as reflected in Attachment 2, and therefore the drums of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

47. The four drums comprising delivery number 80108835 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

48. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

#### **Count VII**

49. On or about October 2, 2018, Respondent sold or distributed three drums of the



pesticide product “Type 1184 Bacteriostatic Water Filter Media” to Carico International Inc., identified as delivery number 80125955.

50. The three drums were shipped bearing the bin labels included in Attachment B, which did not contain the information approved by EPA as reflected in Attachment 2, and therefore the drums of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

51. The three drums comprising delivery number 80125955 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

52. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

### **Count VIII**

53. On or about November 15, 2018, Respondent sold or distributed one drum of the pesticide product “Type 1184 Bacteriostatic Water Filter Media” to Carico International Inc., identified as delivery number 80131564.

54. The drum was shipped bearing the bin labels included in Attachment B, which did not contain the information approved by EPA as reflected in Attachment 2, and therefore the drum of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

55. The drum comprising delivery number 80131564 was misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

56. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

### **Count IX**

57. On or about March 8, 2019, Respondent sold or distributed three drums of the pesticide product “Type 1184 Bacteriostatic Water Filter Media” to Carico International Inc., identified as delivery number 80144151.

58. The three drums were shipped bearing the bin labels included in Attachment B, which did not contain the information approved by EPA as reflected in Attachment 2, and therefore the drums of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

59. The three drums comprising delivery number 80144151 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

60. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

### **Count X**

61. On or about May 6, 2019, Respondent sold or distributed six drums of the pesticide product “Type 1184 Bacteriostatic Water Filter Media” to Carico International Inc., identified as delivery number 80150875.

62. The six drums were shipped bearing the bin labels included in Attachment B, which did not contain the information approved by EPA as reflected in Attachment 2, and therefore the drums of pesticide product did not bear a label containing all information required by 40 C.F.R. §§ 156.10(i)(2)(ix).

63. The six drums comprising delivery number 80150875 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

64. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j,

by selling or distributing a misbranded pesticide.

**Count XI**

65. On or about October 10, 2019, Respondent sold or distributed 6,800 pounds of the pesticide product “Hygene” and 121 pounds of the pesticide product “Hygene Fines” to Puronics Water Systems, Inc., identified as delivery number 80169577.

66. The products were shipped bearing the bin labels included in Attachment C, which did not contain the information approved by EPA as reflected in Attachment 3, and therefore the pesticide products did not bear a label containing all information required by 40 C.F.R.

§§ 156.10(i)(2)(ix).

67. The products comprising delivery number 80169577 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

68. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

**Count XII**

69. On or about December 11, 2019, Respondent sold or distributed 16,383 pounds of the pesticide product “Hygene” and 398 pounds of the pesticide product “Hygene Fines” to Puronics Water Systems, Inc., identified as delivery number 80176302.

70. The products were shipped bearing the bin labels included in Attachment C, which did not contain the information approved by EPA as reflected in Attachment 3, and therefore the pesticide products did not bear a label containing all information required by 40 C.F.R.

§§ 156.10(i)(2)(ix).

71. The products comprising delivery number 80176302 were misbranded, as that term is defined at FIFRA section 2(q)(1)(e), 7 U.S.C. § 136(q)(1)(E).

72. Consequently, Respondent violated section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j, by selling or distributing a misbranded pesticide.

**Civil Penalty**

73. 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 \$45,690. 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.

74. Within 30 days after the effective date of this CAFO, Respondent must pay a \$45,690 civil penalty for the FIFRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
Post Office Box 979077  
St. Louis, Missouri 63197-9000

The check must note *In re: Calgon Carbon Corp.* and the docket number of this CAFO.

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

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Angela Bouche (ECP-17J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Boulevard.  
Chicago, Illinois 60604

Robert S. Guenther (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604]

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

77. If Respondent does not pay timely the civil penalty, 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.

78. 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**

79. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: [guenther.robert@epa.gov](mailto:guenther.robert@epa.gov) (for Complainant), and [tduckwall@calgoncarbon.com](mailto:tduckwall@calgoncarbon.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

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

81. 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.

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

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

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

85. 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.

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

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

**Calgon Carbon Corporation, Respondent**

6/28/22  
Date

Tim Duckwall  
Tim Duckwall  
Columbus Plant Manager  
Calgon Carbon Corporation

**United States Environmental Protection Agency, Complainant**

\_\_\_\_\_  
Date

**MICHAEL  
HARRIS**

Digitally signed by  
MICHAEL HARRIS  
Date: 2022.07.06  
11:47:48 -05'00'

\_\_\_\_\_  
Michael D. Harris  
Director  
Enforcement and Compliance Assurance Division

**In the Matter of:**  
**Calgon Carbon Corporation**  
**Docket No. FIFRA-05-2022-0015**

**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.

\_\_\_\_\_  
Date

**ANN COYLE** Digitally signed by ANN  
COYLE  
Date: 2022.07.07  
14:27:35 -05'00'  
\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5



Consent Agreement and Final Order  
In the Matter of: Calgon Carbon Corporation  
Docket Number: **FIFRA-05-2022-0015**

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number **FIFRA-05-2022-0015**, which was filed on **July 8,2022**, in the following manner to the following addressees:

Copy by E-mail to  
Attorney for Complainant:

Mr. Robert Guenther  
[guenther.robert@epa.gov](mailto:guenther.robert@epa.gov)

Copy by E-mail to  
Respondent:

Mr. Marvin Church  
Executive Director, Environmental Health and Safety  
Calgon Carbon Corporation  
3000 GSK Drive  
Moon Township, Pennsylvania 15108  
[marvin.church@kuraray.com](mailto:marvin.church@kuraray.com)

Copy by E-mail to  
Regional Judicial Officer:

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

Dated: \_\_\_\_\_

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