



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 30 2019

REPLY TO THE ATTENTION OF

VIA EMAIL

Todd Schroeter
President
CLO2 Delivery Systems Corporation
3247 Pearl Road, Suite 5
Medina, Ohio 44256

toddshroeter@gmail.com

Re: Consent Agreement and Final Order - In the Matter of: CLO2 Delivery Systems Corporation **FIFRA-05-2019-0021**

Mr. Schroeter:

Enclosed, please find a copy of a fully executed Consent Agreement and Final Order in resolution of the above-referenced matter. This document was filed on September 30, 2019 with our Regional Hearing Clerk.

The civil penalty in the amount of \$7,500 is to be paid in the manner described in paragraphs 97-98. Please be certain that CLO2 Delivery Systems Corporation and the docket number of this case are written on both the transmittal letter and the check, or in the comments field if you are paying by electronic funds transfer. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation to resolve this matter. Please do not hesitate to contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Wesley".

Abigail Wesley
Pesticides and Toxics Compliance Section

Enclosure

cc: Richard Nagle, C-14J

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2019-0021
)	
CLO2 Delivery Systems Corporation)	Proceeding to Assess a Civil Penalty
Medina, Ohio)	Under Section 14(a) of the Federal
)	Insecticide, Fungicide, and Rodenticide
Respondent.)	Act, 7 U.S.C. § 136l(a)
<hr/>)	

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 the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 5.
3. The Respondent is CLO2 Delivery Systems Corporation, a corporation doing business in the State of Ohio.
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.

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)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), states that it is unlawful for any person who is a producer to violate any provision of Section 7 of FIFRA, 7 U.S.C. § 136e.

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(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “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 . . . which the Administrator [of EPA] declares to be a pest under [Section 25(c)(1) of FIFRA].” See also 40 C.F.R. § 152.5.

14. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” as, among other things, “any substance or mixture of substances intended for preventing, destroying,

repelling, or mitigating any pest.” See also 40 C.F.R. § 152.3.

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

16. 40 C.F.R. § 167.3 defines the term “produce” in part as “to manufacture, prepare, compound, propagate, or process any pesticide . . . or to package, repackage, label, relabel, or otherwise change the container of any pesticide or device.”

17. 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.”

18. 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.

19. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “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.” See also 40 C.F.R. § 152.3.

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

21. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), states that “no person in any State may distribute or sell to any person any pesticide that is not registered under [Section 3 of FIFRA].”

22. 40 C.F.R. § 152.15(a) states in 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, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance can or should be used as a pesticide.

23. Pursuant to its authority under Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), the EPA has promulgated regulations governing the registration of pesticide-producing establishments at 40 C.F.R. Part 167.

24. 40 C.F.R. § 167.20(a) states that any establishment where a pesticidal product is produced must be registered with the EPA.

25. Section 7(a) of FIFRA, 7 U.S.C. § 136e(a), states that no person shall produce any pesticide unless the establishment in which it is produced is registered with EPA.

26. 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. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, 28 U.S.C. § 2461, and its implementing regulations at 40 C.F.R. Part 19, increased the amount that can be assessed up to \$19,936 for each offense that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2019 (See 84 Fed. Reg. 2056 (Effective February 6, 2019)).

Factual Allegations and Alleged Violations

27. Respondent is a “person” as that term is defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

28. Respondent is a “producer” as defined in Section 2(w) of FIFRA, 7 U.S.C. § 136(w).

29. At all times relevant to this CAFO, Respondent owned or operated a place of business located at 3427 Pearl Road, Suite B, Medina, Ohio 44256 (“Respondent’s facility”).

30. At all times relevant to this CAFO, Respondent’s facility was an “establishment” as defined at Section 2(dd) of FIFRA 7 U.S.C. § 136(dd).

31. At all times relevant to this CAFO, Respondent’s facility was not registered with EPA as a pesticide producing establishment under Section 7(a) of FIFRA, 7 U.S.C. § 136e(a).

32. At all times relevant to this CAFO, Respondent owned and/or operated at least one website: www.clo2deliversystems.com (“Respondent’s website”).

33. On or about May 15 and 16, 2018, an EPA inspector employed by the Ohio Department of Agriculture (ODA) and authorized to conduct inspections under FIFRA, conducted an inspection at Respondent’s facility.

34. During the May 15 and 16, 2018 inspections, an EPA inspector collected labeling, receiving, production, and distribution records for DeOdor PRO Odor Solutions LiquiSan, DeOdor PRO Automotive, and DeOdor PRO Professional Grade.

35. On or about October 17, 2018, an EPA representative reviewed Respondent’s website for compliance with FIFRA.

DeOdor PRO Odor Solutions LiquiSan

36. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling, receiving, production, and distribution records for **DeOdor PRO Odor Solutions LiquiSan** and DeOdor PRO products.

37. On or about October 17, 2018, an EPA representative viewed Respondent’s website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Odor Solutions LiquiSan** in two and four-gallon containers, which the EPA

representative was able to add to a virtual cart for purchase and checkout.

38. At all times relevant to this CAFO, **DeOdor PRO Odor Solutions LiquiSan** was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

39. At all times relevant to this CAFO, **DeOdor PRO Odor Solutions LiquiSan** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

40. Respondent’s distribution or sale of unregistered pesticide, **DeOdor PRO Odor Solutions LiquiSan**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

41. Respondent’s violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Odor Automotive

42. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling, receiving, production, and distribution records for **DeOdor PRO Odor Automotive** and DeOdor PRO products.

43. On or about October 17, 2018, an EPA representative viewed Respondent’s website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Odor Automotive** in 26 and 50-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

44. At all times relevant to this CAFO, **DeOdor PRO Odor Automotive** was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

45. At all times relevant to this CAFO, **DeOdor PRO Odor Automotive** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

46. Respondent's distribution or sale of unregistered pesticide, **DeOdor PRO Odor Automotive**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

47. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Professional Grade

48. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling, receiving, production, and distribution records for **DeOdor PRO Professional Grade** and DeOdor PRO products.

49. On or about October 17, 2018, an EPA representative viewed Respondent's website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Professional Grade** in 50 and 100-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

50. At all times relevant to this CAFO, **DeOdor PRO Professional Grade** was a "pesticide" as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

51. At all times relevant to this CAFO, **DeOdor PRO Professional Grade** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

52. Respondent's distribution or sale of unregistered pesticide, **DeOdor PRO Professional Grade**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

53. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section

14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Cab & Sleeper

54. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling for **DeOdor PRO Cab & Sleeper** and DeOdor PRO products.

55. On or about October 17, 2018, an EPA representative viewed Respondent's website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Cab & Sleeper** in 50-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

56. At all times relevant to this CAFO, **DeOdor PRO Cab & Sleeper** was a "pesticide" as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

57. At all times relevant to this CAFO, **DeOdor PRO Cab & Sleeper** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

58. Respondent's distribution or sale, or offering for distribution or sale, of unregistered pesticide **DeOdor PRO Cab & Sleeper**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

59. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Cabin & Tent

60. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling for **DeOdor PRO Cabin & Tent** and DeOdor PRO products.

61. On or about October 17, 2018, an EPA representative viewed Respondent's website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Cabin**

& Tent in 50-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

62. At all times relevant to this CAFO, **DeOdor PRO Cabin & Tent** was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

63. At all times relevant to this CAFO, **DeOdor PRO Cabin & Tent** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

64. Respondent’s distribution or sale, or offering for distribution or sale, of unregistered pesticide **DeOdor PRO Cab & Sleeper**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

65. Respondent’s violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Commercial

66. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling for **DeOdor PRO Commercial** and DeOdor PRO products.

67. On or about October 17, 2018, an EPA representative viewed Respondent’s website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Commercial** in 50 and 100-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

68. At all times relevant to this CAFO, **DeOdor PRO Commercial** was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

69. At all times relevant to this CAFO, **DeOdor PRO Commercial** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

70. Respondent's distribution or sale, or offering for distribution or sale, of unregistered pesticide **DeOdor PRO Commercial**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

71. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Home & Basement

72. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling for **DeOdor PRO Home & Basement** and DeOdor PRO products.

73. On or about October 17, 2018, an EPA representative viewed Respondent's website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Home & Basement** in 26, 50 and 100-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

74. At all times relevant to this CAFO, **DeOdor PRO Home & Basement** was a "pesticide" as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

75. At all times relevant to this CAFO, **DeOdor PRO Home & Basement** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

76. Respondent's distribution or sale, or offering for distribution or sale, of unregistered pesticide **DeOdor PRO Home & Basement**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

77. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Hotel & Motel

78. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling for **DeOdor PRO Home & Motel** and DeOdor PRO products.

79. On or about October 17, 2018, an EPA representative viewed Respondent's website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Home & Motel** in 50 and 100-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

80. At all times relevant to this CAFO, **DeOdor PRO Home & Motel** was a "pesticide" as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

81. At all times relevant to this CAFO, **DeOdor PRO Home & Motel** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

82. Respondent's distribution or sale, or offering for distribution or sale, of unregistered pesticide **DeOdor PRO Home & Motel**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

83. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO Marine

84. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling for **DeOdor PRO Marine** and DeOdor PRO products.

85. On or about October 17, 2018, an EPA representative viewed Respondent's website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO Marine** in 26, 50 and 100-gram containers, which the EPA representative was able to add to a virtual cart

for purchase and checkout.

86. At all times relevant to this CAFO, **DeOdor PRO Marine** was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

87. At all times relevant to this CAFO, **DeOdor PRO Marine** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

88. Respondent’s distribution or sale, or offering for distribution or sale, of unregistered pesticide **DeOdor PRO Marine**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

89. Respondent’s violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

DeOdor PRO RV

90. During the May 15 and 16, 2018 inspections, the EPA inspector collected labeling for **DeOdor PRO RV** and DeOdor PRO products.

91. On or about October 17, 2018, an EPA representative viewed Respondent’s website, which contained pesticidal claims for and offered for distribution or sale, **DeOdor PRO RV** in 50 and 100-gram containers, which the EPA representative was able to add to a virtual cart for purchase and checkout.

92. At all times relevant to this CAFO, **DeOdor PRO RV** was a “pesticide” as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

93. At all times relevant to this CAFO, **DeOdor PRO RV** was not registered under Section 3 of FIFRA, 7 U.S.C. § 136(a).

94. Respondent’s distribution or sale, or offering for distribution or sale, of unregistered

pesticide **DeOdor PRO RV**, during calendar year 2018 on at least one occasion, constitutes one unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

95. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least one occasion, subjects Respondent to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for the one violation.

Civil Penalty

96. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(4), Complainant determined that an appropriate civil penalty to settle this action is \$7,500. 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, financial documentation to support Respondent's ability to pay a penalty, and the gravity of the violation. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

97. Within 30 days after the effective date of this CAFO, Respondent must pay a \$7,500 civil penalty for the FIFRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," by regular U.S. Postal Service mail to:

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

If sending the payment by express mail, then send a cashier's or certified checks, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note "CLO2 Delivery Systems Corporation" and the docket number of this CAFO. 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.

98. 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 W. Jackson Blvd.
Chicago, IL 60604

Abigail Wesley (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Richard Nagle (C-13J)
Office of Regional Counsel
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

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

100. 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.

101. 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

102. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: nagle.richard@epa.gov (for Complainant), and toddschroeter@gmail.com (for Respondent).

103. This CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in the CAFO.

104. 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.

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

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

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

108. 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.


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

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

CLO2 Delivery Systems Corporation, Respondent

9.16.19

Date

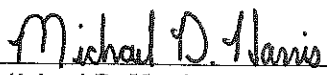


Todd Schroeter
President
CLO2 Delivery Systems Corporation

United States Environmental Protection Agency, Complainant

9/20/2019

Date



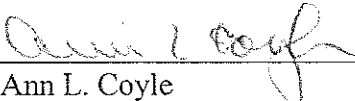
Michael D. Harris
Acting Director
Enforcement and Compliance Assurance
Division

In the Matter of:
CLO2 Delivery Systems Corporation
Docket No. FIFRA-05-2019-0021

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.

9/24/19
Date



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

**Consent Agreement and Final Order
In the Matter of: CLO2 Delivery Systems Corporation**

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Consent Agreement and Final Order, Docket Number: FIFRA-05-2019-0021, which was filed on

September 30,, 2019, in the following manner to the following addressees:

Copy by E-mail to
Respondent:

Mr. Todd Schroeter
President
CLO2 Delivery Systems Corporation
3247 Pearl Road, Suite 5
Medina, Ohio 44256
pm@chemaco.com

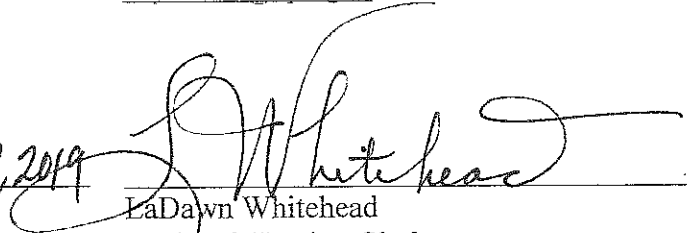
Copy by E-mail to
Attorney for Complainant:

Mr. Richard Nagle
nagle.richard@epa.gov

Copy by E-mail to
Regional Judicial Officer:

Ms. Ann L. Coyle
coyle.ann@epa.gov

Dated:

September 30, 2019 
LaDawn Whitehead
Regional Hearing Clerk
United States Environmental Protection Agency
Region 5