

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No.
)	
Canature Watergroup U.S.A., Inc., Carmel, Indiana)	Proceeding to Assess a Civil Penalty Under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136l(a)
)	
Respondent.)	
)	

**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 & Compliance Assurance Division, U.S. Environmental Protection Agency (EPA), Region 5.

3. Respondent is Canature Watergroup U.S.A., Inc. (Canature), a corporation doing business at 9760 Mayflower Park Drive, Suite 110, Carmel, Indiana 46032.

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. The importation of pesticides into the United States is governed by Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations promulgated thereunder by the Secretary of the Treasury in consultation with the Administrator of EPA. These regulations are found at 19 C.F.R. Part 12.110 *et seq.* See also 19 C.F.R. § 12.1(b).

11. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), states that it is unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by 7 U.S.C. Title 7, Chapter 6, Subchapter II.

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

13. A distributor is one who distributes or sells pesticides. See 40 C.F.R. § 152.3 (defining the term “to distribute or sell” and other grammatical variations of the term).

14. The regulation at 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides or devices into the United States shall submit to the EPA, prior to

the arrival of the shipment in the United States, a Notice of Arrival of Pesticides or Devices (NOA) on U.S. EPA Form 3540-1.

15. The term “importer” is defined at 19 C.F.R. § 101.1 as the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf.

16. The term “to distribute or sell” is defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), 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.”

17. The regulation at 40 C.F.R. § 152.3 defines the term “to distribute or sell” and other grammatical variations of the term such as “distributed or sold” and “distribution or sale,” as the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any State.

18. The term “device” means any instrument or contrivance which is intended for trapping, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(h).

19. The term “pest” is defined at Section 2(t) of FIFRA, 7 U.S.C. § 136(t), 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 of EPA declares to be a pest under FIFRA. See also 40 C.F.R. § 152.5(d).

20. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), states that any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of FIFRA may be assessed a civil penalty by EPA of not more than \$5,000 for each offense. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through

2015, 28 U.S.C. § 2461, and its implementing regulations at 40 C.F.R. Part 19, increased the amount that can be assessed to \$23,494 for each offense occurring after November 2, 2015 and assessed after January 6, 2023. See 88 Fed. Reg. 988 (Jan. 6, 2023).

Factual Allegations and Alleged Violations

21. Respondent is, and at all times relevant to this CAFO was, a corporation.

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

22. Respondent is, and at all times relevant to this CAFO was, a registrant, wholesaler, dealer, retailer, or other distributor, as those terms are defined in Section 2(y) of FIFRA, 7 U.S.C. § 136(y).

23. Respondent is, and at all times relevant to this CAFO was, an “importer” as that term is defined in 19 C.F.R. § 101.1.

24. At all times relevant to this CAFO, Respondent was importing one or more pesticides or devices into the United States.

Entry Number 799-35097203

25. Respondent imported **Lamps** and **UV System** from Canada under Entry Number 799-35097203, which arrived into the United States through the Port Huron, Michigan Port of Entry on or about June 22, 2021.

26. **Lamps** and **UV System** are pesticide devices as defined by Section 2(h) of FIFRA.

27. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-35979442

28. Respondent imported **UV System** from Canada under Entry Number 799-35979442, which arrived into the United States through the Detroit, Michigan Port of Entry on or about June 24, 2021.

29. **UV System** is a pesticide device as defined by Section 2(h) of FIFRA.

30. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-36158186

31. Respondent imported **Lamps** and **UV System** from Canada under Entry Number 799-36158186, which arrived into the United States through the Detroit, Michigan Port of Entry on or about June 26, 2021.

32. **Lamps** and **UV Systems** are pesticide devices as defined by Section 2(h) of FIFRA.

33. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 231-25220372

34. Respondent imported two, separate **Ultraviolet Lamps** from China under Entry Number 231-25220372, which arrived into the United States through the Chicago, Illinois Port of Entry on or about July 4, 2021.

35. **Ultraviolet Lamps** are pesticide devices as defined by Section 2(h) of FIFRA.

36. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-39775614

37. Respondent imported **UV System** from Canada under Entry Number 799-39775614, which arrived into the United States through the Detroit, Michigan Port of Entry on or about July 16, 2021.

38. **UV System** is a pesticide device as defined by Section 2(h) of FIFRA.

39. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-40041303

40. Respondent imported **UV System** from Canada under Entry Number 799-40041303, which arrived into the United States through the Detroit, Michigan Port of Entry on or about July 19, 2021.

41. **UV System** is a pesticide device as defined by Section 2(h) of FIFRA.

42. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-40980815

43. Respondent imported **Lamps** from Canada under Entry Number 799-40980815, which arrived into the United States through the Detroit, Michigan Port of Entry on or about July 23, 2021.

44. **Lamps** are pesticide devices as defined by Section 2(h) of FIFRA.

45. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-41763558

46. Respondent imported **Lamps** from Canada under Entry Number 799-41763558, which arrived into the United States through the Detroit, Michigan Port of Entry on or about July 28, 2021.

47. **Lamps** are pesticide devices as defined by Section 2(h) of FIFRA.

48. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-42093476

49. Respondent imported **Lamps** and **UV Systems** from Canada under Entry Number 799-42093476, which arrived into the United States through the Detroit, Michigan Port of Entry on or about July 31, 2021.

50. **Lamps** and **UV Systems** are pesticide devices as defined by Section 2(h) of FIFRA.

51. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-49867799

52. Respondent imported **Lamps** and **UV Systems** from Canada under Entry Number 799-49867799, which arrived into the United States through the Port Huron, Michigan Port of Entry on or about September 16, 2021.

53. **Lamps** and **UV Systems** are pesticide devices as defined by Section 2(h) of FIFRA.

54. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-61966933

55. Respondent imported two, separate **Lamps** and **UV System** from Canada under Entry Number 799-61966933, which arrived into the United States through the Port Huron, Michigan Port of Entry on or about November 16, 2021.

56. **Lamps** and **UV System** are pesticide devices as defined by Section 2(h) of FIFRA.

57. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 231-25220372

58. Respondent imported **Filter of Purifier for Water** from Canada under Entry Number 231-25220372, which arrived into the United States through the Chicago, Illinois Port of Entry on or about June 28, 2021.

59. **Filter of Purifier for Water** is a pesticide device as defined by Section 2(h) of FIFRA.

60. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 231-25284519

61. Respondent imported **Filter of Purifier for Water** from Canada under Entry Number 231-25284519, which arrived into the United States through the Chicago, Illinois Port of Entry on or about October 2, 2021.

62. **Filter of Purifier for Water** is a pesticide device as defined by Section 2(h) of FIFRA.

63. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 231-25284386

64. Respondent imported **Filter of Purifier for Water** from Canada under Entry Number 231-25284386, which arrived into the United States through the Chicago, Illinois Port of Entry on or about October 2, 2021.

65. **Filter of Purifier for Water** is a pesticide device as defined by Section 2(h) of FIFRA.

66. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Entry Number 799-42328161

67. Respondent imported **Water Treatment Products** from Canada under Entry Number 799-42328161, which arrived into the United States through the Detroit, Michigan Port of Entry on or about August 4, 2021.

68. **Water Treatment Products** are pesticide devices as defined by Section 2(h) of FIFRA.

69. Respondent did not submit an NOA to the EPA for this shipment prior to the arrival of the shipment into the U.S.

Counts One and Two

70. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

71. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

72. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

73. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

74. Respondent is an importer.

75. Respondent failed to submit an NOA for the **Lamps and UV System** it imported under Entry Number 799-35097203, prior to the arrival of the shipment into the United States.

76. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-35097203, for each of the two pesticide devices, prior to their arrival into the United States.

Count Three

77. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

78. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

79. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

80. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

81. Respondent is an importer.

82. Respondent failed to submit an NOA for the **UV System** it imported under Entry Number 799-5979442, prior to the arrival of the shipment into the United States.

83. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-5979442 for the pesticide device prior to its arrival into the United States.

Counts Four and Five

84. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

85. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

86. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

87. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

88. Respondent is an importer.

89. Respondent failed to submit an NOA for the **Lamps** and **UV System** it imported under Entry Number 799-36158186, prior to the arrival of the shipment into the United States.

90. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-36158186, for each of the two pesticide devices, prior to their arrival into the United States.

Counts Six and Seven

91. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

92. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

93. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

94. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

95. Respondent is an importer.

96. Respondent failed to submit an NOA for the two, separate **Ultraviolet Lamps** it imported under Entry Number 231-25220372 prior to the arrival of the shipment into the United States.

97. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 231-25220372, for each of the two pesticide devices, prior to their arrival into the United States.

Count Eight

98. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

99. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

100. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

101. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

102. Respondent is an importer.

103. Respondent failed to submit an NOA for the **UV System** it imported under Entry Number 799-39775614, prior to the arrival of the shipment into the United States.

104. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-39775614 for the pesticide device prior to its arrival into the United States.

Count Nine

105. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

106. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

107. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

108. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

109. Respondent is an importer.

110. Respondent failed to submit an NOA for the **UV System** it imported under Entry Number 799-40041303, prior to the arrival of the shipment into the United States.

111. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-40041303 for the pesticide device prior to its arrival into the United States.

Count Ten

112. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

113. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

114. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

115. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

116. Respondent is an importer.

117. Respondent failed to submit an NOA for the **Lamps** it imported under Entry Number 799-40980815, prior to the arrival of the shipment into the United States.

118. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-40980815 for the pesticide device prior to its arrival into the United States.

Count 11

119. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

120. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

121. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

122. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

123. Respondent is an importer.

124. Respondent failed to submit an NOA for the **Lamps** it imported under Entry Number 799-41763558, prior to the arrival of the shipment into the United States.

125. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-41763558 for the pesticide device prior to its arrival into the United States.

Counts 12 and 13

126. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

127. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

128. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

129. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

130. Respondent is an importer.

131. Respondent failed to submit an NOA for the **Lamps and UV System** it imported under Entry Number 799-42093476, prior to the arrival of the shipment into the United States.

132. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-42093476, for each of the two pesticide devices, prior to their arrival into the United States.

Counts 14 and 15

133. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

134. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

135. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

136. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

137. Respondent is an importer.

138. Respondent failed to submit an NOA for the **Lamps and UV System** it imported under Entry Number 799-49867799, prior to the arrival of the shipment into the United States.

139. An NOA is a report required under FIFRA. See 19 C.F.R. § 12.112(a).

140. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-49867799, for each of the two pesticide devices, prior to their arrival into the United States.

Counts 16 through 18

141. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

142. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

143. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

144. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

145. Respondent is an importer.

146. Respondent failed to submit an NOA for the two, separate **Lamps** and **UV System** it imported under Entry Number 799-61966933, prior to the arrival of the shipment into the United States.

147. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-61966933, for each of the three pesticide devices, prior to their arrival into the United States.

Count 19

148. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

149. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

150. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

151. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

152. Respondent is an importer.

153. Respondent failed to submit an NOA for the **Filter of Purifier for Water** it imported under Entry Number 231-25220372, prior to the arrival of the shipment into the United States.

154. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 231-25220372, for the pesticide device prior to its arrival into the United States.

Count 20

155. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

156. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

157. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

158. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

159. Respondent is an importer.

160. Respondent failed to submit an NOA for the **Filter of Purifier for Water** it imported under Entry Number 231-25284519, prior to the arrival of the shipment into the United States.

161. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 231-25284519 for the pesticide device prior to its arrival into the United States.

Count 21

162. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

163. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

164. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

165. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

166. Respondent is an importer.

167. Respondent failed to submit an NOA for the **Filter of Purifier for Water** it imported under Entry Number 231-25284386, prior to the arrival of the shipment into the United States.

168. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 231-25284386 for the pesticide device prior to its arrival into the United States.

Count 22

169. Complainant reincorporates the preceding paragraphs by reference, as though fully set forth herein.

170. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file a report required under FIFRA.

171. 19 C.F.R. § 12.112(a) states in pertinent part that an importer desiring to import pesticides into the United States shall submit to the EPA, prior to the arrival of the shipment in the United States, an NOA.

172. Respondent is a registrant, wholesaler, dealer, retailer, or other distributor.

173. Respondent is an importer.

174. Respondent failed to submit an NOA for the **Water Treatment Products** it imported under Entry Number 799-42328161, prior to the arrival of the shipment into the United States.

175. Respondent, therefore, violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N) by failing to submit an NOA for Entry Number 799-42328161 for the pesticide device prior to its arrival into the United States.

* * * *

176. Respondent's violations of Section 12(a)(2)(N) of FIFRA subject Respondent to the issuance of an Administrative Complaint assessing a separate civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), for each of its 22 violations.

Civil Penalty and Other Relief

177. Respondent is a wholesaler, dealer, retailer, or other distributor within the meaning of Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1).

178. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires the Administrator to consider the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation, when assessing an administrative penalty under FIFRA.

179. Based on an evaluation of the facts alleged in this CAFO, the factors in Section 14(a)(4) of FIFRA, and EPA's Enforcement Response Policy for the Federal Insecticide,

Fungicide, and Rodenticide Act, dated December 2009, Complainant has determined the appropriate penalty to settle this action is \$102,080.

180. Within thirty (30) days after the effective date of this CAFO, Respondent must pay a \$102,080 civil penalty for the FIFRA violations. Respondent must pay via ACH electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

In the comment area of the electronic funds transfer, state Canature Water Group, LLC and the docket number of this CAFO.

181. 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)
R5hearingclerk@epa.gov

Angela Bouche (ECP-17J)
bouche.angela@epa.gov
and
r5lecab@epa.gov

Andrew Futerman
futerman.andrew@epa.gov

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

183. 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.

184. 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

185. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses for their respective attorneys/representatives: Futerman.Andrew@epa.gov (for Complainant), and jhardy@mltaikins.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

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

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

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

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

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

191. 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.

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


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

**In the Matter of:
Canature Watergroup U.S.A., Inc.,
Docket No.:**

Canature Watergroup U.S.A., Inc., Respondent

October 2, 2023

Date



Don Fettes, Chief Executive Officer
Canature Watergroup U.S.A., Inc.

In the Matter of:
Canature Watergroup U.S.A., Inc.
Docket No.:

United States Environmental Protection Agency, Complainant

Michael D. Harris, Director
Enforcement & Compliance Assurance Division

**In the Matter of:
Canature Watergroup U.S.A., Inc.,
Docket No.:**

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