



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 20 2007

REPLY TO THE ATTENTION OF:
LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0185 8788

Young Choi
S.L.I. Corporation
3445 N. Kimball Ave
Chicago, IL 60618

Consent Agreement and Final Order, Docket No. FIFRA-05-2007-0041

Dear Young Choi:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order concerning violations of the Federal Insecticide Fungicide & Rodenticide Act (FIFRA), 7 §§ U.S.C.136 et seq., in resolution of the above case. This document was filed on September 20, 2007 with the Regional Hearing Clerk.

The civil penalty in the amount of \$8000 is to be paid in the manner prescribed in paragraphs 57 and 58. Please be certain that the number **BD** 2750745P041 and the docket number are written on both the transmittal letter and on the check. Payment is due by October 22, 2007(within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Terence Bonace
Pesticides and Toxics Compliance Section

Enclosures

cc: Marcy Toney, Regional Judicial Officer/C-14J (w/Encl.)
Nidhi K. O'Meara, ORC/C-14J (w/Encl.)
Eric Volck, Cincinnati Finance/MWD (w/Encl.)
Jerry Kirbach, Illinois Department of Agriculture
Fred Riecks, Illinois Department of Public Health

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)
)
SLI Corporation a/k/a P.M.O., Inc)
3445 North Kimball)
Chicago, Illinois)
)
Respondent.)

Docket No. FIFRA-05-2007-0041
Proceeding to Assess a Civil Penalty
Under Section 14(a) of the Federal
Insecticide, Fungicide, and Rodenticide
Act, 7 U.S.C. § 136l(a)

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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, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (U.S. EPA), Region 5, has been delegated the authority to settle this matter.

3. Respondent is SLI Corporation, a/k/a P.M.O., Inc. (SLI), with a place of business located at 3445 North Kimball, Chicago, Illinois 60618.

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 3(a) of FIFRA, 7 U.S.C. § 136a(a), and 40 C.F.R. § 152.15 state that no person in any state may distribute or sell to any person any pesticide that is not registered under this Act, except in certain circumstances which are not relevant to this case.

11. 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.

12. 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, 40 C.F.R. § 152.15(a)(1).

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

14. The term “distribute or sell” is defined, in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) and 40 C.F.R. § 152.3, as “to distribute, sell, offer for sale, hold for distribution, hold for shipment, or receive and (having so received) deliver or offer to deliver.”

15. The term “pest” is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t) and further defined in 40 C.F.R. §152.5(c)”as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life...”

16. The term “pesticide” is defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u) and 40 C.F.R. § 152.3 and is generally regarded as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

17. The Administrator of U.S. 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 \$5,500 for each offense that occurred from January 31, 1997 through March 15, 2004, and may assess a civil penalty of up to \$6,500 for each offense that occurred after March 15, 2004, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136(a)(1), and 40 C.F.R. Part 19.

Factual Allegations

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

19. On September 28, 2006, an inspector with the Illinois Department of Public Health, authorized to conduct inspections under FIFRA, conducted a marketplace inspection at Respondent's place of business.

20. During the September 28, 2006 inspection, the inspector collected a sample of the following products, which were being offered for sale by Respondent: White Zerome, Naphthalene Moth Balls, Mite Killer Mat, FX Liquid and Naphthalene Disc.

White Zermone

21. The label for White Zerome obtained on September 28, 2006 states, in Korean, that the product kills and repels insects and contains naphthalene, a known insect fumigant.

22. White Zerome is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

23. Respondent is a "distributor" of the White Zerome pesticide product as that term is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

24. White Zerome is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

Naphthalene Moth Balls

25. The label for Naphthalene Moth Balls obtained on September 28, 2006 states, in Korean, that the product contains a strong insect repellent and can be used to preserve clothes.

26. Naphthalene Moth Balls is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

27. Respondent is a “distributor” of the Naphthalene Moth Balls pesticide product as that term is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

28. Naphthalene Moth Balls is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

Mite Killer Mat

29. The label for Mite Killer Mat obtained on September 28, 2006 states, in Korean, that the product kills dust mites.

30. Mite Killer Mat is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

31. Respondent is a “distributor” of the Mite Killer Mat pesticide product as that term is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

32. Mite Killer Mat is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

FX Liquid

33. The label for FX Liquid obtained on September 28, 2006 states, in Korean, that the product repels mosquitos and contains d-trans allethrin, a known insecticide.

34. FX Liquid is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

35. Respondent is a “distributor” of the FX Liquid pesticide product as that term is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

36. FX Liquid is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

Naphthalene Disc

37. The label for Naphthalene Disc obtained on September 28, 2006 states, in Korean, that the product ingredients include an insecticide and the name references naphthalene, a known insect fumigant.

38. Naphthalene Disc is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

39. Respondent is a “distributor” of the Naphthalene Disc pesticide product as that term is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

40. Naphthalene Disc is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

Alleged Violations

Count I

41. Complainant incorporates by reference the allegations contained in paragraphs 1 through 40 of this Complaint.

42. On September 28, 2006, Respondent distributed or sold an unregistered pesticide, White Zerome, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

43. Respondent’s violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count II

44. Complainant incorporates by reference the allegations contained in paragraphs 1 through 43 of this Complaint.

45. On September 28, 2006, Respondent distributed or sold an unregistered pesticide, Naphthalene Moth Balls, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. §136j(a)(1)(A).

46. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count III

47. Complainant incorporates by reference the allegations contained in paragraphs 1 through 46 of this Complaint.

48. On September 28, 2006, Respondent distributed or sold an unregistered pesticide, Mite Killer Mat, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

49. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count IV

50. Complainant incorporates by reference the allegations contained in paragraphs 1 through 49 of this Complaint.

51. On September 28, 2006, Respondent distributed or sold an unregistered pesticide, FX Liquid, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

52. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. §136l(a).

Count V

53. Complainant incorporates by reference the allegations contained in paragraphs 1 through 52 of this Complaint.

54. On September 28, 2006, Respondent distributed or sold an unregistered pesticide, Naphthalene Disc, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

55. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).

Civil Penalty

56. 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 \$8,000. 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 U.S. EPA's *Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act*, dated July 2, 1990.

57. Within 30 days after the effective date of this CAFO, Respondent must pay a \$8,000 civil penalty for the FIFRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

U.S. EPA, Region 5
P.O. Box 371531
Pittsburgh, PA 15251 – 7531

58. A transmittal letter, stating Respondent's name, the case title, Respondent's complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-13J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Terence Bonace (DT-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Nidhi K. O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

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

60. If Respondent does not pay the civil penalty timely, U.S. 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.

61. 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

62. Respondent has disposed of all White Zerome, Naphthalene Moth Balls, Mite Killer Mat, FX Liquid and Naphthalene Disc in its possession.

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

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

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

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

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

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

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

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

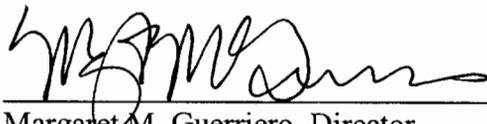
SLI Corporation a/k/a P.M.O., Inc., Respondent FIFRA-05-2007-0041

8/24/07
Date


Seung H. Ha, President
SLI Corporation a/k/a P.M.O., Inc.

United States Environmental Protection Agency, Complainant

9/13/07
Date


Margaret M. Guerriero, Director
Land and Chemicals Division

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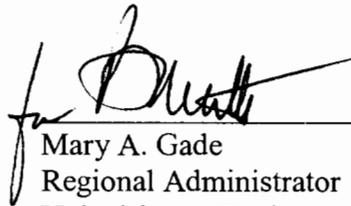
In the Matter of:
SLI Corporation a/k/a P.M.O., Inc.
Docket No. FIFRA-05-2007-0041

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

9-14-07



Mary A. Gade
Regional Administrator
United States Environmental Protection Agency
Region 5

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CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving S.L.I. Corporation, was filed on September 20, 2007 with the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that I mailed by Certified Mail, Receipt No. 7001 0320 0006 0185 8738, a copy of the original to the Respondents:

Young Choi
S.L.I. Corporation
3445 N. Kimball Ave
Chicago, IL 60618

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Nidhi K. O'Meara, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD



Elizabeth Lytle
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No. **FIFRA-05-2007-0041**

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