



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

June 8, 2022

VIA EMAIL ONLY

Mr. Mark A. Norman, Attorney for Coltene/Whaledent, Inc.

Mr. Ryan D. Elliott, Attorney for Coltene/Whaledent, Inc.

Vorys, Sater, Seymour and Pease LLP

301 East Fourth Street, Suite 3500

Great American Tower

Cincinnati, Ohio 45202

manorman@vorys.com

rdelliott@vorys.com

Consent Agreement and Final Order
In the Matter of Coltene/Whaledent, Inc.
Docket Number **FIFRA-05-2022-0011**

Dear Mr. Norman and Mr. Elliott:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. This document was filed on June 8, 2022 with the Regional Hearing Clerk.

The civil penalty in the amount of \$654,064 is to be paid in the manner described in paragraphs 60-61 of the CAFO. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,
CLAUDIA
NIESS

Digitally signed by
CLAUDIA NIESS
Date: 2022.06.02 11:21:16
-05'00'

Claudia Niess
Enforcement Officer
Pesticides and Toxics Compliance Section

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2022-0011
)	
)	
Coltene/Whaledent, Inc.)	Proceeding to Assess a Civil Penalty
Cuyahoga Falls, Ohio)	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 and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 5.

3. The Respondent is Coltene/Whaledent, Inc. (Coltene), 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. §§ 136-136y.

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 25(a)(1) of FIFRA, 7 U.S.C. § 136w(a)(1), authorizes the EPA to prescribe regulations to carry out the provisions of FIFRA.

12. 40 C.F.R. § 152.132 allows a registrant to distribute or sell a registered product under another's name and address (supplemental distribution) if: (a) the registrant has submitted to the Agency for each distributor product a statement signed by both the registrant and the distributor listing the names and addresses of the registrant and the distributor, the distributor's company number, the additional brand name(s) to be used, and the registration number of the registered product, (b) the distributor product is produced, packaged and labeled in a registered establishment operated by the same producer who produces, packages, and labels the registered product, (c) the distributor product is not repackaged (remains in the producer's unopened containers), (d) the label of the distributor product is the same as that of the registered product,

except that the product name of the distributor product may be different, the name and address of the distributor may appear instead of that of the registrant, the registration number of the registered product must be followed by a dash, followed by the distributor's company number, the establishment number must be that of the final establishment at which the product was produced, and specific claims may be deleted, provided that no other changes are necessary, and (e) voluntary cancellation of a product applies to the registered product and all distributor products distributed or sold under that registration number.

13. 40 C.F.R. § 152.132 also states that a distributor is considered an agent of the registrant for all intents and purposes under FIFRA, and both the registrant and the distributor may be held liable for violations pertaining to the distributor product.

14. Section 8(a) of FIFRA, 7 U.S.C. § 136f(a), states the EPA may prescribe regulations requiring producers to maintain records of production of pesticides.

15. 40 C.F.R. § 169.2(a) states that all producers of pesticides shall maintain records showing, among other things, the name of the pesticide produced along with its EPA registration number.

16. Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i), states that it is unlawful for any person to refuse to maintain any records required by Section 8 of FIFRA.

17. A "person" is "any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not." 7 U.S.C. § 136(s).

18. To "distribute or sell" means "to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver." 7 U.S.C. § 136(gg).

19. A "pesticide" is, in pertinent part, any substance or mixture of substances intended

for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u).

20. A “pest” is, in pertinent part, any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism which the EPA declares to be a pest under Section 25(c)(1) of FIFRA. 7 U.S.C. § 136(t).

21. A “producer” is the person who manufactures, prepares, compounds, propagates, or processes any pesticide. 7 U.S.C. § 136(w).

22. To “produce” means “to manufacture, prepare, propagate, compound or process any pesticide, including ... to package, repackage, label, relabel, or otherwise change the container of any pesticide.” 40 C.F.R. § 167.3.

23. 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 of up to \$21,805 for each offense occurring after November 2, 2015 and assessed after January 12, 2022, 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

24. At all times relevant to the Complaint, Respondent owned or operated a place of business located at 235 Ascot Parkway, Cuyahoga Falls, Ohio 44223.

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

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

27. On or about July 6, 1970, EPA registered a pesticide product, Tri-Cen Germicidal Detergent (Tri-Cen), to the registrant Central Chemical Solutions (Central), with EPA Registration Number 211-36.

28. On or about September 5, 2003, EPA received a Notice of Supplemental Distribution of a Registered Pesticide Product (Ultronics Notice of Supplemental Distribution) from Central for Tri-Cen, EPA Reg. No. 211-36.

29. The Ultronics Notice of Supplemental Distribution identified Ultronics, Inc., located at 235 Ascot Parkway, Cuyahoga Falls, Ohio, as the distributor of Tri-Cen, EPA Reg. No. 211-36.

30. The Ultronics Notice of Supplemental Distribution identified the distributor product name for Tri-Cen, EPA Reg. No. 211-36 as Ultronics 10 Minute Instrument Disinfectant.

31. EPA assigned Ultronics 10 Minute Instrument Disinfectant EPA Reg. No. 211-36-63562.

32. On or about September 5, 2003, EPA received a Notice of Supplemental Distribution of a Registered Pesticide Product (Coltene Notice of Supplemental Distribution) from Central for Tri-Cen, EPA Reg. No. 211-36.

33. The Coltene Notice of Supplemental Distribution identified Coltene/Whaledent, Inc., located at 235 Ascot Parkway, Cuyahoga Falls, Ohio, as the distributor of Tri-Cen, EPA Reg. No. 211-36.

34. The Notice of Supplemental Distribution identified the distributor product name for Tri-Cen, EPA Reg. No. 211-36, as Biosonic Germicidal Ultrasonic Cleaner Concentrate.

35. EPA assigned Biosonic Germicidal Ultrasonic Cleaner Concentrate EPA Reg. No. 211-36-61584.

36. The label accepted by EPA for Tri-Cen, EPA Reg. No. 211-36, states that the formula is intended for “broad spectrum disinfection of gram negative and gram positive bacteria” and is effective against a number of pathogenic fungi.

37. Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

38. Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

39. On January 10, 2010, Ultrronics, Inc. merged with and into Respondent, which assumed the production and distribution of Ultrronics 10 Minute Instrument Disinfectant.

40. On or about December 26, 2017, upon the request of Central, EPA canceled the registration of Tri-Cen, EPA Reg. No. 211-36.

41. On or about December 26, 2017, the registration of the supplemental distributor product Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, was thereby also canceled, as provided by 40 C.F.R. § 152.132(e).

42. On or about December 26, 2017, the registration of the supplemental distributor product Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584, was thereby also canceled, as provided by 40 C.F.R. § 152.132(e).

43. On or about December 10, 2019, two inspectors employed by the Ohio Department of Agriculture and authorized to conduct inspections under FIFRA conducted an inspection at Respondent’s place of business.

44. During the inspection, the inspectors collected documentary evidence for Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, including but not limited to records of production and distribution.

45. On or about August 5, 2021, an inspector employed by EPA and authorized to conduct inspections under FIFRA requested that Respondent provide further records regarding its distribution of Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562,

and Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584, including but not limited to records of production and distribution.

46. On or about September 13, 2021, in response to the request from EPA, Respondent provided records which demonstrated that Respondent had distributed or sold Ultrronics 10 Minute Disinfectant, EPA Reg. No. 211-36-63562, and Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584, on a total of at least one hundred and fifteen (115) separate occasions after the registrations for the products were cancelled.

47. The record of production of the quantity of Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, produced on or about October 5, 2018, failed to include the EPA registration number for the pesticide.

Counts 1 through 11

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

49. Respondent distributed or sold Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, on 11 separate occasions or on or about the dates set forth in Table 1, attached.

50. Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, was not registered as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a, on or about the dates set forth in Table 1.

51. Respondent's distribution or sale of Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, a pesticide whose registration under FIFRA had been cancelled, on 11 separate occasions or dates as set forth in Table 1 constitutes 11 unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Counts 12 through 115

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

53. Respondent distributed or sold Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584, on 104 separate occasions or on or about the dates set forth in Table 2, attached.

54. Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584, was not registered as a pesticide with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a, on or about the dates set forth in Table 2.

55. Respondent's distribution or sale of Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584, a pesticide whose registration under FIFRA had been cancelled, on 104 separate occasions or dates as set forth in Table 2 constitutes 104 unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Count 116

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

57. On or about December 10, 2019, the inspectors collected a production record for a quantity of Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562, produced on or about October 5, 2018, that did not include the required EPA registration number for the pesticide on the record.

58. Respondent's failure to maintain required information on the production record for Ultrronics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63652, constitutes an unlawful act pursuant to Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i).

Civil Penalty

59. 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 \$654,064. 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.

60. Within 30 days after the effective date of this CAFO, Respondent must pay a \$654,064 civil penalty for the FIFRA violations by 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 "Coltene/Whaledent, Inc." and the docket number of this CAFO.

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

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Claudia Niess (ECP-17J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
niess.claudia@epa.gov

and
R5lecab@epa.gov

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

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

63. 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.

64. 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

65. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: grueterich.sophie@epa.gov (for Complainant), and rdelliott@vorys.com and manorman@vorys.com (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

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

67. 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.

68. This CAFO does not affect Respondent's responsibility to comply with FIFRA and

other applicable federal, state and local laws.

69. This CAFO is a “final order” for purposes of EPA’s FIFRA Enforcement Response Policy.

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

71. 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.

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

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

**In the Matter of:
Coltene/Whaledent, Inc.**

Coltene/Whaledent, Inc., Respondent

6 - 1 - 2022
Date

Nancy Spencer
Nancy Spencer
Director of Operations
Coltene/Whaledent, Inc.

**In the Matter of:
Coltene/Whaledent, Inc.**

United States Environmental Protection Agency, Complainant

Date

MICHAEL HARRIS Digitally signed by MICHAEL HARRIS
Date: 2022.06.07 12:38:29 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Table 1. Counts 1-11: Sales and Distributions of Ultrionics 10 Minute Instrument Disinfectant, EPA Reg. No. 211-36-63562

Count	Date of Sale/Distribution	Batch No.	Customer Name	Customer Address
1	1/8/2019	I82700	Diatech Inc.	497 La Mesa Rd. Suites A&B Mount Pleasant, SC
2	1/10/2019	I82700	Patterson Veterinary Supply, Inc.	1031 Mendota Heights Rd. Saint Paul, MN
3	1/11/2019	I82700	Patterson Veterinary Supply, Inc.	1031 Mendota Heights Rd. Saint Paul, MN
4	1/14/2019	I82700	Henry Schein, Inc.	P.O. Box 9 Bastian, VA
5	1/30/2019	I82700	Patterson Veterinary Supply, Inc.	1031 Mendota Heights Rd. Saint Paul, MN
6	2/5/2019	I82700	Patterson Veterinary Supply, Inc.	1031 Mendota Heights Rd. Saint Paul, MN
7	2/7/2019	I82700	Patterson Veterinary Supply, Inc.	1031 Mendota Heights Rd. Saint Paul, MN
8	2/21/2019	I82700	Patterson Dental Holdings	1031 Mendota Heights Rd. Saint Paul, MN
9	3/1/2019	I82700	Patterson Veterinary Supply, Inc.	1031 Mendota Heights Rd. Saint Paul, MN
10	3/26/2019	I82700	Patterson Dental Holdings	1031 Mendota Heights Rd. Saint Paul, MN
11	3/27/2019	I82700	Patterson Veterinary Supply, Inc.	1031 Mendota Heights Rd. Saint Paul, MN

Table 2. Counts 12-115: Sales and Distributions of Biosonic Germicidal Ultrasonic Cleaner Concentrate, EPA Reg. No. 211-36-61584

Count	Date of Sale/Distribution	Batch No.	Customer Name	Customer Address
12	12/23/2019	J73440	BENCO DENTAL	295 Centerpoint Blvd Pittston, PA
13	12/23/2019	J73440	BENCO DENTAL CO #009	625 Waltham Way Ste 107 Sparks, NV
14	12/23/2019	J73440	BENCO DENTAL SUPPLY CO	3424 Centennial Dr Ste 150 Fort Wayne, IN
15	12/23/2019	J73440	BENCO DENTAL SUPPLY CO	501 Lakeside Pkwy Ste 100 Flower Mound, TX
16	12/23/2019	J73440	DARBY DENTAL REGIONAL WHSE	4745 Longley Ln Reno, NV
17	12/23/2019	J73440	Darby Dental Supply	NE Industrial Park Van Buren Blvd B Guilderland Center, NY
18	12/23/2019	J73440	DARBY DENTAL SUPPLY LLC	4460 E Holmes Rd Ste 101 Memphis, TN
19	12/23/2019	J73440	DENTAL CITY	3205 Yeager Dr Green Bay, WI
20	12/23/2019	J73440	HENRY SCHEIN INC	5315 W 74th St Ste 300 Indianapolis, IN
21	12/23/2019	J73440	HENRY SCHEIN INC	8691 Jesse B Smith Ct Jacksonville, FL
22	12/23/2019	J73440	HENRY SCHEIN INC DALLAS	1001 Nolen Dr Building 3 Ste 400 Grapevine, TX
23	12/23/2019	J73440	HENRY SCHEIN INC RENO	255 Vista Blvd Sparks, NV
24	12/23/2019	J73440	HENRY SCHEIN INC- DENVER	41 Weaver Rd Denver, PA
25	12/23/2019	J73440	Newark Dental Supply	35 Stern Ave Springfield, NJ
26	12/23/2019	J73440	PATTERSON DENTAL CO #570	1004 Cornerstone Dr Mount Joy, PA
27	12/23/2019	J73440	PATTERSON DENTAL CO #582	1401 Tradeport Dr Jacksonville, FL
28	12/23/2019	J73440	PATTERSON DENTAL CO #588	2201 Eagle Pkwy Fort Worth, TX
29	12/23/2019	J73440	PATTERSON DENTAL CO #590	800 Monte Vista Dr Dinuba, CA
30	12/23/2019	J73440	PATTERSON DENTAL SUPPLY #586	1905 Lakewood Dr Boone, IA
31	12/23/2019	J73440	PATTERSON DENTAL SUPPLY #581	925 Carolina Pines Dr Ste A Blythewood, SC

Count	Date of Sale/Distribution	Batch No.	Customer Name	Customer Address
32	12/23/2019	J73440	PATTERSON DENTAL SUPPLY #596	6419 S 228TH St Ste 100 Kent, WA
33	12/23/2019	J73440	PEARSON DENTAL SUPPLIES	13161 Telfair Ave Sylmar, CA
34	12/23/2019	J73440	SAFCO DENTAL SUPPLY CO	1111 Corporate Grove Dr Buffalo Grove, IL
35	12/23/2019	J73440	SK	2048 Lord Baltimore Dr Baltimore, MD
36	12/23/2019	J73440	The Dentists Supply Co - Reno	925 N Hills Blvd Reno, NV
37	12/26/2019	J73440	Aeronet Worldwide	1055 Stevenson Ct Ste 102W Roselle, IL
38	12/26/2019	J73440	AM-TOUCH DENTAL	28703 Industry Dr Valencia, CA
39	12/26/2019	J73440	Atlanta Dental Supply Company	1650 Satellite Blvd Duluth, GA
40	12/26/2019	J73440	BENCO DENTAL	295 Centerpoint Blvd Pittston, PA
41	12/26/2019	J73440	Benco Dental Co	13525 International Pkwy Jacksonville, FL
42	12/26/2019	J73440	BENCO DENTAL CO #009	625 Waltham Way Ste 107 Sparks, NV
43	12/26/2019	J73440	BENCO DENTAL SUPPLY CO	3424 Centennial Dr Ste 150 Fort Wayne, IN
44	12/26/2019	J73440	BENCO DENTAL SUPPLY CO	501 Lakeside Pkwy Ste 100 Flower Mound, TX
45	12/26/2019	J73440	BURKHART D/S CO #16	6550 Longley Ln Ste 155 Reno, NV
46	12/26/2019	J73440	BURKHART D/S CO #82	3201 Premier Dr Ste 100 Irving, TX
47	12/26/2019	J73440	Burkhart Dental Supply	1514 Taylor Way Ste 101 Tacoma, WA
48	12/26/2019	J73440	DARBY DENTAL REGIONAL WHSE	4745 Longley Ln Reno, NV
49	12/26/2019	J73440	Darby Dental Supply	NE Industrial Park Van Buren Blvd B Guilderland Center, NY
50	12/26/2019	J73440	DARBY DENTAL SUPPLY LLC	4460 E Holmes Rd Ste 101 Memphis, TN
51	12/26/2019	J73440	DC Dental	2048 Lord Baltimore Dr Windsor Mill, MD
52	12/26/2019	J73440	DENTAL CITY	3205 Yeager Dr Green Bay, WI
53	12/26/2019	J73440	DENTAL HEALTH PRODUCTS INC	2614 N Sugar Bush Rd New Franken, WI
54	12/26/2019	J73440	ENDOCO INC	2099 Hillshire Cir Memphis, TN

Count	Date of Sale/Distribution	Batch No.	Customer Name	Customer Address
55	12/26/2019	J73440	HENRY SCHEIN INC	5315 W 74th St Ste 300 Indianapolis, IN
56	12/26/2019	J73440	HENRY SCHEIN INC	8691 Jesse B Smith Ct Jacksonville, FL
57	12/26/2019	J73440	HENRY SCHEIN INC DALLAS	1001 Nolen Dr Building 3 Ste 400 Grapevine, TX
58	12/26/2019	J73440	HENRY SCHEIN INC RENO	255 Vista Blvd Sparks, NV
59	12/26/2019	J73440	HENRY SCHEIN INC-DENVER	41 Weaver Rd Denver, PA
60	12/26/2019	J73440	IQ DENTAL SUPPLY	353 Rt 46w Bldg C Ste 120 Fairfield, NJ
61	12/26/2019	J73440	Midway Dental Supply	32553 Schoolcraft Rd Livonia, MI
62	12/26/2019	J73440	Midwest Dental - Wichita Falls	2700 Commerce St Wichita Falls, TX
63	12/26/2019	J73440	NASHVILLE DENTAL INC	1229 Northgate Business Pkwy Madison, TN
64	12/26/2019	J73440	NEWARK DENTAL SUPPLY BILL TO ACCT	PO BOX 249 Springfield, NJ
65	12/26/2019	J73440	PARKWAY DENTAL SERVICES	1545 Route 73 Pennsauken, NJ
66	12/26/2019	J73440	PATTERSON DENTAL CO #588	2201 Eagle Pkwy Fort Worth, TX
67	12/26/2019	J73440	PATTERSON DENTAL CO #590	800 Monte Vista Dr Dinuba, CA
68	12/26/2019	J73440	PATTERSON DENTAL SUPPLY #596	6419 S 228th St Ste 100 Kent, WA
69	12/26/2019	J73440	PATTERSON LOGISTICS SVS INC	7055 Cleveland Rd South Bend, IN
70	12/26/2019	J73440	Paul d Cohen DDS	818 18th St NW Ste 300 Washington, DC
71	12/26/2019	J73440	SK	2048 Lord Baltimore Dr Baltimore, MD
72	12/26/2019	J73440	SOUTHERN ANESTHESIA & SURGICAL	One Southern Court #460 West Columbia, SC
73	12/26/2019	J73440	Southern Anesthesia & Surgical Inc	2308 N Sweet Gum Ave Broken Arrow, OK
74	12/26/2019	J73440	SOUTHERN ANESTHESIA AND SURGICAL	1312 Capital Blvd STE 103 Reno, NV
75	12/26/2019	J73440	The Dentists Supply Co - Reno	925 N Hills Blvd Reno, NV

Count	Date of Sale/Distribution	Batch No.	Customer Name	Customer Address
76	12/26/2019	J73440	TRI-STATE DENTAL SUPPLIES & EQUIP	24 Abeel Rd Monroe, NJ
77	12/26/2019	J73440	XXGalveston Cnty Health DONT USEXXX	9850-A Emmett F Lowry Exp Ste A-114 Texas City, TX
78	12/27/2019	J73440	Benco Dental Co	13525 International Pkwy Jacksonville, FL
79	12/27/2019	J73440	Crystal A Obee	609 Marsh Ave Kinsley, KS
80	12/27/2019	J73440	DARBY DENTAL REGIONAL WHSE	4745 Longley Ln Reno, NV
81	12/27/2019	J73440	Darby Dental Supply	NE Industrial Park Van Buren Blvd B Guilderland Center, NY
82	12/27/2019	J73440	DR JASON TOSTO	339 Main St Hellertown, PA
83	12/27/2019	J73440	Dr Kristopher Moon	2803 Business Center Dr Ste 121 Pearland, TX
84	12/27/2019	J73440	IQ DENTAL SUPPLY	353 Rt 46w Bldg C Ste 120 Fairfield, NJ
85	12/27/2019	J73440	Midway Dental Supply	32553 Schoolcraft Rd Livonia, MI
86	12/27/2019	J73440	Nagy & Majestro Family Dentistry	830 Oakwood Rd Charleston, WV
87	12/27/2019	J73440	PATTERSON DENTAL CO #582	1401 Tradeport Dr Jacksonville, FL
88	12/27/2019	J73440	PATTERSON DENTAL SUPPLY #596	6419 S 228 th St Ste 100 Kent, WA
89	12/30/2019	J73440	BURKHART D/S CO #16	6550 Longley Ln Ste 155 Reno, NV
90	12/30/2019	J73440	HENRY SCHEIN INC	5315 W 74th St Ste 300 Indianapolis, IN
91	12/30/2019	J73440	HENRY SCHEIN INC- DENVER	41 Weaver Rd Denver, PA
92	12/30/2019	J73440	PATTERSON DENTAL CO #590	800 Monte Vista Dr Dinuba, CA
93	12/31/2019	J73440	AM-TOUCH DENTAL	28703 Industry Dr Valencia, CA
94	12/31/2019	J73440	BENCO DENTAL SUPPLY CO	501 Lakeside Pkwy Ste 100 Flower Mound, TX
95	12/31/2019	J73440	Boiling Springs Dentistry	1396 Boiling Springs Rd Spartanburg, SC
96	12/31/2019	J73440	NASHVILLE DENTAL INC	1229 Northgate Business Pkwy Madison, TN
97	12/31/2019	J73440	PATTERSON DENTAL CO #570	1004 Cornerstone Dr Mount Joy, PA

Count	Date of Sale/Distribution	Batch No.	Customer Name	Customer Address
98	1/6/2020	J73440	DC Dental	2048 Lord Baltimore Dr Windsor Mill, MD
99	1/6/2020	J73440	HENRY SCHEIN INC RENO	255 VISTA BLVD Sparks, NV
100	1/7/2020	J73440	DC Dental	2048 Lord Baltimore Dr Windsor Mill, MD
101	1/7/2020	J73440	DR JOHN E ISEMAN	8151 Rourke St Myrtle Beach, SC
102	1/8/2020	J73440	DARBY DENTAL REGIONAL WHSE	4745 Longley Ln Reno, NV
103	1/8/2020	J73440	Dr Eugene L Aaron	2095 W Main St Ste A League City, TX
104	1/10/2020	J73440	DR DAVID LAMBERTI	1497 Chapel St New Haven, CT
105	1/14/2020	J73440	Darby Dental Supply	NE Industrial Park Van Buren Blvd B Guilford Center, NY
106	1/14/2020	J73440	Midway Dental Supply	32553 Schoolcraft Rd Livonia, MI
107	2/12/2020	J73440	GREYDENT USA Inc.	3145 Hunter Rd Weston, FL
108	2/25/2020	J73440	Aeronet Worldwide	1055 Stevenson Ct Ste 102W Roselle, IL
109	2/26/2020	J73440	Aeronet Worldwide	1055 Stevenson Ct Ste 102W Roselle, IL
110	3/2/2020	J73440	DC Dental Inc	1133 Greenwood Rd Baltimore, MD
111	3/5/2020	J73440	Midway Dental Supply	32553 Schoolcraft Rd Livonia, MI
112	3/10/2020	J73440	BURKHART D/S CO #82	3201 Premier Dr Ste 100 Irving, TX
113	3/12/2020	J73440	Burkhart Dental Supply	1514 Taylor Way Ste 101 Tacoma, WA
114	3/12/2020	J73440	DC Dental	2048 Lord Baltimore Dr Windsor Mill, MD
115	3/13/2020	J73440	NASHVILLE DENTAL INC	1229 Northgate Business Pkwy Madison, TN

In the Matter of:
Coltene/Whaledent, Inc.
Docket No. FIFRA-05-2022-0011

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 COYLE Digitally signed by ANN COYLE
Date: 2022.06.08 11:26:51
-05'00'

Date

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

Consent Agreement and Final Order
In the Matter of: Coltene/Whaledent, Inc.
Docket Number: FIFRA-05-2022-0011

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number FIFRA-05-2022-0011, which was filed on June 8, 2022, in the following manner to the following addressees:

Copy by E-mail to
Attorney for Complainant: Ms. Sophie Grueterich
grueterich.sophie@epa.gov

Copy by E-mail to
Attorneys for Respondent: Mr. Mark A. Norman
manorman@vorys.com

Mr. Ryan D. Elliott
rdelliott@vorys.com

Copy by E-mail to
Regional Judicial Officer: Ms. Ann Coyle
coyle.ann@epa.gov

Dated: _____

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