

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

-----X
In the Matter of :
 :
Innova Trading, Corp., :
 :
 : COMPLAINT AND NOTICE OF
 : OPPORTUNITY FOR HEARING
 :
Respondent. :
 :
 : Docket No. FIFRA-02-2016-5301
 :
 :
Proceeding Under the Federal :
Insecticide, Fungicide, and :
Rodenticide Act, as amended.:
-----X

U.S. Environmental
Protection Agency-Region 2
2016 SEP 27 AM 8:01
REGIONAL HEARING
CLERK

Complainant hereby alleges as and for her Complaint against Respondent:

1. This is a civil administrative proceeding instituted pursuant to Section 14(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA” or the “Act”), 7 U.S.C. § 136l(a)(1).
2. The Complainant, Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency (“EPA”), has been duly delegated the authority to institute this action
3. Respondent is Innova Trading, Corp. (hereinafter referred to as “Innova” or “Respondent”).
4. Respondent is a for-profit corporation organized and doing business under and by virtue of the laws of the Commonwealth of Puerto Rico.
5. Respondent has been, and continues to be, a person as defined by FIFRA Section 2(s), 7 U.S.C. Section § 136(s), and as such, is subject to FIFRA and the regulations promulgated thereunder.

6. From a facility located at Foreign Trade Zone #61, Bldg. 9, Door 13-14, Pueblo Viejo, Guaynabo, PR 00936 (“Respondent’s facility”), Respondent engages in the purchase, sale, import, export, and distribution of household products, including pesticides.

7. Respondent’s facility constitutes an establishment, as defined in Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd).

8. Respondent is a distributor or seller within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

Counts 1 to 24 - Sale/Distribution of an Unregistered Pesticide

9. Complainant repeats each allegation contained in Paragraphs 1 through 8, inclusive, as if fully set forth herein.

10. On or about December 29, 2010, a representative of the Virgin Islands Department of Planning and Natural Resources (“VIDPNR”) conducted an inspection at In & Out, #33 Frydendahl, St. Thomas, Virgin Islands (“In & Out inspection”).

11. During the In & Out inspection, the VIDPNR inspector observed “Power Moth Balls” offered for sale.

12. The Power Moth Balls label observed by the VIDPNR inspector bore the statement “Kills Moths and House Insects.”

13. The Power Moth Balls label observed by the inspector did not bear an EPA Registration or Establishment Number.

14. Documentary evidence collected at the In & Out inspection identified Innova as the distributor from which In & Out purchased the Power Moth Balls offered for sale.

15. On or about August 27 and August 29, 2012, a representative of the Puerto Rico Department of Agriculture (“PRDA”) conducted inspections at Respondent’s facility (“PRDA inspections”).

16. As a direct result of the PRDA inspections, conducted pursuant to and in accordance with the provisions of Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136f and 136g, documentary samples were collected substantiating that Respondent distributed or sold Power Moth Balls on multiple occasions.

17. On each occasion, Respondent distributed or sold Power Moth Balls with a label that stated “Kills Moths and House Insects.”

18. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” as, among other things, “(1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.”

19. The Power Moth Balls product Respondent distributed and sold is a pesticide.

20. Pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), no person may distribute or sell any pesticide that is not registered with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

21. During all times relevant to the Complaint, the Power Moth Balls product was not registered with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

22. Respondent distributed or sold Power Moth Balls to customers in Puerto Rico or the U.S. Virgin Islands on the 24 separate occasions listed in the following table:

Count	Date	Invoice Number	Amount (bags)
1	10/10/2011	11953	12
2	10/10/2011	11954	12
3	10/11/2011	11955	12
4	12/14/2011	12055	100
5	12/14/2011	12051	24
6	2/28/2012	12150	24
7	2/24/2012	12146	24
8	3/6/2012	12168	12
9	5/9/2012	12243	100
10	8/8/2012	12326	100
11	6/4/2012	12281	100
12	12/16/2011	12072	100
13	12/16/2011	12073	24
14	5/31/2012	12277	12
15	5/31/2012	12276	50
16	6/5/2012	12282	100
17	3/3/2011	11642	100
18	10/18/2011	11969	6
19	10/31/2011	11976	20
20	10/18/2011	11967	24
21	3/20/2012	12185	24
22	6/6/2012	12284	25
23	7/11/2012	12317	6
24	8/6/2012	12337	6

23. Each sale identified in the table above constitutes a sale of an unregistered pesticide in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), for which a penalty may

be assessed pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1).

Counts 25 to 26 – Import of a Pesticide without a Notice of Arrival

24. Complainant repeats each allegation contained in paragraphs 1 through 23, inclusive, as if fully set forth herein.

25. The importation of pesticides into the United States is governed by Section 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations prescribed thereunder.

26. FIFRA § 17(e), 7 U.S.C. § 136o(e) requires the Secretary of the Treasury, in consultation with the Administrator, to prescribe regulations for the enforcement of FIFRA Section 17(c).

27. Pursuant to FIFRA § 17(e), the Secretary of the Treasury, through the United States Customs Service, prescribed regulations for the enforcement of Section 17(c) of FIFRA found at 19 C.F.R. §§ 12.110-12.117.

28. 19 C.F.R. § 12.112(a) requires an importer desiring to import pesticides or devices into the United States to submit to the EPA Administrator a Notice of Arrival (“NOA”) of Pesticides and Devices (EPA Form 3540-1), prior to the arrival of the shipment in the United States.

29. 19 C.F.R. § 101.1 defines an “importer” as “the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be: (1) The consignee, or (2) The importer of record, or (3) The actual owner of the merchandise, if an actual owner’s declaration and superseding bond has been filed in accordance with [section] 141.20 of this chapter, or (4) The transferee of the merchandise, if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of part 144 of this chapter.”

30. Pursuant to Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), it is unlawful for a registrant, dealer, or other distributor to fail to file reports required by FIFRA.

31. The NOA is a report that must be filed with the Administrator, as required by FIFRA, prior to the arrival of each pesticide in the United States.

32. As a direct result of the inspections of Respondent’s facility, PRDA inspectors collected evidence of Respondent’s purchase of the Power Moth Balls product from two vendors located in Hong Kong, China on April 11, 2012 and June 12, 2012.

33. As the consignee of the purchases described in paragraph 32 above, Respondent is an importer within the meaning of 19 C.F.R. § 101.1 and is therefore subject to 19 C.F.R. § 12.112(a).

34. No NOAs were submitted to EPA for Respondent's imports of Power Moth Balls into the United States.

35. Respondent violated Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), and 19 C.F.R. § 12.112(a) by failing to submit NOAs to EPA prior to the arrival of each shipment of Power Moth Balls into the United States.

36. Each of the aforementioned (paragraph 35, above) failures to submit an NOA prior to the arrival of a shipment of Power Moth Balls into the United States, as described above, constitutes a separate violation of FIFRA for which a penalty may be assessed pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1).

Counts 27 to 62 – Export Violations (Foreign Purchaser Acknowledgment)

37. Complainant repeats each allegation contained in paragraphs 1 through 36, inclusive, as if fully set forth herein.

38. Section 17(a)(2) of FIFRA, 7 U.S.C § 136o(a)(2), provides, in part, that “no pesticide . . . intended solely for export to any foreign country shall be deemed in violation of [subchapter II of FIFRA, 7 U.S.C §§ 136 – 136y] . . . in the case of any pesticide other than a pesticide registered under section 136a [Section 3 of FIFRA, 7 U.S.C § 136a] . . . if, prior to export, the foreign purchaser has signed a statement acknowledging that the purchaser understands that such pesticide is not registered for use in the United States and cannot be sold in the United States under this subchapter.”

39. Pursuant to 40 C.F.R. § 168.75, “[a]n exporter of an unregistered pesticidal product must submit a purchaser acknowledgment statement to EPA containing the information stated in paragraph (c)(1) of this section [40 C.F.R. § 168.75]” (hereinafter, the “Foreign Purchaser Acknowledgment statement”).

40. The information contained in 40 C.F.R. § 168.75(c)(1) includes *inter alia* “[a] statement that indicates the foreign purchaser understands that the product is not registered for use in the United States and cannot be sold in the United States.”

41. The exporter must also include with the submission of the purchaser acknowledgment statement to EPA, a certification signed by the exporter affirming that the export did not occur until the statement signed by the foreign purchaser was obtained by the exporter.

42. As a direct result of the inspections of Respondent's facility, the inspectors collected documentary evidence of Respondent's sales to foreign purchasers (exports) of Power Moth Balls, an unregistered pesticide, on the 36 separate occasions listed below:

Count	Date	Invoice Number	Amount (bags)	Country of Foreign Purchaser
1	10/31/2011	11991	48	Anguilla
2	10/4/2011	11948	100	Montserrat
3	10/3/2011	11944	100	Montserrat
4	10/26/2011	11983	24	St. Maarten
5	10/1/2011	11940	36	Saba
6	11/11/2011	12004	200	Antigua
7	11/22/2011	12018	50	Nevis
8	11/17/2011	12007	50	St. Kitts
9	11/22/2011	12023	100	Tortola, BVI
10	11/22/2011	12022	200	Virgin Gorda, BVI
11	12/7/2011	12041	100	St. Martin
12	2/22/2012	12135	100	Aruba
13	2/8/2012	12118	36	Aruba
14	2/16/2012	12098	36	Montserrat
15	2/17/2012	12137	12	Tortola, BVI
16	3/13/2012	12172	36	Montserrat
17	3/6/2012	12161	48	St. Kitts
18	3/26/2012	12189	100	St. Maarten
19	3/6/2012	12160	12	Tortola, BVI
20	4/26/2012	12232	48	Montserrat
21	4/3/2012	12216	100	Montserrat
22	4/24/2012	12230	300	St. Lucia
23	4/30/2012	12233	100	Tortola, BVI
24	4/30/2012	12234	200	Tortola, BVI
25	4/30/2012	12235	24	Tortola, BVI
26	4/16/2012	12222	50	St. Vincent
27	5/31/2012	12273	24	Antigua
28	5/22/2012	12262	24	Nevis
29	7/7/2012	12286	60	Anguilla
30	7/16/2012	12312	100	Anguilla
31	7/15/2012	12311	100	St. Maarten
32	7/17/2012	12323	300	Virgin Gorda, BVI
33	8/14/2012	12349	100	Montserrat
34	8/9/2012	12343	50	St. Kitts
35	12/03/2012	12496	3000	St. Maarten
36	12/03/2012	12507	2456	St. Maarten

43. For each sale to a foreign purchaser identified in the table above Respondent was the “exporter” within the meaning of 40 C.F.R. § 168.75.

44. Respondent did not submit to EPA a Foreign Purchaser Acknowledgment statement for any of the exportations identified in the table above.

45. Each of the aforementioned (paragraph 44, above) failures to submit to EPA a Foreign Purchaser Acknowledgment statement constitutes an act prohibited by, and thus a

violation of, 40 C.F.R. § 168.75, as a consequence of which each such failure constitutes an act made unlawful by, and thus a violation of, Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), for which a penalty may be assessed pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1).

PROPOSED CIVIL PENALTY

The proposed civil penalty has been determined in accordance with Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), which authorizes the assessment of a civil penalty of up to \$5,000 for each violation of FIFRA and the regulations promulgated pursuant thereto. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires EPA to adjust its penalties for inflation on a periodic basis. EPA has issued the Civil Monetary Penalty Inflation Adjustment Rule under which violations that occur on January 12, 2009, or later, are subject to a new statutory maximum civil penalty. The maximum civil penalty under Section 14(a) of FIFRA for such violations is \$7,500 per offense. (40 C.F.R. Part 19)

For purposes of determining the amount of any penalty to be assessed, Section 14 of FIFRA requires that EPA “shall consider the appropriateness of such penalty to 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.” (Section 14(a)(4) of FIFRA, 7 U.S.C. §136l(a)(4))

To develop the proposed penalty in this Complaint and Notice of Opportunity for Hearing (hereinafter referred to as the “Complaint”), Complainant has taken into account the particular facts and circumstances of this case, to the extent known at the time of its filing, with specific reference to EPA’s “FIFRA Enforcement Response Policy - The Federal Insecticide, Fungicide and Rodenticide Act,” dated December 2009 (hereinafter referred to as the “ERP”). A copy of the ERP is available upon request or may be obtained from the Internet at this address: <http://www2.epa.gov/enforcement/fifra-enforcement-response-policy>. This guidance policy provides rational, consistent and equitable calculation methodologies for applying the statutory penalty criteria enumerated above to particular cases.

Complainant proposes, subject to receipt and evaluation of further relevant information, that Respondent be assessed the following civil penalties for the violations alleged in this Complaint:

Counts 1-24: Sale of an Unregistered Pesticide	\$ 33,534.00
Counts 25-26: Import of a Pesticide without a Notice of Arrival	\$ 6,800.00
Counts 27 to 62: Export Violations (Foreign Purchaser Acknowledgment)	\$ 24,820.00
Economic Benefit.....	\$ 134.00

Total Penalty (rounded to the nearest \$100)..... \$ 65,3S00.00

PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this civil administrative litigation have been set forth in 64 *Fed. Reg.* 40138 (July 23, 1999), entitled, "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENTS OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS, and which are codified at Title 40 C.F.R. Part 22. A copy of these rules accompanies this Complaint.

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint. (40 C.F.R. § 22.15(a)) Such Answer must be filed within 30 days after service of a Complaint. The address of the Regional Hearing Clerk of EPA, Region 2, is:

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866**

Respondent shall also then serve one copy of the Answer to the Complaint upon Complainant and any other party to the action. (40 C.F.R. § 22.15(a))

Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent has any knowledge. (40 C.F.R. § 22.15(b)) Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. (40 C.F.R. § 22.15(b)) The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), and (3) whether Respondent requests a hearing. (40 C.F.R. § 22.15(b))

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

(Note that any documents filed after Respondent has filed an Answer in this proceeding should not be filed using the above address, but should be filed following the instructions specified in

section “D”, below.)

B. Opportunity to Request a Hearing

If requested by Respondent in its Answer, a hearing upon the issues raised by the Complaint and Answer may be held. (40 C.F.R. § 22.15(c)) If, however, Respondent does not request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. (40 C.F.R. § 22.15(c))

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.35(b). A hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

C. Failure to Answer

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. (40 C.F.R. § 22.15(d)) If Respondent fails to file a timely (*i.e.*, in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)) Answer to the Complaint, Respondent may be found in default upon motion. (40 C.F.R. § 22.17(a)) Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent’s right to contest such factual allegations. (40 C.F.R. § 22.17(a)) Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings 30 days after the default order becomes final pursuant to 40 C.F.R. § 22.27(c). (40 C.F.R. § 22.17(d)) If necessary, EPA may then seek to enforce such final order of default against Respondent, and to collect the assessed penalty amount, in federal court.

D. Filing of Documents After the Answer is Filed

Unless otherwise ordered by the Presiding Officer for this proceeding, all documents filed after Respondent has filed the Answer should be filed with the Headquarters Hearing Clerk, acting on behalf of the Regional Hearing Clerk, at one of the following addresses:

If by USPS:

Sybil Anderson
Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900R

1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

If by UPS, FedEx DHL, other courier or personal delivery:

Sybil Anderson
Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Ronald Reagan Building, Room M1200
1300 Pennsylvania Avenue, N.W.
Washington, DC 20460

E. Exhaustion of Administrative Remedies

Where Respondent fails to appeal an adverse initial decision to the Environmental Appeals Board pursuant to 40 C.F.R. § 22.30, and that initial decision thereby becomes a final order pursuant to the terms of 40 C.F.R. § 22.27(c), Respondent waives its right to judicial review. (40 C.F.R. § 22.27(d)).

In order to appeal an initial decision to the Agency's Environmental Appeals Board [EAB; see 40 C.F.R. § 1.25(e)], Respondent must do so within "30 days after the initial decision is served." (40 C.F.R. § 22.30(a)) Pursuant to 40 C.F.R. § 22.7(c), where service is effected by mail, "5 days shall be added to the time allowed by these [rules] for the filing of a responsive document." Note that the 45-day period provided for in 40 C.F.R. § 22.27(c) (discussing when an initial decision becomes a final order) does not pertain to or extend the time period prescribed in 40 C.F.R. § 22.30(a) for a party to file an appeal to the EAB of an adverse initial decision.

INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations. (40 C.F.R. § 22.18(b)) At an informal conference with representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business, and (4) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent or any relevant information previously not known to Complainant, or to dismiss any or all of the charges if Respondent can demonstrate that the relevant allegations are without merit and that no cause of

action as herein alleged exists. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this complaint should be directed to:

Karen L. Taylor, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866
(212) 637-3637

The parties may engage in settlement discussions irrespective of whether Respondent has requested a hearing. (40 C.F.R. § 22.18(b)(1)) Respondent's requesting a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. §22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written consent agreement. (40 C.F.R. § 22.18(b)(2)) In accepting the Consent Agreement, Respondent waives its right to contest the allegations in the Complaint and waives its right to appeal the Final Order that is to accompany the Consent Agreement. (40 C.F.R. § 22.18(b)(2)) In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed. (40 C.F.R. § 22.18(b)(3))

Respondent's entering into a settlement through the signing of such Consent Agreement terminates this administrative litigation and civil proceedings arising out of the allegations made in the Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the New York address noted above), a copy of the check or other instrument of payment. (40 C.F.R. § 22.18(a)) Such payment shall be made by cashier's or certified check or by electronic fund transfer ("EFT"). If the payment is made by

check, then the check shall be made payable to the “**Treasurer, United States of America**” and shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check shall be identified with a notation listing the name of the matter (**In the Matter of Innova Trading Corp.**) and the Docket Number (**FIFRA-02-2016-5301**).

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727
- 4) Federal Reserve Bank of New York ABA routing number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read “D 68010727 Environmental Protection Agency”
- 6) Name of Respondent: **Innova Trading Corp.**
- 7) Case Number: **FIFRA-02-2016-5301**

Whether the payment is made by check or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payment has been made, to both:

Karen L. Taylor, Esq.
Assistant Regional Counsel

Karen Maples
Regional Hearing Clerk

Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within 30 days of receiving the Complaint, then, upon EPA’s receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order. Issuance of this Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent’s right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent’s obligation and responsibility to comply with all

applicable regulations and requirements, and to maintain such compliance.

Dated: September 23, 2016
New York, New York

COMPLAINANT:

For Hatten Mahre-Boguy
Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. E.P.A. Region 2

TO:
Juan J. Perez, President
Innova Trading Corp.
PO Box 360428
San Juan, PR 00936

In the Matter of Innova Trading Corp.
Docket Number FIFRA-02-2016-5301

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed a copy of the foregoing Complaint, bearing docket number **FIFRA-02-2016-5301**, and a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, by certified mail, return receipt requested, to:

Juan J. Perez, President
Innova Trading Corp.
PO Box 360428
San Juan, PR 00936

I hand-carried the original and a copy of the foregoing Complaint to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Dated: September 27, 2016
New York, New York

Upland Magallon