



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 18 2014

Mr. James H. Shaffer, Jr.
President
Pestwest USA, LLC
1819 Main Street, Suite 610
Sarasota, Florida 34236

Re: Pestwest USA, LLC, EPA Est. No. 75609-FL-001
Ratified Consent Agreement and Final Order
Section 7 Expedited Settlement Agreement
Docket No. FIFRA-04-2014-3134(b)

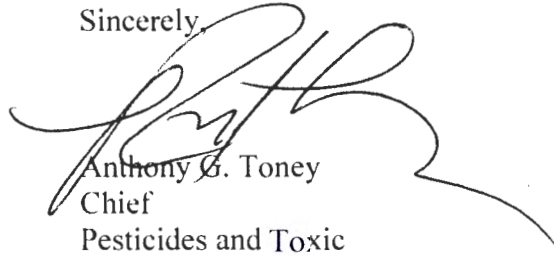
Dear Mr. Shaffer:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

EPA Region 4 has received proof of payment as per paragraph 6 of the Expedited Settlement Agreement and Final Order so no further action is required in this regard. Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the Environmental Protection Agency.

Should you have any questions about this matter or your compliance status in the future, please contact Mr. Phillip Beard of the EPA Region 4 staff at (404) 562-9012.

Sincerely,



Anthony G. Toney
Chief
Pesticides and Toxic
Substances Branch

Enclosures

cc: Kelly Friend, Florida Department of Agriculture
and Consumer Services

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
Pestwest USA, LLC)
)
Respondent)
_____)

Docket No.: FIFRA-04-2014-3134(b)
**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

RECEIVED
EPA REGION IV
2014 SEP 18 AM 11:30
HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protection Agency ("EPA") alleges that Pestwest USA, LLC ("Respondent") failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c).
2. Under Section 7(c) of FIFRA and 40 C.F.R. Part 167, Respondent was required to submit to the Administrator of EPA an annual report which indicates the types and amounts of pesticides or active ingredients which they are currently producing, which they produced during the past year and which they sold or distributed during the past year, pursuant to Section 7(c)(1) of FIFRA, 7 U.S.C. § 136e(c)(1), and the regulations promulgated at 40 C.F.R. § 167.85.
3. Submittal of the annual report of pesticide production for calendar year 2012 was due on or before March 1, 2013.
4. Respondent failed to submit the annual report by the due date.
5. Therefore, Respondent violated Section 12(a)(2)(L) of FIFRA, 7 U.S.C. 136j(a)(2)(L).
6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$800 (EIGHT HUNDRED DOLLARS) is in the public interest.
7. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 1361 and 40 C.F.R. § 22.13(b).
8. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirement(s) in Paragraph 2 (above); (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.

9. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation(s), *and has submitted true and accurate documentation of such correction along with this Agreement*; (b) has provided a deposit for payment of the civil penalty set forth in Paragraph 6 (above) in accordance with the penalty collection procedures provided to Respondent in EPA's letter entitled "Opportunity for Expedited Settlement within Fourteen (14) Days"; (c) has submitted true and accurate proof of deposit for payment of said civil penalty along with this Agreement; and (d) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

10. Upon the effective date of this Agreement, payment of the civil penalty shall resolve only Respondent's liability for Federal civil penalties for the violations and facts alleged herein.

11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement.

13. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to FIFRA.

14. Each party shall bear its own costs and fees, if any.

15. The Agreement authorized by EPA's execution of the Final Order attached hereto constitute a final order under 40 C.F.R. Part 22.

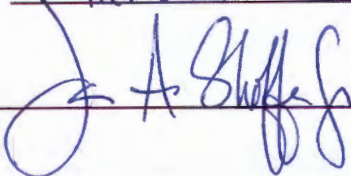
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16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

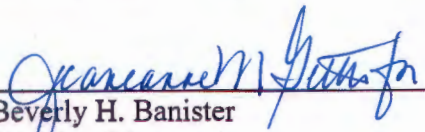
Name (print): James A. Shaffer Jr

Title (print): PRESIDENT

Signature: 

Date 8/21/14

APPROVED BY EPA:


Beverly H. Banister
Division Director

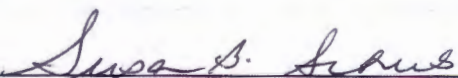
Date 9-10-14

FINAL ORDER

Pursuant to the authority of Section 14(a) of FIFRA, 7 U.S.C. § 1361 and 40 C.F.R. § 22.13(b), and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA Region 4. Unless otherwise stated, all time periods herein shall be calculated in calendar days from such date.

IT IS SO ORDERED:


Susan Schub
Regional Judicial Officer

Date 9/18/14

CERTIFICATE OF SERVICE

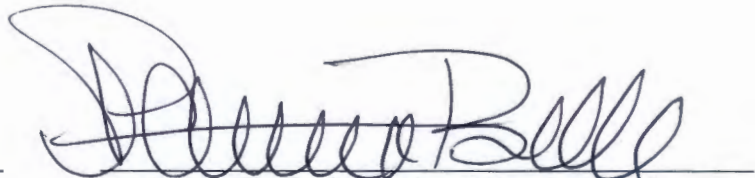
I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order In the Matter of Pestwest USA, LLC, Docket Number: FIFRA-04-2014-3134(b), to the addressees listed below:

Mr. James H. Shaffer Jr. (via Certified Mail, Return Receipt Requested)
President
Pestwest USA, LLC
1819 Main Street 610
Sarasota, Florida 34236

Phillip Beard (via EPA's internal mail)
Pesticides Section
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Robert Caplan (via EPA's internal mail)
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Date: 9-18-14



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562-9511