

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

FILED

Sep 18, 2026

8:24 am

**U.S. EPA REGION 5
HEARING CLERK**

In the Matter of:	)	Docket No.: FIFRA-05-2027-0001
	)	
Gro-Tec, Inc.	)	Proceeding to Assess a Civil Penalty
Modoc, Indiana	)	Under Section 14(a) of the Federal
	)	Insecticide, Fungicide, and Rodenticide
Respondent.	)	Act, 7 U.S.C. § 136l(a)
_____	)	

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. Respondent is Gro-Tec, Inc. (Gro-Tec), a corporation doing business in the State of Indiana.
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. Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136-136y, and the regulations at 40 C.F.R. § 152 and 40 C.F.R. § 167.20.

Statutory and Regulatory Background

10. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), states that no person in any State may distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA.

11. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states 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 or whose registration has been cancelled or suspended, except to the extent that distribution or sale otherwise has been authorized by EPA.

12. 40 C.F.R. Section 152.15(a)(1) states that a substance is considered to be intended for pesticidal purpose, and thus a is required to be registered under FIFRA, if the person who distributes or sells the substance claims, states, or otherwise implies (by labeling or otherwise) that the substance can or should be used as a pesticide.

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

14. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “distribute or sell” 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.” Also see 40 C.F.R. § 152.3.

15. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” as, among other things, “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” Also see 40 C.F.R. § 152.3.

16. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “pest” as “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 Administrator [of the EPA] declares to be a pest” under Section 25(c)(1) of FIFRA. Also see 40 C.F.R. § 152.5.

17. Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19, provides 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 up to \$24,885 for each offense where penalties are assessed on or after January 8, 2025.

Factual Allegations and Alleged Violations

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

19. At all times relevant to this CAFO, Respondent owned or operated a place of business at 10324 West U.S. Highway 36, Modoc, Indiana 47355 (facility).

20. On or about May 6, 2025, inspectors employed by the U.S. EPA and the Office of Indiana State Chemist and Seed Commissioner and authorized to conduct inspections under FIFRA conducted an inspection at the Respondent’s facility.

21. During the inspection, the inspectors collected, among other things, labels, production records and distribution/sales records for the six pesticides discussed below.

Justify Feedthrough 3%

22. The label on **Justify Feedthrough 3%** makes many pesticidal claims. The following are a subset of such claims and are not exhaustive:

- a. Active Ingredient: Diflubenzuron*[CAS# 35367-38-5].....3%
- b. EPA Reg. No. 91586-4-96246
- c. EPA Est. No. 96246-IN-1
- d. Under Storage and Disposal section: “PESTICIDE STORAGE” AND “PESTICIDE DISPOSAL.”
- e. Under Environmental Hazards section: “This pesticide is toxic to aquatic invertebrates.”
- f. Under Use Information Section: “...to kill fly larvae...”

23. **Justify Feedthrough 3%** is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

24. At the time Respondent distributed or sold **Justify Feedthrough 3%**, it was not a registered pesticide as required by FIFRA and its underlying regulations.

25. On or about March 25, 2025, April 12, 2025, and May 6, 2025, Respondent distributed or sold **Justify Feedthrough 3%** to its customers on three separate occasions.

Justify 0.67%

26. The label on **Justify 0.67%** makes many pesticidal claims. The following are a subset of such claims and are not exhaustive:

- a. Active Ingredient: Diflubenzuron*[CAS# 35367-38-5].....0.67%
- b. EPA Reg. No. 91586-4-96246
- c. EPA Est. No. 96246-IN-1

d. Under Storage and Disposal section: “PESTICIDE DISPOSAL.”

27. **Justify 0.67%** is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

28. At the time Respondent distributed or sold **Justify 0.67%**, it was not a registered pesticide as required by FIFRA and its underlying regulations.

29. On or about June 4, 2024, March 25, 2025, and May 6, 2025, Respondent distributed or sold **Justify 0.67%** to its customers on three separate occasions.

Ag Land Fescue 7/Justify

30. The label on **Ag Land Fescue 7/Justify** makes many pesticidal claims. The following are a subset of such claims and are not exhaustive:

- a. Active Ingredient: Diflubenzuron*[CAS# 35367-38-5].....0.04%
- b. EPA Reg. No. 91586-4-96246
- c. EPA Est. No. 96246-IN-1
- d. Under Environmental Hazards section: “This pesticide is toxic to aquatic invertebrates.”
- e. Under Storage and Disposal section: “PESTICIDE STORAGE” and “PESTICIDE DISPOSAL.”

31. **Ag Land Fescue 7/Justify** is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

32. At the time Respondent distributed or sold **Ag Land Fescue 7/Justify**, it was not a registered pesticide as required by FIFRA and its underlying regulations.

33. On or about February 19, 2025, through on or about May 6, 2025, Respondent distributed or sold **Ag Land Fescue 7/Justify** to its customers on at least eighteen separate occasions.

Ag Land Stocker 7/Rumensin/Justify

34. The label on **Ag Land Stocker 7/Rumensin/Justify** makes many pesticidal claims. The following are a subset of such claims and are not exhaustive:

- a. Active Ingredient: Diflubenzuron*[CAS# 35367-38-5].....363.2G/Ton
- b. EPA Reg. No. 91586-4-96246
- c. EPA Est. No. 96246-IN-1
- d. Under Storage and Disposal section: “PESTICIDE STORAGE” and “PESTICIDE DISPOSAL.”

35. **Ag Land Stocker 7/Rumensin/Justify** is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

36. At the time Respondent distributed or sold **Ag Stocker Fescue 7/Rumensin/Justify**, it was not a registered pesticide as required by FIFRA and its underlying regulations.

37. On or about February 17, 2025, through on or about May 6, 2025, Respondent distributed or sold **Ag Land Stocker 7/Rumensin/Justify** to its customers on at least five separate occasions.

Ag Land Beefmaker 2211D/Rumensin/Justify

38. The label on **Ag Land Beefmaker 2211D/Rumensin/Justify** makes many pesticidal claims. The following are a subset of such claims and are not exhaustive:

- a. Active Ingredient: Diflubenzuron*[CAS# 35367-38-5].....0.04%
- b. EPA Reg. No. 91586-4-96246
- c. EPA Est. No. 96246-IN-1
- d. Under Storage and Disposal section: “PESTICIDE STORAGE” and “PESTICIDE DISPOSAL.”

39. **Ag Land Beefmaker 2211D/Rumensin/Justify** is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

40. At the time Respondent distributed or sold **Ag Land Beefmaker 2211D/Rumensin/Justify**, it was not a registered pesticide as required by FIFRA and its underlying regulations.

41. On or about May 6, 2025, Respondent held for distribution **Ag Land Beefmaker 2211D/Rumensin/Justify** on one occasion.

Ag Land Fescue 7/Rumensin/Justify

42. The label on **Ag Land Fescue 7/Rumensin/Justify** makes many pesticidal claims. The following are a subset of such claims and are not exhaustive:

- a. Active Ingredient: Diflubenzuron*[CAS# 35367-38-5].....0.04%
- b. EPA Reg. No. 91586-4-96246
- c. EPA Est. No. 96246-IN-1
- d. Under Storage and Disposal section: “PESTICIDE STORAGE” and “PESTICIDE DISPOSAL.”

43. **Ag Land Fescue 7/Rumensin/Justify** is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is intended for preventing, destroying, repelling, or mitigating certain pests.

44. At the time Respondent distributed or sold **Ag Land Fescue 7/Rumensin/Justify**, it was not a registered pesticide as required by FIFRA and its underlying regulations.

45. On or about March 12, 2025, through on or about May 6, 2025, Respondent distributed or sold **Ag Land Fescue 7/Rumensin/Justify** to its customers on at least six separate occasions.

Counts 1-3

46. Complainant incorporates the above paragraphs of this CAFO, as if set forth in this paragraph.

47. On or about March 25, 2025, April 24, 2025, and May 6, 2025, Respondent distributed or sold the unregistered pesticide **Justify Feedthrough 3%** to its customers on 3 separate occasions.

48. Respondent's distribution or sale of the unregistered pesticide **Justify Feedthrough 3%** on 3 separate occasions, constitutes 3 separate unlawful acts pursuant to 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), on 3 separate occasions 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), for each of the 3 violations.

Counts 4-6

50. Complainant incorporates the above paragraphs of this CAFO, as if set forth in this paragraph.

51. On or about June 4, 2024, March 25, 2025, May 6, 2025, Respondent distributed or sold the unregistered pesticide **Justify 0.67%** to its customers on 3 separate occasions.

52. Respondent's distribution or sale of the unregistered pesticide **Justify 0.67%** on 3 separate occasions, constitutes 3 separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

53. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on 3 separate occasions 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), for each of the 3 violations.

Counts 7-24

54. Complainant incorporates the above paragraphs of this CAFO, as if set forth in this paragraph.

55. From on or about February 19, 2025, through on or about May 6, 2025, Respondent distributed or sold the unregistered pesticide **Ag Land Fescue 7/Justify** to its customers on at least 18 separate occasions.

56. Respondent's distribution or sale of the unregistered pesticide **Ag Land Fescue 7/Justify** on 18 separate occasions, constitutes 18 separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

57. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on 18 separate occasions 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), for each of the 18 violations.

Counts 25-29

58. Complainant incorporates the above paragraphs of this CAFO, as if set forth in this paragraph.

59. From on or about February 17, 2025, through on or about May 6, 2025, Respondent distributed or sold the unregistered pesticide **Ag Land Stocker 7/Rumensin/Justify** to its customers on at least 5 separate occasions.

60. Respondent's distribution or sale of the unregistered pesticide **Ag Land Stocker 7/Rumensin/Justify** on 5 separate occasions, constitutes 5 separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

61. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on 5 separate occasions 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), for each of the 3 violations.

Count 30

62. Complainant incorporates the above paragraphs of this CAFO, as if set forth in this paragraph.

63. On or about May 6, 2025, Respondent held for distribution the unregistered pesticide **Ag Land Beefmaker 2211D/Rumensin/Justify** on one occasion.

64. Respondent's distribution or sale of the unregistered pesticide **Ag Land Beefmaker 2211/Rumensin/Justify** constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

65. 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).

Counts 31-36

66. Complainant incorporates the above paragraphs of this CAFO, as if set forth in this paragraph.

67. From on or about March 12, 2025, through on or about May 6, 2025, Respondent distributed or sold the unregistered pesticide **Ag Land Fescue 7/Rumensin/Justify** to its customers on at least 6 separate occasions.

68. Respondent's distribution or sale of the unregistered pesticide **Ag Land Fescue 7/Rumensin/Justify** on 6 separate occasions, constitutes 6 separate unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

69. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on 6 separate occasions 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), for each of the 6 violations.

Civil Penalty

70. 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 **\$55,000**. 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 EPA's FIFRA Enforcement Response Policy, dated December 2009.

71. Respondent agrees to pay a civil penalty in the amount of **\$55,000** ("Assessed Penalty").

- a. The Assessed Penalty will be paid in four equal quarterly installments plus interest, which is assessed at the current IRS underpayment rate of 7%.
- b. Respondent shall make payments in accordance with the following schedule:

Payment shall be made <i>no later than</i>	Principal Amount	Interest Amount	Total Payment Amount
90 days after the Filing Date.	\$13,750.00	\$962.50	\$14,712.50
180 days after the Filing Date.	\$13,750.00	\$721.88	\$14,471.88
270 days after the Filing Date.	\$13,750.00	\$481.25	\$14,231.25
360 days after the Filing Date.	\$13,750.00	\$240.62	\$13,990.62
	\$55,000.00	\$2,406.25	\$57,406.25

- c. Notwithstanding Respondent's agreement to pay the Assessed Penalty in accordance with the installment schedule set forth above, Respondent may pay the entire Assessed Penalty of **\$55,000** within thirty (30) days of the Effective Date and,

thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with any interest and other charges accrued up to the date of such full payment.

72. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, that do not include payment with a paper check, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

73. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this CAFO, FIFRA-05-2027-0001,
- b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following person(s):

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

Nidhi K. O'Meara (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
omeara.nidhi@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

“Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

74. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the effective date of this CAFO. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS “standard” underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA’s costs of processing and handling overdue debts.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days.

75. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if

Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency pursuant to 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to recover the amount outstanding pursuant to 7 U.S.C. § 136l(a)(5).

76. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal, that is the outstanding Assessed Penalty amount.

77. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

78. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal

to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to Milton Wise at EPA's Cincinnati Finance Center at wise.milton@epa.gov, within 30 days after the effective date of this CAFO, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- d. In the event that that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

General Provisions

79. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: Nidhi O'Meara at omeara.nidhi@epa.gov (counsel for Complainant), and Michael Novak at

Novak@khlaw.com (counsel for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

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

81. 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.

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

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

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

85. Each person signing this CAFO 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.

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

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

In the Matter of Gro-Tec, Inc.

Gro-Tec, Inc., Respondent

Date

9-4-26



Richard Martin, Vice President
Gro-Tec, Inc.

United States Environmental Protection Agency, Complainant

Carolyn Persoon
Director
Enforcement and Compliance Assurance Division

In the Matter of Gro-Tec, Inc.
Docket No.: FIFRA-05-2027-0001

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