



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

June 24, 2014

REPLY TO THE ATTENTION OF:

LC- 8J

CERTIFIED MAIL

Receipt No.7009 1680 0000 7649 6605

Mr. David Jaffe  
Cinderella, Inc.  
1215 S. Jefferson Avenue  
Saginaw, Michigan 48601

Consent Agreement and Final Order In the Matter of  
Cinderella, Inc., Docket No. FIFRA-05-2014-0023

Dear Mr. Jaffe.:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on June 24, 2014, with the Regional Hearing Clerk.

The civil penalty in the amount of \$39,750.00 is to be paid in the manner described in paragraphs 99 and 100. Please be certain that the docket number is written on both the transmittal letters and on the checks. Payment is due by July 24, 2014, (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tony Martie".

for, Terence Bonace  
Pesticides and Toxics Compliance Section

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

In the Matter of: )

Cinderella, Inc. )  
Saginaw, Michigan, )

Respondent. )  
\_\_\_\_\_ )

Docket No. FIFRA-05-2014-0023

Proceeding to Assess a Civil Penalty  
Under Section 14(a) of the Federal  
Insecticide, Fungicide, and Rodenticide  
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 Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5.

3. Respondent is Cinderella, Inc. (Cinderella), a corporation doing business in the state of Michigan.

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 alleged facts and violations 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 in full compliance with FIFRA with respect to the violations alleged in this CAFO.

#### **Statutory and Regulatory Background**

10. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states that it is unlawful for any person to distribute or sell to any person any pesticide which is adulterated or misbranded.

11. Section 2(c) of FIFRA, 7 U.S.C. § 136(c), defines a pesticide as “adulterated” if its strength or purity falls below the professed standard of quality as expressed on its label under which the product is sold.

12. Section 2(q)(1)(B) of FIFRA, 7 U.S.C. § 136(q)(1)(B) defines a pesticide as misbranded if it is contained in a package or wrapping which does not conform to the standards established by the Administrator pursuant to Section 25(c)(3) of FIFRA.

13. Section 2(q)(1)(E) of FIFRA, 7 U.S.C. § 136(q)(1)(E), defines a pesticide as “misbranded” if any word, statement, or other information required by or under authority of FIFRA to appear on the label or labeling is not prominently placed thereon with such conspicuousness and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. Also see 40 C.F.R. §§156.10(a)(2)

and 156.60.

14. Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), defines a pesticide as “misbranded” if the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under Section 3(d) of FIFRA, is adequate to protect health and the environment. Also see 40 C.F.R. § 156.10(a)(1).

15. Section 25(c)(3) of FIFRA, 7 U.S.C. § 136w(c)(3) states that the Administrator is authorized to establish standards with respect to the packaging, container, or wrapping in which a pesticide is enclosed for use or consumption, in order to protect children and adults from serious injury or illness.

16. 40 C.F.R. § 156.10(a)(4) states that if the immediate container of a pesticide is enclosed within a wrapper or outside container through which the label cannot be clearly read, the label must also be securely attached to the such outside wrapper or container if it is part of the package as customarily distributed or sold.

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

18. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) defines “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.”

19. Section 2(t) of FIFRA, 7 U.S.C. § 136(t) defines “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 EPA declares to be a pest under Section 25(c)(1) of FIFRA.

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

21. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, other distributor who violates any provision of FIFRA of up to \$7,500 for each offense that occurred after January 12, 2009, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

### Alleged Facts and Violations

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

23. At all times relevant to the CAFO, Cinderella owned or operated places of business located at 1215 South Jefferson Avenue, Saginaw, Michigan and 2752 Mullins Avenue, NW, Grand Rapids, Michigan.

24. On or about November 3, 2005, Cinderella registered its pesticide product, **Funshine Sanitizer 12** with EPA.

25. EPA assigned EPA Registration Number (EPA Reg. No.) 41995-20001 to **Funshine Sanitizer 12**.

26. **Funshine Sanitizer 12**, EPA Reg. No. 41955-20001, is a “pesticide” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

27. The pesticide product, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, is customarily distributed or sold in outer plastic cases.

### **Inspection at Polynesian Home Center**

28. On or about August 16 and 17, 2012, an inspector employed by the Michigan

Department of Agriculture and Rural Development and authorized to conduct inspections under FIFRA conducted an inspection at Polynesian Home Center, Inc. (Polynesian Home Center), located at 3440 Plainfield Avenue NE, Grand Rapids, Michigan.

29. During the August 16, 2012 inspection, the inspector collected two physical samples of the pesticide product, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001 that were ready for distribution or sale.

30. The label of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, states that it contains 12.5% of sodium hypochlorite.

31. Analysis of the two samples collected at Polynesian Home Center showed that **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, contained only 10.3% and 10.4% sodium hypochlorite, respectively.

32. During the August 16, 2012 inspection, the inspector observed 30, 1-gallon containers of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, inside eight outer plastic cases that were ready for distribution or sale.

33. The outer plastic cases containing the 1-gallon containers of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, did not have a pesticide label attached to them.

34. The inspector also observed that some of the labels on the 1-gallon containers of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, were faded, label text was missing and/or otherwise illegible.

#### **Inspection at Cinderella in Grand Rapids, Michigan**

35. On or about August 17 and 22, 2012, an inspector employed by the Michigan Department of Agriculture and Rural Development and authorized to conduct inspections under FIFRA conducted an inspection at Respondent's place of business in Grand Rapids, Michigan.

36. During the August 17, 2012 inspection, the inspector inspected 36 outer plastic cases of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001.

37. Each of the 36 outer plastic cases contained 4, 1-gallon bottles of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, that were ready for distribution or sale.

38. The outer plastic cases of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, did not have a pesticide label attached to them.

39. The inspector also observed that the **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, pesticide labels on 90 of the 144, 1-gallon bottles of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, were illegible and had missing, faded or marred text and/or were torn.

#### **Inspection at Cinderella in Saginaw, Michigan**

40. On or about May 2 and 17, 2013, an inspector employed by the Michigan Department of Agriculture and Rural Development and authorized to conduct inspections under FIFRA conducted an inspection at Respondent's place of business in Saginaw, Michigan.

41. During the inspection, the inspector observed 4, 1-gallon containers of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, inside an outer plastic case that was ready for distribution or sale.

42. The outer plastic case of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, did not have a pesticide label attached to it.

#### **Distributions and Sales**

43. On or about June 29, 2012, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Polynesian Home Center in Grand Rapids, Michigan.

44. On or about July 30, 2012, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Polynesian Home Center in Grand Rapids, Michigan.

45. On or about August 17, 2012, Respondent was holding **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, for distribution or sale at its Grand Rapids, Michigan location.

46. On or about August 20, 2012, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to its place of business in Grand Rapids, Michigan.

47. On or about April 26, 2013, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to the Saginaw Board of Education in Saginaw, Michigan.

48. On or about May 14, 2013, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Four Seasons Spa and Pool in Coloma, Michigan.

49. On or about May 15, 2013, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Pool Productions in Jackson, Michigan.

50. On or about May 15, 2013, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Aquarius Pools in Lansing, Michigan.

51. On or about May 15, 2013, Respondent distributed or sold **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Owosso Pools in Owosso, Michigan.

52. On or about May 17, 2013, Respondent was holding **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, for distribution or sale at its Saginaw, Michigan location.

#### Count 1

53. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

54. On or about June 29, 2012 respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Polynesian Home Center. When the inspector collected samples at Polynesian Home Center on August 16, 2012, two of the one-gallon containers were found to be adulterated because they contained sodium hypochlorite below the



level professed on their labels.

55. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

### Count 2

57. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

58. On or about June 29, 2012, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Polynesian Home Center, that was misbranded, as that term is defined by Sections 2(q)(1)(B) and (E) of FIFRA, 7 U.S.C. §§ 136(q)(1)(B) and (E) and 40 C.F.R. § 156.10.

59. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

### Count 3

61. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

62. On or about July 30, 2012, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Polynesian Home Center, that was misbranded, as that term is defined by Sections 2(q)(1)(B) and (E) of FIFRA, 7 U.S.C. §§ 136(q)(1)(B) and (E) and 40 C.F.R. § 156.10.

63. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

#### Count 4

65. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

66. On or about August 17, 2012, Respondent was holding **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, for distribution or shipment at its Grand Rapids, Michigan location, which was misbranded, as that term is defined by Sections 2(q)(1)(B) and (E) of FIFRA, 7 U.S.C. §§ 136(q)(1)(B) and (E) and 40 C.F.R. § 156.10.

67. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

Count 5

69. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

70. On August 20, 2012, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to its place of business in Grand Rapids, Michigan, that was misbranded, as that term is defined by Sections 2(q)(1)(B) and (E) of FIFRA, 7 U.S.C. §§ 136(q)(1)(B) and (E) and 40 C.F.R. § 156.10.

71. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

Count 6

73. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

74. On April 26, 2013, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Saginaw Board of Education, that was misbranded, as that term is defined by Section 2(q)(1)(B) of FIFRA, 7 U.S.C. § 136(q)(1)(B) and 40 C.F.R. § 156.10.

75. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

**Count 7**

77. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

78. On May 14, 2013, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001; to Four Seasons Spa and Pool, that was misbranded, as that term is defined by Section 2(q)(1)(B) of FIFRA, 7 U.S.C. § 136(q)(1)(B) and 40 C.F.R. § 156.10.

79. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

**Count 8**

81. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

82. On May 15, 2013, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Pool Productions, that was misbranded, as that term is defined by Section 2(q)(1)(B) of FIFRA, 7 U.S.C. § 136(q)(1)(B) and 40 C.F.R. § 156.10.

83. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-

20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

#### Count 9

85. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

86. On May 15, 2013, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Aquarius Pools, that was misbranded, as that term is defined by Section 2(q)(1)(B) of FIFRA, 7 U.S.C. § 136(q)(1)(B) and 40 C.F.R. § 156.10.

87. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

#### Count 10

89. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

90. On May 15, 2013, Respondent distributed or sold a pesticide, **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, to Owosso Pools, that was misbranded, as that term is defined by Section 2(q)(1)(B) of FIFRA, 7 U.S.C. § 136(q)(1)(B) and 40 C.F.R. § 156.10.

91. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

#### Count 11

93. Complainant incorporates paragraphs 1 through 52 of this CAFO, as if set forth in this paragraph.

94. On or about May 17, 2013, Respondent was holding **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, for distribution or shipment at its Saginaw, Michigan location, which was misbranded, as that term is defined by Section 2(q)(1)(B) of FIFRA, 7 U.S.C. § 136(q)(1)(B) and 40 C.F.R. § 156.10.

95. Respondent's distribution or sale of **Funshine Sanitizer 12**, EPA Reg. No. 41995-20001, constitutes an unlawful act pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

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

#### Civil Penalty And Other Relief

97. Section 14(a)(4) of FIFRA, 7 U.S.C. §136l(4), requires the Administrator to consider 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, when assessing an administrative penalty under FIFRA.

98. Based on an evaluation of the facts alleged in this CAFO, the factors in Section 14(a)(4) of FIFRA and EPA's Enforcement Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act, dated December 2009, Complainant has determined the appropriate penalty to settle this action is \$39,750.

99. Within 30 days after the effective date of this CAFO, Respondent must pay a \$39,750 civil penalty for the alleged FIFRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

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

The check must note "In the Matter of Cinderella, Inc.," and the docket number of this CAFO.

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

Regional Hearing Clerk (E-19J)  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

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

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

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

102. If Respondent does not pay the civil penalty in a timely manner, 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.

103. 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**

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

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

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

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



for FIFRA.

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

109. 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.

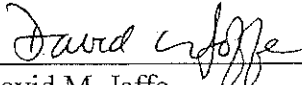
110. Each party agrees to bear its own costs and attorney's fees, in this action.

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

In the Matter of:  
Cinderella, Inc.  
Docket No. FIFRA-05-2014-0023

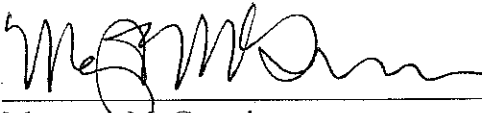
**Cinderella, Inc., Respondent**

May 5, 2014  
Date

  
\_\_\_\_\_  
David M. Jaffe,  
Chief Executive Officer  
Cinderella, Inc.

**United States Environmental Protection Agency, Complainant**

6/12/2014  
Date

  
\_\_\_\_\_  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

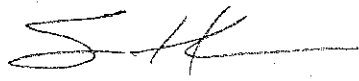
In the Matter of:  
Cinderella, Inc.

Docket No. FIFRA-05-2014-0023

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.

6-23-2014  
Date

  
\_\_\_\_\_  
Susan Hedman  
Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

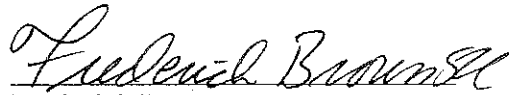
**CERTIFICATE OF SERVICE**

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Cinderella, Inc., was filed on June 24, 2014, with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7009 1680 0000 7649 6605, a copy of the original to the Respondents:

Mr. David Jaffe  
Cinderella, Inc.  
1215 S. Jefferson Avenue  
Saginaw, Michigan 48601

and forwarded copies (intra-Agency) to:

Ann Coyle, Regional Judicial Officer, ORC/C-14J  
Nidhi K. O'Meara, Regional Judicial Officer, ORC/C-14J  
Eric Volck, Cincinnati Finance/MWD



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

Docket No. FIFRA-05-2014-0023