

1 SUZANNE ANDREWS  
Acting Regional Counsel  
2  
3 EDGAR P. CORAL  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
4 Region IX  
75 Hawthorne Street  
5 San Francisco, CA 94105  
(415) 972-3898  
6



7 UNITED STATES  
8 ENVIRONMENTAL PROTECTION AGENCY  
9 REGION IX

10 In the matter of: ) Docket No. FIFRA-09-2025-0006  
11 )  
12 Sainstore Inc., ) CONSENT AGREEMENT  
AND FINAL ORDER  
13 Respondent. ) pursuant to 40 C.F.R. §§ 22.13(b),  
22.18(b)(2), and 22.18(b)(3)  
14 )

---

15 I. CONSENT AGREEMENT

16 The United States Environmental Protection Agency (“EPA”), Region IX, and Sainstore  
17 Inc. (“Respondent”) agree to settle this matter and consent to the entry of this Consent  
18 Agreement and Final Order (“CAFO”). This CAFO simultaneously initiates and concludes this  
19 proceeding in accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b).  
20

21 A. AUTHORITY AND PARTIES

22 1. This is a civil administrative action brought pursuant to Section 14(a)(1) of the Federal  
23 Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(1), for the assessment  
24 of a civil administrative penalty against Respondent for the sale and/or distribution of a  
25 misbranded pesticidal device in violation of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. §  
26 136j(a)(1)(F).

27 2. Complainant is the Manager of the Toxics Section in the Enforcement and  
28 Compliance Assurance Division, EPA Region IX, who has been duly delegated the authority to  
bring this action and to sign a consent agreement settling this action.

1           3. Respondent is Sainstore Inc. (“Respondent”), a Nevada corporation whose principal  
2 offices are located at 6945 Speedway Boulevard, Suite H102, in Las Vegas, Nevada.

3   B. STATUTORY AND REGULATORY BASIS

4           4. Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), provides that it shall be  
5 unlawful for any person to distribute or sell to any person any pesticidal device which is  
6 misbranded.

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

10          6. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “distribute or sell” to  
11 mean to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship,  
12 deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to  
13 deliver.

14          7. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as any insect, rodent,  
15 nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus,  
16 bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in  
17 living man or other living animals) which the Administrator of the EPA declares to be a pest  
18 under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

19          8. Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines a “device,” in part, as any  
20 instrument or contrivance (other than a firearm) which is intended for trapping, destroying,  
21 repelling, or mitigating any pest or other form of plant or animal life.

22          9. Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), provides that a pesticide or  
23 device is misbranded if its labeling bears any statement, design, or graphic representation relative  
24 thereto or to its ingredients which is false or misleading in any particular.

25          10. Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D), provides that a pesticide or  
26 device is misbranded if its label does not bear the registration number assigned under Section 7  
27 to each establishment in which it was produced.

28          11. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines a “label” as the written,

1 printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or  
2 wrappers.

3 12. Section 2(p)(2)(A) of FIFRA, 7 U.S.C. § 136(p)(2)(A), defines “labeling,” in part, as  
4 all labels and all other written, printed or graphic matter accompanying the pesticide or device at  
5 any time.

6 13. 40 C.F.R. § 156.10(a)(1)(v), which sets forth general labeling requirements for  
7 pesticides and devices, provides that every pesticide product shall bear a label that must show  
8 clearly and prominently the producing establishment number as prescribed in paragraph (f) of  
9 this Section.

10 14. 40 C.F.R. § 156.10(f) provides that the producing establishment registration number  
11 preceded by the phrase “EPA Est.” of the final establishment at which the product was produced  
12 may appear in any suitable location on the label or immediate container.

13 15. 40 C.F.R. § 156.10(a)(5) provides that a pesticide or a device is misbranded if its  
14 labeling is false or misleading in any particular including both pesticidal and non-pesticidal  
15 claims.

16 16. The Administrator of EPA may assess a civil penalty against any registrant,  
17 commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any  
18 provision of FIFRA of up to \$24,255 for each offense that occurred after November 2, 2015,  
19 where penalties are assessed on or after December 27, 2023. See Section 14(a)(1) of FIFRA, 7  
20 U.S.C. § 136l(a)(1), and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19  
21 (as amended by 88 Fed. Reg. 89309 (December 27, 2023)).

### 22 C. ALLEGED VIOLATION

23 17. At all times relevant to this CAFO, Respondent was a corporation and therefore a  
24 “person” as that term is defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is  
25 subject to FIFRA and the regulations promulgated thereunder.

26 18. At all times relevant to this CAFO, the label and/or labeling for the “Airthereal  
27 APH260 Air Purifier” product bore unqualified, overly broad allergen and antimicrobial claims  
28 such as “allergen eliminator” and “UV-C Sanitizer.” The “Airthereal APH260 Air Purifier”

1 product is thus an instrument or contrivance (other than a firearm) which is intended for trapping,  
2 destroying, repelling, or mitigating any “pest,” as that term is defined by Section 2(t) of FIFRA, 7  
3 U.S.C. § 136(t), and is thereby a “device,” as that term is defined in Section 2(h) of FIFRA, 7  
4 U.S.C. § 136(h).

5 19. On or about December 15, 2022, Respondent “distributed or sold,” as that term is  
6 defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), the “Airthereal APH260 Air Purifier”  
7 device by importing it into the United States under Entry Number INL-04289382.

8 20. The labeling on the “Airthereal APH260 Air Purifier” device that Respondent  
9 “distributed or sold” on or about December 15, 2022, contained the false or misleading claims of  
10 “allergen eliminator” and “UV-C Sanitizer.”

11 21. The label on the “Airthereal APH260 Air Purifier” device that Respondent imported  
12 into the United States on or about December 15, 2022, did not bear the registration number  
13 assigned under Section 7 to the establishment in which it was produced.

14 22. Respondent’s use of the false or misleading terms, “allergen eliminator” and “UV-C  
15 Sanitizer,” on the labeling for the “Airthereal APH260 Air Purifier” device, in contravention of  
16 40 C.F.R. §§ 156.10(a)(5), constitutes “misbranding,” as that term is defined by Section  
17 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A).

18 23. Respondent’s failure to identify on the label the EPA producing establishment  
19 registration number of the final establishment in which the “Airthereal APH260 Air Purifier”  
20 device was produced, as required by 40 C.F.R. §§ 156.10(a)(1)(v) and 156.10(f), also constitutes  
21 “misbranding,” as that term is defined by Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D).

22 24. Consequently, the distribution/importation into the United States of the “Airthereal  
23 APH260 Air Purifier” device by the Respondent on or about December 15, 2022, constitutes one  
24 violation of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F).

#### 25 D. RESPONDENT’S ADMISSIONS

26 25. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding,  
27 Respondent: (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over  
28 Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section

1 I.C of this CAFO; (iii) consents to any and all conditions specified in this CAFO and to the  
2 assessment of the civil administrative penalty under Section I.E of this CAFO; (iv) waives any  
3 right to contest the allegations contained in this CAFO; and (v) waives the right to appeal the  
4 Final Order contained in this CAFO.

5 E. CIVIL ADMINISTRATIVE PENALTY

6 26. In full and final settlement of the violations specifically alleged in Section I.C of this  
7 CAFO, Respondent shall pay a civil administrative penalty of SIX THOUSAND, FOUR  
8 HUNDRED, AND FIFTY-SIX DOLLARS (\$6,456). Respondent shall pay this civil penalty  
9 within thirty (30) days of the effective date of this CAFO. The civil penalty shall be paid by  
10 remitting a certified or cashier's check, including the name and docket number of this case, for  
11 the amount, payable to "Treasurer, United States of America," (or be paid by one of the other  
12 methods listed below) and sent as follows:

13 Regular Mail:

14 U.S. Environmental Protection Agency  
15 Fines and Penalties  
16 Cincinnati Finance Center  
17 PO Box 979077  
18 St. Louis, MO 63197-9000

19 Wire Transfers:

20 Wire transfers must be sent directly to the Federal Reserve Bank in New  
21 York City with the following information:  
22 Federal Reserve Bank of New York  
23 ABA = 021030004  
24 Account = 68010727  
25 SWIFT address = FRNYUS33  
26 33 Liberty Street  
27 New York, NY 10045  
28 Beneficiary = U.S. Environmental Protection Agency

Certified or Overnight Mail:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101

1 ACH (also known as Remittance Express or REX):

2 Automated Clearinghouse (ACH) payments to EPA can be made through  
3 the U.S. Treasury using the following information:

4 U.S. Treasury REX/Cashlink ACH Receiver  
5 ABA = 051036706  
6 Account = 31006, Environmental Protection Agency  
7 CTX Format Transaction Code 22 – checking

8 Physical location of U.S. Treasury facility:

9 5700 Rivertech Court  
10 Riverdale, MD 20737

11 Remittance Express (REX) = (866) 234-5681

12 On Line Payment:

13 This payment option can be accessed from the information below:

14 www.pay.gov  
15 Enter “SFO 1.1” in the search field  
16 Open form and complete required fields

17 If clarification regarding a particular method of payment remittance is  
18 needed, contact the EPA’s Cincinnati Finance Center at (513) 487-2091.

19 A copy of each check, or notification that the payment has been made by one of the other  
20 methods listed above, including proof of the date payment was made, shall be sent with a  
21 transmittal letter, indicating Respondent’s name, the case title, and docket number, to the  
22 following regular mail or email addresses:

23 Regional Hearing Clerk  
24 Office of Regional Counsel (ORC-1)  
25 U.S. Environmental Protection Agency, Region IX  
26 75 Hawthorne Street  
27 San Francisco, CA 94105  
28 R9HearingClerk@epa.gov

Savannah Merritt  
Toxics Section  
Enforcement and Compliance Assurance Division (ENF-2-3)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105  
merritt.savannah.l@epa.gov

27. Respondent shall not use payment of any penalty under this CAFO as a tax deduction

1 from Respondent's federal, state, or local taxes, nor shall Respondent allow or otherwise  
2 facilitate any other person to use such payment as a tax deduction.

3 28. If Respondent fails to pay the assessed civil administrative penalty of SIX  
4 THOUSAND, FOUR HUNDRED, AND FIFTY-SIX DOLLARS (\$6,456) as identified in  
5 Paragraph 26 by the deadline specified in that Paragraph, then Respondent shall pay a stipulated  
6 penalty to EPA of FIVE HUNDRED DOLLARS (\$500) per day in addition to the assessed  
7 penalty. Stipulated penalties shall accrue until such time as the assessed penalty and all accrued  
8 stipulated penalties are paid and shall become due and payable upon EPA's written request.  
9 Failure to pay the civil administrative penalty specified in Paragraph 26 by the deadline specified  
10 in that Paragraph may also lead to any or all of the following actions:

11 (1) EPA may refer the debt to a credit reporting agency, a collection  
12 agency, or to the Department of Justice for filing of a collection action in the appropriate United  
13 States District Court. 40 C.F.R. §§ 13.13, 13.14 and 13.33. The validity, amount, and  
14 appropriateness of the assessed penalty or of this CAFO is not subject to review in any such  
15 collection proceeding.

16 (2) The U.S. Government may collect the debt by administrative offset  
17 (*i.e.*, the withholding of money payable by the United States to, or held by the United States for, a  
18 person to satisfy the debt the person owes the U.S. Government), which includes, but is not  
19 limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40  
20 C.F.R. §§ 13(C) and 13(H).

21 (3) Pursuant to 40 C.F.R. § 13.17, EPA may either: (i) suspend or revoke  
22 Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing  
23 business with EPA or engaging in programs EPA sponsors or funds.

24 (4) Pursuant to 31 U.S.C. § 3701 *et seq.* and 40 C.F.R. Part 13, the U.S.  
25 Government may assess interest, administrative handling charges, and nonpayment penalties  
26 against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the  
27 civil administrative penalty specified in Paragraph 26 by the deadline specified in that Paragraph.

28 (a) Interest. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. §

1 13.11(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established  
2 according to 26 U.S.C. § 6621(a)(2) from the effective date of this CAFO, provided, however,  
3 that no interest shall be payable on any portion of the assessed penalty that is paid within thirty  
4 (30) days of the effective date of this CAFO.

5 (b) Administrative Handling Charges. Pursuant to 31 U.S.C. §  
6 3717(e)(1) and 40 C.F.R. § 13.11(b), Respondent shall pay a monthly handling charge, based on  
7 either actual or average cost incurred (including both direct and indirect costs), for every month  
8 in which any portion of the assessed penalty is more than thirty (30) days past due.

9 (c) Nonpayment Penalties. Pursuant to 31 U.S.C. § 3717(e)(2)  
10 and 40 C.F.R. § 13.11(c), a monthly penalty charge, not to exceed six percent (6%) annually,  
11 may be assessed on all debts more than ninety (90) days delinquent.

#### 12 F. CERTIFICATION OF COMPLIANCE

13 29. In executing this CAFO, Respondent certifies that the information it has supplied  
14 concerning this matter was at the time of submission, and is at the time of signature to this  
15 CAFO, truthful, accurate, and complete; and that Respondent has corrected the violation alleged  
16 in Section I.C of this CAFO. Under 18 U.S.C. § 1001, submitting false or misleading  
17 information can result in significant penalties, including the possibility of fines and  
18 imprisonment for knowing submission of such information.

#### 19 G. RETENTION OF RIGHTS

20 30. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's  
21 liabilities for federal civil penalties for the violation and facts specifically alleged in Section I.C  
22 of this CAFO. Nothing in this CAFO is intended to or shall be construed to resolve: (i) any civil  
23 liability for violations of any provision of any federal, state, or local law, statute, regulation, rule,  
24 ordinance, or permit not specifically alleged in Section I.C of this CAFO; or (ii) any criminal  
25 liability. EPA specifically reserves any and all authorities, rights, and remedies available to it  
26 (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address  
27 any violation of this CAFO or any violation not specifically alleged in Section I.C of this CAFO.

28 31. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's



1 duties to comply with all applicable federal, state, and local laws, regulations, rules, ordinances,  
2 and permits.

3 H. ATTORNEYS' FEES AND COSTS

4 32. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in  
5 this proceeding.

6 I. EFFECTIVE DATE

7 33. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be  
8 effective on the date that the Final Order contained in this CAFO, having been approved and  
9 issued by either the Regional Judicial Officer or Regional Administrator, is filed.

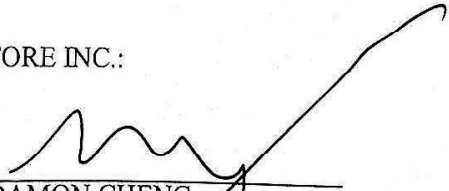
10 J. BINDING EFFECT

11 34. The undersigned representative of Complainant and the undersigned representative of  
12 Respondent each certifies that he or she is fully authorized to enter into the terms and conditions  
13 of this CAFO and to bind the party he or she represents to this CAFO.

14 35. The provisions of this CAFO shall apply to and be binding upon Respondent and its  
15 officers, directors, employees, agents, trustees, servants, authorized representatives, successors,  
16 and assigns.

17  
18 FOR RESPONDENT SAINSTORE INC.:

19  
20 10/18/2024  
21 DATE

  
22 \_\_\_\_\_  
23 DAMON CHENG  
24 Chief Executive Officer  
25 Sainstore Inc.

26 FOR COMPLAINANT EPA:

27 11/25/2024  
28 DATE

MATTHEW SALAZAR  
Digitally signed by  
MATTHEW SALAZAR  
Date: 2024.11.25  
10:55:23 -08'00'  
\_\_\_\_\_  
MATT SALAZAR, P.E.  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

1 II. FINAL ORDER

2 EPA and Sainstore Inc. having entered into the foregoing Consent Agreement,  
3 IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2025-0006) be  
4 entered, and Respondent shall pay a civil administrative penalty in the amount of SIX  
5 THOUSAND, FOUR HUNDRED, AND FIFTY-SIX DOLLARS (\$6,456) and comply with the  
6 terms and conditions set forth in the Consent Agreement.

7  
8 BEATRICE WONG Digitally signed by  
BEATRICE WONG  
Date: 2024.11.25  
14:51:08 -08'00'

9 \_\_\_\_\_  
DATE

10 \_\_\_\_\_  
BEATRICE WONG  
Regional Judicial Officer  
U.S. Environmental Protection Agency, Region IX

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that the foregoing Consent Agreement and Final Order in the matter of Sainstore  
3 Inc. (FIFRA-09-2025-0006) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX,  
4 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was  
5 sent to the following parties via electronic mail, as indicated below:


6 **RESPONDENT**

Damon Cheng  
CEO  
Sainstore, Inc.  
Damon.cheng@sainstore.com

8  
9 **COMPLAINANT**

Edgar Coral  
Assistant Regional Counsel (ATWGLB)  
United States Environmental Protection Agency, Region IX  
Coral.edgar@epa.gov

12 **GRACE**  
13 **ELAM**

 Digitally signed by  
GRACE ELAM  
Date: 2024.11.26  
08:02:17 -08'00'

14 \_\_\_\_\_  
15 Grace Elam Date  
16 Regional Hearing Clerk  
17 U.S. EPA - Region IX