



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

APR 22 2008

4APT-PTSB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Patrick Staber
Registered Agent
Stabright LLC
6460 Trailridge Circle, Unit 12
Mesa, AZ 85215

SUBJ: Docket No. FIFRA-04-2008-3006(b)
Stabright LLC

Dear Mr. Staber:

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 CFR Part 22.

Please make note of the provisions in the Final Order, with respect to payment of the assessed penalty of \$3,300. The initial payment in the amount of \$431.28 is due within 30 days from the effective date of the CAFO. Remaining payments are due as set forth in Section IV of the CAFO.

Also enclosed, please find a copy of the October 2001 *Enforcement Alert* titled "U.S. EPA Notifying Defendants of Securities and Exchange Commission's Environmental Disclosure Requirements." This document notifies you of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by the EPA. Please note the contact phone number on page three of the Notice has been changed to (202) 551-3115.

Internet Address (URL) • <http://www.epa.gov>

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Penalty payment questions should be directed to Ms. Lori Weidner either by telephone at (513) 487-2125 or by written correspondence to her attention at the U.S. EPA, Cincinnati Accounting Operations address identified in Section IV of the CAFO. Should you have any questions about your company's compliance status in the future, please do not hesitate to call me at (404) 562-8979 or Patricia Livingston at (404) 562-9171.

Sincerely,



Jeaneanne M. Gettle
Chief
Pesticides and Toxic
Substances Branch

Enclosures (2)

cc: Shannon Joyner, NC Department of Agriculture

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:)
)
Stabright LLC)
)
)
 Respondent.)
_____)

Docket No. **FIFRA-04-2008-3016(b)**

HEARING CLERK

2008 APR 22 AM 8:35

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CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136l(a) (hereinafter "FIFRA"), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 CFR Part 22. Complainant is the Director of the Air, Pesticides, and Toxics Management Division, United States Environmental Protection Agency, Region 4 (EPA). Respondent is Stabright LLC.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 CFR § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 CFR § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under FIFRA to EPA Region 4 by EPA Delegation 5-14, dated May 11, 1994.
4. Pursuant to 40 CFR § 22.5(c)(4) the following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Patricia Livingston
Pesticides Management Section
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960
(404) 562-9171.
5. Respondent is Stabright LLC, an Arizona Limited Liability Corporation, located at 4224 South 37th Street, Phoenix, Arizona 85040.
6. Respondent is a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.
7. On or about November 28, 2006, an authorized representative of the EPA conducted an inspection at Camp LeJeune Marine Base located at Building 1116 Luis Street, Camp LeJeune, NC 28542.
8. During the aforementioned inspection, military uniforms treated with Bond-It Insect Repellent Fabric Treatment, EPA Reg. No. 48139-15, were identified as being produced and distributed by the Respondent.
9. The inspector documented one shipment of military uniforms treated with Bond-It Insect Repellent Fabric Treatment from the Respondent to Camp LeJeune Marine Base on June 30, 2006.

10. A military uniform treated with Bond-It Insect Repellent Fabric Treatment, is a pesticide as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), which includes any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
11. A pest is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), 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 (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).
12. Respondent “distributes or sells” pesticides. The term “to distribute or sell” as defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), includes to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, or release for shipment.
13. Respondent distributed or sold the pesticide to Camp LeJeune Marine Base on at least one occasion.
14. The pesticide was sold or distributed on or about:

June 30, 2006, Shipping Invoice No. M67001-06-P-1262.
15. At the time of the inspection, the military uniforms treated with Bond-It Insect Repellent Fabric Treatment produced by Stabright LLC failed to bear the required hangtag labels, with the required information which includes the EPA Registration Number, the EPA

Establishment Number, Directions for Use, the Ingredient Statement, the Warning/Caution Statement, the name and address of the producer, registrant, or person for whom produced.

16. According to Section 2(q) of FIFRA, 7 U.S.C. § 136(q), a pesticide is misbranded if its label does not bear the items listed in paragraph 15 above.
17. It is unlawful according to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), for any person in any State to distribute or sell to any person any pesticide which is misbranded.
18. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on at least one occasion and is therefore subject to the assessment of civil penalties under Section 14 of FIFRA, 7 U.S.C. § 136l.
19. Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), in conjunction with the Debt Collection Improvement Act of 1996, authorizes the assessment of a civil penalty.
20. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation.
21. After consideration of the factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), the EPA proposes to assess a total civil penalty of THREE THOUSAND THREE HUNDRED DOLLARS (\$3,300.00) against the Respondent for the above-described violations. Civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), may be assessed by Administrative Order.

III. Consent Agreement

22. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations.
23. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying the consent agreement.
24. Respondent consents to the assessment of the penalty proposed by EPA and agrees to pay the civil penalty as set forth in this CAFO.
25. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of FIFRA.
26. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
27. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.

IV. Final Order

28. Respondent is assessed a civil penalty of THREE THOUSAND THREE HUNDRED DOLLARS (\$3,300.00) which shall be paid in quarterly installments over a two (2) year period from the effective date of this CAFO as set forth in the schedule below:

Payment Number	Payment Date	Payment Amount
1	Within 30 days of signed/ratified CAFO	431.28
2	Within 120 days of signed/ratified CAFO	431.28
3	Within 210 days of signed/ratified CAFO	431.28
4	Within 300 days of signed/ratified CAFO	431.28
5	Within 390 days of signed/ratified CAFO	431.28
6	Within 480 days of signed/ratified CAFO	431.28
7	Within 570 days of signed/ratified CAFO	431.28
8	Within 660 days of signed/ratified CAFO	427.01

29. Respondent shall remit the penalty by either a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the check via U.S. mail to the following address:

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

The check shall reference the Respondent's name and the Docket Number of the CAFO ["Stabright LLC, FIFRA-04-2008-3006(b)"].

30. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960;

Patricia Livingston
Pesticides Management Section
U.S. EPA - Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303-8960;

and

Saundi Wilson
Office of Environmental
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.

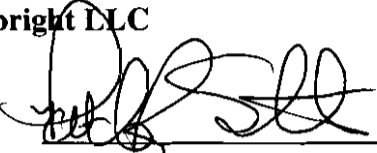
31. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
32. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will, therefore, begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principle amount not paid within 90 days of the due date.
33. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
34. This CAFO shall be binding upon the Respondent, its successors and assigns.
35. The undersigned representative of the party to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally binds that party to this CAFO.

V. Effective Date

36. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Stabright LLC

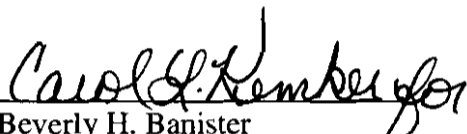
By:  (Signature)

Date: 12/3/07

Name: Patrick R. Staber (Typed or Printed)

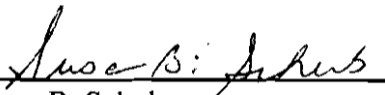
Title: Partner (Typed or Printed)

U.S. Environmental Protection Agency

By: 
Beverly H. Banister
Director
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, Georgia 30303-8960

Date: 4/10/08

APPROVED AND SO ORDERED this 21st day of April 2008.


Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Consent Agreement and Final Order, in the Matter of: Stabright LLC, FIFRA Docket No. 04-2008-3006(b), on the parties listed below in the manner indicated.

For Complainant:

Patricia Livingston
Pesticides Management Section
U.S. EPA - Region 4, 4APT-PTSB
61 Forsyth Street, SW
Atlanta, GA 30303-8960

(Via EPA's internal mail)

Robert Caplan, Senior Attorney
Office of Environmental Accountability
U.S. EPA - Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960.

(Via EPA's internal mail)

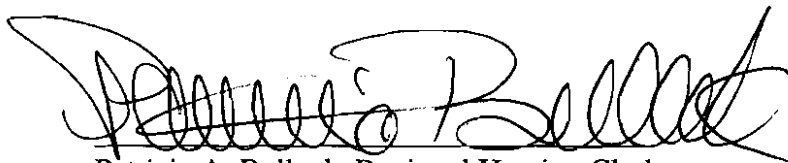
For Respondent:

Patrick Staber
Registered Agent
Stabright LLC
6460 Trailridge Circle, Unit 12
Mesa, AZ 85215.

(Via Certified Mail - Return Receipt Requested)

Date:

4-22-08



Patricia A. Bullock, Regional Hearing Clerk
United States Environmental
Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960
(404) 562-9511