

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
SAN FRANCISCO, CALIFORNIA



In the Matter of:)	Docket No. FIFRA-09-2025-0033
)	
TwinMed, LLC)	CONSENT AGREEMENT
)	AND FINAL ORDER PURSUANT TO
)	40 C.F.R. §§ 22.13 and 22.18
Respondent)	
_____)	

I. CONSENT AGREEMENT

Complainant, the Manager of the Toxics Section, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, Region IX (“EPA Region IX”) and TwinMed, LLC (“Respondent”) agree to settle this case initiated under the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA” or the “Act”), 7 U.S.C. §§ 136 *et seq.*, and consent to the entry of this Consent Agreement and Final Order (“CAFO”).

A. AUTHORITY AND PARTIES

1. EPA initiated this civil administrative proceeding for the assessment of a civil penalty under the Act pursuant to Section 14(a) of FIFRA, 15 U.S.C. § 136/ (a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits at 40 C.F.R. Part 22, by issuing a Complaint and Notice of Opportunity for Hearing (the “Complaint”) against Respondent on January 16, 2025.

2. The Complaint alleges that Respondent violated Section 12(a)(1)(A) of FIFRA by selling or distributing unregistered pesticides on one hundred thirty-five separate occasions from August 17, 2021 through July 25, 2023.
3. EPA Region IX and Respondent have agreed to fully and finally resolve this civil administrative proceeding arising under the Act by executing this CAFO.

B. RESPONDENT'S ADMISSIONS

4. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Complaint; (iii) consents to any and all conditions specified in this CAFO, including the assessment of the civil administrative penalty under Section I.C of this CAFO; (iv) waives any right to contest the allegations contained in the Complaint; and (v) waives the right to appeal the proposed final order contained in this CAFO. By signing this consent agreement, 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 this consent agreement.

C. CIVIL ADMINISTRATIVE PENALTY

5. Respondent agrees to the assessment of a penalty in the amount of FIVE HUNDRED FIFTY-SEVEN THOUSAND ONE HUNDRED NINETY-NINE DOLLARS (\$557,199), plus interest, paid in four (4) quarterly installments over a twelve-month period, as final

settlement of the civil claims against Respondent arising under the Act as alleged in the Complaint.

6. Respondent shall pay each installment of the assessed penalty in accordance with the payment schedule attached to this CAFO as Attachment A. Notwithstanding Respondent's agreement to pay the Assessed Penalty in accordance with the payment schedule specified in Attachment A, Respondent may pay the entire Assessed Penalty of FIVE HUNDRED FIFTY-SEVEN THOUSAND ONE HUNDRED NINETY-NINE DOLLARS (\$557,199) no later than thirty (30) days after the effective date of the CAFO 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 payment schedule in Attachment A, elect to pay the entire principal balance remaining, together with any interest and other charges accrued up to the date of such full payment. Each installment payment shall be made by cashier's or certified check payable to the "Treasurer, United States of America," or be paid by one of the other methods listed below:

- a. Respondent may pay online through the Department of the Treasury website at www.pay.gov. In the Search Public Form field, enter SFO 1.1, click EPA Miscellaneous Payments - Cincinnati Finance Center, and complete the SFO Form Number 1.1.
- b. Respondent may also pay using any method or combination of methods provided on the following website:
<https://www.epa.gov/financial/additional-instructions-making-payments-epa>

If any clarification regarding a particular method of payment remittance is needed, please contact the EPA Cincinnati Finance Center at 513-487-2091.

7. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Agreement, FIFRA-09-2025-0033.
- 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
Office of Regional Counsel (ORC-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105
R9hearingclerk@epa.gov

Savannah Merritt (ENF-2-3)
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
600 Wilshire Boulevard, Suite 940
Los Angeles, CA 90017
Merritt.savannah.l@epa.gov

and

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.

8. If Respondent fails to pay in full any installment of the assessed civil administrative penalty specified in Paragraph 5 in accordance with the payment schedule in Attachment A, then the entire remaining balance of the assessed penalty shall immediately become due and payable. Respondent also shall pay to EPA a stipulated penalty of FIVE HUNDRED DOLLARS (\$500.00) per day for each day that payment is late, in addition to the assessed penalty. Stipulated penalties shall accrue until the assessed penalty and all accrued stipulated penalties are paid and shall become due and payable upon written request by EPA. In addition, failure to pay the civil administrative penalty in accordance with the payment schedule in Attachment A may lead to any or all of the following actions:
- a. The debt being referred to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.
 - b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the 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. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.

- d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13, interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the civil administrative penalty by the deadlines specified in Paragraph 6 and Attachment A. Interest will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred, and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.
9. Payment of the above civil administrative penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state, or local taxes.

D. TAX REPORTING

10. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS") 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). Respondent's 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. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions as applicable.

- 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 EPA's Cincinnati Finance Division at sherrer.dana@epa.gov, on or before the date that Respondent's initial penalty payment is due, pursuant to Paragraph 6 of the CAFO, or within 7 days should the order become effective between December 15 and December

31 of the calendar year. EPA recommends encrypting IRS Form W-9 email correspondence.

- d. In the event 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 Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

E. CERTIFICATION OF COMPLIANCE

11. In executing this CAFO, Respondent certifies that, to its knowledge, it is currently in compliance with any FIFRA requirements that may apply to its ongoing operations.

F. RETENTION OF RIGHTS

12. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in the Complaint. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in the Complaint; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in the Complaint.
13. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

G. ATTORNEYS' FEES AND COSTS

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

H. EFFECTIVE DATE

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

I. BINDING EFFECT


16. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.
17. This CAFO constitutes the entire agreement between the parties resolving this matter arising under FIFRA.
18. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

ATTACHMENT A

Payment Number	Payment shall be made no later than	Principal Amount	Interest Amount	Total Payment Amount
1	Thirty (30) days after the Effective Date	U.S. \$139,299.75	U.S. \$0	U.S. \$139,299.75
2	One hundred twenty (120) days after the Effective Date	U.S. \$139,299.75	U.S. \$9,750.98	U.S. \$149,050.73
3	Two hundred forty (240) days after the Effective Date	U.S. \$139,299.75	U.S. \$6,500.66	U.S. \$145,800.41
4	Three hundred sixty (360) days after the Effective Date	U.S. \$139,299.75	U.S. \$3,250.33	U.S. \$142,550.08
Totals:		U.S. \$557,199.00	U.S. \$19,501.97	U.S. \$576,700.97

FOR RESPONDENT TWINMED, LLC:


05 / 28 / 2025
DATE



By: David Klarner
Title: Chief Financial Officer
Address: TwinMed, LLC
11333 Greenstone Avenue
Santa Fe Springs, CA 90670

FOR COMPLAINANT EPA REGION IX:

6/3/2025
DATE

MATTHEW SALAZAR


Digitally signed by
MATTHEW SALAZAR
Date: 2025.06.03
12:50:25 -07'00'

Matt Salazar, PE
Manager, Toxics Section
Enforcement and Compliance Assurance Division (ENF-2)
United States Environmental
Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105

II. FINAL ORDER

EPA Region IX and Respondent having entered into the foregoing Consent Agreement, IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2025-0033) be entered, and that Respondent shall pay a civil administrative penalty in the amount of FIVE HUNDRED FIFTY-SEVEN THOUSAND ONE HUNDRED NINETY-NINE DOLLARS (\$557,199), plus interest, and otherwise comply with the terms and conditions set forth in the Consent Agreement. This CAFO shall become effective upon filing.

DATE

BEATRICE WONG
Regional Judicial Officer
United States Environmental Protection
Agency, Region IX

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Agreement and Final Order in the matter of TwinMed, LLC. (FIFRA-09-2025-0033) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties via electronic mail, as indicated below:

RESPONDENT: David Klarner
TwinMed, LLC
11333 Greenstone Avenue
Santa Fe Springs, CA 90670
Dklarner@twinmed.com

COMPLAINANT: David Kim
Assistant Regional Counsel
U.S. EPA – Region IX
Hazardous Waste Section I (ORC-3-1)
75 Hawthorne Street
San Francisco, CA 94105
Kim.David@epa.gov

Ponly Tu
Regional Hearing Clerk
U.S. EPA – Region IX