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Attorneys for Respondent
Carimex International Trading Co., Inc.
d/b/a SHCP Baltimore

UNITED STATES DISTRICT COURT
ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105

_____)	Docket No. FIFRA-09-2011-0021
In the Matter of:)	
)	
Carimex International Trading Co., Inc.)	ANSWER OF RESPONDENT TO
d/b/a SHCP Baltimore)	COMPLAINT
)	
Respondent)	
_____)	

ANSWER

Respondent Carimex International Trading Co., Inc., a California corporation doing business as "SHCP Baltimore" ("CARIMEX"), answers the Complaint ("Complaint") of the United States Environmental Protection Agency, Region IX ("COMPLAINANT") as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.

6. In response to Paragraph 6 of the Complaint, this allegation purports to allege the legal status of CARIMEX, for which no response is required. To the extent a response is deemed required, CARIMEX states that Paragraph 6 states what it states. With regard to the balance of Paragraph 6, CARIMEX is without sufficient knowledge or information to form a belief as to the truth of the allegations and on that basis denies each and every other allegation in this paragraph.

7. Admit.

8. In response to Paragraph 8 of the Complaint, CARIMEX admits to operating a business at the facility located at 2000 Washington Blvd., Baltimore, Maryland. With regard to the balance of Paragraph 8, CARIMEX denies each and every other allegation in this paragraph.

9. Admit.

10. Admit.

11. Admit.

12. In response to Paragraph 12 of the Complaint, this allegation purports to define the term “disinfectant”, for which no response is required. To the extent a response is deemed required, CARIMEX states that Paragraph 12 states what it states. With regard to the balance of Paragraph 12, CARIMEX is without sufficient knowledge or information to form a belief as to the truth of the allegations and on that basis denies each and every other allegation in this paragraph.

13. In response to Paragraph 13 of the Complaint, this allegation purports to define the term “bacteria”, for which no response is required. To the extent a response is deemed required, CARIMEX states that Paragraph 13 states what it states. With regard to the balance of Paragraph 12, CARIMEX is without sufficient knowledge or information to form a belief as to

the truth of the allegations and on that basis denies each and every other allegation in this paragraph.

14. Deny.

15. In response to Paragraph 15 of the Complaint, CARIMEX admits that the Disinfectant Wipes were not registered under Section 3 of FIFRA. With regard to the balance of Paragraph 15, CARIMEX is without sufficient knowledge or information to form a belief as to the truth of the allegations and on that basis denies each and every other allegation in this paragraph.

16. Admit.

17. Deny.

18. In response to the Proposed Civil Penalty provision of the Complaint (page 4), CARIMEX denies each and every request for relief sought by COMPLAINANT.

19. CARIMEX hereby requests a hearing in this matter.

AFFIRMATIVE DEFENSES

For a further answer to COMPLAINANT's Complaint and by way of affirmative defenses, CARIMEX alleges as follows:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that the Complaint herein, and each purported cause of action thereof, fails to state facts sufficient to constitute a cause of action against CARIMEX.

SECOND AFFIRMATIVE DEFENSE

(COMPLAINANT's Conduct)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that the purported claims and causes of action in the Complaint against CARIMEX are barred, in whole or in part, by COMPLAINANT's conduct, and/or by the conduct of their agents, employees and representatives.

THIRD AFFIRMATIVE DEFENSE

(Unclean Hands)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that the purported claims and causes of action in the Complaint against CARIMEX are barred, in whole or in part, by COMPLAINANT's unclean hands.

FOURTH AFFIRMATIVE DEFENSE

(Laches)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that the purported claims and causes of action against CARIMEX are barred, in whole or in part, because COMPLAINANT is guilty of laches.

FIFTH AFFIRMATIVE DEFENSE

(Waiver)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that the purported claims and causes of action against

CARIMEX are barred, in whole or in part, because, by the conduct of COMPLAINANT and its agents, employees, and representatives, COMPLAINANT has waived their rights, if any.

SIXTH AFFIRMATIVE DEFENSE

(Equitable Estoppel)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that the purported claims and causes of action against CARIMEX are barred, in whole or in part, by the equitable doctrine of estoppel because of the conduct of COMPLAINANT and its agents, employees, and representatives.

SEVENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that the purported claims and causes of action against CARIMEX are barred, in whole or in part, by any applicable statute of limitations.

EIGHTH AFFIRMATIVE DEFENSE

(Indemnification and Contribution)

As a separate and affirmative defense to the Complaint herein and to each purported cause of action thereof, CARIMEX alleges that if it is established that CARIMEX is in any manner legally responsible for any of the damages claimed by COMPLAINANT in its causes of action in its Complaint, and for any of the damages cited by COMPLAINANT in its causes of action in its Complaint, such damages were proximately caused by either COMPLAINANT or other persons or entities not yet parties in this action and over whom CARIMEX has no control, and CARIMEX is entitled to indemnity or contribution from these other parties.

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years of age, and am not a party to the within action. My business address is 1055 Wilshire Blvd., Suite 1950, Los Angeles, CA 90017.

On March 21, 2012, I served a copy of the following document:

ANSWER OF RESPONDENT TO COMPLAINT

 X (By Regular Mail) by placing such envelope(s) with postage thereon, fully prepaid in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one date after date of deposit for mailing in affidavit.

 (By Personal Delivery) I personally delivered by hand to the offices of the addressee(s)

The foregoing envelope was addressed and mailed to the addresses:

Regional Hearing Clerk
US Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Ivan Lieben
Assistant Regional Counsel (ORC-3)
US Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March, 21 2012, at Los Angeles, CA.



Sarah Moon