

**U.S. EPA REGION 5
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:	)	Docket No. FIFRA-05-2026-0020
	)	
Ecoxall, LLC	)	Proceeding to Assess a Civil Penalty
Fenton, Michigan	)	Under Section 14(a) of the Federal
	)	Insecticide, Fungicide, and Rodenticide
	)	Act, 7 U.S.C. § 136l(a)
Respondent	)	
	)	

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, by lawful delegation, the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. The Respondent is Ecoxall, LLC (Ecoxall) (Respondent).

4. Respondent is a corporation doing business in the state of Michigan.

5. Ecoxall does or has done business under names including, but not necessarily limited to, Pure Chemistry.

6. 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).

7. 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.

8. 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

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives its rights 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. 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 the consent agreement

11. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136-136y.

Statutory and Regulatory Background

12. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a) states that no person in any State may distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA.

13. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states, in pertinent part, it is unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA.

14. The term “person” means “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.” 7 U.S.C. § 136(s).

15. The term “distribute or sell” means “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.” 7 U.S.C. § 136(gg).

16. A “pesticide” means, among other things, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. 7 U.S.C. § 136(u).

17. A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance claims, states or implies (by labeling or otherwise) that the substance can or should be used as a pesticide. 40 C.F.R. § 152.15(a)(1).

18. A “pest” means 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 U.S. EPA declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136(t).

19. The Administrator of EPA may assess a civil penalty against any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of FIFRA of up to \$24,885 for each offense that occurred after November 2, 2015, pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136(l)(a)(1), and 40 C.F.R. Part 19.

Factual Allegations and Alleged Violations

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

21. At all times relevant to this CAFO, Ecoxall owned or operated a place of business at 7276 Driftwood Drive, Fenton, Michigan 48430.

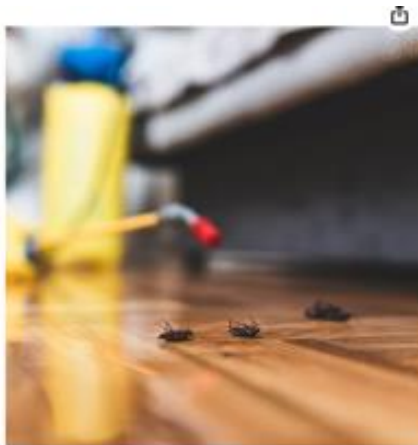
22. On or about September 10, 2024, an inspector employed by EPA and authorized to conduct inspections under FIFRA, accessed Ecoxall’s Amazon.com storefront.

23. On or about January 14, 2025, an inspector employed by the Michigan Department of Agriculture and Rural Development (MDARD) and authorized to conduct inspections under FIFRA, accessed Ecoxall's storefront on Amazon.com.

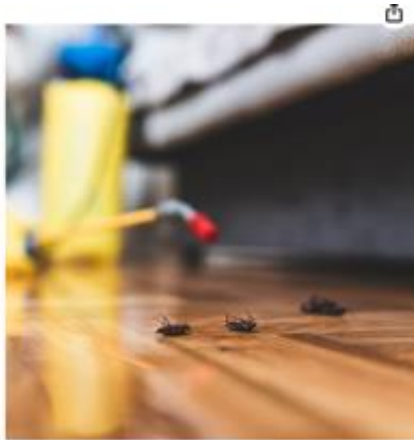
24. On or about January 15, 2025, inspectors employed by MDARD and authorized to conduct inspections under FIFRA, conducted an inspection of Ecoxall (the January 2025 inspection).

Boric Acid

25. On or about September 10, 2024, Respondent made the following claim for Boric Acid through Amazon.com:



26. On or about January 14, 2025, Respondent made the following claim for Boric Acid through Amazon.com:



27. During the January 2025 inspection, the inspectors collected, among other things, shipping records, bin labels and an affidavit for Boric Acid.

28. Boric Acid is a pesticide as that term is defined in Section 2(u) of FIFRA.

29. At all times relevant to this CAFO, the pesticide product Boric Acid was not registered under Section 3 of FIFRA.

30. On four (4) occasions between September 10, 2024 and January 15, 2025, Respondent distributed or sold Boric Acid.

Oxalic Acid

31. On or about September 10, 2024, Respondent made the following claim for Oxalic Acid through Amazon.com: “Wood Bleach | Rust Removal | Bee Keeping | Pool Cleaner.”

32. On or about January 14, 2025, Respondent made the following claim for Boric Acid through Amazon.com: “Wood Bleach | Rust Removal | Bee Keeping | Pool Cleaner.”

33. During the January 2025 inspection, the inspectors collected, among other things, shipping records, bin labels and an affidavit for Oxalic Acid.

34. Oxalic Acid is a pesticide as that term is defined in Section 2(u) of FIFRA.

35. At all times relevant to this CAFO, the pesticide product Oxalic Acid was not registered under Section 3 of FIFRA.

36. On two (2) occasions between September 10, 2024 and January 15, 2025, Respondent distributed or sold Oxalic Acid.

75% Vinegar

37. During the January 2025 inspection, the inspectors collected, among other things, shipping records, bin labels, and an affidavit for 75% Vinegar.

38. The bin labels of 75% Vinegar collected during the January 2025 inspection states:

- a. “Directions: Mix to the appropriate ratio with water (product:water) [...] Light Mildew/Grime: 1:7, Heavy Mildew: 1:4”
- b. “This bottle makes 1 gallon of horticultural strength vinegar >20%. [...] Completely spray weeds during full sunlight, above 60F and do not water for 24 hours.”

39. 75% Vinegar is a “pesticide” as that term is defined by Section 2(u) of FIFRA.

40. At all times relevant to this CAFO, the pesticide product 75% Vinegar was not registered under Section 3 of FIFRA.

41. On fifteen (15) occasions between January 5, 2025 and January 13, 2025, Respondent distributed or sold 75% Vinegar.

Counts 1 through 4

42. Paragraphs 1 through 41 are incorporated by reference.

43. On four (4) occasions between on or about September 10, 2024 and January 14, 2025, Respondent distributed or sold an unregistered pesticide, Boric Acid.

44. Respondent’s four (4) distributions or sales of the unregistered pesticide, “Boric Acid, constitutes four (4) unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Counts 5 through 6

45. Paragraphs 1 through 41 are incorporated by reference.

46. On two (2) occasions between on or about September 10, 2024 and January 14, 2025, Respondent distributed or sold an unregistered pesticide, Oxalic Acid.

47. Respondent's two (2) distributions or sales of an unregistered pesticide, Oxalic Acid, constitute two (2) unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Counts 7 through 21

48. Paragraphs 1 through 41 are incorporated by reference.

49. On fifteen (15) occasions between on or about January 5, 2025 and January 13, 2025, Respondent distributed or sold an unregistered pesticide, 75% Vinegar

50. Respondent's fifteen (15) distributions or sales of an unregistered pesticide, 75% Vinegar, constitute fifteen (15) unlawful acts pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Civil Penalty

51. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$5,000. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the violation. Complainant also considered EPA's FIFRA Enforcement Response Policy, dated December 2009.

52. Respondent agree to pay a civil penalty in the amount of \$5,000 ("Assessed Penalty") within thirty (30) days after the effective date of this CAFO.

53. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

54. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this CAFO, FIFRA-05-2026-0020,
- 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 (E-19J)
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Claudia Niess (ECP-17J)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 5
niess.claudia@epa.gov and R5lecab@epa.gov

Puja Lakhani (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
lakhani.puja@epa.gov

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 names.

55. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the effective date of this CAFO. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days.

56. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this CAFO, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency pursuant to 40 C.F.R. §§ 13.13 and 13.14.
- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States 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. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to recover the amount outstanding pursuant to 7 U.S.C. § 1361(a)(5).

57. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

58. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

General Provisions

59. The parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: lakhani.puja@epa.gov (for Complainant), and Jacob Zatorski

(jake.zatorski@hsandeinc.com and eswint@toledochem3pl.com) (for Respondent). Respondent understands that the CAFO will become publicly available upon filing.

60. The Respondent's full compliance with this CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

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

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

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

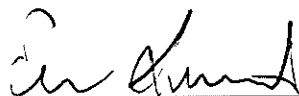
64. The terms of this CAFO bind Respondent, its successors and assigns.

65. Each person signing this CAFO 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.

66. Each party agrees to bear its own costs and attorneys fees, in this action.

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

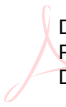
Ecoxall LLC, Respondent



Mr. Eric Swint
Owner
Ecoxall LLC

United States Environmental Protection Agency, Complainant

**CAROLYN
PERSOON**



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PERSOON
Date: 2026.08.20 07:47:12 -05'00'

Carolyn Persoon
Director
Enforcement and Compliance Assurance Division

In the Matter of:
Ecoxall LLC
Docket No. FIFRA-05-2026-0020

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.

ANN COYLE Digitally signed by ANN
COYLE
Date: 2026.08.24 10:02:18
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Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5