

FIFRA/Pesticide Enforcement: U.S. Environmental Protection Agency ("EPA") and Memphis, Tennessee facility Enter into Consent Agreement

Arkansas Environmental, Energy, and Water Law Blog



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01/23/2017

The United States Environmental Protection Agency ("EPA") and Memphis Pool Supply, Inc. ("MPS") entered into a January 19th Consent Agreement and Final Order ("CAFO") addressing alleged Federal Insecticide, Fungicide, and Rodenticide ("FIFRA") violations. See Docket No.: FIFRA-04-2016-3138(b).

MPS is described as a Memphis, Tennessee business that:

...produces pesticides 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

MPS is further described as a "producer" of pesticides as defined in Section 2(w) of FIFRA, 7 U.S.C. § 136(w) and is registered with the EPA as a pesticide-producing establishment.

The CAFO states that MPS is operating an establishment registered with the EPA and therefore required to submit to the agency an annual report which:

... indicates the types and amounts of pesticides or active ingredients which they are currently producing, which they produced during the past year and which they sold or distributed during the past year, pursuant to Section 7(c)(1) of FIFRA, 7 U.S.C. § 136e(c)(1), and the regulations promulgated at 40 C.F.R. § 167.85.

MPS is alleged to have failed to submit required annual reports on or before March 1, 2014 and March 1, 2015. This alleged failure to submit the annual production reports is stated to be in violation of Section 7 of FIFRA.

The CAFO assesses a civil penalty of \$8,250.

Further, MPS agrees to submit all future pesticide production reports on or before the March 1 due date.

[A copy of the CAFO can be downloaded here.](#)