



REGION 6

DALLAS, TX 75270

September 4, 2025

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**REGIONAL HEARING CLERK
EPA REGION 6**

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INFO@EXTREMESANITIZER.COM

Edgardo Gonzales
Earth Wind Fire LLC
34 Cheswood Manor Drive
Spring, Texas 77382

Re: **Notice of Warning and Notice of Intent to Terminate
Establishment Registration – Immediate Action Required**
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Earth Wind Fire LLC; EPA Establishment No. 96691-TX-1
EPA Docket No. FIFRA-06-2025-0434

Dear Edgardo Gonzales:

Notice of Warning

This Notice of Warning is issued to Earth Wind Fire LLC pursuant to Section 9(c)(3) of FIFRA, 7 U.S.C. § 136g(c)(3). The U.S. Environmental Protection Agency is hereby alleging that Earth Wind Fire LLC violated Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), by failing to file annual pesticide production reports for its EPA-registered establishment as required by Section 7(c) of FIFRA, 7 U.S.C. § 136e(c). Specifically, EPA is alleging that Earth Wind Fire LLC failed to file the *Pesticide Report for Pesticide-Producing Establishments* (EPA Form 3540-16) as detailed in the table below.

EPA Est. No.	Report Year	Postmarked Date	Status
96691-TX-1	2020, 2021, 2022, 2023, 2024	n/a	Non-reported

Pursuant to 40 C.F.R. § 167.85(d), producers operating an active establishment must submit an annual report on or before March 1, of each year covering production during the previous calendar year (the reporting year), even if no pesticide product or device was produced at the establishment for that reporting year. Pursuant to Section 14 of FIFRA, 7 U.S.C. 136l, and 40 C.F.R. Part 19, failure to comply with this reporting requirement may subject your producing establishment to an administrative civil penalty. Based on a review of Earth Wind Fire LLC's compliance history, EPA has determined this

Notice of Warning is an appropriate enforcement response to the alleged violations noted above.

Notice of Intent to Terminate Establishment Registration

In addition, you are hereby advised of EPA's intent to terminate the registration of EPA Establishment Number 96691-TX-1. Pursuant to 40 C.F.R. § 167.20(f), EPA intends to terminate the registration of the establishment if Earth Wind Fire LLC fails to submit the missing annual pesticide production reports indicated above within 30 calendar days from the date of this notification. A copy of the report form is available on the Internet at:
<https://www.epa.gov/compliance/epa-form-3540-16-pesticide-report-pesticide-producing-and-device-producing-establishments>.

Termination of the establishment registration will be effective upon the issuance by this office of a Notice of Termination of Establishment Registration. Section 7 of FIFRA prohibits the production of pesticides at any establishment unless that establishment is registered with the EPA. In the event that EPA terminates the establishment registration, any further production at the establishment, including formulation, packaging or labeling, will be in violation of FIFRA and may result in further enforcement action by EPA against Earth Wind Fire LLC. Such enforcement action may include an action to assess penalties as authorized by Section 14 of FIFRA, 7 U.S.C. 136l.

EPA developed an information sheet entitled "U.S. EPA Small Business Resources" to help small businesses understand federal and state environmental laws and right under the Small Business Regulatory Enforcement Fairness Act. The information sheet can be found on the Internet at:
<https://www.epa.gov/compliance/small-business-resources-information-sheet>.

If you have any questions concerning this matter, please contact Kiera Hancock by phone at 214-665-3176 or by email at hancock.kiera@epa.gov.

Sincerely,

JEFFREY YURK

Digitally signed by JEFFREY
YURK
Date: 2025.09.04 07:01:19
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Jeffrey Yurk, Manager
Waste and Chemical Enforcement Branch