



REGION 6
DALLAS, TX 75270

FILED

31 JAN 25 PM 01:19
REGIONAL HEARING CLERK
EPA REGION 6

1/31/2025

SENT BY ELECTRONIC MAIL

jdondrea@fote.com

John Dondrea
Fruit of the Earth, Inc.
3324 West Trinity Boulevard
Fort Worth, Texas 76155

Re: Notice of Warning for Late/Non-Reported Pesticide Production Reports
EPA Docket No. FIFRA-06-2025-0341

Dear Mr. Dondrea:

This letter constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136g(c)(3). The U.S. Environmental Protection Agency (EPA) is hereby alleging that Fruit of the Earth, Inc. is in violation of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), for failure to file pesticide production reports (EPA Form 3540-16) for EPA-registered establishments as required by Section 7(c) of FIFRA, 7 U.S.C. § 136e(c).

Specifically, EPA records indicate that annual reports were not filed for the establishments by the March 1 due dates.

EPA Est. No.	Report Year	Postmarked Date	Status
91673-TX-1	2020	n/a	Non-reported
91673-TX-1	2021	n/a	Non-reported
91673-TX-1	2022	n/a	Non-reported
91673-TX-1	2023	July 31, 2024	Late
91673-TX-2	2020	n/a	Non-reported
91673-TX-2	2021	n/a	Non-reported
91673-TX-2	2022	n/a	Non-reported
91673-TX-2	2023	July 31, 2024	Late

You are hereby advised to submit pesticide production reports, including all identified as non-reported, pursuant to the regulations promulgated at 40 C.F.R. § 167.85(d) which states that a producer operating an establishment must submit an initial report no later than 30 days after the first registration of each establishment the producer operates. Thereafter, the producer must submit an annual report on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.

Reports can be submitted electronically through EPA's Central Data Exchange (CDX) website. Please see the following link for additional information about electronic reporting for pesticide establishments: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>. Alternatively, a hard copy version of the form (for submission via conventional mail) is available at the following link: <https://www.epa.gov/compliance/epa-form-3540-16-pesticide-report-pesticide-producing-and-device-producing>.

EPA has determined this Notice of Warning is an appropriate enforcement response for the apparent violations of FIFRA. Subsequent violations of Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), may subject you to an administrative civil penalty of up to \$24,885¹ per violation and/or termination of your registration as a pesticide producing establishment.

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: 2025.01.31 11:39:49 -06'00'

Jeffrey Yurk, Manager
Waste and Chemical Enforcement Branch

¹ This amount is revised yearly through the Civil Monetary Penalty Inflation Adjustment Rule.