Message

From: Caplan, Robert W. [Caplan.Robert@epa.gov]
Sent: 6/15/2021 3:13:16 AM
To: Annicella, Alan [Annicella.Alan@epa.gov]; Beard, Phillip [Beard.Phillip@epa.gov]; Binford, Marshall [Binford.Marshall@epa.gov]
CC: Bingham, Kimberly [Bingham.Kimberly@epa.gov]
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Alan, Ed actually said that he and Andrew are available after 2, so I assume 2:30 should be fine. He'll probably get back to me in the morning.

bc

Robert Caplan
Senior Attorney
U.S. Environmental Protection Agency
Sam Nunn Federal Building
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9520

From: Annicella, Alan <Annicella.Alan@epa.gov>
Sent: Monday, June 14, 2021 9:07 PM
To: Caplan, Robert W. <Caplan.Robert@epa.gov>; Beard, Phillip <Beard.Phillip@epa.gov>; Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Bingham, Kimberly <Bingham.Kimberly@epa.gov>
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Hi Bob,

Could we possibly do the call at 2:30 pm (as opposed to 2)? This would allow me (and possibly Kimberly) to attend.

Alan

Alan A. Annicella, Chief
Pesticides Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 4 - Sam Nunn Atlanta Federal Center
61 Forsyth St, SW
Atlanta, Georgia 30303
Office phone: 404.562.8610
Fax 404.562.8566

From: Caplan, Robert W. <Caplan.Robert@epa.gov>
Sent: Monday, June 14, 2021 8:31 PM
To: Beard, Phillip <Beard.Phillip@epa.gov>; Annicella, Alan <Annicella.Alan@epa.gov>; Binford, Marshall

<Binford.Marshall@epa.gov>
Subject: FW: Seal Shield, LLC, Notice of Civil Penalty Action

See below. Let Marshall and me know if you guys are available to join us for a call with Ed and Andrew at 2 p.m. tomorrow.

Thx!

bc

Robert Caplan
Senior Attorney
U.S. Environmental Protection Agency
Sam Nunn Federal Building
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9520

From: Caplan, Robert W.
Sent: Monday, June 14, 2021 8:30 PM
To: 'Ed Schwartz' <ess@mseslegal.com>; Binford, Marshall <Binford.Marshall@epa.gov>
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Thanks Ed. That sounds good. I'll send an invite in the morning.

Bob

Robert Caplan
Senior Attorney
U.S. Environmental Protection Agency
Sam Nunn Federal Building
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9520

From: Ed Schwartz <ess@mseslegal.com>
Sent: Monday, June 14, 2021 5:25 PM
To: Caplan, Robert W. <Caplan.Robert@epa.gov>; Binford, Marshall <Binford.Marshall@epa.gov>
Subject: Re: Seal Shield, LLC, Notice of Civil Penalty Action

Bob,

Andrew and I can be available after 2pm tomorrow

Sincerely,

Ed Schwartz

"HONI SOIT QUI MAL Y PENSE"

SWEETNAM & SCHWARTZ LLC

1050 Crown Pointe Parkway, Suite 500
Atlanta, Georgia 30338
470-395-7842 (p)
678-360-3644 (m)

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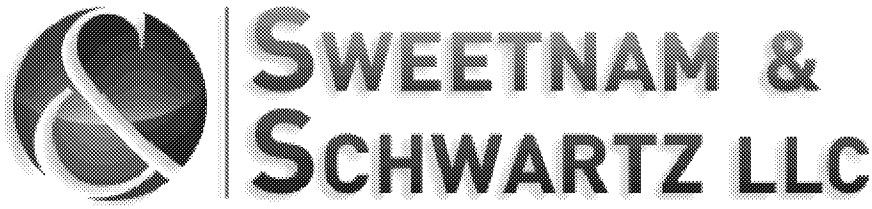

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From: Caplan, Robert W. <Caplan.Robert@epa.gov>
Sent: Monday, June 14, 2021 4:34 PM
To: Ed Schwartz <ess@mseslegal.com>; Binford, Marshall <Binford.Marshall@epa.gov>
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Ed, Marshall is unavailable now but I wanted to get back to you to find out what times work for you and Andrew tomorrow afternoon. If you could let me know, then we'll send out an

invite. We want to provide an update on this matter, and get a point of clarification about the website which we'll discuss tomorrow.

Bob

Robert Caplan
Senior Attorney
U.S. Environmental Protection Agency
Sam Nunn Federal Building
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9520

From: Ed Schwartz <ess@mseslegal.com>
Sent: Monday, June 14, 2021 3:05 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: Re: Seal Shield, LLC, Notice of Civil Penalty Action

Yes, Andrew has confirmed for tomorrow afternoon. Please let me know if this is still convenient for EPA, and about the issues to be reviewed so we can properly prepare.

Sincerely,

Ed Schwartz

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From: Ed Schwartz <ess@mseslegal.com>
Sent: Friday, June 11, 2021 7:05 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: Re: Seal Shield, LLC, Notice of Civil Penalty Action

I am available but I will check on Andrew.

Can you give me any idea about what it is that you need to speak to us about so I can make sure that we are prepared?

Sincerely,

Ed Schwartz

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From: Binford, Marshall <Binford.Marshall@epa.gov>
Sent: Friday, June 11, 2021 5:11 PM
To: Ed Schwartz <ess@mseslegal.com>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Yes. That works Ed. We are largely free Tuesday afternoon. Let us know if that works for you.

From: Ed Schwartz <ess@mseslegal.com>
Sent: Friday, June 11, 2021 3:00 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: Re: Seal Shield, LLC, Notice of Civil Penalty Action

Not sure this afternoon will work. How about next week?

Get Outlook for iOS

From: Binford, Marshall <Binford.Marshall@epa.gov>
Sent: Friday, June 11, 2021 10:02:28 AM
To: Ed Schwartz <ess@mseslegal.com>

Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Thanks Ed. Yes, lets push the call to later today if you can get in touch with Andrew and he is available. That said, if you are unable to connect with him today, let's try to have a short call ourselves this afternoon if you have time.

From: Ed Schwartz <ess@mseslegal.com>
Sent: Friday, June 11, 2021 9:56 AM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: Re: Seal Shield, LLC, Notice of Civil Penalty Action

Marshall, I have tried but have been unable to get in touch with Andrew. Should we reschedule the call for when he is available?

Sincerely,

Ed Schwartz

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From: Binford, Marshall <Binford.Marshall@epa.gov>
Sent: Friday, June 11, 2021 9:32 AM
To: Ed Schwartz <ess@mseslegal.com>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Ed,

Would you be able to loop in Andrew for this call? We still anticipate that it will be a relatively short call. However, our client may wish to join and we also had a question for Andrew so it would be helpful if he could join.

If this makes a 10am discussion difficult and there is a later time in the day that would work for you and Andrew please let us know. Again, we have good flexibility today other than from 10:30am until noon.

Thanks.

F. Marshall Binford, Jr. | Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4 | 61 Forsyth Street, SW | Atlanta, Georgia 30303 | 404.562.9543 | binford.marshall@epa.gov

---

From: Ed Schwartz <ess@mseslegal.com>
Sent: Thursday, June 10, 2021 5:44 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: Re: Seal Shield, LLC, Notice of Civil Penalty Action

Yes, I am available then.

Sincerely,

Ed Schwartz

"HONI SOIT QUI MAL Y PENSE"

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From: Binford, Marshall <Binford.Marshall@epa.gov>
Sent: Thursday, June 10, 2021 5:37 PM
To: Ed Schwartz <ess@mseslegal.com>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: RE: Seal Shield, LLC, Notice of Civil Penalty Action

Ed:

Sorry for the delay in getting back to you.

Are you available for a very short call tomorrow? Perhaps at 10am?

Bob and I should be generally available except from 10:30 until 12:00. Thanks.

F. Marshall Binford, Jr. | Associate Regional Counsel
U.S. Environmental Protection Agency, Region 4 | 61 Forsyth Street, SW | Atlanta, Georgia 30303 | 404.562.9543 | binford.marshall@epa.gov

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From: Ed Schwartz <ess@mseslegal.com>
Sent: Wednesday, June 2, 2021 4:42 PM
To: Binford, Marshall <Binford.Marshall@epa.gov>
Cc: Caplan, Robert W. <Caplan.Robert@epa.gov>
Subject: Seal Shield, LLC, Notice of Civil Penalty Action

Mr. Binford,

At the request of Andrew McCarthy of SealShield, I am contacting you regarding the status of the above-referenced matter.

As discussed during our conference call on May 14, SealShield intends to continue cooperating with EPA on FIFRA compliance issues. SealShield requested certain information, including the penalty calculation worksheets, from EPA necessary to provide a proper response to the Notice of Civil Penalty. To date, SealShield has not received this information. I was wondering if you could provide any information as to when SealShield can expect a response from EPA on this.

Sincerely,

Ed Schwartz

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