



# Enforcement Alert

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## Pesticides Sold on the Internet Must Be Registered with U.S. EPA

### All pesticides sold in the US must be registered

Under the Federal Insecticide, Fungicide, and Rodenticide Act

#### About

#### Enforcement Alert

*Enforcement Alert* is published periodically by the EPA's Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance to inform and educate the public and regulated community of important environmental enforcement issues, recent trends and significant enforcement actions.

This information should help the regulated community anticipate and prevent violations of federal environmental law that could otherwise lead to enforcement action. Reproduction and wide dissemination of this publication are encouraged. To receive this newsletter electronically, see <http://www.epa.gov/compliance/resources/newsletters/civil/enfalert/index.html>.

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(FIFRA) products claiming to prevent, destroy, or repel pests, *including bacteria and viruses*, are considered pesticides. This includes household and commercial products found in nearly every home and business ranging from weed killers and insect repellants to home and hospital disinfectants to agricultural and industrial-use chemicals. Congress enacted FIFRA to prohibit the sale, distribution, or use of a pesticide unless it is registered by the U.S. Environmental Protection Agency (EPA). Registration includes EPA review of the product toxicity and its potential exposure; key factors for determining whether the pesticide can be registered and under what safeguards. EPA also approves the pesticide's label, which must give detailed instructions for its safe use.

All EPA registered pesticide products must have an EPA registration number on the label, along with directions for use and any safety precautions. EPA regulates pesticides sold in traditional retail, wholesale, or other businesses, as well as businesses that conduct their solicitations, transactions, or other activities through media including mail order, telephone order, and the Internet.

Pesticide labels may not bear

false and misleading claims.

The law also prohibits distributors or sellers of pesticides from making false and misleading claims about their products. Among the requirements, all pesticide labels must bear ingredient statements for users and others to know exactly what is in a product - important information in cases of accidental contact or ingestion. Labels must also bear adequate precautions to advise people of potential hazards,



#### EPA Stop Sale Orders

EPA ordered the following companies to stop selling products making illegal claims and directed them to recall the products from the marketplace:

- Homeland Security Plus - EnviroFoam Spray
- Testing Kits Inc. - Modex MDF
- Northstar Cooperative, Inc. - Effersen
- Northstar Select Sires, - Effersen

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and directions for use to ensure the safe handling, application, and disposal of the product.

### E-Commerce Enforcement

The rapid growth of the Internet includes hundreds of Websites that market pesticides. Its wide reach enables unscrupulous or unknowing vendors to sell and distribute to consumers unlawful pesticides that may be unsafe. EPA has been monitoring the Internet and commencing enforcement actions against companies for the unlawful sale of pesticides of public health concern. In the past year, EPA has taken several enforcement actions involving the sale of unregistered pesticides over the Internet. Recent enforcement actions have included orders to stop the sale of certain products sold by 12 companies. *See box beginning on page 1.* EPA also issued civil administrative complaints to Enviro Holdings,

Inc. proposing a penalty of \$66,000 for the sale and distribution of unregistered pesticides. The company's Internet site offered for sale two unregistered pesticides for use in pools and spas to control algae, bacteria, and viruses.

EPA issued an administrative complaint against Albemarle Corporation, proposing a penalty of \$77,000 for the sale and distribution of a registered pesticide with claims that differed from those accepted at the time of registration. Albemarle's Internet site claimed *Stabrom 909 Biocide* was approved by EPA for the control of the *Legionella* bacteria. All of these actions involved Internet sites offering for sale unregistered or misbranded antimicrobial pesticide products.

### Useful Compliance Assistance Resources

Each state has its own laws regulating the sale, distribution, and use



**MDF Decon Solution** sold by Aerotech Laboratories in a product called the **Bioterrorism Response Kit**.

of pesticides within that state. You should check on the state laws regulating the use and sale of pesticides in each state where you sell pesticides. Some states regulate restricted use pesticides more strictly than the federal government. State officials responsible for administration of state pesticide laws are listed for each of the 50 states at the following web site: <http://aapco.ceris.purdue.edu>.

Want the latest on enforcement of pesticides: Toxics and Pesticides Enforcement Division <http://www.epa.gov/oeca/ore/tped>.

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- Aerotech Laboratories, Inc. - Modex MDF (*see picture*)
- American Security and Control, Inc. - EnviroFoam Spray
- American Biotech Labs - ASAP Solution
- Greener Pastures Development Corp. - Tiger by the Tail, Nature's Weed Control for Ponds, Clarify, Nature's Weed & Feed 7-0-7
- Nutribiotics, Inc. - Traveler's Friend
- SARS Research Labs (6) - Mask Set, Travel Kit, Silver Mask, Phillips Silver Mask, Electrostatic Mask and Silver Spray
- Phillips Technologies, LLC (6) - Mask Set, Travel Kit, Silver Mask, Phillips Silver Mask, Electrostatic Mask and Silver Spray
- ParPac, Inc. - Dry Pac Wall System
- Bug Source, Inc. - Bio Stop





To be sure you are purchasing a pesticide product that is in full compliance with FIFRA, you should contact the manufacturer of the product. In addition, you can contact the appropriate EPA official at: <http://www.epa.gov/pesticides/contacts/index.htm#office>. You may also review a pesticide product's labeling at the following website: <http://www.cdpr.ca.gov/docs/epa/epamenu.htm>. To find out how to register a pesticide product, go to: <http://www.epa.gov/pesticides/regulating/registering/index.htm>. For small businesses, the Small Business Gateway may be useful: <http://www.epa.gov/smallbusiness>. For one-stop compliance assistance, go to EPA's Agriculture Compliance Assistance Center at <http://www.epa.gov/agriculture>.

*For more information, contact Yvette Perez Hellyer, Toxics and Pesticides Enforcement Division, Office of Regulatory Enforcement, U.S. EPA, (202)564-4033, [hellyer.yvette@epa.gov](mailto:hellyer.yvette@epa.gov).*

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You may also review a pesticide product's labeling at the following website: <http://www.cdpr.ca.gov/docs/epa/epamenu.htm>

To find out how to register a pesticide product, go to: <http://www.epa.gov/pesticides/regulating/registering/index.htm>

*For small businesses, the Small Business Gateway may be useful: <http://www.epa.gov/smallbusiness>*

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