



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3123

**ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION**

JUN 3 2019

Reply To: 20 - C04

CERTIFIED MAIL — RETURN RECEIPT REQUESTED

Corporation Services Company
Registered Agent for:
Amazon Services LLC
300 Deschutes Way SW, STE 304
Tumwater, Washington 98501

**Re: Stop Sale, Use, or Removal Order for Unregistered and Misbranded Pesticides Distributed or Sold through Amazon.com
Docket No. FIFRA-10-2019-0080**

Dear Madam or Sir:

This letter provides Amazon Services LLC (“Amazon”) notice that the U.S. Environmental Protection Agency, Region 10, (“EPA”) has issued a Stop Sale, Use, or Removal Order (“Order”) prohibiting the distribution or sale of the pesticide products described below under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136k(a). The enclosed Order is effective immediately upon receipt and pertains to all quantities of these products under Amazon’s control, ownership, or custody.

Syngenta Advion® Products

Counterfeit “Advion® Cockroach Gel Bait,” EPA Reg. No. 100-1484

Counterfeit “Advion® Ant Gel,” EPA Reg. No. 100-1498

Bagaoro®/HaRuion Products

“Bagooro® Cockroach Gel Bait,” EPA Reg. No. 499-507

“HaRuion Cockroach Gel Bait,” EPA Reg. No. 499-689

“HaRuion Spa mineral sanitizer for spas”

Rodenticide Products

“Just One Bite II Bars,” EPA Reg. No. 270-373 sold by any vendor in individual bars or packs of individual bars that do not conform to the packaging standards set by EPA.

“FINAL Rodenticide Ready-to-Use Place Pacs,” EPA Reg. No. 12755-91 sold by any vendor in individual packs or sets of individual packs that do not conform to the packaging standards set by EPA.

“Havoc Rodenticide Bait Pack,” EPA Reg. No. 100-1056-61282 sold by any vendor in individual packs or sets of individual packs that do not conform to the packaging standards set by EPA.

“Conrac Rodenticide Ready-To-Use Place Pac,” EPA Reg. No. 12455-76 sold by any vendor in individual packs or sets of individual packs that do not conform to the packaging standards set by EPA.

The above products appear to have multiple names and Amazon Standard Identification Numbers (“ASIN”) as illustrated in the enclosed Order.

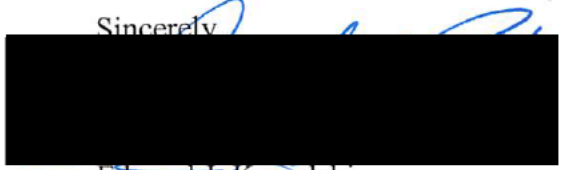
Based on inspections and tests, the EPA has determined that the above products are unregistered and/or counterfeit pesticides, which are not registered with the EPA as pesticides. Therefore, the sale or distribution of these products violates Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A). This provision makes it unlawful to sell or distribute pesticides that are not registered with the EPA.

Moreover, the EPA has determined that the above products are also misbranded in multiple ways, including: (1) their labeling bear statements relative to their ingredients which are false and misleading; (2) they are an imitation of, or offered for sale under the name of, another pesticide; (3) their labeling does not bear the registration number assigned under section 7 [of FIFRA] to each establishment in which it was produced, (4) their labeling does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, are adequate to protect health and the environment; and/or (5) the label does not contain a warning or caution statement which may be necessary and if complied with, is adequate to protect health and the environment. The above products are misbranded as that term is defined in Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), Section 2(q)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136j(a)(1)(D), Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), and Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G). Therefore, the sale or distribution of these products violates Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

Pursuant to Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), the products may not be sold, used, distributed, or removed except in accordance with the conditions outlined in the Order. Section IV of the Order contains additional reporting requirements. Any violation of the Order may result in the imposition of civil or criminal penalties as prescribed by Section 14 of FIFRA, 7 U.S.C. § 136l. The Order does not preclude EPA from pursuing other enforcement actions related to this or any other case.

For additional information about this Order, please contact Mr. Chad Schulze at U.S. EPA Region 10, 1200 Sixth Avenue, Suite 155 (20-C04), Seattle, Washington 98101, or at Schulze.chad@epa.gov. Mr. Schulze may be reached by telephone at (206) 553-0505. For any legal matters concerning this Order, including questions from legal counsel, please contact Mr. Brett Dugan, Office of Regional Counsel, at (206) 553-8562 or dugan.brett@epa.gov.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc: Mr. Andrew C. DeVore,
Amazon.com, Inc.

Ms. Laurie Salkulich,
Amazon.com, Inc.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION X
1200 6th AVENUE, Suite 155
SEATTLE, WASHINGTON 98101**

<i>In the Matter of:</i>)	ORDER
)	SECTION 13(a)
Amazon Services LLC,)	
)	FEDERAL INSECTICIDE, FUNGICIDE
)	AND RODENTICIDE ACT
)	
Respondent)	Docket No. FIFRA-10-2019-0080
)	
)	

I. AUTHORITY

1. This Stop Sale, Use, or Removal Order (“Order”) is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (“FIFRA”), 7 U.S.C. § 136k(a), which authorizes the Administrator of the EPA to issue an order prohibiting the sale, use, or removal of any pesticide or device by any person who owns, controls, or has custody of such pesticide or device whenever there is reason to believe that, *inter alia*, the pesticide or device is in violation of any provision of FIFRA or the pesticide or device has been or is intended to be distributed or sold in violation of any provision of FIFRA.
2. This authority has been delegated from the EPA Administrator to the Director of the Enforcement and Compliance Assurance Division for EPA Region 10 through the Regional Administrator for EPA Region 10.
3. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it shall be unlawful for any person in any State to sell or distribute to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
4. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it shall be unlawful for any person to distribute or sell to any person any pesticide which is adulterated or misbranded.
5. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a “person” as “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”

6. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a “pesticide,” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” *See also* 40 C.F.R. § 152.15.
7. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as “any insect, rodent, nematode, fungus, weed, or . . . any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section [25(c)(1) of FIFRA].”
8. The regulation at 40 C.F.R. § 152.15 states that “a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if: (a) the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance can or should be used as a pesticide; . . . (b) the substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose (by itself or in combination with any other substances); . . . or (c) the person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.”
9. Section 2(p) of FIFRA, 7 U.S.C. § 136(p), defines “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.” This section also defines “labeling” as “all labels and all other written, printed, or graphic matter (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide or device”
10. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines “to distribute or sell” as “to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.”
11. The regulation at 40 C.F.R. § 152.3 further defines “distribute or sell” as “the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any State.”
12. Section 2(w) of FIFRA, 7 U.S.C. § 136(w), defines “produce,” in part, as “to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide.”
13. The regulations at 40 C.F.R. § 167.3 further defines “produce” to mean, “to manufacture, prepare, propagate, compound, or process any pesticide, including any pesticide produced pursuant to [Section 5 of FIFRA], and any active ingredient or device, or to package, repack, label, relabel, or otherwise change the container of any pesticide or device.”

14. Under Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), “A pesticide is misbranded if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.”
15. Under Section 2(q)(1)(C) of FIFRA, 7 U.S.C. § 136(q)(1)(C), a pesticide is misbranded if “it is an imitation of, or is offered for sale under the name of, another pesticide.”
16. Under Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D), a pesticide is misbranded if “its label does not bear the registration number assigned under [Section 7 of FIFRA] to each establishment in which it was produced.”
17. Under Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), a pesticide is misbranded if “the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under [Section 3(d) of FIFRA], are adequate to protect health and the environment.”
18. Under Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), a pesticide is misbranded if “the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under [Section 3(d) of FIFRA], is adequate to protect health and the environment.”

II. BACKGROUND

A. Amazon Services LLC and Selling on Amazon.com

19. Amazon Services LLC (“Amazon”) is a corporation located and incorporated in the State of Nevada with its principle place of business located in the State of Washington. Therefore, Amazon is a “person” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).
20. This Order refers to Amazon and all its divisions, offices, and branches collectively as “Amazon.”
21. Amazon is an indirect subsidiary of Amazon.com, Inc. and offers internet-based retail services to businesses and individuals via amazon.com.
22. Amazon acquires and directly distributes products through amazon.com, hereinafter referred to as “Amazon direct sales.”
23. In addition to Amazon direct sales, Amazon provides third-party sellers two fee-based options to sell and distribute their products via amazon.com: the “Selling on Amazon Service” and the “Fulfillment by Amazon” (FBA) service.

24. For Amazon direct sales, Amazon purchases products in bulk quantities, offers the products for sale on Amazon.com, fulfills the orders and ships the products to customers. The amazon.com listing page for products shipped and sold through Amazon direct sales states, "Ships from and sold by Amazon.com."
25. The "Selling on Amazon Service" allows third-party sellers to advertise and sell their products directly on amazon.com. Third-party sellers participating in the Selling on Amazon Service use Amazon's account management tools, including multi-feature offer templates, to manage product inventory, listing, presentation, and pricing with the benefits of accessing Amazon's hundreds of millions of consumers. The third-party sellers work within Amazon's platform to establish a unique listing page on amazon.com for each product offered for sale. Third-party sellers fulfill and ship their products to customers once an order is placed on amazon.com. The amazon.com listing page for products shipped and sold by third-party vendors states, "Ships from and sold by [Amazon.com profile alias of seller]."
26. According to amazon.com, the "Fulfillment by Amazon" service, "is a service [Amazon] offers sellers that lets them store their products in Amazon's fulfillment centers, and [Amazon] directly pack[s], ship[s] and provide[s] customer services for these products." The amazon.com listing page for products shipped and sold by the FBA service states, "Sold by [Amazon.com profile alias of seller] and Fulfilled by Amazon."
27. Participants in the Fulfillment by Amazon service are required to assent to terms and conditions laid out in the document titled "Amazon Services Business Solutions Agreement" ("Agreement").
28. The Section of the Agreement entitled "Selling on Amazon Service Terms" states, "The Selling on Amazon Service . . . is a Service that allows you to offer certain products and services directly on Amazon Sites."
29. The Agreement defines Amazon Sites to include "www.amazon.com."
30. Section F-4 of the Agreement contains Amazon's covenant to provide storage services for participants desiring to sell products using the FBA service.
31. Section F-4 further states;

We [Amazon] will keep electronic records that track inventory of Units by identifying the number of Units stored in any fulfillment center. We will not be required to physically mark or segregate Units from other inventory units (e.g., products with the same Amazon standard identification number) owned by us, our Affiliates or third parties in the applicable fulfillment center(s). If we elect to commingle Units with such other inventory units, both parties agree that our records will be sufficient to identify which products are Units.
32. Section F-5 of the Agreement states "As part of our fulfillment services, we will ship units from our inventory of Your Products to the shipping addresses in the Elected Country included in valid customer orders."

33. Amazon Standard Identification Numbers (“ASIN”) are unique numbers Amazon assigns to each product sold through the Amazon.com marketplace. Products with the same ASIN are identical (or purportedly identical on amazon.com) in all material respects.
34. Amazon assigns a Fulfillment Network SKUs (“FNSku”) to a product when a seller, using the FBA service, ships a product to an Amazon fulfillment center. The additional product identifier allows Amazon to determine what inventory can be used to fulfill a particular seller’s orders. Each ASIN can be made up of one or more FNSku numbers, thus different FNSku numbers can be assigned to identical or purportedly identical products.

B. Product Distribution and Sale

35. On multiple occasions between at least November 1, 2017 and April 14, 2019, products identified generally as the following were offered for sale on amazon.com:
 - (a) Advion® Cockroach Gel Bait, EPA registration number (“EPA Reg. No.”) 100-1484;
 - (b) Advion® Ant Gel (EPA Reg. No. 100-1498);
 - (c) Bagoro® Cockroach Gel Bait;
 - (d) HaRuion Cockroach Gel Bait;
 - (e) HaRuion Spa mineral sanitizer for spas;
 - (f) Just One Bite II Bars (EPA Reg. No. 270-373);
 - (g) FINAL Rodenticide Ready-to-Use Place Pacs (EPA Reg. No. 12455-91);
 - (h) Havoc Rodenticide Bait Pack Pellets with Bitrex (EPA Reg. No. 100-1056);
 - (i) Contrac Rodenticide Ready-To-Use Place Pac (EPA Reg. No. 12455-76).
36. On multiple occasions between at least November 1, 2017, and April 14, 2019, Amazon distributed or sold the products listed in Paragraph 35 through Amazon direct sales, the Selling on Amazon Service, or the FBA service.
37. The Advion® Cockroach Gel Bait product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple names, including:
 - (a) advion Syngenta Cockroach Gel Bait, 1 Box;
 - (b) Advion Roach Bait Gel;
 - (c) advion Cockroach Gel Bait, 4-syringes;
 - (d) advion Cockroach Gel Bait, 4-syringes 1.06 oz each;
 - (e) Advion Roach Killer Highly Effective Cockroach Bait Gel 4 Tubes;
 - (f) advion Details about Syngenta Cockroach Gel Bait/Roach Killer 4 Tubes + Free 2 Tips & Plunger!;
 - (g) advion Roach Bait Gel (5-packs);
 - (h) Syngenta - 4041019 - Advion Cockroach Gel Bait - Insecticide - Four, 30g Syringes; and
 - (i) ADVION Syngenta Cockroach Gel Bait KFXAQD, 3 Boxes 4 Tubes (12 Tubes Total).

38. The Advion® Cockroach Gel Bait, product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple ASINs, including: B004YWE2C2, B01LN3CVXQ, B002Y2GNVM, B07CYYQ57Z, B07F2NMKVT, B076TGPV5N, B07LF2ZKDJ, B078T2MMYC, B075MLD2RV, and B076QJP9LT.
39. The Advion® Ant Gel product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple names, including: “Advion Ant Gel Insecticide With 4 Tubes” and “Ant Killer Gel Powerful Bait With 4 Tubes Camping Essential.”
40. The Advion® Ant Gel product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple ASINs, including: B014EIAAPS and B07DMS1H94.
41. The Bagoro® Cockroach Gel Bait product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple names, including:
 - (a) Cockroach Bait, Cockroach Gel Bait, Bagoro High Performing Bait Cockroach Killer traps Gel Bait 1 Box (4 Tubes) (4Pack);
 - (b) Bagoro Cockroach Gel Bait, White;
 - (c) Bagoro Cockroach Gel Bait-4 Tubes, White;
 - (d) Roach Bait, Roach Gel, Roach Killer, Roach Traps, Roach Killer Indoor Outdoor, Cockroach Gel Bait 4 Tubes;
 - (e) HaRuion Cockroach Gel Bait, Cockroach Killers, Cockroach Baits, Roach Bait Gel, Gel Bait Formulation, Insecticide Bait Gel 4-Syringes 1.06 Oz Each for Residential, Commercial and Closet Areas, Pest Control; and
 - (f) Roach Bait, Roach Gel, Roach Killer, Cockroach Killer, Roach Traps, Roach Killer Indoor Outdoor, Cockroach Gel Bait 4 Tubes w/plunger High-Performing Quick Control & Non-Repellent Target All Roaches.
42. The Bagoro® Cockroach Gel Bait product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple ASINs, including: B0137UGOWW, B07J6FPX4M, B07LBDLPXT, B07GDQM4LV, and B07P95L9XW.
43. The HaRuion Cockroach Gel Bait product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under the following name and ASIN, “HaRuion Cockroach Gel Bait, Cockroach Killers, Cockroach Baits, Roach Bait Gel, Gel Bait Formulation, Insecticide Bait Gel 4-Syringes 1.06 Oz Each for Residential, Commercial and Closet Areas, Pest Control,” ASIN: B07GDQM4LV.

44. The HaRuion Spa mineral sanitizer for spas product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under the following name and ASIN: "HaRuion Mineral Sanitizer, SPA Stick, Destroy Bacteria, Reduce Odors, Sanitize SPA or Hot Tub Water with The Power of Minerals Fits Home, Hotel, Swimming Pool, Bathtub Cleaning," ASIN: B07LCDRXCK.
45. The Just One Bite II Bars product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple names, including:
- (a) Old Cobblers Farnam Just One Bite 16oz. Bait Bar (2 pack);
 - (b) Old Cobblers Farnam Just One Bite 16oz. Bait Bar (4 pack);
 - (c) Farnam Just nKQWJ Bite Piece;
 - (d) Farnam Just One Bite II Bar, 16 - Oz, Quantity – 1;
 - (e) Farnam Just One nKQWJ Bite II Bar, 16 oz, 2 Piece;
 - (f) Farnam Just One Bite 16oz Bundles (2 Bars w/ 2 Bait Stations);
 - (g) Just One Bite II Bar, 4 Pack By Old Cobbler Farms;
 - (h) Just One Bite Bars Ounce;
 - (i) Just One Bite II Bars 16 Ounce (1 pack);
 - (j) 16 Once Rat Poison Cake;
 - (k) Just One Bite II Bar, 16 oz 4 Pack Bundle with Plastic Mouse Trap;
 - (l) Just One Bite 16 oz. Rat Poison Cake;
 - (m) Just One Bite 16 oz. Rat Poison Cake - (Pack of 2);
 - (n) Just One Bite 16 oz. Rat Poison Cakes (Pack of 3); and
 - (o) Just One Bite 16 oz. Rat Poison Cakes (Pack of 4).
46. The Just One Bite II Bars product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple ASINs including: B06XS7D2Z6, B011IVI9PW, B06XS7D2Z6, B011IVI9PW, B00ALXFPEC, B00CAO5M7U, B07G66M6CD, B01MSNGPHM, B07N492SSF, B07FL154PJ, B07N492SSF, B01MSNGPHM, B07P5588F7, B07P6S4ZG3 and B07PN6JCZY.
47. The FINAL Rodenticide Ready-to-Use Place Pacs product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple names, including: "Final Place Packs...4 packs" and "Final Place Packs...10 packs."
48. The FINAL Rodenticide Ready-to-Use Place Pacs product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, were listed on amazon.com under multiple ASINs, including: B004RVNF3C and B004TY88WK.
49. The Havoc Rodenticide Bait Pack Pellets with Bitrex product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple names, including:
- (a) NEOGEN RODENTICIDE Havoc Mouse and Rat Killer, 50gm (10-Pack);

- (b) NEOGEN RODENTICIDE Havoc Mouse and Rat Killer, 50gm (20-Pack); and
- (c) Farnam Just One Bite II Mouse Killer, 8 Pack with 2 Pack of Havoc Hacco Mouse Killer.

- 50. The Havoc Rodenticide Bait Pack Pellets with Bitrex product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under multiple ASINs, including: B01MY43030, B01MU6HWM6, and B07FFB5JYH.
- 51. The Contrac Rodenticide Ready-To-Use Place Pac product available for purchase as described in Paragraph 35 and distributed or sold by Amazon as described in Paragraph 36, was listed on amazon.com under the following name and ASIN, "CONTRAC Place 1.5 oz place packs....rats, mice, voles (9 pack)," ASIN: B006MWRKA.

C. Pesticide Claims on Product Labeling

- 52. Advion® Cockroach Gel Bait (EPA Reg. No. 100-1484) is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and is registered under Section 3 of FIFRA, 7 U.S.C. § 136a. The EPA-accepted product labeling contains several pesticide claims.
- 53. Advion® Ant Gel (EPA Reg. No. 100-1498) is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and is registered under Section 3 of FIFRA, 7 U.S.C. § 136a. The EPA-accepted product labeling contains several pesticide claims.
- 54. The product labeling and/or websites offering for sale Bagoro® Cockroach Gel Bait contain the following pesticide claims:
 - (a) Cockroach Gel Bait;
 - (b) Insecticide;
 - (c) Bagoro Cockroach Gel Bait is designed to control pest species of cockroaches ...;
 - (d) Active Ingredient: Indoxacarb;
 - (e) Cockroaches cannot resist this superior combination and even the toughest populations are quickly controlled;
 - (f) High-performing bait product targeting all pest species of cockroaches; and
 - (g) Bagoro Cockroach Gel Bait can be used indoors or outdoors ... and other areas infested with cockroaches.
- 55. Therefore, Bagoro® Cockroach Gel Bait is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
- 56. The product labeling and/or websites offering for sale HaRuion Cockroach Gel Bait contain the following pesticide claims:
 - (a) Cockroach Gel Bait;
 - (b) Insecticide;
 - (c) Bagoro Cockroach Gel Bait is designed to control pest species of cockroaches ...;
 - (d) Active Ingredient: Indoxacarb;

- (e) RADICATION OF COCKROACHES;
 - (f) Thorough Cockroach Infestation Control; and
 - (g) HaRuion Cockroach Gel Bait can be used indoors or outdoors ... and other areas infested with cockroaches.
57. Therefore, HaRuion Cockroach Gel Bait is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
58. The product labeling and/or websites offering for sale HaRuion Spa mineral sanitizer for spas contain the following pesticide claims:
- (a) Spa mineral sanitizer for spas;
 - (b) HaRuion Spa features HaRuion technology, an effective process that sanitizes spa water using minerals;
 - (c) Kills Bacteria;
 - (d) Sanitizes spa water;
 - (e) ACTIVE INGREDIENTS: Metallic Silver;
 - (f) Destroy Bacteria;
 - (g) Effective Mineral Sanitization; and
 - (h) EPA-RECOGNIZED SANITIZATION: Mineral Process Uses Silver Ions To Destroy Bacteria And Algae.
59. Therefore, HaRuion Spa mineral sanitizer for spas is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
60. Just One Bite II Bars (EPA Reg. No. 270-373) is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and is registered under Section 3 of FIFRA, 7 U.S.C. § 136a. The EPA-accepted product labeling contains several pesticide claims.
61. FINAL Rodenticide Ready-to-Use Place Pacs (EPA Reg. No. 12455-91) is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and is registered under Section 3 of FIFRA, 7 U.S.C. § 136a. The EPA-accepted product labeling contains several pesticide claims.
62. Havoc Rodenticide Bait Pack Pellets with Bitrex (EPA Reg. No. 100-1056) is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and is registered under Section 3 of FIFRA, 7 U.S.C. § 136a. The EPA-accepted product labeling contains several pesticide claims.
63. Contrac Rodenticide Ready-To-Use Place Pac (EPA Reg. No. 12455-76) is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and is registered under Section 3 of FIFRA, 7 U.S.C. § 136a. The EPA-accepted product labeling contains several pesticide claims.

D. Product Composition

64. Acephate is a known active ingredient in pesticides. There is no other significant commercially valuable use, besides use as a pesticide, for products that are sold with the active ingredient acephate.
65. Indoxacarb is a known active ingredient in pesticides. There is no other significant commercially valuable use, besides use as a pesticide, for products that are sold with the active ingredient indoxacarb.
66. Bromadiolone is a known active ingredient in pesticides. There is no other significant commercially valuable use, besides use as a pesticide, for products that are sold with the active ingredient bromadiolone.
67. Brodifacoum is a known active ingredient in pesticides. There is no other significant commercially valuable use, besides use as a pesticide, for products that are sold with the active ingredient brodifacoum.
68. In the registered form, the product Advion® Cockroach Gel Bait (EPA Reg. No. 100-1484) contains indoxacarb at 0.6% by weight and does not contain acephate. However, several of the Advion® Cockroach Gel Bait products distributed and sold by Amazon as described in Paragraph 36 either did not contain indoxacarb or contained indoxacarb at lower concentrations than required by the registration and the professed standard of quality on the product label and/or contained the active ingredient acephate at varying concentrations.
69. Any Advion® Cockroach Gel Bait product containing indoxacarb or acephate is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
70. In the registered form, the product Advion® Ant Gel (EPA Reg. No. 100-1498), contains indoxacarb at 0.05% by weight and does not contain acephate. However, several of the Advion® Ant Gel products distributed and sold by Amazon as described in Paragraph 36 either did not contain indoxacarb or contained indoxacarb at lower concentrations than required by the registration and the professed standard of quality on the product label and/or contained the active ingredient acephate at varying concentrations.
71. Any Advion® Ant Gel product containing indoxacarb or acephate is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
72. The labeling for the Bagoro® Cockroach Gel Bait product distributed and sold by Amazon as described in Paragraph 36 states that the product consists of Indoxacarb at 0.6%. However, several of the Bagoro® Cockroach Gel Bait products distributed and sold by Amazon as described in Paragraph 36 contained up to 2.2 % by weight of acephate. Therefore, Bagoro® Cockroach Gel Bait is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.

73. The labeling for the HaRuion Cockroach Gel Bait product distributed and sold by Amazon as described in Paragraph 36 states that the product consists of Indoxacarb at 0.6%. Therefore, HaRuion Cockroach Gel Bait is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
74. The labeling for the Just One Bite II Bars product distributed and sold by Amazon as described in Paragraph 36 states that the product consists of Bromadiolone at 0.005%. Therefore, Just One Bite II Bars is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
75. The labeling for the FINAL Rodenticide Ready-to-Use Place Pacs product distributed and sold by Amazon as described in Paragraph 36 states that the product consists of Brodifacoum at 0.005%. Therefore, FINAL Rodenticide Ready-to-Use Place Pacs is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
76. The labeling for the Havoc Rodenticide Bait Pack Pellets with Bitrex product distributed and sold by Amazon as described in Paragraph 36 states that the product consists of Brodifacoum at 0.005%. Therefore, Havoc Rodenticide Bait Pack is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.
77. The labeling for the Contrac Rodenticide Ready-To-Use Place Pac product distributed and sold by Amazon as described in Paragraph 36 states that the product consists of Bromadiolone at 0.005%. Therefore, Contrac Rodenticide Ready-To-Use Place Pac is a pesticide as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered under Section 3 of FIFRA. 40 C.F.R. § 152.15.

III. BASIS FOR THE ORDER

78. Since March 13, 2018, EPA has been collecting and reviewing a substantial amount of information concerning products being distributed or sold on amazon.com in violation of FIFRA; has conducted several inspections of offers for sale of pesticides on amazon.com; and has obtained and analyzed samples of the products that are subject to this Order. EPA's review of the information gathered and the laboratory testing formed the basis of the factual allegations set forth herein and EPA's reason to believe Amazon has distributed or sold and intends to continue distributing or selling unregistered and misbranded pesticides in violation of FIFRA.

A. Unregistered and Misbranded Counterfeit Syngenta Advion®

79. A product that purports to be a genuine, registered product, but does not conform to the packaging, labeling, and/or composition standards of the registered product is a counterfeit pesticide product.
80. A counterfeit pesticide product is a unique product that is not covered by the registration associated with the corresponding genuine product and must be separately registered with EPA under Section 3 of FIFRA.
81. Counterfeit pesticide products are misbranded as that term is defined in Sections 2(q)(1)(A) and 2(q)(1)(C) of FIFRA, 7 U.S.C. §§ 136(2)(q)(1)(A) and (C).
82. Advion® Cockroach Gel Bait (EPA Reg. No. 100-1484) and Advion® Ant Gel (EPA Reg. No. 100-1498) are registered pesticides owned and managed by Syngenta Crop Protection, LLC (“Syngenta”). Any seller or distributor of Advion® Cockroach Gel Bait and Advion® Ant Gel must ensure the products conform to the precise packaging, labeling, and composition standards set forth in the respective registration for each product.
83. The active ingredient listed on the EPA-accepted labels for Advion® Cockroach Gel Bait and Advion® Ant Gel is indoxacarb.
84. The EPA-accepted labels for Advion® Cockroach Gel Bait and Advion® Gel Bait state, “4 x 1.06 oz (30g) syringes, Net Weight.”
85. Several of the Advion® Cockroach Gel Bait and Advion® Ant Gel products distributed and sold by Amazon as discussed in Paragraph 36 were purported to be genuine, registered Syngenta products on amazon.com, but did not conform to the packaging, labeling, and composition standards of the registered product in the following ways and were therefore unregistered and misbranded:
- (a) The products either did not contain indoxacarb or contained indoxacarb at lower concentrations than required by the registration and the professed standard of quality on the product label;
 - (b) The products contained the active ingredient acephate at varying concentrations;
 - (c) The products were sold in quantities other than 4 x 1.06 oz syringes;
 - (d) The product packaging deviated from the official packaging used by Syngenta, but retained the pesticide claims;
 - (e) The product color deviated noticeably from the genuine product;
 - (f) The product exhibited a noticeable odor whereas the genuine product is generally odorless; and/or
 - (g) The product had significantly less viscosity (e.g., runny/watery) than the genuine, registered product (e.g., thick).
86. EPA has reason to believe that on multiple occasions, Amazon distributed or sold misbranded and unregistered counterfeit Advion® Cockroach Gel Bait and counterfeit

Advion® Ant Gel products. At no time relevant to this Order were the counterfeit Advion® Cockroach Gel Bait and counterfeit Advion® Ant Gel products registered with EPA under Section 3 of FIFRA.

87. EPA has reason to believe the misbranded and unregistered counterfeit Advion® Cockroach Gel Bait and counterfeit Advion® Ant Gel products continue to be offered for sale on amazon.com.

B. Unregistered and Misbranded Bagoro® Cockroach Gel Bait

88. The Bagoro® Cockroach Gel Bait products distributed and sold by Amazon as discussed in Paragraph 36 and offered for sale on amazon.com state on the label the “EPA Reg. No. 499-507” and EPA Establishment Number “7969-WY-2.”
89. The EPA registration number 499-507, corresponds to an insecticide called, “TC 248.” The base registrant for TC 248 is BASF Corporation. The active ingredient in the registered BASF product is dinotefuran at 0.5%.
90. The EPA establishment number, “EPA Est. No.7969-WY-2,” is not valid as there is no establishment registered with this number.
91. Therefore, Bagoro® Cockroach Gel Bait is misbranded in numerous ways under Section 2(q) of FIFRA, including Sections 2(q)(1)(A) and 2(q)(1)(D), 7 U.S.C. §§ 136(q)(1)(A) and (D).
92. EPA has reason to believe that on multiple occasions, Amazon distributed or sold the unregistered and misbranded Bagoro® Cockroach Gel Bait product. At no time relevant to this Order was Bagoro® Cockroach Gel Bait registered with EPA under Section 3 of FIFRA.
93. EPA has reason to believe the unregistered and misbranded Bagoro® Cockroach Gel Bait product continues to be offered for sale on amazon.com.

C. Unregistered and Misbranded HaRuion Cockroach Gel Bait

94. The HaRuion Cockroach Gel Bait products distributed and sold by Amazon as discussed in Paragraph 36 and offered for sale on amazon.com state on the label, “EPA Reg. No. 499-689,” and “EPA Est. No. 8119-CHN-1.”
95. The EPA registration number “499-689” is not valid as there is no registered pesticide with this number.
96. The EPA establishment number, “EPA Est. No. 8119-CHN-1,” is not valid as there is no establishment registered with this number.

97. Therefore, the HaRuion Cockroach Get Bait pesticide product is misbranded in numerous ways under Section 2(q) of FIFRA, including Sections 2(q)(1)(A) and 2(q)(1)(D), 7 U.S.C. §§ 136(q)(1)(A) and (D).
98. EPA has reason to believe that on multiple occasions, Amazon distributed or sold the unregistered and misbranded HaRuion Cockroach Get Bait product. At no time relevant to this Order was HaRuion Cockroach Get Bait registered with EPA under Section 3 of FIFRA.
99. EPA has reason to believe the unregistered and misbranded HaRuion Cockroach Gel Bait product continues to be offered for sale on amazon.com.

D. Unregistered and Misbranded HaRuion Spa mineral sanitizer for spas

100. The label on the HaRuion Spa mineral sanitizer for spas products distributed by Amazon as discussed in Paragraph 36 and offered for sale on amazon.com do not contain an EPA registration number or an EPA establishment number.
101. Therefore, the HaRuion Spa mineral sanitizer for spas product is misbranded in numerous ways under Section 2(q) of FIFRA, including Sections 2(q)(1)(A) and 2(q)(1)(D), 7 U.S.C. §§ 136(q)(1)(A) and (D).
102. EPA has reason to believe that on multiple occasions, Amazon distributed or sold the unregistered and misbranded HaRuion Spa mineral sanitizer for spas product. At no time relevant to this Order was HaRuion Spa mineral sanitizer for spas registered with EPA under Section 3 of FIFRA.
103. EPA has reason to believe the unregistered and misbranded HaRuion Spa mineral sanitizer for spas product continues to be offered for sale on amazon.com.

E. Unregistered and Misbranded Just One Bite II Bars

104. Just One Bite II Bars (EPA Reg. No. 270-373) is a registered pesticide.
105. The smallest net weight appearing on the EPA-accepted label for Just One Bite II Bars states, “8 lbs (8, 16 oz bars)” or “8 lbs (64 (128) 2[1] oz chunks.”
106. The EPA-accepted label for Just One Bite II Bars also states, “It is illegal to sell these bars/chunks individually.”

107. Several of the Just One Bite II Bars products distributed and sold by Amazon as discussed in Paragraph 36 were distributed and sold as individual bars or packs of individual bars weighing less than eight pounds. The packaging for the products distributed and sold in less than eight-pound containers do not contain the entire Directions for Use and Precautionary Statements that are required to be on the label accepted by EPA. Therefore, the Just One Bite II Bars products sold as individual bars are misbranded in numerous ways under Section 2(q) of FIFRA, including Sections 2(q)(1)(A), (F) and (G), 7 U.S.C. § 136(q)(1)(A), (F) and (G).

108. Distribution and sale of Just One Bite II Bars in packages less than containers of eight 16-ounce bars constitutes distribution of an unregistered pesticide.

109. The Just One Bite II Bars product continues to be offered for sale on amazon.com in packages less than containers of eight 16-ounce bars.

F. Unregistered and Misbranded FINAL Rodenticide Ready-to-Use Place Pacs

110. FINAL Rodenticide Ready-to-Use Place Pacs (EPA Reg. No. 12455-91) is a registered pesticide.

111. The net weight appearing on the EPA-accepted label for FINAL Rodenticide Ready-to-Use Place Pacs states, "16 lb. – 50 lb. containers."

112. The EPA-accepted label for FINAL Rodenticide Ready-to-Use Place Pacs also states, "INDIVIDUAL SALE IS PROHIBITED BY LAW"

113. Several of the FINAL Rodenticide Ready-to-Use Place Pacs product distributed and sold by Amazon as discussed in Paragraph 36 were distributed and sold in sets of four or ten packs weighing less than 16 pounds. The packaging for the products distributed and sold in less than 16 pound containers do not contain the entire Directions for Use and Precautionary Statements that are required to be on the label accepted by EPA. Therefore, the FINAL Rodenticide Ready-to-Use Place Pacs products distributed and sold in sets of four or ten packs are misbranded in numerous ways under Section 2(q) of FIFRA, including Sections 2(q)(1)(A), (F) and (G), 7 U.S.C. § 136(q)(1)(A), (F) and (G).

114. Distribution and sale of the FINAL Rodenticide Ready-to-Use Place Pacs in quantities other than 16 to 50-pound containers constitutes distribution and sale of an unregistered pesticide.

115. The FINAL Rodenticide Ready-to-Use Place Pacs product continues to be offered for sale on amazon.com in quantities other than 16 to 50-pound containers.

G. Unregistered and Misbranded Havoc Rodenticide Bait Pack Pellets with Bitrex

116. Havoc Rodenticide Bait Pack Pellets with Bitrex (EPA Reg. No. 100-1056) is a registered pesticide.
117. The smallest net weight appearing on the EPA-accepted label for Havoc Rodenticide Bait Pack Pellets with Bitrex is, ">8 pounds (___ x 1.76 ounces /50 grams bait pack) - 3/16" pellets."
118. The EPA-accepted label for Havoc Rodenticide Bait Pack Pellets with Bitrex also states, "INDIVIDUAL SALE IS PROHIBITED BY LAW" and "Do not sell this product in individual containers holding less than 8 pounds of bait."
119. Several of the Havoc Rodenticide Bait Pack Pellets with Bitrex products distributed and sold by Amazon as discussed in Paragraph 36 were distributed and sold in sets of two 50-gram bait packs weighing less than eight pounds. The packaging for the products distributed and sold in less than eight-pound containers do not contain the entire Directions for Use and Precautionary Statements that are required to be on the label accepted by EPA. Therefore, the Havoc Rodenticide Bait Pack Pellets with Bitrex products distributed and sold in sets of two 50-gram bait packs are misbranded in numerous ways under Section 2(q) of FIFRA, including Sections 2(q)(1)(A), (F) and (G), 7 U.S.C. § 136(q)(1)(A), (F) and (G).
120. Distribution and sale of Havoc Rodenticide Bait Pack Pellets with Bitrex in quantities of 8 pounds or less constitutes distribution and sale of an unregistered pesticide.
121. The Havoc Rodenticide Bait Pack Pellets with Bitrex product continues to be offered for sale on amazon.com in quantities of 8 pounds or less.

H. Unregistered and Misbranded Contrac Rodenticide Ready-To-Use Place Pac

122. "Contrac Rodenticide Ready-To-Use Place Pac" (EPA Reg. No. 12455-76) is a registered pesticide.
123. The net weight appearing on the EPA-accepted label for "Contrac Rodenticide Ready-To-Use Place Pac" states, "8 lb. – 50 lb. containers."
124. The EPA-accepted label for "Contrac Rodenticide Ready-To-Use Place Pac" also states, "INDIVIDUAL SALE IS PROHIBITED BY LAW"

125. Several of the “Contrac Rodenticide Ready-To-Use Place Pac” products distributed and sold by Amazon as discussed in Paragraph 36 were distributed and sold in sets of nine 1.5-ounce packs weighing less than eight pounds. The packaging for the products distributed and sold in less than eight-pound containers do not contain the entire Directions for Use and Precautionary Statements that are required to be on the label accepted by EPA. Therefore, the Contrac Rodenticide Ready-To-Use Place Pac products distributed and sold in nine 1.5-ounce units are misbranded in numerous ways under Section 2(q) of FIFRA, including Sections 2(q)(1)(A), (C), (F) and (G), 7 U.S.C. § 136(q)(1)(A), (C), (F) and (G).
126. Distribution and sale of Contrac Rodenticide Ready-To-Use Place Pac in quantities other than eight to 50-pound containers constitutes distribution and sale of an unregistered pesticide.
127. The Contrac Rodenticide Ready-To-Use Place Pac product continues to be offered for sale on amazon.com in quantities other than eight to 50-pound containers.

I. Conclusion

128. Therefore, EPA has reason to believe that on multiple occasions between November 1, 2017, and April 14, 2019, Amazon distributed and sold the following unregistered and misbranded pesticides in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(A) and (E):
- (a) Counterfeit Advion® Cockroach Gel Bait;
 - (b) Counterfeit Advion® Ant Gel products;
 - (c) Bagoro® Cockroach Gel Bait;
 - (d) HaRuion Cockroach Gel Bait;
 - (e) HaRuion Spa mineral sanitizer for spas;
 - (f) Just One Bite II Bars;
 - (g) FINAL Rodenticide Ready-to-Use Place Pacs;
 - (h) Havoc Rodenticide Bait Pack Pellets with Bitrex; and
 - (i) Contrac Rodenticide Ready-To-Use Place Pac.
129. EPA also has reason to believe that Amazon intends to further distribute or sell, as the term “distribute or sell” is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3, the unregistered and misbranded products listed in Paragraph 128 via Amazon direct sales, the Selling on Amazon Service, and/or the FBA service.

IV. ORDER

130. Pursuant to the authority of section 13(a) of FIFRA, 7 U.S.C. § 136k(a), EPA hereby orders Amazon to **immediately cease** the sale, use, or removal of the unregistered and misbranded products listed in Paragraph 128 (collectively “Violative Products”) under its ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order.

131. This Order extends to all quantities of the Violative Products intended for sale, distribution, and/or any stocks returned to Amazon from its sellers, customers, or other end-users.
132. The Violative Products shall not be used, sold, offered for sale, held for sale, shipped, delivered for shipment, received, or having so received, shall not be delivered, or offered for delivery.
133. Amazon may move or remove any Violative Products from any facility or establishment ONLY after obtaining prior written approval from EPA, in accordance with the following:
- (a) Movement or removal requests must be made in writing addressed to Chad Schulze, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, 1200 Sixth Avenue, Suite 155, Mail Stop 20-C04, Seattle, Washington 98101, or at Schulze.chad@epa.gov;
 - (b) Any request for movement or removal must include a written accounting of the products to be moved, the address of the facility from which the products will be moved from, the address of the destination facility, and a description of the reasons for the movement or removal;
 - (c) If the movement or removal is for the purposes of disposal, Amazon must provide written proof of disposal to EPA and the disposal must comply with all applicable federal, state, and local laws;
 - (d) Any movement or removal of any Violative Products made without prior written authorization from EPA in accordance with this Paragraph constitutes a violation of this Order and distribution and sale of illegal pesticides in violation of FIFRA.
134. Within 30 days of receipt of this Order, Amazon must submit to EPA a written accounting of the Violative Products subject to this Order. The accounting must be submitted to Chad Schulze, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, 1200 Sixth Avenue, Suite 155, Mail Stop 20-C04, Seattle, Washington 98101, or at Schulze.chad@epa.gov, and must include an accounting of all existing product inventory, including the locations(s) where the products are held, quantities, and container sizes. Amazon must provide EPA with an updated accounting at least every 30 days until 150 days following receipt of this order or when Amazon no longer has any Violative Products in its ownership, custody or control, whichever occurs earlier.
135. The information requested in Paragraphs 133 and 134 must be provided whether or not Amazon regards part or all of it as a trade secret or confidential business information. Amazon is entitled to assert a claim of business confidentiality covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b) by labeling such information at the time it is submitted to EPA as “trade secret” or “proprietary” or “company confidential” or other suitable notice. Information subject to a claim of business confidentiality will be disclosed by EPA to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless Amazon makes a claim at the time that it submits the information in the manner described in 40 C.F.R. § 2.203(b), EPA may make this information available to the public without further notice to Amazon.

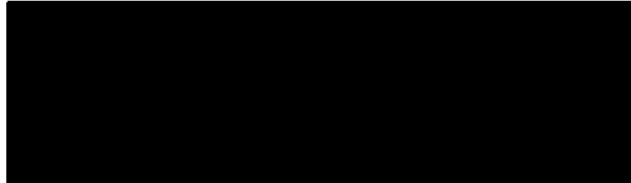
136. Amazon may seek federal judicial review of this Order pursuant to Section 16 of FIFRA, 7 U.S.C. § 136n. The issuance of this Order shall not constitute a waiver by EPA of its remedies, either judicial or administrative, under FIFRA or any other federal environmental law to address this matter or any other matters or unlawful acts not specified in this Order.
137. This Order shall be effective immediately upon receipt by Amazon or any agents of Amazon.
138. This Order shall remain in effect unless and until revoked, terminated, suspended, or modified in writing by EPA.
139. If any provision or provisions of this Order is/are subsequently held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and they shall remain in full force and effect.

V. OTHER MATTERS

140. For any additional information about this Order, please contact Chad Schulze, Pesticide Enforcement Coordinator, at 206-553-0505. For any legal matters concerning this Order, including questions from legal counsel, please contact Brett Dugan, Assistant Regional Counsel, at 206-553-8562.

Date

6/3/2019



Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division