

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

DOCKET NO. FIFRA-08-2008-0007

2008 JUL 10 AM 0:22
EPA/REGISTRATION
OFFICE OF PESTICIDE REGISTRATION

TO:)
)
Rolling W Enterprises, LLC)
1326 Chesham Circle)
Colorado Springs, Colorado 80907)

STOP SALE, USE

OR REMOVAL ORDER

A. INTRODUCTION

1. The United States Environmental Protection Agency (EPA) is authorized under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. § 136(k)(a), to issue orders prohibiting the sale, use, or removal of any pesticide whenever there is reason to believe the pesticide is in violation of any provision of FIFRA.
2. The Director of the Technical Enforcement Program has been duly delegated the authority to issue such orders.
3. FIFRA § 12(a)(1)(A), 7 U.S.C. § 136(j)(a)(1)(A), provides that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide not registered under FIFRA Section 3, 7 U.S.C. § 136(a), or whose registration has been cancelled or suspended.
4. Rolling W Enterprises, LLC sells and distributes the product V.18 and FAM, which make pesticidal claims including, but not limited to, "Board Spectrum, kills bacteria, fungi and viruses", and "cleans and disinfects in one treatment".
5. V.18 and FAM are not registered by EPA as pesticides.
6. V.18 and FAM display the same EPA registration number, EPA Reg. No. 1007-83, as Vanodine-Fam, which was cancelled by the EPA in January 1991.
7. EPA hereby orders, Rolling W Enterprises, LLC to stop the sale, use, or removal of V.18 and FAM, EFFECTIVE IMMEDIATELY.

B. ORDER

8. This Order pertains to all quantities and sizes of V.18 and FAM within the ownership, control, or custody of Rolling W Enterprises, LLC that are associated with pesticidal claims. This product shall not be sold, used, or removed other than in accordance with the provisions of this Order or any further Stop Sale, Use, or Removal Order that may be issued in connection with V.18 and FAM.

9. Any person violating the terms or provisions of this Order shall be subject to CIVIL or CRIMINAL PENALTIES or both as set forth in FIFRA § 14, 7 U.S.C. § 136(l).

10. This order shall be EFFECTIVE IMMEDIATELY upon receipt by any representative of Rolling W Enterprises, LLC.

C. BASIS FOR ORDER

11. On May 27, 2008, EPA received a complaint claiming that Vanodine.com was making false and/or misleading claims, in violation of 40 C.F.R. § 156.10(a)(5). Further investigation showed not only those false or misleading claims are being made on the Vanodine website, but also the products V.18 and FAM are unregistered pesticides.

12. As the seller and distributor of pesticides, you are in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136(j)(a)(1)(A). This section provides in relevant part that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under FIFRA Section 3, 7 U.S.C. § 136(a).

D. OTHER MATTERS

13. This Order specifically exempts the delivery of V.18 and FAM to any authorized agent of the United States Government.

14. For resolution of this Order, you are encouraged to contact:

Dennis Jaramillo
US EPA Region 8 (ENF-UFO)
1595 Wynkoop Street
Denver, CO 80202-1129

15. This Stop, Sale, Use or Removal Order must be supervised by EPA Region 8's Technical Enforcement Program unless you are otherwise notified.

6/9/2008

Date

Mark A.R. Chalfant

Mark A.R. Chalfant, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

