



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JUL 25 2013

Ref: 8ENF-UFO

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED (No. 7009 3410 0000 2597 0887)
AND ELECTRONIC TRANSMISSION

David Doxey, Registered Agent
doTerra International, LLC
370 W. Center Street
Orem, UT 84057

Re: STOP SALE, USE OR REMOVAL ORDER
DOTERRA INTERNATIONAL, LLC (doTerra)

Dear Mr. Doxey:

Enclosed is a Stop Sale, Use or Removal Order (Order) issued by the United States Environmental Protection Agency (EPA), Region 8 for the unregistered pesticide products: doTerra On Guard Protective Blend; doTerra Terra Shield Repellent Blend; and doTerra On Guard Cleaner Concentrate distributed by doTerra. These products are making pesticide claims and are not registered with the EPA. Products that make pesticide claims are required to be registered with the EPA under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). ***The Order is effective immediately upon receipt.***

Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), authorizes the EPA to issue an order prohibiting the sale, use, or removal of any pesticide by any person who owns, controls, or has custody of such pesticide whenever there is reason to believe the pesticide is in violation of any provision of FIFRA or has been or is intended to be distributed or sold in violation of FIFRA. As explained further in the enclosed Order, the EPA has reason to believe that doTerra distributed or sold unregistered pesticide products.

If you have any questions about this matter, you may contact Dan Webster of my staff at 303-312-7076, or by email at webster.daniel@epa.gov. For any legal-related questions, please contact Eduardo Quintana, Senior Enforcement Attorney by phone: 303-312-6924 or by email at quintana.eduardo@epa.gov.

Sincerely,

Darcy O'Connor, Director,
Technical Enforcement Program UIC-FIFRA-OPA
Office of Enforcement, Compliance and
Environmental Justice (8-ENF-UFO)
U.S. Environmental Protection Agency, Region 8

Enclosures

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2013 JUL 25 AM 8:28

In the Matter of:)

doTerra International, LLC)
370 W. Center Street)
Orem, UT 84057,)

Respondent)

FILED
EPA REGION VIII
HEARING CLERK
**STOP SALE, USE,
OR REMOVAL ORDER**

DOCKET NO. : FIFRA-08-2013-0004

I. AUTHORITIES

1. The United States Environmental Protection Agency (EPA) issues this Stop Sale, Use, or Removal Order (Order) pursuant to the authority vested in the Administrator of the EPA by section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 U.S.C. § 136k(a), which authorizes the Administrator of the EPA to issue orders 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 the pesticide or device is in violation of any provision of FIFRA, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration has been cancelled by a final order.
2. Supervisors in the Technical Enforcement Program and the Legal Enforcement Program have been jointly delegated the authority to issue such orders.
3. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states 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 section 136a of this title or whose registration has been cancelled or suspended, except to the extent that distribution or sale otherwise has been authorized by the Administrator under this subchapter."
4. Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), states that "it shall be unlawful for any person to violate any order issued under section 13 of FIFRA."
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(gg), 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."
7. 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."

8. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “pest,” in part as “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].”

II. BACKGROUND

9. doTerra International, LLC (doTerra) is a limited liability corporation organized under the laws of the State of Utah and is authorized to do business in the State of Utah.
10. doTerra, is a “person” as defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
11. doTerra distributes or sells the following pesticide products: doTerra On Guard Protective Blend; doTerra Terra Shield Repellent Blend; and doTerra On Guard Cleaner Concentrate.

III. BASIS FOR ORDER

12. On May 6, 2013, an inspector with the Utah Department of Agriculture and Food (UDAF) conducted a FIFRA inspection, at the request of the EPA, at doTerra’s facility at 370 W. Center, Orem, UT 84057.
13. During the inspection, the inspector obtained pesticide product samples and information on the following doTerra pesticide products: On Guard Protective Blend, doTerra Terra Shield Repellent Blend, and doTerra On Guard Cleaner Concentrate (collectively referred to as “the three doTerra pesticide products”). The three doTerra pesticide products are distributed by doTerra.
14. On May 10, 2013, the UDAF inspector obtained doTerra distribution records from a doTerra representative.
15. Based on the review of the information obtained during the inspection and the information available on the doTerra website, the three doTerra pesticide products contain one or more ingredients listed as minimum risk pesticides in 40 C.F.R. §152.25(f)(1).
16. Minimum risk pesticides products are exempt from FIFRA regulation if all of the conditions of exemption pursuant to 40 C.F.R. §152.25(f)(3) are met.
17. 40 C.F.R. §152.25(f)(3)(i) states that “each product containing the substance must bear a label identifying the name and percentage (by weight) of each active ingredient and the name of each inert ingredient.”
18. None of the labels for each of the three doTerra pesticide products collected during the inspection identify the name and percentage (by weight) of each active ingredient and the name of each inert ingredient of the product.

19. 40 C.F.R. §152.25(f)(3)(ii) states that “the product must not bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.”
20. The label and/or information on doTerra’s website for doTerra’s On Guard Cleaner Concentrate product includes multiple pesticidal claims that On Guard Cleaner Concentrate controls or mitigates microorganisms that pose a threat to human health, including but not limited to: (1) “Hardworking, concentrated cleaner that acts as a defense against surface-dwelling microbes [claim made on label];” and (2) “...essential oils that naturally defend against surface-dwelling contaminants and microbes [web based claim].” Many other pesticide claims regarding the doTerra’s On Guard Cleaner Concentrate product were found on doTerra’s website on or before the filing date of this Order.
21. Information on doTerra’s website for doTerra’s On Guard Protective Blend product includes multiple pesticidal claims that On Guard Protective Blend controls or mitigates microorganisms that pose a threat to human health, including but not limited to: (1) “Proprietary On Guard Protective Blend of wild orange, . . . CPTG essential oil provides natural protection against germs and other harmful microbes on surfaces [web based claim];” and (2) “On Guard is superb for eliminating and controlling pathogens.” Many other pesticide claims regarding the doTerra’s On Guard Protective Blend product were be found on doTerra’s website on or before the filing date of this Order.
22. Information on doTerra’s website for doTerra’s Terra Shield Repellent product includes pesticidal claims that Terra Shield Repellent controls or mitigates microorganisms that pose a threat to human health, including but not limited to “provides naturally powerful deterrent to biting insects which carry disease [web based claim];” and (2) “On Guard is superb for eliminating and controlling pathogens.”
23. The three doTerra pesticide products contain claims prohibited by 40 C.F.R. §152.25(f)(3)(ii).
24. The three doTerra pesticide products do not meet the conditions that exempt products from pesticide regulation. 40 C.F.R. §§152.25(f)(3)(i) and 152.25(f)(3)(ii).
25. Pursuant to section 3(a) of FIFRA, any substance or mixture of substances, unless exempted by FIFRA, must be registered with the EPA. 7 U.S.C. § 136a.
26. The three doTerra pesticide products make pesticidal claims and are therefore intended to be used for pesticidal purposes and subject to pesticide registration pursuant to section 3 of FIFRA. 7 U.S.C. § 136a, 40 C.F.R. §152.15. The three doTerra pesticide products are not registered pesticides pursuant to section 3 of FIFRA. 7 U.S.C. § 136a.

IV. ORDER

27. The EPA hereby orders doTerra to stop the sale, use, or removal of doTerra On Guard Protective Blend; doTerra Terra Shield Repellent Blend; and doTerra On Guard Cleaner Concentrate, EFFECTIVE IMMEDIATELY.

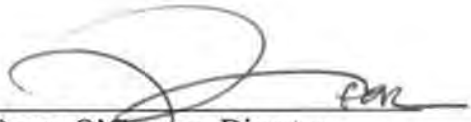
28. This Order pertains to all quantities and sizes of the three doTerra pesticide products within the ownership, control, or custody of doTerra or any other entity producing the products on behalf of doTerra. The three doTerra pesticide products, shall not be sold, used, or removed other than in accordance with the provisions of this Order or any further Stop Sale, Use, or Removal Order that may be issued in connection with the products.
29. Within two weeks of receipt of this Order, doTerra must submit a written inventory for the three doTerra pesticide products within its custody or control and subject to this Order. The inventory shall list the quantity and location of all products and include plans for product storage or disposal. The products subject to this Order shall not be moved, destroyed or disposed of without prior written consent from EPA.
30. Within two weeks of receipt of this Order, doTerra must submit a written plan describing how doTerra will correct the violations noted in this Order.
31. Both the written plan to correct violations and the inventory must be submitted to the following person or to such other persons as EPA designates in writing:

Dan Webster
US EPA Region 8 (ENF-UFO)
1595 Wynkoop Street
Denver, CO 80202

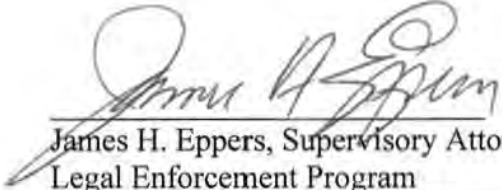
32. Any violation of the terms or provisions of this Order by an officer, agent, or other person acting for or employed by doTerra may subject the violator as well as doTerra to civil or criminal penalties as prescribed in section 14 of FIFRA, 7 U.S.C. § 136l.
33. The issuance of this Order shall not constitute a waiver by the 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.
34. This Order shall be EFFECTIVE IMMEDIATELY upon receipt by Respondent.

35. If any provision(s) of this Order 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. The terms of this Order shall remain in effect unless and until the EPA modifies or terminates either the Order or certain provisions of the Order in writing.

7/22/13
Date


Darcy O'Connor, Director
Technical Enforcement Program UIC-FIFRA-OPA
Office of Enforcement, Compliance and
Environmental Justice (8-ENF-UFO)
U.S. Environmental Protection Agency,
Region 8

7/22/13
Date


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice
U.S. Environmental Protection Agency,
Region 8