

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

11:40 AM

Received by
EPA Region VIII
Hearing Clerk

IN THE MATTER OF:)
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Ariix LLC)
737 East 1180 South)
American Fork, Utah 84003)
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Respondent.)
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Docket No. FIFRA-08-2022-0016

FIFRA SECTION 13(a)

STOP SALE, USE, or
REMOVAL ORDER

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 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 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. The undersigned EPA official is authorized to issue this Order.

II. GOVERNING LAW

3. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), states that “no person in any state may distribute or sell to any person any pesticide that is not registered under this subchapter.”
4. 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 . . . or whose registration has been cancelled or suspended.”
5. The term “person” means “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.” FIFRA § 2(s), 7 U.S.C. § 136(s).
6. “The term ‘pesticide’ means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” FIFRA § 2(u), 7 U.S.C. § 136(u).
7. “The term ‘pest’ means (1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganisms . . . which the Administrator declares to be a pest under section 136w(c)(1) of this title.” FIFRA § 2(t), 7 U.S.C. § 136(t).

8. 40 C.F.R. § 152.15 states “A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if ...[t]he person who distributes or sells the substance claims, states, or implies (by labelling or otherwise) ...[t]hat the substance...can or should be used as a pesticide.”
9. The term “to distribute or sell” means “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.” FIFRA § 2(gg), 7 U.S.C § 136(gg).
10. 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.”
11. Pursuant to section 8(b) of FIFRA, 7 U.S.C. § 136f(b), and 40 C.F.R. part 169, any producer, distributor, carrier, dealer, or any other person who sells or offers for sale, delivers, or offers for delivery any pesticide or device subject to FIFRA, shall furnish to EPA or permit EPA to have access to and copy, certain records related to the delivery, movement and holding of the pesticides or devices upon request from EPA.

III. ALLEGATIONS OF FACT AND LAW

12. Respondent, Ariix LLC, is a “person” as that term is defined by section 2(s) of FIFRA, 7 U.S.C. § 136(s), and is subject to FIFRA and the implementing regulations promulgated thereunder.
13. Respondent 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.
14. Respondent’s principal place of business is located at 737 East 1180 South, American Fork, Utah 84003 (“the Facility”).
15. On October 27, 2021, a representative of the EPA inspected the Facility to determine Respondent’s compliance with FIFRA.
16. At the conclusion of the inspection, the EPA representative informed Respondent that Respondent was in violation of FIFRA requirements, including, but not limited to, the sale and distribution of an unregistered pesticide called Puritii Home Detox.
17. During the inspection, the EPA inspector observed that Respondent sells a product called Puritii Home Detox.
18. The EPA inspector reviewed the label on individual spray bottles of Puritii Home Detox and observed that the product label contains the following claims:

- a. “99.999% of viruses and bacteria eliminated.”
 - b. “Use Puritii Home Detox as your go-to home detoxifier to kill 99.999% of household germs, mold, mildew, bacteria and viruses including H1N1, MRSA, Norovirus, HIV, Coronavirus, Legionella, Pseudomonas aeruginosa, Hepatitis A, B, C and Ebola viruses!”
 - c. “This multi-surface, one-step solution to cleaning and disinfecting protects your home and removes bad odors by attacking them at their source, not masking the problem.”
19. The claims on the Puritii Home Detox label demonstrate that the products are intended to have a pesticidal purpose because the claims state that Puritii Home Detox should be used to mitigate pests.
20. The Puritii Home Detox label also has the following language:
- “Distributed by Ariix, 7158 South FLSmidth Drive, Suite B, 200, Midvale, Utah 84047”.
21. The Puritii Home Detox label does not contain any information about registration of Puritii Home Detox as a pesticide with EPA.
22. EPA has requested that Respondent provide information about the registration of Puritii Home Detox as a pesticide. Respondent has not provided any information.
23. EPA has searched its registration files for pesticide products named Puritii Home Detox and has not found any such registration.

IV. BASIS FOR THE ORDER

24. As demonstrated in section III, Respondent has distributed or sold, and continues to offer to distribute or sell, an unregistered pesticide in violation of section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

V. ORDER

25. Pursuant to the authority of section 13(a) of FIFRA, 7 U.S.C. § 136k(a), EPA hereby orders Respondent to immediately cease the distribution, sale, use, or removal of the product Puritii Home Detox, under its ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order.
26. This Order extends to all quantities of Puritii Home Detox in route to any of Respondent’s establishments on the date of this Order over which Respondent has authority or control (for example to order the shipment to be redirected), all quantities in Respondent’s possession or under Respondent’s control, wherever located, on the date of this order, and all quantities returned to Ariix from its sellers, customers, or other end users during the term of this Order.
27. Respondent shall not use, sell, offer for sale, hold for sale, distribute, ship, deliver for shipment, or receive Puritii Home Detox except in compliance with this Order.

28. Within 14 calendar days of receipt of this Order, Respondent shall provide the following information to the EPA contact named below.

- a. SHIPMENTS TO RESPONDENT Respondent shall provide a list of each shipment of Puritii Home Detox in route to any of Respondent's establishments on the date of this Order from any person, and any such shipments to Respondent initiated after the date of this Order. The list shall include the quantities being shipped, including number and types of containers, and amount held by each type of container, the name of each person initiating each such shipment, the address or addresses from which the shipment was initiated and the destination establishment. Respondent also shall provide electronic copies of all shipping documents for such shipments with the initial list described herein. Respondent shall continue to provide such information and shipping documents to the EPA on an ongoing basis until shipments from any producer, distributor or seller of Puritii Home Detox to Respondent have ceased.
- b. SHIPMENTS FROM RESPONDENT Respondent shall provide a list of each shipment of Puritii Home Detox from any of Respondent's establishments to any person, during the 90 days prior to the receipt date of this Order, and any such shipments from Respondent initiated on and after the date of this Order. The list shall include the quantities being shipped, including number and types of containers, and amounts held by each type of container, the establishment from which the shipment was initiated and the destination establishment(s). Respondent also shall provide electronic copies of all shipping documents for such shipments with the initial list described herein. Respondent shall continue to provide such information and shipping documents to the EPA on an ongoing basis until shipments to any producer, distributor or seller of Puritii Home Detox from Respondent have ceased. Respondent also shall provide the number of sales to persons who are not a producer, distributor or seller of Puritii Home Detox during the 90 days prior to, on, and after, the date of this Order.

29. Respondent may move or remove any Puritii Home Detox 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 written request by electronic mail to Christine Tokarz, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, tokarz.christine@epa.gov.
- b. Any request for movement or removal must include a written accounting of the products to be moved, including the quantity (type, number and volume of containers) to be moved, the address of the facility from which the products will be moved, 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, Ariix must provide written proof of disposal to EPA, including proof of compliance with all applicable federal, state, and local laws.

- d. Any movement or removal of any Puritii Home Detox made without prior written authorization from EPA in accordance with this paragraph 28 constitutes a violation of this Order and the distribution or sale of an unregistered pesticide in violation of FIFRA.
30. Within 30 days of receipt of this Order, Respondent must submit to EPA a written accounting of Puritii Home Detox subject to this Order. The accounting must be submitted to Christine Tokarz, at the email address listed above, and must include an accounting of all existing product inventory, including the locations where the products are held, quantities and container sizes. Respondent must provide EPA with an updated accounting at least every 30 days thereafter through 150 days following receipt of this Order or when Respondent no longer has any Puritii Home Detox in its ownership, custody or control, whichever occurs earlier.
 31. The information requested herein must be provided whether regards part or all of it as a trade secret or confidential business information. Respondent is entitled to assert a claim of business confidentiality in accordance with the regulations 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 properly made 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. If Respondent does not make a proper 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 Ariix.

VI. OTHER MATTERS

32. Respondent may seek federal judicial review of this Order pursuant to section 16 of FIFRA, 7 U.S.C. § 136n.
33. 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.
34. This Order shall be effective immediately upon receipt by Respondent or its agents.
35. This Order shall remain in effect unless and until revoked, terminated, suspended or modified in writing by EPA.
36. If any provision of this Order is 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.

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY REGION 8**

Date: 12/6/2021_____

By: _____
David Cobb, Section Chief
Toxics and Pesticides Enforcement Section
Enforcement and Compliance Assurance Division