



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

AUG 10 2010

Ref: 8ENF-UFO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jon Liddiard, President
Brody Chemical Company, Inc
6125 Double Eagle Circle
Salt Lake City Utah 84114

RE: Order to Stop the Sale, Use or Removal

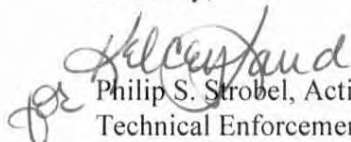
Dear Mr. Liddiard:

Please find enclosed an Order from the United States Environmental Protection Agency (EPA). The enclosed Order requires that Brody Chemical Company, Inc. stop the sale, distribution or use of the following products: Kitchen Sanitizer, Select Herbicide, Residual Insecticide, Shock Treatment, and Cooper Algaecide. This Order shall extend to all quantities of these products wherever located within the ownership, control or custody of Brody Chemical Company, Inc. This Order is effective immediately.

Under Section 13 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k (a), EPA has the authority to stop the sale, distribution or removal of any pesticide believed to be in violation of the statute. The term "pesticide" means "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pests . . ." As explained in the enclosed Order, the products listed in the first paragraph are not registered pesticides and, therefore, cannot be sold or distributed for that purpose.

If you have questions concerning this Order, you are encouraged to contact Dennis Jaramillo from my staff at 303-312-6203.

Sincerely,


Philip S. Strobel, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

2010 AUG 10 AM 9:27

TO:)
)
Brody Chemical Company, Inc)
6125 Double Eagle Circle)
Salt Lake City, Utah 84114)
)

STOP SALE, USE

OR REMOVAL ORDER

DOCKET NO. FIFRA-08-2010-0012

FILED
EPA REGION VIII
HEARING CLERK

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. § 136k(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. § 136j(a)(1)(A), provides that it shall be unlawful for any person in any State to distribute or sell to any person any unregistered pesticide under FIFRA Section 3, 7 U.S.C. § 136a.
4. The following products: Kitchen Sanitizer, Select Herbicide, Residual Insecticide, Shock Treatment, and Cooper Algacide, are pesticides that are not registered with the EPA.
5. EPA hereby orders, Brody Chemical Company, Inc. ("Brody Chemical") to stop the sale, use, or removal of the products listed in the above paragraph.

B. ORDER

6. This Order pertains to all quantities and sizes of products listed in paragraph four (4) above within the ownership, control, or custody of Brody. These 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 to Brody Chemical in connection with the products in paragraph four (4) above.
7. 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. § 136l.
8. This order shall be EFFECTIVE IMMEDIATELY upon receipt by any representative of Brody Chemical.

C. BASIS FOR ORDER

9. On January 17, 2008, and again on April 14, 2009, an inspector from the Utah Department of Agriculture and Food conducted inspections to determine compliance with FIFRA. Subsequent to those inspections, it was determined that Brody was selling several unregistered pesticides. These unregistered pesticides are: Kitchen Sanitizer, Select Herbicide, Residual Insecticide, Shock Treatment, and Cooper Algaecide.

10. As the seller and distributor of an unregistered pesticide, you are in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), which 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. § 136a.

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

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

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

8/9/10

Date

Philip S. Strobel

Philip S. Strobel, Acting Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

