



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

2009 APR 13 AM 8:08

APR 13 2009

Ref: 8ENF-UFO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED 7005-0390-0000-4847-2276

Re: Vacation of Stop Sale, Use or Removal
Order Docket No.: FIFRA-08-2009-0002

Chris Peterson, Store Manager
Home Depot
1740 Fleischli Parkway
Cheyenne, WY 82001

Dear Mr. Peterson:

On March 13, 2009, the Environmental Protection Agency (EPA) received a letter from Ian Enterprises which included a scanned copy of Uncle Ian's Mole and Gopher Repellent's updated label. In addition, EPA received a subsequent letter on April 2, 2009 which included photos of the correctly labeled product at Home Depot in Cheyenne, WY.

The updated label and photos demonstrating the correctly labeled pesticide products document that Home Depot of Cheyenne is no longer selling an unregistered and/or misbranded pesticide.

The EPA issued a Stop Sale, Use or Removal Order to Home Depot on March 6, 2009 for Uncle Ian's Mole and Gopher Repellent. The condition of the issuance of this Vacation requires Ian Enterprises to coordinate with Home Depot to ensure that products are being sold with current and appropriate labels that comply with the Federal Insecticide Fungicide and Rodenticide Act.

Based on the above actions completed by Ian Enterprises and Home Depot of Cheyenne and EPA's receipt of the required information, the SSURO is hereby vacated for all sizes and quantities of the misbranded pesticide which had been covered by this Order, and is EFFECTIVE IMMEDIATELY. This action does not preclude EPA from taking additional enforcement action and assessing penalties authorized under FIFRA for this or other violations of FIFRA. Thank you for your courtesy during the inspections and for taking the necessary steps to resolve the issues as stated in the SSURO. If you have any questions regarding this matter, you may contact Amy Hambrick at (303)312-6883.

Sincerely,



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

Cc: Jon Turner, President, Ian Enterprises
Chad Schulze, EPA Region 10 Pesticides Enforcement Coordinator
Dennis Jaramillo, EPA Region 8 Pesticide Enforcement Team Leader

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