



OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

April 3, 2024

SENT VIA ELECTRONIC MAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Abigail Louise Preston, Director
FERBER ENTERPRISES USA LLC
16192 Coastal Hwy
Lewes, DE 19958-3608
info@ferberenterprises.com

**Re: Stop Sale, Use, or Removal Order, Docket No. FIFRA-HQ-2024-5014, and
Information Request Letter Issued to Ferber Enterprises USA LLC**

Dear Ms. Preston,

Enclosed is a Stop Sale, Use, or Removal Order (“SSURO” or “Order”) issued by the U.S. Environmental Protection Agency (EPA) pursuant to its authority under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to Ferber Enterprises USA LLC (Ferber). The SSURO requires Ferber to stop all distribution and sale of the products described by the Order (“Ferber Products”) unless permitted by the Order. ***This Order is effective immediately upon receipt.***

Section 13(a) of FIFRA, 7 U.S.C. §136k(a), 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 a reason to believe on the basis of inspections or tests that the pesticide or device is in violation of any provision of FIFRA, or has been or is intended to be distributed in violation of any provision of FIFRA.

The EPA has reason to believe that Ferber has previously, and intends to continue, distributing or selling unregistered pesticides intended to prevent, destroy, repel, or mitigate pests such as varroa mites, rats, bed bugs, moles, birds, snakes, and termites, which is an unlawful act under section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Any violation of FIFRA, including any violation of the terms or provisions of this Order, may result in the assessment of civil penalties up to \$24,255 per violation, or the imposition of criminal penalties, pursuant to section 14 of FIFRA, 7 U.S.C. § 136l. The issuance of this Order shall not act as a waiver by the EPA of any enforcement or other authority available to the Agency under Federal law, including the Agency’s authority to seek civil penalties for any alleged violations described in this Order under section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Request for Information Under FIFRA §§ 8 and 9

Also enclosed is an Information Request Letter made pursuant to sections 8(b) and 9(a) of FIFRA, 7 U.S.C. §§ 136f(b) and 136g(a), which authorize the EPA to inspect and have access to various records related to the distribution and sale of pesticides and devices for the purposes of enforcing FIFRA. The EPA is asking that Ferber submit information electronically in accordance with the enclosed Information Request Letter within 30 days of receipt of this correspondence.

Failure to provide the requested records, refusing to allow the copying of the records requested, and knowingly falsifying records submitted to the EPA are violations under FIFRA, 7 U.S.C. §§ 136j(a)(2)(B), (M). FIFRA violations are punishable by civil or criminal penalties under FIFRA section 14, 7 U.S.C. § 136l.

All questions concerning this matter may be directed to Christine Trostler, Attorney-Advisor, via email at trostler.christine@epa.gov or via phone at 202-564-2240.

Sincerely,

Christina Cobb, Chief
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

Enclosure(s): Stop Sale, Use or Removal Order, Docket No. FIFRA-HQ-2024-5014
Information Request Letter
Confidential Business Information Assertion and Substantiation Requirements Factsheet

cc: Aquanetta Dickens, Acting Branch Chief
Chemical and Prevention Branch
Enforcement & Compliance Assurance Division (3ED40)
US EPA Mid-Atlantic Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE**

IN THE MATTER OF:)	
)	
Ferber Enterprises USA, LLC)	STOP SALE, USE, OR REMOVAL ORDER
16192 Coastal Hwy)	
Lewes, DE 19958)	Docket No. FIFRA-HQ-2024-5014
)	
)	
Respondent)	
_____)	

I. AUTHORITY

1. The Environmental Protection Agency (EPA) regulates pesticides and pesticide devices pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or the “Act”), as amended, 7 U.S.C. §§ 136-136y.
2. Section 13(a) of FIFRA 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, on the basis of inspections or tests, 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 the Act. 7 U.S.C. § 136k(a).
3. This authority has been delegated from the EPA Administrator to the Assistant Administrator of Enforcement and Compliance Assurance (OECA), who in turn delegated this authority to the Director of the Office of Civil Enforcement (OCE), who in turn delegated this authority to the Director of the Waste and Chemical Enforcement Division (WCED), who in turn delegated this authority to the branch chief of the Pesticides and Tanks Enforcement Branch (PTEB).¹

II. GOVERNING LAW

4. Section 3(a) and Section 12(a)(1)(A) of FIFRA provide that it is unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under FIFRA subject to certain exemptions not relevant to this matter. 7 U.S.C. §§ 136a(a), 136j(a)(1)(A).
5. Section 2(s) of FIFRA defines a “person” as “any individual, partnership, association,

¹ EPA Administrator Delegation of Authority 5-12. Issuance of Stop Sale, Use or Removal Orders (1200 TN 350 5-12) (January 2017); OECA Redelelegation 5-12 (January 2017); OCE Redelelegation 5-12 (January 2017); WCED Redelelegation 5-12 (January 2017).

corporation, or any organized group of persons whether incorporated or not.” 7 U.S.C. § 136(s).

6. Section 2(gg) of FIFRA 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 U.S.C § 136(gg).
7. The regulation set forth at 40 C.F.R. § 152.3 further explains that “[d]istribute or sell’ and other grammatical variations of the term such as ‘distributed or sold’ and ‘distribution or sale,’ means 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.”
8. Section 2(t) of FIFRA defines a “pest” as “(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 microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) [of FIFRA].” 7 U.S.C. § 136(t).
9. The regulation set forth at 40 C.F.R. § 152.5 further explains that “[a]n organism is declared to be a pest under circumstances that make it deleterious to man or the environment, if it is:
 - a) Any vertebrate animal other than man;
 - b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
 - c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
 - d) Any fungus, bacterium, virus, prion, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDC section 201(g)(1)) and cosmetics (as defined in FFDC section 201(i)).”
10. Section 2(u) of FIFRA defines a “pesticide,” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” 7 U.S.C. § 136(u).
11. The implementing regulation at 40 C.F.R. § 152.15 further explains that “[a] pesticide is any substance (or mixture of substances) intended for a pesticidal purpose, i.e., use for the purpose of preventing, destroying, repelling, or mitigating any pest or use as a plant

regulator, defoliant, or desiccant. A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if:

- a) The person who distributes or sells the substance claims, states, or implies (by labeling or otherwise):
 - i. That the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or
 - ii. That the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide; or
 - b) The substance consists of or contains one or more active ingredients and has no significant commercially viable use as distributed or sold other than (1) use for pesticidal purpose (by itself or in combination with any other substance); (2) use for manufacture of a pesticide; or
 - c) The person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.”
12. The implementing regulation at 40 C.F.R. § 152.15 reiterates that, “[n]o person may distribute or sell any pesticide product that is not registered under the Act,” with certain exceptions not applicable here.
13. Section 12(a)(2)(I) of FIFRA provides that it is unlawful for any person to violate any order issued under section 13 of FIFRA. 7 U.S.C. § 136(a)(2)(I).

III. BASIS FOR ORDER

14. Ferber Enterprises USA LLC (“Ferber”) is a corporation located and incorporated in the state of Delaware. Therefore, Ferber is a “person” as defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
15. This Order refers to Ferber and all its divisions, offices and branches, collectively, as “Respondent.”
16. Respondent owns, operates, and/or controls the following e-commerce websites (“Websites”), through which consumers can access, browse and directly purchase the Respondent’s products:
- a) <https://www.stopvarroa.com>
 - b) <https://www.bedbugknocker.com/>
 - c) <https://www.stoprodent.com/>

d) <https://ca.notermite.net/>

17. On or around August 2022, the EPA received a tip that Respondent had sold and distributed an unregistered pesticide through <https://www.stopvarroa.com> to a person residing in Texas. Subsequently, the EPA began collecting and reviewing information on the Websites regarding the Respondent's products. The EPA's review of the gathered information formed the basis for the factual allegations set forth herein and the Agency's reason to believe that Respondent has distributed or sold, and intends to continue distributing or selling pesticides that are unregistered in violation of FIFRA.
18. Between October 2022 and March 2024, EPA representatives viewed the Websites, and identified and documented webpages that offered for sale the following products: Varroa Treatment, Mole Killer, Snake Killer, Weasel Killer, Bird Killer, Bed Bug Killer with Egg Kill, Fox Killer, Rodent Killer, and Termite Treatment (collectively known as "Ferber Products").
19. Varroa Treatment is available for purchase through Respondent's website, where a person visiting the site may find the product, select the product for purchase, select a quantity and volume (1 liter, 5 liter or 25 liter), place the product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.²
20. The EPA observed that Respondent's website for Varroa Treatment contained the following claims (all emboldened text is original):
- a) "Our varroa treatment is the only one of its kind that eliminates 100% of varroa mites."
 - b) "It can also be used in organic beekeeping."
 - c) "StopVarroa® is safe for bees and does not poison your honey."
 - d) "Eradicates varroa mites within **24 hours**."
 - e) "**Suitable for organic beekeeping**. Our treatment is safe for your bees."
 - f) "**Budget friendly: 1 liter can treat 20 hives**."
 - g) "**Durable**: the treatment provides protection against varroa mites for one year."
21. Mole Killer is available for purchase, in individual bags containing 500 baits, through Respondent's website, where a person visiting the site may find the product, select the product for purchase, select a quantity, place the product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.³
22. The EPA observed that Respondent's website for Mole Killer contained the following claims (all emphases in original):
- a) "100% SUCCESS RATE"
 - b) "**The fastest treatment**: the mole is eliminated within five minutes of ingesting the

² <https://www.stopvarroa.com/products/varroa-treatment>

³ <https://www.bedbugknocker.com/products/mole-killer>

product.”

- c) “**Ultra-appearing** paste for moles.”
- d) “**No taste aversion**: the poison is not detectable by moles.”
- e) “**Economic yield**: 500 baits eliminate up to 500 moles.”
- f) “**Safe** for users and residents of the treatment site.”
- g) “**Suitable for all kinds of moles**.”
- h) “**Easy to use**: simple application directly in mole holes.”

23. Snake Killer is available for purchase, in individual bags containing 500 baits, through Respondent’s website, where a person visiting the site may find the product, select the product for purchase, select a quantity, place the product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.⁴

24. The EPA observed that Respondent’s website for Snake Killer contained the following claims (all emphases in original):

- a) “100% SUCCESS RATE”
- b) “**Fastest method**: instant snake elimination.”
- c) “**Ultra-attractive baits** for snakes.
- d) “**No taste aversion**.”
- e) “**Economic yield**: 500 baits kill up to 500 snakes.”
- f) “**No danger** for the user and for the inhabitants of the place of treatment.
- g) “**Long-lasting action**, lasting effect for 12 months guaranteed.”
- h) “**Suitable for all types of snakes**.”
- i) “**Easy to use**: simple application by dispersion.”

25. Weasel Killer is available for purchase, in individual bags containing 500 baits through Respondent’s website, where a person visiting the site may find the product, select the product for purchase, select a quantity, place the product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.⁵

26. The EPA observed that Respondent’s website for Weasel Killer contained the following claims (emphases in original):

- a) “100% SUCCESS RATE”
- b) “**Fastest method**: instant weasel elimination.”
- c) “**Ultra-attractive baits** for weasels.”
- d) “**No taste aversion**.”
- e) The paste is made with **fish flesh** in order to present an irresistible flavor for weasels.”
- f) “**Economic yield**: 500 baits eliminate up to 500 weasels.”

⁴ <https://www.bedbugknocker.com/products/snake-killer-500-baits>

⁵ <https://www.bedbugknocker.com/products/weasel-killer-500-baits>

- g) “**No danger** for the user and for the inhabitants of the place of treatment.”
 - h) “**Long-lasting action**, lasting effect for 12 months guaranteed.”
 - i) “**Suitable for all types of weasels**: ermines, ferrets, mink and polecats etc.”
 - j) “**Easy to use**: simple application by dispersion.”
27. Bird Killer is available for purchase, in individual bags containing 500 baits, through Respondent’s website, where a person visiting the site may find the product, select the product for purchase, select a quantity, place the product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.⁶
28. The EPA observed that Respondent’s website for Bird Killer contained the following claims (emphases in original):
- a) “100% SUCCESS RATE”
 - b) “**Fastest method**: instant bird elimination.”
 - c) “**Ultra-attractive baits** for birds.”
 - d) “**No taste aversion**.”
 - e) “The baits come in the form of **delicious seeds**.”
 - f) “**Economic performance**: 500 baits kill up to 500 birds.”
 - g) “**No danger** for the user and for the inhabitants of the place of treatment.”
 - h) “**Long-lasting action**, lasting effect for 12 months guaranteed.”
 - i) “**Suitable for all types of birds**: pigeons, crows, jays, starlings, etc.”
29. Bed Bug Killer with Egg Kill is available for purchase through Respondent’s website, where a person visiting the site may find the product, select the product for purchase, select a quantity and volume (32 oz, 1 gallon, and 7 gallons), place the product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.⁷
30. The EPA observed that Respondent’s website for Bed Bug Killer with Egg Kill contained the following claims (emboldened in original):
- a) “**Complete elimination of bed bugs and their eggs**.”
 - b) “Power shock action, bed bugs are killed in **one hour**.”
 - c) “Long lasting: the treated surfaces stay **protected for 6 months**.”
 - d) “**Safe for users and pets**.”
 - e) “**Economical**: 1 quart treats 215 sq. ft. (1 liter treats 20 m2).”.
 - f) The only treatment that guarantees a **100% success rate. Satisfaction guaranteed or your money back for 6 months**.”
31. Fox Killer is available for purchase through Respondent’s website, where a person visiting site may find the product, select the product for purchase, select a quantity, place the

⁶ <https://www.bedbugknocker.com/products/bird-killer-500-baits>

⁷ <https://www.bedbugknocker.com/products/bed-bug-treatment>

product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.⁸

32. EPA observed that Respondent's website for Fox Killer contained the following claims (emboldened in original):

- a) "**Fastest method:** instant fox removal."
- b) "**Ultra-attractive baits** for foxes"
- c) "**No taste aversion.**"
- d) "The paste is made with **rabbit meat** to offer an irresistible flavor for foxes."
- e) "**Economic performance:** 500 baits kill up to 500 foxes."
- f) "**No danger** for the user and for the inhabitants of the place of treatment."
- g) "**Long-lasting action**, lasting effect for 12 months guaranteed."
- h) "Suitable for all types of foxes: *Vulpes lagopus*, *Alopex lagopus*, *Cerdocyon thous*, and *Lycalopex flulvipes*, etc."

33. Rodent Killer is available for purchase, in individual bags containing 500 baits, through Respondent's website, where a person visiting the site may find the product, select the product for purchase, select a quantity, place the product in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.⁹

34. The EPA observed that Respondent's website for Rodent Killer contained the following claims (emboldened in original):

- a) "The StopRodent® treatment is the most effective and quickest treatment that exists now. Rodents die in 5 minutes after ingesting our past. Don't wait, eradicate this scourge."
- b) "The fastest treatment: Death of rodents **within 5 minutes** after ingestion of the paste."
- c) "The paste is **ultra-attractive** for rodents"
- d) "**No taste aversion**, the poison is undetectable by rats."
- e) Budget friendly: 500 baits makes it possible to kill **up to 500 rodents.**"
- f) "**Careful** eradication of rats, death by cardiac arrest."
- g) "Works for mice, rats, field mice, coypus, voles, and moles."
- h) "**Elimination of strains of rodents resistant to type 2 rodenticides.**"

35. Termite Treatment is available for purchase through Respondent's website, where a person visiting the site may find the product, select the product for purchase, select a quantity and volume (1 liter, 5 liter, and 25 liter), place the product in a virtual cart, enter a shipping address in the United States, submit payment information, and complete the sales transaction.¹⁰

⁸ <https://www.bedbugknocker.com/products/fox-killer-500-baits>

⁹ <https://www.stoprodent.com/products/anti-rodent>

¹⁰ <https://ca.notermite.net/products/termite-treatment>

36. The EPA observed that Respondent's website for Termite Treatment contained the following claims (emboldened in original):
- a) "Guaranteed eradication of termites **in 24 hours.**"
 - b) "The only treatment that guarantees you **100% success. Satisfaction guaranteed or your money back.**"
 - c) "Either **dilute the solution or apply it pure** directly on the termites."
 - d) "Simple application: just **spray in trenches or water abundantly.**"
 - e) "**Safe** for users and residents of the treatment site."
 - f) "**Durable:** the treatment provides protection against termites for 10 years."
37. The EPA also observed that the Respondent's website for No Termite contained the logos for multiple pest control companies including Lewis Termite Control, Pestkil Ltd, Tennessee Pest Solutions, and a French real estate development company named Bouygues Immobilier.
38. The claims on Respondent's Websites indicate that the Products are intended for preventing, destroying, repelling, or mitigating a pest as defined under section 2(t) of FIFRA, 7 U.S.C. 136(t), and 40 C.F.R. § 152.5.
39. Accordingly, the Products meet the definition of a "pesticide" as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered with EPA pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a(a), prior to being sold or distributed. See also 40 C.F.R. § 152.15.
40. The Products are not registered with the EPA as a pesticide.
41. The EPA has reason to believe that Ferber distributed or sold, and intends to further distribute or sell unregistered pesticides, as described above, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

IV. ORDER

42. Respondent is ordered to immediately cease any distribution, sale, use, or removal of all Products that are within Respondent's ownership, custody, or control, wherever they are physically located.
43. Products shall not be sold, offered for sale, held for sale, shipped, delivered for shipment, received; or, having been so received, delivered, offered for delivery, moved, or removed, for any reason, other than in accordance with the provisions of this Order, any written modification to this Order, or as otherwise approved by the EPA in writing according to the following paragraph.
44. Should Respondent seek an exception to this Order's prohibition on moving any quantities

of Products, it must do the following:

- a) Respondent must submit a written request to move the Products and receive written approval from the EPA prior to any movement or removal occurring.
- b) The request must be submitted to Christine Trostler at trostler.christine@epa.gov.
- c) The request must include an explanation of the purpose or reason for the movement or removal.
- d) The request must include a written accounting of the products to be moved (i.e., product name or identifier, container size(s), quantity of containers per product and total quantity), address of the location from where product will be moved, address of the destination location, and approximate timeline.
- e) If the movement is for the purpose of disposal, Respondent must provide written proof of disposal to the EPA, including quantity of product disposed, and proof of compliance with all applicable federal, state, and local laws.

V. OTHER MATTERS

45. This Order shall be effective immediately upon receipt by an agent, owner, or operator of Respondent.
46. This Order shall remain in effect unless and until terminated or modified in writing by the EPA.
47. The issuance of this Order shall not constitute a waiver by EPA of any enforcement or other authority available to EPA under federal law.
48. It is unlawful for any person to violate any order issued under section 13 of FIFRA, 7 U.S.C. § 136j(a)(2)(I).
49. Any agent, owner, or operator of Respondent violating the terms or provisions of this order may be subject to civil or criminal penalties as prescribed by Section 14 of FIFRA, 7 U.S.C. 136l.
50. Respondent may seek federal judicial review of this Order pursuant to Section 16 of FIFRA, 7 U.S.C. § 136n.
51. If any provision or provisions of this Order is/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.

52. Respondent may assert a business confidentiality covering all or part of any information submitted to the EPA, in the manner described by 40 C.F.R. § 2.203(b). You should read the applicable regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by the EPA, the information may be made available to the public by the EPA without further notice.
53. For any additional information about this Order, please contact Christine Trostler, Attorney-Advisor, by telephone at 202-564-2240 or by email at trostler.christine@epa.gov.

Date

Christina Cobb, Chief
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
INFORMATION REQUEST LETTER

I. DEFINITIONS

For the purpose of this Information Request, all terms used herein share those meanings of terms set forth in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136-136y, its implementing regulations, and the Stop Sale, Use and Removal Order (SSURO) enclosed with this correspondence. Otherwise, the following definitions shall apply:

- I.1. "Ferber" or "You" or "Your" means Ferber Enterprises USA LLC, including but not limited to its predecessors, successors, subsidiaries, parent companies, affiliates, d/b/a, divisions, branches, brands, offices, franchises, facilities, committees, trusts, partnerships and joint ventures in which it has any interest; all entities for which it is acting as an agent or contractor; and its past or present officers, directors, trustees, managers, employees, agents, consultants, contractors, attorneys, representatives and any other persons acting on its behalf.
- I.2. "Information Request Letter," "Information Request," "Request," or "IRL" means this correspondence.
- I.3. "Employee" shall mean any common law employee, contractor, sub-contractor or independent contractor, including but not limited to pesticide "handler[s]" as that term is defined in 40 C.F.R. § 170.3 and "certified applicator[s]," as that term is defined in section 2(e)(1) of FIFRA, 7 U.S.C. § 135(e)(1), working for Ferber in any capacity.
- I.4. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request all information which might otherwise be construed outside its scope.
- I.5. "Possession, custody, or control" includes all records in the possession, custody or control of Respondent, Respondent's officers, directors, trustees, managers, employees, agents, consultants, contractors, attorneys, representatives and any other persons acting on Respondent's behalf, wherever such record may be located. Without limitation on the term "control," a record is deemed to be in Respondent's control if the Respondent received the record or has the right to secure that record or a copy thereof from another person.
- I.6. "Record" means an original or copy of all documents, contracts, agreements, memoranda, notes, papers, letters, maps, books, photographs, microfilms, electronic messages and attachments, calendars, outlines, drafts, ledgers, bills, invoices, purchase orders, shipping orders, statements of receipt or shipment, work requests, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received by Respondent concerning or in connection with Respondent's operation and any pesticide or device. It also includes electronically stored data from which information can be obtained either directly or by translation through detection

devices or readers, including but not limited to information stored on a computer hard drive, magnetic tape, cassette, disk, CD, Internet Service Provider or network. All records must be produced in usable form with instructions for reading such data.

- I.7. “Furnish”, “describe”, “identify” or “indicate” means turning over to EPA either original or duplicate copies of the requested information in the possession, custody, or control of Ferber. Where specific information has not been memorialized in any document but is nonetheless responsive to a request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
- I.8. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in FIFRA, 7 U.S.C. §§ 136 et seq., in which case the statutory or regulatory definitions shall apply.
- I.9. “Ferber Products,” means all products subject to the Stop Sale, Use, or Removal Order issued to Ferber Products USA LLC, Docket No. FIFRA-HQ-2024-5014, and listed below for convenience:
 - A) Varroa Treatment;
 - B) Mole Killer;
 - C) Snake Killer;
 - D) Weasel Killer;
 - E) Bird Killer;
 - F) Bed Bug Killer with Egg Kill;
 - G) Rodent Killer;
 - H) Termite Treatment;
 - I) Any bundles or combinations of the above products.

II. INSTRUCTIONS

- II.1. A response must be submitted **within 30 days of receipt of this Request**. Requests for an extension must be made in writing, post-marked five calendar days or earlier prior to the deadline for submission and provide a justification for the request.
- II.2. Identify the person(s) responding to this request. Include names, titles, telephone numbers, and email addresses.
- II.3. The response and all record submissions required by this Information Request should be provided electronically (i.e., email or online file sharing such as Dropbox, Google Drive, OneDrive, etc.) and in an electronic format that is searchable and fully accessible in Microsoft Office or Adobe Acrobat. For any files provided in PDF, all text must be made searchable and optical character recognition performed. If another format is used, it must be approved by EPA at least 15 days before the response is due.

- II.4. Respond to each numbered request separately. Each response should be preceded with the number of the corresponding request and a list of all records submitted in response to the corresponding request, including the full record name(s), file software, file size(s), author, and date(s) of creation.
- II.5. A complete answer must be provided for each request to the best of Respondent's ability, even if the information sought was never reduced to writing or if the records are no longer available. If the appropriate response is "none" or "not applicable," that must be stated. Submission of cursory responses when other responsive information is available will be considered non-compliance with this Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this IRL and may result in enforcement action.
- II.6. If responsive information or records are not within Respondent's possession, custody, or control, indicate where the information or records may be obtained. Responsive information or records must be obtained from current and former employees and/or agents if needed.
- II.7. All records that respond in whole or in part to any part or clause of any request shall be produced in their entirety, including all attachments and enclosures. A written reason and general subject matter explanation must be provided if anything is redacted or deleted from a responsive record.
- II.8. If information is not known or available at the date of submission of the response, but later becomes known or available, supplemental responses must be submitted to EPA. If after submitting the response any portion of the submitted information is found to be false, misleading, or misrepresents the truth, Respondent must immediately notify the EPA.
- II.9. The EPA has not determined whether recipient is a "small business" under the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). If this company is a "small business" under SBREFA, please see additional information provided in EPA's Small Business Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which includes information on compliance assistance and about contacting the SBREFA Ombudsman to comment on federal enforcement. Any decision to participate in such program or to seek compliance assistance does not relieve any obligation to respond to an EPA information request or other enforcement action in a timely manner. Further, participation does not create any new rights or defenses under law and will not affect the EPA's decision to pursue an enforcement action.
- II.10. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Records or information provided to the EPA may be entitled to a claim of business confidentiality ("CBI claim"). Additional information on asserting or substantiating a CBI claim is included with this correspondence.
- II.11. The response should be accompanied by the certification enclosed with this Information Request signed by a responsible company official or representative.

III. INFORMATION AND RECORDS REQUESTED

III.1. Provide a detailed description of Ferber's corporate structure, including any subsidiaries, divisions, or branches, and Ferber's relationship to the following websites:

- A) <https://www.stopvarroa.com>
- B) <https://www.bedbugknocker.com/>
- C) <https://www.stoprodent.com/>
- D) <https://ca.notermite.net/>

III.2. Provide a complete current inventory of all Products including product names, internal product codes, quantities, available container sizes, and locations where the products are held for sale or distribution.

III.3. Provide the following records for each Product sold or distributed from January 2020 to the date of this Request:

- A) Date of sale or distribution, shipment, and receipt;
- B) Quantity sold or distributed;
- C) Location (city/state, and country if outside United States) where Product was shipped from and location (city/state) where Product was shipped to;
- D) All current labels, SDSs (or composition information), promotional marketing materials or advertisements, product bulletins, and all other records created, distributed, or used by Ferber to promote or inform the sale, distribution, or use of each Product.

III.4. Identify the person(s) responding to this request and the person(s) consulted in preparing responses to this request (including names, titles, telephone numbers and e-mail addresses).

IV. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information and records submitted in response to this Information Request. I certify that to the best of my knowledge and belief all information and records submitted in response to this Request are true, accurate, and complete, and that all records submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Executed on the _____ day of _____, 202__

Signature

Name

Title

Employer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CONFIDENTIAL BUSINESS INFORMATION (CBI) ASSERTION AND SUBSTANTIATION REQUIREMENTS

Assertion Requirements

Respondent may assert a business confidentiality claim covering all or part of the information requested in the attached letter, as provided in 40 C.F.R. § 2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which a claim of confidentiality is made should be marked by placing on or attaching a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” and a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth by 40 C.F.R. pt. 2. Allegedly confidential portions of otherwise non confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice.

Please segregate personnel, medical and similar files from all responses and include such information on separate sheet(s) marked as “Personal Privacy Information.”

Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides that Respondent satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information, that Respondent intends to continue to do so, and that the information is not and has not been reasonably obtainable by legitimate means without Respondent’s consent.

Pursuant to 40 C.F.R. pt. 2, subpt. B, EPA may at any time send a letter asking that Respondent substantiate a CBI claim. Respondent must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit comments within that time will be regarded as a waiver of the confidentiality claim or claims, and EPA may release the information. The EPA will ask Respondent to specify which portions of the information considered confidential. **Respondent must be specific by page, paragraph, and sentence when identifying the information subject to a CBI claim.** Any information not specifically identified as subject to a CBI claim may be disclosed in response to a Freedom of Information Act request without further notice. For each item or class of information that you identify as being subject to CBI, EPA will ask for answers to the following questions, with as much detail as possible:

1. For what period of time should the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of

a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to EPA becomes stale over time. Why should the information claimed as confidential be protected for the time period specified in the answer to question #1?
3. What measures have been taken to protect the information claimed as confidential? Has it been disclosed to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that would customarily not be release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to Respondent's competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could competitors make use of this information to Respondent's detriment?
7. Does Respondent assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for this assertion. If it is asserted that the information is voluntarily submitted, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue(s) Respondent deems relevant.

If Respondent receives a request for a substantiation letter from the EPA, Respondent bears the burden of substantiating the confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating a CBI claim(s), EPA will require that a bracket be placed around all text so claimed and marked as "CBI." Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. pt. 2, subpt. B. Information not subject to a CBI claim may be made available to the public without further notice.