



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION III  
 1650 Arch Street  
 Philadelphia, Pennsylvania 19103-2029

May 6, 2020

**VIA ELECTRONIC MAIL**

Don Holler, Director  
 Mold Medics Global, LLC  
 300 Water Street, Suite 300  
 Wilmington, Delaware 19801

**Re: Advisory Letter, Case F-20-069**

Dear Mr. Holler:

The United States Environmental Protection Agency (EPA or “the Agency”) is issuing this advisory letter based on information discovered on your company’s website ([www.moldmedicsglobal.com](http://www.moldmedicsglobal.com)) related to the distribution of three (3) products and associated claims regarding disinfection and the Coronavirus. You are advised to ensure your activities are compliant with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or “the Act”), 7 U.S.C. §§ 136 to 136y, and its regulations<sup>1</sup>, which together are the federal laws governing the production, sale, distribution, and use of pesticides in the United States. EPA believes that Mold Medics Global, LLC is selling and distributing three unregistered pesticides and producing a pesticide in an unregistered establishment in violation of FIFRA.

Applicable Law

FIFRA requires all pesticides sold or distributed in the United States to be registered with the EPA. 7 U.S.C. § 136(a). A pesticide is defined as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.<sup>2</sup> 7 U.S.C. § 136(u). A substance is considered intended for a pesticidal purpose, and thus to be a pesticide requiring registration, under several circumstances including: when the person who distributes or sells the substance claims, states, or implies, by labeling or otherwise, that the substance can or should be used as a pesticide, 40 C.F.R. § 152.15(a), or when 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. 40 C.F.R. § 152.15(c).

No person may sell or distribute a pesticide that has not been registered with the EPA. 7 U.S.C.

<sup>1</sup> 40 C.F.R. Chapter 1, Subchapter E, Parts 150-180, Pesticide Programs.

<sup>2</sup> See the definitions of “pesticide” set forth at 7 U.S.C. § 136(u) and 40 C.F.R. § 152.3, which set forth certain substances that are included and excluded. Other exclusions are set forth in 40 C.F.R. part 152.



§ 136j(a)(1)(A). “To distribute or sell” is defined by FIFRA to mean 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).

No person may produce a pesticide subject to FIFRA in an establishment that is not registered with the EPA. 7 U.S.C. §§ 136e, 136j(a)(2)(L). The term “produce” is defined by FIFRA to mean to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. 7 U.S.C. § 136(w).

### Compliance Advisory

On April 22, 2020, EPA became aware that Mold Medics Global, LLC was offering three (3) pesticidal products for sale on your website. The product webpages for “Product M” (Air & Surface Cleaner M), “Mold Stain Clean” (Surface Cleaner), and “Clean Air” (HVAC Evaporator Cleaner) state that these products can be used for pesticidal purposes, including removal of mold, bacteria, fungi and viruses. Additionally, a customer product review for “Product M” on the website states that it can be used to protect against “CORONA VIRUS”. These products are therefore pesticides which EPA believes to be unregistered under FIFRA § 3, 7 U.S.C. § 136a(a). Unregistered pesticides are prohibited from sale and distribution in the U.S.; therefore, EPA believes the products are being sold and/or distributed in violation of FIFRA § 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A).

Additionally, please be aware that production of pesticides or pesticide devices in an establishment that has not been registered with the EPA is a violation of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).

Further, Mold Medics Global, LLC is using the EPA logo on its website. Please note that the unapproved use of the EPA logo may imply endorsement by the EPA, which is a violation of FIFRA § 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B).

Refer to your State Department of Agriculture for rules and regulations associated with pesticide use and application.

The EPA Coronavirus Disease (COVID-19) webpage at [www.epa.gov/coronavirus](http://www.epa.gov/coronavirus) includes frequently asked questions and further information for registrants for expediting emerging viral pathogenic claims submissions. Information about pesticide registration can be found at <https://www.epa.gov/pesticide-registration>.

EPA has determined that your company may be a “small business” under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”). Please see the attachment included with this letter which provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA’s decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing



the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Within seven (7) days of receipt of this Advisory Letter, please provide EPA with a response outlining what steps you have taken or will take to achieve compliance with FIFRA. *For example,* provide documentation that your three products are in the process of being registered with EPA and you have discontinued all sales and distributions until the products are registered, you have discontinued all sales and distributions of these products in their entirety, or all pesticidal claims have been removed from all packaging, labeling, and advertising/promotional materials related to these three products.

**If you have any specific questions about antimicrobial pesticides, please contact EPA's Antimicrobials Division at OPP AD Ombudsman@epa.gov.** If you have any questions concerning this Advisory Letter, please feel free to contact Holly Raguza by email at [Raguza.Holly@epa.gov](mailto:Raguza.Holly@epa.gov), or by phone at 215-814-2170. Please provide your response to this letter directly to Holly Raguza by email at [Raguza.Holly@epa.gov](mailto:Raguza.Holly@epa.gov).

Nothing in this Advisory Letter shall limit or preclude EPA from assessing penalties or taking any other action authorized under FIFRA. EPA reserves the right to bring an action against Mold Medics Global, LLC assessing or seeking penalties and/or other relief for any FIFRA violations.

The EPA is committed to the protection of human health and the environment including the safe and effective use of pesticides. Thank you for your prompt attention to this matter.

Sincerely,

*Carol Amend*

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Carol Amend, Chief  
Air, RCRA & Toxics Branch  
Enforcement & Compliance Assurance Division

Attachments: U.S. EPA SBREFA Information Sheet  
Definitions Sheet

cc: Roger Berwanger, Mold Medic Global, LLC  
Tom Cassel, Mold Medic Global, LLC  
Chris Wade, Delaware Department of Agriculture  
James Hughes, Delaware Department of Agriculture



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Customer Service Hotline: 1-800-438-2474*