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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

Received by  
EPA Region VIII  
Hearing Clerk

IN THE MATTER OF:	)	
Synergy Science, Inc.	)	Docket No. FIFRA-08-2023-0004
439 South Pleasant Grove Boulevard	)	FIFRA SECTION 13(a)
Pleasant Grove, Utah 84062	)	STOP SALE, USE, or
Respondent.	)	REMOVAL ORDER
	)	
	)	
	)	
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**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 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 has been duly authorized to issue this Order.

**II. GOVERNING LAW**

3. Section 12(a)(1)(A) of FIFRA, 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 pesticide that is not registered under section 3 of FIFRA, 7 U.S.C. § 136a.
4. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide that is misbranded.
5. Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), provides that it shall be unlawful for any person in any state to distribute or sell to any person any device that is misbranded.
6. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), provides that it shall be unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by FIFRA.
7. Section 12(a)(2)(S) of FIFRA, 7 U.S.C. § 136j(a)(2)(S), provides that it shall be unlawful for any person to violate any regulation issued under section 3(a) or section 19 of FIFRA.

8. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a “person” as “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”
9. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “pest” in part, as any “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).”
10. Pursuant to the authority in section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1), the Administrator established that “an organism is declared to be a pest under circumstances that make it deleterious to man or the environment, if it is: . . . [a]ny 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 . . . and cosmetics . . . .” 40 C.F.R. § 152.5(d).
11. Section 2(h) of FIFRA, 7 U.S.C. § 136(u), defines “pesticide” as “(1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer....”
12. Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines “device” as:

[A]ny instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.
13. EPA’s implementing regulations at 40 C.F.R. § 152.500(a) provide the following:

A device is defined as any instrument or contrivance (other than a firearm) intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than a bacterium, virus, or other microorganism on or in living man or living animals) but not including equipment used for the application of pesticides (such as tamper-resistant bait boxes for rodenticides) when sold separately therefrom.
14. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), 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.”
15. The regulation at 40 C.F.R. § 152.3 further defines the term “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.”
16. Section 2(p) of FIFRA, 7 U.S.C. § 136(p), defines “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers” and defines “labeling” in part, as “all labels and all other written, printed, or graphic matter (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide.”

17. Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), provides that, among other reasons, a pesticide is misbranded if:

(A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false and misleading in any particular;

(B) it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 136w(c)(3) of this title;

(C) it is an imitation of, or is offered under the name of, another pesticide;

(D) its label does not bear the registration number assigned under section 136e of this title [(FIFRA section 7)] to each establishment in which it was produced;

(E) any word, statement, or other information required by or under authority of this subchapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 136a(d) of this title [(FIFRA section 3(d))], are adequate to protect health and the environment; [or]

(G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 136a(d) of this title [(FIFRA section 3(d))], is adequate to protect health and the environment[.]”

18. Section 2(q)(2) of FIFRA, 7 U.S.C. § 136(q)(2), provides that, among other reasons, a pesticide is misbranded if:

(C) there is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot clearly be read, a label bearing—

(i) the name and address of the producer, registrant, or other person for whom produced;

(ii) the name, brand, or trademark under which the pesticide is sold;

(iii) the net weight or measure of the content, except that the Administrator may permit reasonable variations; and

(iv) when required by regulation of the Administrator to effectuate the purposes of this subchapter, the registration number assigned to the pesticide under this subchapter, and the use classification[.]

19. FIFRA’s labeling requirements at 40 C.F.R. part 156 require that labels for pesticide products must contain several pieces of information, including the producing establishment number, hazard and precautionary statement, and directions for use. 40 C.F.R. § 156.10(a).

20. FIFRA’s regulations at 40 C.F.R. § 152.500(b)(1) apply the provisions of section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), and the labeling requirements of 40 C.F.R. part 156, to devices.

### **III. BASIS FOR THE ORDER**

21. Respondent, Synergy Science, Inc., is a corporation organized under the laws of the State of Utah and is therefore a “person” as that term is defined by section 2(s) of FIFRA, 7 U.S.C. § 136(s), and subject to FIFRA and its implementing regulations.
22. On October 25, 2022, a representative of the EPA inspected Respondent’s facility located at 439 South Pleasant Grove Boulevard Pleasant Grove, Utah 84062, (the Facility) to determine Respondent’s compliance with FIFRA (Inspection).
23. Upon review of the information collected at the Inspection and upon review of Respondent’s website, [www.synergyscience.com](http://www.synergyscience.com), the EPA has reason to believe Respondent has distributed or sold, and continues to distribute or sell **Echo Clean**, an unregistered and misbranded pesticide, and **Echo Ultimate** and **Echo H2**, misbranded pesticide devices, in violation of FIFRA.

#### **A. Echo Clean**

24. The **Echo Clean** product consists of an Echo Clean electrode apparatus, a container of “Refined Salt, NaCl 99%”, a USB-C charging cord, power adapter, a spoon, and an “Echo Clean User Manual”.
25. The “Echo Clean User Manual” includes the following language:
- a. “We are excited to play a role in your journey towards keeping your home germ-free in a more natural way.”
  - b. “[www.synergyscience.com](http://www.synergyscience.com)”
26. **Echo Clean** products are available to purchase online at: <https://www.synergyscience.com/product/echo-clean/>.
27. The website for **Echo Clean**, <https://www.synergyscience.com/product/echo-clean/>, includes the following claims:
- a. “A 100% Natural Way to Disinfect Your Home”
  - b. “Two Powerful Disinfectants In One”
  - c. “With the Echo Clean™, you can use this all-natural, hospital-grade disinfectant to sanitize both in your home and on the go. Hypochlorous acid is perfect for disinfecting kitchen counters, children’s toys, office spaces, and even meats and produce. Because hypochlorous acid is simply electrolyzed salt water, it is safe to use around children and pets without worrying about your family being exposed to harsh chemicals.”
  - d. “As if creating an all-natural cleaner more powerful than bleach wasn’t enough, the Echo Clean™ also creates sodium hypochlorite, which is a stronger, more bleach-like cleaner than hypochlorous acid. However, sodium hypochlorite is not bleach, and it is safe to use around your home and family, just like hypochlorous acid. Keep in mind that hypochlorous acid is not safe to use on food or skin.”

28. These claims on the **Echo Clean** product's labeling indicate that **Echo Clean** is a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and thus a pesticide pursuant to section 2(h) of FIFRA, 7 U.S.C. § 136(u).
29. The **Echo Clean** label and labeling do not contain an EPA Registration Number or any other information regarding registration of **Echo Clean** as a pesticide with the EPA.
30. The EPA has not registered **Echo Clean**.
31. The **Echo Clean** labels do not bear a registration number assigned under FIFRA section 7 to the establishment in which the products were produced.
32. Because of the lack of an EPA establishment registration number on the label, **Echo Clean** is misbranded pursuant to section 2(q)(1)(D) of FIFRA, 7 U.S.C. §§ 136(q)(1)(D).
33. The EPA observed that Respondent had **Echo Clean** products at its Facility being held for distribution or sale, and that it offers the product for sale and distribution online through its website <https://www.synergyscience.com/product/echo-clean/>.
34. Respondent has distributed or sold, and continues to distribute or sell, an unregistered pesticide, **Echo Clean**, in violation of section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).
35. Respondent has distributed or sold, and continues to distribute or sell, a misbranded pesticide, **Echo Clean**, in violation of section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

## B. Echo Ultimate

36. The **Echo Ultimate** product consists of an electrode apparatus and water filtration device.
37. The **Echo Ultimate** product label includes the following language:
  - a. "Benefits of acidic water: Used as a disinfectant"
  - b. "Echo Filters remove: Bacteria, viruses, etc."
  - c. "H2 Water Purifier"
38. **Echo Ultimate** products are available to purchase online at: <https://www.synergyscience.com/product/echo-ultimate/>.
39. The **Echo Ultimate** website: <https://www.synergyscience.com/product/echo-ultimate/>, includes the following claims:
  - a. "you have access to pure water"
  - b. "As if fighting inflammation and disease wasn't enough, molecular hydrogen has also been shown to help reduce signs of aging, improve memory and general brain function, increase energy, and boost mitochondrial function."
  - c. "contaminant-free water"
  - d. "As a disinfectant, acidic water eliminates bacteria and viruses from surfaces."
  - e. "The Echo Filter removes:
    - Pesticides
    - Chlorine

- Chloramines
- Bacteria
- Viruses
- Fungi
- Algae”

40. These claims on the **Echo Ultimate** product’s labeling indicate that **Echo Ultimate** is intended for preventing, destroying, repelling, or mitigating any pest, and thus a pesticidal device pursuant to Section 2(h) of FIFRA, 7 U.S.C. § 136(u).
41. The EPA observed that Respondent had **Echo Ultimate** products at its Facility being held for distribution or sale, and that it offers the product for sale and distribution online through its website <https://www.synergyscience.com/product/echo-ultimate/>.
42. The **Echo Ultimate** label and labeling do not bear a registration number assigned under FIFRA section 7 to the establishment in which the products were produced.
43. Because of the lack of an EPA establishment registration number on the label, **Echo Ultimate** is misbranded pursuant to section 2(q)(1)(D) of FIFRA, 7 U.S.C. §§ 136(q)(1)(D); 40 C.F.R. § 152.500(b).
44. Respondent has distributed or sold, and continues to distribute or sell, a misbranded pesticide device, **Echo Ultimate**, in violation of section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F).

### C. **Echo H2**

45. The **Echo H2** product consists of an electrode apparatus and water filtration device.
46. The **Echo H2** website, <https://www.synergyscience.com/product/echo-h2-machine/> has the following language:
- a. “Excellent Filtration-Included with your Echo H2® Machine is a robust Echo Filter. This filter, which provides multiple levels of filtration, lasts up to 1,000 gallons (4,000 liters).”
  - b. “The Echo Filter removes:
    - Bacteria
    - Viruses
    - Fungi
    - Algae”
47. These claims on the **Echo H2** product’s labeling indicate that **Echo H2** is intended for preventing, destroying, repelling, or mitigating any pest, and thus a pesticidal device pursuant to Section 2(h) of FIFRA, 7 U.S.C. § 136(u).
48. The **Echo H2** label and labeling do not bear a registration number assigned under FIFRA section 7 to the establishment in which the products were produced.

49. Because of the lack of an EPA establishment registration number on the label, **Echo H2** is misbranded pursuant to section 2(q)(1)(D) of FIFRA, 7 U.S.C. §§ 136(q)(1)(D); 40 C.F.R. § 152.500(b).
50. The EPA observed that Respondent had **Echo H2** products available for sale and distribution online and that it continues to offer the product for sale and distribution online through its website <https://www.synergyscience.com/product/echo-h2-machine/>.
51. Respondent has distributed or sold, and continues to distribute or sell, a misbranded pesticide device, **Echo H2**, in violation of section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F).

#### IV. ORDER

52. Pursuant to the authority of section 13(a) of FIFRA, 7 U.S.C. § 136k(a), EPA hereby orders Respondent to immediately cease the sale, use, or removal of all the **Echo Clean**, **Echo Ultimate**, and **Echo H2** units under its ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order.
53. The **Echo Clean**, **Echo Ultimate**, and **Echo H2** 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 and any provisions of any written modifications to this Order.
54. Should Respondent seek an exception to this Order's prohibitions, Respondent may submit a request to EPA, in accordance with the following:
  - a) Requests must be made in writing by electronic mail to Christine Tokarz, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, at [tokarz.christine@epa.gov](mailto: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 an explanation of the reasons for the request.
  - c) If the movement or removal is for the purposes of disposal, Respondent 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 **Echo Clean**, **Echo Ultimate**, and **Echo H2** products made without prior written authorization from EPA in accordance with this paragraph constitutes a violation of this Order and the distribution or sale of an unregistered pesticide or misbranded device in violation of FIFRA.
55. Within 30 days of receipt of this Order, Respondent must submit to EPA a written accounting of the **Echo Clean**, **Echo Ultimate**, and **Echo H2** products subject to this Order. The accounting must be submitted to Christine Tokarz, at the e-mail address above, and must include the following:

- a) An accounting of all existing product inventory at any of Respondent's facilities or warehouses, including the location(s) where the products are held, quantities, and container sizes;
- b) A list of each shipment of **Echo Clean**, **Echo Ultimate**, and **Echo H2** products en route to any of Respondent's establishments from any person on or 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 and address or addresses from which the shipment was shipped and the destination establishment(s); and
- c) A list of each shipment of **Echo Clean**, **Echo Ultimate**, and **Echo H2** products en route from any of Respondent's establishments to any person on or 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 shipped and the destination establishment(s).

56. Respondent must provide EPA with an updated accounting at least every 30 days thereafter until Respondent no longer has any **Echo Clean**, **Echo Ultimate**, or **Echo H2** products in its ownership, custody or control.

57. The information requested herein must be provided whether Respondent 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 Respondent.

## V. OTHER MATTERS

58. Respondent may seek federal judicial review of this Order pursuant to section 16 of FIFRA, 7 U.S.C. § 136n.

59. 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.

60. This Order shall be effective immediately upon receipt by Respondent or any of Respondent's agents.

61. Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), provides that it shall be unlawful for any person to violate any order issued under section 13 of FIFRA.

62. This Order shall remain in effect unless and until revoked, terminated, suspended, or modified in writing by EPA.



63. 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: \_\_\_\_\_

By: \_\_\_\_\_  
David Cobb, Section Supervisor  
Toxics and Pesticides Enforcement Section  
Enforcement and Compliance Assurance Division