



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

September 21, 2021

**SENT BY ELECTRONIC MAIL**

[taariqtayob@gmail.com](mailto:taariqtayob@gmail.com)

Riyaz Tayob  
SAN-X, LLC  
4555 Westgrove Drive  
Addison, Texas 75001-3215

Re: Stop Sale, Use and Removal Order  
Federal Insecticide, Fungicide, and Rodenticide Act  
In the Matter of SAN-X, LLC; EPA Docket No. FIFRA-06-2021-0309

Dear Mr. Tayob:

Pesticides present significant environmental and health concerns. Exposure to certain toxic pesticides may lead to injury or death, and the sale and use of incorrectly labeled or formulated pesticides pose a serious danger to human health and the environment. As a result, the United States Environmental Protection Agency (EPA) regulates the registration, distribution, sale, and use of pesticides pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the related regulations in the Code of Federal Regulations (C.F.R.).

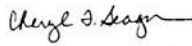
Section 13(a) of FIFRA, 7 U.S.C. §136k(a), authorizes the EPA to issue an order prohibiting the sale, use or removal of any pesticide by a person who owns, controls, or has custody of such pesticide whenever there is reason to believe on the basis of inspection or tests that the pesticide is in violation of any provisions of FIFRA or has been or is intended to be distributed or sold in violation of FIFRA.

Attached, is a **STOP SALE, USE OR REMOVAL ORDER** (SSURO or Order) directed to San-X, LLC, concerning the pesticidal product known as San-X Disinfectant Spray (the Product). The SSURO directs San-X, LLC to immediately cease the sale, use or removal of the Product unless written permission is provided by the EPA, *and is effective immediately upon receipt*. The SSURO was issued as a result of the EPA's investigation of San-X, LLC's compliance with FIFRA and distribution of pesticidal products.

Addressing noncompliance with environmental laws is important in carrying out the EPA's mission to protect human health and the environment. At the same time, the EPA acknowledges that the COVID-pandemic may impact SAN-X, LLC. If that is the case, please contact us regarding any specific issues you need to discuss.

Thank you for your attention to this matter. If you have any questions, please contact Ashley McDonald, at [mcdonald.ashley@epa.gov](mailto:mcdonald.ashley@epa.gov) or (214) 665-6589, or Kenneth McPherson, of my staff, at [mcperson.kenneth@epa.gov](mailto:mcperson.kenneth@epa.gov) or (214) 665-6754.

Sincerely,



Digitally signed by CHERYL SEAGER  
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ou=Environmental Protection Agency,  
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Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Attachment: Stop, Sale, Use or Removal Order

U. S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 Elm Street, Suite 500  
Dallas, Texas 75270

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REGIONAL HEARING CLERK  
EPA REGION VI

In the Matter of

SAN X, LLC  
Addison, Texas

Respondent.

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Docket No. FIFRA-06-2021-0309

**STOP SALE, USE, OR REMOVAL ORDER**

**Jurisdiction**

1. This Stop Sale, Use, or Removal Order (Order or SSURO) is issued pursuant to the authority of Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136k(a), as amended. Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), authorizes the Administrator of the U.S. Environmental Protection Agency (“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.

**Parties**

2. Complainant is the Director of Enforcement and Compliance Assurance Division of the EPA, Region 6, as duly delegated by the Administrator of the EPA and the Regional Administrator, EPA, Region 6.

3. SAN X, LLC, a company formed in the state of Texas and conducting business in the state of Texas.

**Statutory and Regulatory Authority**

4. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it is unlawful for any person in any State to distribute, sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

5. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines “person” as any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

6. 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.

7. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines “pesticide” as, *inter alia*, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

8. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “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 micro-organism (except viruses, bacteria, or other micro-organism on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1).

9. Pursuant to the regulation at 40 C.F.R. § 152.15, in relevant part, no person may distribute or sell any pesticide product that is not registered under the Act, except as provided in 40 C.F.R. §§ 152.20, 152.25, and 152.30. 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 the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance (either by itself or in combination with any other substance) can or should be used as a pesticide.

10. Pursuant to the regulation at 40 C.F.R. § 168.22(a) in relevant part, it is unlawful for any person to “offer for sale” any pesticide if it is unregistered. EPA interprets these provisions as extending to advertisements in any advertising medium to which pesticide users or the general public have access.

11. Pursuant to the regulation at 40 C.F.R. § 168.22(b)(4) in relevant part, no person may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver any pesticide, to place or sponsor advertisements which recommend or suggest the purchase or use of...[a]ny unregistered pesticide for any use unless the advertisement is one permitted by paragraph (b) (2) or (3) of this section.

**EPA Findings of Fact and Conclusions of Law**

12. Respondent is, and at all times referred to herein was, a “person” as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

13. On or about June 24, 2021, the EPA conducted an investigation of Respondent’s compliance with FIFRA and the federal regulations promulgated thereunder (the “Investigation”).

14. Beginning before March 5, 2021, Respondent distributed, sold, or offered for sale, as those terms are defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), a product known as SAN-X Disinfectant Spray (the Product).



15. Labeling, advertising, and other marketing materials for the Product included, but was not limited to, the claims: “Disinfectant Spray”, “Disinfectant Agent”, “Kills 99.9% Viruses & Bacteria”, “Kills Cold and Flu Viruses”, “Sanitizer”, “...99.9% kill rate against disease-causing pathogens in the air and on surfaces”, “...75% ethanol for the best fighting solution against viruses and bacteria”, “FOR GERMS: Kills dangerous such as E. Coli, Aureus; Kills Canidida albicans, Pseudo-monas aeruginosa; Kills Staphylococcus and many other illness causes;”, “Antibacterial for germs”, “Can help stop the spread of Covid-19 Coronavirus.”

16. Viruses and bacteria are “pests” as that term is defined by Section 2(t) of FIFRA, 7 U.S.C. § 136(t).

17. The Product is a “pesticide” as that term is defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is a substance intended for preventing, destroying, repelling, or mitigating pests.

18. The Product is a “pesticide” as that term is further defined by 40 C.F.R. § 152.15, which requires registration pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, because it is a substance intended for pesticidal purposes for which Respondent stated by labeling when distributing, selling, and offering for sale the Product that the Product can or should be used as a pesticide.

19. At the time the Product was distributed, sold, or offered for sale by Respondent, the Product was not registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

20. On August 25, 2021, the EPA sent Respondent a Notice of Potential Violation and Opportunity to Confer letter. On September 9, 2021, the EPA responded to the information received from Respondent as a result of the opportunity to confer and articulated the EPA’s position concerning Respondent’s compliance with FIFRA.

**Basis for the Order**

21. EPA has reason to believe, based on the information described in the EPA Findings of Fact and Conclusions of Law that Respondent distributed, sold, or offered for sale the Product in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

**Order**

22. Pursuant to the authority of Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), Respondent is hereby ORDERED to **immediately cease** the sale, use, or removal of the Product under its ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order, or until such time that the Product is in compliance with FIFRA.

23. This Order shall apply to all quantities and container types and sizes of all of the Product controlled or within the custody of Respondent and any agent, contractor, employee, consultant, firm successor, and/or assign or other persons or entities acting on behalf of Respondent.

24. The Product shall not be used, sold, offered for sale, held for sale, shipped, delivered for shipment, received, or having so received, shall not be delivered, offered for delivery, moved, or removed for disposal from any facility or establishment, for any reason, unless approved by EPA in writing, or until such time that the Product is in compliance with FIFRA.

25. Any proposal for movement of the Product shall be submitted to Kenneth McPherson at [Mcpherson.kenneth@epa.gov](mailto:Mcpherson.kenneth@epa.gov) and shall include:

- a. The purpose for which movement is being requested;
- b. An accounting of the quantities of Product to be moved, including location(s) and

container size; and

c. The destination location to which the Product will be moved.

**General Provisions**

26. Violation of the terms or provisions of this Order may subject the violator to **CIVIL OR CRIMINAL PENALTIES** as prescribed in Section 14 of FIFRA, 7 U.S.C. § 136l.

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

28. If any provision or authority of the Order or the application of the Order to Respondent is held by federal judicial authority to be invalid, the application to Respondent of the remainder of the Order shall remain in full force and effect and shall not be affected by such a holding.

29. The issuance of this Order shall not act as a waiver by the EPA of any enforcement or other authority available to the EPA under FIFRA.

30. This order does not affect the obligation of Respondent to comply with all federal, state and local statutes, regulations and permits.

31. This Order shall be **EFFECTIVE IMMEDIATELY** upon receipt by the RESPONDENT.

32. This Order shall remain in effect unless and until revoked, terminated, suspended, modified, or released by the EPA.

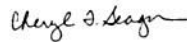
33. EPA may subsequently amend this Order, in writing, in accordance with the authority of FIFRA. Any amendment will be transmitted to Respondent. In the event of any such subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified in the original Order.



34. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

**Other Matters**

35. For any additional information about this Stop Sale, Use or Removal Order please contact Kenneth R. McPherson, EPA Region 6 Waste Enforcement Branch, at (214) 665-6754 or [mcpherson.kenneth@epa.gov](mailto:mcpherson.kenneth@epa.gov). For any legal matters concerning this Order, you are encouraged to contact Ashley McDonald, Office of Regional Counsel, at (214) 665-6589 or [mcdonald.ashley@epa.gov](mailto:mcdonald.ashley@epa.gov).



Digitally signed by CHERYL SEAGER  
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ou=Environmental Protection Agency,  
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Cheryl T. Seager  
Director  
Enforcement  
and Compliance Assurance Division  
U.S. EPA, Region 6

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of foregoing Stop Sale, Use, and Removal Order were sent on this day in the following manner:

Transmitted via electronic mail to the Respondent's representatives

Riyaz Tayob  
Chief Executive Officer  
taariqtayob@gmail.com

Ashley  
McDonald

Digitally signed by Ashley McDonald  
DN: cn=Ashley McDonald, o=Office of  
Regional Counsel, ou=ORC-ER,  
email=mcdonald.ashley@epa.gov, c=US  
Date: 2021.09.20 08:55:34 -0500

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Signed  
Office of Regional Counsel  
U.S. EPA, Region 6