



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

VIA ELECTRONIC MAIL, RECEIPT CONFIRMATION REQUESTED

Michael J. Balano
Registered Agent, MJB Worldwide LLC
10314 North Garfield Avenue
Kansas City, Missouri 64155
michaeldiamond44@yahoo.com

Re: Stop Sale, Use or Removal Order
In the Matter of MJB Worldwide LLC
EPA Docket No. FIFRA-07-2021-0023

Dear Mr. Balano:

The U.S. Environmental Protection Agency has identified pesticides as highly toxic substances that present significant environmental and health concerns. Exposure to certain pesticides may lead to injury or death. The sale and use of unregistered, incorrectly labeled, or incorrectly formulated pesticides may pose a danger to human health or the environment. As a result of these potential dangers, the EPA regulates the registration, distribution, sale, and use of pesticides pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act and related regulations in the Code of Federal Regulations.

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 provision of FIFRA or has been or is intended to be distributed or sold in violation of FIFRA.

Enclosed is a **STOP SALE, USE OR REMOVAL ORDER** (Order or SSURO) issued pursuant to Section 13(a) and directed to MJB Worldwide LLC, concerning the pesticidal product known as "Outlaw Germ Justice Disinfectant Wipes." This product is not registered with the EPA. The Order directs MJB Worldwide LLC to immediately cease the distribution, sale, offering for sale, holding for sale, delivering for shipment, receiving, or having so received, delivering, offering for delivery, moving or removal from any present location, or use of "Outlaw Germ Justice Disinfectant Wipes" *and is effective immediately upon receipt*. The Order was issued as a result of the EPA inspection conducted on January 6, 2021, at the Hy-Vee grocery store located at 8900 W. 135th Street, Overland Park, Kansas 66221. Paragraphs 14 through 26 of the Order further inform MJB Worldwide LLC of why this action is being taken.

Please read the Order carefully, as it contains specific requirements and deadlines. Please submit written documentation in accordance with the Order indicating what actions will be taken to ensure that the product is not released for sale or distribution and a proposal for proper disposition of the product subject to the Order within seven calendar days of receipt of the Order to:

Mark K. Leshner
lesher.mark@epa.gov
Chemical Branch
Enforcement and Compliance Assurance Division
EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

In addition, the EPA inspection identified concerns with a product identified as “Outlaw Germ Justice Hand Sanitizing Wipes.” This product identifies appropriate use as including surface disinfection, which brings it under FIFRA jurisdiction. If this product is intended solely for use as a hand sanitizer, please take appropriate action to remove the surface use. Region 7 will refer evaluation of this product to the Food and Drug Administration, which regulates hand sanitizer products.

Should you have any questions regarding this matter, please contact Raymond Bosch, with the Office of Regional Counsel, at (913) 551-7501, or Mark K. Leshner, with the Chemical Branch, at (913) 551-7054.

Sincerely,

WENDY
LUBBE

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David Cozad
Director
Enforcement & Compliance Assurance Division

Enclosure

cc: Sean Pickett, Counsel for Respondent, swp@kclawoffice.com

**U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219**

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
MJB Worldwide LLC,) **Docket No. FIFRA-07-2021-0023**
)
 Respondent.)
_____)

STOP SALE, USE, OR REMOVAL ORDER

1. The U.S. Environmental Protection Agency (EPA), Region 7, is issuing this Stop Sale, Use, or Removal Order (Order) to MJB Worldwide LLC (MJB Worldwide or Respondent), pursuant to Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a).

Authority

2. 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 reason to believe on the basis of inspection 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 FIFRA. This authority has been delegated to the Director of the Enforcement and Compliance Assurance Branch, EPA Region 7.

3. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a), requires a person to register a pesticide in accordance with the procedure described in Section 3(c) of FIFRA, 7 U.S.C. § 136a(c), before distributing or selling it to another person.

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 or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

5. Section 7(a) of FIFRA, 7 U.S.C. § 136e(a), provides that no person shall produce any pesticide unless the establishment in which it is produced is registered with the EPA.

6. Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it is unlawful for any person in any State to violate Section 7(a) of FIFRA.

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

8. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines the term “to distribute or sell” to mean 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.

9. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “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.

10. Section 2(mm) of FIFRA, 7 U.S.C. § 136(mm), defines the term “antimicrobial pesticide” as, *inter alia*, a pesticide that is intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.

11. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “pest” to mean (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 of the EPA declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

12. Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd), defines the term “establishment” as any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.

13. The regulations at 40 C.F.R. § 152.15(a)(1) and (b) further defines the term “pesticide” as any substance intended for a pesticidal purpose, and thus requiring registration, if the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance can or should be used a pesticide; or the substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.

Background and Basis for Order

14. Respondent is a limited liability company registered to do business in Missouri and is therefore a “person” within the meaning of Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

15. In response to a tip and complaint, on or about September 15, 2020, MJB Worldwide was contacted by the EPA regarding its production, distribution and sale of unregistered “Outlaw” disinfectant wipes.

16. On or about November 12, 2020, MJB Worldwide owner Michael Balano attested under penalty of law that (1) “MLB Worldwide had ceased all production of ‘Outlaw’

disinfectant in all forms,” (2) “[t]o the best of my knowledge, as of September 1, 2020, MJB Worldwide, LLC has recovered all units of ‘Outlaw’ disinfectant, including disinfectant wipes, that remained for sale or distribution to the public by any retailer, wholesaler, or any other institution, and that none of these products are currently available for sale or distribution.”

17. On or about December 18, 2020, the EPA received information that “Outlaw Germ Justice Disinfectant Wipes” were offered for sale at a Hy-Vee store located at 8900 W. 135th Street, in Overland Park, Kansas.

18. On or about December 22, 2020, counsel for Respondent was notified via email of the apparent presence of “Outlaw Germ Justice Disinfectant Wipes” for sale and was requested to respond promptly. No response was provided.

19. On or about January 6, 2021, the EPA conducted an inspection of the Hy-Vee grocery store located at 8900 W. 135th Street, in Overland Park, Kansas, under the authority of Section 9(a) of FIFRA, 7 U.S.C. § 136g(a), and found that “Outlaw Germ Justice Disinfectant Wipes” were being offered for sale at that location.

20. The label of the “Outlaw Germ Justice Disinfectant Wipes” product observed during the January 6, 2021 inspection listed different ingredients than the “Outlaw” wipes previously produced by Respondent. The ingredients in the wipes observed during the January 6, 2021 inspection include dimethyl benzyl ammonium chloride – 2.5% and dimethyl ethylbenzyl ammonium chloride – 2.5%, also known as quaternary ammonium compounds, which can cause severe eye and skin irritation when used improperly.

21. “Outlaw Germ Justice Disinfectant Wipes” has printed on its label (1) the terms “disinfectant wipes,” “disinfectant-cleaner-food contact and non-food contact sanitizer-virucide-fungicide,” (2) instructions “to clean and deodorize,” and (3) that it can be used “on hands and surfaces,” and is therefore claiming, stating, or implying that the substance can or should be used as a pesticide, and thus is a substance intended for pesticidal purpose, and thus is a pesticide, under 40 C.F.R. § 152.15(a)(1).

22. “Outlaw Germ Justice Disinfectant Wipes” has printed on its label four (4) active ingredients and does not contain information indicating it can be used other than for pesticidal purposes, and is therefore a substance intended for pesticidal purpose, and thus a pesticide, under 40 C.F.R. § 152.15(b).

23. “Outlaw Germ Justice Disinfectant Wipes” is not a registered pesticide with the EPA as required by 7 U.S.C. § 136a(a), and therefore its distribution or sale to any person is unlawful under 7 U.S.C. § 136j(a)(1)(A).

24. MJB Worldwide has not registered an establishment for producing or holding for distribution or sale any pesticide under 7 U.S.C. § 136e(a), and therefore the production of “Outlaw” disinfectant wipes is unlawful under 7 U.S.C. § 136j(a)(2)(L).

25. Based on the information described in Paragraphs 14 through 24 above, the EPA has reason to believe that Respondent has sold or distributed, offered for sale, and has the ability to produce for sale “Outlaw Germ Justice Disinfectant Wipes,” a pesticide as that term is defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.15(a)(1) and (b), that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

26. Based on the information described in Paragraphs 14 through 24 above, the EPA has reason to believe that Respondent has sold or distributed, offered for sale, and has the ability to produce for sale “Outlaw Germ Justice Disinfectant Wipes,” a pesticide as that term is defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. § 152.15(a)(1) and (b), at an establishment that is not registered under 7 USC § 136e(a), in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Order

27. The EPA hereby orders Respondent not to distribute, sell, offer for sale, hold for sale, deliver for shipment, receive, or having so received, deliver, offer for delivery, move or remove from any present location, or use “Outlaw Germ Justice Disinfectant Wipes.”

28. This Order applies to all quantities and sizes of “Outlaw Germ Justice Disinfectant Wipes” that are within the ownership, control, or custody of MJB Worldwide and any agent, contractor, employee, consultant, firm successor and/or other persons or entities acting on behalf of MJB Worldwide.

29. Respondent may move or remove any “Outlaw Germ Justice Disinfectant Wipes” from any facility or establishment ONLY after obtaining prior written approval from the EPA, in accordance with the following:

- a. Movement or removal requests must be made in writing addressed to Mark K. Leshner, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219, or at lesher.mark@epa.gov.
- b. Any request for movement or removal must include a written accounting of the products to be moved, the address of the facility from which the products will be moved, the address of the destination facility, and a description of the reasons for the movement or removal.
- c. If the movement or removal is for the purposes of disposal, Respondent must provide written proof of disposal to the EPA and the disposal must comply with all applicable federal, state, and local laws.
- d. Any movement or removal of any “Outlaw Germ Justice Disinfectant Wipes” made without prior written authorization from the EPA in accordance with this paragraph

constitutes a violation of this Order and distribution and sale of illegal pesticides in violation of FIFRA.

30. Within 30 days of receipt of this Order, Respondent must submit to the EPA a written accounting of "Outlaw Germ Justice Disinfectant Wipes" subject to this Order. This must include an accounting of all existing product inventory, including the locations(s) where the product is held, quantities, and container sizes. Respondent must provide the EPA with an updated accounting at least every 30 days until 150 days following receipt of this order or when Respondent no longer has any "Outlaw Germ Justice Disinfectant Wipes" in its ownership, custody or control, whichever occurs earlier.

General Provisions

31. Violation of the terms or provisions of this Order may subject Respondent to civil or criminal penalties pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l.

32. Respondent may seek judicial review of this Order pursuant to Section 16 of FIFRA, 7 U.S.C. 136n.

33. The issuance of this Order shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law, including the assessment of civil penalties pursuant to Section 14 of FIFRA, 7 U.S.C. § 136l. This Order does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and regulations promulgated thereunder.

34. This Order shall be effective immediately upon receipt by Respondent.

35. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA. Such notice shall not be given until all requirements of this Order have been met.

IT IS SO ORDERED.

Date: _____

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David Cozad
Director
Enforcement and Compliance Assurance Division

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Stop Sale, Use, or Removal Order was delivered to the Regional Hearing Clerk, U.S. EPA, Region 7, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via E-mail to EPA:

Mark K. Leshner, *lesher.mark@epa.gov*
Raymond Bosch, *bosch.raymond@epa.gov*

Copy via E-mail to Respondent:

Michael J. Balano, Registered Agent, MJB Worldwide LLC
michaeldiamond44@yahoo.com

Sean Pickett, Attorney for Respondent
swp@kclawoffice.com

Copy via Certified Mail to Respondent's Registered Agent:

Michael J. Balano
Registered Agent
MBJ Worldwide LLC
10314 N. Garfield Avenue
Kansas City, Missouri 64155

Dated this 12th day of January, 2021.

Signed 