



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Ref: 8ENF-UFO

May 20, 2008

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: Vacation of Stop Sale, Use or Removal  
Order Docket No.: FIFRA-08-2007-0001

Michael T. Novak, Esq.  
Keller and Heckman LLP.  
1001 G. Street, N.W.  
Suite 500 West  
Washington, D.C. 20001

Dear Mr. Novak:


The Environmental Protection Agency (EPA) received your letter dated April 24, 2008. Your letter requests the lifting of a Stop Sale, Use or Removal Order (SSURO), Docket No.: FIFRA-08-2007-0001, issued to American Biotech Labs (ABL), LLC. The SSURO ordered ABL to stop the sale, use, or removal of ASAP-AGX-32 (EPA registration number 73499-2) that is owned by, controlled by, or in the custody of ABL.

ASAP-AGX-32, Lot #06005, was tested by EPA using the AOAC Use-Dilution Test. The testing found that ASAP-AGX-32 was ineffective against *Pseudomonas aeruginosa* when used according to label directions for hospital disinfection for a contact time of 10 minutes at 20 degrees centigrade. The testing also found that ASAP-AGX-32 was ineffective against *Staphylococcus aureus* when used according to label directions for hospital disinfection for a contact time of 10 minutes at 20 degrees centigrade.

After EPA filed an administrative complaint, FIFRA-08-2007-0013, ABL conducted its own testing of ASAP-AGX-32, Lot #06005. ABL's testing followed the same methodology ABL used when registering ASAP-AGX-32 and the results were similar to the results accepted by EPA in the product's registration for *Pseudomonas aeruginosa* and *Staphylococcus aureus*. ABL's recent testing used the same testing methodology and achieved results similar to those accepted during product's registration.

The SSURO is hereby vacated for all sizes and quantities of ASAP-AGX-32 which had been covered by this Order, and is EFFECTIVE IMMEDIATELY. This action does not preclude EPA from taking any additional action authorized under FIFRA that was not covered under the Consent Agreement, FIFRA-08-2007-0013, entered into by EPA and ABL. Thank you for your courtesy during this entire process. If you have any questions regarding this matter, you may contact Eduardo Quintana at (303)312-6624.

Sincerely,



Mark A.R. Chalfant, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

CC: Scott Moeller, Registered Agent for ABL  
Eduardo Quintana, EPA

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