



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

October 1, 2020

**VIA EMAIL**

Jim Young, CEO  
ViaClean Technologies, LLC  
230 South Broad Street, Suite 1201  
Philadelphia, Pennsylvania 19102  
[jyoung@viacleantechnologies.com](mailto:jyoung@viacleantechnologies.com)

**Re: Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”) Request for Information**

Dear Mr. Young:

EPA is hereby requesting ViaClean Technologies, LLC (“ViaClean”) to provide information as a part of a compliance investigation under the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136, *et. seq.* (“FIFRA”).

For purposes of enforcement, Section 8 of FIFRA, 7 U.S.C. § 136f, requires any person who sells or offers for sale, or distributes or offers to distribute any pesticide or device, to, upon request of any duly delegated officer or employee of the EPA or of a State, furnish or permit such person at all reasonable times to have access to and to copy: (1) all records showing the delivery, movement, or holding of the pesticide or device, including the quantity, the date of shipment and receipt, and the name of the consignor and consignee; or (2) in the event of the inability of the person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device. *In order for the Agency to determine the nature, extent, and parties responsible for any violations of FIFRA, EPA requests that you furnish, within fifteen (15) calendar days of receipt of this letter, a written response to the information requested below.* In the event you do not submit the requested information within the time period cited above, you may be subject to further inspection by EPA as allowed by law.

In responding to this information request, you should base your answers on information and documents in your possession, custody or control, or in the possession, custody, or control of any of ViaClean’s employees or agents. For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify such person(s) and the additional information or documents which they may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request identify the person(s) from whom such information or documents may be obtained.

**A. INSTRUCTIONS**

1. For purposes of this letter, the definitions set forth in **Enclosure 1** apply and you should consider them in preparing your responses to this information request letter.
2. Please provide a separate narrative response to each question set forth in this information request and precede each answer with the number of the question to which it corresponds.
3. Identify each person responding to any question contained in this information request, as well as each person consulted in the preparation of a response.
4. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
5. Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the question(s) to which it corresponds.

**B. INFORMATION REQUESTED**

1. A list of all products produced, sold, or distributed by ViaClean. For each product, the list should include the brand name, all alternate names the product is marketed/sold under, and the EPA registration number, if applicable.
2. Has ViaClean ever made claims in any media (e.g., print, internet, radio, etc), including verbally, that any of the products listed in response to question #1 can kill, prevent, or mitigate viruses? If yes, please provide the name and EPA Registration Number, if applicable, of the product, the specific claims and virus(es) it was claimed to kill, prevent, or mitigate. Please explain in what media and circumstances the claims were made.
3. A list of every location, both electronic and physical, where ViaClean offers the products listed in response to question #1 for sale or distribution. Provide website URLs and the name and site addresses of brick-and-mortar locations.
4. A list of all distributors of products listed in response to question #1. Provide the name of the distributor, which product(s) they distribute and their site and mailing addresses and relevant website URLs.
5. A copy of all brochures, information sheets, and any other marketing materials, including presentations, related to all products listed in response to question #1. Please describe how the provided material is used and distributed.
6. Copies of the label(s) used on all products listed in response to question #1. If there are variations of each label (for example, for different product sizes, brand names used, or other differences), please provide all versions of the label that have been used within the past 1 year from the date of this letter.

7. Sale and distribution records for all products listed in response to question #1 sold or distributed by ViaClean from for 1 year prior to the date of this letter. Records should include:
  - a. Name of product;
  - b. Name and address of customer;
  - c. Date of sale;
  - d. Date of shipment; and
  - e. Quantity sold.
8. Provide the name, address, and EPA Establishment Number, if applicable, for all locations that produce ViaClean's products listed in response to question #1. If there are multiple locations, please detail which product(s) are produced where and what production activities (such as formulating, packaging, labeling) are conducted at each establishment.
9. The primary registrant of the BioProtect line of products appears to be PureShield, Inc. ("PureShield", EPA Company Number 87583). Please describe ViaClean's relationship with PureShield and if ViaClean and or PureShield have any other related companies.
10. Belfor Property Restoration's ("Belfor") website ([www.belfor.com/en/us](http://www.belfor.com/en/us)) describes a "strategic partnership" with ViaClean and states that Belfor is the "exclusive provider and ONLY BIOPROTECT™ CERTIFIED COMPANY in the Restoration industry." Please provide the following information about the nature of ViaClean's relationship with the company Belfor Property Restoration located in Birmingham, Michigan:
  - a. Does ViaClean offer a BioProtect certification, as referenced on the Belfor website? If so, please explain what the certification is and how a company obtains the certification.
  - b. Provide a copy of marketing materials and other product information that ViaClean has provided to Belfor Property Restoration.
  - c. List any other companies designated as a "BIOPROTECT CERTIFIED COMPANY".

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in the manner described in 40 C.F.R. § 2.203(b) and 40 C.F.R. § 169.3(c). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted to EPA, EPA may make this information available to the public without further notice to you. Please see **Enclosure 2** for instructions on mailing Confidential Business Information (CBI). If this information is considered to be confidential business information, please follow the attached guidance for mailing CBI. We request you mail the information via a thumb drive or CD-ROM.

If this information is not considered to be confidential business information, please email it to Holly Raguza at [raguza.holly@epa.gov](mailto:raguza.holly@epa.gov).

The information you provide may be used by EPA in administrative, civil or criminal enforcement proceedings. In the event that you do not provide the requested information within fifteen (15) calendar days of receipt of this letter, your facility may be subject to further inspections as allowed by law. Providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Finally, EPA has determined that your company may be a small business under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”). Please see **Enclosure 3** 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 Enclosure 3, 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.

**If you have any technical questions concerning this matter, please contact Holly Raguza at [Raguza.holly@epa.gov](mailto:Raguza.holly@epa.gov) or 215-814-2170.**

Sincerely,

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

Enclosures

cc: Len Brylewski, Pennsylvania Department of Agriculture, [lbrylewski@pa.gov](mailto:lbrylewski@pa.gov)  
Don Gilbert, Pennsylvania Department of Agriculture, [dgilbert@pa.gov](mailto:dgilbert@pa.gov)  
Daniel Duer, Pennsylvania Department of Agriculture, [daduer@pa.gov](mailto:daduer@pa.gov)