



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

AUG - 5 2014

Ref: 8ENF-UFO

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip W. Hadfield, Registered Agent
Sisel International, LLC
1328 West Spring Creek Place
PO Box 369
Springville, UT 84663

RE: Order to Stop the Sale, Use or Removal
Asepti-Clean, and Organi-Clean

Dear Mr. Hadfield:

Please find enclosed an Order from the United States Environmental Protection Agency (EPA) concerning Asepti-Clean and Organi-Clean products sold by Sisel International, LLC (Sisel). The enclosed Order requires that Sisel stop the sale, distribution or use of the products Asepti-Clean and Organi-Clean. This Order shall extend to all material associated with the sale and distribution of this product wherever located within the ownership, control or custody of Sisel. This Order is *effective immediately*.

Under Section 13 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a), EPA has the authority to stop the sale, distribution or removal of any pesticide believed to be in violation of the statute. As explained in the enclosed Order, Asepti-Clean and Organi-Clean are unregistered pesticides and, therefore, cannot be sold or distributed for that purpose.

If you have questions concerning this Order, you are encouraged to contact Dennis Jaramillo of my staff at 303-312-6203

Sincerely,

Mark Chalfant, Acting Director
UIC, FIFRA and OPA Programs
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2014 AUG -5 AM 11: 04

In the Matter of:)

Sisel International, LLC)
1325 Industrial Circle)
Springfield UT, 84663)

Respondent)

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

DOCKET NO. : FIFRA-08-2014-0002

EPA REGION VIII
HEARING ROOM

I. AUTHORITIES

1. The United States Environmental Protection Agency (EPA) issues this Stop Sale, Use, or Removal Order (Order) pursuant to the authority vested in the Administrator of the EPA by section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 U.S.C. § 136k(a), which authorizes the Administrator of the EPA to issue orders 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 the pesticide or device is in violation of any provision of FIFRA, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration has been cancelled by a final order or has been suspended.
2. Supervisors in the Technical Enforcement Program and the Legal Enforcement Program have been jointly delegated the authority to issue such orders.
3. Respondent is Sisel International, LLC (Sisel).
4. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), states "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 136a of [FIFRA]".
5. Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), states it shall be unlawful for any person to violate any order issued under section 13 of FIFRA.
6. 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."
7. Section 2(gg), 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."
8. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a "pesticide," in part, as "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest."

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 micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section [25(c)(1) of FIFRA].”
10. 40 C.F.R. § 152.15 states: “No person may distribute or sell any pesticide product that is not registered under the Act . . . A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if: (a) The person who distributes or sells the substance claims, states, or implies (by labeling or otherwise): (1) That the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or (2) That the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide; or (b) The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than (1) use for pesticidal purpose (by itself or in combination with any other substance), (2) use for manufacture of a pesticide; or (c) The person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.”

II. BACKGROUND

11. Sisel is a limited liability corporation under the laws of the State of Utah and is authorized to do business in the State of Utah. Sisel is located in Springfield, Utah.
12. Sisel is a “person” as the term is defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
13. Sisel sells and distributes Asepti-Clean and Ograni-Clean products, which make pesticide claims and contain the active ingredients, Ammonium Chloride and Sodium Chlorite, which are the active ingredients in other EPA registered pesticides.
14. Ammonium Chloride is classified by EPA as a toxicity one (1) ingredient, and the signal word *Danger* is most commonly associated with this chemical.
15. Sodium Chlorite is classified by EPA as a toxicity three (3) ingredient, and the signal word *Caution* is most commonly associated with this chemical.

III. BASIS FOR ORDER

16. On February 7, 2014, an inspector on behalf of EPA, conducted an inspection at the Sisel International office, located at 1328 West Spring Creek Place; Springfield, Utah 84663, to determine compliance with FIFRA and its implementing regulations.
17. During the inspection, the inspector obtained a copy of a catalog of products sold by Sisel. In a subsequent review of that catalog and additional information obtained from Sisel, EPA determined Sisel is selling two unregistered pesticides: Asepti-Clean and Organi-Clean.
18. Sisel’s sale or distribution of Asepti-Clean and Ograni-Clean without EPA registration is in violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A).

IV. ORDER

19. The EPA hereby orders Sisel to stop the sale, use, or removal of Asepti-Clean and Organi-Clean EFFECTIVE IMMEDIATELY.
20. This Order pertains to all quantities and sizes of the two Sisel products within the ownership, control, or custody of Sisel or any other entity producing the products. The two Sisel products shall not be sold, used, or removed other than in accordance with the provisions of this Order or any further Stop Sale, Use, or Removal Order that may be issued in connection with the products.
21. Within two weeks of receipt of this Order, Sisel must submit a written inventory for the two Sisel products within its custody or control and subject to this Order. The inventory shall list the quantity and location of all products and include plans for product storage or disposal. The products subject to this Order shall not be moved, destroyed or disposed of without prior written consent from EPA.
22. Within two weeks of receipt of this Order, Sisel must submit a written plan describing how Sisel will correct the violations noted in this Order.
23. Both the written plan to correct violations and the inventory must be submitted to the following person or to such other persons as EPA designates in writing:

Dennis Jaramillo
US EPA Region 8 (ENF-UFO)
1595 Wynkoop Street
Denver, CO 80202

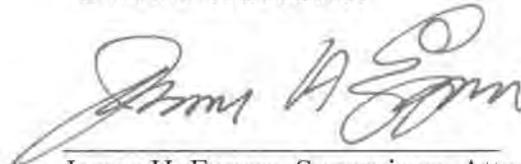
24. Any violation of the terms or provisions of this Order by an officer, agent, or other person acting for or employed by Sisel may subject the violator as well as Sisel to civil or criminal penalties as prescribed in section 14 of FIFRA, 7 U.S.C. § 136f.
25. The issuance of this Order shall not constitute a waiver by the 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.
26. This Order shall be EFFECTIVE IMMEDIATELY upon receipt by Respondent.
27. If any provision(s) of this Order are 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. The terms of this Order shall remain in effect unless and until the EPA modifies or terminates either the Order or certain provisions of the Order in writing.

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

8/4/2014
Date


Mark A.R. Chalfant, Acting Director
Technical Enforcement Program UIC-FIFRA-OPA
Office of Enforcement, Compliance and
Environmental Justice

8/5/14
Date


James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice