



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 10 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL RECEIPT RETURN REQUESTED

Wes Long
Chief Executive Officer
Douglas Products and Packaging Company, LLC
1550 E. Old Highway 210
Liberty, Missouri 64068

Re: FIFRA Section 13 ORDER
Douglas Products
Docket No. FIFRA-HQ-2016-5010

Dear Mr. Long:

Enclosed is a Stop Sale, Use, or Removal Order ("Order" or "SSURO") issued by the Environmental Protection Agency (EPA), Waste and Chemical Enforcement Division, concerning the pesticide products PH3 Aluminum Phosphide Fumigant Pellets (EPA Reg. No. 1015-74) and PH3 Aluminum Phosphide Fumigant Tablets (EPA Reg. No. 1015-76). This Order requires Douglas Products and Packaging Company, LLC ("Douglas Products") to immediately cease the sale, use and removal of those products in accordance with the provisions of the Order. ***The Order is effective immediately upon receipt.*** This Order supersedes the SSURO issued by the EPA Region VII on April 5, 2016 and amended on April 15, 2016.

Section 13(a) of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a), authorizes the EPA Administrator to issue an order prohibiting the sale, use, or removal of any pesticide by any 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. EPA has reason to believe, based on inspections, that PH3 Aluminum Phosphide Fumigant Pellets (EPA Reg. No. 1015-74) and PH3 Aluminum Phosphide Fumigant Tablets (EPA Reg. No. 1015-76) are misbranded pesticides and that Douglas Products has distributed or sold, or intends to distribute or sell, those misbranded pesticides in violation of FIFRA.

In accordance with its terms, this Order prohibits the distribution, sale, movement or use of the pesticides covered by it unless written permission is provided by James Miles, Chief, Pesticides and Tanks Enforcement Branch. It is our understanding that you may want to relabel existing stocks of PH3 Aluminum Phosphide Fumigant Pellets and Tablets with new FIFRA-compliant labels that were accepted by the EPA on April 27, 2016. If you wish to relabel and distribute or sell any of these products, you must send to the Agency contacts listed below, final printed labels for their review. If the labels are determined

to be fully compliant with FIFRA, the EPA will authorize the distribution and sale of products bearing those labels.

If you have any questions about this matter or wish to request an informal conference to discuss these alleged violations, you may contact Yolaanda Walker, Enforcement Case Officer, at (202) 564-4281 or Tom Charlton, Attorney, at (202) 564-6960.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Sullivan", with the word "acting for" written in smaller cursive to the right of the signature.

Gregory Sullivan, Acting Director
Waste and Chemical Enforcement Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HEADQUARTERS**

<i>In the Matter of:</i>)	ORDER
)	SECTION 13(a)
Douglas Products and Packaging)	
Company, LLC)	FEDERAL INSECTICIDE, FUNGICIDE
1550 E. Old 210 Highway)	AND RODENTICIDE ACT
Liberty, MO 64068)	
)	Docket No. FIFRA-HQ-2016-5010
)	
Respondent)	

AUTHORITY

1. This Stop Sale, Use, or Removal Order (“Order” or “SSURO”) is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by section 13(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (“FIFRA”), 7 U.S.C. § 136k(a), which 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 that, *inter alia*, 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.
2. This authority has been delegated from the EPA Administrator to the Director of the Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, U.S. EPA.
3. 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.”
4. 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.”
5. 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.” *See also* 40 C.F.R. § 152.15.
6. Section 2(p)(1) of FIFRA, 7 U.S.C. § 136(p)(1), defines “label” as the “written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or

wrappers.”

7. Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2), defines “labeling” as “all labels and all other written, printed, or graphic matter—
 - (A) accompanying the pesticide or device at any time; or
 - (B) to which reference is made on the label or in literature accompanying the pesticide....”
8. Sections 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), states, inter alia, that a pesticide is misbranded if:
 - (a) Its labeling bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular (7 U.S.C. § 136(q)(1)(A));
 - (b) Any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared to other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions or purchase and use (7 U.S.C. § 136(q)(1)(E));
 - (c) The labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment (7 U.S.C. § 136(q)(1)(F)); or
 - (d) The label does not contain a warning or caution statement which may be necessary and if complied with together with any requirements imposed under section 3(d) of the Act, are adequate to protect health and the environment (7 U.S.C. § 136(q)(1)(G)).
9. Section 2(q)(2)(D)(iii) of FIFRA, 7 U.S.C. § 136(q)(2)(D)(iii), states that a pesticide is misbranded if the pesticide contains any substance or substances in quantities highly toxic to man, unless the label contains, in addition to any other matter required by FIFRA, a statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide.
10. FIFRA’s implementing regulations (“FIFRA’s regulations”) at 40 C.F.R. § 156.10(a) require that every pesticide product must bear a label containing information specified under FIFRA and its implementing regulations.
11. FIFRA’s regulations at 40 C.F.R. § 156.10(a)(4) require that the label appear on or be

securely attached to the immediate container of the pesticide product.

12. FIFRA's regulations at 40 C.F.R. § 156.10(a)(1)(viii) require that every pesticide product label shall contain directions for use as prescribed by 40 C.F.R. § 156.10(i).
13. FIFRA's regulations at 40 C.F.R. § 156.10(i)(ii) provide that directions for use may appear on any portion of the label provided that they are conspicuous enough to be easily read by the user of the pesticide product. Directions for use may appear on printed or graphic matter which accompanies the pesticide provided that:
 - (a) If required by the Agency, such printed or graphic matter is securely attached to each package of the pesticide, or placed within the outside wrapper or bag;
 - (b) The label bears a reference to the directions for use in accompanying leaflets or circulars, such as "See directions in the enclosed circular;" and
 - (c) The Administrator determines that it is not necessary for such directions to appear on the label.
14. FIFRA's regulations at 40 C.F.R. § 156.10(a)(vii) require that every pesticide product bear a label that has "[h]azard and precautionary statements as prescribed in Subpart D of this part, for human and domestic animals hazards, and Subpart E of this part for environmental hazards."
15. FIFRA's regulations at 40 C.F.R. § 156.60 (Subpart D) require that each product label is required to bear hazard and precautionary statements for humans and domestic animals (if applicable) as prescribed in Subpart D.
16. Hazard and precautionary statements include a "Note to Physician Statement" and "Physical or Chemical Hazards Statement." 40 C.F.R. § 156.60(a)(2).
17. FIFRA's regulations in Subpart D for Precautionary Statements for Physical or Chemical Hazards require warning statements on labels on the flammability or explosive characteristics of the pesticide product if a product meets the criteria in 40 C.F.R. § 156.78. Warning statements pertaining to other physical/chemical hazards (e.g., oxidizing potential, conductivity, chemical reactions leading to production of toxic substances) may be required on a case-by-case basis. 40 C.F.R. § 156.78.
18. FIFRA's regulations at 40 C.F.R. § 152.44 provide that, subject to certain exceptions not relevant here, any modification in the labeling of a registered product must be submitted to the EPA with an application for amended registration and that amendment must be approved by the Agency before the product, as modified, may legally be distributed or sold.
19. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it is unlawful for any person in any State to distribute or sell to any person any pesticide which is adulterated or misbranded.

20. Section 12(a)(2)(S) of FIFRA, 7 U.S.C. § 136j(a)(2)(S), provides that it shall be unlawful to violate any regulation issued under FIFRA section 3(a) or section 19.
21. Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), provides that it shall be unlawful for any person to violate any order issued under section 13 of FIFRA.

BACKGROUND

22. This Order refers to Douglas Products and Packaging Company, LLC and all its divisions, offices and branches, collectively, as “Douglas Products” or “Respondent.”
23. Douglas Products is a corporation located and incorporated in the state of Missouri. Douglas Products is a “person” as defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
24. Douglas Products is the registrant of two pesticide products: PH3 Aluminum Phosphide Fumigant Pellets, EPA Reg. No. 1015-74; and PH3 Aluminum Phosphide Fumigant Tablets, EPA Reg. No. 1015-76 (collectively referred to as “PH3 Products”).
25. PH3 Aluminum Phosphide Fumigant Tablets (EPA Reg. No. 1015-76) and PH3 Aluminum Phosphide Fumigant Pellets (EPA Reg. No. 1015-74) were first respectively registered on February 18, 1992 and August 4, 1992 (to a different registrant, Phos-Fume Chemical Co.). The FIFRA master labels that were applicable to both products with respect to the deficiencies identified below were accepted by the EPA (“accepted labels”) on January 8, 2013.
26. The January 8, 2013 accepted labels for the PH3 Products consist of an attached container label (“accepted container label”) and a separate “Applicator’s Manual.” The accepted container labels have the following statement on the front panel: “THE COMPLETE LABEL FOR THIS PRODUCT CONSISTS OF THE CONTAINER LABEL AND THE APPLICATOR’S MANUAL WHICH MUST ACCOMPANY THE PRODUCT. READ AND REVIEW THE ENTIRE LABEL WHICH INCLUDES THE CONTAINER LABEL AND THE APPLICATOR’S MANUAL.”
27. Aside from references to “pellets” and “tablets,” the accepted container labels for the PH3 Products are essentially identical and contain the same deficiencies as described below. The Applicator’s Manual applies to both tablets and pellets.
28. The PH3 Products are pesticides as defined under section 2(u) of FIFRA, 7 U.S.C. § 136(u).
29. The PH3 Products are based on the active ingredient, Aluminum Phosphide, CAS No. 20859-73-8. Aluminum phosphide products are classified as restricted use pesticides because they present an “Inhalation Hazard to Humans.” 40 C.F.R. § 152.175.
30. The PH3 Products are used as fumigants to kill and control various insect and vertebrate pests in raw agricultural commodities, animal feed, feed ingredients, processed foods, and

non-food commodities, including tobacco. The PH3 Products operate by producing phosphine gas upon exposure to atmospheric moisture. Phosphine gas is highly toxic to humans, insects, burrowing pests, and other forms of animal life (Applicator's Manual, Section 6). Phosphine gas is also flammable and can ignite spontaneously in air at concentrations above its lower flammable limit (Applicator's Manual, Section 7).

31. The PH3 Products are restricted use pesticides and are classified as Toxicity Category I pesticides that require signal words "DANGER" and "POISON" on the front panel of their accepted container labels pursuant to the EPA's regulations. *See* 40 C.F.R. § 156.64(a).
32. The accepted container labels for the PH3 Products have directions for use that include storage and disposal provisions, prescribed pursuant to 40 C.F.R. §§ 156.10(a)(1)(viii) and 156.10(i).
33. The accepted container labels for the PH3 Products have a precautionary statement for Physical or Chemical Hazards and a Note to Physician. These precautionary statements are prescribed by the regulations in accordance with 40 C.F.R. §§ 156.10(a)(vii), 156.60, and 156.78.
34. Held & Associates, a brokerage company acting on behalf of Douglas Products, submitted to EPA Region VII, Notice of Arrival of Pesticides and Devices forms (EPA Form 3540-1) pertaining to the following shipments of PH3 Products.
 - (a) February 24, 2016, PH3 Aluminum Phosphide Pellets (EPA Reg. No. 1015-74) imported from China into U.S. Customs Port of Entry in Kansas City, Missouri on February 29, 2016 under Entry Number 568-0614155-4.
 - (b) February 24, 2016, PH3 Aluminum Phosphide Pellets (EPA Reg. No. 1015-74) imported from China into U. S. Customs Port of Entry in Kansas City, Missouri on February 29, 2016 under Entry Number 568-0614154-7.
 - (c) March 11, 2016, PH3 Aluminum Phosphide Pellets (EPA Reg. No. 1015-74) imported from China arriving into the U.S. Customs Port of Entry in Kansas City, Missouri on March 14, 2016 under Entry Number 568-0614274-3.
 - (d) March 11, 2016, PH3 Aluminum Phosphide Tablets (EPA Reg. No. 1015-76) imported from China arriving into the U.S. Customs Port of Entry in Kansas City, Missouri on March 14, 2016 under Entry Number 568-0614274-3.
 - (e) March 30, 2016, PH3 Aluminum Phosphide Pellets (EPA Reg. No. 1015-74) imported from EPA Establishment Number 73925-CHN-001, arriving into U.S. Customs Port of Entry, Kansas City, Missouri on March 31, 2016 under Entry Number 568-0614309-7.
 - (f) March 30, 2016, PH3 Aluminum Phosphide Pellets (EPA Reg. No. 1015-74) imported from EPA Establishment Number 73925-CHN-001, arriving into U.S.

Customs Port of Entry, Kansas City, Missouri on March 31, 2016 under Entry Number 568-0614308-9.

(g) March 30, 2016, PH3 Aluminum Phosphide Tablets (EPA Reg. No. 1015-76) imported from EPA Establishment Number 73925-CHN-001, arriving into U.S. Customs Port of Entry, Kansas City, Missouri on March 31, 2016 under Entry Number 568-0614309-7.

(h) March 30, 2016, PH3 Aluminum Phosphide Tablets (EPA Reg. No. 1015-76) imported from EPA Establishment Number 73925-CHN-001, arriving into U.S. Customs Port of Entry, Kansas City, Missouri on March 31, 2016 under Entry Number 568-0614309-9.

35. On March 25 and April 12, 2016, an inspector from the Missouri Department of Agriculture, acting on behalf of the EPA Region VII, inspected the shipments discussed above. Upon review of inspection documentation and product labeling, the EPA Region VII determined that the PH3 Products were misbranded because the product labels deviated from the EPA-accepted product labels.
36. On April 5, 2016, the EPA Region VII issued a SSURO against the February 24 and March 11, 2016 shipments discussed above. On April 15, 2016, the EPA Region VII amended the SSURO to cover the March 30 pesticide shipments discussed above. In accordance to the terms of the SSURO, these products could not be distributed or sold but they could be moved and consolidated at Douglas Product's production establishment located at 1550 E. Old Highway 210, Liberty, MO 64068 (EPA Est. No. 1015-MO-1).
37. In the shipments discussed above, the PH3 Products were packed in cardboard containers containing either 21 metal cylinders with 2.2 pounds of product or 14 metal cylinders with 3.3 pounds of product. Each cardboard container contained a single line of PH3 Products (tablets or pellets). Each cardboard container and each metal cylinder had a container label attached to it.
38. Upon inspection of these shipments, EPA Region VII determined that many of the PH3 Products in the cardboard containers had incomplete labeling. The EPA Region VII also found cardboard containers for both sizes of cylinders (14 metal cylinders with 3.3 pounds of product and 21 metal cylinders with 2.2 pounds of product) with only four applicator manuals.
39. In response to EPA Region VII's compliance monitoring activities, Douglas Products submitted applications for amended registrations of PH3 Products on March 13, 2016. The EPA approved those amendments on April 27, 2016, and required that all production, including new production and relabeling of existing inventory, use the April 27, 2016 accepted label and labeling.

BASIS FOR THE ORDER

40. EPA has reason to believe, based on the inspections described above, that Douglas Products' PH3 Products (EPA Reg. No. 1015-74 and EPA Reg. No. 1015-76) are misbranded.
41. Respondent failed to include all of the approved Storage and Disposal language, described in Paragraph 32 above, on the PH3 Product container labels. The missing language includes, inter alia:
 - (a) Directions on how to safely store this pesticide and directing that such storage be locked with the following signs: (1) "Danger", (2) "Poison" (with skull and crossbones), (3) "Authorized Personnel Only", and (4) "National Fire Protection Association (NFPA) Hazard Identification Symbols";
 - (b) Directions on how to safely dispose of this pesticide; and
 - (c) Directions of how to safely deactivate the pesticide's residual dust.
42. Respondent's use of an incomplete storage and disposal provision results in a misbranded pesticide as defined in section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), because the label does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment.
43. Respondent failed to include the precautionary statement for Physical or Chemical Hazards, described in Paragraph 33 above, on the PH3 Product container labels.
44. Respondent's failure results in a misbranded pesticide as defined in FIFRA sections 2(q)(1)(E) and (G), 7 U.S.C. §§ 136(q)(1)(E) and (G), because:
 - (a) This information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared to other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. FIFRA § 2(q)(1)(E), 7 U.S.C. § 136(q)(1)(E).
 - (b) The label does not contain a warning or caution statement which may be necessary and if complied with together with any requirements imposed under section 3(d) of the Act, are adequate to protect health and the environment. FIFRA § 2(q)(1)(G), 7 U.S.C. § 136(q)(1)(G).
45. Respondent failed to include all of the approved Note to Physician language, described in Paragraph 33 above, in its PH3 product container labels. Those container labels provided no indication that the Note to Physician Statement was incomplete. This missing language

provided information on treatment of phosphine gas poisoning.

46. Respondent's use of an incomplete Note to Physician Statement on PH3 Product container labels results in a misbranded pesticide as defined in sections 2(q)(1)(A), (E), (G), and (2)(D)(iii) of FIFRA; 7 U.S.C. §§ 136(q)(1)(A), (E), (G), and (2)(D)(iii), because:
- (a) Without an indication that this is not the complete Note to Physician statement, the statement is misleading because a customer would not know from reading this provision that there is other relevant and important information regarding treatment for poisoning from this pesticide. FIFRA § 2(q)(1)(A), 7 U.S.C. § 136(q)(1)(A).
 - (b) This information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared to other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions or purchase and use. FIFRA § 2(q)(1)(E), 7 U.S.C. § 136(q)(1)(E).
 - (c) The label does not contain a warning or caution statement which may be necessary and if complied with together with any requirements imposed under section 3(d) of the Act, are adequate to protect health and the environment. FIFRA § 2(q)(1)(G), 7 U.S.C. § 136(q)(1)(G).
 - (d) The label for this pesticide, which is highly toxic to man, does not contain a statement of practical treatment (first aid or otherwise) in case of poisoning by the pesticide. FIFRA § 2(q)(2)(D), 7 U.S.C. § 136(q)(2)(D).
47. As noted in Paragraph 26, the PH3 Products' accepted container labels require that each product be accompanied by an Applicator's Manual. The PH3 Products Applicator Manual contained directions for use that were not found on the accepted container label.
48. Respondent's failure provide an Applicator's Manual with each product cylinder resulted in a misbranded pesticide pursuant to section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), because PH3 Products without an Applicator's Manual did not have labeling accompanying those pesticide products that contained directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment.
49. In light of the allegations made above in Paragraphs 22 to 48, the EPA has reason to believe that Douglas Products' PH3 Products (EPA Reg. No. 1015-74 and EPA Reg. No. 1015-76) are misbranded pesticides that are being distributed or sold or intended to be distributed or sold in violation of section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

ORDER

50. Pursuant to the authority of section 13(a) of FIFRA, 7 U.S.C. § 136k(a), the EPA hereby orders Douglas Products to **immediately cease** the sale, use, or removal of all PH3 Products (EPA Reg. No. 1015-74 and EPA Reg. No. 1015-76) under its ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order.
51. This Order shall apply to all quantities and container types and sizes of **all** PH3 Products (EPA Reg. No. 1015-74 and EPA Reg. No. 1015-76) controlled or within the custody of Douglas Products intended for sale or distribution, including stocks returned to Douglas Products from its customers or other end-users and all PH3 Products covered by the SSURO issued by the EPA Region VII on April 5, 2016 and amended on April 15, 2016.
52. This Order supersedes the SSURO issued by the EPA Region VII on April 5, 2016 and amended on April 15, 2016.
53. The PH3 Products (EPA Reg. No. 1015-74 and EPA Reg. No. 1015-76) 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 the EPA in writing. Any proposal for movement of these pesticide products shall be submitted to James Miles, Chief, Pesticides and Tanks Enforcement Branch (2249A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., N.W., Washington, DC 20460, and shall include:
- (a) the purpose for which the movement is being requested;
 - (b) an accounting of the quantities of product to be moved, including location(s), quantities from each location and container size for the products to be moved; and
 - (c) the destination location to which the product will be moved.
54. Within 10 days of receipt of this Order, Douglas Products shall submit to the EPA an accounting of PH3 Products (EPA Reg. No. 1015-74 and EPA Reg. No. 1015-76) subject to this Order. The report shall be submitted to James Miles, Chief, Pesticides and Tanks Enforcement Branch (2249A), United States Environmental Protection Agency, 1200 Pennsylvania Ave., N.W., Washington, DC 20460, and shall include:
- (a) A description of all existing product inventory, including the location(s) where the products are held, quantities, and container sizes. Douglas Products must update the information on a weekly basis for four weeks, on a monthly basis for the following six months, and thereafter only upon further changes to the information;
 - (b) A complete list of Douglas Products' distributors and direct-sale customers and records of all sales and distributions made to such entities for the products since January 1, 2014; and

(c) Provisions to maintain records of the disposition (e.g., reformulation, repackaging, relabeling, disposal) of the products and to make the records available to the EPA upon request. Such records must include information on the method, the quantity, and the location of disposition and/or disposal.


55. Any agent, owner, or operator of Douglas Products violating 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.
56. 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.
57. This Order shall be effective immediately upon receipt by Douglas Products or any agents of Douglas Products.
58. This Order shall remain in effect unless and until revoked, terminated, suspended or modified in writing by the EPA.
59. If any provision or provisions of this Order is/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.

OTHER MATTERS

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

For any additional information about this Order, please contact Yolaanda Walker, Enforcement Case Officer, at 202-564-4281 or Tom Charlton, Attorney, at 202-564-6960.

5/10/2016
Date



Gregory Sullivan, Acting Director
Waste and Chemical Enforcement Division

Docket No. FIFRA-HQ-2016-5010
FIFRA § 13(a) ORDER