



OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

July 30, 2025

**SENT VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED and
VIA ELECTRONIC MAIL TO jacob@safrax.com and sdan@safrax.com
DELIVERY AND READ RECEIPTS REQUESTED**

Steve Dan
SAFRAX INC.
8 The Green Suite 4000
Dover, Delaware 19901-3618

Re: **Stop Sale, Use, or Removal Order, Docket No. FIFRA-HQ-2025-5012 and
Information Request Issued to Safrax, Inc.**

Stop Sale, Use, or Removal Order Under FIFRA § 13

Enclosed is a Stop Sale, Use, or Removal Order (SSURO or “the Order”) issued to Safrax, Inc (“Safrax”) by the U.S. Environmental Protection Agency (EPA or “the Agency”) pursuant to its authority under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or the “Act”). The SSURO requires Safrax to stop all distributions and sales of the products described by the Order unless otherwise permitted by the Order. ***This SSURO is effective immediately upon receipt.***

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 a reason to believe on the basis of inspection or tests that the pesticide or device is in violation of any provision of FIFRA, or has been or is intended to be distributed in violation of any provision of the Act.

The EPA has reason to believe that Safrax has previously, and intends to continue, distributing or selling unregistered and misbranded pesticides in violation of Sections 12(a)(1)(A) and (E) of FIFRA, 7 U.S.C. §§ 136j(a)(1)(A), (E).

Noncompliance with this SSURO is a violation of Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I). Any violation of FIFRA may result in the assessment of civil penalties up to \$24,885 per violation, or the imposition of criminal penalties. The issuance of this SSURO shall not act as

a waiver by the EPA of any enforcement or other authority available to the Agency under federal law, including the Agency's authority to seek civil or criminal penalties, under Section 14(a) of FIFRA, 7 U.S.C. § 136/(a), for the violations alleged in this Order or any other violation.

Request for Information Under FIFRA §§ 8 and 9

Also enclosed is an Information Request made pursuant to Sections 8(b) and 9(a) of FIFRA, 7 U.S.C. §§ 136f(b), 136g(a), which authorize the EPA to inspect and have access to various records related to the distribution and sale of pesticides and devices for the purposes of enforcing the Act. The EPA is requesting that Safrax submit information electronically in accordance with the enclosed Information Request within **30 calendar days** of receipt of this correspondence.

Failure to provide the requested records, refusing to allow the copying of the records requested, and knowingly falsifying records submitted to the EPA are violations under Sections 12(a)(2)(B) and (M) of FIFRA, 7 U.S.C. §§ 136j(a)(2)(B), (M). FIFRA violations are punishable by civil or criminal penalties under section 14 of the Act, 7 U.S.C. § 136/.

If you choose to assert a claim of Confidential Business Information (CBI) you must substantiate how the criteria and procedures are met for CBI claims set forth in 40 C.F.R Part 2, Subpart B (enclosed as "Confidential Business Information Assertion and Substantiation Requirements").

All questions concerning this matter may be directed to Christine Trostler, Attorney Advisor, via email at trostler.christine@epa.gov or via phone at 202-564-2240. Thank you for your cooperation.

Sincerely,

Christina Cobb, Branch Chief
Pesticides and Tank Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

Enclosure(s): Stop Sale, Use, or Removal Order, Docket No. FIFRA-HQ-2025-5012
Information Request
Confidential Business Information Assertion and Substantiation Requirements

cc: Vickie Pane, Region 2 Section Manager
Aquanetta Dickens, Region 3 Section Manager
Estrella Calvo, Region 5 Section Manager
Gerardo Acosta, Region 6 Acting Section Manager
Matt Salazar, Region 9 Section Manager

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE**

IN THE MATTER OF:	)	
	)	
Safrax, Inc.	)	STOP SALE, USE, OR REMOVAL ORDER
Dover, Delaware	)	
	)	Docket No. FIFRA-HQ-2025-5012
Respondent	)	
_____	)	

I. AUTHORITIES

1. The Environmental Protection Agency (EPA or “the Agency”) regulates pesticides and pesticide devices pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or “the Act”), as amended, 7 U.S.C. §§ 136-136y.
2. Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), authorizes the EPA to issue an order prohibiting the sale, use or removal (SSURO) 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 inspections 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 the Act.
3. This authority has been delegated from the EPA Administrator to the Assistant Administrator of Enforcement and Compliance Assurance (OECA), who in turn delegated this authority to the Director of the Office of Civil Enforcement (OCE), who in turn delegated this authority to the Director of the Waste and Chemical Enforcement Division (WCED), who in turn delegated this authority to the branch chief of the Pesticides and Tanks Enforcement Branch (PTEB).¹

II. BASIS FOR THE ORDER

4. Section 3(a) and Section 12(a)(1)(A) of FIFRA, 7 U.S.C. §§ 136a(a), 136j(a)(1)(A), provides that it is unlawful for any person in any State to distribute or sell to any pesticide that is not registered under FIFRA subject to certain exemptions not relevant to this matter.
5. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it is unlawful for any person

¹ EPA Administrator Delegation of Authority 5-12. Issuance of Stop Sale, Use or Removal Orders (1200 TN 350 5-12) (January 2017); OECA Redelegation 5-12 (January 2017); OCE Redelegation 5-12 (January 2017); WCED Redelegation 5-12 (January 2017).

in any State to distribute or sell to any person any pesticide which is adulterated or misbranded.

6. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), provides that it shall be unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by FIFRA.
7. 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.”
8. 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.”
9. The regulation at 40 C.F.R. § 152.3 further explains that “[d]istribute or sell’ and other grammatical variations of the term such as ‘distributed or sold’ and ‘distribution or sale,’ means the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any State.”
10. 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.”
11. The regulation set forth at 40 C.F.R. § 152.15 further explains that “[a] pesticide is any substance (or mixture of substances) intended for a pesticidal purpose, i.e., use for the purpose of preventing, destroying, repelling, or mitigating any pest or use as a plant regulator, defoliant, or desiccant. 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):
 - i. That the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or
 - ii. 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 viable 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.”

12. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as “(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 microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1) [of FIFRA].”
13. The regulation set forth at 40 C.F.R. § 152.5 further states that “[a]n organism is declared to be a pest under circumstances that make it deleterious to man or the environment, if it is:
 - a) Any vertebrate animal other than man;
 - b) Any vertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
 - c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
 - d) Any fungus, bacterium, virus, prion, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCA section 201(g)(1)) and cosmetics (as defined in FFDCA section 201(i)).”
14. 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.”
15. 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 accompanying the pesticide or device at any time, or to which reference is made on the label or in literature accompanying the pesticide or device.”
16. If a label references a company’s website, either by listing a web address or Uniform Resource Locator (URL) or including a Quick Response Code (QR Code) or similar identifier that directs a person to a website, then the website becomes “labeling” under FIFRA and is subject to EPA review. *See* 7 U.S.C. § 136(p)(2).
17. Section 7 of FIFRA, 7 U.S.C. § 136e(a), states that any pesticide that is subject to the Act must be produced in an establishment which is registered with the EPA.

18. Section 2(dd), 7 U.S.C. § 136(dd), defines “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.”
19. Pursuant to Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), a pesticide is “misbranded” if among other things, “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), or if “its label does not bear the registration number assigned under [section 7 of FIFRA] to each establishment in which it was produced.” 7 U.S.C. § 136(q)(1)(D).
20. Pursuant to 40 C.F.R. § 156.10(a)(5), a pesticide is misbranded if its labeling is false or misleading in any particular including both pesticidal and non-pesticidal claims.
21. Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and the regulation at 19 C.F.R. § 12.112, establish that importers desiring to import pesticides or pesticidal devices must submit to the EPA, prior to the arrival of the shipment into the United States, a Notice of Arrival of Pesticides and Devices (NOA) on EPA Form 3540-1, or must file an electronic alternative to the Notice of Arrival, with the filing of entry documentation, via any CBP-authorized electronic data interchange system.
22. The regulation at 40 C.F.R. § 152.3 defines “pesticide product” as a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.”
23. Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), provides that it is unlawful for any person to violate any order issued under section 13 of FIFRA.
24. Safrax, Inc. (Safrax) is a corporation incorporated in the state of Delaware. Therefore, Safrax is a “person” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).
25. In September 2024, the EPA received information alleging that Safrax was selling and distributing an unregistered chlorine dioxide product in the United States. Subsequently, the EPA began collecting and reviewing information regarding all chlorine dioxide products sold and distributed by Safrax. The EPA’s review of the gathered information formed the basis for the factual allegations set forth herein and the Agency’s reason to believe that Safrax has distributed or sold and intends to continue distributing or selling pesticides that are unregistered and misbranded in violation of FIFRA.
26. On or about December 16, 2024, EPA Region 6 issued a Notice of Refusal of Admission (NORA) to the U.S. Department of Homeland Security, Bureau of Customs and Border Protection (CBP) informing CPB that the product Water Dispenser Cleaner (Safrax Chlorine Dioxide 25 x 20 gram tablet) contained in a shipment that arrived in Dallas/Ft Worth, TX on or around November 27,

2024 should be Denied Entry- Refused delivery pursuant to the authority of Section 17 (c) of FIFRA, 7 U.S.C. § 136o(c), and implementing regulations at 19 C.F.R. § 12.114.

27. Also on or about December 16, 2024, an EPA-credentialed inspector conducted an inspection of the chlorine dioxide product imported by Safrax and reviewed the label and labeling of those products. The inspector observed that Safrax did not file a NOA or its electronic equivalent for the shipment.
28. During the inspection, the inspector observed that both the EPA registration number and EPA establishment number were not present on the label of imported chlorine dioxide products.
29. The inspector observed that the imported chlorine dioxide products contained the statements “Bactericidal”, “Virucidal”, “Fungicidal”, “Sporicidal”, “Algaecidal”, and “Eliminate Biofilm” on the label.
30. The inspector observed that the label for the imported chlorine dioxide products contained a QR code that directed a person to the website <https://www.safrax.com/> (“Website”).
31. The EPA observed that the Website contained the following claims about the imported products including but not limited to (all formatting in original):
 - a) “Safrax Inc. is the leader and manufacturer of Instant Chlorine Dioxide Generating Tablets since 2011. EPA registered disinfectant and sanitizer that kills bacteria, viruses, algae, mold, mildew and odors at its source. Safrax Chlorine Dioxide is non-irritating to skin, non-corrosive and ‘No rinse on food contact surfaces.’”
 - b) “Hospital grade disinfectants and sanitizers”
 - c) “Superior Contaminant Removal: Effectively eliminates bacteria, viruses, and pesticides from the surface of fruits and vegetables.”
 - d) “Your Definitive Solution for Bed Bug Eradication”
 - e) “In addition to its disinfectant properties, chlorine dioxide controls Odors, Insects and Rodents.” Below the text there are graphics of a mouse, cockroach, and a fly and each graphic has a red circle with a strikethrough it on top.
32. The EPA conducted a review of the Website and observed that the Website offered for sale the following products:
 - a) DISIN-CLO2 Chlorine Dioxide Tablets
 - b) DISIN-CLO2 CARTON
 - c) SPA-CLO2 Chlorine Dioxide Tablets
 - d) SPA-CLO2 CARTON
 - e) ODOR-CLO2
 - f) SLOW RELEASE-Clo2 Air Purifier
 - g) PRO-CLO2 CARTON

33. The products on the Website are available for purchase through the Website, where any person visiting the website may find the product(s), select the product(s) for purchase, select a quantity, place the product(s) in a virtual cart, enter a shipping address, submit payment information, and complete the sales transaction.

34. The EPA observed that the Website contained claims about DISIN-CLO2 Chlorine Dioxide Tablets including but not limited to (all formatting in original):

- a) "ALL-PURPOSE DISINFECTANT"
- b) "Kills Fungus, Mold, and Mildew at the source and inhibits growth"
- c) "Hospital disinfectant with lowest toxicity category – gentle enough for daily disinfecting and sanitizing"
- d) "Effective disinfectant that kills 99.999% of bacteria and viruses, including H1N1; MRSA; Norovirus; HIV; Legionella; Pseudomonas aeruginosa; Hepatitis A, B, and C; Ebola virus; and others"
- e) "Eliminates allergens in homes and other environments"

35. The EPA observed that the Website contained claims about DISIN-CLO2 CARTON such as (all formatting in original):

- a) "***Unparalleled Germ-Fighting Power**": With its robust formula, DISIN-Clo2 eradicates 99.99% of bacteria and viruses, including pathogens like H1N1, MRSA, Norovirus, and more. It's not just a cleaner; it's your shield against illness."
- b) "***Food-Safe Sanitizer**": Elevate your kitchen's hygiene with a sanitizer that's potent yet safe for food-contact surfaces, requiring no rinse. DISIN-Clo2 ensures your culinary spaces meet the highest sanitation standards."
- c) "***Versatile and Ready to Use**": Effortless to apply, DISIN-Clo2 comes in a user-friendly tablet form – just add water and you're set to disinfect any area, no complicated preparations needed."

36. The EPA observed that the Website contained claims about SPA-CLO2 Chlorine Dioxide Tablets such as (all formatting in original):

- a) "ALL-IN-ONE SANITIZER"
- b) "Eliminates All Water BACTERIA, GERMS & VIRUS..."
- c) "Kills All Types of Algae"
- d) "**Effective Treatment and Prevention of Biofilm**: Definitive removal of Biofilm from water lines and hard to reach places like Pipe-Lines, Filters and Balance Tanks. The best solution to chemically "scrub" and disinfects the entire circulation and filtration circuit and all wetted surfaces – something which is virtually impossible to achieve by manual cleaning."

37. The EPA observed that the Website contained claims about SPA-CLO2 CARTON such as (all formatting in original):

- a) "SPA-CLO2 is the ultimate solution for maintaining the pristine condition of your swimming pools and spas. These powerful 1g tablets are engineered to provide superior microbiological control, targeting biofilm, water bacteria, and a wide array of harmful pathogens, ensuring your water is not just clean, but healthfully clean."
- b) "***Comprehensive Pathogen Elimination**": SPA-CLO2 stands guard against dangerous microbes including E-Coli, Pseudomonas, Giardia, and more, offering peace of mind with every dip."
- c) "Algae Annihilation**": Wave goodbye to green, black and yellow algae. SPA-CLO2 not only kills these nuisances but also prevents their return, maintaining your pool's aesthetic and hygiene."

38. The EPA observed that the Website contained claims about ODOR-CLO2 such as (all formatting in original):

- a) "Will eradicate odors caused by: Fire, Smoke, Cigarettes, Cigars, Mold, Mildew [...]"

39. The EPA observed that the Website contained claims about SLOW RELEASE-Clo2 Air Purifier such as (all formatting in original):

- a) Graphic of crossed out particles with the text "REDUCES ALLERGENS" below.
- b) "It slowly releases Chlorine Dioxide over 30-60 days, effectively Eliminating Odors, Allergens, and Harmful VOCs, creating Fresher and Healthier spaces."
- c) "This safe, fragrance-free solution effectively neutralizes odors, reduces allergens, absorbs moisture, and eliminates harmful volatile organic compounds (VOCs) to maintain a fresh, breathable environment in any indoor space."
- d) "SLOW RELEASE Clo2 Features:
 - [...] Reduces Allergens: Perfect for individuals sensitive to mold, or pollen.
 - [...] Effectively Inhibits the growth of mold or mildew in the air. [...]"

40. The EPA observed that the Website contained claims about PRO-CLO2 CARTON such as (all formatting in original):

- a) "Power up your odor removal and disinfection strategy with PRO-CLO₂, our high-performance chlorine dioxide trusted by professionals."

41. The EPA also reviewed documentation in CBP's ACE system and observed that in January 2024 Safrax was the importer of record for at least three (3) shipments of chlorine dioxide products into the United States. The EPA observed that Safrax did not file NOAs for each of the imported chlorine dioxide products as required by section 17(c) of FIFRA, 7 U.S.C. § 136o(c) and 19 C.F.R. § 12.112.

42. The claims observed on the imported products' label and on the Website indicate that the chlorine dioxide products are intended for preventing, destroying, repelling, or mitigating a pest as defined under section 2(t) of FIFRA, 7 U.S.C. § 136(t), and 40 C.F.R. § 152.5.
43. Based on the information EPA reviewed as a result of its inspections, the EPA determined that the chlorine dioxide products Safrax imported are pesticides that must be registered before being distributed or sold. *See* 7 U.S.C. §§ 136(u), 136a(a).
44. Based on information EPA reviewed as a result of its inspections, the EPA determined that the chlorine dioxide products offered for sale on the Website are pesticides that must be registered before distributed or sold. *See* 7 U.S.C. §§ 136(u), 136a(a).
45. Safrax's chlorine dioxide products are not and have never been registered with the EPA.
46. The Website states that the chlorine dioxide products are "EPA-registered", but as stated previously, the products are not registered with the EPA and an EPA registration number was not present on or attached to the label of the inspected chlorine dioxide. Accordingly, the products' labeling bears a statement that is false or misleading and the products are misbranded as defined in section 2(q)(1)(A), 7 U.S.C. § 2(q)(1)(A).
47. Because the EPA establishment number for the facility where the products were produced was not on or attached to the label of the inspected chlorine dioxide products, the chlorine dioxide products are misbranded as defined in section 2(q)(1)(D), 7 U.S.C. § 2(q)(1)(D).
48. The EPA has reason to believe that Safrax distributed or sold and intends to further distribute or sell the unregistered pesticide products, described in Paragraphs 26-47 ("Unregistered Products"), in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).
49. The EPA has reason to believe that Safrax distributed or sold and intends to further distribute or sell the misbranded pesticide products, described in Paragraphs 26-47 ("Misbranded Products"), in violation of FIFRA section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E).
50. The EPA has reason to believe that Safrax failed to submit a NOA or its electronic equivalent prior to importing each shipment of chlorine dioxide product into the United States as mandated by Section 17(c) of FIFRA, 7 U.S.C. § 136o(c), and 19 C.F.R. § 12.112, in violation of Section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N).

III. ORDER

51. Safrax is ordered to immediately cease any distribution, sale, use, or removal of the Unregistered Products and Misbranded Products described above, including the specific chlorine dioxide products identified in Paragraph 32 (collectively, "Covered Products").

52. This Order shall pertain to all inventory of Covered Products under the ownership, control, or custody of Safrax, wherever such products are physically located.
53. The Covered Products shall not be sold, offered for sale, held for sale, shipped, delivered for shipment, received; or, having been so received, delivered, offered for delivery, moved, or removed, for any reason, other than in accordance with the provisions of this Order, any written modification to this Order, or as otherwise approved by the EPA in writing according to the following paragraph.
54. Should Safrax seek an exception to this Order's prohibition on moving any quantities of the Covered Products, it must do the following:
- a) Safrax must submit a written request to move them and receive written approval from the EPA prior to any movement or removal occurring.
 - b) The request must be submitted to Christine Trostler at trostler.christine@epa.gov.
 - c) The request must include an explanation of the purpose or reason for the movement or removal.
 - d) The request must include a written accounting of the products to be moved (i.e., product name or identifier, container size(s), quantity of containers per product and total quantity), address of the location where product will be moved, address of the destination location, and approximate timeline.
 - e) If the movement is for purpose of disposal, Safrax must dispose the Covered Products in compliance with all applicable federal, state, and local laws. If Safrax elects to dispose of the Covered Products, Safrax must document and maintain records of the products' disposition and send the records of the disposition to the EPA within 30 calendar days of completion of the disposition.

V. OTHER MATTERS

55. This Order shall be effective immediately upon receipt by any agent, owner, or operator of Safrax.
56. This Order shall remain in effect unless and until terminated or modified in writing by the EPA.
57. The issuance of this Order shall not constitute a waiver by the EPA of any enforcement or other authority available to the Agency under federal law.
58. Any agent, owner, or operator of Safrax violating the terms or provisions of this order may be

subject to civil or criminal penalties as prescribed by Section 14 of FIFRA, 7 U.S.C. § 136l.

59. Safrax may seek federal judicial review of this Order pursuant to Section 16 of FIFRA, 7 U.S.C. § 136n.
60. 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.
61. Safrax may assert a business confidentiality covering all or part of the above information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by the EPA, the information may be made available to the public by the EPA without further notice.
62. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii) and 26 C.F.R. § 162-21(b)(2), performance of Paragraphs 51-54 is restitution, remediation, or required to come into compliance with the law.
63. For any additional information about this Order, please contact Christine Trostler by telephone at 202-564-2240 or by email at trostler.christine@epa.gov.

Date

Christina Cobb, Chief
Pesticides and Tanks Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement

UNITED STATES PROTECTION AGENCY

INFORMATION REQUEST

DEFINITIONS

For the purpose of this Information Request, all terms used herein share those meanings of terms set forth in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136-136y, its implementing regulations, and the Stop Sale, Use and Removal Order (SSURO) enclosed with this correspondence. Otherwise, the following definitions shall apply:

- I.1. "Safrax" or "You" or "Your" means Safrax Inc., including but not limited to its predecessors, successors, subsidiaries, parent companies, affiliates, d/b/a, divisions, branches, brands, offices, franchises, facilities, committees, trusts, partnerships and joint ventures in which it has any interest; all entities for which it is acting as an agent or contractor; and its past or present officers, directors, trustees, managers, employees, agents, consultants, contractors, attorneys, representatives and any other persons acting on its behalf.
- I.2. "Information Request Letter," "Information Request," "Request," or "IRL" means this correspondence.
- I.3. "Employee" shall mean any common law employee, contractor, sub-contractor or independent contractor, including but not limited to pesticide "handler[s]" as that term is defined in 40 C.F.R. § 170.3 and "certified applicator[s]," as that term is defined in section 2(e)(1) of FIFRA, 7 U.S.C. § 135(e)(1), working for Safrax in any capacity.
- I.4. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request all information which might otherwise be construed outside its scope.
- I.5. "Possession, custody, or control" includes all records in the possession, custody or control of Respondent, Respondent's officers, directors, trustees, managers, employees, agents, consultants, contractors, attorneys, representatives and any other persons acting on Respondent's behalf, wherever such record may be located. Without limitation on the term "control," a record is deemed to be in Safrax's control if the Safrax received the record or has the right to secure that record or a copy thereof from another person.
- I.6. "Record" means an original or copy of all documents, contracts, agreements, memoranda, notes, papers, letters, maps, books, photographs, microfilms, electronic messages and attachments, calendars, outlines, drafts, ledgers, bills, invoices, purchase orders, shipping orders, statements of receipt or shipment, work requests, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or

characteristics, made or received by Safrax concerning or in connection with Safrax's operation and any pesticide or device. It also includes electronically stored data from which information can be obtained either directly or by translation through detection devices or readers, including but not limited to information stored on a computer hard drive, magnetic tape, cassette, disk, CD, Internet Service Provider or network. All records must be produced in usable form with instructions for reading such data.

- I.7. "Furnish", "describe", "identify" or "indicate" means turning over to EPA either original or duplicate copies of the requested information in the possession, custody, or control of Clear Gear. Where specific information has not been memorialized in any document but is nonetheless responsive to a request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
- I.8. "Current" refers to the date Safrax receives this Information Request Letter.
- I.9. "CPB" refers to the United States Customs and Border Protection.
- I.10. "Covered Products" refers to all chlorine dioxide products Safrax distributes, sells, and imports including but not limited to those products subject to the Stop Sale, Use, or Removal Order issued to Safrax, Inc., Docket No. FIFRA-HQ-2025-5012.

II. INSTRUCTIONS

- II.1. Submit a response within **30 calendar days** of the date of this Request. Requests for additional time must be made in writing within five calendar days prior to the deadline for submission and provide a justification for the request.
- II.2. The response and all record submissions required by this Information Request should be provided electronically (i.e., email or online file sharing such as Dropbox, Google Drive, OneDrive, etc.) and in an electronic format that is searchable and fully accessible in Microsoft Office or Adobe Acrobat. For any files provided in PDF, all text must be made searchable and optical character recognition (OCR) performed. If another format is used, it must be approved by EPA at least **15 calendar days** before the response is due.
- II.3. Address each numbered request separately and precede each response with the number of the corresponding request.
- II.4. Provide a record index or list that identifies each record submitted, the specific request the file is responding to, the file software, file name(s), size(s), and the date(s) of creation.
- II.5. A complete answer must be provided for each request to the best of Safrax's ability, even if the information sought was never reduced to writing or if the records are no longer available.

If the appropriate response is “none” or “not applicable,” that must be stated. Submission of cursory responses when other responsive information is available will be considered non-compliance with this Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Request and may result in enforcement action.

- II.6. If responsive information or records are not within Safrax’s possession, custody, or control, indicate where the information or records may be obtained. Responsive information or records must be obtained from current and former employees and/or agents if needed.
- II.7. If information is not known or available at the date of submission of the response, but later becomes known or available, supplemental responses must be submitted to EPA.
- II.8. All records that respond in whole or in part to any part or clause of any request shall be produced in their entirety, including all attachments and enclosures. A written reason and general subject matter explanation must be provided if anything is redacted or deleted from a responsive record.
- II.9. If after submitting the response any portion of the submitted information is found to be false, misleading, or misrepresents the truth, Safrax must immediately notify the EPA.
- II.9. The EPA has not determined whether recipient is a “small business” under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”). If this company is a “small business” under SBREFA, please see additional information provided in EPA’s Small Business Information Sheet (<https://www.epa.gov/compliance/small-business-resources-information-sheet>) which includes information on compliance assistance and about contacting the SBREFA Ombudsman to comment on federal enforcement. Any decision to participate in such program or to seek compliance assistance does not relieve any obligation to respond to an EPA information request or other enforcement action in a timely manner. Further, participation does not create any new rights or defenses under law and will not affect EPA’s decision to pursue an enforcement action.
- II.10. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Records or information provided to the EPA may be entitled to a claim of business confidentiality (“CBI claim”). Additional information on asserting or substantiating a CBI claim is included with this correspondence.
- II.11. The response should be accompanied by the certification enclosed with this Information Request signed by a responsible company official or representative.

III. INFORMATION AND RECORDS REQUESTED

- III.1. Provide a complete current inventory of all Covered Products including product names, internal product codes, quantities, available container sizes, and locations (e.g. warehouses,

retail stores, other e-commerce websites) where the products are held for sale or distribution.

III.2. Provide the following records for each Covered Product sold or distributed from January 2021 to the current date:

- A) Date of sale or distribution;
- B) Quantity sold or distributed;
- C) Location (city/state, and country if outside the United States), and EPA establishment number, if applicable, where Product was shipped from and location (city/state, and country if outside the United States) where Product was shipped to;
- D) Copies of all past and current versions of the final printed labels on the Covered Products;
- E) Copies of all past and current versions of Safety Data Sheets and ingredient composition information or statements of formula, promotional marketing materials or advertisements, product bulletins, and all other records created, distributed, or used by Safrax to promote or inform the sale, distribution, or use of the Covered Products.

III.3. Provide all records from January 2021 to the current date that were submitted by Safrax to CBP as part of the import entry process into the United States for each Covered Product. Examples of responsive records include but are not limited to bill of lading, air waybill, entry manifest (CBP Form 7533) or application and special permit for immediate delivery (CBP Form 3461) or other form of merchandise release required by the port director, commercial invoice or a pro forma invoice when the commercial invoice cannot be produced, packing list, or any other record that is responsive to Paragraph III.3.

III.4. Identify the person(s) responding to this request and the person(s) consulted in preparing responses to this request (including names, titles, telephone numbers and e-mail addresses).

IV. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information and records submitted in response to this Information Request. I certify that to the best of my knowledge and belief all information and records submitted in response to this Request are true, accurate, and complete, and that all records submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Executed on the _____ day of _____, 202__

Signature

Name

Title

Employer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CONFIDENTIAL BUSINESS INFORMATION (CBI) **ASSERTION AND SUBSTANTIATION REQUIREMENTS**

Assertion Requirements

Respondent may assert a business confidentiality claim covering all or part of the information requested in the attached letter, as provided in 40 C.F.R. § 2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which make a claim of confidentiality is made should be marked by placing on or attaching a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” and a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth by 40 C.F.R. pt. 2. Allegedly confidential portions of otherwise non confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice.

Please segregate personnel, medical and similar files from all responses and include such information on separate sheet(s) marked as “Personal Privacy Information.”

Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides that Respondent satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information, that Respondent intends to continue to do so, and that the information is not and has not been reasonably obtainable by legitimate means without Respondent’s consent.

Pursuant to 40 C.F.R. pt. 2, subpt.. B, EPA may at any time send a letter asking that Respondent substantiate a CBI claim. Respondent must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit comments within that time will be regarded as a waiver of the confidentiality claim or claims, and EPA may release the information. The EPA will ask Respondent to specify which portions of the information considered confidential. **Respondent must be specific by page, paragraph, and sentence when identifying the information subject to a CBI claim.** Any information not specifically identified as subject to a CBI claim may be disclosed in response to a Freedom of Information Act request without further notice. For each item or class of information that you identify as being subject to CBI, EPA will ask for answers to the following questions, with as much detail as possible:

1. For what period of time should the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.

2. Information submitted to EPA becomes stale over time. Why should the information claimed as confidential be protected for the time period specified in the answer to question #1?
3. What measures have been taken to protect the information claimed as confidential? Has it been disclosed to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that would customarily not be release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to Respondent's competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could competitors make use of this information to Respondent's detriment?
7. Does Respondent assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for this assertion. If it is asserted that the information is voluntarily submitted, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue(s) Respondent deems relevant.

If Respondent receives a request for a substantiation letter from the EPA, Respondent bears the burden of substantiating the confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating a CBI claim(s), EPA will require that a bracket be placed around all text so claimed and marked as "CBI." Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. pt. 2, subpt. B. Information not subject to a CBI claim may be made available to the public without further notice.