



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

DEC - 9 2013

Ref: 8ENF-UFO

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Robert Martin, Owner  
Specialty Chemical and Systems, Inc.  
4650 Leyden Street Suite A  
Denver, Co 80216

RE: Order to Stop the Sale, Use or Removal  
LTS Sanitizer and Sanitizer

Dear Mr. Martin:

Please find enclosed an Order from the United States Environmental Protection Agency (EPA) concerning LTS Sanitizer and Sanitizer products sold by Specialty Chemical and Systems, Inc., (Specialty Chemical). The enclosed Order requires that you stop the sale, distribution or use of the pesticide LTS Sanitizer and Sanitizer. 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 Specialty Chemical. This Order is *effective immediately*.

Under Section 13 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136 (k) (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, LTS Sanitizer and Sanitizer are misbranded 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 from my staff at 303-312-6203

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy O'Connor".

Darcy O'Connor, 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

2013 DEC -9 AM 8:51

In the Matter of: )  
)  
Specialty Chemical & Systems, Inc. )  
4650 Leyden Street Suite A )  
Denver, CO 80216 )  
)  
Respondent )  
)

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

**DOCKET NO.: FIFRA-08-2014-0001**

EPA REGION VIII  
HEARING CLERK

**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 Specialty Chemical and Systems, Inc. (Specialty Chemical).
4. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), states "it shall be unlawful for any person in any State to distribute or sell to any person any pesticide, which is adulterated or misbranded."
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. Pursuant to section 2(q)(1)(E) of FIFRA, 7 U.S.C. §136(q)(1)(E) “a pesticide is misbranded if [ ] any word, statement, or other information by or under authority of this subchapter to appear on the label or labeling is not prominently placed thereon . . .”
11. Pursuant to sections 19(e) and 19(f) of FIFRA, 7 U.S.C. §§ 136q(e) and 136q(f) the EPA issued regulations covering labeling requirements for pesticide containers. The EPA codified the labeling requirements for pesticide containers requirements in 40 C.F.R. §§ 156.140 through 156.159.
12. Pursuant to 40 C.F.R. § 156.159, any pesticide released for shipment by a registrant after August 16, 2011, must bear labeling that complies with the container regulations codified in 40 C.F.R. § 156.140.
13. Pursuant to 40 C.F.R. § 152.132 a supplemental distributor “is considered an agent of the registrant for all intents and purposes under [FIFRA].”

## **II. BACKGROUND**

14. Specialty Chemical is incorporated and organized under the laws of the State of Colorado and is authorized to do business in the State of Colorado.
15. Specialty Chemical, is a “person” as the term is defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
16. Specialty Chemical is a supplemental distributor for the registrant, Harcros Chemical Inc.’s Sodium Hypochlorite 10 % (EPA Registration Number 148-628). Specialty Chemical sells Sodium Hypochlorite 10 % under the brand name “Sanitizer.”
17. Specialty Chemical is the registrant for LTS Sanitizer (EPA Registration Number 61647-1).

## **III. BASIS FOR ORDER**

18. On August 15, 2013, an inspector with the EPA, conducted an inspection at the Specialty Chemical and Systems office, located at 4650 Leyden Street Suite A; Denver, CO 80216, to determine compliance with FIFRA and its implementing regulations.
19. During the inspection, the inspector obtained copies of labels placed on the non-refillable containers used by Specialty Chemical for the pesticides sold and distributed under Specialty Chemical brand names Specialty Chemical Sanitizer and LTS Sanitizer.
20. Both LTS Sanitizer and Sanitizer labels do not include the container label language required by 40 C.F.R. §156.140(a).

21. Based on the review of the information obtained during the inspection, EPA determined that the failure to include the container label language required by 40 C.F.R. §156.140(a) in the labels for the Sanitizer and LTS Sanitizer pesticide products constitutes misbranding.

#### IV. ORDER

22. The EPA hereby orders Specialty Chemical to stop the sale, use, or removal of LTS Sanitizer and Sanitizer EFFECTIVE IMMEDIATELY.

23. This Order pertains to all quantities and sizes of the two Specialty Chemical pesticide products within the ownership, control, or custody of Specialty Chemical or any other entity producing the products. The two Specialty Chemical pesticide 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.

24. Within two weeks of receipt of this Order, Specialty Chemical must submit a written inventory for the two Specialty Chemical pesticide 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.

25. Within two weeks of receipt of this Order, Specialty Chemical must submit a written plan describing how Specialty Chemical will correct the violations noted in this Order.

26. 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

27. Any violation of the terms or provisions of this Order by an officer, agent, or other person acting for or employed by Specialty Chemical may subject the violator as well as Specialty Chemical to civil or criminal penalties as prescribed in section 14 of FIFRA, 7 U.S.C. § 136l.

28. 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.

29. This Order shall be EFFECTIVE IMMEDIATELY upon receipt by Respondent.

30. 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.

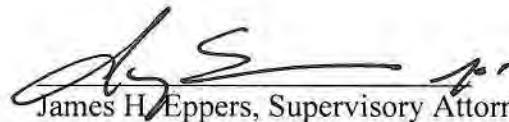
31. Respondent may seek federal judicial review of the Order pursuant to section 16 of FIFRA,  
7 U.S.C. § 136n.

12.6.13  
Date



Darcy O'Connor, Director  
Technical Enforcement Program UIC-FIFRA-OPA  
Office of Enforcement, Compliance and  
Environmental Justice

12/6/2013  
Date



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

**In the Matter of:** Specialty Chemical & Systems, Inc.  
**Docket No.:** DOCKET NO.: FIFRA-08-2014-0001

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the original and one copy of the STOP SALE, USE, OR REMOVAL ORDER was hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street; Denver, Colorado 80202-1129, and that a true copy of the same was sent via Certified Mail to Specialty Chemical & Systems, Inc., at the following address:

Richard A. Martin  
Specialty Chemical & Systems, Inc.  
4650 Leyden Street Suite A  
Denver, CO 80216

12/9/13  
Date

Joan E. Datty