



OFFICE OF CIVIL ENFORCEMENT

WASHINGTON, D.C. 20460

March 18, 2024

SENT VIA EMAIL READ RECEIPT REQUESTED

PURDY PRODUCTS COMPANY
C/O Michael Boucher, Counsel
STEPTOE LLP
1330 Connecticut Avenue, Northwest
Washington, D.C. 20036
Mboucher@Steptoe.com

Re: Stop Sale, Use, or Removal Order, Docket No. FIFRA-HQ-2024-5013, and Information Request Issued to Purdy Products

Enclosed is a Stop Sale, Use, or Removal Order (the “Order”) issued to Purdy Products Company by the U.S. Environmental Protection Agency (EPA) pursuant to its authority under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Order requires Purdy Products to stop all distribution and sale of the products described by the Order (“Covered Products”) unless otherwise permitted by the Order, which is effective immediately upon receipt.

Section 13(a) of the 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 by any person who owns, controls, or has custody of such pesticide whenever there is reason to believe on the basis of inspections 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 any provision of FIFRA.

Based on an inspection, the EPA has reason to believe that Purdy Products has previously and intends to continue selling or distributing unregistered and misbranded pesticide products. The sale or distribution of an unregistered or misbranded pesticide is an unlawful act under sections 12(a)(1)(A) and 12(a)(1)(E) of FIFRA. 7 U.S.C. §§ 136j(a)(1)(A) and (E).

Any violation of FIFRA or the terms or provisions of this Order may result in the imposition of civil penalties up to \$24,255 per violation or criminal penalties pursuant to section 14 of FIFRA. 7 U.S.C. § 136l. The issuance of this Order shall not act as a waiver by the EPA of any available lawful authority, enforcement or otherwise, including authority to seek civil penalties for any alleged violations described in this Order under section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

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/or sale of pesticides for the purposes of enforcing FIFRA. The EPA asks that Purdy Products submit information electronically in accordance with the enclosed Information Request within 30 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 FIFRA. 7 U.S.C. §§ 136j(a)(2)(B), (M). Violations of FIFRA are punishable by civil or criminal penalties under section 14 of FIFRA, 7 U.S.C. § 136l.

Questions concerning this matter and submission of information subject to a CBI claim may be directed to Abdul Ibrahim, General Engineer, via email at Ibrahim.Abdul@epa.gov and to Haley C. Todd, Attorney, via email at Todd.Haley@epa.gov or via phone at (202) 564-1580.

Sincerely,

Christina Cobb, Chief
Pesticides and Tanks 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-2024-5013
Information Request
Confidential Business Information Assertion and Substantiation Requirements

Cc: Illinois Department of Agriculture – Bureau of Environmental Programs
(*AGR.Pesticide@Illinois.gov*)

)	
IN THE MATTER OF:)	
)	
PURDY PRODUCTS)	STOP SALE, USE, OR REMOVAL ORDER
Wauconda, Illinois)	
)	Docket No. FIFRA-HQ-2024-5013
Respondent.)	
)	

1. The Environmental Protection Agency (EPA) regulates pesticides and pesticide devices pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (“FIFRA”), 7 U.S.C. §§ 136-136y.

2. Section 13(a) of FIFRA 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, on the basis of inspection 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 FIFRA. 7 U.S.C. § 136k(a).

3. This authority has been delegated from the EPA Administrator to the Director and Associate Director of the Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance. The Director redelegated this authority to the Branch Chief of the Pesticides and Tanks Enforcement Branch within the Waste and Chemical Enforcement Division.

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

5. “Person” means “any individual, partnership, association, corporation, or any organized group or persons whether incorporated or not.” 7 U.S.C. § 136(s).

6. “To distribute or sell” means 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. 7 U.S.C. § 136(gg); 40 C.F.R. § 152.3.

7. “Pesticide” is defined in part as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” 7 U.S.C. § 136(u).

8. “Pest” means any insect, rodent, nematode, fungus, weed, any other form of terrestrial or aquatic plant or animal life or virus, bacteria, prion, or other micro-organisms (except viruses, bacteria, or other micro-organisms on or in living man or other living animals and those on or in processed food or processed animal feed, beverage, drugs, and cosmetics) which the Administrator declares to be a pest under section 25(c)(1). 7 U.S.C. § 136(t); 40 C.F.R. § 152.5.

9. Under 40 C.F.R. § 152.15, “A substance is considered to be intended for a pesticidal purpose, [i.e., used for the purpose of preventing, destroying, repelling, or mitigating any pest,] and thus 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 that has no significant commercially valuable use as distributed or sold other than (1) use for pesticide 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.”

10. “Pesticide product” means 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 terms includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide. 40 C.F.R. § 152.3.

11. “Registrant” means a person who has registered any pesticide under FIFRA. 7 U.S.C. § 136(y).

12. A registrant may distribute or sell their registered pesticide product under another’s name and address instead of their own. This is called “supplemental distribution” and the resulting product is called a “distributor product.” 40 C.F.R. §152.132.

13. Supplemental distribution is permitted upon notification to EPA if all of the following conditions are met:

- (A) The registrant has submitted to EPA a “Notice of Supplemental Distribution of a Registered Pesticide Product” (“Notice of Supplemental Distribution”) for each distributor product that is signed by the registrant and distributor and provides each party’s name and address, the distributor’s company number, the additional brand names to be used, and the registration number of the registered product. 40 C.F.R. §152.132(a).
- (B) The distributor product is produced, packaged, and labeled in a registered establishment operated by the same producer of the registered product. 40 C.F.R. § 152.132(b).
- (C) The distributor product is not repackaged (remains in the producer’s unopened container). 40 C.F.R. §152.132(c).
- (D) The label of the distributor product is the same as that of the registered product, except that:
 - (i) The product name of the distributor product may be different (but may not be misleading);

- (ii) The name and address of the distributor may appear instead of the registrant;
- (iii) The registration number of the registered product must be followed by a dash, followed by the distributor's company number (obtainable from the Agency upon request);
- (iv) The establishment number must be that of the final establishment at which the product was produced; and
- (v) Specific claims may be deleted, provided that no other changes are necessary. 40 C.F.R. § 152.132(d).

14. The supplemental distributor is considered an agent of the registrant and both may be liable for violations pertaining to the distributor product. 40 C.F.R. § 152.132.

15. "Package or packaging" means the immediate container or wrapping, including any attached closure(s), in which the pesticide is contained for distribution, sale, consumption, use, or storage. The term does not include any shipping or bulk container used for transporting or delivering the pesticide unless it is the only such package. 40 C.F.R. § 152.5.

16. Section 12(a)(1)(E) of FIFRA provides that it is unlawful for any person in any state to distribute or sell to any person a pesticide that is adulterated or misbranded. 7 U.S.C. § 136j(a)(1)(E).

17. A pesticide is misbranded if (among others):

- (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 FIFRA to appear on the label or labeling is not placed thereon. 7 U.S.C. § 136(q)(1)(E).
- (C) There is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing –

- (i) The name and address of the producer, registrant, or the person for whom produced;
- (ii) The name, brand, or trademark under which the pesticide is sold;
- (iii) The net weight or measure of the content, except that the Administrator may permit reasonable variations. 7 U.S.C. § 136(q)(2)(C). 40 C.F.R. § 156.10(a)(4)(i).

18. “Label” means “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.” 7 U.S.C. § 136(p)(1).

19. “Labeling” includes “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.” 7 U.S.C. § 136(p)(2).

III. BASIS FOR THE ORDER

20. Respondent is Purdy Products Company (“Respondent”), a corporation registered in Illinois, with a principal place of business at 1255 Karl Court, Wauconda, Illinois 60084. Respondent is therefore a “person” as defined under 7 U.S.C. § 136(s).

21. Respondent’s principal place of business is 1255 Karl Court, Wauconda, Illinois 60088. This location is also registered with the EPA as a pesticide producing establishment (EPA Est. No. 178-IL-1).

22. On November 13, 2023, EPA Region 5 conducted a for-cause inspection of Respondent’s EPA registered establishment.

23. During the for-cause inspection, inspectors took photographs and collected documentary samples, including product labeling, receiving records, sales or distribution records, batch production records, and other materials.

24. Inspectors observed Respondent producing and holding for distribution boxed pesticide products. Each box contained 100 individual packets of 0.5 ounces of Sani-Station Sanitizer & Cleaner (“Sani-Station”) (EPA Reg. No. 178-9-92098), a chlorine blend for cleaning and sanitizing food contact equipment, utensils, and other hard, non-porous surfaces.

25. Sani-Station is a distributor product assigned the EPA registration number 178-9-92098.

26. Sani-Station is a distributor product that has been subject to supplemental distribution requirements since June 10, 2019, when Respondent filed a Notice of Supplemental Distribution with EPA.

27. The Notice of Supplemental Distribution permitted CFS Brands, Inc. (d/b/a San Jamar Inc., d/b/a Dr. John's Labs, LLC) to sell or distribute Respondent's registered pesticide, Stera-Sheen Green Label Sanitizer & Cleaner ("Stera-Sheen") (EPA Reg. No. 178-9), under the Sani-Station product name.

28. The Notice of Supplemental Distribution stated that the only distributor product name that may be used is "Sani-Station Sanitizer & Cleaner."

29. As a distributor product, Sani-Station must, among other requirements, not be repackaged and must bear the EPA-accepted label for Stera-Sheen, subject to a few exceptions not relevant to this matter. 40 C.F.R. §§ 152.132(c)-(d).

Sani-Station Sanitizer & Cleaner (0.5-ounce packets, 100 packets per box)

30. As described in paragraphs 24-27, Sani-Station is a "pesticide" as defined under section 2(u) of FIFRA. 7 U.S.C. § 136(u).

31. Since Sani-Station is a distributor product, its directions for use are required to match the following directions for use from the EPA-accepted label for Stera-Sheen:

--- Dilution Ratio Chart ---	
Number of .5 oz. Packet{s} {OR} .5 oz. Scoop{s}	
<u>Water</u>	<u>{ppm of Available Chlorine}</u>
1.5 - 2 quarts	1 {100-150ppm}
3 - 4 quarts	2 {100-150ppm}
4.5 - 6 quarts	3 {100-150ppm}

32. Inspectors observed the following directions for use on boxes of Sani-Station (relevant statements are highlighted in yellow):

DIRECTIONS FOR USE	
It is a violation of Federal Law to use this product in a manner that is inconsistent with labeling.	
Sani Station Sanitizer & Cleaner required use dilution .5 oz. to 1.5-2 qt. water = 100-199 ppm Available Chlorine pH between 9 and 10	
--- Dilution Ratio Chart ---	
Water	Number of .5 oz. Packets (ppm of Available Chlorine)
1-2 quarts	1 (100-199ppm)
2-4 quarts	2 (100-199ppm)
3-6 quarts	3 (100-199ppm)

33. Because the directions for use dilution on Sani-Station differ from the use dilution on the EPA-accepted label, the Sani-Station label does not contain the words, statements, or information required by or under FIFRA. Specifically, the Sani-Station label does not contain the information from the EPA-accepted label that is required to satisfy the conditions of 40 C.F.R. § 152.132(d).

34. Therefore, the boxes of Sani-Station are misbranded under Section 2(q)(1)(E) of FIFRA, 7 U.S.C. § 136(q)(1)(E.)

35. Additionally, inspectors observed the following directions for use on a different panel of the same boxes of Sani-Station (relevant statements are highlighted in yellow):

Cleaning and Sanitizing Kitchenware, Components, Utensils, or Miscellaneous Food-Contact Equipment and Parts For Manual Warewashing with Sani Station™ One Compartment.	
1. Follow dilution chart. Prepare a fresh 100-150ppm solution daily and when the available chlorine falls below 50ppm. ALWAYS use chlorine test strips. 2. Fill Sani Pan with warm water to Fill Line. Add packet(s) contents to water and dissolve. Place Brush Insert into Sani Pan. Brushes must be submerged below water level. 3. Scrape or wipe loose food soils on red debris squeegee. 4. Scrub vigorously through the brushes until visibly clean. 5. Allow item to remain submerged for at least one minute. 6. Remove and place in Drying Basket to air dry. DO NOT RINSE.	

36. The dilution instructions on the panel shown in the above paragraph conflicts with the panel on the same product as shown in paragraph 32, which makes these labeling statements false or misleading and this product misbranded under section 2(q)(1)(A) of FIFRA. 7 U.S.C. § 136(q)(1)(A).

37. Sale or distribution of a misbranded pesticide is an unlawful act under section 12(a)(1)(E) of FIFRA. 7 U.S.C. § 136j(a)(1)(E).

Sani-Station Subway Kit

38. Inspectors collected records showing that Respondent sold or distributed a product identified as “Sani-Station Subway Kit” that contained a box of Sani-Station (0.5-ounce packets, 100 packets per box), an empty spray bottle labeled as a pesticide, brush, and gloves.

39. Sani-Station Subway Kit is a “pesticide” as defined under section 2(u) of FIFRA. 7 U.S.C. § 136(u).

40. The box of Sani-Station included in the kit renders this product misbranded under sections 2(q)(1)(A) and (E) of FIFRA, as set forth in paragraphs 34 and 36. 7 U.S.C. §§ 136(q)(1)(A), (E).

41. All items in the kit are packaged within an outer carton that provides no information other than the name of the product.

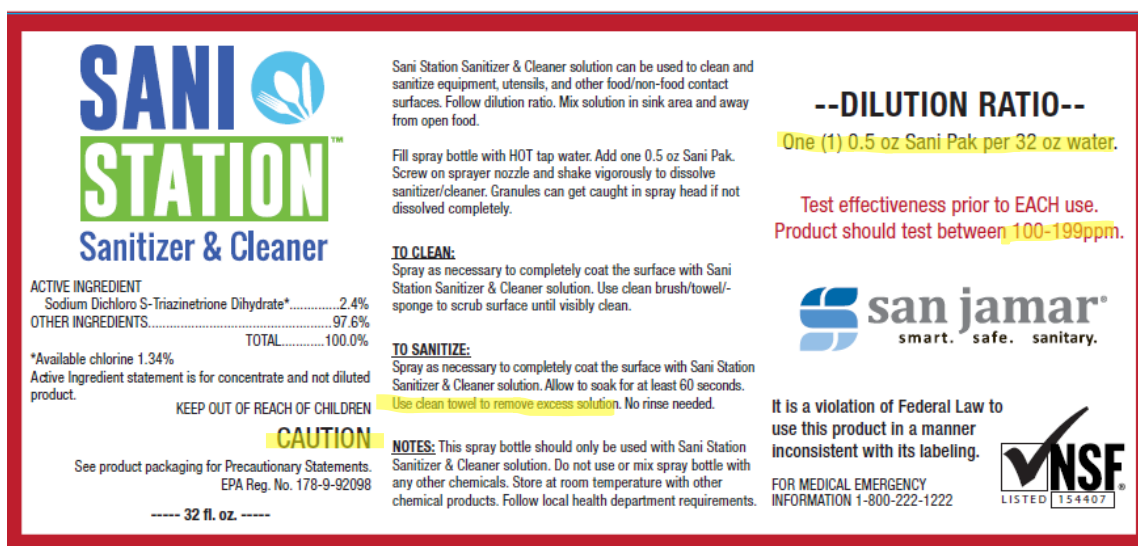
42. Therefore, the kit is misbranded because it fails to provide the following information on the outside container or wrapper of the retail pesticide package:

- (A) The name and address of the producer, registrant, or person for whom the pesticide was produced;
- (B) The name, brand, or trademark under which the pesticide is sold, or
- (C) The net weight or measure of the content. on the outside container or wrapper of the retail pesticide package. 7 U.S.C. § 136(q)(2)(C); 40 C.F.R. § 156.10(a)(4)(i).

43. Additionally, this kit contains an empty spray bottle that is labeled as a pesticide and is intended to be used as application equipment for Sani-Station.

44. The EPA-accepted label does not include directions for the application of Sani-Station with a spray bottle. It only provides for application of Sani-Station via a “Sani Pan,” an open-top container for dipping food-contact utensils.

45. Inspectors collected copies of the label applied to the empty spray bottle as shown below (relevant statements are highlighted in yellow):



46. The label applied to the spray bottle as shown immediately above does not include all of the information required under 40 C.F.R. 152.132(d) to be a distributor product and is therefore misbranded under sections 2(q)(1)(E). 7 U.S.C. § 136(q)(1)(E).

47. The spray bottle label also conflicts with the EPA-accepted label as follows:

- (A) The EPA-accepted label used the signal word “DANGER,” not “CAUTION.”
- (B) The EPA-accepted label instructs the user to mix a 0.5-ounce packet of Sani-Station with 1.5-2 quarts of water, not 32 fluid ounces (i.e., 1 quart) of water.
- (C) The EPA-accepted label instructs users to let the sanitized area air dry, not to “Use a towel to remove excess solution.”
- (D) The EPA-accepted label provides that the appropriate dilution is 100-150 parts per million (ppm), not 100-199 ppm.

48. The conflicting labeling statements are false or misleading, making the kit is misbranded under section 2(q)(1)(A) of FIFRA. 7 U.S.C. § 136(q)(1)(A).

49. As a result, this kit is misbranded under sections 2(q)(1)(A), (C), and (E). 7 U.S.C. §§ 136(q)(1)(A), (C), and (E)

50. The sale or distribution of a misbranded pesticide is an unlawful act under section 12(a)(1)(E) of FIFRA. 7 U.S.C. § 136j(a)(1)(E).

51. The kit is also an unregistered pesticide because it does not qualify as a distributor product.

52. It does not satisfy the labeling requirements for distributor products under 40 C.F.R. § 152.132(d).

53. “Sani-Station Subway Kit” is not listed as a product name on the Notice of Supplemental Distribution filed with EPA as required under 40 C.F.R. § 152.132(c).

54. Nor has the Sani-Station Subway Kit ever been an independently registered pesticide product.

55. Therefore, the Sani-Station Subway Kit is a new pesticide product requiring registration under section 3 of FIFRA.

56. It is unlawful to sell or distribute an unregistered pesticide, pursuant to section 12(a)(1)(A) of FIFRA. 7 U.S.C. § 136j(a)(1)(A).

Sani-Station Sanitizer & Cleaner with Two Spray Bottle Labels and Test Strips

57. Inspectors collected records showing that Respondent sold or distributed a product identified as “Sani-Station Sanitizer & Cleaner with Two Spray Bottle Labels and Test Strips,” that contains a box of Sani-Station (0.5-ounce packets, 100 packets per box), test strips, and two spray bottle labels.

58. This product is a “pesticide” as defined under section 2(u) of FIFRA. 7 U.S.C. § 136(u).

59. This product contains the same box Sani-Station as the Sani-Station Subway Kit, was repackaged in the same outer carton as the Sani-Station Subway Kit, and includes the same spray bottle labels as the Sani-Station Subway Kit.

60. Therefore, this product is misbranded under sections 2(q)(1)(A), (C), and (E). 7 U.S.C. §§ 136(q)(1)(A), (C), and (E)

61. The sale or distribution of a misbranded pesticide is an unlawful act under section 12(a)(1)(E) of FIFRA. 7 U.S.C. § 136j(a)(1)(E).

62. This product is also an unregistered pesticide because it does not meet the conditions for supplemental distribution, as set forth for the Sani-Station Subway Kit in paragraphs 51-56.

63. This product does not meet the supplemental distribution label requirements under 40 C.F.R. § 152.132(d).

64. “Sani-Station Sanitizer & Cleaner with Two Spray Bottle Labels and Test Strips” is not listed as a product name on the Notice of Supplemental Distribution filed with EPA as required under 40 C.F.R. § 152.132(c).

65. Nor has the Sani-Station Sanitizer & Cleaner with Two Spray Bottle Labels and Test Strips ever been an independently registered pesticide product.

66. Therefore, Sani-Station Sanitizer & Cleaner with Two Spray Bottle Labels and Test Strips is a new pesticide product requiring registration under section 3 of FIFRA.

67. It is unlawful to sell or distribute an unregistered pesticide, pursuant to section 12(a)(1)(A) of FIFRA. 7 U.S.C. § 136j(a)(1)(A).

IV. ORDER

68. Respondent is hereby ordered to immediately cease any distribution, sale, use, or removal of the following products, collectively referred to herein as “Covered Products,” that are within Respondent’s ownership, custody, or control, wherever physically located:

- (A) Sani-Station Sanitizer & Cleaner;
- (B) Sani-Station Subway Kit;
- (C) Sani-Station Sanitizer and Cleaner with 2 Spray Bottle Labels and Test Strips; and
- (D) Any related pesticide product that is sold under a product name not listed on the Notice of Supplemental Distribution filed with EPA for products based on Stera-Sheen Green Label Sanitizer & Cleaner.

69. This Order shall pertain to all inventory of Covered Products that are within the ownership, control, or custody of Respondent, wherever located.

70. No Covered Products shall be distributed, sold, offered for sale, held for sale, shipped, delivered for shipment, received, delivered, offered for delivery, moved, used, or removed for any reason unless in accordance with this Order, any written modifications to this Order, or as otherwise approved by EPA in writing according to the following paragraph.

71. Movement of Covered Products may occur only as follows:

- (A) Respondent must submit a written request to move Covered Products and receive written approval from EPA before any movement occurs;

- (B) The request must be submitted via email to both Haley C. Todd, at Todd.Haley@epa.gov, and Abdul Ibrahim, at Ibrahim.Abdul@epa.gov.
- (C) The request must include an explanation of the purpose or reason for the movement or removal;
- (D) The request must provide a written accounting of the products to be moved (i.e., product name or identifier, container size, number of containers, and total quantity), the address of the facility from where the products will be moved, and the address of the destination facility;
- (E) If the movement or removal is for the purposes of disposal, Respondent must provide written proof of disposal to EPA, including quantity of product disposed and proof that the disposal was compliant with all applicable federal, state, and local laws.

72. Any movement or removal of Covered Products made without prior written authorization from EPA or not in accordance with the above paragraph constitutes a violation of this Order and may constitute the distribution or sale of a misbranded and unregistered pesticide in violation of section 12 of FIFRA. 7 U.S.C. § 136j.

V. OTHER MATTERS

73. This Order shall be effective immediately upon receipt by Respondent or an authorized agent and shall remain in effect until revoked, terminated, suspended, or closed in writing by EPA.

74. Respondent may seek judicial review of this Order pursuant to 7 U.S.C. § 136n.

75. Noncompliance with this Order is a violation of FIFRA and may result in civil or criminal penalties pursuant to section 14 of FIFRA. 7 U.S.C. §§ 136j(a)(2)(I), 136l.

76. The issuance of this Order shall not constitute a waiver by 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.

77. Respondent may assert a business confidentiality claim (CBI claim) covering all or part of the information provided as part of this Order if such information meets the requisite criteria and is submitted according to 40 C.F.R. § 2.203(b). Information properly subject to a CBI claim may be made available to the public only in accordance with 40 C.F.R. pt. 2, subpt. B. Otherwise, information submitted to EPA may be made available to the public without further notice.

78. For any questions about this Order, please contact Haley C. Todd, Attorney, via email at Todd.Haley@epa.gov or via phone at (202) 564-1580.

[Digital Signature and Date]
Christina Cobb, Chief
Pesticides & Tanks Enforcement Branch
Waste & Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

INFORMATION REQUEST

I. 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. “CFS” means the CFS Brands, including but not limited to its predecessors, successors, subsidiaries, parent companies, affiliates, d/b/a (e.g., Carlisle Foodservice Products, San Jamar, Dr. John’s, Labs, etc.), divisions, branches, brands (e.g., Sani-Station), 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. “Covered Products,” means the following:
 - (A) Sani-Station Sanitizer & Cleaner (EPA Reg. No. 178-9-92098);
 - (B) Sani-Station Subway Kit;
 - (C) Sani-Station Sanitizer and Cleaner with 2 Spray Bottle Labels and Test Strips; and
 - (D) Any related pesticide product that is misbranded as described herein or that is sold under a product name not listed on the Notice of Supplemental Distribution filed with EPA for products based on Stera-Sheen Green Label Sanitizer & Cleaner. This may include, but is not limited to, Sani-Station Counter Stand Kit, Sani-Station Vertical Frame Kit, and Sani-Station Hanging Frame Kit.
- I.3. “Information Request Letter,” “Information Request,” “Request,” or “IRL” means this correspondence.
- I.4. “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 Respondent’s control if the Respondent received the record or has the right to secure that record or a copy thereof from another person.
- I.5. “Purdy Products” or “Respondent” means the Purdy Products Company, 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.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 Respondent concerning or in connection with Respondent'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.

II. INSTRUCTIONS

- II.1. A response must be submitted within **30 days** of receipt of this Request. Requests for additional time must be made in writing within five calendar days of receipt of this Request and provide a justification for the request.
- II.2. Identify the person(s) responding to this request. Include names, titles, telephone numbers, and email addresses.
- II.3. 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 performed. If another format is used, it must be approved by EPA at least 15 days before the response is due.
- 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. Address each numbered request separately and precede each response with the number of the corresponding request and a list of all records submitted in response to the request, including the full record name(s) with the file software, file size(s), author, and date(s) of creation.
- II.6. A complete answer must be provided for each request to the best of Respondent'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 IRL and may result in enforcement action.
- II.7. If responsive information or records are not within Respondent'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.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 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. If after submitting the response any portion of the submitted information is found to be false, misleading, or misrepresents the truth, Respondent must immediately notify the EPA.

- II.10. 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.11. 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”). See 40 C.F.R. pt. 2, subpt. B. Each document containing information Respondent claims is CBI should be clearly marked as such in the top left-hand corner. If an entire file is claimed as CBI, this claim should be clearly marked on the first page and indicate that the CBI claim applies to all pages within the file. Respondent shall also provide a separate response with a list of documents containing CBI and a substantiate why each file or page or group of files or pages qualifies as CBI. When Respondent is ready to submit all CBI documents, please contact Abdul Ibrahim at Ibrahim.Abdul@epa.gov. A link will then be provided through which Respondent may submit CBI through EPA’s secure file transfer service, GoAnywhere.

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. Enclosed with this correspondence is a document titled, *Confidential Business Information (CBI) Assertion and Substantiation Requirements*, which provides additional information on CBI claims.

- II.12. 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 narrative description of the business relationship between Purdy Products and CFS, including contractual obligations from January 2021 to the date of this Request. This includes any former and current contractual relationships or obligations and any contact information.
- III.2. Provide a complete current inventory of all Covered Products including product names, internal product codes, quantities, container sizes, and locations where the products are held.
- III.3. During or after the inspection of Purdy Products on November 13, 2023, Respondent provided proofs of “current” and “future” product labeling. Provide a statement indicating when Purdy Products started using the labeling identified as “current,” and when Purdy Products plans to use the labeling identified as “future.” If already using the “future” labeling, identify the date of the transition from the “current” to “future” labeling.

- III.4. Provide distribution records for all Covered Products from January 2021 to the date of this Request (excluding information already provided during or after the inspection) with the following information:
- a. Covered Product name and internal product code;
 - b. Product description;
 - c. Date of sale or distribution, shipment, and receipt;
 - d. Quantity sold;
 - e. Location where product was shipped and received;
 - f. All product labeling that has been used or is currently used for each Covered Product, this includes all outer carton labels, fact sheets, or sheets containing directions for use that are provided with each sale or distribution.
- III.5. 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 the 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 Respondents 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.