



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG - 6 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Moore
Moore Purity, LLC
1701 Destino Court
Port Orange, Florida 32128

Re: Moore Purity, LLC
Ratified Consent Agreement and Final Order
Docket No. FIFRA-04-2019-3021(b)

Dear Mr. Moore:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Please refer to Section V of the CAFO for penalty information and payment requirements. To ensure proper processing, the respondent name and docket number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Should you have any questions about this matter or your compliance status in the future, please contact Samantha Holtzinger of the U.S. Environmental Protection Agency Region 4 staff at (404) 562-8986.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry L. Lamberth".

Larry L. Lamberth
Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Sara Oglesby, FDA & CS

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA, GEORGIA**

HEARINGS CLERK
2019 AUG -6 AM 7:43
OFFICE OF REGIONAL
ADMINISTRATION

In the Matter of:)
)
 Moore Purity, LLC)
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 Respondent.)
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Docket No.: FIFRA-04-2019-3021(b)

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136l(a) (FIFRA), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.
2. Complainant is the Administrator of the United States Environmental Protection Agency (EPA). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division of EPA, Region 4, is delegated the authority to settle civil administrative penalty proceedings under Section 14(a) of FIFRA. Respondent is Moore Purity, LLC (Respondent or Moore Purity).
3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and

conclude this matter.

II. Preliminary Statements

4. Respondent is a privately held company headquartered at 1701 Destino Court, Port Orange, Florida 32128.
5. Respondent is a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.
6. The term "pesticide" is defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u), to mean, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
7. The term "pest" is defined by Section 2(t) of FIFRA, 7 U.S.C. § 136(t), to mean (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 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), 7 U.S.C. § 136w(c)(1).
8. Pursuant to 40 C.F.R. § 152.5, an 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 invertebrate 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.
9. The term "antimicrobial pesticide" is defined at Section 2(mm)(1) of FIFRA, 7 U.S.C. § 136(mm)(1), to mean, a pesticide that (A) is intended to (i) disinfect, sanitize, reduce, or

mitigate growth or development of microbiological organisms; or (ii) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime.

10. Pursuant to 40 C.F.R. § 152.15, a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration in accordance with Section 3 of FIFRA, 7 U.S.C. § 136a, if, among other things, the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise), that the substance (either by itself or in combination with any other substance) can or should be used as a pesticide.
11. The term “to distribute or sell” as defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), includes to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, or release for shipment.

III. Specific Allegations

12. On or about December 11, 2018, the EPA received information that Respondent may have offered for sale pesticides that were unregistered with the EPA.
13. On or about December 13, 2018, an EPA Region 4 Case Development Officer conducted a review of the Respondent’s website at <https://www.pureleaf420.com>.
14. The Case Development Officer observed that the website included advertisements making pesticidal claims for two (2) products that were being offered for sale by Respondent on the website: PureLeaf Ready to Use and PureLeaf Mix and Use.
15. At the time of the review, the pesticidal claims being made for PureLeaf Ready to Use and PureLeaf Mix and Use included, but were not limited to: “*contains the most potent sanitizing agent available, killing 99.99% of Fungus, Mold, Spores, Bacteria, and other pathogens*”, “*will*

sanitize all your work surfaces and tools and prevents cross contamination”, “permeates your hardest to reach places and kills the spores where they hide”, and “no organism tested against PureLeaf has proven to be resistant.”

16. Based on the aforementioned pesticidal claims, PureLeaf Ready to Use and PureLeaf Mix and Use are antimicrobial pesticides pursuant to Section 2(mm)(1) of FIFRA, 7 U.S.C. § 136(mm)(1) and must be registered with the EPA pursuant to the requirements of Section 3 of FIFRA, 7 U.S.C. § 136a. However, at the time the EPA reviewed Respondent’s website, these two pesticide products had not been registered.
17. Information collected during the review of Respondent’s website (<https://www.pureleaf420.com>) revealed that Respondent had offered for sale unregistered antimicrobial pesticides, PureLeaf Ready to Use and PureLeaf Mix and Use.
18. Under Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), it is unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
19. The EPA alleges that the Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), on at least two (2) occasions by offering for sale the two unregistered pesticides PureLeaf Ready to Use and PureLeaf Mix and Use.
20. Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), in conjunction with the Debt Collection Improvement Act of 1996, authorizes the assessment of a civil penalty.
21. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires the EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent’s ability to continue in business, and the gravity of the violation(s).
22. After consideration of the factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4),

the EPA proposes to assess a total civil penalty of **FOUR THOUSAND THREE HUNDRED TWENTY DOLLARS (\$4,320)** against the Respondent for the above-described violation. Civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), may be assessed by Administrative Order.

IV. Consent Agreement

23. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.
24. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
25. Respondent consents to the assessment of the penalty proposed by the EPA and agrees to pay the civil penalty as set forth in this CAFO.
26. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of FIFRA as it relates to its products.
27. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations alleged in Section III of this CAFO and shall not otherwise affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of the law. Compliance with this CAFO is not a defense to any action subsequently commenced pursuant to federal laws and regulations administered by the EPA, and it is the responsibility of Respondent to comply with FIFRA and other applicable federal, state and local laws and regulations.
28. Complainant and Respondent agree to settle this matter by the execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is

consistent with the applicable requirements of FIFRA.

V. Final Order

29. Respondent is assessed a civil penalty of **FOUR THOUSAND THREE HUNDRED TWENTY DOLLARS (\$4,320)**. Payment shall be paid within thirty (30) days of the effective date of this CAFO.
30. Respondent shall remit payment of the penalty by either a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the check via U.S. mail to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

The check shall reference on its face the name of the Respondent and Docket Number of this CAFO.

Address for payments by USPS overnight mail or other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.):

U.S. Bank
Government Lockbox 979077
US EPA Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819.

31. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303;

Samantha Holtzinger
Chemical Safety Section
Chemical Safety and Land Enforcement Branch
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303.

32. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, the EPA will not seek to recover interest on any amount of such civil penalty that is paid within 30 calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
33. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
34. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
35. This CAFO shall be binding upon the Respondent, its successors and assigns.
36. Each undersigned representative of the parties to this CAFO certifies that he or she is fully

authorized by the party represented to enter into this CAFO and hereby legally binds that party to
it.

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VI. Effective Date

37. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Moore Purity, LLC

Docket No.: FIFRA-04-2019-3021(b)

By:  (Signature) Date: 6-19-2019

Name: Michael R Moore (Typed or Printed)

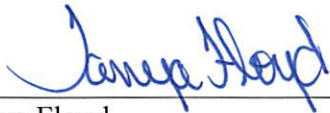
Title: CEO (Typed or Printed)

Complainant: U. S. Environmental Protection Agency

By:  Date: 7-30-2019

Suzanne G. Rubini
Acting Director
Enforcement and Compliance Assurance Division

APPROVED AND SO ORDERED this 5th day of August 2019.



Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Moore Purity, LLC, Docket Number: FIFRA-04-2019-3021(b), to the addressees listed below:

Mr. Michael Moore
Moore Purity, LLC
1701 Destino Court
Port Orange, Florida 32128

(via Certified Mail, Return Receipt Requested)

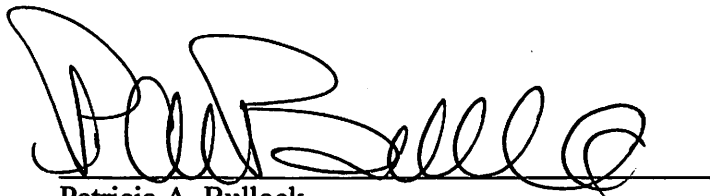
Samantha Holtzinger
Chemical Safety Section
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

(via EPA's internal mail)

Robert Caplan
Senior Attorney
Office of Regional Counsel
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

(via EPA's internal mail)

Date: 8-6-19



Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303
(404) 562-9511