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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

In the Matter of	§	
	§	
Texas Wholesale	§	Docket No. FIFRA-06-2026-0359
Fort Worth, Texas	§	
Dallas, Texas	§	
	§	
Respondent.	§	

STOP SALE, USE, OR REMOVAL ORDER

A. PRELIMINARY STATEMENT

1. This Stop Sale, Use, or Removal Order (the "Order" or "SSURO") is issued pursuant to the authority of Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or the "Act"), 7 U.S.C. § 136k(a), as amended. Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), authorizes the Administrator of the U.S. Environmental Protection Agency to issue an order prohibiting the sale, use, or removal of any pesticide or device by any person who owns, controls, or has custody of such pesticide or device whenever there is reason to believe that, *inter alia*, the pesticide or device is in violation of any provision of FIFRA, or the pesticide or device has been or is intended to be distributed or sold in violation of any provision of FIFRA, or when the registration has been cancelled by a final order.

2. Complainant is the United States Environmental Protection Agency, Region 6 ("EPA"). On behalf of the Administrator and the Regional Administrator, EPA, Region 6, the

Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to issue orders under Section 13(a) of the Act, 7 U.S.C. § 136k(a).

3. Texas Wholesale ("Texas Wholesale" or "Respondent") is a corporation doing business in the State of Texas. Respondent is a "person" as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

B. STATUTORY AND REGULATORY BACKGROUND

4. Congress enacted FIFRA, 7 U.S.C. 136 *et seq.*, in 1947 and amended it in 1972 and in 1996. The general purpose of FIFRA is to provide the basis for regulation, sale, distribution and use of pesticides in the United States.

5. Section 12(a)(2) of FIFRA, 7 U.S.C. § 136j(a)(2), provides that it shall be unlawful for any person to violate any order issued under Section 13 of FIFRA.

6. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that 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.

7. Pursuant to section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1), the Administrator established that "an organism is declared to be a pest under circumstances that make it deleterious to man or the environment, if it is: . . . [a]ny 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 . . . and cosmetics . . ." 40 C.F.R. § 152.5(d).

8. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines “person” as any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

9. 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.

10. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines “pesticide” as, *inter alia*, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

11. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “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 micro-organism (except viruses, bacteria, or other micro-organism on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1).

12. The regulations at 40 C.F.R. § 152.15(a)(1) and (b) further defines the term “pesticide” as any substance intended for a pesticidal purpose, and thus requiring registration, if the person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) that the substance can or should be used as a pesticide; or the substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.

13. 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.

14. Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2), defines "labeling" as all labels and all other written, printed, or graphic matter – (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide except to current official publications . . . authorized by law to conduct research in the field of pesticides.

15. Section 2(y) of FIFRA, 7 U.S.C. § 136(y) defines "registrant" as a person who has registered any pesticide pursuant to the provisions of FIFRA.

C. BASIS FOR THE ORDER

16. Respondent owns and operates Texas Wholesale, a wholesale business that primarily engages in the sale and distribution of wholesale grocery store products ranging from major brands to convenient stores and smaller vendors. Texas Wholesale has two locations in the Dallas-Fort Worth area located at 2667 Northaven Rd., Dallas, Texas 75229 and 550 N. Beach St., Ft. Worth, Texas 76111 (the "Facility").

17. Respondent is a "person" as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

18. Pursuant to Section 9 of FIFRA, 7 U.S.C. § 136g, on November 19, 2026, EPA conducted an onsite inspection (the "Inspection") of the Facility at both locations, to determine Respondent's compliance with FIFRA and the federal regulations promulgated thereunder (the "Inspection").

19. During the Inspection, EPA identified the following products (the "Products"), that were offered for sale and distribution by Respondent:

- a. Clorox Ropa (500 mL), (930 mL) and (1.89 L)
- b. Fabuloso Cloro Alternativa (1L)
- c. Fabuloso Mar Fresco (1 L)
- d. Fabuloso Fresco Amanecer (1 L)
- e. Fabuloso Energia Naranja (1L)
- f. Fabuloso Fresca Lavanda (1L) and (5L)
- g. Clorox Bleach (1.89 L)

20. The Respondent offered for sale, distributed, or sold, as those terms are defined by 2(gg) of FIFRA, 7 U.S.C. § 136(gg) the Product(s).

21. All of the Products included labels in Spanish. Labeling, advertising, and other marketing materials for the Products included, but was not limited to the following claims (translated to English):

- a. Clorox Ropa (500 mL), (930 mL) and (1.89 L)
 - o *Eliminates: Staphylococcus aureus, Escherichia coli, Salmonella choleraesuis, Pseudomonas aeruginosa.*
- b. Fabuloso Cloro Alternativa (1L)
 - o *Disinfectant Formula*
- c. Fabuloso Mar Fresco (1 L)
 - o *Neutralizes bad odors, viruses, and bacteria.*
 - o *Antibacterial and Antiviral*

- d. Fabuloso Fresco Amanecer (1 L)
 - o *Neutralizes bad odors, viruses, and bacteria.*
 - o *Antibacterial and Antiviral*
- e. Fabuloso Energia Naranja (1L)
 - o *Neutralizes bad odors, viruses, and bacteria.*
 - o *Antibacterial and Antiviral*
- f. Fabuloso Fresca Lavanda (1L) and (5L)
 - o *Neutralizes bad odors, viruses, and bacteria.*
 - o *Eliminates 99.9% of bacteria: P. aeruginosa, E. coli, S. aureus, S. typhimurium, and 99.9% of viruses: Influenza A H1N1, Human Coronavirus OC4, SARS-CoV-2*
 - o *Antibacterial and Antiviral*
- g. Clorox Bleach (1.89 L)
 - o *Effective Against: Staphylococcus aureus, Escherichia coli, Salmonella choleraesuis, Pseudomonas aeruginosa, Influenza A, SARS-CoV-2*
 - o *Effective cleaning and disinfection*
 - o *Eliminates 99.9% of bacteria and viruses*

22. Viruses and bacteria are “pests” as that term is defined by Section 2(t) of FIFRA, 7 U.S.C. § 136(t).

23. The Products are “pesticides” as that term is defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because is it a substance intended for preventing, destroying and repelling or mitigating pests.

24. From the time Respondent distributed or sold the Product, it should have been registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a and 40 C.F.R. § 152.15 because the Product is a substance intended for pesticidal purposes which Respondent stated when distributing, selling, and offering for sale the Product, by labeling that the Product can or should be used as a pesticide.

25. The Product was not registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a and 40 C.F.R. § 152.15 at the time of the Inspection and is not registered at the time of the issuance of this Order.

Sale or Distribution of Unregistered Pesticide

26. At the time of the Inspection, Respondent was engaged in the sale or distribution of the Products, which is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), to include 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.

27. Distribution or sale of the Products, unregistered pesticides, was an illegal act under paragraph (A) of Section 12(a)(1) of FIFRA, 7 U.S.C. § 136j(a)(1), which makes it unlawful for any person in any State to distribute or sell to any person a pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.

28. EPA has reason to believe, based on the information described above, that Respondent had distributed or sold the Products or intended to distribute or sell the Products in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

29. On the basis of this finding EPA is authorized by Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), to issue a stop sale, use, or removal order.

D. STOP SALE USE OR REMOVAL ORDER

30. Pursuant to the authority of Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), Respondent is hereby ORDERED to IMMEDIATELY CEASE the sale, use, or removal of the Products under its ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order, or until such time that the Products is in compliance with FIFRA.

31. This Order shall apply to all quantities and container types and sizes of all of the Products owned, controlled or in the custody of Respondent and any agent, contractor, employee, consultant, firm successor, and/or assign or other persons or entities acting on behalf of Respondent.

32. The Product shall not be used, sold, offered for sale, held for sale, shipped, delivered for shipment, received, or having so received, shall not be delivered, offered for delivery, moved, or removed for disposal from any facility or establishment, for any reason, unless approved by EPA in writing.

33. Should Respondent seek an exception to this Order's prohibitions, Respondent may submit a request to Lee McMillan at mcmillan.lee@epa.gov which must include:

- a. The purpose for which movement is being requested;
- b. An accounting of the quantities of the Products to be moved, including location(s) and container size; and
- c. The destination location to which the Products will be moved.

34. Violation of the terms or provisions of this Order is a violation of Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), and may subject the violator to **CIVIL OR CRIMINAL PENALTIES** as prescribed in Section 14 of FIFRA, 7 U.S.C. § 136l.

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

36. If any provision or authority of the Order or the application of the Order to Respondent is held by federal judicial authority to be invalid, the application to Respondent of the remainder of the Order shall remain in full force and effect and shall not be affected by such a holding.

37. The issuance of this Order shall not act as a waiver by EPA of any enforcement or other authority available to EPA under FIFRA.

38. 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. § 1.162-21(b)(2), performance of Section D of this Order is restitution, remediation, or required to come into compliance with the law.

39. This Order does not affect the obligation of Respondent to comply with all federal, state and local statutes, regulations and permits.

40. This Order shall be **EFFECTIVE IMMEDIATELY** upon receipt by Respondent.

41. This Order shall remain in effect unless and until revoked, terminated, suspended, modified, or released by EPA.

42. EPA may subsequently amend this Order, in writing, in accordance with the authority of FIFRA. Any amendment will be transmitted to Respondent. In the event of any such

subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified in the original Order.

E. OTHER MATTERS

43. For any additional information about this SSURO please contact Lee McMillan, EPA Region 6, at (214) 665-6404 or mcmillan.lee@epa.gov. For any legal matters concerning this Order, you are encouraged to contact Ashley McDonald, Office of Regional Counsel, at (214) 665-6589 or mcdonald.ashley@epa.gov.

Date: February 2, 2026

 Digitally signed by
CHERYL SEAGER
Date: 2026.02.02
13:08:19 -06'00'

Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Stop Sale, Use, and Removal Order and Agreement on Consent was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to Complainant:

mcdonald.ashley@epa.gov

Copy via Email to Respondent:

brittany.barrientos@stinson.com

Brittany A. Barrientos, Partner
Stinson, LLP
1201 Walnut Street, Suite 2900
Kansas City, MO 64106-2150

LORENA
VAUGHN

Digitally signed by
LORENA VAUGHN
Date: 2026.02.03
10:04:02 -0600

Regional Hearing Clerk
U.S. EPA, Region 6