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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

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REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of

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Docket No. FIFRA-06-2026-0326

AK Wholesale LLC

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Respondent.

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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 (EPA), Region 6. 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. AK Wholesale LLC ("Respondent") is a limited liability company 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. 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.

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. 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.

10. 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).

11. 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.

12. 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.

13. 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.

14. 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

15. Respondent is a retailer of products that included imported pesticides from Mexico and Vietnam. Respondent owns and operates an internet website (URL: <https://akwholesaletx.com/>) and a facility located at 8774 Fawn Trail, Conroe, Texas 77385 (the “Facility”).

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

17. Pursuant to Section 9 of FIFRA, 7 U.S.C. § 136g, on November 5, 2025, EPA conducted an onsite inspection (the “Inspection”) at the Facility, to determine Respondent’s compliance with FIFRA and the federal regulations promulgated thereunder.

18. During the Inspection, EPA identified and reviewed the labels of the following products that were being held in inventory for distribution or sale at the Facility:

- a. Fabuloso Ultra Frescura – Mar Fresco (500mL)
- b. Ariel Matic
- c. Clorox Ropa (930mL)
- d. Clorox (Spanish Label) (1.89L, 930mL, & 500mL)

(the “Products”).

19. Labeling, advertising, and other marketing materials for the Products included, but was not limited to the following claims:

- a. Fabuloso Ultra Frescura – Mar Fresco (500mL)

- i. "Neutraliza Malos Olores, Virus y Bacterias" (Neutralizes bad odors, viruses and bacteria)
- ii. "Antibacterial y Antiviral" (Antibacterial and Antiviral)
- iii. "...elimina virus y bacterias y deja una duradera fragancia" (Eliminates viruses and bacteria and leaves a long-lasting fragrance)
- b. Ariel Matic
 - i. "Antibac" (Antibacterial)
 - ii. "kháng khuẩn" (Antibacterial)
- c. Clorox Ropa (930mL)
 - i. "Quita Manchas y Desinfecta" (Removes stains and disinfects)
- d. Clorox (Spanish Label) (1.89L, 930mL, & 500mL)
 - i. "48 Horas Prevención Contra Bacterias" (48 Hours Prevention Against Bacteria)

20. Each of the Products claims to prevent, destroy, repel, or mitigate a "pest" (bacteria, viruses, rodents, insects, etc.) as defined by Section 2(t) of FIFRA, 7 U.S.C. § 136(t).

21. Each of the Products is a "pesticide" as that term is defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), because it is a substance intended for preventing, destroying, repelling, or mitigating a pest.

22. Each of the Products is a substance intended for a pesticidal purpose pursuant to 40 C.F.R. § 152.15(a)(1) because Respondent implied by labeling that the substance can or should be used as a pesticide.

23. From the time Respondent distributed or sold the Products, the Products should have been registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

24. The Products were not registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a at the time of the Inspection and are not registered at the time of the issuance of this Order.

Distribution or Sale of an Unregistered Pesticide

25. At the time of the Inspection, Respondent was engaged in the distribution or sale 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.

26. 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.

27. 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).

28. 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

29. 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 are in compliance with FIFRA.

30. 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.

31. The Products 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.

32. Should Respondent seek an exception to this Order's prohibitions, Respondent may submit a request to Kiera Hancock at Hancock.Kiera@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.

33. 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.

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

35. 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.

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

37. 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.

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

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

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

41. 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

42. For any additional information about this SSURO please contact Kiera Hancock, EPA Region 6, at (214) 665-3176 or Hancock.Kiera@epa.gov. For any legal matters concerning

this Order, you are encouraged to contact Christyn Cavazos, Office of Regional Counsel, at (214) 665-6470 or Cavazos.Christyn@epa.gov.

Date: November 13, 2025



Digitally signed by
MARGARET OSBOURNE
Date: 2025.11.13
19:07:49 -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 was sent on this day in the following manner:

Copy via Email to Respondent:

akwholesalellc@gmail.com
Cavazos.Christyn@epa.gov

**CHRISTYN
CAVAZOS**

Digitally signed by
CHRISTYN CAVAZOS
Date: 2025.11.14
11:11:53 -06'00'

Office of Regional Counsel
U.S. EPA, Region 6