

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

In the Matter of	§	
	§	
Dalmex, Ltd.,	§	Docket No. FIFRA-06-2025-0357
Laredo, Texas	§	
	§	
	§	
Respondent.	§	

STOP SALE, USE, OR REMOVAL ORDER AND AGREEMENT ON CONSENT

A. PRELIMINARY STATEMENT

1. This Stop Sale, Use, or Removal Order and Agreement on Consent (the "Order" or "SSUROAC") entered into and 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 ("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 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. Dalmex, Ltd. (“Dalmex” or “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).

4. For the purpose of these proceedings, Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations contained in this SSUROAC.

5. Respondent consents to the issuance of the SSUROAC and to the terms of the SSUROAC.

6. Respondent waives the right to contest the basis of SSUROAC and its right to appeal that Order.

B. STATUTORY AND REGULATORY BACKGROUND

7. 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.

8. 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.

9. 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.

10. Pursuant to the authority in 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).

11. Section 25(b) of FIFRA, 7 U.S.C. § 136w(b), provides that the Administrator may exempt certain pesticides from the requirements of FIFRA through issuing regulations.

12. The regulations in 40 C.F.R. § 152.25(f) exempt listed minimum risk pesticides from the requirements of FIFRA, provided that certain criteria are met, including a requirement in 40 C.F.R. § 152.25(f)(3)(i) that the active and inert ingredients of the substance are listed on the label.

Definitions

13. 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.

14. 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.

15. 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.

16. 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).

17. 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.

18. Section 2(p) of FIFRA, 7 U.S.C. § 136(p), defines “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers” and “labeling” as “all labels and all other written, printed, or graphic matter . . . accompanying the pesticide or device at any time.”

19. 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.

20. 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.

C. BASIS FOR THE ORDER

21. Respondent owns and operates an import and distribution warehouse of grocery products from international sources, located at 8360 Tejas Loop, Laredo, Texas 78045 (the “Facility”).

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

23. Pursuant to Section 9 of FIFRA, 7 U.S.C. § 136g, on December 9, 2024, EPA conducted an onsite inspection (the “Inspection”) of the Facility, to determine Respondent’s compliance with FIFRA and the federal regulations promulgated thereunder (the “Inspection”).

24. During the on-site Inspection, EPA identified and reviewed the labels of the products in Table 1 of Attachment A that were offered for sale by Respondent. EPA also identified and reviewed the labels of the products in Table 2 of Attachment A that were offered for sale on Respondent’s website: <https://www.dalmex.biz/productos.html> (collectively, the “Products”).

25. Labeling, advertising, and other marketing materials for the Products included, but was not limited to the following claims (translated to English): Disinfects; Eliminates 99.9% of viruses and bacterias; Antibacterial; Antiviral; Eliminates the viral cause of COVID-19; and Eliminates bad odors.

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

27. The Product 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. Pursuant to 40 C.F.R. § 152.15 the Products are a pesticide because it is a substance intended for a pesticidal purpose.

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

29. The Products were not registered with EPA at the time of the Inspection, and are not registered at the time of the issuance of this Order.

Sale or Distribution of Unregistered Pesticide

30. At the time of the Inspection, Respondent was engaged in the sale or distribution of the Product, which is defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), to include distribute, sell, offer for sale, hold for distribution, or hold for sale.

31. That offer to distribute, sell, and ship the Products, an unregistered pesticide, 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.

32. EPA has reason to believe, based on the information described above and documentation provided to EPA by Respondent, 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).

33. 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 AND REMOVAL ORDER

34. 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.

35. 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.

36. 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.

37. Should Respondent seek an exception to this Order's prohibitions, Respondent may submit a request to Justin Mullenix at Mullenix.Justin@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.

38. 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.

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

40. 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.

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

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

43. This Order shall be **EFFECTIVE** upon filing with the Regional Hearing Clerk.

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

45. 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. AGREEMENT ON CONSENT

46. This SSUROAC is binding on the Parties signing below and shall apply to and be binding upon Respondent, its agents, successors and assigns. Respondent shall ensure that any directors, officers, employees, contractors, consultants, firms or other persons or entities acting under it or for it with respect to matters included herein comply with the terms of this Order.

47. Respondent consents to produce the information requested in Attachment B, within fourteen (14) days of receiving this SSUROAC, to EPA as a production of books and records authorized by Section 8 of FIFRA, 7 U.S.C. § 136f, and subject to enforcement under Section 12(a)(2)(B) of FIFRA, 7 U.S.C. § 136j(a)(2)(B). Respondent waives any defense to this request or subsequent enforcement premised on the form of the request or demand for production rather than access; however, Respondent reserves all other defenses to enforcement of the information request in Attachment B.

48. By signing this SSUROAC, Respondent waives any rights or defenses that respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying this SSUROAC.

F. OTHER MATTERS

49. For any additional information about this SSUROAC please contact Justin Mullenix, EPA Region 6, at (214) 665-7173 or Mullenix.Justin@epa.gov. For any legal matters concerning this Order, you are encouraged to contact Alex Roland, Office of Regional Counsel, at (214) 665-2753 or roland.alexandrea@epa.gov.

THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS ADMINISTRATIVE COMPLIANCE

ORDER ON CONSENT:

FOR RESPONDENT:

DALMEX, LTD.

Date:

04/04/25

Signature

Ana L. Gonzalez

Print Name

Member

Title

FOR COMPLAINANT:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date:

Margaret Osbourne

Digitally signed by
MARGARET OSBOURNE
Date: 2025.04.08
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Cheryl T. Seager
Director
Enforcement and
Compliance Assurance Division
U.S. EPA, Region 6

ATTACHMENT A: PRODUCTS

Table 1. Products Identified at the Facility

Product Name	Claims on Label (translated to English)
Clorox Blanqueador	48 hours of prevention against bacteria; Eliminates 99.9% of viruses and bacteria; Eliminates the viral cause of COVID-19; Proven disinfection, Disinfection of surfaces; Disinfection of fruits and vegetables; Disinfection of water
Clorox Ropa	Disinfects, Eliminates 99.9% of viruses and bacteria from your garments
Fabuloso Ultra Frescura/Frescura Activa (various)	Antibacterial and antiviral; Neutralizes bad odors, viruses and bacteria

Table 2. Products Identified on Respondent's Website

Product Name	Claims on Label (translated to English)
Ajax Aceite de Citronela	Disinfectant; Antibacterial protection for your home; Insect repellent
Ajax Amonia	Disinfectant; Eliminates 99.9% of viruses and bacteria
Ajax Bicarbonato Limon	Disinfectant; Eliminates bad odors; Eliminates 99.99% of bacteria that cause bad odors
Ajax Bicarbonato Naranja-Limon	Antibacterial, Eliminates bad odors; Eliminates 99.99% of bacteria that cause bad odors
Ajax Bicloro	Maximum Disinfection
Ajax Desinfectante	Eliminates the COVID-19 virus in a minute; Disinfectant, Antiviral and antibacterial protection
Ajax Pino	Disinfectant; Multicleaner disinfectant that eliminates 99.99% of viruses and bacteria
Axion Complete	Antibacterial

Axion Polvo Superficies Limon	Eliminates 99.99% of bacterias
Axion Tri Cloro	Removes bacterias
Clorox Blanqueador	48 hours of prevention against bacterias; Eliminates 99.9% of viruses and bacterias; Eliminates the viral cause of COVID-19; Proven disinfection, Disinfection of surfaces; Disinfection of fruits and vegetables; Disinfection of water
Clorox Expert Toallitas Desinfectantes	48 hours of prevention against bacterias; Eliminates 99.9% of viruses and bacterias; Eliminates the viral cause of COVID-19; Cleaning and disinfection wipes
Clorox Limpiador Desinfectante (various)	Eliminates 99.9% of viruses and bacterias; Disinfects in only 2 minutes; Disinfects while diluted
Clorox Mascotas	Eliminates bad odors; Disinfects; Eliminates 99.9% of viruses and bacterias
Clorox Ropa	Disinfects, Eliminates 99.9% of viruses and bacterias from your garments
Fabuloso Alternativa al Cloro	Antibacterial, Disinfectant formula
Fabuloso Frescura Profunda	Disinfectant; Eliminates bad odors; Eliminates 99.99% of bacterias that cause bad odors
Fabuloso Ultra Frescura/Frescura Activa (various)	Antibacterial and antiviral; Neutralizes bad odors, viruses and bacterias
Persil Gel Alta Higiene	Antibacterial; Combat germs, afflictions and SARs-COV-2
Pinol Aromas (various)	Antibacterial; Eliminates 99.9% of viruses and bacterias
Pinol El Original	Eliminates 99.9% of viruses and bacterias
Pinol El Original Floral	Eliminates 99.9% of viruses and bacterias

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Stop Sale, Use or 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:

roland.alexandrea@epa.gov

Copy via Email to Respondent:

ana@dalmex.biz
dalmex@dalmex.biz

Ana Gonzalez
Dalmex, Ltd.
8360 Tejas Loop
Laredo, TX 78045

LORENA
VAUGHN

Digitally signed by
LORENA VAUGHN
Date: 2025.04.09
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Regional Hearing Clerk
U.S. EPA, Region 6