

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm Street, Suite 500
Dallas, Texas 75270

FILED
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REGIONAL HEARING CLERK
EPA REGION 6

In the Matter of	§	
	§	
World Imports Dallas,	§	Docket No. FIFRA-06-2025-0301
	§	
	§	
Respondent.	§	

STOP SALE, USE, OR REMOVAL ORDER

Jurisdiction

1. This Stop Sale, Use, or Removal Order (Order or SSURO) is issued pursuant to the authority of Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 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 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.

Parties

2. Complainant is the Director of Enforcement and Compliance Assurance Division of the EPA, Region 6, as duly delegated by the Administrator of the EPA and the Regional Administrator, EPA, Region 6.

3. Respondent is World Imports Dallas, a company conducting business in the state of Texas.

Statutory and Regulatory Authority

4. 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.

5. 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.

6. 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.

7. 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.

8. 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).

9. The regulations found 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.

10. 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.

11. Section 2(a)(1) of FIFRA, 7 U.S.C. § 136(a)(1) defines “active ingredient” as in the case of a pesticide other than a plant regulator, defoliant, desiccant, or nitrogen stabilizer, an ingredient which will prevent, destroy, repel, or mitigate any pest.

12. The regulation at 40 C.F.R. 152.3 defines “active ingredient” as any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a), except as provided in § 174.3.

EPA Findings of Fact and Conclusions of Law

13. Respondent is, and at all times referred to herein was, a “person” as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

14. Respondent owns and operates a facility located at: 11430 Reeder Rd, Dallas, TX 75229 (the “Facility”).

15. Pursuant to Section 9 of FIFRA, 7 U.S.C. § 136g, the EPA conducted an inspection of the Facility on June 25, 2024, to determine Respondent's compliance with FIFRA and the federal regulations promulgated thereunder (the "Inspection").

16. During the inspection, EPA discovered that Respondent distributed or sold, as those terms are defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), at the Facility three (3) products that are unregistered pesticides (the "Products"):

1. Fabuloso Ultra Frescura Antibacterial Y Antiviral (Mar Fresco (500mL))
2. Fabuloso Frescura Activa Antibacterial Y Antiviral (Mar Fresco (1L))
3. Love My Carpet Antibacterial Carpet & Fabric Deodorizer (400mL)

Fabuloso Ultra Frescura Antibacterial Y Antiviral

17. The label on the Fabuloso Ultra Frescura Antibacterial Y Antiviral product states that it "Neutraliza Malos Olores, Virus y Bacterias" (Neutralizes Bad Odors, Viruses and Bacteria), " Neutraliza malos olores, limpia efectivamente, elimina virus y bacterias y deja una duradera fragancia" (Neutralizes bad odors, cleans effectively, eliminates viruses and bacteria and leaves a long-lasting fragrance), and "Elimina el 99.99% de las bacterias P. aeruginosa, E. coli, S. aureus y S. typhimurium, y el 99.9% de las virus Influenza A H1N1, Coronavirus Humano OC43, SARS-CoV-2" (Eliminates 99.99% of P. aeruginosa, E. coli, S. aureus and S. typhimurium bacteria, and 99.9% of Influenza A H1N1, Human Coronavirus OC43, SARS-CoV-2 viruses).

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

19. The product Fabuloso Ultra Frescura Antibacterial Y Antiviral 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 pests.

20. The product Fabuloso Ultra Frescura Antibacterial Y Antiviral is a “pesticide” as that term is further defined by 40 C.F.R. § 152.15, which requires registration pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, because the product is a substance intended for pesticidal purposes for which Respondent states through labels when distributing or selling the product that the product can or should be used as a pesticide.

21. The ingredients in the Fabuloso Ultra Frescura Antibacterial Y Antiviral product include Glutaraldehyde. This ingredient is an “active ingredient” as defined by Section 2(a) of FIFRA, 7 U.S.C. § 136(a) and 40 C.F.R. § 152.3, because it is a substance that will prevent, destroy, repel, or mitigate any pest.

22. The Fabuloso Ultra Frescura Antibacterial Y Antiviral product has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.

23. The Fabuloso Ultra Frescura Antibacterial Y Antiviral product is a substance intended for a pesticidal purpose pursuant to 40 C.F.R. § 152.15(b) because it 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 (by itself or in combination with any other substance).

24. From the time Respondent held the Fabuloso Ultra Frescura Antibacterial Y Antiviral product for distribution and sale, the product should have been registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

25. At the time of the inspection, the product Fabuloso Ultra Frescura Antibacterial Y Antiviral was being offered for sale and/or held for distribution or sale and was not registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

Fabuloso Frescura Activa Antibacterial Y Antiviral

26. The label on the Fabuloso Frescura Activa Antibacterial Y Antiviral product states that it “Neutraliza Malos Olores, Virus y Bacterias” (Neutralizes Bad Odors, Viruses and Bacteria), “ Neutraliza malos olores, limpia efectivamente, elimina virus y bacterias y deja una duradera fragancia” (Neutralizes bad odors, cleans effectively, eliminates viruses and bacteria and leaves a long-lasting fragrance), and “Elimina el 99.99% de las bacterias P. aeruginosa, E. coli, S. aureus y S. typhimurium, y el 99.9% de las virus Influenza A H1N1, Coronavirus Humano OC43, SARS-CoV-2” (Eliminates 99.99% of P. aeruginosa, E. coli, S. aureus and S. typhimurium bacteria, and 99.9% of Influenza A H1N1, Human Coronavirus OC43, SARS-CoV-2 viruses).

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

28. The product Fabuloso Frescura Activa Antibacterial Y Antiviral 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 pests.

29. The product Fabuloso Frescura Activa Antibacterial Y Antiviral is a “pesticide” as that term is further defined by 40 C.F.R. § 152.15, which requires registration pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, because the product is a substance intended for pesticidal purposes for which Respondent states through labels when distributing or selling the product that the product can or should be used as a pesticide.

30. The ingredients in the Fabuloso Frescura Activa Antibacterial Y Antiviral product include Glutaraldehyde. This ingredient is an “active ingredient” as defined by Section 2(a) of FIFRA, 7 U.S.C. § 136(a) and 40 C.F.R. § 152.3, because it is a substance that will prevent, destroy, repel, or mitigate any pest.

31. The Fabuloso Frescura Activa Antibacterial Y Antiviral product has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.

32. The Fabuloso Frescura Activa Antibacterial Y Antiviral product is a substance intended for a pesticidal purpose pursuant to 40 C.F.R. § 152.15(b) because it 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 (by itself or in combination with any other substance).

33. From the time Respondent held the Fabuloso Frescura Activa Antibacterial Y Antiviral product for distribution and sale, the product should have been registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

34. At the time of the inspection, the product Fabuloso Frescura Activa Antibacterial Y Antiviral was being offered for sale and/or held for distribution or sale and was not registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

Love My Carpet Antibacterial Carpet & Fabric Deodorizer

35. The label on the Love My Carpet Antibacterial Carpet & Fabric Deodorizer product states that it is “Antibacterial” and “Kills bacteria: Benzalkonium Chloride 1.15% kills 99.9% of the following bacteria on surfaces when used as directed: P.Aeruginosa, E.Coli, S.Aureus, E.Hirae.”

36. Bacteria is a “pests” as that term is defined by Section 2(t) of FIFRA, 7 U.S.C. § 136(t).

37. The product Love My Carpet Antibacterial Carpet & Fabric Deodorizer 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 pests.

38. The product Love My Carpet Antibacterial Carpet & Fabric Deodorizer is a “pesticide” as that term is further defined by 40 C.F.R. § 152.15, which requires registration pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, because the product is a substance intended for pesticidal purposes for which Respondent states through labels when distributing or selling the product that the product can or should be used as a pesticide.

39. The ingredients in the Love My Carpet Antibacterial Carpet & Fabric Deodorizer product include Benzalkonium Chloride. This ingredient is an “active ingredient” as defined by Section 2(a) of FIFRA, 7 U.S.C. § 136(a) and 40 C.F.R. § 152.3, because it is a substance that will prevent, destroy, repel, or mitigate any pest.

40. The Love My Carpet Antibacterial Carpet & Fabric Deodorizer product has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.

41. The Love My Carpet Antibacterial Carpet & Fabric Deodorizer product is a substance intended for a pesticidal purpose pursuant to 40 C.F.R. § 152.15(b) because it 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 (by itself or in combination with any other substance).

42. From the time Respondent held the Love My Carpet Antibacterial Carpet & Fabric Deodorizer product for distribution and sale, the product should have been registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

43. At the time of the inspection, the product Love My Carpet Antibacterial Carpet & Fabric Deodorizer was being offered for sale and/or held for distribution or sale and was not registered pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

Basis for the Order

44. EPA has reason to believe, based on the information described in the EPA Findings of Fact and Conclusions of Law, that Respondent held the Products for distribution and sale in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Order

45. 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.

46. This Order shall apply to all quantities and container types and sizes of all of the Products controlled or within 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.

47. 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.

48. Any proposal for movement of the Products shall be submitted to Kiera Hancock at Hancock.Kiera@epa.gov, and shall include:

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

General Provisions

49. Violation of the terms or provisions of this Order may subject the violator to **CIVIL OR CRIMINAL PENALTIES** as prescribed in Section 14 of FIFRA, 7 U.S.C. § 136/.

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

51. 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.

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

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

54. This Order shall be **EFFECTIVE IMMEDIATELY** upon receipt by RESPONDENT.

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

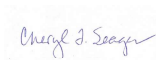
56. EPA may subsequently amend this Order, in writing, in accordance with the authority of FIFRA. Any amendment will be transmitted to Respondent. In the event of any such subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified in the original Order.

57. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

Other Matters

58. For any additional information about this Stop Sale, Use or Removal Order please contact Kiera Hancock, EPA Region 6 Waste Enforcement Branch, at (214) 665-3176 or Hancock.Kiera@epa.gov. For any legal matters concerning this Order, you are encouraged to contact Elizabeth George, Office of Regional Counsel, at (214) 665- 6751 or George.Elizabeth.A@epa.gov.

October 7, 2024
Date



Digitally signed by CHERYL
SEAGER
Date: 2024.10.07 12:38:20 -05'00'

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, or Removal Order 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 was sent this day in the following manner to the email addresses:

Copy via Email to Complainant, EPA:

george.elizabeth.a@epa.gov

Copy via Email to Respondent:

info@worldimportsdallas.com
Ahmed Aziz
11430 Reeder Road
Dallas, Texas, 75229

Vaughn, Lorena

Digitally signed by Vaughn,
Lorena
Date: 2024.10.08 10:41:27
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Regional Hearing Clerk
EPA Region 6