



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Sent via email

Mr. Tobi Lutke
Chief Executive Officer
Shopify (USA) Inc.
33 New Montgomery St # 750
San Francisco, CA 94105
tobi@shopify.com

Re: Advisory Letter

Dear Mr. Lutke:

The U.S. Environmental Protection Agency (“EPA”) is issuing this advisory letter after a review of your company’s website. You appear to be providing an online platform that facilitates the distribution and sale of pesticides that are unlawful in the United States. Please be advised that the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. §§ 136 to 136y¹, governs the production, sale, distribution, and use of pesticides in the United States and prohibits the distribution or sale of any pesticide in the United States that is not registered with EPA and/or makes false or misleading claims.

FIFRA defines “pesticide”² as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating pests, such as bacteria, viruses and other microorganisms, and includes public health products that control these pests, such as disinfectants and antimicrobial products. In addition, FIFRA broadly defines the term “to distribute or sell” to mean “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.”

Recently, it has come to EPA’s attention that companies using your online platform are marketing disinfectants and other antimicrobial products with claims that these products control, mitigate, and protect against the Severe Acute Respiratory Syndrome Coronavirus 2, commonly referred to as Coronavirus. These disinfectants and antimicrobial products claiming to control, prevent, destroy, repel, or mitigate the Coronavirus are regulated under FIFRA and appear to be unregistered and making false or misleading claims. Consequently, they are prohibited from sale and distribution in the United States. EPA is particularly concerned about the proliferation of

¹ For more information on FIFRA, please visit: www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act.

² For a list of common types of pesticides regulated by FIFRA, please visit: <https://www.epa.gov/ingredients-used-pesticide-products/types-pesticide-ingredients>

these types of pesticidal products. At a time when there is heightened public awareness concerning the Coronavirus, it is vitally important that the public be protected from pesticidal products that do not comply with FIFRA, which, among other things, ensures the safety and efficacy of these products. Accordingly, please ensure that your company's activities related to your online platforms comply with FIFRA. We also strongly encourage you to inform those businesses using your platforms that public health pesticides distributed or sold in the United States must be registered with EPA under FIFRA and encourage their compliance with FIFRA.

If you have any questions concerning this Advisory Letter, please contact Matt Salazar, Manager in the Toxics Section of the Enforcement and Compliance Assurance Division, at (415) 972-3982 or at Salazar.matt@epa.gov.

Sincerely,

Amy C. Miller
Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX