UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 12 2010

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL RECEIPT RETURN REQUESTED
ELECTRONIC TRANSMISSION

Mr. Eric Wintemute
President and Chief Executive Officer
American Vanguard Corporation
4695 MacArthur Court, Suite 1250
Newport Beach, CA 92660

Re: STOP SALE, USE OR REMOVAL ORDER
AMVAC and AMVAC Chemical Corporation

Dear Mr. Wintemute:

Enclosed is a Stop Sale, Use, or Removal Order (Order) from the United States Environmental Protection Agency (EPA) concerning American Vanguard Corporation's (AMVAC's) registered pesticide products containing pentachloronitrobenzene (PCNB). The Order pertains to, but is not limited to, AMVAC's registered pesticide, Technical Grade PCNB 95% (EPA Registration Number 5481-197).

The Order shall extend to all PCNB-containing pesticide products derived from the technical grade pesticide or from the same source of PCNB active ingredient, directly or indirectly, under AMVAC's ownership, control, or custody, wherever the products are located. This Order extends to any pesticide products with alternate brand names, products distributed under supplemental registrations, and products distributed or sold subject to the provisions of FIFRA Sections 18 and 24(c).

EPA has reason to believe, based on information provided by AMVAC and on tests performed by EPA on samples of PCNB product provided by AMVAC, that this pesticide and any other products derived from this pesticide may contain impurities of toxicological significance. In particular, the pesticide, Technical Grade PCNB 95% (EPA Registration Number 5481-197) does not adequately express the composition of the product as required by FIFRA Section 3 and 40 Code of Federal Regulations (CFR) § 158.320 of its implementing regulations.

This Order extends to all quantities and sizes of this potentially violative pesticide and to any other product, including technical grade, manufacturing use pesticides, and any end-use pesticides, directly or indirectly derived from this product. ***The Order is effective immediately upon receipt.***

Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), authorizes the Administrator of EPA to issue an order prohibiting the sale, use, or removal of any pesticide by any person who owns, controls, or has custody of such pesticide whenever there is reason to believe the pesticide is in violation of any provision of FIFRA or has been or is intended to be distributed or sold in violation of any provision of FIFRA. EPA has reason to believe AMVAC and AMVAC Chemical Corporation have distributed and sold, and intend to continue to distribute and sell violative pesticide products.

Please submit a written proposal for proper disposition and inventory of the products subject to this Order within 10 days of receipt of this Order. If you have any questions about this matter or wish to request an informal conference to discuss these alleged violations, you may contact Yvette P. Hellyer, Enforcement Case Officer, Pesticides and Tanks Enforcement Branch, Waste and Chemical Enforcement Division, at USEPA Headquarters, 1200 Pennsylvania Avenue (2249A), Washington, DC 20460, or by telephone at (202) 564-4033. For any legal matters concerning this Order, please contact Thomas Charlton, Attorney, at the same address, or by telephone at (202) 564-6960.

Sincerely,

Rosemarie A. Kelley, Director
Waste and Chemical Enforcement Division

cc: Mr. Jon C. Wood,
AMVAC Director of Regulations

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HEADQUARTERS

In the Matter of:	)	
	)	**STOP SALE, USE OR REMOVAL ORDER**
American Vanguard Corporation (AMVAC)	)	
4695 MacArthur Court, Suite 1250	)	
Newport Beach, CA 92660	)	**Docket No. FIFRA-HQ-2010-5021**
	)	
Respondents...	)	

I. AUTHORITIES

1. Section 13(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, (FIFRA), 7 U.S.C. § 136k(a), authorizes the Administrator of the United States Environmental Protection Agency (USEPA or 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, *inter alia*, the pesticide or device is in violation of FIFRA, or the pesticide or device has been or is intended to be distributed or sold in violation of FIFRA.
2. This authority has been delegated from the EPA Administrator to the Director of the Waste and Chemical Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, EPA.
3. Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C), states it shall be unlawful for any person in any state to distribute or sell to any person any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statements required in connection with their registration under Section 3 of FIFRA.
4. Section 12(a)(2)(I) of FIFRA, 7 U.S.C. § 136j(a)(2)(I), states it shall be unlawful for any person to violate any order issued under Section 13 of FIFRA.
5. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a "person" as any individual, partnership, association, corporation, or any organized group of person 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 a "pesticide" as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. *See also* 40 Code of Federal Register (CFR) § 152.15.
8. 40 CFR § 158.300 defines "impurity" as any substance (or group of structurally similar substances if specified by the Agency), in a pesticide product other than an active ingredient or an inert ingredient, including unreacted starting materials, side reaction products, contaminants, and degradation products.
9. 40 CFR § 158.300 defines "impurity associated with an active ingredient" as (1) any impurity present in the technical grade of active ingredient; and (2) any impurity which forms in the pesticide product through reactions between the active ingredient and any other component of the product or packaging of the product.
10. American Vanguard Corporation (AMVAC), located in Newport Beach, California, is the parent corporation of AMVAC Chemical Corporation. It is a "person" within the definition of FIFRA.
11. AMVAC Chemical Corporation, located at 4100 East Washington Boulevard, Los Angeles, California, 90023, is an operating subsidiary of AMVAC and is a "person" within the definition of FIFRA.
12. AMVAC Chemical Corporation is the registrant of record for the EPA company number "5481" and is a "person" within the definition of FIFRA.
13. This Order refers to AMVAC, AMVAC Chemical Corporation, and all their divisions, offices, branches, subsidiaries, and affiliates collectively as the "Respondents."

II. BACKGROUND AND BASIS FOR ORDER

14. AMVAC is the registrant for the pesticide product, Technical Grade PCNB 95% with EPA Registration Number 5481-197. The active ingredient is pentachloronitrobenzene, with CAS Number 82-68-8.
15. On January 4, 2010, AMVAC submitted samples of its pesticide product, Technical Grade PCNB 95% (EPA Reg. No. 5481-197), to the USEPA Environmental Chemistry Laboratory located at Stennis Space Center in Mississippi.

16. Analytical results dated January 21, 2010, for the January 4, 2010 samples confirmed the presence of Impurity X, a substance or class of substances known to be of toxicological significance. (Note: Impurity X information is protected by FIFRA confidential business information.)
17. On January 29, 2010, AMVAC submitted test data to the USEPA Office of Pesticide Programs documenting the presence of Impurity X, a substance or class of substances known to be of toxicological significance, in its pesticide product, Technical Grade PCNB 95% (EPA Reg. No. 5481-197).
18. The Confidential Statement Formula (CSF) for Technical Grade PCNB 95% (EPA Reg. No. 5481-197), submitted by AMVAC on January 10, 2005, did not identify the presence of Impurity X in the product and therefore did not adequately express the composition of the product as required by Section 3 of FIFRA and 40 CFR § 158.320 of its implementing regulations.
19. EPA has reason to believe the CSF submitted by AMVAC to EPA for Technical Grade PCNB 95% (EPA Reg. No. 5481-197) is not an accurate representation of the product's current contents.
20. Any distribution or sale of any registered pesticide product for which the CSF does not accurately reflect the composition of the product is a violation of FIFRA Section 12(a)(1)(C), 7 U.S.C. 136 § 136j(a)(1)(C). In accordance with 40 CFR § 158.320, the information required to accompany the application, including information on toxicologically significant impurities of the product, must be provided.
21. Under FIFRA and its implementing regulations, neither a change of manufacturing process or formula may be done as a notification under 40 CFR § 152.46, but must instead be done by submission of an amendment request. No product can be distributed or sold under the new process or composition, unless the Agency approves the amendment request.
22. Based on the presence of Impurity X in Technical Grade PCNB 95% (EPA Reg. No. 5481-197), EPA has reason to believe the CSF does not accurately reflect the composition of the product, Technical Grade PCNB 95% (EPA Reg. No. 5481-197) and any pesticide product formulated, or directly or indirectly derived from, or from the same source of PCNB active ingredient. Furthermore, EPA believes AMVAC has been selling

and distributing pesticides for which the composition differs in violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

III. ORDER

23. The Respondents are hereby ordered to **immediately** cease the distribution, sale, or use of Technical Grade PCNB 95% (EPA Reg. No. 5481-197) and any PCNB-containing pesticide products derived from the technical grade pesticide or from the same source of PCNB active ingredient (collectively, the "violative pesticide products") which are in the ownership, control, or custody of the Respondents, wherever the violative pesticide products are located.
24. This Order shall extend to all violative pesticide products with alternate brand names, products distributed under supplemental registrations, and products distributed or sold subject to provisions of FIFRA Sections 18 or 24(c).
25. This Order applies to all quantities and sizes of violative pesticide products intended for sale or distribution in the domestic market.
26. The violative pesticide products shall not be used, sold, offered for sale, held for sale, shipped, delivered for shipment, received, or having been so received, shall not be delivered, offered for delivery, moved, or removed for disposal from any facility or establishment of the Respondents, for any reason, other than in accordance with the provisions of this Order or such further Orders as may be issued by EPA in connection with the violative pesticide products.
27. Within 10 days of receipt of the Order, Respondents must submit a written proposal for proper disposition of all violative pesticide products subject to this Order. The proposal shall include an inventory of detailed accounting of each product by EPA Registration Number (if applicable), brand name(s), unit packaging size(s), quantity, and locations(s) products are being held. The proposal and inventory shall be submitted to the following person, or to such other person as EPA designates in writing:

    Attn: Mr. Thomas Charlton, Attorney/Advisor
    US Environmental Protection Agency
    Office of Enforcement and Compliance Assurance (2249A)
    1200 Pennsylvania Avenue, NW
    Room 5041
    Washington, DC 20460-0001.

28. Respondents may remove or may ship, for purposes of consolidation and/or disposal, the violative pesticide products in compliance with federal, state, and local laws and regulations for such disposal, provided EPA approves in writing that such disposal can occur. Any such movement of product subject to this Order shall be documented and reported to EPA by identifying EPA Registration Number, brand name, quantities, locations, and ultimate disposition of the product involved.
29. Respondents must create and maintain an inventory of all stocks of these violative pesticide products. Such inventory must include information on the amount and location of such stocks. Respondent must provide written updates to EPA of the inventory upon request. Updates of the inventory shall be submitted to Mr. Charlton or such other person as EPA designates in writing.
30. Any agent, owner, or operator of the Respondents violating the terms or provisions of this Order may subject the violator to civil or criminal penalties as prescribed in the Section 14 of FIFRA, 7 U.S.C. §136*l*.
31. The issuance of this Order shall not constitute a waiver by EPA of its remedies, either judicial or administrative, under FIFRA or any other Federal environmental law, to address this matter or any other matters or unlawful acts not specified in this Order.
32. This Order shall be EFFECTIVE IMMEDIATELY upon receipt by Respondents.
33. This Order shall remain in effect until after EPA vacates the Order in writing.

IV. OTHER MATTERS

34. For additional information, contact Yvette P. Hellyer, Enforcement Case Officer, at (202) 564-4033, and for any legal matters, contact Thomas Charlton, Attorney, at (202) 564-6960, in the Pesticides and Tanks Enforcement Branch.

Rosemarie A. Kelley, Director
Waste and Chemical Enforcement Division
Office of Civil Enforcement

8/12/10
Date:

Docket No. FIFRA-HQ-2010-5021
STOP SALE, USE OR REMOVAL ORDER