



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
 1200 Sixth Avenue, Suite 900  
 Seattle, Washington 98101-3140

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

JAN 29 2016

Reply to: OCE-101

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

CSC Services of Nevada, Inc.  
 Registered Agent for:  
 Amazon Services LLC  
 2215-B Renaissance Drive  
 Las Vegas, Nevada 89119

**Re: Stop Sale, Use, or Removal Order for the Unregistered Pesticides “HUA Highly Effective Cockroach Killing Bait Powder,” “Green Leaf Powder Fly Killing Bait,” “Abundant Living’s Natural Diatomaceous Earth Powder,” “ARS Mat 12” and “Rodent Defense” and the unregistered and misbranded pesticide “R.B.T.Z. Highly Effective Cockroach Killing Bait Powder.”**  
**Docket No. FIFRA-10-2016-0052**

Dear Madam or Sir:

This letter provides Amazon Services LLC (“Amazon”) notice that the U.S. Environmental Protection Agency, Region 10, (“EPA”) has issued a Stop Sale, Use, or Removal Order (“Order”) prohibiting the distribution or sale of the pesticide products, “HUA Highly Effective Cockroach Killing Bait Powder,” “R.B.T.Z. Highly Effective Cockroach Killing Bait Powder,” “Green Leaf Powder Fly Killing Bait,” “Abundant Living’s Natural Diatomaceous Earth Powder,” “ARS Mat 12,” and “Rodent Defense” under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136k(a). The enclosed Order is effective immediately upon receipt and pertains to all quantities of these products under Amazon’s control, ownership, or custody.

The Amazon Standard Identification Numbers (ASINs) and Bar Code Numbers (BCNs) for these products are listed below:

<b>Product Description</b>	<b>BCN as distributed</b>	<b>ASIN as marketed</b>
HUA Highly Effective Cockroach Killing Bait Powder	X000TRBKZT	B01308ZC42
R.B.T.Z. Highly Effective Cockroach Killing Bait Powder	X000U3248J	B013EV0CKE
Green Leaf Powder Fly Killing Bait	X000URQ92R	B015F17XA6
Abundant Living’s Natural Diatomaceous Earth Powder	X000PAQR9	B00PE5KWA4
ARS Mat 12	X000TZGQC3	B00AS7NIFY
Rodent Defense	X000H84P57	B00E819GWK

The EPA has determined that the above products are unregistered pesticides because their labeling bears pesticidal claims, the products are comprised of known pesticide ingredients, and they are not registered

with the EPA as pesticides. Therefore, the sale or distribution of these products violates Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A). This provision makes it unlawful to sell or distribute pesticides that are not registered with the EPA. Moreover, the labelling associated with the product R.B.T.Z. Highly Effective Cockroach Killing Bait Powder (BCN: X000U3248J & ASIN: B013EV0CKE) contains misleading and false statements. Therefore, the product R.B.T.Z. Highly Effective Cockroach Killing Bait Powder is misbranded as that term is defined in Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), and distribution of this product also violates Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

Pursuant to Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), the products may not be sold, used, distributed, or removed except in accordance with the conditions outlined in the Order. Any violation of the Order may result in the imposition of civil or criminal penalties as prescribed by Section 14 of FIFRA, 7 U.S.C. § 136l. The Order does not preclude EPA from pursuing other enforcement actions related to this or any other case.

For additional information about this Order, please contact Mr. Chad Schulze at U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900 (OCE-101), Seattle, Washington 98101, or at [Schulze.chad@epa.gov](mailto:Schulze.chad@epa.gov). Mr. Schulze may be reached by telephone at (206) 553-0505. For any legal matters concerning this Order, including questions from legal counsel, please contact Brett Dugan, Office of Regional Counsel, at (206) 553-8562 or [dugan.brett@epa.gov](mailto:dugan.brett@epa.gov).

Sincerely,

A large black rectangular redaction box covering the signature of Edward J. Kowalski.

Edward J. Kowalski  
Director

Enclosure

cc: Ms. Kristy Madden  
Legal Compliance Specialist

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION X  
1200 6<sup>th</sup> AVENUE, Suite 900  
SEATTLE, WASHINGTON 98101

<i>In the Matter of:</i>	)	<b>ORDER</b>
	)	<b>SECTION 13(a)</b>
Amazon Services LLC	)	
8329 West Sunset Road	)	<b>FEDERAL INSECTICIDE, FUNGICIDE</b>
Suite 220,	)	<b>AND RODENTICIDE ACT</b>
Las Vegas, Nevada 89113	)	
	)	<b>Docket No. FIFRA-10-2016-0052</b>
	)	
<u>Respondent</u>	)	

**I. AUTHORITY**

1. This Stop Sale, Use, or Removal Order (“Order”) is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (“FIFRA”), 7 U.S.C. § 136k(a), which authorizes the Administrator of the 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.
2. This authority has been delegated from the EPA Administrator to the Director of the Office of Compliance and Enforcement for EPA Region 10 through the Regional Administrator for EPA Region 10.
3. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides that it shall be unlawful for any person in any State to sell or distribute to any person any pesticide that is not registered under section 3 of FIFRA.
4. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it shall be unlawful for any person to distribute or sell to any person any pesticide which is adulterated or misbranded.
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 persons whether incorporated or not.”

6. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a “pesticide,” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.” *See also* 40 C.F.R. § 152.15.
7. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” as “any insect, rodent, nematode, fungus, weed, or . . . any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section [25(c)(1) of FIFRA].”
8. The regulation at 40 C.F.R. § 152.15 states that “a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if: (a) 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; . . . (b) 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 (by itself or in combination with any other substances); . . . and (c) the person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.”
9. 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.” This section also 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 or device . . . .”
10. 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.”
11. The regulation at 40 C.F.R. § 152.3 further defines “distribute or sell” as “the acts of distributing, selling, offering for sale, holding for sale, shipping, holding for shipment, delivering for shipment, or receiving and (having so received) delivering or offering to deliver, or releasing for shipment to any person in any State.”
12. Under Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), “A pesticide is misbranded if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular.”

## II. BACKGROUND

13. Amazon Services LLC (“Amazon”) is a corporation located and incorporated in the State of Nevada. Therefore, Amazon is a “person” as defined in section 2(s) of FIFRA, 7 U.S.C. § 136(s).
14. This Order refers to Amazon and all its divisions, offices, and branches, collectively, as “Amazon.”
15. Amazon is an electronic commerce company offering internet-based retail services to businesses and individuals.
16. Amazon offers sellers a service called “Fulfillment by Amazon.” As described by Amazon’s website (accessed via the URL <http://services.amazon.com/content/fulfillment-by-amazon.htm>), “Fulfillment by Amazon (FBA) is a service [Amazon] offers sellers that lets them store their products in Amazon’s fulfillment centers, and [Amazon] directly pack[s], ship[s] and provide[s] customer services for these products.”
17. Participants in the Fulfillment by Amazon service are required to assent to terms and conditions laid out in the document titled “Amazon Services Business Solutions Agreement” (“Agreement”).
18. The Section of the Agreement entitled “Selling on Amazon Service Terms” states, “The selling on Amazon Service . . . is a Service that allows you to offer certain products and services directly on the Amazon Sites.”
19. The Agreement defines Amazon Sites to include “amazon.com.”
20. Section F-4 of the Agreement contains Amazon’s covenant to provide storage services for participants desiring to sell products using the Fulfillment by Amazon service.
21. Section F-5 of the Agreement states “As part of our fulfillment services, we will ship units from our inventory of Your Products to the shipping addresses in the Elected Country included in valid customer orders.”
22. Amazon Standard Identification Numbers (ASINs) are unique numbers Amazon assigns to each product sold through the Amazon.com marketplace. Products with the same ASIN are identical in all material respects.

## **Product Offer for Sale, Order, and Receipt**

### November 18, 2015, HUA Highly effective Cockroach killing Bait Powder, R.B.T.Z. Highly effective Cockroach killing Bait Powder, Green Leaf Powder Fly Killing Bait, and Abundant Living's Natural Diatomaceous Earth Powder with Calcium Bentonite Order

23. On or around November 18, 2015, a website hosted on amazon.com contained an offer to sell the product entitled "HUA Highly Effective Cockroach Killer Bait Powder (2 Pcs)" ("HUA Cockroach Bait Website").
24. The HUA Cockroach Bait Website stated that the product entitled "HUA Highly Effective Cockroach Killer Bait Powder (2 Pcs)" was offered by "HUA Tech" and "fulfilled by Amazon" with the ASIN B01308ZC42.
25. On or around November 18, 2015, a website hosted on amazon.com contained an offer to sell the product entitled "R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 Pcs)" ("R.B.T.Z. Cockroach Bait Website").
26. The R.B.T.Z. Cockroach Bait Website stated that the product entitled "R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 Pcs)" was offered by "R.B.T.Z." and "fulfilled by Amazon" with the ASIN B013EV0CKE.
27. On or around November 18, 2015, a website hosted on amazon.com contained an offer to sell the product entitled "HUA Highly Effective Fly Killing Bait Powder (3 Packs)" ("HUA Fly Bait Website").
28. The HUA Fly Bait Website stated that the product entitled "HUA Highly Effective Fly Killing Bait Powder (3 Packs)" was offered by "HUA Tech" and "fulfilled by Amazon" with the ASIN B015FI7XA6.
29. On or around November 18, 2015, a website hosted on amazon.com contained an offer to sell the product entitled "Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound" ("Abundant Living's Website").
30. The Abundant Living's Website stated that the product entitled "Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound" was offered by "Abundant Living Store" and "fulfilled by Amazon" with ASIN B00PE5KWA4.
31. On November 18, 2015, the EPA Region 10 Office Manager for the Office of Compliance and Enforcement ("OCE Office Manager"), purchased one of each of the following products through the respective sellers' webpages on amazon.com: "HUA Highly Effective Cockroach Killer Bait Powder (2 Pcs)," "R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 Pcs)," "HUA Highly Effective Fly Killing Bait Powder (3 Packs)" and "Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound" ("11-18-15 Order").

32. The Order Number for the 11-18-15 Order was 113-9897904-9440220 with United States Postal Service ("USPS") tracking number: 9361289877945100998045 for the "HUA Highly Effective Cockroach Killer Bait Powder (2 Pcs)," "R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 Pcs)" and "HUA Highly Effective Fly Killing Bait Powder (3 Packs)." The "Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound" product had a United Parcel Service ("UPS") tracking number of 1ZWX55280301667091.
33. On November 30, 2015, the OCE Office Manager received the "HUA Highly Effective Cockroach Killer Bait Powder (2 Pcs)," "R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 Pcs)" and "HUA Highly Effective Fly Killing Bait Powder (3 Packs)" products in a small cardboard box at the EPA Region 10 Office. The shipping label contained USPS tracking number: 9361289877945100998045. The return address on the shipping label stated: Amazon Fulfillment Services; 172 Trade Street; Lexington KY 40511; USA.
34. The "HUA Highly Effective Cockroach Killer Bait Powder (2 Pcs)," "R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 Pcs)" and "HUA Highly Effective Fly Killing Bait Powder (3 Packs)" products were packaged inside small Ziploc bags labeled with the product name, bar code, and a corresponding Bar Code Number ("BCN").
35. The BCN's marked on the packaging were as follows:
- |  |            |
|--|------------|
| HUA Highly Effective Cockroach killing Bait Powder (2 pcs)           | X000TRBKZT |
| R.B.T.Z. Safe Highly Effective Cockroach killing Bait Powder (2 pcs) | X000U3248J |
| HUA Highly Effective Fly Killing Bait Powder (3 pcs)                 | X000URQ92R |
36. The name on the "HUA Highly Effective Cockroach Killer Bait Powder (2 Pcs)" (BCN: X000TRBKZT & ASIN: B01308ZC42) product label was "Highly effective Cockroach killing Bait Powder," hereinafter called "HUA Highly effective Cockroach killing Bait Powder."
37. The name on the "R.B.T.Z. Safe Highly effective Cockroach killing Bait Powder (2 pcs)" (BCN: X000U3248J & ASIN: B013EV0CKE) product label was "Highly effective Cockroach killing Bait Powder," hereinafter called "R.B.T.Z. Highly effective Cockroach killing Bait Powder."
38. The name on the "HUA Highly Effective Fly Killing Bait Powder (3 Packs)" (BCN: X000URQ92R & ASIN: B015FI7XA6) product label was "Green Leaf Powder Fly Killing Bait," hereinafter called "Green Leaf Powder Fly Killing Bait."

39. On November 30, 2015, the OCE Office Manager also received the “Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound” product in a separate cardboard box at the EPA Region 10 Office. The shipping label contained UPS tracking number 1ZWX55280301667091. The return address on the shipping label stated: Abundant Living Store, 1155 Worldwide Blvd., Hebron KY 41048 USA.
40. The “Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound” product was packaged inside a large Ziploc bag labeled with the product name, bar code, and a BCN of X000PAQR9.
41. The name on the “Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound” (BCN: X000PAQR9 & ASIN: B00PE5KWA4) product label was “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite,” hereinafter called “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite.”

December 3, 2015, ARS Mat 12 and Rodent Defense Orders

42. On or around December 3, 2015, a website hosted on amazon.com contained an offer to sell the product entitled “Ars Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless” (“ARS Mat 12 Website”).
43. The ARS Mat 12 Website stated that the product entitled “Ars Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless” was offered by “Summer Pleasure” and “fulfilled by Amazon” with ASIN B00AS7NIFY.
44. On or around December 3, 2015, a website hosted on amazon.com contained an offer to sell the product entitled “Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray” (“Rodent Defense Website”).
45. The Rodent Defense Website stated that the product entitled “Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray” was offered by “Pinelake Industries” and “fulfilled by Amazon” with ASIN B00E819GWK
46. On December 3, 2015, the OCE Office Manager, purchased one “Ars Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless” and one “Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray” product through the respective sellers’ webpages on amazon.com (“12-3-15 Order”).

47. The Order Number for the 12-3-15 Order was 104-7937171-3753849. The UPS tracking number for “Ars Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless” was 1ZA86Y730306804332. The UPS tracking number for “Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray” was 1ZA8050F0300338550.
48. On December 9, 2015, the OCE Office Manager received the “Ars Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless” product in a small cardboard box at the EPA Region 10 Office. The shipping label on the box contained tracking number 1ZA86Y730306804332. The return address on the shipping label stated: BK18 Shop, 3837 Bay Lake Trail, Suite 115, North Las Vegas NV 89030, USA.
49. The BCN for the “Ars Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless” product as marked on the packaging is X000TZGQC3.
50. The name on the “ARS Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless” (BCN: X000TZGQC3 & ASIN: B00AS7NIFY) product label was “ARS Mat 12, Effective for 12 hours, Contains 60 pcs,” hereinafter called “ARS Mat 12.”
51. On December 10, 2015, the OCE Office Manager received the “Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray” product in a cardboard box at the EPA Region 10 Office. The shipping label on the box contained tracking number 1ZA8050F0300338550. The return address on the shipping label stated: Amazon Fulfillment Services, 3837 Bay Lake Trail, Suite 115, North Las Vegas NV 89030, USA.
52. The BCN for the “Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray” as marked on its packaging is X000H84P57.
53. The name on the “Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray” (BCN: X000H84P57 & ASIN: B00E819GWK) product label was “Small Animal Deterrent & Repellent Rodent Defense” hereinafter “Rodent Defense.”

#### **Pesticide Claims on Sellers’ Webpages and Product Labels**

54. The “HUA Highly effective Cockroach killing bait Powder” package sold by HUA Tech and fulfilled by Amazon states, in pertinent parts:
  - Highly Effective Cockroach killing bait Powder.
  - Cockroaches Killer.
  - The total Cockroaches will be killed by infecting in three days after eating this powder.
  - The powder has special efficacy to kill the Blattella Germanica [German Cockroach].

- Pesticide Registration Certificate No.:WP2725.

55. At or near the time of purchase (November 18, 2015), HUA Cockroach Bait Website for “HUA Highly effective Cockroach killing bait Powder” hosted on amazon.com stated, in part:

HUA Highly Effective Cockroach Killer  
 Bait Powder (2 Pcs)  
 by HUA  
 19 customer reviews  
 List Price: \$19.00  
 Price: \$11.99  
 Sale: \$9.98 & FREE Shipping on orders over \$35. Details  
 You Save: \$9.02 (47%)

In Stock.

Sold by HUA Tech and Fulfilled by Amazon. Gift-wrap available.

Want it tomorrow, Nov. 19? Order within 5 hrs 20 mins and choose One-Day Shipping at checkout. Details

- Middle of the night when you go into the kitchen ,Are you seen the COCKROACHES FLEE? FEELING NAUSEA? D'not Worry!
- Divide the powder into 3 or 4 parts (apprx. 0.5 g each spot) and locate them on the place where cockroackes are found. the TOTAL cockroaches will be killed by infecting in three days after eating this powder.
- Target Pest: German, American, Australian, Smoky-Brown, Brown, Asian, and Brown-Banded species of cockroaches
- Active Ingredient: propoxur , 2% . Expires 3 years from the release date (rel.date July 12, 2015).
- WHAT? You eat the cockroaches medicine? Don't worry, this cockroach drug will not kill you. It only kill cockroaches. But when you're hungry, don't eat cockroach medicine.Not delicious.(sic)

56. The “R.B.T.Z. Highly effective Cockroach killing bait Powder” package sold by R.B.T.Z. and fulfilled by Amazon states, in pertinent parts:

- Highly Effective Cockroach killing bait Powder.
- Cockroaches Killer.
- The total Cockroaches will be killed by infecting in three days after eating this powder.
- The powder has special efficacy to kill the Blattella Germanica [German Cockroach]
- Pesticide Registration Certificate No.:WP2725.

57. At or near the time of purchase (November 18, 2015), the R.B.T.Z. Cockroach Bait Website for “R.B.T.Z. Highly effective Cockroach killing bait Powder” hosted on amazon.com stated, in part:

R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 Pcs)  
by R.B.T.Z.  
29 customer reviews

Price: \$15.00  
Sale: \$9.86 Free Shipping for Prime Members  
You Save: \$5.14 (34%)  
In Stock.

Sold by R.B.T.Z. and Fulfilled by Amazon. Gift-wrap available.  
Want it tomorrow, Nov. 19? Order within 4 hrs 47 mins and choose Two-Day Shipping at checkout. Details

- KILLS NORMAL and FINICKY ROACHES: German, American, Australian, Smoky-Brown, Brown, Asian, and Brown-Banded species of cockroaches.
- Active Ingredient: propoxur 2%. Expires 2 years from the release date (rel.date August 2, 2015).
- Divide the powder into 3 or 4 parts (apprx. 1 g each spot) and locate them on the place where cockroaches are found. The TOTAL cockroaches will be killed by infecting in three days after eating this powder.
- CHILD & PET SAFE: Safe to use around children and pets. No worries of harmful fumes or dangerous poisons and chemicals coming in contact with you and your family.
- Can be used in: Commercial and Industrial facilities including Warehouses, Apartments, Supermarkets, Restaurants, Motels, Hotels, Hospitals, Food Handling/Storage Establishments.

58. The “Green Leaf Powder Fly Killing Bait” package sold by HUA Tech and fulfilled by Amazon states, in pertinent parts:

- Powder Fly Killing Bait
- Azamethiphos Content: 0.8%
- A graphic with a dead fly

59. At or near the time of purchase (November 18, 2015), the HUA Fly Bait Website for “Green Leaf Powder Fly Killing Bait” hosted on amazon.com stated, in part:

HUA Highly Effective Fly Killing Bait Powder (3 Packs)  
by HUA

2 customer reviews

List Price: \$26.00

Price: \$14.90 Free Shipping for Prime Members

You Save: \$11.10 (43%)

Only 17 left in stock.

Sold by HUA Tech and Fulfilled by Amazon. Gift-wrap available.

Want it tomorrow, Nov. 19? Order within 2 hrs 18 mins and choose Two-Day Shipping at checkout. Details

- Open the bag then put the powder in places where flies are observed for best effect place each pack on 3-5 different spots Immediate results: Flies start to die in 1-2 minute or less
- If you are plagued by flies, this is a very good solution. Don't have to worry about the flies don't take the pill, this is the bait. So please rest assured to buy it.
- Effective for up to 4 weeks over a large area, The more Fly Killing Bait Powder are put in, the better the effect of killing flies.
- Azamethiphos Content: 0.8% Expires 2 years from the release date (rel. date June 18, 2015).

The medicament is put in the sun, or the bright place, the effect is better!

60. The “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite” container sold by Abundant Living Store and fulfilled by Amazon states, in pertinent parts:

- Natural Diatomaceous Earth Powder with Calcium Bentonite Food Grade.
- The non-toxic way to care for your home, family & furry friends.
- Our Diatomaceous Earth offers you a safe and natural way to deal with some of life’s “icky” situations.
- People have used DE for years to naturally deal with unwanted parasites and insects ...

61. The leaflet that accompanies the “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite” product states:

**“Did you order this product to fight bugs?  
Then you must have this vital information.**

**Free 20 page eBook**

*4 Step Guide to a Healthy, bug-Free Home*

[www.MyAbundantliving.com/FreeGuide](http://www.MyAbundantliving.com/FreeGuide)

If you do not understand these 4 key steps, then you will likely become frustrated and resort to using toxic chemicals to solve your bug invasion. If you apply the 4 steps in this guide, then you will successfully get rid of the bugs in your home without poisoning yourself and those you love. We are sharing these solutions for free because we want to empower you to live abundantly.”

62. The leaflet that accompanies Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite product constitutes “literature accompanying the pesticide” for purposes of the definition of labeling at Section 2(p)(2) of FIFRA, 7 U.S.C. § 136(p)(2).
63. The *4 Step Guide to a Healthy, bug-Free Home* states, in pertinent parts, “Step Three: Set Ambushes for the Enemy in Hiding . . . Most Effective Ambush: Diatomaceous Earth . . . DE will work its way under their exoskeleton and cut them up like shards of glass. They will then die [by] dehydration.”
64. At or near the time of purchase (November 18, 2015), the Abundant Living’s Website for “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite” hosted on amazon.com stated, in part:

Applicator Bottle. Diatomaceous Earth with Calcium Bentonite. Food Grade. More Effective than DE Alone. 1 Pound. By Abundant Living.  
by Abundant Living  
230 customer reviews | 32 answered questions

List Price: \$26.99  
Price: \$14.99 Free Shipping for Prime Members  
You Save: \$12.00 (44%)

In Stock.

Sold by Abundant Living Store and Fulfilled by Amazon. Gift-wrap available. Want it tomorrow, Nov. 19? Order within 23 hrs 7 mins and choose Two-Day Shipping at checkout. Details

- You save time, money, and mess with the prefilled applicator bottle.
- Naturally occurring blend of diatomaceous earth and calcium bentonite.
- Great for odor and moisture control.
- DE and CB safely used for 100’s of years by people around the world.  
Purchase today & Abundant Living guarantees you experience success or they’ll give you 100% refund!

The customer reviews on the Abundant Living Store’s website for “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite” hosted on amazon.com show that customers are routinely using the product as a pesticide.

65. The “ARS Mat 12” package sold by Summer Pleasure and fulfilled by Amazon states, in pertinent parts:

- Effective formula for mosquitoes and Aedes
- Effective for 12 hours
- Active Ingredients: d-Allethrin 48 mg/Mat (5.335% w/w); Piperonyl Butoxide 12 mg/Mat (1.33% w/w)

66. The “ARS Mat 12” package sold by Summer Pleasure and fulfilled by Amazon also contains a graphic of a dead or dying mosquito with a lightning bolt through its body.

67. At or near the time of purchase (December 3, 2015), ARS Mat 12 Website for “ARS Mat 12” hosted on amazon.com stated, in part:

Ars Mat 60pcs. Refil for ARS Electric  
Mosquito Killer Convenient, Clean &  
Smokeless  
by ARS

36 customer reviews | 3 answered questions

Price: \$11.99 & FREE Shipping on orders over \$35. Details

In Stock.

Get it before Christmas. Select delivery options in checkout.

Same-Day Delivery at checkout. Details

Sold by Summer Pleasure and Fulfilled by Amazon. Gift-wrap available.

- Refil for ARS ELECTRIC MOSQUITO KILLER
- Electric Mosquito Repellent Standard
- Ars Mat 12 for all series of Ars Electric Mosquitoes Repeller
- Convenient, Clean & Smokeless
- Innovative product from Japan

68. The “Rodent Defense” container sold by Pinelake Industries and fulfilled by Amazon states, in pertinent parts:

- Small Animal Deterrent and Repellent
- Prevent’s Nesting and Gnawing
- Rodent Defense repels rats, mice, rabbits, squirrels, and other pests around your garden.
- The combined ingredients irritate rodents that may touch, taste, or smell treated areas.
- It is easy to apply and will keep rodents away from treated areas if applied correctly.
- Deters by Smell, **Touch & Taste**
- Ingredients: .... fox urine

69. At or near the time of purchase (December 3, 2015), the Rodent Defense Website for “Rodent Defense” hosted on amazon.com stated, in part:

Rodent Defense All Natural Small Animal Repellent and Deterrent for Rats, Squirrels, Rabbits and other pests 32 Oz Spray by Rodent Defense  
632 customer reviews | 70 answered questions  
Price: \$19.99 & FREE Shipping on orders over \$35. Details  
In Stock.  
Get it before Christmas. Select delivery options in checkout.  
Two-Day Shipping at checkout. Details  
Sold by Pinelake Industries and Fulfilled by Amazon. Gift-wrap available.

- All Natural - No chemicals, toxins, or poisons and is safe to use around your kids and pets
- Deters by Smell, Touch and Taste - A proven 3 part formula that targets each of the small animal and rodent senses.
- Last Longer - Last up to 30 days when sprayed outside and can last even longer when sprayed indoors.
- Contains Peppers, Natural Predator Scents, and Peppermint Oil for small animal and rodent control
- Made by Professional Exterminators - Created and tested by a team of experts so you know it works!

### **Product Composition**

70. At or near the time of purchase (November 18, 2015), HUA Cockroach Bait Website for “HUA Highly effective Cockroach killing bait Powder” hosted on amazon.com stated, in part, “Active Ingredient: propoxur, 2%.”

71. At or near the time of purchase (November 18, 2015), the R.B.T.Z. Cockroach Bait Website for “R.B.T.Z. Highly effective Cockroach killing bait Powder” hosted on amazon.com stated, in part, “Active Ingredient: propoxur 2%.”

72. Propoxur is a well-known pesticide active ingredient that has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.

73. The “Green Leaf Powder Fly Killing Bait” package sold by HUA Tech and fulfilled by Amazon states, in pertinent parts, “Azamethiphos Content: 0.8%.”

74. At or near the time of purchase (November 18, 2015), the HUA Fly Bait Website for “Green Leaf Powder Fly Killing Bait” hosted on amazon.com stated, in part, “Azamethiphos Content: 0.8%.”
75. Azamethiphos is a well-known pesticide active ingredient that has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.
76. The “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite” container sold by Abundant Living Store and fulfilled by Amazon states, in pertinent parts, “Natural Diatomaceous Earth Powder with Calcium Bentonite. Food Grade.”
77. At or near the time of purchase (November 18, 2015), the Abundant Living’s Website for “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite” hosted on amazon.com stated, in part, “Natural Diatomaceous Earth Powder with Calcium Bentonite. Food Grade.”
78. Diatomaceous earth is a well-known pesticide active ingredient.
79. The “ARS Mat 12” package sold by Summer Pleasure and fulfilled by Amazon states, in pertinent parts, “Active Ingredients: d-Allethrin 48 mg/Mat (5.335% w/w); Piperonyl Butoxide 12 mg/Mat (1.33% w/w).”
80. d-Allethrin and Piperonyl Butoxide are well-known pesticide active ingredients that have no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.
81. The “Rodent Defense” container sold by Pinelake Industries and fulfilled by Amazon states, in pertinent parts, “Ingredients: .... fox urine.”
82. Fox urine is a well-known pesticide active ingredient that has no significant commercially valuable use as distributed or sold other than use for pesticidal purpose.

### **III. BASIS FOR THE ORDER**

83. EPA has reason to believe on the basis of inspection that on or around November 30, 2015, Amazon distributed “HUA Highly effective Cockroach killing Bait Powder,” “R.B.T.Z. Highly effective Cockroach killing Bait Powder,” “Green Leaf Powder Fly Killing Bait” and “Abundant Living’s Natural Diatomaceous Earth Powder with Calcium Bentonite” as the term “distribute or sell” is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) and 40 C.F.R. § 152.3.

84. EPA has reason to believe on the basis of inspection that Amazon intends to further distribute or sell "HUA Highly effective Cockroach killing Bait Powder," "R.B.T.Z. Highly effective Cockroach killing Bait Powder," "Green Leaf Powder Fly Killing Bait" and "Abundant Living's Natural Diatomaceous Earth Powder with Calcium Bentonite" via the Selling on Amazon Service and/or the Fulfillment by Amazon Service as the term "distribute or sell" is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3.
85. EPA has reason to believe on the basis of inspection that on or around December 9 and 10, 2015, Amazon distributed "ARS Mat 12" and "Rodent Defense" as the term "distribute or sell" is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3.
86. EPA has reason to believe on the basis of inspection that Amazon intends to further distribute or sell "ARS Mat 12" and "Rodent Defense" via the Selling on Amazon Service and/or the Fulfillment by Amazon Service as the term "distribute or sell" is defined at Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3.
87. The statements made on the labeling accompanying the "HUA Highly effective Cockroach killing Bait Powder," "R.B.T.Z. Highly effective Cockroach killing Bait Powder," "Green Leaf Powder Fly Killing Bait," "Abundant Living's Natural Diatomaceous Earth Powder with Calcium Bentonite," "ARS Mat 12" and "Rodent Defense" products described in paragraphs 54 through 69 above, render these products pesticides as defined by Section 2(u)(1) of FIFRA, 7 U.S.C. § 136(u)(1), and 40 C.F.R. § 152.15(a)(1).
88. The composition of "HUA Highly effective Cockroach killing Bait Powder," "R.B.T.Z. Highly effective Cockroach killing Bait Powder," "Green Leaf Powder Fly Killing Bait," "Abundant Living's Natural Diatomaceous Earth Powder with Calcium Bentonite," "ARS Mat 12" and "Rodent Defense" described in paragraphs 70 through 82 above, render these products pesticides as defined by Section 2(u)(1) of FIFRA, 7 U.S.C. § 136(u)(1), and 40 C.F.R. 152.15(b).

#### **Unregistered Pesticides**

89. "HUA Highly effective Cockroach killing Bait Powder" is not registered as a pesticide under Section 3 of FIFRA.
90. "R.B.T.Z. Highly effective Cockroach killing Bait Powder" is not registered as a pesticide under Section 3 of FIFRA.
91. "Green Leaf Powder Fly Killing Bait" is not registered as a pesticide under Section 3 of FIFRA.
92. "Abundant Living's Natural Diatomaceous Earth Powder with Calcium Bentonite" is not registered as a pesticide under Section 3 of FIFRA.
93. "ARS Mat 12" is not registered as a pesticide under Section 3 of FIFRA.

94. "Rodent Defense" is not registered as a pesticide under Section 3 of FIFRA.

95. Therefore, EPA has reason to believe on the basis of inspection that Amazon distributed and sold the unregistered pesticide products "HUA Highly effective Cockroach killing Bait Powder," "R.B.T.Z. Highly effective Cockroach killing Bait Powder," "Green Leaf Powder Fly Killing Bait," "Abundant Living's Natural Diatomaceous Earth Powder with Calcium Bentonite," "ARS Mat 12," and "Rodent Defense" in violation of FIFRA as specified in Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

#### **Misbranded Pesticide**

96. At the time of purchase, R.B.T.Z.'s page for "R.B.T.Z. Highly effective Cockroach killing Bait Powder" on amazon.com stated, in part:

- **CHILD & PET SAFE:** Safe to use around children and pets. No worries of harmful fumes or dangerous poisons and chemicals coming in contact with you and your family.

97. Under Section 2(q)(1)(A) of FIFRA, 7 U.S.C. § 136(q)(1)(A), "A pesticide is misbranded if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular."

98. The claim "CHILD & PET SAFE: Safe to use around children and pets" has not been substantiated through the pesticide registration process. In addition, the chemicals contained in the pesticide product are harmful to humans and animals if ingested.

99. Therefore, EPA has reason to believe on the basis of inspection that Amazon distributed and sold the misbranded pesticide product R.B.T.Z. Highly effective Cockroach killing Bait Powder in violation of FIFRA as specified in Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

#### **IV. ORDER**

100. Pursuant to the authority of section 13(a) of FIFRA, 7 U.S.C. § 136k(a), EPA hereby orders Amazon to **immediately cease** the sale, use, or removal of the unregistered "HUA Highly effective Cockroach killing Bait Powder," "Green Leaf Powder Fly Killing Bait," "Abundant Living's Natural Diatomaceous Earth Powder with Calcium Bentonite," "ARS Mat 12," and "Rodent Defense" products and the unregistered and misbranded "R.B.T.Z. Highly effective Cockroach killing Bait Powder" product (collectively "Violative Products") under its ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order.

101. This Order shall extend to all quantities of the Violative Products intended for sale, distribution, and/or any stocks returned to Amazon from its sellers, customers, or other end-users.
102. The Violative 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, or offered for delivery.
103. Amazon may move or remove any Violative Products from any facility or establishment ONLY in the following circumstances:
  - (a) Movement or removal to dispose of any Violative Products in accordance with all applicable federal, state, and local laws, provided Amazon provides written proof of disposal to Chad Schulze, Office of Compliance and Enforcement, United States Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, Mail Stop OCE-101, Seattle, Washington 98101, Schulze.chad@epa.gov.
  - (b) Movement or removal of any Violative Products between facilities and/or warehouses owned and controlled by Amazon or its affiliates, provided Amazon provides a written accounting prior to the movement of the products to be moved, including the quantities of products to be moved, the address of the facility from which the products will be moved from, and the address of the destination facility, to Chad Schulze, Office of Compliance and Enforcement, United States Environmental Protection Agency, 1200 Sixth Avenue, Suite 900, Mail Stop OCE-101, Seattle, Washington 98101, Schulze.chad@epa.gov.
  - (c) Any movement or removal of any Violative Products other than movement or removal authorized by Paragraphs 103(a) or 103(b), above, shall constitute a violation of this Order.
104. Amazon may seek federal judicial review of the Order pursuant to Section 16 of FIFRA, 7 U.S.C. § 136n. 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.
105. This Order shall be effective immediately upon receipt by Amazon or any agents of Amazon.
106. This Order shall remain in effect unless and until revoked, terminated, suspended, or modified in writing by EPA.
107. If any provision or provisions of this Order is/are subsequently held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and they shall remain in full force and effect.

V. OTHER MATTERS

108. For any additional information about this Order, please contact Chad Schulze, Pesticide Enforcement Team Lead, at 206-553-0505. For any legal matters concerning this Order, including questions from legal counsel, please contact Brett Dugan, Assistant Regional Counsel, at 206-553-8562.

1-29-16  
Date



Edward J. Kowalski, Director  
Office of Compliance and Enforcement