



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

RETURN RECEIPT REQUESTED

Mr. Drew Patrick
President
Royal Appliance Mfg. Co., dba TTI Floor Care North America
8405 IBM Drive
Charlotte, North Carolina 28262-4331

Re: Stop Sale, Use or Removal Order for Misbranded Devices
Docket No. FIFRA-10-2023-0074

Dear Mr. Patrick:

This letter provides Royal Appliance Mfg. Co., dba TTI Floor Care North America (“TTI”), notice that the U.S. Environmental Protection Agency (EPA), Region 10, has issued a Stop Sale, Use or Removal Order (“Order”) prohibiting the distribution or sale (including the import) of misbranded devices under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a). The Order is effective immediately upon receipt and pertains to all quantities of these products under TTI’s control, ownership or custody.

The EPA has determined that the products subject to the Order are misbranded pesticide devices because the product labeling bears false and misleading statements. Therefore, the sale or distribution of these devices violates Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F). This provision makes it unlawful to sell or distribute any device which is misbranded.

Pursuant to Section 13(a) of FIFRA, 7 U.S.C. § 136k(a), the products may not be sold, distributed, relabeled 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.

Within 30 days of receipt of this letter, please provide a written response describing the steps you have taken to comply with FIFRA and the conditions outlined in the Order. Please send the written response to Mr. Chad Schulze at schulze.chad@epa.gov. EPA’s Small Business Resources Information Sheet, which provides information on compliance assistance that may be helpful to you, is enclosed.

If you have any questions about this letter or the requirements of FIFRA, please contact Mr. Schulze, at (206) 553-0505 or schulze.chad@epa.gov. Questions from legal counsel should be directed to Danielle Meinhardt, Office of Regional Counsel, at (206) 553-4858 or meinhardt.danielle@epa.gov.

Sincerely,

Stacy A. Murphy
Acting Director

Enclosure

cc: Registered Agent
Corporation Service Company

Ms. Kristine Zenkewicz
General Counsel, TTI Floor Care North America

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 6th AVENUE, Suite 155
SEATTLE, WASHINGTON 98101**

<i>In the Matter of:</i>)	
)	ORDER
Royal Appliance Mfg. Co.,)	SECTION 13(a)
)	FEDERAL INSECTICIDE, FUNGICIDE
)	AND RODENTICIDE ACT
)	
Respondent)	Docket No. FIFRA-10-2023-0074
)	
)	
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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 Enforcement and Compliance Assurance Division for EPA Region 10 through the Regional Administrator for EPA Region 10.

II. APPLICABLE LAW

3. Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), makes it is unlawful for any person in any State to distribute or sell to any person any device which is misbranded.
4. 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.”
5. Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines a “device” as “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or

mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals).”

6. Section 2(t) of FIFRA, 7 U.S.C § 136(t), defines “pest” as including any “virus, bacteria, or other micro-organism” not on or in living man or other living animals.
7. 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 accompanying the pesticide or device at any time; or to which reference is made on the label or in literature accompanying the pesticide or device.
8. 40 C.F.R. § 152.500(b)(1)-(8) states that devices are subject to the requirements set forth in:
 - (1) FIFRA sec. 2(q)(1) and 40 C.F.R. part 156, with respect to labeling;
 - (2) FIFRA sec. 7 and 40 C.F.R. part 167, with respect to establishment registration and reporting;
 - (3) FIFRA sec. 8 and 40 C.F.R. part 169, with respect to books and records;
 - (4) FIFRA sec. 9, with respect to inspection of establishments;
 - (5) FIFRA sec. 12, 13, and 14, with respect to violations, enforcement activities, and penalties;
 - (6) FIFRA sec. 17, with respect to import and export of devices;
 - (7) FIFRA sec. 25(c)(3), with respect to child-resistant packaging; and
 - (8) FIFRA sec. 25(c)(4), with respect to the Agency's authority to declare devices subject to certain provisions of the Act.
9. According to 40 C.F.R. § 156.10(a)(5), a pesticide or a device declared subject to the Act pursuant to § 152.500 is misbranded if its labeling is false or misleading in any particular including both pesticidal and non-pesticidal claims, in any of the following ways:
 - (i) A false or misleading statement concerning the composition of the product;
 - (ii) A false or misleading statement concerning the effectiveness of the product as a pesticide or device;
 - (iv) A false or misleading comparison with other pesticides or devices;
 - (ix) Claims as to the safety of the pesticide or its ingredients, including statements such as “safe,” “nonpoisonous,” “noninjurious,” “harmless” or “nontoxic to humans and pets” with or without such a qualifying phrase as “when used as directed”; and
 - (x) Non-numerical and/or comparative statements on the safety of the product, including but not limited to:
 - (A) “Contains all natural ingredients”;
 - (B) “Among the least toxic chemicals known”; and
 - (C) “Pollution approved.”
10. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), states that the term “to distribute or sell” means “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.”

III. BASIS FOR THE ORDER

12. Royal Appliance Mfg. Co. (d/b/a TTI Floor Care North America) (“Respondent”) is a corporation incorporated in the State of Ohio. Therefore, Respondent is a “person” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s).
13. On multiple occasions between June 1, 2022, and August 31, 2022, Respondent imported units of the “Hoover Steam Mop Cleaner” (“Hoover Steam Mop”) into the United States.
14. Respondent therefore distributed and sold the “Hoover Steam Mop” as the term “to distribute and sell” is defined in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), and 40 C.F.R. § 152.3.
15. The following pesticidal claims are found on the “Hoover Steam Mop” label and manual:
 - (a) “EFFECTIVELY ELIMINATES *99.9% OF BACTERIA WITH JUST HEAT AND WATER”;
 - (b) “Elimination studies were conducted under controlled test conditions”; and
 - (c) “To Sanitize Hard Floor.”
16. The “Hoover Steam Mop” is therefore a device as that term is defined in Section 2(h) of FIFRA, 7 U.S.C. § 136(h), which is subject to the requirements in 40 C.F.R. § 152.500.
17. The following statements on the “Hoover Steam Mop” label are false and misleading as defined in 40 C.F.R. § 156.10(a)(5)(i), (ii), (iv), (ix) and (x):
 - (a) “A Safe Clean”;
 - (b) “Chemical Free”;
 - (c) “CAUTION: This product includes cleaning solutions containing anionic and non-ionic surfactants, which may be harmful if misused. Read cautions on individual containers carefully”;
 - (d) “EFFECTIVELY ELIMINATES ...”;
 - (e) No list of bacteria species controlled when stating, “EFFECTIVELY ELIMINATES *99.9% OF BACTERIA.”
18. EPA therefore has reason to believe that on multiple occasions between June 1, 2022, and August 31, 2022, Respondent distributed and sold the misbranded device, “Hoover Steam Mop,” in violation of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F).

IV. ORDER

19. Pursuant to the authority of section 13(a) of FIFRA, 7 U.S.C. § 136k(a), EPA hereby orders Respondent to **immediately cease** the sale, use, or removal of the misbranded device, “Hoover Steam Mop” (“Violative Product”).
20. This Order extends to all quantities of the Violative Product in Respondent’s ownership, control, or custody, wherever such products are located, except in accordance with the provisions of this Order.
21. The Violative Product 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.
22. Respondent may move or remove any Violative Product from any facility or establishment ONLY after obtaining prior written approval from EPA, in accordance with the following:
 - (a) Movement or removal requests must be made in writing addressed to Chad Schulze, at schulze.chad@epa.gov;
 - (b) Any request for movement or removal must include a written accounting of the products to be moved, the address of the facility from which the products will be moved, the address of the destination facility, and a description of the reasons for the movement or removal;
 - (c) If the movement or removal is for the purposes of disposal, Respondent must provide written proof of disposal to EPA and the disposal must comply with all applicable federal, state, and local laws; and
 - (d) Any movement or removal of any Violative Products made without prior written authorization from EPA in accordance with this Paragraph constitutes a violation of this Order and distribution and sale of illegal pesticides or devices in violation of FIFRA.
23. Within 30 days of receipt of this Order, Respondent must submit to EPA a current written accounting of the Violative Product subject to this Order. The accounting must be submitted to Mr. Schulze, at schulze.chad@epa.gov, and must include an accounting of all existing product inventory, including the location(s) where the products are held, and quantities. Respondent must provide EPA with an updated accounting at least every 30 days until Respondent no longer has any Violative Products in its ownership, custody or control.
24. The information requested in Paragraphs 23 and 24 must be provided whether or not Respondent regards part or all of it as a trade secret or confidential business information. Respondent is entitled to assert a claim of business confidentiality covering all or any required information, in the manner described at 40 C.F.R. § 2.203(b) by labeling such information at the time it is submitted to EPA as “trade secret” or “proprietary,” “company confidential” or other suitable notice. Information subject to a claim of business confidentiality will be disclosed by EPA to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless Respondent makes a claim at the time that it submits the information in the manner described in 40 C.F.R. § 2.203(b), EPA may make this information available to the public without further notice to Respondent.

25. Respondent may seek federal judicial review of this 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.
26. This Order shall be effective immediately upon receipt by Respondent or any agents of Respondent.
27. This Order shall remain in effect unless and until revoked, terminated, suspended, or modified in writing by EPA.
28. 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.

Date

Stacy A. Murphy, Acting Director
Enforcement and Compliance Assurance Division