FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

5-12. Issuance of Stop Sale, Use or Removal Orders

1. **AUTHORITY.** To issue stop sale, use, or removal orders as provided in the Federal Insecticide, Fungicide and Rodenticide Act, including Section 13(a), whenever there is reason to believe on the basis of inspection or tests that a pesticide or device is in violation of any provision of FIFRA, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been cancelled by a final order or has been suspended.

2. **TO WHOM DELEGATED.** Chief, Pesticides and Toxics Enforcement Section.

3. **LIMITATIONS.**

   a. This authority may be exercised against persons in Region 8. This authority also may be exercised against persons in another region after the official with the delegated authority or designee consults with that region.

   b. Any person exercising this authority must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the action before exercising this authority. The RC may waive concurrence in writing.

4. **REDELEGATION AUTHORITY.**

   a. This authority may not be redelegated.

   b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.** Chapter 5 delegations entitled "Civil Judicial Enforcement Actions" and "Emergency Temporary Restraining Orders" for seizure and related authority under Sections 13(b)–(d).

Scott Patefield, Chief
Air Enforcement Branch

9/19/19
Date