UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 27 2019

UNITED PARCEL SERVICE

Ms. Jennifer Moore
Sciessent, LLC
100 Cummings Center, Suite 251-G
Beverly, Massachusetts 01915

Re: Sciessent, LLC
Notice of Warning for a Misbranded Pesticide
Case File No. FIFRA-04-2019-8502

Dear Ms. Moore:

The U.S. Environmental Protection Agency has obtained evidence indicating that Sciessent, LLC appears to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On or about February 11, 2019, Transgroup International, the licensed customs broker for Sciessent, LLC, submitted a Notice of Arrival of Pesticides and Devices (NOA) for the importation of 10 containers of Agion Silver Antimicrobial Type AK (EPA Reg. No. 71227-1-88165), each containing 20 kilograms, that was anticipated to arrive at the Port of Miami, Florida under entry number 182-03196086 on or about February 7, 2019. On or about February 14, 2019, Transgroup International, on behalf of Sciessent, LLC, submitted another NOA for the importation of 32 containers of Agion Silver Antimicrobial Type AK (EPA Reg. No. 71227-4-88165), Agion Silver Antimicrobial Type AC (71227-7-88165) and Agion Silver Antimicrobial Type AJ (EPA Reg. No. 71227-1-88165), each containing 20 kilograms, that was anticipated to arrive at the Port of Miami, Florida under entry number 182-03183498 on or about January 7, 2019.

Upon review of a copy of the label that was affixed to the containers containing the pesticide products Agion Silver Antimicrobial Type AK (EPA Reg. No. 71227-4-88165), Agion Silver Antimicrobial Type AC (71227-7-88165) and Agion Silver Antimicrobial Type AJ (EPA Reg. No. 71227-1-88165), and the entry documentation provided by Sciessent, LLC on or around February 11, 2019, and February 14, 2019, the EPA determined that the product was misbranded pursuant to Section 2(q)(1)(E) of FIFRA, 7 U.S.C. § 136(q)(1)(E), which states a pesticide is misbranded if any word, statement, or other information required by or under the authority of FIFRA were not prominently placed on the label or labeling. Pursuant to 40 CFR § 156.10 (a)(d)(3) if the pesticide is a solid or semisolid, the net content statement shall be in terms of weight expressed as avoirdupois pounds and ounces. As set forth in FIFRA Section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person in any State to distribute or sell to any person any pesticide that is misbranded.

In response to the apparent violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to Sciessent, LLC pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a Notice of Warning is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of

Sciessent, LLC submit a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above and submit photographs of the pesticide product label and labeling that are legible and show the product relabeled in compliance with FIFRA. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement and photographs should be submitted to:

Kanoelehua Ho
Pesticides Section
U.S. EPA Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960
ho.kanoelehua@epa.gov
(404) 562-9162

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kanoelehua Ho of the EPA Region 4 staff at (404) 562-9162.

Sincerely,

Anthony G. Toney
Chief
Chemical Safety and Enforcement Branch

cc: Sharon Hayes, EPA Region 1