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

April 9, 2021

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUSTED

Mr. Andrew McCarthy
President
Seal Shield, LLC
315 E. Robinson Street, Suite 500
Orlando, Florida 32801
andrew@sealshield.com

Re: Seal Shield, LLC, Notice of Civil Penalty Action

Dear Mr. McCarthy:

This letter serves to notify Seal Shield, LLC (Seal Shield) of the opportunity to meet with the U.S. Environmental Protection Agency via teleconference to discuss the EPA's allegations that Seal Shield has violated provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, by (1) distributing and/or selling unregistered pesticides in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), and (2) distributing and/or selling a misbranded pesticide "device" in violation of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F). The purpose of the teleconference meeting will be to discuss Seal Shield's alleged FIFRA violations, outlined below, and to explore whether a settlement of this enforcement matter is possible.

The EPA originally identified alleged violations of FIFRA by Seal Shield in the EPA's Show Cause letter dated December 8, 2016. On December 8, 2017, the EPA held a Show Cause meeting with Seal Shield to provide it with an opportunity to present facts, information, and evidence as to why the EPA should not take an enforcement action in response to the alleged violations. Thereafter, in a letter dated January 5, 2018, the EPA provided Seal Shield with additional information regarding the alleged violations and pesticide claims being made for Seal Shield's products, and held a follow-up meeting with Seal Shield on January 25, 2018, to further identify the pesticide claims and to provide compliance assistance. In a letter dated April 19, 2018, the EPA further outlined and identified the compliance measures that Seal Shield would have to take to correct the alleged FIFRA violations. However, despite multiple attempts to work with Seal Shield to bring the company into compliance with FIFRA, the company failed to return to compliance. As a result, on September 24, 2019, the EPA issued a Notice of Continuing Violation letter to Seal Shield that again informed the company that it was continuing to violate FIFRA and advised it that "[b]y this letter, the EPA is extending Seal Shield one final opportunity to voluntarily correct all violations and comply with FIFRA, in accordance with prior instructions from the EPA." Thereafter, in response to Seal Shield's continued noncompliance, the EPA issued a Stop Sale, Use or Removal Order (SSURO) to Seal Shield on April 20, 2020, pursuant to Section 13 of FIFRA, 7 U.S.C. § 136k, requiring it to cease further sale and distribution of its unregistered pesticides and the misbranded pesticide device, identified in paragraph 46 of the SSURO.

Based on actions taken by Seal Shield to comply with the SSURO and return to compliance with FIFRA, the EPA terminated the SSURO in part on May 18, 2020, when partial compliance was achieved, and fully terminated the SSURO on June 18, 2020, as Seal Shield returned to full compliance with FIFRA. Notwithstanding, as the EPA explained to Seal Shield in its June 18, 2020 letter, "The Termination is not a waiver by the EPA of any enforcement or other authority available to the EPA under FIFRA nor shall it act to release Seal Shield from any potential liability for violations of FIFRA that may have occurred prior to, or subsequent to the issuance of this Termination."

Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), provides, inter alia, that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA. The EPA alleges that Seal Shield sold and/or distributed the following unregistered pesticide products on at least fifty-eight (58) occasions between November 2018 to September 2019.

- Seal Shield Keyboards
- Seal Shield Mice
- Seal Shield Mouse Pads

Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), provides, inter alia, that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide "device" which is misbranded. The EPA further alleges that Seal Shield sold and/or distributed the following misbranded pesticide device on at least two (2) occasions in or around June 2019 and July 2020.

- ElectroClave UV Disinfection Device

Please contact F. Marshall Binford, Associate Regional Counsel, at (404) 562-9543 or by email at binford.marshall@epa.gov, within fourteen (14) calendar days of the date of this letter to schedule a teleconference meeting with the EPA to discuss Seal Shield's alleged violations and to ascertain whether a settlement of this enforcement matter is possible. If Seal Shield does not respond, the EPA will assume that Seal Shield is not interested in a meeting to discuss this matter or in pursuing settlement negotiations. In that event, the EPA may initiate an enforcement action.

Sincerely,

ALAN ANNICELLA Digitally signed by ALAN ANNICELLA Date: 2021.04.09 09:38:59 -04'00'

Alan A. Annicella
Chief
Pesticides Enforcement Section

cc: Ed Schwartz; Attorney at Law, Sweetnam & Schwartz, LLC. (ess@mseslegal.com)