Message

From: Charlton, Tom [Charlton.Tom@epa.gov]
Sent: 1/12/2021 9:08:11 PM
To: Koch, Erin [Koch.Erin@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Herrick, Jacquelyn [Herrick.Jacquelyn@epa.gov]
CC: Teter, Royan [Teter.Royan@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Dyer, Brian [Dyer.Brian@epa.gov]; Trivedi, Adrienne [Trivedi.Adrienne@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Tham, Kan [Tham.Kan@epa.gov]; Hayes, Sharon [Hayes.Sharon@epa.gov]; Martinez, Hugh [martinez.hugh@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]
Subject: RE: Anvil Questions for OPP - We will need Response(s) as soon as
Attachments: Anvil 1907080004.jpg; Anvil 2006120002.jpg

These are labels from the product that was provided to EPA from Clarke when Region 1 requested samples of the same Anvil product that was used in Massachusetts. I have copied some Region 1 folks and Thuy in case they have anything to add.

Tom Charlton, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Tel: (202) 564-6960
Fax: (202) 564-0035

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From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, January 12, 2021 3:31 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
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That certainly indicates they may not be the same producer. But to OECA, I think what really matters is what establishment number is on the actual product you are concerned with. I'm not sure if you have pictures of the labeling on actual product.

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Tuesday, January 12, 2021 3:22 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
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Subject: RE: Anvil Questions for OPP - We will need Response(s) as soon as

Ex. 5 Attorney Client (AC)

Best,
Catherine

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, January 12, 2021 3:20 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
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It is correct that establishments can change over time. But 40 CFR 152.132(b) says:

(b) The distributor product is produced, packaged and labeled in a registered establishment operated **by the same producer** (or under contract in accordance with § 152.30) who produces, packages, and labels the registered product.

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From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Tuesday, January 12, 2021 2:28 PM
To: Charlton, Tom <Charlton.Tom@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Subject: RE: Anvil Questions for OPP - We will need Response(s) as soon as

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Best,
Catherine

From: Charlton, Tom <Charlton.Tom@epa.gov>
Sent: Tuesday, January 12, 2021 2:26 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
Cc: Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
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I am comparing the product labels for MGK Multicide 2075 and its distributor product, Anvil 10+10. I see that the establishment numbers are different.

Multicide: EPA Est. No. 1021-MN-2

Anvil: EPA Est. No. 8329-IL-01

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I got the multicide label from PPLS and the Anvil label from Clarke's website.

Tom Charlton, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Tel: (202) 564-6960
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From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Tuesday, January 12, 2021 12:09 PM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Anvil Questions for OPP - We will need Response(s) as soon as

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Best,
Catherine

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, January 12, 2021 11:23 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Anvil Questions for OPP - We will need Response(s) as soon as

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Kerry Leifer, Chief

Chemistry, Inerts and Toxicology Assessment Branch
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From: Aubee, Catherine
Sent: Tuesday, January 12, 2021 11:16 AM
To: Charlton, Tom <Charlton.Tom@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
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Internal, deliberative

Ex. 5 Attorney Client (AC)

Best,
Catherine

Ex. 5 Attorney Client (AC)

Best,
Catherine

From: Charlton, Tom <Charlton.Tom@epa.gov>
Sent: Tuesday, January 12, 2021 11:12 AM

To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Dyer, Brian <Dyer.Brian@epa.gov>; Trivedi, Adrienne <Trivedi.Adrienne@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
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To assist OECA in quickly issuing a stop, sale, use, or removal order, we need a responses from OPP on the following questions.

Ex. 5 Attorney Client (AC)

Sorry about the short notice (and the run-on sentence) but we greatly appreciate your assistance. Please feel free to contact me if you have any questions regarding these questions.

Thanks again for your help.

Tom Charlton, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Tel: (202) 564-6960
Fax: (202) 564-0035

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