UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

March 10, 2021

Via Electronic Mail:
gene@verataur.com

Gene Garber
Verataur, LLC
602 Vortex Dr
New Iberia, LA 70560

Re: Verataur Products and Solutions (Establishment No. 99213-LA-1)
Federal Insecticide, Fungicide, and Rodenticide Information Request Letter

Dear Mr. Garber:

The United States Environmental Protection Agency (EPA) regulates the registration, distribution, sale and use of pesticides pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the related regulations in the Code of Federal Regulations (CFR). The EPA hereby requests information related to Verataur's compliance with FIFRA and the C.F.R.

Verataur, LLC is subject to recordkeeping requirements under Section (8) (b) of FIFRA, 7 U.S.C. § 136f(b), and the regulations at 40 C.F.R. Part 169. These provisions require any producer, distributor, carrier, dealer or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to FIFRA, upon request of any officer or employee of the EPA or a duly designated state or political subdivision, to furnish or permit such person at all reasonable times to have access to and to copy certain records. The EPA is herein requesting information pursuant to the authority granted to it under Section 8 of FIFRA.

Verataur, LLC is also subject to Section 9(a)(1) of FIFRA, 7 U.S.C. § 136g(a)(1), which authorizes the EPA and other government officials to enter at reasonable times any establishment or other place where pesticides or devices are held for distribution or sale for the purpose of inspecting or obtaining samples of any pesticides or devices, packaged, labeled and released for shipment, and samples of any containers or labeling for such pesticides or devices.

At this time, the EPA requests that Verataur, LLC submit the information being requested within **fourteen (14) business days** of your receipt of this letter. We ask that Verataur, LLC submit the information electronically to Lawrence Pittman at pittman.lawrence@epa.gov and Lee McMillan at mcmillan.lee@epa.gov, or contact Mr. McMillan at 214-665-6404 to otherwise make arrangements to submit the responsive documentation.

Please provide a full and complete response to each request for information set forth in the attached Information Request. Section 14 of FIFRA authorizes the EPA to pursue penalties for failure to comply with any provision of FIFRA. **Providing false, fictitious, or fraudulent statements or**

representations may subject you to criminal fines, up to five years imprisonment, or both, under 18 U.S.C. § 1001. The EPA has authority to use the information requested herein in an administrative, civil, or criminal action.

If you have any questions concerning the enclosed Information Request or need to request an extension, please contact Lawrence Pittman, Office of Regional Counsel, at (214) 665-8381 or pittman.lawrence@epa.gov, or Lee McMillan, of my staff, at (214) 665-6404 or mcmillan.lee@epa.gov. Thank you for your attention to this matter.

Sincerely,

Margaret Osbourne, Chief
Waste Enforcement Branch

Attachments: Information Request
Certification Statement
Confidential Business Information Fact Sheet

INFORMATION REQUEST

A. General Instructions

1. Address each numbered request separately and precede each response with the number in the corresponding Information Request.

2. For each numbered request, identify all contributing sources of information and persons consulted in preparation of the response.

3. Documents to be produced include all documents in your possession, custody or control, wherever located, including documents in the possession, custody or control of your officers, directors, trustees, managers, employees, agents, consultants, contractors, attorneys, representatives and any other persons acting on your behalf. Without limitation on the term "control," a document is deemed to be in your control if you have the right to secure that document or a copy thereof from another person.

4. All requests for documents include the final version of the document and shall be produced in their entirety, including all attachments and enclosures.

5. If information not known or not available as of the date of submission of the response later becomes known or available, supplemental responses must be submitted to the EPA.

6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all the information requested, in the manner described by 40 C.F.R. § 2.203(b). The Confidential Business Information Fact Sheet attached to this letter provides additional information.

7. The response must be accompanied by the attached certification, signed by a responsible company official or representative.

B. Definitions

All terms in this Information Request shall have their ordinary meaning unless defined by FIFRA, 7 U.S.C. §§ 136 et seq., or the implementing regulations. Definitional clarification is specified below:

1. "Verataur, LLC" includes any officer, director, agent, or employee of Verataur, LLC, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

2. "You" or "your" means all companies or corporations with which Verataur, LLC is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants and all other persons acting on its behalf.

3. "Employee" means any common law employee, contractor, sub-contractor or independent contractor, including but not limited to pesticide "handler[s]," as that term is defined in 40 C.F.R. § 170.3 and "certified applicator[s]," as that term is defined in Section 2(e)(1) of FIFRA, 7 U.S.C. § 136(e)(1), working for Verataur, LLC in any capacity.

4. "And" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request all information which might otherwise be construed to be outside its scope.

5. "Furnish," "describe," "identify" or "indicate" means turning over to the EPA either original or duplicate copies of the requested information in the possession, custody or control of Verataur, LLC Where specific information has not been memorialized in any document but is nonetheless responsive to a request, you must respond to the request with a written response. If such requested information is not in your possession, custody or control then indicate where such information or documents may be obtained.

6. "Document" or "documents" or "documentation" means any object that records, stores, or presents information, and includes writings of any kind, formal or informal, draft or final, whether or not wholly or partially in handwriting, including documentation solely in electronic form, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or

other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

7. "Advertisement" means any marketing information communicated to customers or the public, customers, or to an individual. This term includes, but is not limited to, types of advertising media such as: webpages, web banners, web pop-ups, blog text, image and video postings (including but not limited to YouTube), social network text, image and video postings, mobile applications, television, radio, newspapers, trade journals, newsletters, magazines, signage or billboards, or printed flyers.

C. <u>Information Requested</u>

Provide the following requested information and related documentation for the time period from January 1, 2020 to present about the pesticidal product, PureRx-15 ("the Product") manufactured by Verataur, LLC:

1. Provide any and all documents, including all communications, between Verataur, LLC and its customers and sale representatives relating to the advertisement, marketing, sale and/or distribution of the Product, including but not limited to:
    a. Copies of all electronic and print advertisements relating to the Products;
    b. Pre- and post-sale material;
    c. Material related to the efficacy of the Product; and
    d. Information about the Product displayed on any and all web platforms by Verataur, LLC, including the website https://www/.esparzapc.com/#/.

2. Provide any and all sales and distribution documentation for the Product, including but not limited to the following information:
    a. Purchaser's name;
    b. Date of purchase;
    c. Items purchased, including product name and quantities; and
    d. Any material, advertising, technical or guidance and instructions, included with each sale or distribution.

3. For any application of the Product made by Verataur, LLC, provide the following:

a. Location of the application
b. Date and time of the application;
c. Applicator identification number;
d. Applicator training certifications;
e. Total area treated;
f. Surfaces treated;
g. Total amount of the Product applied;
h. Type of application equipment used;
i. Rate of application; and
j. Personal protective equipment used by applicators

CERTIFICATION STATEMENT

Under penalties of perjury regarding the making or submission of false or fraudulent statements or representations (18 U.S.C. § 1001), I certify to the best of my knowledge and belief that the information contained in and accompanying this document is true, accurate, and complete.

_____
Signature

_____
Name (type or print)

_____
Title (type or print)

_____
Date

CONFIDENTIAL BUSINESS INFORMATION FACT SHEET

You may not withhold information from the Administrator of the EPA based on a claim of confidentiality. However, the Administrator will, upon request, treat information as confidential in accordance with EPA regulations found at Title 40 of the Code of Federal Regulations ("C.F.R.") Part 2, Subpart B. These regulations provide that a business may, if it desires, assert a claim of business confidentiality covering all or part of the information furnished to the EPA. 40 C.F.R. § 2.203(b) explains how to assert such a claim.

If you allege that information you submit to EPA is entitled to confidential treatment you may be asked to substantiate that claim in writing. The elements that must be explained in your substantiation are described at 40 C.F.R. § 2.204(e), and include, among other things, an explanation of the harmful effects to your business' competitive position that could result from disclosure of the information, why those harmful effects should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

If you assert a confidentiality claim for submitted information you must provide EPA with two copies of your submission. The first copy must be complete and contain all information being claimed as confidential. The second copy must contain only information not claimed as confidential. EPA will place the second copy of the submission in the public file.

Do not submit personally identifiable information pertaining to your clients. When reproducing documents responsive to this request, if any of the documents you will be copying include personally identifiable information such as social security numbers, birth dates, driver's license numbers, vehicle license numbers, bank account information, and similar information, you should redact (mark out so that it is illegible) this information prior to submitting copies to EPA. Please note that you may not redact the clients' names.