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Pesticide/FIFRA Enforcement: U.S. Environmental Protection Agency and Amazon Services, LLC Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Amazon Services, LLC ("Amazon") entered into a February 14th Consent Agreement ("CA") addressing alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"). See Docket No. FIFRA-10-2018-0202.

The alleged FIFRA violations are stated to have involved unregistered and misbranded pesticide products.

The CA states that Amazon offers a service called "fulfillment by Amazon" ("FBA") in which:

... products are posted on the Amazon.com website for sale by the third-party sellers, stored in Amazon fulfillment centers, and Amazon packs, ships, and/or provides logistics services for these products. Therefore, Amazon "distributes" pesticide products within the meaning of Section 2(gg) of FIFRA. . .

See 3.16 of the CA.

Alleged distribution of unregistered and/or misbranded pesticide products are described in the CA as:

- Distributions of the unregistered pesticide product: 3 pcs Cockroach Cockroaches Bugs Ants Roach Kills Chalk
- Distributions of the unregistered and misbranded pesticide product: Miraculous Insecticide Chalk
- Distributions of the unregistered pesticide product: HUA Highly Effective Cockroach Killer Bait Powder (2 pcs)
- Distributions of the unregistered and unbranded pesticide product: R.B.T.Z. Safe Highly Effective Roach Killer Bait Powder Indoor (2 pcs)
- Distributions of the unregistered product: HUA Highly Effective Fly Killing Bait Powder (3 Packs)
- Distributions of the unregistered pesticide product: Ars Mat 60pcs. Refil for ARS Electric Mosquito Killer Convenient, Clean & Smokeless

The CA assesses a civil penalty of \$1,215,700. Also, Attachment A to the CA describes a Supplemental Environmental Project ("SEP") that Amazon will develop and implement.

The SEP includes development of an online training course on pesticide regulations and policies that is projected to reduce the number of illegal pesticides available through the online marketplace. EPA states that the training will be available to the public and online marketers in English, Spanish, and Chinese. Further, successful completion of the training is stated to be mandatory for all entities planning to sell pesticides on Amazon.com.

[A copy of the CA, including the SEP, can be downloaded here.](#)