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# Federal Insecticide, Fungicide and Rodenticide Act Enforcement: U.S. Environmental Protection Agency and Walgreen Co. Enter into Consent Agreement Addressing Alleged Violations

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency ("EPA") and Walgreen Co. ("Walgreen") entered into a Consent Agreement and Final Order ("CA") addressing an alleged violation of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A) states that it is:

...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, 7 U.S.C. § 136a.

The CA alleges that Walgreen is a retailer that owned and operated a business in Deerfield, Illinois during the calendar year 2014.

An inspector employed by the Illinois Department of Public Health (and authorized to conduct inspections under FIFRA) is stated to have conducted an inspection at a Walgreen retail establishment in Warrenville, Illinois on June 25, 2014.

The inspector is stated to have collected a physical sample of the product "Walgreen's Stop Lice". Walgreen is alleged to have been holding the product for distribution or sale. The label for Walgreen's Stop Lice collected on June 25, 2014 allegedly stated:

- A. "Stop Lice"
- B. "EPA Reg. No. 10900-86-43428"
- C. "Not for use on humans"

The CA states that Walgreen's Stop Lice is a "pesticide" as defined at Section 2(u) of FIFRA, 7 U.S.C. § 136(u). It is further stated that on or about August 3, 2015 the registrant for 887 Multi-use Insecticide Spray, EPA Reg. No. 10900-86, submitted to EPA a Notice of Supplemental Distribution for Walgreen's Stop Lice, EPA Registration Number 10900-86-43428.

Walgreen allegedly distributed or sold Walgreen's Stop Lice on June 25, 2014. Such alleged distribution or sale is stated to have constituted a violation of Section 12(a) of FIFRA, 7 U.S.C. Section 136(a)(1)(A).

The CA assess a civil penalty of \$3,750.

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