



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

VIA EMAIL ONLY

Mr. Mike Roman
Chief Executive Officer
c/o Ms. Linda Murray, Regulatory Specialist
3M Company
3M Center, Building 220-6E-03
St. Paul, Minnesota 55144

ljmurray@mmm.com

NOTICE OF WARNING

Dear Mr. Roman:

This Notice of Warning (Notice) constitutes formal notification by the U.S. Environmental Protection Agency (EPA), pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), that there is reason to believe 3M Company (3M or you) has committed an unlawful act under Section 12(a)(1)(E) of FIFRA by distributing or selling a misbranded pesticide.

On July 30, 2019, inspectors with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (WDATCP) conducted an inspection at 3M, located at 144 Rosecrans Street, Wausau, Wisconsin 54401. During that inspection, WDATCP requested copies of labels affixed to the pesticides produced and distributed by the Wausau establishment, "3M 6000 Copper Granules," EPA Registration Number 10350-526, and "3M 7000 Copper Granules," EPA Reg. No. 10350-63. The labels of each product failed to identify the name and address of the producer, registrant, or person for whom produced.

The regulation at 40 C.F.R. § 156.10(a)(1)(ii) states that every pesticide product shall bear a label that clearly and prominently shows the name and address of the producer, registrant, or person for whom the pesticide is produced. Section 2(q)(2)(C)(i) defines a pesticide to be "misbranded" if there is not affixed to its container a label bearing the name and address of the producer, registrant, or person for whom produced. The distribution or sale of a misbranded pesticide is a violation of Section 12(a)(1)(E) of FIFRA.

Unlawful acts under FIFRA are subject to the civil and criminal penalty provisions at Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Please inform EPA of all corrective actions you have undertaken or will undertake to bring your company into compliance with FIFRA within thirty (30) calendar days of receipt of this Notice

of Warning. Failure to reply within the allotted time may result in further action by EPA. All correspondence regarding this Notice should be directed to Claudia Niess, Enforcement Officer, of my staff, by email at niess.claudia@epa.gov and R5LEECAB@epa.gov.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

If any portion of your response contains information which it claims as confidential business information (CBI), please submit a complete copy of the response identifying the information that is CBI to:

Claudia Niess (ECP-17J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Please do not send any CBI by email.

Please also send a second copy of your response including the information that is CBI, with the CBI portions redacted, to include only that information that 3M is NOT claiming as CBI. Please send those non-CBI documents to EPA electronically to niess.claudia@epa.gov and R5LEECAB@epa.gov.

If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email, explaining the specific impacts on your ability to respond timely. Ms. Niess can be reached at the above email address or by telephone at (312) 886-7598. EPA is committed to the protection of human health and the environment. Thank you for your prompt attention to this matter.

Sincerely,

acting for Julie Morris
Manager
Land Enforcement and Compliance Assurance Branch

cc: Land Enforcement and Compliance Assurance Branch
R5LEECAB@epa.gov

Wisconsin Department of Agriculture, Trade, and Consumer Protection