

Air/FIFRA/TSCA Enforcement: United States Department of Justice Complaint Filed in Federal Court Against eBay, Inc. for Alleged Violations



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09/29/2023

The United States Environmental Protection Agency (“EPA”) issued a September 27th news release stating that the United States Department of Justice filed a Complaint in United States District Court (Brookland, New York) (“Complaint”) on behalf of EPA against eBay, Inc. (“eBay”).

The Complaint references alleged unlawful selling, offering for sale, causing the sale of, and distributing hundreds of thousands of products in violation of the:

- Clean Air Act
- Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”)
- Toxic Substances Control Act (“TSCA”)

In regard to the referenced federal environmental statutes, the specific alleged violations involve:

- Clean Air Act
 - . . . sold, offered for sale, or caused the sale of more than 343,000 such parts. . . (referencing the alleged sale, offering for sale, or causing the sale or offer of aftermarket parts that defeat motor vehicle emission controls in violation of the Clean Air Act)
- FIFRA
 - . . . unlawfully distributed or sold at least 23,000 such products (referencing alleged unlawful distribution or sale of unregistered, misbranded, and restricted use pesticides including some which were in direct violation of an EPA Stop Sale Order issued to eBay in 2020 and amended in 2021)
- TSCA
 - . . . distributed over 5,600 items in violation of TSCA’s Methylene Chloride Rule, including illicit paint and coating removal products (violating a prohibition of retailers distributing in commerce products containing methylene chloride for paint and paint coating removal)

EPA states that Complaint seeks a ruling that eBay’s business practices as an e-commerce retailer violate the three referenced federal environmental statutes and asks for injunctive relief to enjoin eBay from further violations as well as civil penalties for violation of the Clean Air Act.

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

