



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY

WASHINGTON, D.C. 20460

JAN 14 2016

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

David Nicholas, President  
Earth Sciences Laboratories, Inc.  
113 SE 22<sup>nd</sup> Street, Suite 1  
Bentonville, AR 72712

Dear Mr. Nicholas:

On December 4, 2015, the Environmental Protection Agency ("EPA") issued a Stop Sale, Use, or Removal Order ("SSURO") to Earth Science Laboratories, Inc. ("ESL") for three misbranded pesticide products: EarthTec, PristineBlue, and CleanWater Blue. These pesticide products are based on the same registered pesticide, EarthTec (EPA Reg. No. 64962-1). ESL is the registrant for EarthTec.

In response to the SSURO, ESL removed those three products from the market, removed violative labeling from its product websites, and started conducting a comprehensive compliance review of its entire EarthTec product line.

In a meeting with the EPA on December 16, 2015, David Carrington, ESL's business manager, asked that the EPA modify the SSURO to allow ESL to distribute and sell the EarthTec pesticide product marketed for municipal water treatment. As part of this request, ESL submitted for EPA review representative copies of what ESL plans to use as the final printed labels for this EarthTec product. EPA Enforcement and Office of Pesticide Program staff have reviewed those labels, submitted by email on January 13, 2016, and enclosed with this letter, and have determined that they comply with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

In light of the actions taken above, the EPA by this letter authorizes the movement, distribution, and sale of EarthTec for municipal water treatment. This authorization is limited to those products bearing the container labels submitted by ESL to EPA by email on January 13, 2015, and enclosed with this letter, without further modification.

ESL must account for all EarthTec pesticide product being relabeled, distributed, and sold pursuant to this letter. In addition to complying with all of the reporting requirements articulated in the SSURO, ESL must provide the following information regarding the product to be relabeled under the authority of this letter:

- 1) Identify the current location of all quarantined EarthTec product to be moved for the purpose of relabeling;
- 2) Identify the location to which the EarthTec product is being relocated to for the purpose of relabeling

and provide the EPA Establishment Registration Number of that production facility;

- 3) Provide the date the inventory is relabeled (if relabeling production occurs on multiple dates, provide production information for the relabeling that occurs on each date);
- 4) When providing answers to questions 1, 2, and 3, above, identify the quantities, by package size, being moved from and to each location;
- 5) The above information may be submitted with other reports required under the SSURO or must be submitted no later than 30 days after quarantined product has been relocated for purposes of relabeling or has been relabeled, whichever is earlier. Multiple reports may be required in order to fully account for all relocation and relabeling activities pursuant to this release.

ESL must include any relabeling made pursuant to this letter in its annual pesticide production reports and the new labels must contain the establishment registration number of the facility where the relabeling occurred.

The SSURO remains in effect with respect to all other EarthTec products subject to that order. All EarthTec product relocated for the purpose of relabeling also remains subject to the SSURO until that product has, in fact, been relabeled. This authorization may be revoked at any time if EPA, in the course of its investigation, determines that this product is no longer in compliance with FIFRA.

If you have any questions regarding this authorization, please contact Tom Charlton of my staff by phone at (202) 564-6960 or email at [charlton.tom@epa.gov](mailto:charlton.tom@epa.gov).

Sincerely,



James Miles, Chief  
Pesticides and Tanks Enforcement Branch  
Waste and Chemical Enforcement Division

Enclosures

Cc: David Carrington, Earth Science Laboratories, Inc.  
William Walsh, Pepper Hamilton, LLP