



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY

WASHINGTON, D.C. 20460

FEB 12 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 an email dated January 13, 2016, David Carrington, ESL's business manager, asked that the EPA modify the SSURO to allow ESL to distribute and sell the PristineBlue pesticide product marketed as an algacide and bactericide for residential pools, spas, and hot tubs. As part of this request, on February 11, 2016, ESL submitted for EPA review final printed labels for 8 oz, 32 oz, and 64 oz PristineBlue containers. EPA enforcement staff have reviewed these labels 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 PristineBlue pesticide products bearing the final printed labels discussed above (scanned versions enclosed), without further modification. It is the EPA's understanding that ESL intends to hand apply these labels to a limited number of PristineBlue containers and that ESL plans to develop final printed labels for machine application. The final printed machine-applied labels must be approved by the EPA by separate authorization before it can amend the SSURO to allow for the movement, distribution, and sale of PristineBlue products bearing them.

ESL must account for all PristineBlue pesticide products being labeled, 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 labeled, distributed, and sold under the authority of this letter:

- 1) ESL will provide the name, location, and EPA Establishment Registration Number for any facility where labeling occurs;
- 2) ESL will identify the number of PristineBlue pesticide products labeled, the size of those containers, and the date those products are labeled; and
- 3) ESL will provide the names and addresses of any distributors, retailers, or other customers that are receiving this product, the dates these shipments are being made to those entities, the amount of product in each shipment, and the name and address of any ESL facility from where these shipments are being made.

The above information may be submitted with other reports required under the SSURO or must be submitted no later than 15 days after this product has been shipped for distribution or sale. Multiple reports may be required in order to fully account for all labeling and movement of product pursuant to this release. This labeling is also subject to FIFRA section 7 annual production reporting requirements.

The SSURO remains in effect with respect to all other EarthTec products subject to that order. Any PristineBlue pesticide product moved for the purpose of labeling also remains subject to the SSURO until that product has, in fact, been labeled. This authorization may be revoked at any time if the 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