



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY

WASHINGTON, D.C. 20460

MAY 12 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

David Nicholas, President
Earth Sciences Laboratories, Inc.
113 SE 22nd 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.

On February 12, 2016, pursuant to the terms of the SSURO, the EPA reviewed final printed labels to be hand applied to PristineBlue 8 oz, 32 oz, and 64 oz containers. PristineBlue is marketed as an algacide and bactericide for residential pools, spas, and hot tubs. Consequently, the EPA amended the SSURO to allow ESL to distribute and sell PristineBlue pesticide products bearing those labels.

It was the EPA's understanding that ESL intended to hand apply these labels to a limited number of PristineBlue containers and that it would develop final printed labels for machine application. Those machine-applied labels would have to be approved by the EPA by separate authorization before it could amend the SSURO to allow for the movement, distribution, and sale of PristineBlue products bearing them.

On May 5, 2016, ESL submitted final printed labels to be machine-applied to 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. 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.

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