Dear Mr. Mars,

After closer review of the label for Spartan Mosquito Eradicator we have determined that the label does not meet all six of the U.S. EPA's requirements to be exempt from federal regulations. Specifically, the product's Active Ingredients must be only those that are listed in 40 CFR 152.25(f)(1). The combination of yeast and sucrose in this product produces carbon dioxide, which seems to serve as an attractant in the trap. Therefore, carbon dioxide is considered the true active ingredient in the product.

The State of Utah has revoked the registration of this product. Per Utah Code Title 4-14-8 (1) The department may revoke or suspend the registration of any pesticide upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the registration of the pesticide or in its distribution in this state.

We are issuing a Stop Sale and Removal Order, requiring you to cease distributing to Utah and to recall said products that are already in Utah. If the product is found for sale in Utah your company will be cited. Per 40 CFR 152.25(f)(2) The department may issue a "stop sale, use, or removal order" to the owner or distributor of any designated pesticide or lot of pesticide which it finds or has reason to believe is being offered or exposed for sale in violation of this chapter. The order shall be in writing and no pesticide subject to it shall be moved, offered, or exposed for sale, except upon the subsequent written release by the department. Before a release is issued, the department may require the owner or distributor of the "stopped" pesticide or lot to pay the expense incurred by the department in connection with the withdrawal of the product from the market.

You may register this pesticide product in the future when you comply with FIFRA Section 3 Pesticide Registration requirements or meet all 6 conditions for Minimum Risk Pesticide Exemption.

Sincerely,

Henry Nukleowski
Pesticide Program Manager