



State of Utah

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Director, Plant Industry

December 2, 2019

AC2T INC DBA SPARTAN MOSQUITO  
C/O COPELAND, COOK, TAYLOR & BUSH P.A.  
PO BOX 17619  
HATTIESBURG MS 39404

Dear Mr. Mars,

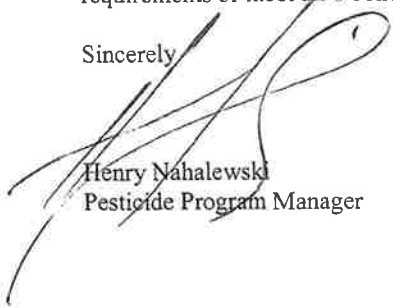
After closer review of the label for Spartan Mosquito Eradicator we have determined that the label does not meet all six of the U.S. EPA's requirements to be exempt from federal regulations. Specifically, the product's Active Ingredients must be only those that are listed in 40 CFR 152.25(f)(1). The 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 Nahalewski  
Pesticide Program Manager

COPELAND  
COOK  
TAYLOR &  
BUSH

December 12, 2019

**VIA FED EX: 7772 2940 1322**

**VIA FACSIMILE: (801) 538-7126**

Mr. Henry Nahalewski  
Department of Agriculture and Food  
State of Utah  
350 North Redwood Rd.  
Salt Lake City, UT 84114

Mr. Nahalewski:

Thank you for your letter dated December 2, 2019 reference of Spartan Mosquito Eradicators. On behalf of AC2T, Inc., I respectfully request that your office reinstate the registration of Spartan Mosquito Eradicators as soon as possible based on the following information:

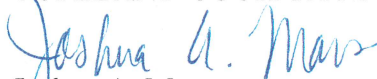
1) It is my understanding that all pesticidal products currently sold in your state require labeling as per EPA guidelines as manufactured, shipped, sold rather than after the end user dilutes the product. It is our position that the product ingredients are correctly labeled as sold and are consistent with all products that we understand are registered in your state. **We are not aware of other products registered in Utah that must provide product ingredient labeling to address dilution status performed by the consumer following purchase.**

2) Our client's position is that if we consider that the Spartan Mosquito Eradicator must be labeled as diluted vs. manufactured, the amount of sugar and yeast (combined with salt) will never meet the scientific burden of proof for required amounts of CO2 to attract mosquitoes. Henceforth, it would be false and misleading for AC2T, Inc. to label the yeast and sugar as active ingredients. The average CO2 output over a 14-day period for the product is .55ml/min. Please see the overnighted documentation (to arrive Friday) that establishes this output, and the documentation that establishes there would be no increased attraction at these levels.

Thank you for taking the time to consider these points, if there is anything we can do to provide further clarity on this matter please let us know.

Sincerely,

COPELAND COOK TAYLOR & BUSH, P.A.

  
Joshua A. Mars

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