

September 20, 2022

Katie Pittman
Manager
Copeland Cook Taylor & Bush
Orlando, FL 32810

**RE: NOTICE OF INTENT TO REFUSE AND/OR CANCEL PESTICIDE PRODUCT
REGISTRATION**

Product Name: Spartan Mosquito Eradicator

EPA Reg. No. FIFRA 25 (b) exempt

Reason:

Dear Ms. Pitman:

Actions taken herein are in accordance with the Virginia Pesticide Control Act and other laws, regulations and guidelines that govern this process. If you so desire, a copy of these laws, regulations and guidelines will be made available to you.

This is to notify you that the Virginia Department of Agriculture and Consumer Services intends to deny the registration of your product because it does not meet the requirements for registration as found in 2 VAC 5-670-70(b) which requires “...all products that require registration under FIFRA, as well as “minimum risk pesticides,” are required to be registered annually with the department.” As a minimum risk pesticide the following deficiencies are noted:

1. *Yeast and Sucrose are Active Ingredients: EPA Condition 1. States that the product’s active ingredients must be only those listed in 40 CFR 125.25 (f) (1)*
 - a. *The yeast and sucrose with warm water create carbon dioxide, which indicates that yeast is an active ingredient, not an inert ingredient. The function of the yeast is to create an attractant that invites the mosquito to the product. Since yeast and sucrose are not approved active ingredient for 25(b) products, you will need to revise the formula or provide data that shows the product works without the inert ingredients.*

2. *Salt as an Active ingredient. EPA Condition 1. States that the product's active ingredients must be only those listed in 40 CFR 125.25 (f) (1). Sodium Chloride is not listed under the active ingredient approved list.*
3. *False and Misleading Claims: False and misleading claims are a violation of EPA Condition 6. (<https://www.epa.gov/minimum-risk-pesticides/conditions-minimum-risk-pesticides>)*

Pursuant to Section 3.2-3922, Code of Virginia, 1950, as amended the Commissioner may refuse or cancel registration of any brand of pesticide upon satisfactory proof that the registrant has committed any of the acts prohibited by Subsection A of Section 3.2-3939 or any regulation adopted by the Board.

You have the right to a hearing to appeal the refusal to register your product. Request for an appeal must be submitted in writing to the Commissioner of the Virginia Department of Agriculture and Consumer Services. The request for an appeal must be postmarked within fifteen (15) calendar days from receipt of this Notice and must include the product information shown above. If you do not request an appeal within this timeframe, and your response is not postmarked within 15 calendar days of receipt of this Notice, registration of your product will be refused.

If you have any questions regarding this notice, you may contact me at

Sincerely,

Compliance Manager

Cc: Larry Nichols, Division Director
Liza Fleeson, Program Manager
Micah B. Raub, Program Supervisor, CLRT
Marlene Larios, Program Coordinator
Reba S. Gilliam, Business License/Registration Specialist
Kristy M. McCabe, Accounting Manager