From: Dudding, Chris
To: Lesher, Mark
Subject: RE: Compliance with FIFRA Standards
Date: Tuesday, April 30, 2013 12:41:00 PM

I can talk briefly this afternoon if you've got specific questions you want to discuss. Is there some portion of their website that you want me to look at?

Chris R. Dudding
Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
913-551-7524
Facsimile 913-551-9524
dudding.chris@epa.gov

CONFIDENTIAL: This transmission may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this message was sent to you in error, you are instructed to delete this message from your machine and all storage media whether electronic or hard copy.

From: Lesher, Mark
Sent: Tuesday, April 30, 2013 12:23 PM
To: Dudding, Chris
Subject: FW: Compliance with FIFRA Standards

Chris,

I have completed my review of AgriGro Marketing, Inc. new websites and they have made some great improvements and removed most of the PGR claims. There are a few problems & questions to resolve and I would like to discuss with you before we respond back to AgriGro. It is likely we will need one more conference call to point out the specific problems. Take a look at their websites if you have time. Let me know when you are available to discuss.

Mark

Mark K. Lesher, M.S.
Environmental Scientist
Toxics and Pesticides Branch
Water, Welands, and Pesticides Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
913-551-7054
lesher.mark@epa.gov

From: Stephen Smith [mailto:Stephen@agrigro.com]
Sent: Friday, April 26, 2013 12:22 PM
To: Lesher, Mark
Subject: RE: Compliance with FIFRA Standards

Dear Mr. Lesher,

Thank you for allowing our company time to make the needed changes to be in compliance with the requirements of FIFRA. From the beginning , when you first contacted our company, it became obvious the areas of concern stemmed from claims made regarding our products, not the actual formulations themselves. As we have stated numerous times in our communication over the course of the past several months, none of the formulations produced by Agri-Gro Marketing, Inc. contain plant growth hormones or pesticidal ingredients, so no changes in our formulations are required. According to our numerous communications back and forth, even though the product claims in question were based upon the nutritional response triggered by our products in both the soil and plant, according to your letters, emails and the guidelines of FIFRA, such nutritional claims are not acceptable. Therefore, we have made the following corrections/modifications to our website and marketing material:

All of the questionable wording you have brought to our attention over the course of our communication, has been removed in its entirety from our website and all future printings of accompanying literature for all products that we manufacture.

All wording listed on our website, regardless of the product, stating claims as follows: including "contains … plant stimulants," "increases root growth," and "establish[es] larger root systems with stronger stalks", has been removed from our companies http://www.agrigro.com and http://www.bountiful-harvest.com websites as required by FIFRA. Agri-Gro Marketing, Inc. does not manufacture any plant regulators or fungicides as defined by FIFRA nor do any of our products contain pesticidal ingredients. Any wording that exist on our companies websites or promotional material that represent our products as a "plant stimulant" or "growth stimulant" or claims to accelerate or retard the growth of specific parts of a plant (e.g., roots or stalks) or to impact germination rates, have been removed in their entirety as required by FIFRA.

In an effort to accurately represent our products to the consumer and avoid any confusion regarding the use and intended purpose of the products we manufacture, we have added a disclaimer statement to all of our website. We understand the disclaimer in and of itself is insufficient to remove or exempt any of our companies products from regulation under FIFRA. However, in an effort to ensure the public consumer is clear in their understanding of our products and their intended use, we

will keep the disclaimer in place as a safeguard for all who may view our website and research our products. Furthermore, any claims that could be considered "pesticidal in nature that existed previously on our website and company literature such as "contains natural rooting hormones," "minimizes disease and soil borne pathogens," "provides other growth stimulants not found in ordinary fertilizers," "increases root mass," etc. have been removed as required by FIFRA.

We trust these actions will meet FIFRA's expectations and address the concerns you have regarding the representation of our products to the general public. We ask that you review our website and promotional literature listed therein for confirmation of the above listed changes and will await your reply. If you have additional compliance concerns that we have failed to address , please advise and we will do our best to resolve the matter as quickly as possible.

In closing I want to thank you for your cooperation in allowing us time to address the concerns you have raised and we trust they meet with your approval.

StephenEmailSig

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

From: Lesher, Mark [mailto:Lesher.Mark@epa.gov]
Sent: Monday, March 18, 2013 11:13 AM
To: Stephen Smith
Cc: Teter, Royan; Lesher, Mark
Subject: RE: Response to your March 1, 2013 letter

Dear Mr. Smith,

We have reviewed your March 14, 2013, e-mail and grant your request for a deadline of May 1, 2013. That being said, to address the violations identified in the Notice of Warning, please submit, by no later than May 1, 2013, for each of the products identified in the Notice of Warning, a signed statement explaining the actions that you have taken to ensure compliance with FIFRA. Such actions may include removal of the product as currently formulated from your catalog and advertising pending registration as a pesticide with the EPA, revision of your website and marketing materials for the product to ensure that pesticidal claims are removed, reformulation of the product to remove any ingredients

intended as pesticidal, and/or, in the case of vitamin hormone products not intended for use on food crops, appropriate relabeling to comply with the exemption described at 40 C.F.R. § 152.6(f). If during this process, you have any questions or concerns, please contact me. We look forward to seeing your formal response on or before May 1, 2013.

Mark K. Lesher
Environmental Scientist
Toxics and Pesticides Branch
Water, Welands, and Pesticides Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
913-551-7054
lesher.mark@epa.gov

********** ATTACHMENT NOT DELIVERED **********

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments
sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can
rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

********** ATTACHMENT NOT DELIVERED
****