SWEETNAM & SCHWARTZ, LLC

ATTORNEYS AT LAW
1050 Crown Pointe Parkway, Suite 500
Atlanta, Georgia 30338

Edwin Schwartz, Esq.
Telephone 470.395.7842
Facsimile 770.234.6779
Email ess@mseslegal.com

July 7, 2021

VIA ELECTRONIC MAIL

Mr. F. Marshall Binford
Assistant Regional Counsel
US Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

Re: Case No: FIFRA-04-2021-0715
Stop Sale, Use or Removal Order

Dear Mr. Binford:

This letter responds to the above-referenced Stop Sale, Use or Removal Order ("SSURO") issued by email from Carol L. Kemker, Director, Enforcement and Compliance Assurance Division, US Environmental Protection Agency, Region 4 ("EPA") to our client, Seal Shield, LLC ("Seal Shield"), on or about June 24, 2021. Seal Shield is a small business that has continually made every effort to understand and comply with Federal Insecticide Fungicide and Rodenticide Act ("FIFRA") requirements relative to the sale of its antimicrobial-treated computer keyboards, mice and screen protectors ("Treated Articles") and ElectroClave (collectively "Products") and to cooperate with EPA in addressing instances of alleged non-compliance regarding the Products. It is in this spirit of cooperation that Seal Shield provides this response to the SSURO.

In June 2020, following the resolution of the previous SSURO, Seal Shield resumed sale of the Products. Initially, the computer keyboards, mice and screen protectors were sold without antimicrobial components. However, upon customer demand, the Treated Articles were reintroduced for sale in a manner intended to be in accordance with EPD instructions. Seal Shield believes it marketed the Products with (i) qualified pesticidal claims and no public health claims as appropriate for Treated Articles under applicable EPA guidance; and (ii) health-related claims only in the context of the washability of, or ability to clean, the Treated Articles, which are not claims regulated under FIFRA. These limitations were unambiguously made throughout the website, as Seal Shield was deliberate in emphasizing the washable solution offered by the Treated Articles, which would be appropriate for sales of Treated Articles in medical environments. However, Seal Shield avoided any pesticidal and public health claims previously identified as prohibited by EPA based solely on the pesticidal effect of the antimicrobial present

ED_006151_00003724-00001

in the Treated Articles. With regard to the ElectoClave, Seal Shield, having terminated a number of employees, including 2/3 of its marketing department following the previous SSURO, had instructed its remaining marketing resource to follow the guidance as directed in the letter from EPA resolving the previous SSURO. In fact, it instructed that resource to only quote directly from that October 2, 2020 letter. The marketing resource included a statement that EPA confirmed the effectiveness of the ElectoClave, a statement taken directly from that letter. Seal Shield did not interpret this statement as an endorsement and did not intend for the quoted statement to present an EPA endorsement of any sort but a statement of fact regarding the EPA review based on the October 2, 2020 letter from EPA.

Based on the SSURO, it appears that there remains a misunderstanding between EPA and Seal Shield as to the claims being made for the Products. To fully address the concerns of EPA, the following actions have been taken by Seal Shield to comply with the SSURO:

- The webstore has been shut down to ensure that sales of the Treated Articles cannot occur.
- The shopping cart icon, the "buy" button, and coupon codes have been removed from the website. Although those items would have pointed to the non-existent webstore, they were removed in an abundance of caution as they might be construed as an offer to sell.
- All shipping locations have been instructed to discontinue shipping the Products.
- All references to EPA have been removed from the Seal Shield website, including the reference the EPA interpreted as an endorsement by EPA of the ElectroClave.
- All references to antimicrobial effect on or within the Treated Articles are being removed from the Seal Shield website.

Seal Shield trusts that these actions satisfy the requirements of the SSURO. In addition, because of the confusion in distinguishing between the alleged unauthorized pesticidal claims and those related to washability of the Treated Articles, Seal Shield has made the difficult business decision to discontinue the sale of the computer keyboards, mice and screen protectors as Treated Articles. As of this week, Seal Shield has notified its manufacturers that it no longer wishes to include an antimicrobial in the manufacturing of the computer keyboards, mice and screen protectors. Further, Seal Shield has begun the process evaluating potential registration of the computer keyboards, mice and screen protectors as a pesticide product under FIFRA.

Based on its compliance actions, Seal Shield requests an immediate partial termination of the SSURO regarding the ElectroClave, as the allegation regarding the ElectroClave has already been fully resolved. This can be confirmed by EPA review of the current Seal Shield website. Further, Seal Shield anticipates that all antimicrobial claims will be removed from the website by the end of this week. At that time, Seal Shield will submit appropriate information to confirm that the revisions have been made and that these claims have been removed. At that time, Seal Shield will have complied with all requirements of the SSURO.

Please feel free to contact me at the above telephone number if you have any questions regarding this letter.

Sincerely,

Edwin Schwartz

Edwin Schwartz

Cc: Andrew McCarthy