



April 23, 2020

Dr. Michal Freedhoff
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Dr. Freedhoff:

The Household & Commercial Products Association (HCPA) continues to appreciate the U.S. Environmental Protection Agency's (EPA or the Agency) work throughout the coronavirus pandemic. The Agency's response to stakeholders on a number of issues and ability to adjust and adapt is a testament to the Agency's commitment to protecting human health.

As this situation continues to evolve, HCPA, an organization that represents companies that make and sell cleaning and disinfecting products as well as many companies which make both, would like to emphasize the importance of government agencies speaking with a consistent voice. The Centers for Disease Control and Prevention (CDC) recently issued guidance that suggests cleaning surfaces with soap or detergent and water can "remove germs" and reduce the spread of COVID-19. However, federal law prohibits companies from making such pesticidal claims on products that EPA has not registered as a pesticide. In this case, the government made a statement about cleaning products that companies cannot legally make, which could cause confusion for consumers. We ask that EPA work with CDC to ensure consistent messaging based on the law and the best available science.

The new CDC guidance¹ states, "Cleaning with a household cleaner that contains soap or detergent reduces the amount of germs on surfaces and decreases risk of infection from surfaces. In most situations, cleaning alone removes most virus particles on surfaces." EPA's "Cleaning and Disinfecting Best Practices During the COVID-19 Pandemic"² also says, "normal cleaning with soap and water lowers the risk of spreading COVID-19 by removing germs and dirt from surfaces."

These statements are confusing because they contradict what EPA has been telling the public and manufacturers that only FIFRA registered products are effective at mitigating pathogens. Additionally, EPA would treat such a statement as a pesticidal claim and require registration of that product. FIFRA very clearly defines a pesticide as "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest." FIFRA § 2(u), 7 U.S.C. §

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html>

² <https://www.epa.gov/sites/production/files/2021-04/documents/cleaning-disinfecting-one-pager.pdf>

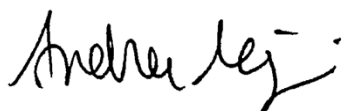
136(u). Information available from EPA’s website further supports the Agency’s purview over such products, e.g., “Cleaning products must be registered by EPA if they make pesticidal or disinfection claims on their labeling, such as controlling a pest, bacteria or virus.”³

If a company claimed that a household cleaner could “reduce the amount of germs” it must be registered with the EPA. Any reduction in a pest is seen as mitigating a pest under FIFRA. Additionally, the Agency provides examples of cleaning product claims that would be considered a pesticidal, e.g., “cleans away, washes away or removes any pest covered by 40 CFR §152.5” and “cleans, precipitates or removes contaminants, nutrients or matter that provide food or habitat for pests.”⁴

The role of communicating the CDC’s guidance has long been a partnership between the government and the private sector; however, if a company made such a claim on a product, it likely would not be eligible for registration as the data on these products could not pass EPA’s rigorous standards. Thus, a manufacturer or any other commercial entity would not be able to reinforce CDC’s guidance with consistent communication through advertising or labeling without running afoul of EPA. If they attempted to become registered by EPA, EPA would deny the CDC recommended claim. This catch-22 creates confusion for the public, as well as for the companies making products that protect the public during this public health crisis.

Since the start of the pandemic, the public and stakeholders have looked to the government as the voice of authority about how to respond to COVID-19, and the government has provided an abundance of invaluable information. It is important that the voices of authority are speaking as one voice. We ask that EPA work with CDC to create consistent messaging based on the rule of law and best available science to provide the best guidance and minimize public confusion.

Sincerely,



Andrea Mojica
Vice President, Regulatory Affairs

Cc: Ed Messina, Acting Director, Office of Pesticide Programs
Anita Pease, Director, Antimicrobials Division, Office of Pesticide Programs

³ <https://www.epa.gov/coronavirus/whats-difference-between-products-disinfect-sanitize-and-clean-surfaces#:~:text=Cleaning%20products%20must%20be%20registered%20by%20EPA%20if,of%20types%20of%20products%20EPA%20does%20not%20register.>

⁴ <https://www.epa.gov/pesticide-registration/determining-if-cleaning-product-pesticide-under-fifra>