

Department of Pesticide Regulation – Response to COVID-19 and Prioritization of Certain Disinfectant Products

April 22, 2020

California’s Department of Pesticide Regulation (“DPR”) is responsible for the administration and enforcement of federal and state pesticide laws and programs, monitoring the registration and use of pesticide products. Under state and federal law, a “pesticide” is generally defined to include any substance intended to control, destroy, repel or attract a pest, and the agencies tend to apply this definition very broadly. For example, pests can be insects or animals, unwanted plants, or organisms. In other words, the word “pesticide” is an umbrella term that not only includes insecticides and herbicides, but also disinfectants, sanitizers, and many other items.

Generally, before a pesticide can be registered in California, it must first be licensed with the U.S. Environmental Protection Agency (“U.S. EPA”). After receiving an application for registration, DPR evaluates the product under guidelines of the Food and Agricultural Code (“FAC”) to determine its effectiveness and potential to harm human health and the environment. Products that pass DPR’s scientific, legal, and administrative process are granted registration, and can then be distributed, sold, and used in California.

DPR recently [published a response](#) to the novel coronavirus, stating they may experience some delays due to the pandemic. However, DPR is currently prioritizing applications for disinfectant products that appear on the U.S. EPA’s [List N: Disinfectants for Use Against SARS-CoV-2](#). Applicants wishing to register their disinfectant products should note on their cover letter that their product is included on U.S. EPA’s list. Additionally, according to DPR, applications for alternate brand names and supplemental distributor products of products on U.S. EPA’s list are also eligible for prioritization.

Penalties for selling unregistered or mislabeled pesticides, and for making unlawful “pesticidal claims” regarding an unregistered product, can be significant. DPR’s enforcement unit routinely pursues enforcement against manufacturers, distributors, and retailers for such alleged violations and the agency interprets its authority in this arena very broadly. For example, in some instances, DPR has considered edible seaweed with naturally occurring pesticidal properties to constitute a “pesticide” requiring registration.

Navigating the complex state and federal pesticide laws can be a difficult challenge. If you need assistance, we are here to help. Please contact us at Contact@HartmanKingLaw.com.

#environmentallaw #consumerproducts #environmentalcompliance #pesticideregistration
#COVID19 #environmentalenforcement #environmentalattorneys

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