



California Notice 2012-03

TO: PESTICIDE REGISTRANTS AND OTHER STAKEHOLDERS

SUBJECT: CLEANING PRODUCTS POLICY

The Department of Pesticide Regulation (DPR) has engaged in ongoing discussions with the U.S. Environmental Protection Agency (U.S. EPA) regarding whether certain stain removal products are considered pesticidal. On January 11, 2011, U.S. EPA released a document entitled, "Determining if a Cleaning Product is a Pesticide Under FIFRA." U.S. EPA provided examples of cleaning claims it considers to be non-pesticidal, including "cleans or removes stains from algae, mold, mildew or other non-public health organisms." Products with such claims do not require registration with U.S. EPA.

DPR Policy

Effectively immediately, DPR considers labeling claims to control, prevent, mitigate, clean and/or remove (or words meaning the same thing) "mold," "mildew," "algae," "fungus" or other organisms to be pesticidal claims. Products with such claims require registration with both U.S. EPA and DPR.

Product labeling claims to control or prevent, (or words meaning the same thing) "mold stains," "mildew stains," "algae stains," "fungal stains" or stains from other organisms are also pesticidal. Products with such claims must be registered with both U.S. EPA and DPR prior to sale and use. The use of the word "control" implies growth which can only take place if the organism itself is present. Similarly, a stain can only be "prevented" by controlling the organism that causes the stain.

DPR will no longer consider a product with a labeling claim to clean, eliminate, and/or remove (or words meaning the same thing) "mold stains," "mildew stains," "algae stains," "fungal stains" and/or stains from other non-public health organisms to be pesticidal. Such products do not require federal or state registration.

Examples of claims that DPR does not consider to be pesticidal, include:

- Cleans or removes stains, and
- Cleans or removes stains from algae, mold and mildew, or other non-public health organisms.



To eliminate any uncertainty, a company may also want to place a prominent asterisk after the product brand name and then at the bottom of the front page of the product label add the text: “* Product does not control mold, mildew, fungus or algae, only removes stains.”

Other statutory exemptions may still apply. For example, if the product operates to mitigate the mold or mildew by creating a physical barrier, it would not require registration.

If you have any questions regarding this notice, please contact me by e-mail me at <aprichard@cdpr.ca.gov> or by telephone at 916-324-3931.

Original signed by

March 1, 2012

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Date

cc: Ms. Donna Marciano, Branch Chief, Product Compliance Branch
Ms. Polly Frenkel, Chief Counsel, DPR’s Legal Office