Disinfectant RTU Labels and PPE Requirements

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Issue Summary

• “Secondary Container Labels” are being provided by some disinfectant manufacturers (primary registrants and/or 3rd party distributors) with no PPE listed or less restrictive PPE than the EPA approved Section 3 label. Very few have gone through the formal Section 3 process of obtaining an approved label with less restrictive PPE requirements for their dilute RTU containers.
- Disinfectants distributed as concentrates
- Distributor provides secondary spray bottle with customer-affixed secondary label
- Secondary container label usually has minimal information, product name, ingredient statement, EPA Reg. No. and Precautionary Statements, however, some secondary labels do not provide this information.
- Most Sec. 3 registered labels do not allow for reduced PPE, but secondary containers often have reduced or no PPE on secondary label.
- Concerns that mislabeling will cause injuries to school personnel and students during use
Some manufacturers are using SDS’s, RTU labels, and even YouTube videos (e.g. Hillyard’s Suprox-D) as marketing tools indicating their products can be used with no or reduced PPE. Distributors may not be aware that the concentrate label takes precedence over the SDS or any secondary container label provided by the manufacturer and/or distributor.
Some distributors train custodians how to use their products, including disinfectants, and don’t tell custodians that disinfectants are pesticides and that they must follow the label. The failure of the manufacturer to understand the label has filtered down to the user (at least at schools and one nationwide building maintenance company) resulting in disinfectants (both concentrates and RTUs) being used without all required PPE.

Principal investigator is aware of three incidents of custodians being injured in last two years.
• 400 “Danger” Disinfectant Sec. 3 Labels in Washington State

• 30 “Danger” labels encountered in schools, these concentrate labels are intended to be used as a dilute solution. All being used contrary to required PPE.

• 16 out of 30 had unregistered secondary labels with reduced or no PPE while Sec. 3 label did not allow for reduced PPE.

• SDS and/or website contradicts Sec. 3 label, some requiring less and some requiring more PPE. This is false and misleading information.
Secondary Labeling considered Labeling

- FIFRA Sec. 2(p) defines “label” as the document attached to the pesticide or device or any of its containers or wrappers. This section further defines “labeling” as all labels and all other written, printed, or graphic matter accompanying the pesticide at any time or to which reference is made on the label or literature accompanying the pesticide. Therefore, any secondary label that is provided by a disinfectant manufacturer that is to be affixed to an application device such as a spray bottle is part of the label (see Figure 1). This also includes information printed on disinfectant water soluble packets or other pre-measured packets.
Hillyard Suprox-D secondary label references Sec 3 label and allows reduced PPE to be worn, this contradicts Sec. 3 label which does address PPE for diluted use-solutions.

J-512 SDS requires no PPE for diluted use-solution, but Sec. 3 label requires protective eye wear, clothing, and chemical resistant gloves.

Other secondary labels reference Sec. 3 label but have not gone through registration process.
Dispensing Systems

- Testimony from end-users indicates that they have been given the impression by distributors that no PPE is needed when using these dispensing systems.

- Sales literature from manufacturers promotes increased safety and reduced exposure.

- Sec. 3 labels do not allow for no or reduced PPE. If the intention is to allow for no or reduced PPE the label should state this.
Take Away

- Discrepancies between Sec. 3 label and secondary labels
- Discrepancies between Sec. 3 label and SDS and/or websites.
- Misbranding of secondary labeling and websites.
- Lack of proper use of dispensing systems leading to improper use of PPE and injuries
- Failure to wear required PPE for both concentrate and diluted use-solution