



Pesticide Devices

A State's Perspective

Pesticide Device Regulations

- “Any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.”
- Devices are exempt from registration with EPA under FIFRA
- Devices are subject to requirements specified in 40 CFR 152.500
 - The device must have an EPA Establishment Number
 - Cannot bear false/misleading claims
- Devices are not necessarily exempt from state registration.

The Issues

- Without Federal registration or review, registration decisions are left to the individual state.
- Each state/territory could have different laws/policies regarding these products.
- Few states require registration which leads to companies selling a product that is unregistered in the state.
- Has been a surge in pesticide devices on the market since the pandemic.

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UV Light Devices



Concerns

Our UV-C systems use high and low dose UV-C light to reduce bacteria, including Human Coronavirus SARS-CoV-2 in a way that is both convenient and remotely monitored.

- Claims are not reviewed by EPA prior to distribution.
- Many of these products infer UV lights will kill all germs.
- Consumers cannot verify products claims since they can't see bacteria. Can lead to a false sense of safety.
- NM has received 60 applications for UV light devices since the start of the pandemic.

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Pesticide Generating Devices



No Chemical Cleaning



KILLS 99.9% OF MOST BACTERIA IN 30 SECONDS

1 Spray Bottle = **600** Gallons of Ready To Use Sanitizer

KILLS 99% of Viruses and Germs

HYGIA

Concerns

- Section 3 or Device?
- Claims are not reviewed by EPA prior to distribution.
- Consumers cannot verify the efficacy of the device.
- No clear definition of “On-Site”.
- Product generated is similar to, or the same as, the composition of an EPA Registered substance. Product is not registered and labeling may not be suitable for the product.
- State departments are not always aware that these systems are being used in their state.

Enforcement Issues

- If a state department is unaware of the devices, inspections are not done.
- Training is not verified for persons utilizing the device and/or the resultant “pesticide”.
- Label enforceability for the generated substance is difficult since it is not registered.
- Difficult to verify that the generated substance is not being distributed.

Questions?

Erica Millette
Program Specialist
New Mexico Department of Agriculture
emillette@nmda.nmsu.edu