

# EPA Issues Stop Sale Order for COVID-19 Disinfectant

## Publications

July 9, 2021

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On July 8, 2021, U.S. EPA issued a Stop Sale, Use or Removal Order (SSURO) for SurfaceWise2, one of only two “durable” disinfectants that had been previously approved for emergency use. In August 2020, U.S. EPA issued the first ever Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) public health emergency waiver for a surface disinfectant, approving SurfaceWise2 for use on surfaces when used as a supplement to a “List N” disinfectant in Arkansas, Oklahoma, and Texas. Various environmental groups had challenged U.S. EPA’s emergency waiver over concerns that long-term exposure to SurfaceWise2’s active ingredient, quaternary ammonium, could have potential adverse human health effects.

According to the press related that accompanied the SSURO, U.S. EPA claims that Allied BioScience, the manufacturer of SurfaceWise2, was marketing and selling, and distributing SurfaceWise2 in a manner that was inconsistent with the terms and conditions of the FIFRA emergency authorization. The SSURO requires Allied BioSciences to immediately stop selling and distributing SurfaceWise2 and will remain in effect unless revoked, terminated, suspended or modified in writing by U.S. EPA

Details regarding the alleged misconduct were not provided by U.S. EPA but according to a statement from Larry Starfield, U.S. EPA’s acting assistant administrator for the Office of Enforcement and Compliance Assurance, “Pesticides can cause serious harm to human health and the environment, which is why EPA requires their registration before being distributed for use” and “EPA is committed to holding companies accountable for not adhering to federal environmental laws.” U.S. EPA’s issuance of the SSURO for SurfaceWise2 coupled its issuance of other SSUROs in connection with the sale of unregistered products making COVID-19 efficacy claims demonstrates that U.S. EPA is continuing to aggressively enforce compliance with FIFRA rules and regulations regarding pesticide products and especially pesticide products making efficacy claims with respect to COVID-19.

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