



CRISIS PRACTICE

# Coronavirus

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For more information,  
contact:

Cynthia, Stroman  
+1 202 626 2381  
+1 713 276 7364  
[cstroman@kslaw.com](mailto:cstroman@kslaw.com)

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## King & Spalding

Washington, D.C.  
1700 Pennsylvania Avenue,  
NW  
Washington, D.C. 20006-  
4707  
Tel: +1 202 737 0500

Houston  
1100 Louisiana Street  
Suite 4100  
Houston, Texas 77002-5213  
Tel: +1 713 751 3200

## EPA Ends Expedited Review for Pesticide Products Aimed at Combatting SARS CoV-2 on Surfaces

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### Agency Responds to New CDC Guidance on Risks from Surfaces and Recognizes Breadth of Approved List N Products

Since March 2020, EPA has prioritized and expedited reviews of disinfectant products under the Federal Insecticide, Fungicide and Rodenticide ACT (FIFRA). These pandemic-related efforts have included expedited review for emerging viral pathogen claims, prioritization of efficacy data for such claims and directions for use with electrostatic sprayers, and expedited pathways for review of products making residual efficacy claims. Focused enforcement has resulted in significant penalties, stop sale orders, and other consequences for FIFRA violations.

By any measure, EPA's efforts have met with success. Disinfectant products on EPA's "List N" now number well over 500 products. EPA has also prioritized state requests for Section 18 emergency exemptions to use certain pesticide products that have not yet completed the full FIFRA registration process.

On April 5, 2021, the Centers for Disease Control and Prevention (CDC) issued new guidance indicating that the risk of SARS CoV-2 infection from surfaces "is generally considered to be low." CDC also advised that cleaning with soap or detergent should be sufficient for routine surface cleaning and use of disinfectants should be focused on situations where infectious SARS CoV-2 presence is likely.

Based on the CDC guidance and EPA's successful completion of hundreds of reviews, EPA announced on April 28, 2021, that expedited reviews of disinfectant products under the Federal Insecticide, Fungicide and Rodenticide ACT (FIFRA) were no longer warranted. Applications to register disinfectant products aimed at SARS CoV-2 must now follow the



standard FIFRA application procedures and timetables. Companies intending to seek approval for disinfectant products will need to adjust their plans for the extended deadlines. Manufacturers, importers and distributors should also expect continued EPA emphasis on enforcement against sale of unapproved products and false or misleading claims.

King & Spalding's national Environmental, Health & Safety practice includes attorneys experienced with FIFRA and its requirements. If you have questions about EPA's adjustment of its disinfectant approvals process, please contact our team.

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