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MAINE BOARD OF PESTICIDES CONTROL INTERIM ENFORCEMENT POLICY TO ALLOW UNLICENSED DISTRIBUTION AND INSTALLATION OF ANTIMICROBIAL COPPER HARDWARE

Adopted XXXXXX

BACKGROUND

In February 2008, the EPA registered five copper-containing alloy products that can be marketed with the claim that copper, when used in accordance with the label, “kills 99.9% of bacteria within two hours.” The products are marketed in sheets that are fabricated into various articles, such as door knobs, countertops, and handrails, found in commercial, residential, educational, and healthcare settings.

After rigorous testing and consultation with independent organizations, the EPA concluded that use of these products could provide a benefit as a supplement to existing infection-control measures, but users must continue to follow all practices related to cleaning and disinfecting environmental surfaces. In addition, product labels prohibit use of antimicrobial copper for direct food contact or food-packaging uses. Key to the registration was that these copper products come under FIFRA’s no “unreasonable adverse effects” standard, and pose no risks to public health.

Recently, Board staff received a request from a Portland business that would like to sell and install EPA-registered copper hardware in schools. The firm is asking whether pesticide dealer’s and applicator’s licenses are required in this instance. As these products are legally considered pesticides, schools are also concerned about complying with regulations.

The staff recommends the following interim policy:

POLICY

In view of the fact that EPA states there are no public health risks associated with copper hardware, and there is a potential for significant public health benefits, the Board has determined it is appropriate to exercise its enforcement discretion relative to the Board’s licensing requirements for both the sale and application of EPA-registered copper-containing alloy products in Maine. This provision is contingent on the following conditions: the products may only be used as a supplement to existing infection-control measures and they may not be used for direct food contact or food-packaging uses.