

# PESTICIDAL DEVICES

## FEDERAL AND STATE

### Regulatory Services — US

The Environmental Protection Agency (EPA) regulates pesticidal devices in the United States. Per 40 CFR §152.500, devices are defined as “any instrument or contrivance (other than a firearm) that 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.” Some examples of pesticidal devices include:

- Ultraviolet Light Systems
- Ozone Generators
- Water and Air Filters
- Fly Paper
- Sound repellents

While regulated by EPA, most devices are exempt from registration under FIFRA section 3, as noted in 40 CFR §152.500. Under FIFRA section 3, registration is only required for products that consist of an object or article that incorporates a **substance or mixture of substances** intended to prevent, destroy, repel, or mitigate any pest. EPA further clarified this distinction between pesticides and devices in their 1976 Federal Register Notice.

Although most devices are exempt from registration requirements under FIFRA section 3, they must still comply with all other EPA requirements, including those for production reporting and labeling.

EPA also offers a determination review process to confirm if a device or other product may be subject to registration under FIFRA. This can be useful for those newer technologies and/or those devices that do not clearly fall within the current guidance.

In addition to Federal requirements, US states and territories also regulate pesticidal devices. While specific requirements vary by state, some do require annual registration prior to distribution, regardless of EPA exemption.

**toXcel** can assist in determining if your device meets EPA device criteria, complies with EPA regulatory requirements, and assist in navigating state registration requirements.

For further information, please contact Alan Katz.

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