



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711

AMENDED AUTHORIZATION

Date: January 19, 2021
Date Initially Issued: August 24, 2020
Expiration Date: August 24, 2021
Report Due: February 24, 2022
File Symbol: 20TX04

Attn: Ms. Leslie Smith and Mr. Michael Kelly

The U.S. Environmental Protection Agency (EPA) hereby **amends** the public health exemption authorized on August 24, 2020, under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to the Texas Department of Agriculture (TDA) for use of 1-octadecanaminium,N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride (CAS# 199111-50-7) on non-porous, non-food-contact surfaces to control the novel coronavirus (Severe Acute Respiratory Syndrome Coronavirus 2 or SARS-CoV-2), for use at two Total Orthopedics Sports and Spine facilities in Texas.

This exemption remains subject to the conditions set forth in your request dated June 15, 2020 and addendum, **as well as the revised label received January 19, 2021**. Except as noted below, all other conditions set forth in the original authorization of August 24, 2020 remain unchanged. **Items 2, 5, 8, and 9 of the original authorization are hereby revised, and other minor language revisions made, as follows, shown by bold type:**

- 1) The TDA is responsible for ensuring that all provisions of this public health exemption are met. The TDA is also responsible for providing information in accordance with 40 CFR 166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the appropriate EPA Regional office within 6 months following the expiration of this exemption, or prior to requesting a subsequent exemption for the use. Additionally, in accordance with 40 CFR 166.32(a), these offices shall also be immediately informed of any adverse effects resulting from use of this pesticide in connection with the exemption use. Any future correspondence regarding this exemption should refer to file symbol 20TX04.
- 2) **The unregistered product, *SurfaceWise*[®] 2 (0.75% 1-octadecanaminium,N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride) manufactured by Allied BioScience, Inc., may be used under this exemption. All applicable use directions, restrictions, and precautions on the Section 18 label as revised January 19, 2021 must be followed unless otherwise modified in this authorization.**

- 3) *SurfaceWise*^{®2} is ready-to-use and is to be applied by an electrostatic sprayer. The sprayer must be set to apply approximately 1.0 gallon of product per hour (1.0 oz. a.i. per hour), which is sufficient to treat 3,200 square feet of surface area per hour.
- 4) Application of *SurfaceWise*^{®2} is for indoor use only, to non-porous, non-food-contact surfaces at two facilities owned by Total Orthopedics Sports and Spine, in McKinney, TX and Allen, TX.
- 5) **Prior to application of *SurfaceWise*^{®2}, surfaces must be pre-cleaned with a low residue cleaner to eliminate visible dirt or grease spots. This will ensure effective binding of the coating to the surface. Reapply *SurfaceWise*^{®2} after surfaces are disinfected to ensure continuous product performance .**
- 6) All indoor areas to be treated are to be unoccupied by individuals, other than the trained applicators, while treatment is occurring. The applicator is to spray all surfaces from a distance of 24-36 inches to the point of saturation, being careful not to let the liquid start to drip from the treated surface. A sheen will be present on the surface following treatment.
- 7) All surfaces treated with *SurfaceWise*^{®2} must completely air-dry (approximately 10 minutes) prior to handling. Facilities may be re-entered **once the surfaces are completely dry**.
- 8) **When used in accordance with the directions for use, *SurfaceWise*^{®2} provides residual surface control of human coronaviruses, including SARS-CoV-2, for up to 30 days on non-porous, undisturbed surfaces (e.g., are not routinely disinfected with products listed under List N: Disinfectants for use against SARS-CoV-2, <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>).**
- 9) **Do not use *SurfaceWise*^{®2} on porous surfaces. Do not expose *SurfaceWise*^{®2} to prolonged wetness as this may adversely impact the efficacy of the product. Refer to the label directions for specific application practices and conditions. Product may be used in only non-critical areas (e.g., not for use in surgical areas or areas where invasive procedures may be performed).**
- 10) *SurfaceWise*^{®2} is not for private use and may only be distributed or sold to Total Orthopedics Sports and Spine authorized users.
- 11) Prior to allowing use, the TDA, Total Orthopedics Sports and Spine, and Allied BioScience will coordinate training for users in the application of *SurfaceWise*^{®2} by electrostatic sprayer. Application is only allowed by users trained and authorized by Allied BioScience or Total Orthopedics Sports and Spine, or by those under the direct supervision of a trained and authorized user.
- 12) The TDA will coordinate with Allied BioScience, Inc to communicate with local officials that *SurfaceWise*^{®2} will only be available to Total Orthopedics Sports and Spine in Texas only under this emergency exemption authorization.

- 13) Stocks of the unregistered product *SurfaceWise*^{®2} may be produced and introduced into the channels of trade as part of this emergency exemption authorization in accordance with 40 CFR 152.30(e). Any unused, unregistered product must either be returned to the manufacturer or distributor (unopened containers) or disposed of in accordance with applicable Federal, State, and local waste disposal requirements following the expiration of this emergency exemption.
- 14) This public health exemption will expire August 24, 2021.
- 15) Issuance of this emergency exemption does not constitute an endorsement of any product or service.

This product does not meet EPA’s efficacy standards to qualify as a stand-alone disinfectant. Always follow SARS- CoV-2 risk mitigation guidelines issued by Federal, State and local public health officials for the airline industry and associated airline facilities. *SurfaceWise*^{®2} should not be used as a stand-alone treatment for risk mitigation, rather it is a supplemental treatment to be used in conjunction with routine use of List N disinfectants and current public health guidelines. Use List N disinfectants according to their labels. See Directions for Use for specific details regarding criteria for use of this product.

If you or your staff have any questions with respect to this authorization document, please contact Emergency Response Team Member Andrea Conrath at 703.308.9356; conrath.andrea@epa.gov, or the Emergency Response Team Leader Tawanda Maignan at 703.308.8050; maignan.tawanda@epa.gov.

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs

Date: January 19, 2021

cc: *Jeffrey Lammers, USEPA Region 6*
Robert Luschek, USEPA Region 6