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The ingredients in any particular formulation do not necessarily constitute a pesticide. It is the claim of that formulation or product that identifies it as a pesticide. According to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) a pesticide is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest (see 40 CFR 152.3(3)). If there is no claim that the product works as a pesticide, the product is not regulated as one. So, in order to be considered a pesticide, a product must make a pesticidal claim. No claim, no pesticide.

There are numerous ingredients or products that may work as a pesticide (common table salt for example) but unless one's advertising or package states that it affects pests, that ingredient or product is not regulated as a pesticide. If I repackaged salt and claimed that it kills slugs and snails, that package of salt would now be a pesticide and regulated accordingly.

It is apparent to me that it could be possible that one (or more) of your bioremediation products could affect certain pests. However, unless you make that claim, we at the EPA would not consider it as a pesticide. In addition, the products that you use have an established identity in the field of bioremediation and were in use long before anyone thought that they may have pesticidal properties. That aside, since no pesticidal claims are being made, those products would not be regulated as such by this agency.

I hope this helps. If not, please ask for additional information.

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To: Brian

Steinwand/DC/USEPA/US@EPA

cc:

06/20/03 01:03 PM

Subject: Bioremediation