



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

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

Attn: Mr. Kevin Haack / Leslie Smith

The U.S. Environmental Protection Agency (EPA) hereby authorizes a public health exemption 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 is subject to the conditions set forth in your request dated June 15, 2020 and addendum dated August 21, 2020, as well as the following conditions and restrictions:

- 1) The Texas Department of Agriculture is responsible for ensuring that all provisions of this public health exemption are met. 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 must 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 received August 23, 2020 must be followed unless otherwise modified in this authorization.
- 3) SurfaceWise[®]2 is ready-to-use and must 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/disinfected using a one-step EPA registered disinfecting cleaner 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>. All applicable label use directions on the registered List N products must be followed. After surfaces have completely dried, immediately apply SurfaceWise®2 to the precleaned/disinfected surfaces.
- 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 and paying particular attention to the underside of surfaces. Following treatment, a sheen coating will be present on the surface.
- 7) All surfaces treated with SurfaceWise®2 must completely air-dry (approximately 10 minutes) prior to handling. Facilities may be reentered following the pre-requisite drying time.
- 8) For continuous protection, SurfaceWise®2 may be applied as frequently as every 7 days.
- 9) To maintain protective effect on surfaces that have been treated with SurfaceWise®2: alcohol-based disinfectants and cleaners should not be used and treated surfaces should not be subjected to moisture for prolonged periods of time. 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.
- 11) Prior to allowing use, Texas Department of Agriculture, 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) 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 one year from date of issuance as given above.
- 15) Issuance of this emergency exemption does not constitute an endorsement of any product or service.

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.

Ed Messina

Edward Messina, Esq., Acting Director
Office of Pesticide Programs

Date: August 24, 2020

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