

**Conference for Food Protection  
2020 Issue Form**

**Issue: 2020 I-030**

**Council Recommendation:** Accepted as Submitted \_\_\_\_\_ Accepted as Amended \_\_\_\_\_ No Action \_\_\_\_\_

**Delegate Action:** Accepted \_\_\_\_\_ Rejected \_\_\_\_\_

*All information above the line is for conference use only.*

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**Issue History:**

This issue was submitted for consideration at a previous biennial meeting, see issue: 2016 I-046; new or additional information has been included or attached and the recommended solution has been revised.

**Title:**

Removing the Reference to Restricted Use Pesticides in 7-202.12(B)(2)

**Issue you would like the Conference to consider:**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) governs the classifications of pesticides as general use or restricted use, called Restricted Use Pesticides (RUP).

7-202.12(B)(2) of the latest edition of the Food Code provides basic requirements to prevent contamination from Toxic or Poisonous Materials, which include pesticides, used in food establishments. However, the requirements in subparagraph (B)(2) are limited to Restricted Use Pesticides (RUPs).

Almost no pesticides being used in food establishments are RUPs.

For example, searching the Wisconsin Department of Agriculture, Trade and Consumer Protection pesticide registration site shows that there are no RUPs registered for use in "Restaurants," "Restaurants (residual Crack And Crevice Treatment)," "Restaurants (indoor Edible)," or "Drive in Restaurants (residual Crack And Crevice Treatment)," "Food Serving Areas", "Food Markets", and "Packaged Food (storage Areas)."

Although pesticides labeled for use in food establishments will have use directions that require taking precautions to prevent contamination of food or food contact surfaces, having the requirements in the Food Code directly eliminates the need to document the label use directions in instances where the precautions are not taken.

**Public Health Significance:**

Limiting the applicability of the listed precautions to Restricted Use Pesticides (RUPs) makes it more difficult to enforce those necessary precautions for all other pesticides, which constitute virtually the entirety of pesticides used in Food Establishments.

**Recommended Solution: The Conference recommends...:**

The Conference recommends that a letter be sent to FDA recommending that Section 7-202.12 of the Food Code be amended as follows:

7-202.12 Conditions of Use.

POISONOUS OR TOXIC MATERIALS shall be:

(A) Used according to:

(1) LAW and this Code,

(2) Manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a FOOD ESTABLISHMENT, <sup>P</sup>

(3) The conditions of certification, if certification is required, for use of the pest control materials, <sup>P</sup> and

(4) Additional conditions that may be established by the REGULATORY AUTHORITY; and

(B) Applied so that:

(1) A HAZARD to EMPLOYEES or other PERSONS is not constituted, <sup>P</sup> and

(2) Contamination including toxic residues due to drip, drain, fog, splash or spray on FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES is prevented, and for a ~~RESTRICTED-USE PESTICIDE~~, pesticide this is achieved by: <sup>P</sup>

(a) Removing the items, <sup>P</sup>

(b) Covering the items with impermeable covers, <sup>P</sup> or

(c) Taking other appropriate preventive actions, <sup>P</sup> and

(d) Cleaning and SANITIZING EQUIPMENT and UTENSILS after the application. <sup>P</sup>

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**Supporting Attachments:**

- "RUP Search Results"

*It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.*