

# Clarification of Net Contents Declarations for Antimicrobial Wipe Products

The net contents label requirements are described in 40 CFR 156.10(a)(6)(d). If a pesticide is a liquid, the net content statement must be expressed in terms of liquid measure in units of fluid ounces, pints, quarts and gallons. If a pesticide is, among other things, a solid or a mixture of liquid and solid, the net content statement must be expressed as avoirdupois pounds and ounces. There has been some confusion about the implementation of this requirement for antimicrobial wipes/towelettes. The Agency's requirements with respect to weights on wipe product labels are described and will be applied prospectively to all wipe products. The Agency considers that these wipe products are a mixture of liquid and solid and are covered by 40 CFR 156.10(a)(6)(d)(3).

1. The net contents per container for antimicrobial products, including wipes, must conform with the requirements listed in the 40 CFR as described above. The net contents requirements are imposed for the overall container and not on the basis of each individually packaged wipe when sold in multiple units. However, the label net content declaration on the container can also include a statement such as "Contains (x) count, (x) inch by (x) inch pre-moistened wipes" in addition to the avoirdupois pounds and ounces statement.
2. The net contents statement can be modified via notification subject to the guidance included in PR Notice 98-10.
3. For any new wipe/towelette registration application filed on or after January 31, 2009, the Antimicrobials Division will require a net contents statement expressed as avoirdupois pounds and ounces to be placed on the label.
4. For currently registered products, the Antimicrobials Division will require a net contents statement expressed as avoirdupois pounds and ounces be added to the label as the Agency reviews any new individual product label amendments filed on or after January 31, 2009. With respect to all

currently registered products, this label change must be addressed by the earlier date of the next label amendment or December 31, 2009 with the addition of a satisfactory net contents statement to the product container label.

5. In general, a net contents statement expressed as avoirdupois pounds and ounces must be added to existing wipe/towelette container labels at the next label printing for the product or by December 31, 2009, whichever is earlier. The net contents statement is to be expressed taking into account the weight of the wipe material plus the liquid product added to the wipe material.