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DATE: March 18, 2021
TO: Food Code Inspectors, Division of Food Safety and Environmental Health
SUBJECT: EPA Registration of Sink & Surface Cleaner Sanitizer

Ecolab has commercialized a new product, Sink & Surface Cleaner Sanitizer¹. This product is designed for use as a third-sink sanitizer, as well as for cleaning and sanitizing hard, non-porous food-contact surfaces in a variety of applications in foodservice environments. The purpose of this letter is to inform you of this new technology and address some frequently asked questions.

Sink & Surface Cleaner Sanitizer is registered as a cleaner and sanitizer for use on hard, non-porous food-contact surfaces under EPA Registration No. 1677-260. The product has an EPA stamped and approved master label, and all product claims are registered with the EPA and all 50 states. When Sink & Surface Cleaner Sanitizer is used as directed at the use concentration for food contact sanitizing, it will kill SARS-CoV-2 in 15-seconds and Norovirus, common cold and flu viruses in 30-seconds², with no rinse required. Please review the product label for complete claims and use directions. The EPA Pesticide Product Label System contains the most current version of the stamped-accepted master label at the following

link: https://ofmpub.epa.gov/apex/pesticides/f?p=PPLS:8:11996045307940::NO::P8_PUID,P8_RINUM:529214,1677-260

All ingredients in Sink & Surface Cleaner Sanitizer have been reviewed by the EPA and have been cleared under 40 CFR 180.940(a) for use in food-contact surface sanitizing solutions and are considered approved for use on food-contact surfaces, including the active ingredients, dodecylbenzenesulfonic acid (CAS# 27176-87-0) and Lactic Acid (CAS# 50-21-5). It is important to note that the EPA's 40 CFR 180.940(a) list replaced the FDA's 21 CFR 178.1010 list as the list of approved substances for use on food contact surfaces due to a jurisdictional change from the FDA to the EPA. Please see the attached letter in [Appendix A](#) below for further details. You can find the clearances for the active ingredients in Sink & Surface Cleaner Sanitizer listed on the online database of substances approved under [40 CFR 180.940\(a\)](#) by their CAS numbers. A screenshot of this table is below:

Pesticide Chemical	CAS Reg. No.	Limits
Alkylbenzene sulfonates (branched and linear) of chain lengths C10-C16, including benzenesulfonic acid, dodecyl and benzenesulfonic acid, dodecyl-, sodium salt	27176-87-0 25155-30-0	When ready for use, the end-use concentration is not to exceed 700 ppm
Lactic acid	50-21-5	When ready for use, the end-use concentration is not to exceed 10,000 ppm in antimicrobial formulations applied to food-contact surfaces in public eating places
EPA issued formal statements in the Federal Register on the approval of these ingredients: <ul style="list-style-type: none"> • Lactic Acid: FR Notice • Dodecylbenzenesulfonic Acid (DDBSA): FR Notice <ul style="list-style-type: none"> ◦ <u>In the conclusion, it states that all Alkylbenzenesulfonate compounds are approved under the tolerance exemption</u> 		

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Due to the fact that all of the ingredients in Sink & Surface Cleaner Sanitizer are listed in 40 CFR 180.940(a), this formula meets the requirements listed in Chapter 5, Section 114099.6(b)(5) of the California Retail Food Code that states that approved food contact surface sanitizers can include the following:

(5) Contact with any chemical sanitizer that meets the requirements of Section 180.940 of Title 40 of the Code of Federal Regulations when used in accordance with the manufacturer's use directions.

To test for the proper amount of active chemical in a use solution, test strips should be used. **Sink & Surface Cleaner Sanitizer test strips must be used for this test**; standard quat test strips should not be used and will not work. Instructions for testing are available at the point of use and test strips can be ordered at:

<https://foodsafety.ecolab.com/us/food-safety/sink---surface-cleaner-sani-test-strips-20318-01-11>

Please contact an Ecolab representative or 1-800-35-CLEAN for further information.

¹ Sink & Surface Cleaner Sanitizer (EPA Reg. No. 1677-260) is also known under the following alternate brand names: S&S Sanitizer, SMARTPOWER Sink & Surface Cleaner Sanitizer, and Cleaning Sanitizer and Disinfectant.

² Refer to label for complete use instructions.

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APPENDIX A

RE: FDA AND EPA JURISDICTION OF FOOD CONTACT SURFACE SANITIZERS 40 CFR §180 & 21 CFR §178.1010

The purpose of this memo is to describe the evolution of the federal regulations of hard surface sanitizers. At one time, these products were under the jurisdiction of FDA but now fall under EPA requirements.

Background:

- In the Federal Register notice dated June 23, 2003, a proposed rule was published outlining these restructuring changes and establishing a section of 40 CFR 180 for food contact sanitizers. These changes stemmed from the amendments that were passed to modify the Federal Food Drug and Cosmetic Act (FFDCA) by the Food Quality Protection Act (FQPA) of 1996 and by the Antimicrobial Regulation Technical Corrections Act (ARTCA) of 1998. This proposed rule took the place of a previous final rule that was published December 2002 and subsequently revoked.
- In the Federal Register dated April 28, 2004, a final rule was published. This final rule shifted the requirements from 21 CFR 178.1010 (FDA) to 40 CFR 180.940 (EPA).

In summary:

- EPA took direct final action to add a new section to 40 CFR §180 which lists the pesticide chemicals that are exempt from the requirement of a tolerance or have an established tolerance when used in food-contact surface sanitizing solutions.
- As of 2004, FDA no longer had jurisdiction over hard surface food contact sanitizers. This includes sanitizers used on countertops, tabletops, food processing equipment, dishware and so forth.
- Each ingredient within these types of formulations must have tolerances or exemptions from tolerances in 40 CFR §180.

For more information, please see the Federal Register notices at the links below.

The first link is to the proposed rule in 2003 and the second link is to the final rule from 2004.

<http://edocket.access.gpo.gov/2003/pdf/03-16034.pdf>

<http://edocket.access.gpo.gov/2004/pdf/04-9578.pdf>

It is also important to note that the 2009 version of the US Food Code does not refer to the FDA's requirements at 178.1010, but rather requires the use of EPA registered sanitizers