



## BERGESON & CAMPBELL, P.C.

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### MEMORANDUM

#### Via E-Mail

DATE: September 17, 2009

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: EPA Announces SAP Meeting Concerning Nanosilver

The U.S. Environmental Protection Agency (EPA) announced in a September 16, 2009, *Federal Register* notice that the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) will meet **November 3-6, 2009**, “to consider and review a set of scientific issues related to the assessment of hazard and exposure associated with nanosilver and other nanometal pesticide products.” Nominations of candidates to serve as *ad hoc* SAP members for this meeting are due **September 30, 2009**. The meeting will be open to the public. EPA asks that written comments be submitted by **October 20, 2009**, to allow for distribution to the SAP, and that requests for oral comments be made by **October 27, 2009**. EPA also states that written comments and requests to make oral comments may be submitted until the date of the meeting, however.

#### Public Meeting

The notice states that companies with an interest in marketing products that contain nanosilver and/or other nanometals or nanometal oxides as pesticides regulated under FIFRA have approached the Office of Pesticide Programs (OPP) seeking product registration. According to the notice, OPP believes, based on its understanding of the scientific literature, that pesticides containing nanoscale materials may pose different risks to humans and the environment than those of pesticides that do not contain nanomaterials. EPA is seeking advice and recommendations on the following issues:

1. Scientific evidence that nanosilver and other nanometals/nanometal oxides with dimensions in the range of 1 - ~100 nm have unique behavior under conditions relevant to human and environmental risk assessment and other properties (in addition to size) that may influence this behavior;



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BERGESON & CAMPBELL, P.C.

Memorandum to Firm Clients and Friends  
September 17, 2009  
Page 2

2. Recommendations regarding the types of data that OPP should require to evaluate the risks to humans and the environment for products containing free nanosilver and/or nanometals or nanometal oxides and products with incorporated nanosilver and/or nanometals or nanometal oxides with variable potential to leach and the relative priorities for obtaining recommended types of data; and
3. Recommendations regarding how OPP should conduct risk assessments of pesticide products containing nanosilver and/or nanometals or nanometal oxides.

### **Nominations of SAP Candidates**

EPA is seeking nominations of qualified individuals to be considered as prospective SAP candidates. According to the notice, individuals nominated should have expertise in one or more of the following areas: nanosilver and other nanometals; ecotoxicology and environmental fate of nanoparticles; characterization of nanoparticles; nanoparticle toxicology (inhalation and dermal absorption); nanoparticle toxicology in general; and nanoparticle occupational exposure. Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this meeting. Nominations should identify the nominee by name, occupation, position, address, and telephone number. EPA states that it “will consider all nominations of prospective candidates for this meeting that are received on or before this date. However, final selection of *ad hoc* members for this meeting is a discretionary function of the Agency.”

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We hope this information is helpful. As always, please call if you have any questions.