



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
BOARD OF PESTICIDES CONTROL  
28 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

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GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

**Memorandum**

To: Board of Pesticides Control  
From: Mary Tomlinson, Pesticides Registrar  
Subject: Policy for Registration of permethrin repellent fabric, clothing and gear  
Date: August 17, 2023

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**Background:**

Until 2009, many alternate brand names (ABNs) of pesticides were seldom registered. An alternate brand name product has the same formulation as the primary EPA registered product it is based on. States register the marketplace product label, not the EPA master label because it is the marketplace label that must be followed by the user. One or more companies then sub register the same primary product, but each subregistered product label will have a different brand name and may have a different subset of claims, directions, and use sites.

There was inconsistency in the way ABNs were registered. No registration fee was charged for ABNs, which accounted for about 1000 plus products, although they were distributed in Maine. In 2009, the registration process was revised to require registration of all ABNs, those with different brand names, colors, scents, fragrances, pet weights, sites, and so on. This resulted in consistency and made it easier to detect unregistered products in the marketplace. One exception to this expanded approach to registration was repellent clothing and gear. It was not clear if the individual products were ABNs or were simply covered under the primary registration even though they were manufactured and distributed by other companies.

Applications for permethrin treated repellent fabrics were rare and initially only the fabric was registered. Later, separate applications were received to register fabric for apparel or for gear, followed by fabric for dog and horse products. This led to more inconsistency in registration of these products among companies and the ever expanding use of repellent fabric to produce a wide variety of products, including shirts, pants, hats, gaiters, animal products, tents, and so on. In addition, it is often not clear who the manufacturer is because these products are sold under different brand names.

An inquiry was recently received from a UK company regarding their EPA registered, permethrin treated fabric. They are the primary registrant but will have a brand supplemental agreement with one or more companies in the US to produce the articles. Items include a variety of child and adult clothing, gear and more. Below is an excerpt of the EPA master label, Sublabel A, which lists the products that may be produced.

MEGAN PATTERNSON, DIRECTOR  
90 BLOSSOM LANE, DEERING BUILDING



PHONE: (207) 287-2731  
WWW.THINKFIRSTSPRAYLAST.ORG

(Sublabel A: Permethrin-Treated Fabric uses for Garments and Gear)

**VITAL PROTECTION TA**

(Alternate Brand Names: \_\_\_\_\_)

ACTIVE INGREDIENT: Permethrin:.....0.52%  
OTHER INGREDIENTS:.....99.48%  
TOTAL:.....100.00%

[ ] Denotes Alternate Text. ( ) Denotes Informational Text.

(Note to Reviewer: the following garments may be made from Vital Protection TA fabric: men's and women's shirts, pants, shorts, cargo shorts, hats, bonnies, bonnie hats, bush hats, jackets, pullovers, scarves, bandanas, socks, shoe coverings, and vests. Their names may be used in place of the word "garment" in the text of the marketplace label. The following gear articles may be made from Vital Protection TA fabric: tents, tent mesh, tent netting, tent liner, umbrella, bivouac sack, bivy sack, bivy bag, bivi bag, bivi, sleeping bag covers, backpacks, tarps, drapes/curtains, table cloths, placemats, picnic blankets, tent ground cloths, outdoor furniture covers, outdoor furniture cushion covers, camping chairs, patio umbrella covers, hats, bonnies, bonnie hat, bush hats. Their names may be used in place of the word "gear" in the text of the marketplace label.)

- The fabric in this [garment/gear] has been treated with the active ingredient Permethrin.
- Permethrin repels mosquitoes, ants, ticks, chiggers, flies, and midges.
- Permethrin in this [garment/gear] is bound to the fabric and remains effective for [70] [50] [25] washings [for washable garments/gear]
- For protection of exposed skin, use in conjunction with an insect repellent registered for direct application to skin.

**Policy for registration of permethrin treated repellent products:**

Staff seeks the Board's guidance in developing a policy for registering permethrin treated repellent products. Two options are:

- 1) To be consistent with current registration procedure, products made from the registered fabric would be considered as ABNs requiring registration by the manufacturer of the products.
- 2) Fabrics would be an exception to current registration procedure whereby only the fabric will be registered.