

Repackaging (cont.)

- When repackaging, a refiller must:
 - Identify the previous pesticide
 - Visually inspect to see if container is safe to use and has the required markings and openings
 - Clean the container unless the tamper evident device and/or one-way valve are intact and the container is being refilled with the same product (or the new product meets other very limited circumstances)
 - Repackage into a container identified in the registrant's description of acceptable containers
 - Ensure that the product is properly labeled and includes the EPA establishment number and net contents
 - Keep records on the product, date and container for each refill

3. Key Labeling Requirements

**** Comply by August 16, 2010 ****

Who must comply

- Registrants must incorporate the new language onto their labels for pesticides that are released for shipment after August 16, 2010.
- Pesticide users must follow the new container management instructions as soon as they are on the labels.

New Label Statements

- Labels (or containers) of non-refillable containers will have:
 - "Non-Refillable Container"
 - A "Do Not Reuse" statement
 - Recycling or reconditioning instructions
 - A lot number identifying the batch
 - More detailed rinsing instructions for dilutable products in rigid containers, except for household products
- Labels (or containers) of refillable containers will have:
 - A "Refillable Container" statement
 - Instructions for cleaning the container before it is recycled or disposed of (not before it is refilled)

4. Key Non-Refillable Container Requirements

**** Comply by August 16, 2009 ****

Who must comply

Registrants are responsible for ensuring that their non-refillable containers meet the standards.

Non-Refillable Containers

- For products that are in Toxicity Categories III and IV (and that are not restricted use products), the containers must meet only the basic DOT requirements in 49 CFR 173.24.
- All other products (restricted use products and those in Toxicity Categories I or II) are subject to the non-refillable container requirements. Consult the regulations to determine which of the requirements your specific product and container must comply with. Non-refillable containers must:
 - Meet certain DOT design, construction, and marking requirements
 - Have standard closures
 - Allow the contents to pour in a continuous stream (no "glugging") and with a minimum amount of dripping down the outside of the container
 - Meet a "cleanability" standard
 - Keep records showing compliance

For More Information

Although the regulations (including the amendments) are final, EPA will be posting updated guidance and additional information to the PCC web site.

For the Complete Rule or for Additional Information go to:

www.epa.gov/pesticides/regulating/containers.htm

Or call:

EPA Region 10 Pesticide Program
(206) 553-0505, (206) 553-4627
Or toll-free at **1-800-424-4372**



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A Snapshot of the EPA Pesticide Container and Containment Rule

For Registrants, Retailers, Distributors, Commercial Applicators, Custom Blenders, and Pesticide Users



Purpose of the Rule

EPA published a final rule called the Pesticide Container and Containment (PCC) rule in August 2006 and made minor amendments to the rule in October 2008. The rule seeks to:

- Minimize human exposure to pesticides while handling containers
- Facilitate disposal & recycling of pesticide containers
- Protect the environment from pesticide releases at bulk storage sites and from spills or leaks when refilling and dispensing pesticides

Who Must Comply

The five parts of the PCC rule apply to different kinds of businesses. The PCC rule may affect you if you are a pesticide:

- Registrant
- Retailer
- Distributor
- Commercial applicator
- Custom blender
- User

Below are key elements of the PCC rule but this pamphlet does not cover every aspect and detail. Refer to the final regulations for full details.

1. Key Containment Requirements

**** Comply by August 16, 2009 ****

Who must comply

You may only have to comply with state pesticide containment regulations, not the federal regulations, if your state had regulations in place by August 2006. Consult your state or tribal pesticide agency or the PCC web site to determine whether your facility is subject to state, tribal, or federal containment regulations. In Washington State, the Washington State Department of Agriculture (WSDA) will be implementing state containment regulations. The federal containment regulations will apply everywhere else in Region 10.

You must comply with the federal pesticide containment requirements if you handle agricultural pesticides and you are a:

- Retailer who repackages
- Commercial applicator
- Custom blender

Secondary Containment Units

- Tanks with capacities of 500 gallons (liquids) or 4,000 pounds (dry) or greater and that are stationary (fixed or in place \geq 30 days) must be in secondary containment.
- Tanks for liquids must be anchored or elevated to prevent flotation.
- Containment must have a capacity of 100% of largest tank if protected from precipitation or if it existed before Nov. 2006 or a capacity of 110% if not protected from precipitation and built after Nov. 2006.

Containment Pads

- Containment pads are required for:
 - o Emptying, cleaning, or rinsing refillable containers
 - o Dispensing pesticides from a stationary container with a capacity of 500 gallons or 4,000 pounds or greater
 - o Dispensing pesticides from a transport vehicle to fill a refillable container
 - o Dispensing pesticides from any other container to fill a refillable container for sale or distribution
- Pads must have a capacity of at least 750 gallons or 100% of the volume of the largest container (including transport vehicles) used on the pad, whichever is less.

Both Secondary Containment & Pads

- Must be liquid-tight and constructed of impervious, rigid materials compatible with agricultural pesticides stored.
- Must have sufficient freeboard to contain precipitation & prevent liquids from entering.
- Must be inspected monthly by the facility and repaired when necessary.
- Facilities must keep records on maintenance & monthly inspections.

2. Key Refillable Container and Repackaging Requirements

**** Comply by August 16, 2011 ****

Who must comply

- If you are an Independent Refiller (repackage a pesticide and are not the registrant), you must comply with the requirements for stationary tanks and repackaging. Also, you are indirectly subject to the requirements for portable refillable containers.

- If you are a Pesticide Registrant, you must comply with the requirements for stationary tanks, portable refillable containers, and repackaging.

Stationary Tanks

The following requirements apply to tanks with capacities of 500 gallons (liquids) or 4,000 pounds (dry) or greater and that are stationary (fixed or in place \geq 30 days) and that are at the facilities of independent refillers (who repackage a pesticide and are not the registrant). These tanks must:

- Be marked with a serial number or other identifying code
- Have sufficient strength and durability
- Have vents that limit evaporation
- Have a lockable inlet/outlet valve
- Not have external sight gauges
- Be in secondary containment (if it holds an agricultural pesticide)
- Be anchored or elevated to prevent flotation (if it holds an agricultural pesticide)

Portable Refillable Containers

Registrants are responsible for ensuring that portable refillable containers (minibulks, totes, shuttles, IBCs, etc.):

- Meet certain Department of Transportation (DOT) design, construction, and marking requirements
- Are marked with a serial number or other identifying code
- Have a one-way valve or tamper-evident device or both on all openings (other than the vent)

Repackaging

Any registrant and refiller (who could be a retailer, distributor, or registrant) are subject to the repackaging requirements, which include:

- Must have a written contract between the registrant and an independent refiller
- Both the registrant and refiller are responsible for product integrity
- There are no regulatory limits on the size of refillable containers (registrants might establish size limits in their contracts)
- Registrants must develop and provide refillers with:
 - (1) A procedure to clean refillable containers
 - (2) A description of acceptable containers (that meet the requirements for stationary tanks and portable refillable containers)
- Refillers must maintain these documents at their establishment