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# Revising Repackaging Agreements to Comply with Container and Containment Regulations

TPSA Conference  
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J. D. Fish  
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BCS - JD Fish Feb 23, 2010



## Reference the Rule

- Repackager shall comply with all laws, ..... includes compliance with Environmental Protection Agency (“EPA”) 40 C.F.R. Parts 9, 156 and 165 – “Standards for Pesticide Containers and Containment Rule” Final Rule implemented on August 16, 2006 (hereinafter referred to as “EPA Rule”). Full compliance with the EPA Rule is required by August 16, 2011 or earlier as specified.



## Scope of Agreement

- Authorizes customer to receive specified BCS products in bulk and minibulk and repackage for resale.
- Must comply with all laws.
- Defines responsibilities and obligations,
- Provides specific information required by C&C rule,
- Agreement can cover multiple locations of a single company,
- Each site must have a executed copy of the Agreement on file,
- Each site must have EPA establishment number and be identified on the Agreement.



## Container Approval

- Repackager shall only repack Products using refillable containers that meet the minimum requirements in the EPA Rule, including but not limited to:
  - Meet at least DOT Packaging Group III specifications;
  - Equipped with tamper evident seal, one-way valve or both;
  - Contain a capacity of one gallon or greater;
  - Contain a serial number;
  - Constructed of approved Materials of Construction required with each Product as set forth in Exhibit A.
- Repackager shall confirm compliance with the specifications by consulting with container manufacturer or supplier.

# Authorized BCS Bulk and Minibulk Products Materials of Construction

## Exhibit A Examples

Product Trade Name	EPA Registration No.	Approved Materials <sup>A</sup> of Construction for bulk tanks, refillable containers and equipment. Contact BCS for additional information.
CORVUS® Herbicide	264- 1066	HDPE, LDPE, 304 or 316 SS, Viton, EPDM
HUSKIE™ Herbicide	264-1023	FL HDPE, FL LDPE, 304 or 316 SS, Viton <sup>B</sup> , EPDM
IGNITE® 280 Herbicide	264- 829	HDPE, LDPE, 304 SS, 316 SS, Viton, EPDM
STRATEGO® Fungicide	264-779	FL HDPE, FL LDPE, 304 or 316 SS, EPDM, Do not use Viton

**A Key Terms:**

HDPE – High Density Polyethylene

LDPE – Low Density Polyethylene

FL - Indicates plastic (HDPE or LDPE) containers must be Fluorinated to a minimum of Level 3.

Viton – Seal Material

EPDM – Seal Material

**B** Indicates the preferred seal material if both Viton and EPDM are listed.

## Container Cleaning and Disposal

Product  
Label  
Changes

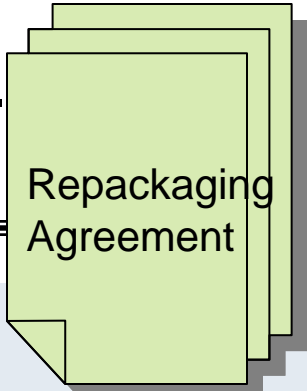
- Modified “Directions for Use” to include terms and authority to remove tamper evident cables unless the container is equipped with one way valves and refilling is planned. If this is the case, end users are not authorized to remove tamper evident cables, one way valves or clean container.
- Added “Cleaning and Disposal” statement specific to type of Refillable Container.
  - Top Discharge IBC – triple rinse.
  - Bottom Discharge IBC – pressure wash.



## Comply, Encourage, Support, Promote..... Cleaning, Return, Disposal, Recycle

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Repackaging  
Agreement

- Repackager will:
  - Comply with cleaning and disposal statements on Product labels ,
  - Promote rinsing and cleaning of refillable containers by end users following use if required, or prior to returning for recycling.
  - Encourage practices by end users,
  - Promote consumption of residual Product and rinsate recovered during rinsing and cleaning of refillable containers.
  - Support and promote programs that are established to encourage refillable container recycling or approved disposal.

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# Rededication of Bulk Tanks, Refillables and Equipment

## Guidelines for Rededicating Bulk Storage Tanks, Refillable Containers and Associated Transfer Equipment

**Rededication** is the process of **inspecting, cleaning, removing residue**, decontaminating and labeling bulk storage tanks, refillable containers and associated transfer equipment in preparation for receiving a new bulk pesticide and repackaging into refillable containers. Refer to Product Label for additional cleaning instructions for refillable containers.

1. Assure that rinsate from rededicating can be properly contained.
  - a. Area must be curbed, sloped or diked to insure containment of rinsate.
  - b. A rinsate collection system must be in place to segregate rinsates according to crop use.
  - c. A plan for proper utilization of rinsate must be available.
2. Wear appropriate personal protective equipment ("PPE"). Refer to the Product label or MSDS for specific information regarding proper PPE.
3. Pressure wash the bulk storage tank or refillable container with clean water and tank-cleaning solution until visible residues are completely gone (inside and out). Water temperatures should be > 75oF to improve cleaning.
4. Refer to recommendations from Pesticide Manufacturers to determine if specific cleaning products are recommended.
5. If tank is equipped with a pump, tank-cleaning solution followed by clear rinse water must be flushed through the entire delivery system until water becomes visually clear. Check for hardened residues.
6. Rinsate should be removed from the tank and transfer equipment between each step of the cleaning process.
7. The cleaning process (Steps 3 – 6) should include a minimum of three rinses including a step using a tank cleaning solution.
8. Remove old labels, placards and tamper evident devices.
9. If the bulk storage tank or refillable container contained a highly active product which could cause damage to sensitive crops or other adverse effects, replace all rubber hoses with new hoses.
10. Reassemble pumping systems, close and secure valves.
11. Add small amount of water and check system for leaks. Drain water.
12. Affix new labels and placards as required.
13. Proceed to fill and install tamper evident devices.
14. Record EPA establishment number and the quantity of material filled on label of the bulk storage tank.

**These guidelines are minimum requirements only and should not be construed as a limitation of the Company's cleaning procedures. Company should exercise its own business judgment and follow the Best Management Practices in the industry when cleaning and rededicating tanks, system and refillable containers.**

- Based upon established best practices,
- Dedication is recommended,
- Boiler plate in nature,
- Adaptable to all products,
- Also lists additional risk avoidance recommendations,
- Multiple water rinses are key,
- Cleaning products, i.e. Detergents, tank cleaners are variables which will be determined.

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Thank you!

Questions?