

EPA's Pesticide Container- Containment Regulations: Overview and Updates

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Overview: Who? When?

Category	Containment Structures	Nonrefillable Containers	Container Labeling	Refillable Containers	Repackaging Products
Who must comply?	Agricultural: - retailers - commercial applicators - custom blenders	- Registrants	- Registrants - Users	- Registrants	- Registrants - Refillers
Compliance Date	Aug 17, 2009	Aug 17, 2009	Aug 17, 2010	Aug 17, 2011	Aug 17, 2011

Overview: Who, What, When?

◆ Registrants

- ◆ **Ensure their nonrefillable containers (by Aug 2009) and refillable containers (by Aug 2011) comply with container standards**
- ◆ **Ensure that labels have required statements (by Aug 2010)**
- ◆ **Authorize refillers to repackage product; develop & provide certain info to refillers (by Aug 2011)**

◆ Refillers (registrants, distributors, retailers)

- ◆ **Obtain & follow registrant info; inspect, clean & label refillable containers (by Aug 2011)**

◆ Retailers, commercial applicators, custom blenders

- ◆ **Must have secondary containment around large stationary tanks and containment pads for dispensing areas (by Aug 2009)**

◆ Pesticide users

- ◆ **Follow container-related directions on label (by Aug 2010)**

Recent EPA Activities

- ◆ **Label Changes**
 - ◆ **Support the rest of the Office of Pesticide Programs (and registrants) on implementing label changes**
- ◆ **Training**
 - ◆ **State inspectors**
 - ◆ **Industry associations**
- ◆ **Outreach material**
- ◆ **Enforcement information**
 - ◆ **Compliance strategy**
 - ◆ **Inspection checklists**
- ◆ **Answering questions**
 - ◆ **Containment: anchored/elevated and portable pads**
 - ◆ **Containers: one-way valve and pumps on containers**

Outreach Material

EPA web site

- ◆ <http://www.epa.gov/pesticides/regulating/containers.htm>
- ◆ At-A-Glance Tables (updated per 2008 amendments)
- ◆ 2-page brochure & containment scope table
- ◆ Frequently Asked Questions
- ◆ More to come: containment equivalency, add'l FAQs

State inspector training

- ◆ All of the modules and other material is available on line (Penn State's site)
- ◆ <http://pirt.pested.psu.edu/resources>

Outreach Material

Industry

- ◆ **American Agronomic Stewardship Alliance (AASA) & CropLife America**
- ◆ **AASA brochure: www.aginspect.org**
- ◆ **Minibulk poster and checklist**
- ◆ **Container inspection video: Ag Safety School, AASA & CLA**
 - ◆ **Available on DVDs and on the Pesticide Stewardship web site under “Container Handling”:**
 - ◆ **<http://pesticidestewardship.org/Pages/default.aspx>**

Outreach Material

2011 REQUIREMENTS!
...for all portable,
refillable pesticide containers.

INSPECT OLD CONTAINERS!

1. TAMPER EVIDENT SEAL OR ONE-WAY VALVE

2. CONTAINER SERIAL NO.

3. AT LEAST US DOT PG III PACKAGING

4. MORE...

WWW.EPA.GOV/PESTICIDES/REGULATING/CONTAINERS-HTML

WWW.CROPLIFEAMERICA.ORG CALL (202) 872-3840 FOR COPIES

EPA Pesticide Container and Containment Rule

REFILLABLE CONTAINER REQUIREMENTS

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

Purpose of the Rule

The EPA published a final rule known as the Pesticide Container and Containment (PCC) Rule in August 2006.

The Rule seeks to provide stewardship and national consistency regarding pesticide labeling, container design, repackaging, and storage.

This brochure discusses critical aspects of the Rule that affect selection, maintenance, and use of refillable containers for pesticides.

Who Must Comply

The Rule is a federal law and affects all states, regardless of existing state regulations. Parts of the Rule affect retailers, commercial applicators, customer blenders, refillers (both retailers and distributors), and registrants.

Enforcement and Penalties

Enforcement will primarily be conducted by the USEPA regions via state pesticide control officials (such as the State Dept of Ag or State EPA). These agencies have the authority to assess monetary penalties for first and subsequent offenses.

An Overview of Refillable Rules

After August 16, 2011, all portable refillable containers must meet the following requirements. Many existing portable refillable containers will no longer be usable after the compliance date.

- One-way valves or tamper evident device on openings other than vents is required. Talk to equipment vendors about options.
- Must have a unique method of identification such as a serial number or other ID code.
- Must meet DOT design, construction, marking.
- No limits on size, except those placed by registrants of the refillable container.
- Must wash between uses unless tamper evidence and/or one-way valves are intact and filled with same product.
- Containers must be on an approved list from the registrant.
- Must have registrant's cleaning instructions and repackaging authorization on hand.
- EPA Est. # and net contents must be on the product label affixed to the tank.
- Product integrity is the responsibility of both refiller and the registrant.
- Records must be kept for each inspection and fill.

What You Should Do NOW

Evaluate your refillable containers. Identify which containers must be phased out, and which must be modified prior to August 2011. Take every opportunity to learn more from regulators, equipment vendors, and registrants about options. Study the rule. There are many parts which will affect your business besides just refillable container rules.

NOTICE: The information and recommendations contained herein are presented in good faith and are believed to be accurate and reliable. No representation, guarantee, or warranty is made as to the accuracy, reliability, or completeness of said information and recommendations. Nor is any representation, guarantee, or warranty made that application, or use of any of the same, will avoid hazards, accidents, losses, damages, or injuries of any kind to persons or property, or give desired results. Users must satisfy themselves as to the suitability of said information and recommendations prior to use.



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Enforcement Information

Compliance Strategy

- ◆ **Revised in early 2009**
- ◆ Allowed states to conduct compliance assistance for containment during 2009 and 2010, at the state's discretion.
- ◆ **Nonrefillable container design requirements become effective in 2009 and were enforceable immediately.**

Inspection Checklists

- ◆ **Developed a draft that was presented and test driven at the state trainings in 2009**
- ◆ **Sent to regions & states in December 2009.**

FAQs: Containment

Anchoring/Elevating

- ◆ **Stationary containers must be anchored or elevated to prevent flotation in the event the secondary containment unit fills with liquid.**
- ◆ **Clarified that this is a performance standard.**
- ◆ **Tank is anchored if it always holds enough pesticide so it is heavy enough that it would not float. (buoyant force calculations)**

Portable Containment Structures

- ◆ **A facility can use a portable structure to comply as long as it meets all of the relevant requirements, including but not limited to: rigid material capable of holding contents, compatible, minimum volume (750 gallons if unloading large equipment), sloped surface**
- ◆ **Rigid material: the structure, as a whole, has definite retained shape and form and is self-supporting**

FAQs: Containers

One-Way Valves: How much material?

- ◆ EPA recognizes that there could be a small amount of seepage of material before a one-way valve would engage against any back flow.
- ◆ EPA is not planning to quantify that amount; the design of a one-way valve should be consistent with the intent of the requirement, which is to prevent any person other than the refiller from placing material into the container.

Pumps Attached to Containers

- ◆ Where the design of a portable refillable container includes an integral pump, the pump is considered to be an opening on the container.
- ◆ Each opening other than a vent must have a one-way valve, tamper-evident device or both.
- ◆ Intent of requirement: give refillers reasonable indication about whether substances other than the pesticide have been introduced into the container.

For More Information

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- ◆ EPA web site
 - ◆ www.epa.gov/pesticides
 - ◆ Select “Regulating pesticides”
 - ◆ Select “Storage and disposal”
 - ◆ Select “Container and containment regulations”