



Review of State Regulations re Open Burning of Pesticide Containers

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Research Objectives

1. To assess the **availability** of open burning as a **legal option** for disposing of pesticide containers in each state
2. To obtain a “first blush” perspective of the **extent of open burning** nationwide
3. Identify those states where new legislation to prohibit open burning of pesticide containers **might encourage recycling**



USEPA Label Review Manual

Optional language for disposing of the container that registrants can voluntarily choose from:

- ***“....dispose of in trash or in a sanitary landfill or by incineration or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.***
- ***...dispose of in trash or in a sanitary landfill or by incineration. Do not burn, unless allowed by state and local ordinances.***
- ***...dispose of in trash or in a sanitary landfill or by incineration. In most states, burning is not allowed***



Questionnaire Sent to All 50 States

1. Is open burning of pesticide containers prohibited in your state? **YES** _____ **NO** _____

2. If **yes**, please cite the specific statute(s) which address and prohibit (or deem illegal) open burning of pesticide containers: State statute designation:

Estimate percent of empty pesticide containers generated in your state that are recycled? _____%

3. If **yes**, to what extent would you estimate open burning still occurs? _____



Question #4

4. If open burning is not prohibited (or illegal), in your opinion what percent of containers are “disposed” in the following manner:

% merely abandoned on or off user’s site _____

% open burned _____

% taken to solid waste transfer stations or landfills _____

% recycled _____

% other _____

TOTAL ***100 %***



Survey Response

- ***47 states responded***
- ***States that did not respond***
 - ***Connecticut***
 - ***Hawaii***
 - ***Texas***



Model Regulation: North Carolina

- **02 NCAC 09L .0604 PROHIBITED DISPOSAL PROCEDURES**
- **No person shall dispose of any pesticide or pesticide container in any of the following manners:**
 - (1) in a manner inconsistent with these rules;
 - (2) so as to cause or allow open dumping of pesticides or pesticide containers;
 - (3) **so as to cause or allow open burning of pesticides or pesticide containers;**
 - (4) so as to cause or allow water dumping, or ocean dumping;
or
 - (5) so as to violate any applicable provisions of the North Carolina Pesticide Law.



States That *DO NOT* Prohibit Open Burning

Arkansas

Colorado

Florida

Idaho

Illinois

Iowa

Kansas

Kentucky

Maryland

Montana

Nebraska

North Dakota

Pennsylvania

Utah

Wyoming



Results: Question #1

1. Is open burning of pesticide containers prohibited in your state?

YES ___ **32** ___

NO ___ **15** ___



Results: Question #2

2. If yes, please cite the specific statute(s) which address and prohibit (or deem illegal) open burning of pesticide containers: State statute designation:

- Estimated percent of empty pesticide containers generated in your state that are recycled? Included in question #4***



Results: Question #3

3. If yes, to what extent would you estimate open burning still occurs?

Not many answers; Usually said <1%



Results: Question #4

4. If open burning is not prohibited (or illegal), in your opinion (estimate) what percent of containers are “disposed” in the following manner:

	<u>Range</u>	<u>Average*</u>
% merely abandoned on or off user’s site	0 – 30	5
% open burned	0 – 30	10
% taken to waste transfer stations or landfills	0 – 80	50
% recycled	0 – 90	33
% other	0 – 15	<u>2</u>
<hr/> TOTAL		100

*** Of those who provided an answer**



Conclusions

- **Many state regulators responsible for pesticide disposal do not know whether open burning is prohibited or not.**
- **Many state regulators responsible for pesticide disposal are not familiar with the ACRC or pesticide container recycling**
- **Based on feedback received, open burning does not appear to be widespread.**
- **There appears to be little correlation between the level of recycling and open burning prohibition in a given state.**