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

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### Overview: Who? When?

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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 refilers to repackage product; develop & provide certain info to refilers (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](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 online (Penn State’s site)
- [http://pirt.pested.psu.edu/resources](http://pirt.pested.psu.edu/resources)
Outreach Material

Industry

- American Agronomic Stewardship Alliance (AASA) & CropLife America
- AASA brochure: [www.aginspect.org](http://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](http://pesticidestewardship.org/Pages/default.aspx)
Outreach Material

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

1. TAMPER EVIDENT SEAL OR ONE-WAY VALVE

2. CONTAINER SERIAL NO.

3. AT LEAST US DOT PS III PACKAGING

4. MORE...
INSPECT OLD CONTAINERS!

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

EPA Pesticide Container and Containment Rule
For Registrants, Agricultural Retailers, Distributors, Commercial Applicators, and Custom Pesticide Blenders

Purpose of the Rule
The EPA prohibited a final rule issued at the Pesticide Container and Containment (PCC) Rule in August 2006. The Rule seeks to provide ownership and national consistency regarding pesticide labeling, container design, reconditioning, and storage.

This brochure discusses critical aspects of the Rule that affect registration, 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. Part of the Rule affects registrants, commercial applicators, custom blenders, retailers (both retailers and distributors), and registrants.

Enforcement and Penalties:
Enforcement willgenerally be conducted by the USEPA region 4 or other pesticide control officials (such as the State Dept of Ag or State EPA). These penalties 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. Long-term portable refillable containers will no longer be acceptable after the compliance date:

- Containers will require a tamper-evident device on openings other than valves 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 designs, constructions, markings.
- No limits on size, except those placed by regulations, of the refillable container.
- Must work between two maximum range values and at the rate values are linked and filled with same pesticide.
- Containers must be as approved last from the registration.
- Must have the registrant’s cleaning instructions and refrigeration conditions on label.
- EPA Registration and use containers must be on the pesticide label as defined in the label.
- Product integrity is the responsibility of both retailer and the registrant.
- Records must be kept for all inspections and fill.

What You Should Do NOW:
Evaluate your refillable containers. Identify which containers must be replaced and which must be modified prior to August 2011. Take every opportunity to learn more from registrants, equipment vendors, and registrants about options. Study the rule. There are many gaps which will affect your business. Find refillable container rules.

NOTES: The information and recommendations contained herein are presented in good faith and are believed to be correct and reliable. No representation, guarantee or warranty is made as to the accuracy, reliability, or completeness of such information and recommendations. Nor is any representation, guarantee or warranty made that application, in use of any of the same, will avoid harm, accidents, losses, damages, or injuries of any kind to persons or property or loss claimed. These must strictly themselves to the liability 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”