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Universal Waste - Pesticides



What Is the Universal Waste Definition of "Pesticides"? 40 CFR 273.9

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

- (a) Is a new animal drug under FFDCA section 201(w), or
- (b) Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
- (c) Is an animal feed under FFDCA section 201(x) that bears or contains any substances described by paragraph (a) or (b) of this section.



Universal Waste

Covered under 40 CFR part 273

- Pesticides (Recalled, Suspended, Canceled Pesticide, or Waste Pesticide Collection Program)
- Light Bulbs (Lamps)
- All Batteries
- Mercury-Containing Equipment



When Do the Universal Waste Regulations Apply to Pesticides? 40 CFR 273.3

(a) Pesticides covered under 40 CFR part 273. The requirements of this part apply to persons managing pesticides, as described in Sec. 273.9, meeting the following conditions, **except** those listed in paragraph (b) of this section:

(1) Recalled pesticides that are:

(i) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA Section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or

(ii) Stocks of a suspended or canceled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

(2) Stocks of other **unused** pesticide products that are collected and managed as part of a waste pesticide collection program.



(b) Pesticides not covered under 40 CFR part 273. The requirements of this part do not apply to persons managing the following pesticides:

- (1) Recalled pesticides described in paragraph (a)(1) of this section, and unused pesticide products described in paragraph (a)(2) of this section, that are managed by **farmers** in compliance with 40 CFR 262.70. (40 CFR 262.70 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with 40 CFR 261.7(b)(3));
- (2) Pesticides not meeting the conditions set forth in paragraph (a) of this section. These pesticides must be managed in compliance with the hazardous waste regulations in 40 CFR parts 260 through 272;
- (3) Pesticides that are not wastes under part 261 of this chapter, including those that do not meet the criteria for waste generation in paragraph (c) of this section or those that are not wastes as described in paragraph (d) of this section; and
- (4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in 40 CFR part 261, subpart D or if it exhibits one or more of the characteristics identified in 40 CFR part 261, subpart C.



(c) When a pesticide becomes a waste.

(1) A recalled pesticide described in paragraph (a)(1) of this section becomes a waste on the first date on which both of the following conditions apply:

(i) The generator of the recalled pesticide agrees to participate in the recall; and

(ii) The person conducting the recall decides to dispose it

(2) An unused pesticide product described in paragraph (a)(2) of this section becomes a waste on the date the generator decides to discard it.



(d) Pesticides that are not wastes. The following pesticides are not wastes:

(1) Recalled pesticides described in paragraph (a)(1) of this section, provided that the person conducting the recall:

(i) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under 40 CFR 261.2; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this part 273. This pesticide remains subject to the requirements of FIFRA; or

(ii) Has made a decision to use a management option that, under 40 CFR 261.2, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this part 273. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

(2) Unused pesticide products described in paragraph (a)(2) of this section, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.



What Are the Waste Management Requirements for Small Quantity Handlers of Universal Waste Pesticides? 40 CFR 273.13(b)

(b) Universal waste pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevent releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

- (1) A container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or
- (2) A container that does not meet the requirements of paragraph (b)(1) of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of paragraph (b)(1) of this Section; or
- (3) A tank that meets the requirements of 40 CFR part 265 subpart J, except for 40 CFR 265.197(c), 265.200, and 265.201; or
- (4) A transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.



What Are the Labeling/Marking Requirements for Universal Waste Pesticides? [40 CFR 273.14](#)

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

...(b) A container, (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in 40 CFR 273.3(a)(1) are contained must be labeled or marked clearly with:

- (1) The label that was on or accompanied the product as sold or distributed;
and
- (2) The words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)."

(c) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in 40 CFR 273.3(a)(2) are contained must be labeled or marked clearly with:

- (1)(i) The label that was on the product when purchased, if still legible;
 - (ii) If using the labels described in paragraph (c)(1)(i) of this section is not feasible, the appropriate label as required under the Department of Transportation regulation 49 CFR part 172;
 - (iii) If using the labels described in paragraphs (c)(1)(i) and (ii) of this section is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by a state; and
- (2) The words "Universal Waste-Pesticide(s)" or "Waste-Pesticide(s)."



Summary

The universal waste regulations apply to persons managing pesticides that are part of a recall program, suspended or unused pesticides that are collected and managed as part of a waste pesticide collection program (§273.3(a)). A recalled pesticide becomes a waste when two conditions occur:

1. The generator agrees to participate in the recall, and
2. The person conducting the recall decides to discard the pesticide or burn it for energy recovery. An unused pesticide becomes a waste on the date the generator decides to discard it (§273.3(c)).

Pesticides managed by farmers in accordance with §262.70, which allows farmers to dispose waste pesticides on their own farm in accordance with the disposal instructions on the pesticide label, are not subject to the universal waste regulations (§273.3(b)).

Some states may have more stringent requirements based on State regulations.