



“Tracking systems providing integration, compliance, stewardship and reliability.”



THE NEW 2011 EPA STANDARDS OVERVIEW

USEPA published final Pesticide Container and Containment (PCC) Rule in August 2006. The Rule seeks to provide sound stewardship practices and national consistency for pesticide labeling, container design, repackaging and storage. This fact sheet discusses critical aspects of the Rule that affect **selection, maintenance and use of refillable containers for pesticides along with recordkeeping requirements within the Rule.**

Who Must Comply

The Rule is a federal regulation that affects all states, regardless of existing state regulations. Parts of the Rule affect retailers, commercial applicators, custom blenders, refillers (both retailers and distributors) and registrants. Although the rule has been published and is final, EPA is in the process of proposing clarifications. These changes are not likely to significantly impact retailers and distributors.

Enforcement and Penalties

Enforcement will primarily be conducted by the U.S. EPA regions via state pesticide control officials (such as the State Department of Ag or State Environmental Protection Agency). These agencies have the authority to assess monetary penalties.

Important EPA Dates

The below dates are the major deadlines EPA is requiring for the new container standard. We have listed the key elements but do not cover every aspect and detail of the EPA Ruling

August 16, 2009

- Comply with **Tank Containment Structures**
 - Dikes around every stationary tank
 - Good operating procedures
 - Monthly documented inspections
- Comply with **Load Pad Requirements**
- Comply with **Stationary Bulk Tank Requirements**
 - Elevation or Anchoring

August 16, 2011

- Comply with **Portable Refillable Container (PRC)**
 - Must meet DOT design, construction, marking requirements
 - One-way valves or tamper evident device on all openings (other than vents)
 - Must have a unique method of identification such as serial number or ID code
- Comply with **Repackaging Rules**
 - Limited in repacking agreements by registrant, must be on hand with refiller
 - Container integrity is joint responsibility of refiller and registrant
- Must be washed between uses unless tamper evident device and/or one-way valve are intact and filled with the same product
- EPA Est # and net contents must be on the product label affixed to tank
- Records must be kept for each inspection and fill
- Comply with **Single Use Containers Rule**
 - Standard closures on most containers
 - Must be identified as Non refillable
 - Label carries cleaning and recycling instructions

What You Should Do Now

Use the check list below to evaluate each refillable container. Identify which containers must be phased out, and which must be modified prior to August 2011. Study the rule, there are other parts that may affect your business.

Pesticide Refiller Checklist for Portable Refillable Containers

The answer to each question for every container should be "Yes"; otherwise, **FIX IT before August 16, 2011**,

All Refillable Containers

- ✓ For containers holding liquids do all openings (except vents) have one-way valves, tamper evident devices or both?
- ✓ Does the container have a unique serial number or other identifying mark? Does each container have its own records?
- ✓ Does the container meet the DOT and UN testing requirements and is it properly marked?
- ✓ Has the container been visually inspected and leak proof tested by a DOT approved container remanufacture every 2.5 years?
- ✓ Is the container free from incompatible residue
- ✓ Is the container free of rupture or damage which reduces structural integrity?
- ✓ Has the registrant provided you (the refiller) a description of acceptable containers for the products you refill?
- ✓ Is the container compatible with the pesticide? (Use registrant's list of approved containers to verify.)
- ✓ Is the container closed in compliance with container remanufacturer's written instructions?
- ✓ The registrant has provided you (the refiller) with a contract allowing you to use the registrant's label?

Refillable Containers less than 119 gallons or 882 lbs

- ✓ Is container marked to indicate it meets, at least, US DOT PG III / UN authorization standards? (Combination packages larger than 5 liters or 5 kg, and all single packages require UN authorization).
- ✓ Is the container as it was when tested & authorized? (If container is altered, retesting is required)
- ✓ Are drums authorized for reuse? (Drums are only authorized when they are marked in a permanent manner with the nominal (metal) or minimum (plastic) thickness of the packaging material).

Refillable Containers greater than or equal to 119 gallons or 882 lbs. (Includes portable tanks and IBCs)

- ✓ Does the container have "UN" authorized markings indicating it meets, at least, US DOT PG III? If not marked, the manufacturer has verified it meets, at least, US DOT PG III?
DOT Spec. 51, 56, 57 and 60 portable tanks; IMO type 1, 2 and 5, IM 101 and IM 102 portable tanks; UN portable tanks; marine portable tanks conforming to 46 CFR part 64; and non-DOT specification portable tanks are authorized for many products.
- ✓ If container is UN authorized or a US DOT Specification tank, then has it been leak-proof tested, externally inspected and marked every 2.5 years, and has it been internally inspected & marked at least every five years and are records available for the testing?

Required & Recommended Recordkeeping

There are several different items to record. These records can be manually written on a paper log sheet, entered into a spreadsheet log, or any type of database format or inventory system. This will help you track your containers and provide excellent records upon request of inspectors.

- Each container by unique identifier
- Each EPA establishment number of the refiller
- Product filled into the container
- Quantity of product filled into the container
- Date and time the container is refilled
- Container type by name
- Container by gallon capacity
- Registrant authorizing this container as refillable
- Date and time the container is shipped out
- Name where container is shipped to
- Date and time the container was returned
- Date container was inspected and tested

Note: refill records are required to be kept for 3 years after the date of repacking