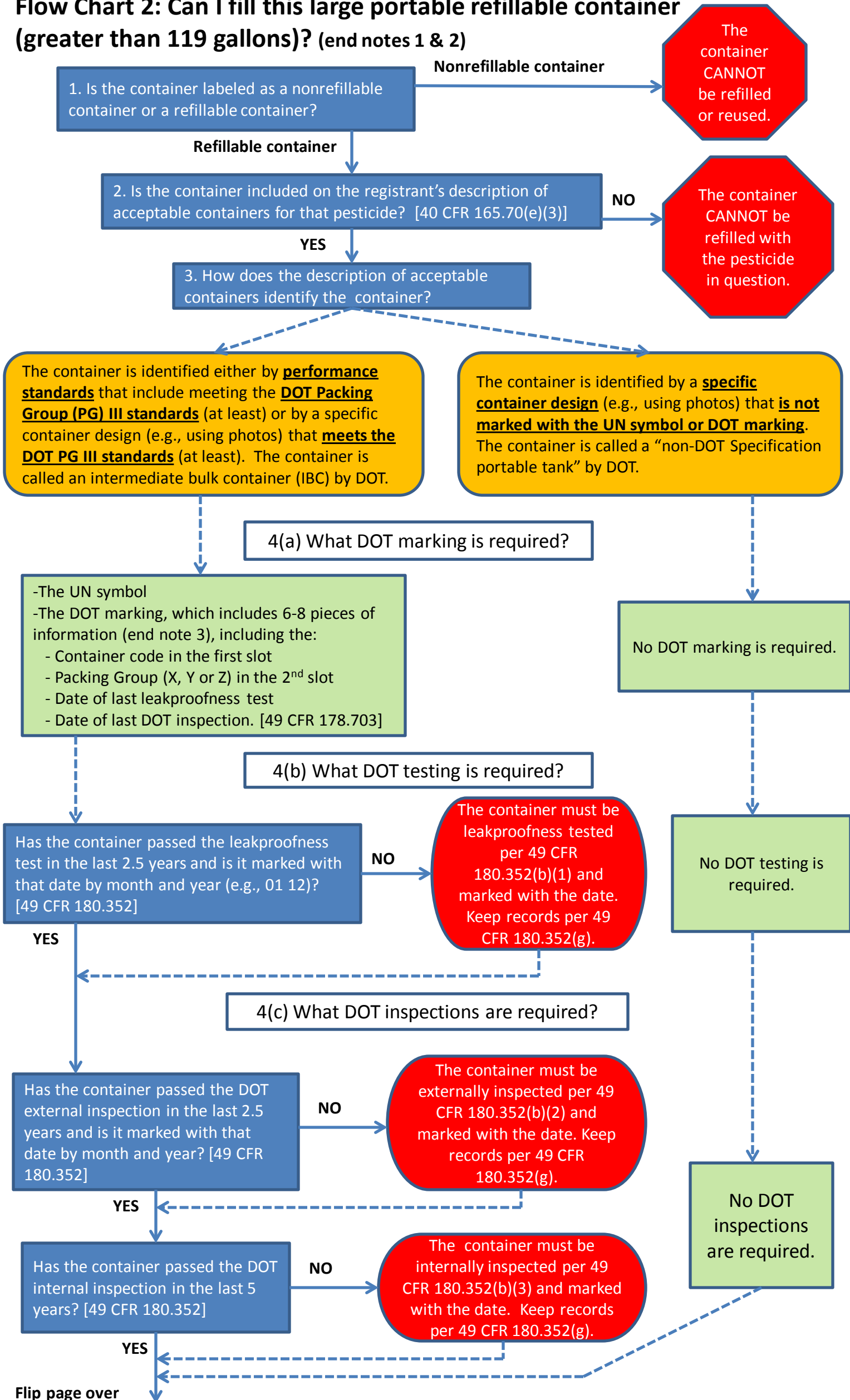
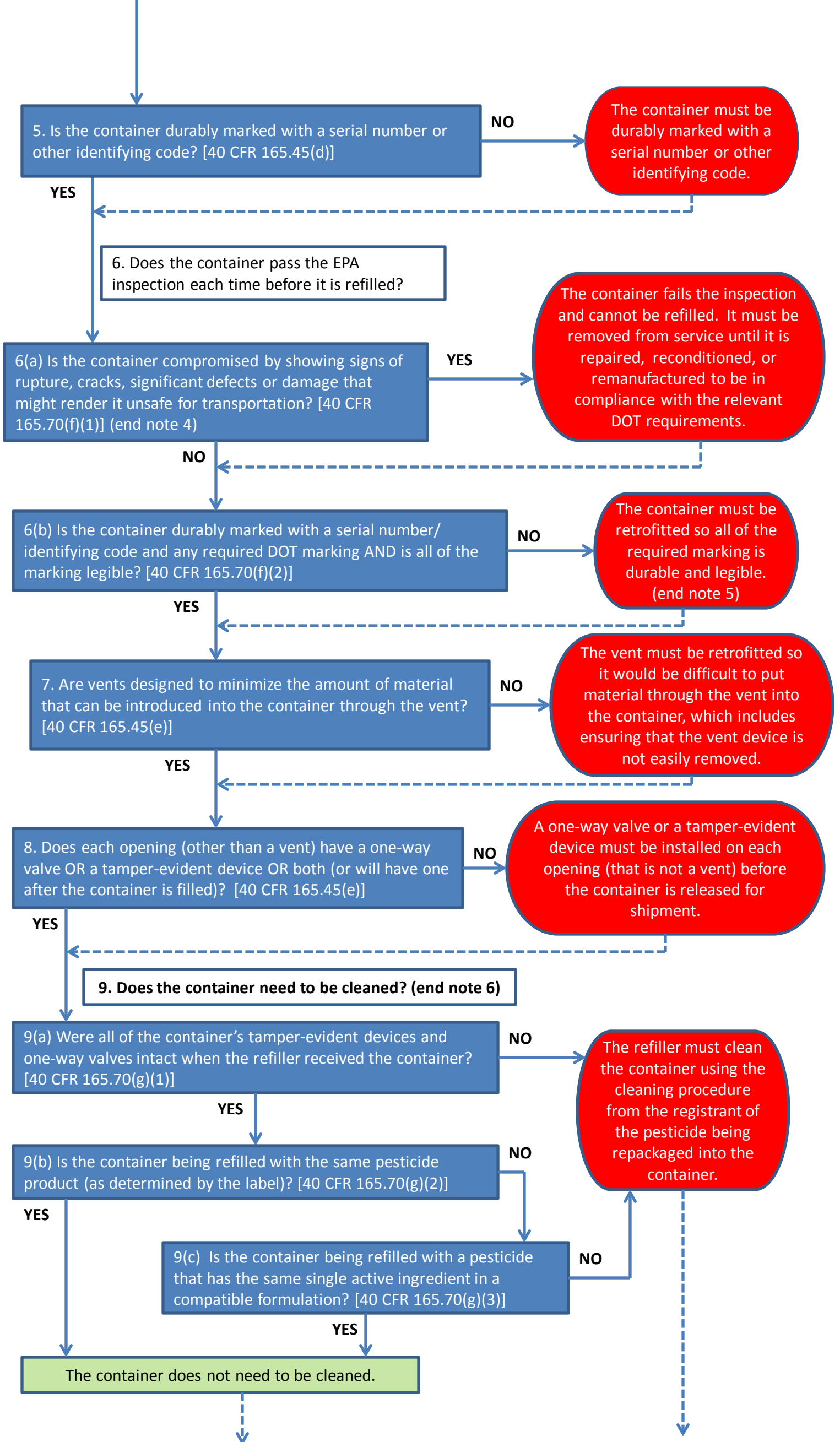


EPA Pesticide Container and Repackaging Regulations, Flow Chart 2: Can I fill this large portable refillable container (greater than 119 gallons)? (end notes 1 & 2)





10. The container can be refilled with the registrant's pesticide.

After refilling the container, the refiller must take the following final actions:

- ✓ Close the fill port according to the container manufacturer's instructions and seal the fill port with a tamper-evident device OR a one-way valve OR both. [49 CFR 173.24(f)(2) and 40 CFR 165.45(e)]
- ✓ Ensure that the label of the pesticide is securely attached to the container and complies with all label requirements, which includes:
 - Adding the net contents and the refiller's EPA Establishment number (if not on the label); and
 - Having the new refillable container instructions, including language like "Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose." [40 CFR 165.70(i) & 156.140 – 156.156]
- ✓ Record the date of repackaging, the container serial number/identifying code and the EPA Registration number of the pesticide and keep that record for three years. [40 CFR 165.70(j)(2)]

End Notes:

- (1)** The volume of 119 gallons is based on the Department of Transportation (DOT) regulations and specifically the cutoff between non-bulk and bulk packagings. This flow chart covers intermediate bulk containers (IBCs), which are a type of bulk packaging. (49 CFR 171.8)
- (2)** **This flowchart is intended to provide general guidance. See the regulations in 40 CFR Part 165 for complete details.** This flowchart is based on the scenario that a refiller at a registered producing establishment (40 CFR Part 167) has a portable refillable container to be filled with a specific pesticide and is trying to determine how to do that in compliance with the refillable container and repackaging regulations. The scenario assumes that: (a) the facility complies with all of the repackaging regulations in 40 CFR 165.60 – 165.70 (such as having entered into a contract with the pesticide's registrant); (b) the pesticide is subject to the refillable container and repackaging regulations (e.g., it is not a manufacturing use product or an antimicrobial product that meets all of the criteria for exemption); and (c) the container is subject to the refillable container and repackaging regulations because it is being used to sell or distribute the pesticide (e.g., it is not a service container, which is when an applicator transfers a pesticide into the container for the purposes of that applicator applying the pesticide).
- (3)** The rest of the information in the DOT marking includes the month & year of manufacture; the country authorizing allocation of the mark; the name & address or symbol of the container manufacturer; the stacking test load; and the maximum permissible gross mass. Additional information for rigid plastic and composite IBCs includes the rated capacity, tare mass and gauge test pressure. (49 CFR 178.703)
- (4)** The citations for EPA's repackaging regulations are from the section for "independent" (non-registrant) refillers in §165.70. There are comparable requirements for registrants who are refillers in §165.65.
- (5)** You cannot add the UN symbol or DOT marking to a container unless you have the required test data. DOT regulations state that a container "may be marked with the United Nations symbol and other specification markings only if it fully conforms to the requirements of" 49 CFR Part 178. (49 CFR 178.3(b))
- (6)** The questions regarding cleaning in #9 assume that the container had previously been used to sell/distribute a pesticide and is received by the refiller with the label of that pesticide still on the container.

For more information:

- See the pesticide container regulations (40 CFR Part 165) or
- EPA's container web page: <http://www.epa.gov/pesticides/regulating/containers.htm>
- Contact Nancy Fitz, 703-305-7385, fitz.nancy@epa.gov