## **EPA Pesticide Container and Repackaging Regulations,**

Flow Chart 1: Is this container a service container or a

portable refillable container? (end note 1)

Is the container going to be filled as a service container (when an applicator transfers pesticide into a container for the purposes of <a href="that applicator">that applicator</a> applying the pesticide) or to sell or distribute (end note 2) the pesticide?

Sell or distribute

The container is subject to the pesticide container and repackaging regulations; the pesticide label requirements; and all other pesticide-related regulations.

Service container

119 gallons

or less

**EPA** does not regulate service containers. The container is not subject to any of the pesticide container or repackaging regulations and is not required to have a pesticide label. However, EPA believes it is a good management practice to ensure the contents of the service container are identified and the pesticide label is available to the applicator. DOT and OSHA requirements may apply to the service container.

What is the capacity of the container?

Larger than 119 gallons

See Flow Chart 2: "Can I fill this large portable refillable container?" for more details about EPA's container and repackaging regulations.

See Flow Chart 3: "Can I fill this small portable refillable container?" for more details about EPA's container and repackaging regulations.

**End Notes: (1)** This flowchart is intended to provide general guidance. See the regulations in 40 CFR Part 165 for complete details and end note 2 in the other flow charts for an explanation of the assumptions.

**(2)** FIFRA section 2(gg) defines "to distribute or sell" to mean "to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. The term does not include the holding or application of registered pesticides or use dilutions thereof by any applicator who provides a service of controlling pests without delivering any unapplied pesticide to any person so served."