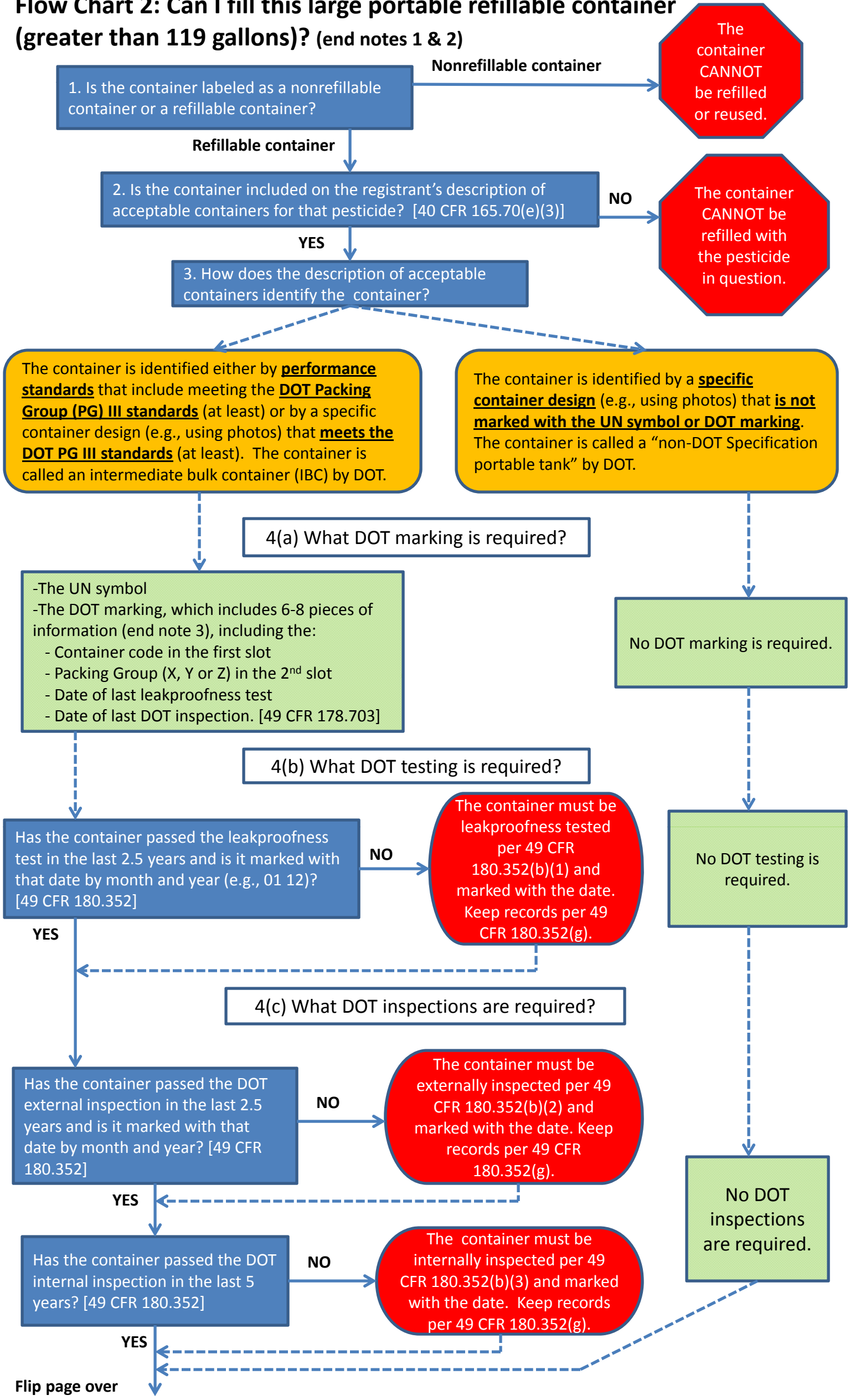
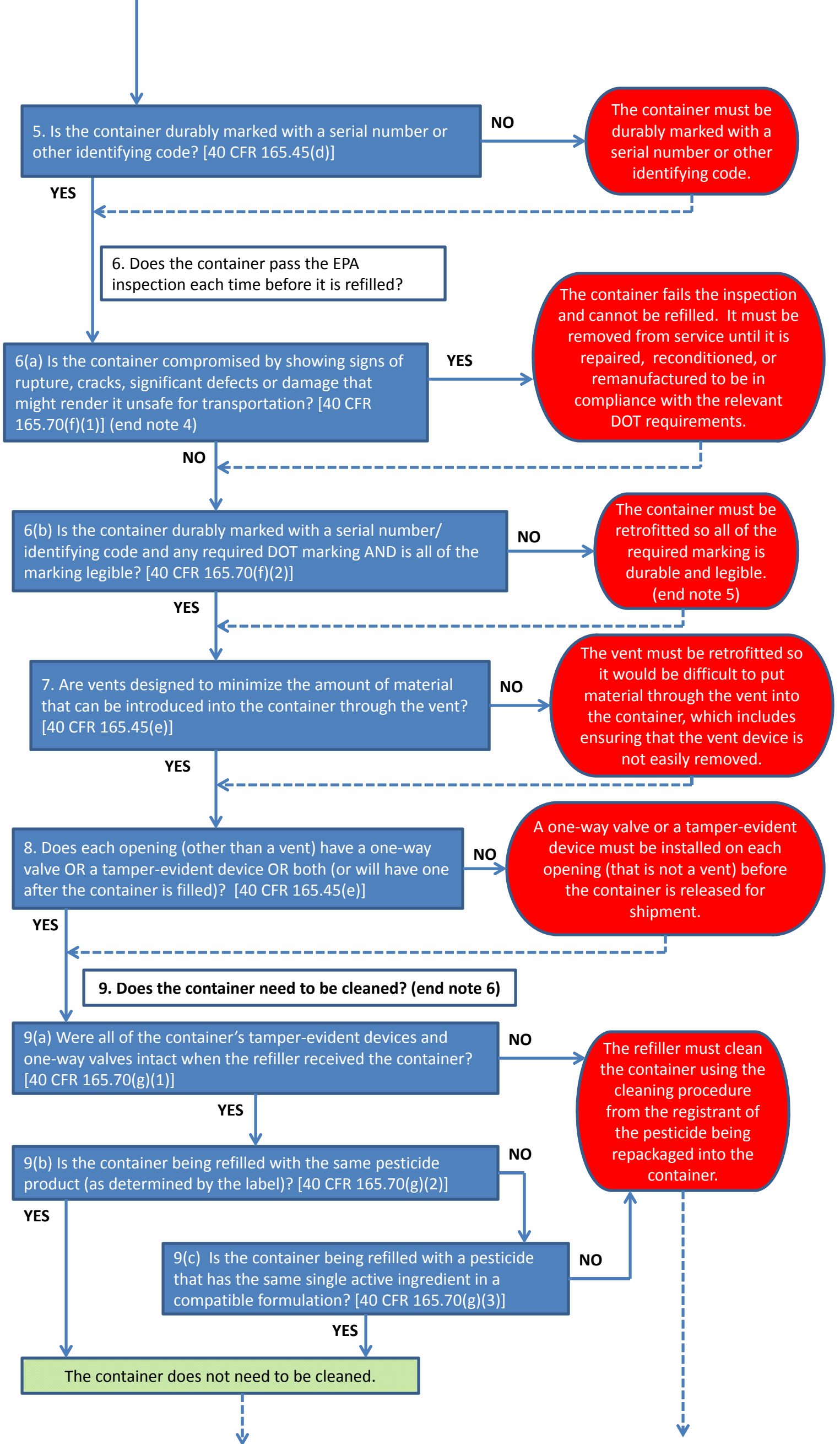


EPA Pesticide Container and Repackaging Regulations, Flow Chart 2: Can I fill this large portable refillable container (greater than 119 gallons)? (end notes 1 & 2)



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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