Portable Refillable Containers

<table>
<thead>
<tr>
<th>Regulatory Citation</th>
<th>Various</th>
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<tbody>
<tr>
<td><strong>What It Is</strong></td>
<td>Standard provides sound stewardship practices and national consistency for pesticide labeling, container design, repackaging and storage.</td>
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<td><strong>Who It Applies To</strong></td>
<td>Retailers, commercial applicators, customer blenders, refillers (both retailers and distributors) and registrants.</td>
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<td><strong>Origination Date</strong></td>
<td>Various</td>
</tr>
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### Container Specifications

**40 CFR 165.45(a)&(b)** - Pesticide products that are not a DOT-regulated hazardous material must be packaged in a container that is designed, constructed and marked to comply with the requirements of 49 CFR 173.24. A pesticide product that is a DOT-regulated hazardous material must be packaged according to 49 CFR Parts 171-180, as required by DOT. The container must meet the acceptable container listing of the registrant.

### Labeling

**40 CFR 156.10** - Every pesticide product must be labeled clearly and prominently with the following:

1. The name, brand or trademark under which the product is sold;
2. The name and address of the producer, registrant or person for whom produced;
3. The net contents;
4. The product registration number;
5. The producing establishment number;
6. An ingredient statement;
7. Hazard and precautionary statements for human, domestic animal and environmental hazards;
8. The directions for use; and

All labeling must be clearly legible to a person with normal vision, and must be likely to be read and understood by an ordinary individual. Labels must be in English, but a second language may be added as long as the English label is present.
All required label text must:

1. Be set in six point or larger type;
2. Appear on a clear contrasting background; and
3. Not be obscured or crowded.

40 CFR 165.65(h) - Before distributing or selling a pesticide product in a refillable container, you must ensure that the label of the pesticide product is securely attached to the refillable container such that the label can reasonably be expected to remain affixed during the foreseeable conditions and period of use. You must ensure that the net contents statement and EPA establishment number appear on the label.

Markings

40 CFR 165.45(d) - Each refillable container must be marked in a durable and clearly visible manner with a serial number or other identifying code that will distinguish the individual container from all other containers. Durable marking includes etching, embossing, ink jetting, stamping, heat stamping, mechanically attaching a plate, molding and marking with durable ink. The serial number or other identifying code must be located on the outside part of the container, except on a closure. Placement on the label or labeling is not sufficient unless the label is an integral, permanent part of or permanently stamped on the container.

49 CFR 178.703(b) - The date of last leakproofness test, if applicable (month and year), and date of last inspection (month and year), must be clearly marked on the tank.

Seals

40 CFR 165.45(e) - Each opening, other than a non-removable vent, of a portable pesticide container designed to hold registered pesticides must have a one-way valve, a tamper-evident device or both. A one-way valve may be located in a device or system separate from the container if the device or system is the only reasonably foreseeable way to withdraw pesticide from the container. A vent must be designed to minimize the amount of material that could pass through it and be introduced into the container. If a tamper-evident device or one-way valve is not intact, the refiller must clean the container using the residue removal procedure of the product being repackaged.
Inspections

**40 CFR 165.70** - Before repackaging a pesticide product into any refillable container, you must visually inspect the exterior and (if possible) the interior of the container and the exterior of appurtenances. The purpose of the inspection is to determine whether the container meets the necessary criteria with respect to continued container integrity, required markings and openings.

A refiller must identify the pesticide previously contained in the container (by looking at the label) to determine if it is necessary to clean the container. A refiller must visually inspect the container before repackaging pesticide into it to determine whether the container meets the specified criteria with respect to continued container integrity, required markings and openings. The container fails the inspection and cannot be refilled unless it is repaired, reconditioned or remanufactured if the integrity of the container is compromised in at least one of the following ways:

1. The container shows signs of rupture or other damage which reduces its structural integrity;
2. The container has visible pitting, significant reduction in material thickness, metal fatigue, damaged threads or closures or other significant defects;
3. The container has cracks, warpage, corrosion or any other damage which might render it unsafe for transportation; or
4. There is damage to the fittings, valves, tamper-evident devices or other appurtenances that may cause failure of the container.

The container fails the inspection and cannot be refilled until the container meets the refillable container standards if either or both of the following conditions exist:

1. The container does not bear the required markings or the markings are not legible; or
2. The container does not have an intact and functioning one-way valve or tamper-evident device on each opening other than a vent, if required.

**49 CFR 180.352(b)** - Intermediate Bulk Containers (IBC) must be externally inspected for cracks, warpage, corrosion or any other damage which might render the unit unsafe for transportation. An IBC found with such defects must be removed from service or repaired. The inner receptacle of a composite IBC must be removed from the outer IBC body for inspection unless the inner receptacle is bonded to the outer body or unless the outer body is constructed in such a way (i.e., a welded or riveted cage) that removal of the inner receptacle is not possible without impairing the integrity of the outer body. Defective inner receptacles must be replaced or the entire IBC must be removed from service.
For metal IBCs, thermal insulation must be removed to the extent necessary for proper examination of the IBC body. Each metal, rigid plastic and composite IBC must be internally inspected to ensure that the unit is free from damage and to ensure that it is capable of safe transportation. The leakproofness test must be carried out for a suitable length of time using air at a gauge pressure of not less than 2.9 psig. Leakproofness of IBC design types must be determined by coating the seams and joints with a heavy oil, a soap solution and water or other methods suitable for the purpose of detecting leaks.

Cleaning

40 CFR 165.65 - Persons who distribute or sell pesticide products in refillable containers are responsible for the pesticide product not being adulterated or different from the composition. For each pesticide product distributed or sold in refillable containers, you must develop a written residue removal procedure that describes how to remove pesticide residue from a refillable container (portable or stationary pesticide container) before it is refilled. The refilling residue removal procedure must be adequate to ensure that the composition of the pesticide product does not differ at the time of its distribution or sale from the composition. If the refilling residue removal procedure requires the use of a solvent other than the diluents used for applying the pesticide as specified on the labeling under "Directions for Use" or if there is no diluent used for application, the refilling residue removal procedure must describe how to manage any rinsate resulting from the procedure in accordance with applicable Federal and State regulations.

40 CFR 165.70 - A refiller must clean a refillable container according to the residue removal procedure unless each tamper-evident device and one-way valve (if required) is intact and either of these conditions is met:

1. The refillable container is being refilled with the same pesticide product; or
2. The container previously held a pesticide with a single active ingredient, the container is being used to repackage a pesticide with the same single active ingredient and there is no change that causes the repackaged pesticide to fail to meet the product integrity standard.

If a tamper-evident device or one-way valve is not intact, the refiller must clean the container using the residue removal procedure of the product being repackaged. In addition, other procedures may be necessary to assure that product integrity is maintained in such cases.
Recordkeeping

**40 CFR 165.70** - For each pesticide product distributed or sold in refillable containers, all of the following records must be maintained for the current operating year and for three years thereafter:

1. The written contract from the pesticide product's registrant for the pesticide product;
2. The written refilling residue removal procedure for the pesticide product; and
3. The written description of acceptable containers for the pesticide product.

Each time a pesticide is repackaged, a refiller must generate the following records and keep them for three years after the date of repackaging:

1. The EPA registration number of the pesticide;
2. The date of repackaging; and
3. The serial number or other identifying code of the container.

**49 CFR 180.352(g)** - The owner or lessee of the IBC must keep records of periodic retests, initial and periodic inspections and tests performed on the IBC if it has been repaired or remanufactured. Records must include design types and packaging specifications, test and inspection dates, name and address of test and inspection facilities, names or name of any persons conducting test or inspections and test or inspection specifics and results. Records must be kept for each packaging at each location where periodic tests are conducted, until such tests are successfully performed again or for at least 2.5 years from the date of the last test. These records must be made available for inspection by a representative of the Department of Transportation on request.

FAQ & Interpretations

Follow these links:

http://www.epa.gov/pesticides/regulating/containers.htm