

## REPACKAGING BULK PESTICIDES

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Repackaging of pesticides into bulk containers has been allowed since 1977 under an enforcement policy issued by the United States Environmental Protection Agency. Repackaging of pesticides into reusable containers helps end users by eliminating disposal problems from empty containers. Many Wisconsin firms are involved in bulk repackaging. The term "bulk" means any container with a volume of more than 55 gallons or 100 pounds. Wisconsin's bulk pesticide storage laws share this definition. Our inspections at bulk facilities periodically find violations of the enforcement policy. This paper will outline the basic requirements for a bulk repackager of pesticides.

A bulk repackager of pesticide products, is considered to be a pesticide producer under the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA) and accordingly have certain responsibilities. FIFRA requires that each pesticide product be registered prior to its sale and distribution.

The U.S. EPA exempts bulk repackagers from these registration requirements only if they comply in all respects with U.S. EPA's Enforcement Policy Applicable to Bulk Shipment of Pesticides as amended (the Bulk Policy). In order to avoid having to register each individual product that you sell or distribute you must satisfy all of the requirements listed below.

### Establishment Registration

Each location involved in bulk repackaging must be registered with U. S .EPA, Region 5 as a pesticide-producing establishment. Upon registration you will be given an EPA establishment number. It is a violation of FIFRA to repackage pesticide products without an **active establishment number**. Establishment numbers identify where a product has been produced or packaged. In cases where a product is found to be contaminated, we need to know where the product came from, and where it may have been repackaged. If you have any questions about establishment registration(s), please contact Ms. Gayle Muffit, Pesticide Section U.S. EPA, Region 5 in Chicago, at (312) 886-6008.

### Authorization to Repackage/Repackaging Agreement

Each and every location where products are repackaged must have a **separate**, written repackaging agreement, **on site**, from each registrant whose products are being repackaged at that site. In cases where the agreements permit other than dedicated containers written

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instructions for cleaning non-dedicated mini-bulk containers must appear in the agreement, or in a separate registrant(s) document. All such agreements must be available for inspection upon request by U.S. EPA or any agent of U.S. EPA. Personnel at each location must know, understand, and abide by all terms and conditions of the repackaging agreement and any supplemental container cleaning instructions.

### Recordkeeping and Reporting

FIFRA requires pesticide-producing establishments to maintain production records and to report to U.S. EPA annually, by March 1, the quantities of each pesticide produced and distributed during the year. The report must be submitted even if there was no production at that site during a particular year. Repackaging is a "production " activity. You must report on the kinds and amounts of products repackaged.

### Operating Procedures

Each location must maintain an adequate supply of registrant's labels. The registrant's label, with the location's EPA establishment number and net contents added to it, must be affixed to every mini-bulk container that has had the registrant's pesticide introduced into it. Since April of 1992 any amount of pesticide may be repackaged into bulk containers. This means you may repackage only into containers authorized in the repackaging agreement, but never in containers with less than 55-gallon or 100-pound capacity. Where repackaging agreements permit, follow written instructions for cleaning empty containers before introducing a pesticide product that is not the same as the product that formerly occupied the container.

Failure to follow the requirements of the Bulk Policy and the procedures outlined above are violations of Federal Law and can result in severe penalties. During the last year several Wisconsin firms have had to pay forfeitures to EPA for failing to file production reports. EPA Region 5 is more interested in gaining the cooperation and compliance of bulk repackagers than in pursuing violations. We urge you to compare your policies and procedures to those outlined above and to initiate prompt corrective action where indicated. If you ever have questions about repackaging, or any of your responsibilities, you are urged to contact DATCP, (608)224-4500, your pesticide product registrants, or at EPA you may call Dea Zimmerman, (312)353-6344 or David Star (312)886-6009, with the Pesticides Section at Region 5.