

Enforcement and Penalties

Enforcement will primarily be conducted by the USEPA regions via state pesticide control officials (such as the State Dept of Ag or State EPA). These agencies have the authority to assess monetary penalties for first and subsequent offenses.

More Rule Changes are Possible

Although the Rule has been published and is final, EPA is in the process of proposing changes. Most of these changes are clarifications, although some are in response to industry's ability to implement the pesticide label changes. The changes are not likely to significantly impact retailers and distributors.

For more about AASA

The American Agronomic Stewardship Alliance (AASA) is a not-for-profit 501C(6) organization that conducts stewardship inspections of U.S. agricultural retail facilities that store bulk, mini bulk, portable refillable containers (PRC) and packaged pesticide products. Contact us at:

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**For Registrants, Agricultural Retailers,
Distributors, Commercial Applicators,
and Custom Pesticide Blenders**

A primer about the EPA Pesticide Container and Containment Rule

This brochure is intended to increase pesticide stewardship by alerting you to critical new federal rules that will impact your business.



**Illinois Fertilizer &
Chemical Association**
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Bill Garver of Brandt Consolidated, Inc. explains their bulk pesticide containment area at the 2006 AASA kickoff event in Ashland, IL.

Purpose of the Rule

The USEPA published a final rule commonly known as the Pesticide Container and Containment (PCC) Rule in August 2006.

The Rule seeks to establish stewardship and national consistency regarding pesticide labeling, container design, repackaging, and storage.

Who Must Comply

The Rule is a federal law. It affects all states, regardless of whether there are existing state regulations. Parts of the PCC Rule affect the following agricultural entities:

- Retailers
- Commercial applicators
- Customer blenders
- Refillers (both retailers and distributors)
- Registrants

Key Areas of the Rule

The points below are key elements but do not cover every aspect and detail of the Rule.

Tank Containment Structures

Highlights include:

- Dikes around every stationary tank
- 110% capacity if outdoors with no shelter
- 100% capacity if outdoors and sheltered
- 100% capacity if indoors
- Good operating procedures
- Monthly documented inspections
- Some states may be stricter
- Compliance by August 17, 2009

Load Pads

This area of the Rule covers operational area containment where pesticide dispensing occurs.

- Containment pad must hold at least 750 gallons or 100% of the volume of the largest container (including the equipment tank) used on the pad, whichever is less
- Construction must be rigid and impermeable
- Compliance by August 16, 2009

Portable Refillable Container (PRC) Design

Many existing portable refillable containers will no longer be usable after the compliance date.

- Must meet DOT design, construction, marking requirements
- One-way valves or tamper evident device on all openings (other than the vent) is required
- Must have a unique method of identification such as a serial number or other ID code
- Compliance by August 16, 2011

Stationary Bulk Tanks

Stationary refillable bulk tank requirements include:

- No external sight gauges
- Vents that limit evaporation
- A lockable inlet/outlet valve
- Elevation or anchoring
- Compliance by August 16, 2011

Repackaging Rules

- No limits, except those placed by registrants, on the size of the refillable container
- Must be washed between uses unless the tamper evident device and/or one-way valve are intact and filled with the same product
- Containers must be on an approved list from the registrant
- Must have registrant's cleaning instructions and repackaging authorization on hand
- EPA Est. # and net contents must be on the product label affixed to the tank
- Product integrity is the responsibility of the refiller and the registrant
- Records must be kept for each inspection and fill
- Compliance by August 16, 2011

Single Use Containers

Although it mostly affects registrants, the Rule further regulates single use containers e.g.:

- Standard closures on most containers
- Labels will carry more cleaning information
- Must meet DOT specifications for design, construction and marking
- Compliance by August 17, 2009

The complete Rule and 16 page summary is available on the USEPA web site at:

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