



Pesticide Repackaging Basics

Transferring even a small amount of pesticide into any size/type of container is illegal with the exception of approved bulk repackaging into containers designed and constructed to hold more than 55 gallons of liquid or 100 pounds of dry product. For example, twenty gallons of product can be transferred to a container that meets specific design and capacity specifications. This can only be done in accordance with the specific directions of the product's registrant.

Transferring a pesticide from one container to another, except by the applicator for dilution and for use in their operation, is considered "producing" the pesticide. If the pesticide is being repackaged (produced) for someone else, then the person/business doing the repackaging must be authorized and registered as an U.S. EPA Establishment.

To legally repackage a pesticide, the following must be accomplished:

- Each location where repackaging occurs must be registered with the EPA and have its own unique EPA Establishment Registration number.
- The repackaging facility must have a current, written authorization from the respective product registrant (usually the manufacturer) to repackage their product and use its label.
- This authorization must be available upon request by an authorized EPA representative.
- The repackaged material must meet the same standard for product integrity (potency, effectiveness, and purity) as any other pesticide sold by the registrant.
- Containers must be either refilled with the same product or active ingredient, or be thoroughly cleaned according to written instructions provided by the registrant to avoid cross-contamination with other active ingredients.
- The dealer (or repackaging facility) must place their EPA-assigned Establishment Number on the product container or label of the container being packaged or repackaged and then securely attach the product label to

each container used to sell or distribute repackaged pesticide.

- All repackaged materials must have an EPA-approved product label that is provided to the end user.
- Each repackaging facility must keep timely and accurate records of receiving, repackaging, sales, and shipping of pesticides. This information is reported annually to the EPA on forms provided by the EPA.

Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who sells or distributes a pesticide in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) may be subject to **civil penalties of up to \$5,000 per offense**. The Pennsylvania Pesticide Control Act has enforcement provisions for persons distributing non-registered pesticides. A person repackaging a pesticide without registrant authorization could face **civil penalties of up to \$10,000 per violation**. Criminal provisions for knowingly violating this requirement include up to a **\$50,000 fine or imprisonment** for up to one year or both. In addition, any person may be issued a Stop Sale, Use or Removal Order by the EPA or the State to prohibit further distribution, sale, or use of the product in question.

Both the registrant and the dealer are liable for violations concerning the repackaged product if the dealer is authorized in writing by the registrant to repackage the product. Accountability is considered to be met when the product is transferred at a registered establishment operated either under contract to the registrant or at a registered establishment which has been given written authorization by the registrant for repackaging of the pesticide and use of the product label. Depending on the circumstances of the violation, the dealer, the registrant, or both parties may be charged. For example, violations of misbranding or adulteration commonly result in both parties being charged.

Reference: *Bulk Pesticide Repackaging*, Association of American Pesticide Control Officials, excerpts reprinted with their permission.