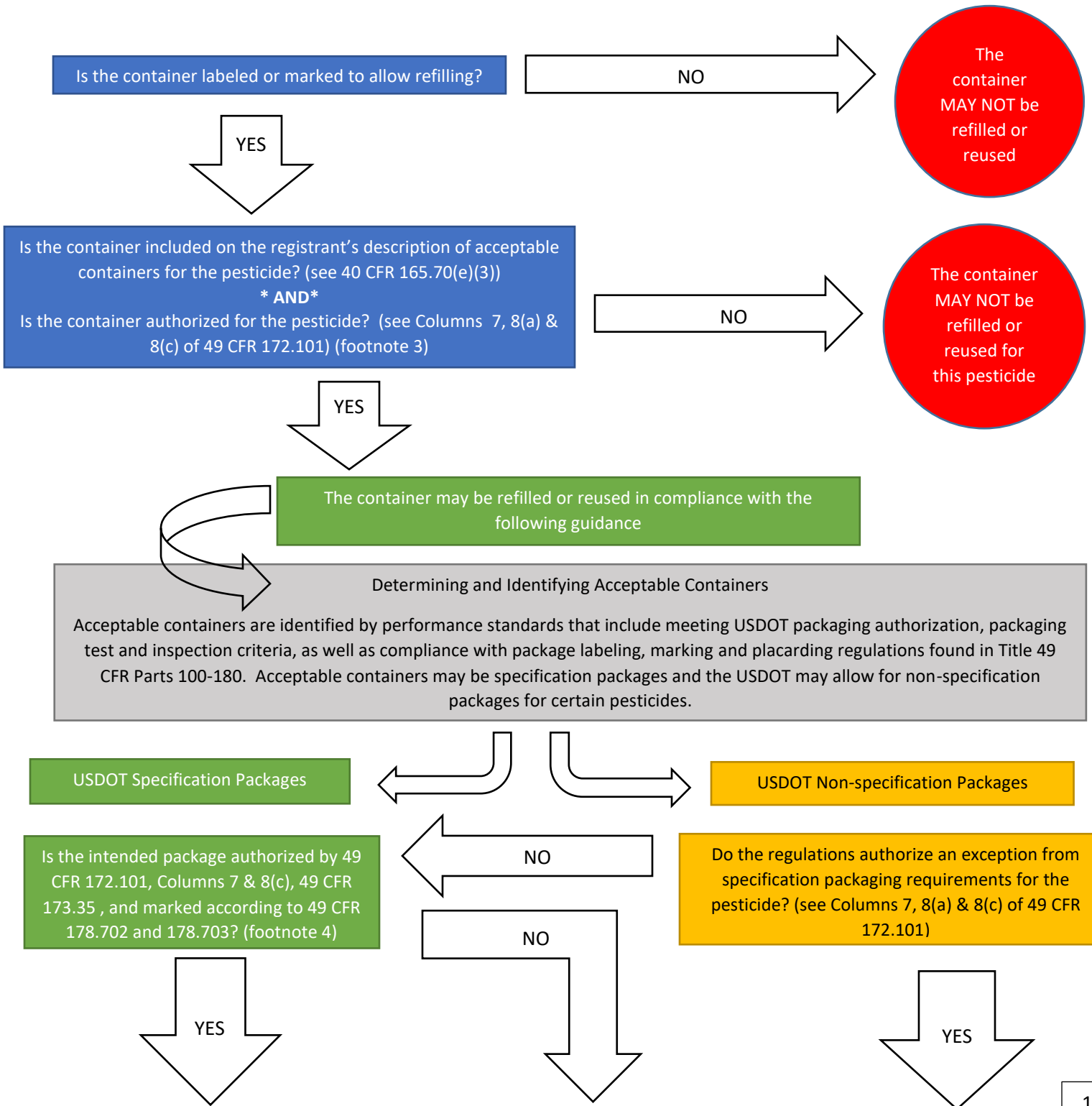
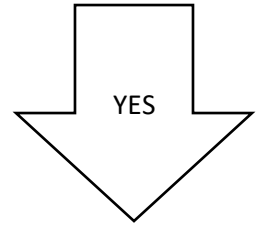
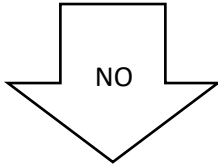
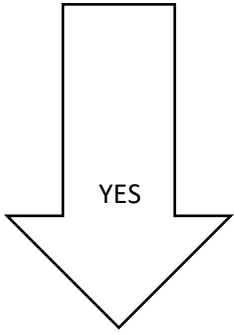




Flow Chart 2 Filling Containers With Capacity Greater Than 119 Gallons (IBC) (see footnote 1)

For general guidance only! (see footnote 2)

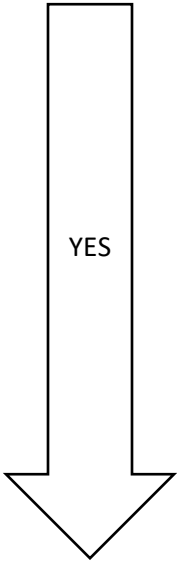
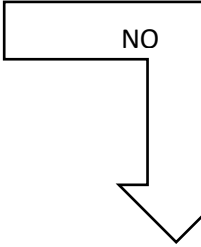




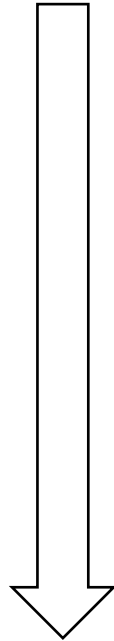
Has the container been subjected to the tests & inspections required in 49 CFR 180.352 and marked with the last test & inspection according to 49 CFR 178.703(b)?

Container MAY NOT be refilled with the pesticide

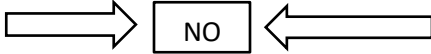
No package specification markings, no tests & inspections required.



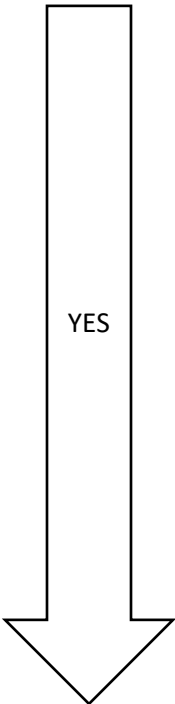
Container MAY NOT be filled until tested & marked



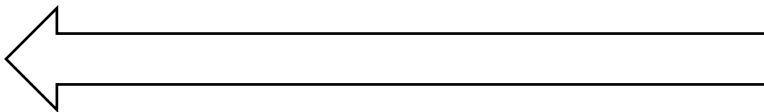
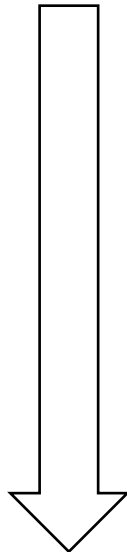
Is the container labeled, marked & placarded in compliance with 49 CFR 172.300, 172.400 & 172.500?



Is the container labeled, marked & placarded in compliance with 49 CFR 172.300, 172.400 & 172.500?



Container MAY NOT be stored or transported until labeled, marked & placarded as required (footnote 3)



YES

YES

Is the container marked with a serial number or other identifying code per 40 CFR 165.45(d)?

NO

Container must be durably marked with a serial number or other identifying code

Corrections made?

YES

Does the container pass EPA inspection each time prior to refilling? Is the container free of rupture, cracks, significant defects or damage that would render it unsafe for transportation? (see 40 CFR 165.70(f)(1) & 165.65)

NO

Container must be removed from service until repaired, reconditioned, or remanufactured to be in compliance with the relevant USDOT requirements

Corrections made?

YES

Is the container durably marked with a serial number / identifying code and any required markings per USDOT requirements and ALL required markings, labels & placards legible? (see 40 CFR 165.70(f)(2) & 49 CFR 172.300, 172.400 & 172.500) (footnote 3)

NO

Container must be retrofitted so all required markings, labels & placards are durable & legible

Corrections made?

YES

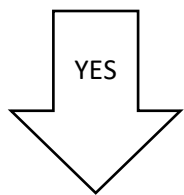
Are container vents designed to minimize the amount of material that can be introduced into the container through the vent? (see 40CFR 165.45(e))

NO

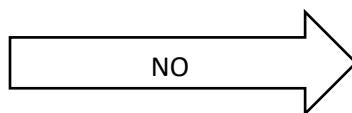
Vent must be retrofitted to make it difficult to put material through the vent into the container & vent must be difficult to remove

Corrections made?

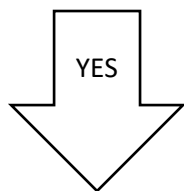
YES



Does each container opening (other than vents) have a one-way valve OR a tamper-evident device OR both (or will have one after the container is filled?) (see 40 CFR 165.45(e))

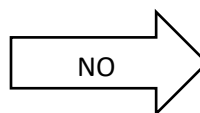


One-way valve or tamper-evident device must be installed on each opening (that is not a vent) before the container is released



Corrections made?

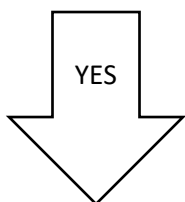
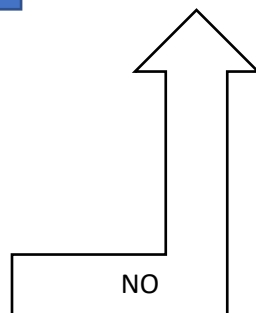
Were all of the container tamper-evident devices & one-way valves intact when the filler received the container? (see 40 CFR 165.70(g)(1))



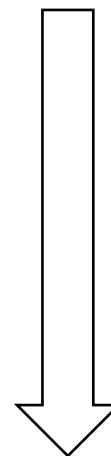
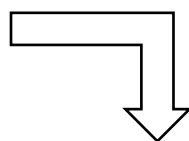
Refiller must clean the container using the cleaning procedure from the registrant of the pesticide being repackaged



Is the container being refilled with the same pesticide product (as determined by the label) OR is the container being refilled with a pesticide having the same single active ingredient in a compatible formulation? (see 40 CFR 165.70(g)(2) & 165.65 (g)(3)) (footnote 5)



The container is not required to be cleaned



The container may be refilled with the registrant's pesticide.

After refilling the container, the refiller must take the following 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) & 40 CFR 165.45(e))
- Ensure 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 3 years. (40 CFR 160.70(j)(2))

FOOTNOTES

1. The volume of 119 gallons is based on the United States Department of Transportation (USDOT) regulations and is the defining criteria between bulk and non-bulk packagings. This flow chart covers a type of bulk packaging defined as an 'intermediate bulk container' or IBC. All information in this flowchart is based on regulations found in Titles 40 and 49, Code of Federal Regulations, applicable on June 10, 2021.
2. **This flowchart is intended to provide general guidance to determine if a package may be refilled with a specific pesticide. The reader/user should consult regulations found in 40 CFR Part 165 and 49 CFR Parts 100-185 for complete details.** This flowchart is based on the scenario that a refiller at an EPA registered producing establishment (see 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, packaging and transportation regulations. The scenario assumes that:
 - The facility complies with all of the repackaging regulations in 40 CFR Parts 165.60-165.70 (such as having a current contract with the pesticide registrant);
 - 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);
 - The container is subject to the refillable container and repackaging regulations because it is being used to sell or distribute the pesticide (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).
 - The material to be filled is a hazardous material as defined in Title 49, CFR 171.8 and 173.115 – 173.140.
3. The packaging authorizations found in Columns 7, 8(a) & 8(c) of 49 CFR 172.101 and the labeling, marking and placarding requirements of 49 CFR 172.300, 172.400 and 172.500 are applicable when the material is stored incident to transportation and during transportation.
4. The UN symbol and other package specification information may not be marked on the container unless the container truly conforms to the requirements in 49 CFR Part 178 (see 178.3).
5. Determination of required cleaning of the container is based upon the assumption the container previously was 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:

- EPA container web page: <http://www.epa.gov/pesticides/regulating/containers.htm>
- Pesticide container regulations in 40 CFR, Part 165
- Transportation regulations in 49 CFR, Parts 100-185
- Pipeline & Hazardous Material Safety Administration web site: www.phmsa.dot.gov
- PHMSA Information Line: (800)467-4922