



STATE OF MAINE
 DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
 BOARD OF PESTICIDES CONTROL
 28 STATE HOUSE STATION
 AUGUSTA, MAINE 04333

JANET T. MILLS
 GOVERNOR

AMANDA E. BEAL
 COMMISSIONER

Memorandum

To: Board of Pesticides Control
 From: Alexander Peacock, Director
 Subject: Service Containers for Pesticides

December 6, 2024

Background:

At the October 25, 2024 Board meeting a policy to label secondary and service containers that contain pesticides was presented by staff. Upon taking into consideration feedback from the Board, staff have revised the proposed policy as seen below. The October 25, 2024 memo and draft policy are attached for reference.

Draft Policy:

Board of Pesticides Control (BPC) Policy for Labeling Service Containers

Although the BPC does not require labels on service containers, the Department of Transportation (DOT) and Occupational Safety and Health Administration (OSHA) requirements may apply. The BPC recommends that applicators holding an active license issued by the BPC identify any pesticide concentrate that is stored in a service container by labeling said container the Product name and EPA registration number. In the event of a spill or other incident this will ensure that adequate information regarding the pesticide can be obtained in case of medical or environmental emergency. BPC recommends that such labels include the following information:

- Product name.
- EPA registration number.

The label with product name and EPA registration number may be affixed to the container as a sticker or written directly onto the container with an indelible writing implement.

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It is a good management practice to ensure that the label for the pesticide product that has been put into a service container is available to any person transporting, handling and/or applying the pesticide.

Conclusions:

Often another employee/operator may use a vehicle or equipment that has a pesticide stored for use on it that the employee did not add themselves. If these containers are properly labeled, a new user will be aware of the materials on board and be able to reference the label for proper PPE and actions to take in the event of a spill or other incident. A policy to label service containers will help prevent undue harm to human health and environment. This policy will also aid in compliance with Chapter 20: Special Provisions and Title 7 § 606 as seen below.

Chapter 20: SPECIAL PROVISIONS

Section 3. Pesticide Storage and Disposal

- A. Unused pesticides, whether in sealed or open containers, must be kept in a secure enclosure and otherwise maintained so as to prevent unauthorized use, mishandling or loss; and so as to prevent contamination of the environment and risk to public health.

Title 7: AGRICULTURE AND ANIMALS

Part 2: MARKETING, GRADING AND LABELING

Chapter 103: PRODUCTS CONTROLLED

Subchapter 2-A: MAINE PESTICIDE CONTROL ACT OF 1975

§606. Prohibited acts

2. Unlawful alteration, misuse, divulging of formulas, transportation, disposal and noncompliance. A person may not:

- D. Handle, transport, store, display or distribute pesticides in such a manner as to endanger human beings or their environment or to endanger food, feed or any other products that may be transported, stored, displayed or distributed with such pesticides; [PL 2005, c. 620, §5 (AMD).]



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To: Board of Pesticides Control
From: Alexander Peacock, Director
Subject: Secondary & Service Containers for Pesticides

October 25, 2024

Background:

It is not uncommon for pesticide applicators to purchase pesticide concentrates in bulk containers. These concentrates are then transferred to a smaller service (breakdown) container for use in the field during mixing and loading procedures as needed. Pesticide concentrates are also often pre-mixed at a company's headquarters into end use dilutions in accordance with the label. These end use dilutions are often stored in a secondary container for use in the field. BPC inspection Staff have observed unlabeled service & secondary containers in the field during the inspection and have raised concern over possible harm to human health and/or the environment if these containers are not handled appropriately.

Draft Policy:

Board of Pesticides Control (BPC) Policy for Labeling Secondary & Service Containers

Although the BPC does not require labels on secondary and service containers, the Department of Transportation (DOT) and Occupational Safety and Health Administration (OSHA) requirements may apply. BPC recommends that the applicator identify the material in the secondary or service container in the event of a spill to ensure that adequate information regarding the pesticide can be obtained in case of medical or environmental emergency. BPC recommends that such labels include the following information:

- Product name.
- EPA registration number.
- Name of active ingredient.
- Signal Word

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- If the product in the container is diluted, it should be followed by the phrase:

“The product in this container is diluted as directed on the pesticide product label.”

“The dilution/mix ratio is _____.” (i.e. 2% or 1 fl.oz./gallon)

- The statement:
“Follow the directions for use on the pesticide label when applying this product.”
- The name and telephone number of the applicator/pest control firm [if applicable].

It is a good management practice to ensure that the label for the pesticide product that has been put into a secondary or service container is available to any person transporting, handling and/or applying the pesticide.

Conclusions:

Often another employee/operator may use a vehicle or equipment that has a pesticide stored or mixed for use on it that the employee did not add or mix themselves. If these containers or mix tanks are properly labeled, a new user will be aware of the materials on board and be able to reference the label for proper PPE and actions to take in the event of a spill or other incident. A policy to label secondary and service containers will help prevent undue harm to human health and environment. This policy will also aid in compliance with Chapter 29: Standards for Water Quality Protection and Title 7 § 606 as seen below.

Chapter 29: STANDARDS FOR WATER QUALITY PROTECTION

Section 2. Securing Pesticide Product Containers and Mix Tanks on Sprayers, Nurse Vehicles and Other Support Vehicles during Transportation

No person shall transport any pesticide unless it is secured so as to prevent release of pesticides onto the vehicle or from the vehicle. All tanks, liquid containers, cartons and bags must be securely held so they may not shift and become punctured or spilled.

Title 7: AGRICULTURE AND ANIMALS

Part 2: MARKETING, GRADING AND LABELING

Chapter 103: PRODUCTS CONTROLLED

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