



STATE OF MAINE
 DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
 BOARD OF PESTICIDES CONTROL
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Memorandum

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

January 15, 2025

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 during mixing and loading procedures as needed in the field. 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 concerns 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 Service Containers

Definitions:

Service Container: A container used to store undiluted pesticide concentrates that is not the original container in which the pesticide concentrate was distributed.

Secondary Container: A container used to mix pesticide concentrates into end-use solutions following the pesticide label and typically used by the end-user to make the pesticide application.

Although the BPC does not require labels on secondary and service containers, the Department of Transportation (DOT) and Occupational Safety and Health Administration (OSHA)

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requirements may apply. BPC recommends that the applicator identify the material in the **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.

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 on it that the employee/operator 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. Since pesticide concentrates pose a greater risk than diluted end-use pesticides, a policy to label service containers will help prevent undue harm to human health and the environment by allowing for proper identification of the product. 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).]