



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

October 25, 2024

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**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**

##### **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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## Pesticide Labels

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# Secondary Containers and Service Containers for Pesticides

Secondary containers and service containers are often used by pesticide applicators when they are applying a pesticide. EPA does not require secondary containers or service containers to be labeled or to meet particular construction standards. However, for both types of containers, the applicator is responsible for following the requirements on the pesticide product's labeling and complying with other relevant requirements in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and other statutes.

Given that both secondary and service containers are widely used, however, EPA has some recommendations for users who choose to label these containers. These recommendations for labeling are intended to help ensure the safe use of pesticides. Any labeling on secondary or service containers should not conflict with the product labeling.

On this page:

- What are secondary and service containers?

### Related Information

- Containers, Containment, Storage and Disposal of Pesticides  
<<https://epa.gov/pesticide-worker-safety/containers-containment-storage-and-disposal-pesticides>>
- Pesticide Containers  
<<https://epa.gov/pesticide-worker-safety/pesticide-containers>>



- EPA recommendations for labeling secondary and service containers
- Common questions

## What are Secondary and Service Containers?

Secondary containers and service containers are similar, but there are some minor differences, and different terms are used in different settings. A secondary container is used to apply and/or store an EPA-registered pesticide and, when it holds the pesticide, is neither sold nor distributed. Secondary containers are most commonly used in institutional settings for concentrated products that are diluted prior to use, or to hold pesticides filled from a larger container to be used or stored prior to application. Often secondary containers are filled by end users at the site where the product will be used.

Service containers are containers that are filled with an EPA-registered pesticide by an applicator and usually transported to a use site where the pesticide will be applied by the applicator. Although a product may be temporarily stored in a service container, the container is not intended for long-term storage. The term "service container" is often used in the agricultural setting and by pest control operators. Service containers also are not used to sell or distribute the pesticide.

## EPA Recommendations for Labeling Secondary and Service Containers

Although the Agency does not require labels on secondary and service containers, the Department of Transportation (DOT) and Occupational Safety and Health Administration (OSHA) requirements may apply. EPA recommends that the applicator identify the material in the secondary or service container in the event of a spill to ensure that

- Pesticide Containment Structures  
<<https://epa.gov/pesticide-worker-safety/pesticide-containment-structures>>
- Requirements for Pesticide Storage  
<<https://epa.gov/pesticide-worker-safety/requirements-pesticide-storage>>

adequate information regarding the pesticide can be obtained in case of medical or environmental emergency. EPA recommends that such labels include the following information:

- The name, address and telephone number of the applicator/pest control firm [if applicable].
- Product name.
- EPA registration number.
- Name and percentage of active ingredient.
- 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.”*
- Signal word and precautionary statements (including First Aid statements) from the registered label unless the registrant has acute toxicity data supporting lesser precautionary statements for the diluted product and alternate directions for the diluted product are indicated on the product label; and
- The statement: *“Follow the directions for use on the pesticide label when applying this product.”*

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.

EPA also allows registrants to provide labels to users for secondary containers that are used to apply or temporarily store end-use pesticides, as long as the labels that accompany the containers are not inconsistent, i.e., have no other statements that conflict, with the EPA approved pesticide label.

## Common Questions

### ***Do registrants need to submit labels for secondary containers to EPA?***

Registrants are not required to submit labels for secondary containers to EPA for review. However, if the secondary container label is inconsistent with the EPA-approved label, the Agency will consider the product misbranded.

## ***If a registrant wishes to submit and have EPA review the secondary container label, what does EPA require?***

As it isn't required that a secondary container label be submitted, there are no requirements per se. EPA will review them on a case-by-case basis and would be likely to accept them if:

- The EPA-approved master label includes directions for diluting the product.
- The secondary container label is submitted as part of the master label.
- The master label bears a statement that the secondary container must be labeled as presented on the master label (e.g., “When this product is diluted in accordance with the directions on this label, the dilution container must bear the following statements:”)
- The secondary container contains a statement prohibiting further sale or distribution.
- The secondary container may have reduced precautionary language (if supported by dilution-specific acute toxicity data), but not a reduced signal word.

## ***Is labeling a secondary container considered production?***

EPA does not consider the act of labeling a secondary container to be production.

## ***Should the percentage of active ingredient listed on a secondary container be adjusted to reflect the diluted product? If not, could you provide some information as to why the concentrated product ingredient listing should be reflected on the label of the secondary container?***

The percentage of active ingredient listed on the secondary container may reflect the concentrated product, or if known, the percentage of active ingredient in the end-use dilution. Listing the percentage of active ingredient as reflected on the product label and indicating the product has been diluted as directed relieves the user from having to calculate the percentage of active in the dilute formulation. Such a calculation can be difficult for the average user when the directions for use call for a ratio of product to diluent, (e.g., 1 part product to 64 parts diluent or 5 ounces of product to 128 ounces of water), and the directions do not list the percentage of active ingredient in the finished dilution.

## ***Can an empty secondary container be sold/distributed (e.g., a pallet of 20 oz. spray bottles labeled for use as secondary containers for a particular registered product)?***

In this example, the spray bottles are application equipment and secondary containers and can be sold/distributed if empty and as long as they do not bear labels or pesticidal claims. However, if at any time the contents of, or the filled secondary container itself is sold or distributed, the item is subject to registration as a pesticide product under FIFRA. If the empty spray bottles are packaged together with a registered pesticide, the whole package would be a pesticide product that requires EPA approval.

## ***Can an applicator leave a service container with a customer for the customer to apply?***

No, if the applicator leaves a filled service container with a customer for the customer to apply, the container is being used to sell or distribute the pesticide rather than for the applicator to use the pesticide. This triggers a number of different requirements. Selling and/or distributing a pesticide requires the product to be registered with EPA, the product container display full labeling, and for transfer of the product into a container to occur at a pesticide producing establishment registered with the EPA.

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