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Service Container Labeling

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**Enforcement
Letter**

ENF 01-38

Distribution

County Agricultural Commissioners

Referrals

If you have any questions, please contact your Senior Pesticide Use Specialist Liaison.

Approval

Original signed by . . .

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Background

This Enforcement Letter supercedes the Procedural Guidance Manual, ENF 77-64, 77-81, 77-97, 86-99 and any other previous policy statements on this subject which may differ.

Purpose

The purpose of this letter is to clarify statutes and regulations that pertain to "service container" labeling.

Definition

Food and Agricultural Code, section 12757.5 states: "Service container" means any container, other than the original labeled container of a registered pesticide provided by the registrant, that is utilized to hold, store, or transport the pesticide or the use-dilution of the pesticide.

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Service Container Labeling, Continued

Application of the Definition

Measuring vessels and application equipment are not considered to be service containers while they are in use. However, they are and must be labeled as a service container if they are used to store or hold pesticides for a prolonged period or to transport pesticide down a public road to another site. This interpretation applies to all application equipment from backpack sprayers to tractor mounted or towed equipment.

Discussion

The current regulations on service containers are in Title 3, California Code of Regulations (3CCR), section 6678. The definition in section 12757.5 refers to; hold, store, or transport a pesticide but does not include application. It also does not refer to measuring vessels.

Service container labeling regulations are required by FAC section 12859. That section prohibits the Department of Pesticide Regulation (DPR) from applying the regulations to any kind of a container used by a farmer on his or her own property and limits what can be required on the labeling to three specific items:

- The name and address of the person or firm responsible for the container.
 - The identity of the pesticide in the container.
 - The word “DANGER”, “WARNING”, OR “CAUTION” in accordance with the label on the original container.
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History

The origin of regulations regarding service containers was U.S. Environmental Protection Agency (U.S. EPA) Pesticide Enforcement Policy Statement Number 6. This statement specifically exempted measuring vessels and application devices from the definition. There was no state law on service containers at that time. DPR noted in October 1977 that we were working on proposed legislation to bring the Food and Agriculture Code into compliance with Federal Insecticide, Fungicide, and Rodenticide Act in regard to service container labeling.

The U.S. EPA Pesticide Misuse Review Committee issued advisory opinion #272 in December 1977 that “an application device (service truck) would be a service container if it was used to transport pesticides from one site to another or store pesticides for a prolonged period.

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Service Container Labeling, Continued

History
(continued)

The original “service container” labeling regulations were in 3CCR section 3098. They were adopted in January 1980 and repealed in January 1983 when they were determined to be unnecessary because the law was so specific about the requirements. These regulations specifically exempted agricultural aircraft and mix, load and application equipment used solely at the site. Later, it was determined that the law required a regulation to be operative and the new section was adopted.

cc: Mr. Daniel J. Merkley, Agricultural Commissioner Liaison