



Pesticide Container Recycling in California

California Department of Pesticide Regulation
Updated April 2011

Pesticide container recycling requirements apply to all registrants that sell any production agricultural-use or structural-use pesticide, including adjuvants.

What are California's pesticide container recycling requirements?

The law applies to products packaged in a rigid, non-refillable, high-density (HDPE) container of 55 gallons or less. Food and Agricultural Code (FAC) section 12841.4(a) requires that registrants of any production agricultural-use or structural-use pesticide product (including adjuvants) sold for use in California must establish or participate in a recycling program. The recycling program must comply with the American National Standard Institute (ANSI) American Society of Agricultural and Biological Engineers (ASABE) Standard S596, *Recycling Plastic Containers from Pesticides and Pesticide-Related Products*. (Copies of Standard S596 can be purchased at www.asabe.org.)

Does everyone who distributes or sells pesticides need to set up or participate in a recycling program?

No, the law applies only to registrants who sell production agricultural-use or structural-use pesticide products for use in California.

Are there requirements on retailers?

Retailers are generally not registrants. The requirement to establish or participate in a recycling program would not apply unless the retailer is also a registrant.

What if registrants already participate in recycling?

All recycling must comply with ANSI/ASABE Standard S596. If you are already recycling HDPE containers, make sure the program complies with all applicable Standard S596 provisions. (FAC section 12841.4[a])

What types of containers are included in the law?

California's pesticide container recycling law specifically applies to packages that contain 55 gallons or less, that are rigid and non-refillable, and made of high-density polyethylene thermoplastic, commonly referred to as HDPE. Manufacturers of rigid, non-refillable containers often display a recycle symbol surrounding the number "2" which distinguishes the container as HDPE.

RECORDKEEPING & REPORTING

What are the recordkeeping requirements?

Registrants of production agricultural-use or structural-use pesticides must maintain records associated with their recycling. If you participate in a recycling program or business, the recycling service may maintain the records. Specific requirements are described in ANSI/ASABE Standard S596 *Sections 6, Inspecting containers; 9, Volume reduction of containers; 10, Transportation of containers or plastic; 12, Processing the plastic; and 13, Manufacturing end-use products*. Records must be maintained for three years and are subject to audit by the California Department of Pesticide Regulation (DPR). (FAC 12841.4[a])

What are the reporting requirements?

Every registrant required to set up or participate in a recycling program must provide DPR with certification that this requirement has been met. (FAC 12841.4[b]) Documentation of participation in a recycling program must be received by DPR by January 30 each year. Failure to report may be subject to a penalty of up to \$5,000.

Documents may be faxed to 916-445-6100, e-mailed to millassessment@cdpr.ca.gov, or mailed to Department of Pesticide Regulation, Product Compliance Branch, PO Box 4015, Mail Stop 4A, Sacramento, CA 95812-4015.

Is there a certification form I submit?

Persons may self-certify by sending DPR a document on business letterhead with the following or similar wording:

I, [name of person certifying], certify that I am a registrant that sells production agricultural-use or structural-use pesticide product(s) for use in California that are packaged in rigid, non-refillable high-density polyethylene (HDPE) containers of 55 gallons or less, and that I participate in a pesticide container recycling program pursuant to section 12841.4 of the Food and Agricultural Code.

Make sure the letter is signed, has the name and phone number of a contact person who oversees your program or business operations, and the name, address and phone number of the recycling service, if you use one.

Is documentation needed if there were no products to recycle?

Registrants of production agricultural-use or structural-use pesticide product must provide documentation certifying participation in a program whether or not they recycled any containers. [FAC 12841.4(a)]

What are the responsibilities of the recycling program?

Recycling programs are required to collect, transport, store, process and oversee delivery of plastic material to manufacturers of end-use products in compliance with ANSI/ASABE Standard S596 and to maintain any records required by Standard S596. In addition, recycling programs are required to monitor all plastic derived from HDPE containers to ensure the materials will have no unreasonable adverse effect on the environment, people handling the plastic, or users of the end-use products manufactured from the recycled plastic.