



**Letters in support of the proposed Pesticide
Container Recycling Rule**

September 25, 2007





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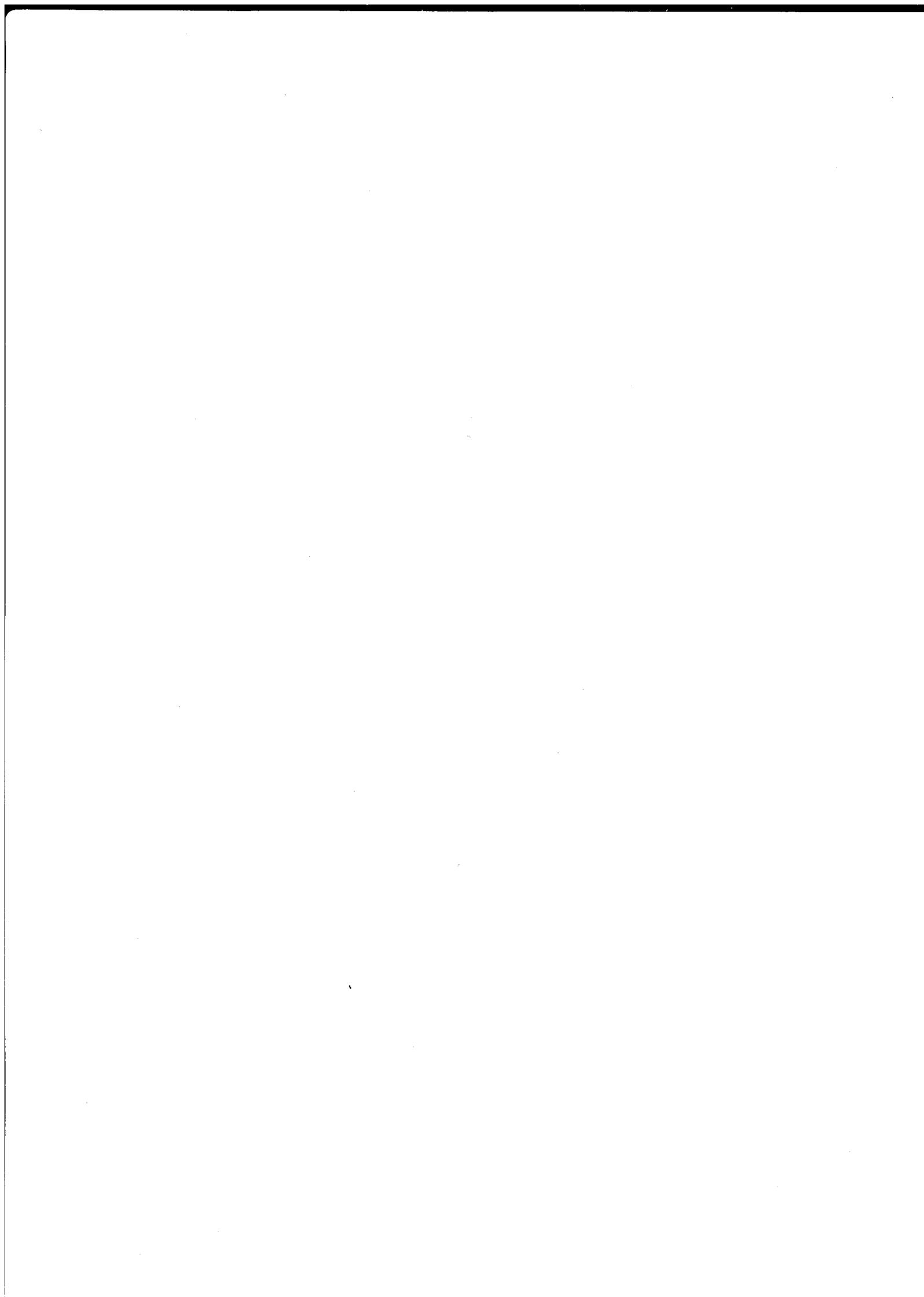
Figure 1: All letters received by CLA in support of the pesticide container recycling rule.....

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Figure 1: All letters received by CLA in support of the pesticide container recycling rule.

Letters From:	Type:
ACRC	Trade Association
Agribusiness Association of Iowa	Trade Association
Agricultural Alliance of North Carolina	Trade Association
Agricultural Retailers Association	Trade Association
American Farm Bureau Federation	Trade Association
AMVAC	Private Company
Arizona Crop Protection Association	Trade Association
Association of American Pesticide Control Officials	Trade Association
Association of Post Consumer Plastic Recyclers	Trade Association
BASF	Private Company
Bayer CropScience	Private Company
California Agricultural Aircraft Association	Trade Association
California Agricultural Commissioners Association	Trade Association
California Farm Bureau Federation	Trade Association
California State Department (DPR)	State Department and Gov.
Cathy McMorris Rogers	State Department and Gov.
Cheminova	Private Company
CropLife America	Trade Association
CropLife Canada	Trade Association
Dow AgroSciences	Private Company
Dow AgroSciences Specialty Crops	Private Company
Far West Agribusiness Association	Trade Association
FMC Corporation	Private Company
Gowan	Private Company
GROWMARK Inc.	Private Company
Interstate Ag Plastics	Private Company
Makhteshim Agan of North America, Inc.	Private Company
Michigan Agri-Business Association	Trade Association
Mid America CropLife Association	Trade Association
National Agricultural Aviation Association	Trade Association
National Recycling Coalition Inc.	Trade Association
Nufarm Americas Inc	Private Company
PBI Gordon Corporation	Private Company
Pesticide Policy Coalition	Trade Association
Responsible Industry for a Sound Environment	Trade Association
Senator Cochran	State Department and Gov.
SePRO Corporation	Private Company
Solid Waste Association	Trade Association
Southern Crop Protection Association	Trade Association
State of Arizona: Governor Napolitano	State Department and Gov.
State of Kentucky Department of Agriculture	State Department and Gov.
State of Maine Department of Agriculture	State Department and Gov.
State of Nebraska Department of Agriculture	State Department and Gov.
State of Washington Department of Ecology	State Department and Gov.
State of Wisconsin Department of Agriculture, Trade and Consumer Protection	State Department and Gov.
Syngenta	Private Company
The Pesticide Stewardship Alliance	Trade Association
UAP Distribution, Inc.	Private Company
United Phosphorus, Inc.	Private Company
USAg Recycling Inc	Private Company
Western Plant Health Association	Trade Association

Wisconsin Crop Production Association	Trade Association
Type:	Number of Letters:
Trade Association Letters	25
State Departments and Government	9
Private Company	18
Total:	52



Commentary: DPR works with Farm Bureau for container recycling

Issue Date: June 18, 2008

By Mary-Ann Warmerdam

It may not be the kind of environmental issue that makes headlines, but anyone who knows farming in California understands the problem of empty pesticide containers. Chances are good that if you own a farm, there's a spot somewhere on your property for a pile of empty drums, because proper disposal can be such a hassle.

Many of these containers are made of high-density polyethylene (HDPE). After rinsing, they could be recycled into products such as fencing, pallets and marine pilings. In fact, thanks to a group of manufacturers and sellers, a voluntary program has processed more than 80 million pounds of plastic pesticide containers in the last decade. The California Department of Pesticide Regulation and other agencies applaud their efforts.

But some other members of industry never joined the voluntary program. We all know what happens when only a few people support a program that benefits many. Now the program can't keep up with demand and is stretched to the breaking point. There are only a limited number of recyclers in California who are certified to take containers, and the majority of California growers do not have ready access to a recycler.

This is one of those cases where a formal, government-sanctioned recycling initiative is the only feasible alternative. And it makes sense for government to get involved when growers want to do the right thing for the environment, but the market can't seem to serve them fairly and effectively.

For several years, DPR has urged U.S. EPA to require a national pesticide container-recycling program. I'm glad to report that an EPA initiative seems to be moving forward, but we can't be sure when it will begin. In the meantime, DPR is sponsoring state legislation to ensure that container recycling will become a reality in California.

Senate Bill 1723, carried by Senator Abel Maldonado, R-Santa Maria, would require that those who sell agricultural and commercial pesticides in our state either participate in a recycling program or create their own program. Sellers would pay the costs, based on mandatory recordkeeping, and DPR would implement regulations to assure compliance.

SB 1723 has passed out of the Senate without any official industry opposition. It goes to the Assembly Agriculture Committee this week, and is also scheduled for referral to the Assembly Natural Resources Committee.

Among other parties, we're working closely with the California Farm Bureau to ensure that our recycling effort will be consistent with whatever program emerges at U.S. EPA. I'm very hopeful that with the Farm Bureau's assistance, we can get this bill to the governor's desk for his signature this year.

This is one of those cases where individual growers can have an impact. Please contact your legislators and urge their support for this much needed bill.

(Mary-Ann Warmerdam is the director of the California Department of Pesticide Regulation and can be reached by e-mail at mwarmerdam@cdpr.ca.gov or by calling (916) 445-4000.)

Permission for use is granted, however, credit must be made to the California Farm Bureau Federation when reprinting this item.



AMERICAN FARM BUREAU FEDERATION*

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July 5, 2007

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101A
Washington, DC 20460

Re: Status of Pesticide Container Recycling Rule

Dear Administrator Johnson:

American Farm Bureau Federation (AFBF) urges EPA to finalize the proposed pesticide container recycling rule. Farm Bureau members across the country support pesticide container recycling, but are concerned that these widely supported programs are at risk unless stable funding and access is provided through regulatory certainty. We believe the container recycling program benefits the farm economy, public health and safety and the environment.

We are disappointed to hear that the stakeholder-supported proposed recycling rule was met with serious internal objections from senior staff within the Environmental Protection Agency (EPA). Certainty and adequate funding are needed to ensure that these programs survive. AFBF encourages EPA to consult with the registrant community in order to resolve concerns regarding the proposal – we urge the agency to finalize the rule as soon as possible.

Both agricultural users and the registrant community recognize that EPA-OPPTS professional staff devoted considerable time and effort to drafting a final rule. AFBF believes that legal authority exists in FIFRA Sections 3,6,19 and 25 for EPA to publish a proposed container recycling rule without the need for additional public comment. Adequate “public notice and comment” on a rulemaking for pesticide container recycling occurred during the preamble discussion to the final rule on Containers and Containment, Aug. 16, 2006 (Federal Register 71:158 pp. 47331-32).

EPA-OPPTS’ recently drafted rule should be finalized, implemented and enforced in order to ensure collection of a portion of pesticide containers for recycling and provide for the remainder to be properly rinsed and disposed of in landfills.

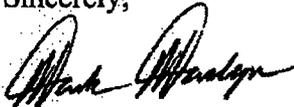
American farmers depend on pesticides to protect their crops from plant pests and diseases. An estimated 43 million pounds of non-refillable high density polyethylene (HDPE) containers are used annually in agricultural and professional specialty markets.

Before the establishment of the Ag Container Recycling Council (ACRC), the only options available to farmers and professional specialty users for container disposal were burning, dumping or land-filling. ACRC manages the voluntary collection and recycling of non-refillable HDPE plastic used in agricultural and professional specialty pesticide containers.

In Aug. 2006, EPA acknowledged the need for a more stable recycling system. EPA published a final rule on Pesticide Management and Disposal; Standards for Pesticide Containers and Containment which stated, *"EPA has an interest in promoting recycling to minimize the use of less environmentally-sound methods of disposing of these containers, such as by landfill or burning, and to reduce the amount of solid waste produced annually. After considering and evaluating a number of alternatives to sustain and increase the current level of container recycling, EPA has initiated development of proposed regulations for the recycling of plastic pesticide containers to ensure equitable, safe, effective and robust implementation of recycling programs. We are exploring a range of regulatory options for requiring participation in pesticide recycling programs and we will work with stakeholders to evaluate and pursue the most efficacious of these approaches."* (page 47332) We urge EPA to stand by its declaration and issue a final rule that "ensure(s) equitable, safe, effective and robust implementation of recycling programs" remain available across the country.

AFBF appreciates your consideration of our request. Please contact Rebeckah Adcock, 202-402-3663, if you have additional questions regarding our request.

Sincerely,



Mark A. Maslyn
Executive Director
Public Policy



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

July 20, 2007

Mr. Steven Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Room 3000
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Johnson:

On behalf of the California Environmental Protection Agency, we request that you immediately proceed with publishing the proposed pesticide container recycling rule. Any further delay, especially going through a more lengthy advanced notice of proposed rulemaking process, will destroy the remains of the existing system. As environmental regulators in California, we support the agency's decision to make recycling of pesticide containers mandatory for registrants of agricultural and specialty pesticide products, and believe that a proposed rule is the most efficient path to achieve that end.

Immediate regulatory action is needed to salvage a successful system that is on the brink. California and the nation have benefited from the voluntary stewardship program supported by many agricultural chemical registrants through the Agricultural Container Recycling Council (ACRC). However, container collection efforts by ACRC contractors in California have suffered as ACRC funding nationwide has faltered due to lack of participation by some members of the registrant community. The necessary resolution to this situation is a national regulatory standard. Even CropLife America correctly concluded that a mandatory recycling requirement by the U.S. Environmental Protection Agency would create the level playing field needed to sustain and broaden this stewardship activity. Your agency agreed with that conclusion when it announced on August 16, 2006, that it had initiated development of regulations to promote an equitable, safe, effective, and robust implementation of a recycling program.

Delays in moving ahead with a rule for a mandatory program will result in empty pesticide containers being disposed of in an inappropriate manner. We expect pesticide users to have viable and environmentally acceptable options beyond sending triple-rinsed containers to sanitary landfills that are under an obligation to reduce recyclable items like plastic.

The proposed rule would prevent the potential risk to people and, especially, children from exposure to plastics previously used in pesticide containers. We support the proposed standard for focused marketing of recycled plastic from pesticide containers to prevent its use in such

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A Department of the California Environmental Protection Agency

Mr. Steven Johnson
July 20, 2007
Page 2

things as food/feed containers and childrens' toys, and understand the Agency's intent to include this standard in the rule to reflect the current ACRC standard. We want that standard in place as soon as possible to reduce the opportunity for offshore agents to purchase this plastic for Asian markets where it may be used in consumer products in an unacceptable manner. What the market needs is certainty to help focus the development of appropriate uses for plastic recycled from pesticide containers. Delaying action to gauge public response under an advanced notice of proposed rulemaking defeats the affirmative pursuit of stewardship practices by a willing industry.

California can identify additional markets for products using recycled plastic from pesticide containers that are health and environmentally protective. Our California Integrated Waste Management Board has a proven record of assisting the private sector in developing and expanding markets, and believe its expertise will be invaluable.

We strongly request that the U.S. Environmental Protection Agency move directly to a proposed rule to mandate recycling of agricultural and specialty pesticide product containers. Any further delay in advancing this rule will jeopardize public health and environmental stewardship.

Sincerely,



Mary-Ann Warmerdam, Director
Department of Pesticide Regulation
(916) 445-4000

original signed by
Margo Reid Brown, Chair
California Integrated Waste Management Board
(916) 341-6051

cc: Ms. Linda Adams, Secretary
California Environmental Protection Agency



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JANET NAPOLITANO
GOVERNOR

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July 31, 2007

The Honorable Stephen Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Johnson:

It has recently come to my attention that plans to move forward with an important pesticide container-recycling rule have been stalled. In August of 2006 the EPA announced plans to proceed with pesticide container recycling regulation; however, recent indications are that this rule may be significantly delayed. This delay would seriously jeopardize the current pesticide container recycling activities already in place and could hurt the environment and public health.

The Agricultural Container Recycling Council (ACRC) has had a voluntary program that successfully recycled 90 million pounds of plastic over the last 15 years. Properly disposed pesticide containers prevent harmful pesticide exposure to people and animals. Unfortunately, due to its voluntary nature, not all pesticide manufacturers have supported this program. The manufacturers paying to support ACRC's good work are being unfairly burdened with paying the full cost while other manufacturers get a "free ride." The manufacturers currently supporting the program will not continue funding this program unless they can see an equitable fix, such as the proposed rule. If the current participants withdraw their support, ACRC will not be able to continue their good work. As a result, many pesticide containers would not be recycled, increasing environmental and public safety problems for Arizona. Arizona should not have to handle the numerous pesticide containers in our landfills and the residual medical impacts to our citizens that could result should EPA fail to pass this rule.

The Honorable Stephen Johnson
July 31, 2007
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Pesticide manufacturers have stepped up and are supporting the pesticide container-recycling rule, it is now time for the EPA to pass this rule and protect the environment and public safety.

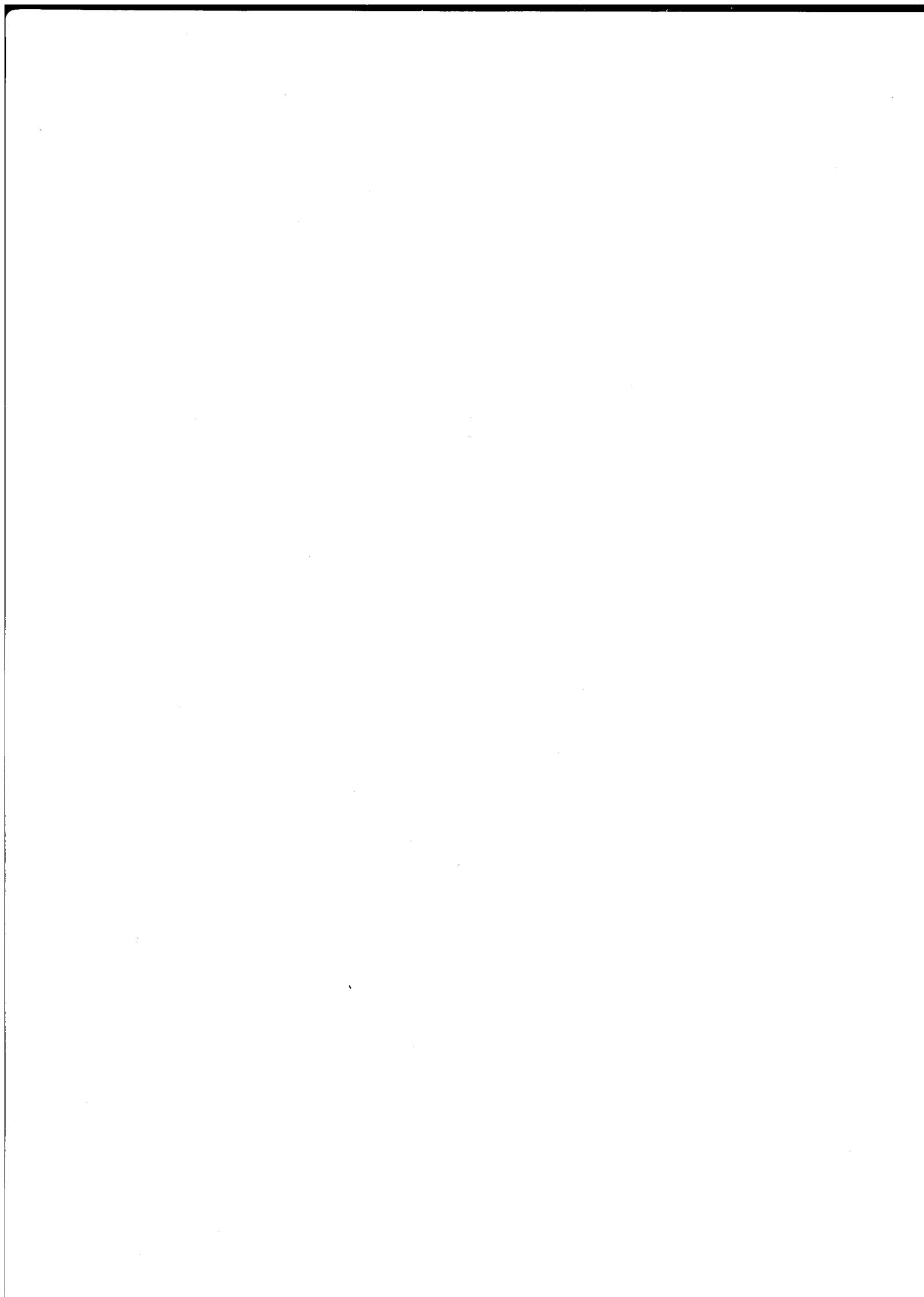
I strongly urge you to move quickly toward proposing the rule to regulate pesticide container recycling.

Yours very truly,

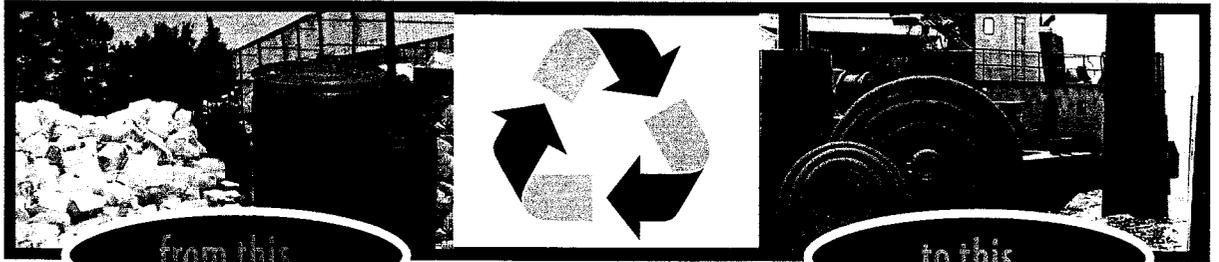


Janet Napolitano
Governor

cc: Senator Jon Kyl
Senator John McCain
Representative Rick Renzi
Representative Trent Franks
Representative John Shadegg
Representative Ed Pastor
Representative Harry Mitchell
Representative Jeff Flake
Representative Raul Grijalva
Representative Gabrielle Giffords



Recycling Works!



ACRC
Ag Container Recycling Council

www.acrecycle.org

Here's How...

Recycling is Accessible

Recycling could be as simple as a phone call to your area ACRC Contractor. In most areas, there is no collection fee for growers and commercial applicators. In some areas an on-site fee may be charged.

There are five Contractors servicing the U.S. For pick up schedules in your area, contact your Contractor listed here. Pilot Programs are available for states not covered by an ACRC Contractor.

**CO, IL, IN, IA, KS, KY, MI, MO,
MN, NE, ND, OH, SD, WI, WY**

Container Services Network, LLC
P.O. Box 4829
Greenville, SC 29608
Gary Glickman
866-225-6629
gglickman@containerservicesnetwork.com

**AL, FL, GA, LA, MD, MS, NM,
NC, OK, PA, SC, TN, TX, VA, WV**

USAg Recycling Inc.
18330 Penick Road
Waller, TX 77484
Sam Gibson
800-654-3145; 936-372-5428
samg@usagrecycling.com

ID, OR, WA

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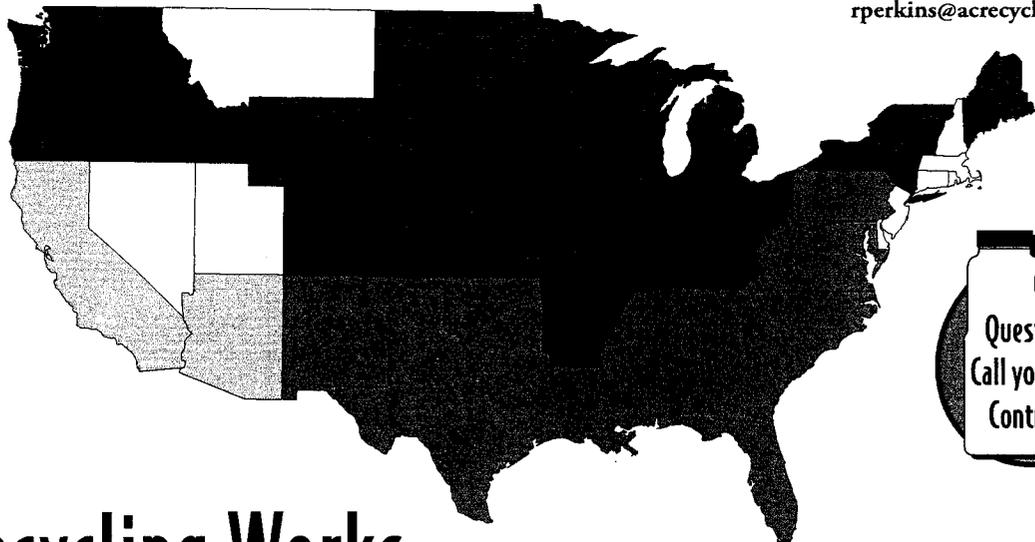
PILOT PROGRAMS

ME, NY, VT
877-952-2272

All Other States

And for additional information relating to ACRC program activities, call the ACRC: 877-952-2272
Visit online: www.acrecycle.org

Ronald Perkins, Executive Director
rperkins@acrecycle.org



Recycling Works

95 million pounds have been collected since 1992.

2008 begins the 17th year of service for the Ag Container Recycling Council. At present, approximately 95 million pounds of triple-rinsed high density polyethylene (HDPE) containers have been collected by ACRC Contractors throughout the U.S. For more information on the ACRC Member Companies who make it possible, please refer to the back cover.

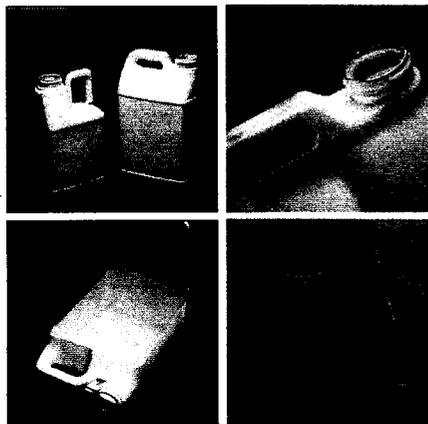
Recycling Prep is Simple

Preparing containers for recycling is important. Just be sure to follow this checklist before your ACRC Contractor arrives for pickup.

ACRC Inspection Checklist for Container Acceptability

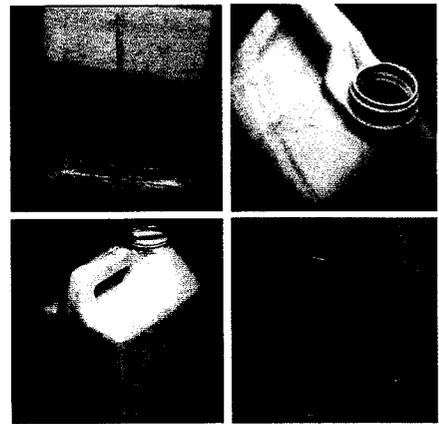
- ✓ **TYPE:** Include non-refillable containers made from HDPE (high density polyethylene) only; embossed with recycling symbol #2.
- ✓ **PRIOR USE:** EPA registered crop protection products labeled for agriculture, forestry, vegetative management, and specialty pest control are acceptable. Also acceptable, containers holding crop protection adjuvants, crop oils and surfactants.
- ✓ **EXCLUSIVE PROFESSIONAL USE:** The ACRC accepts containers for products applied by Growers or Commercial Applicators only. *Do not include containers that held veterinary, consumer or home & garden protection products. These are not acceptable for recycling in the ACRC program.*
- ✓ **SIZES:** All sizes up to 55-gallon capacity drums are routinely accepted.
- ✓ **RESIDUES & CLEANING:** Containers must be empty and triple rinsed or pressure rinsed to remove all standing residue. Staining is acceptable. Caked on residue is not. Be sure there is no residue that can be smeared or will flake off when touched with a glove. Container insides must be dry.
- ✓ **STORAGE:** To keep container insides dry, store in a building, trailer, or under a plastic tarp.
- ✓ **PARTS & CAPS:** Non-HDPE (high density polyethylene) parts such as caps, metal handles and rubber linings *cannot* be recycled, and should be disposed of as normal solid waste. Do not put a cap back on a rinsed container.
- ✓ **LABEL & BOOKLET REMOVAL:** Labels and booklets will interfere with the recycling process and should be removed. However, a few local authorities require that labels remain affixed. If you have doubts, check with your local authority. If you have trouble with label removal, check with your ACRC Contractor.

Containers acceptable for recycling



Acceptable containers rinsed, stained but residue-free. Caps and labels removed.

Containers NOT acceptable for recycling



NOT acceptable are containers caked with residue, dried formulation on container and thread and liquid residue present.

Recycling Adds Up

- 0 - Cost to grower, dealer or custom applicator, in most areas
- 3 - Rinses per container for triple-rinse
- 5 - Recycling Contractors servicing the ACRC across the U.S.
- 16 - ACRC years of service to U.S. growers and custom applicators
- 31 - ACRC Member Companies & Affiliates
- 39 - States covered by ACRC Contractors or covered by Pilot Programs
- 30,000 - Pounds* of triple-rinsed containers collected in 1990
- 2,500,000 - Pounds* collected in 1993, second year of the ACRC
- 8,000,000 - Pounds* collected in 2005, fourteenth year of the ACRC
- 95,000,000 - Total Pounds* collected by ACRC Contractors since 1992

*Approximate

The ACRC is a non-profit organization comprised of 25 Member Companies and 6 Affiliates whose purpose is to promote and support the collection and recycling of triple-rinsed (HDPE) crop protection product containers.

ACRC MEMBER COMPANIES

Amvac Chemical Corp.
Arysta LifeScience
BASF
Bayer CropScience
Becker Underwood
Certis USA
Cheminova, Inc.
Chemtura Corp.
Dow AgroSciences LLC

DuPont Crop Protection
FMC Agricultural Products
Helena Chemical Co.
Makhteshim Agan of
North America, Inc.
Monsanto Co.
Nichino America, Inc.
Nufarm Americas Inc.
RiceCo LLC

SePRO Corp.
Sipcam Agro USA, Inc.
Syngenta Crop Protection, Inc.
Tenkoz, Inc.
United Phosphorous, Inc.
(UPI)
Valent BioSciences
Valent USA Corp.
Wilbur-Ellis Co.

AFFILIATE MEMBERS

Cimarron Label
Cousins-Currie, Ltd.
Lee Container
Pretium Packaging
Reliance Products
Rieke Corporation

HONORARY MEMBERS

food 360° /Vance Publishing Corp.
Harris Publishing
High Plains Publishers, Inc.
Malcolm Media • Ag Publishing
Meister Media Worldwide
Meredith Corporation/Successful Farming Magazine
Penton Media, Inc./Farm Press Publications

Honorary Members represent publishing companies who help spread the word of ACRC activities and capabilities through public service announcements.

www.acrecycle.org

Guía ilustrada de ACRC

Compare sus envases con los que se muestran aquí...

Siempre siga las instrucciones de la etiqueta antes de trabajar con productos protectores de cultivos.

Use equipo protector adecuado según lo especifica la etiqueta del producto.

ACRC es una organización sin fines de lucro cuyo propósito es el desarrollo y el apoyo de la recolección y el reciclaje de envases debidamente enjuagados de productos para la protección de cultivos.

**Ag Container
Recycling Council**

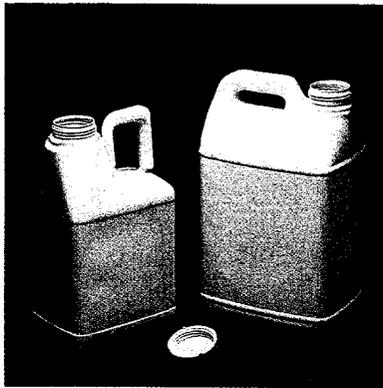
www.acrcycle.org

Correo electrónico:
info@acrcycle.org

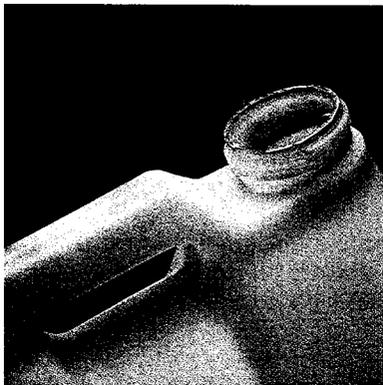


Ag Container
Recycling Council

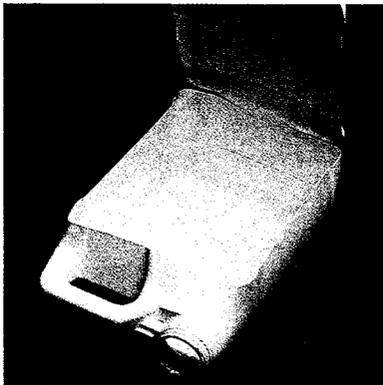
Aceptable



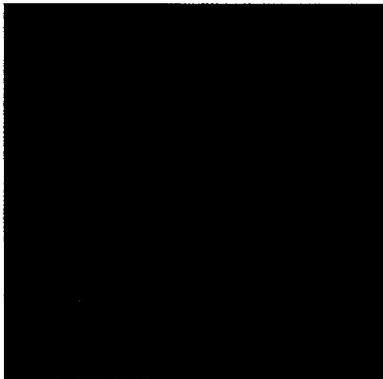
El envase, la rosca y reborde están limpios.



Agarradera y cuello manchados pero limpios.



Interior manchado pero enjuagado y limpio.



El interior está limpio y seco.

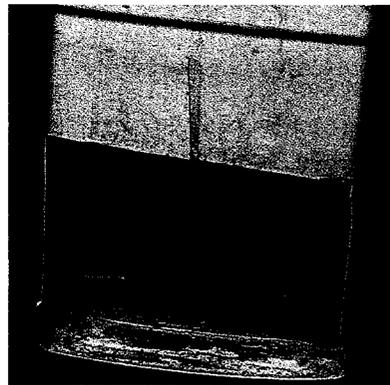
Inaceptable



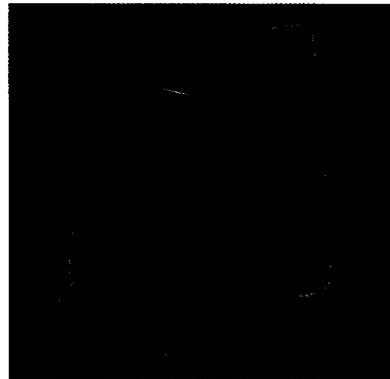
Formulación seca en el envase.



Formulación seca en la rosca.



El fondo está encostrado con residuo seco.



Residuo líquido presente en el envase.

Lista de Requerimientos para Reciclar Envases de Acuerdo con las Normas de ACRC



Ag Container
Recycling Council

ACRC puede reciclar estos envases.



El programa de ACRC acepta envases siempre y cuando se haya cumplido con todas las especificaciones y recomendaciones indicadas en la siguiente lista:

- ✓ **Envases:** Estos deben ser no recargables y estar hechos de polietileno de alta densidad (PAD). Algunos envases de PAD tienen una capa delgada de otro material con el cual han sido fabricados y que es aceptable. Los envases tienen estampado el símbolo de reciclaje con los números 2 ó 7.
- ✓ **Uso:** Sólo si el envase contenía originalmente un plaguicida registrado por la EPA y etiquetado para su uso en la agricultura, silvicultura, manejo vegetal o control de plagas especiales. También se aceptan envases que contenían adyuvantes, surfactantes o aceites para la protección de cultivos y que no están registrados por la EPA.
- ✓ **Uso profesional:** Si el producto es de uso restringido y su contenido fue usado por un aplicador certificado, aplicador comercial o por una persona bajo la supervisión directa de un aplicador certificado o de un aplicador comercial.
- ✓ **Tamaños:** Se aceptan envases desde los tamaños más pequeños hasta una capacidad de 55 galones. Para tamaños mayores de 55 galones de capacidad, póngase en contacto con el centro de recolección o con el contratista de ACRC.
- ✓ **Vaciado:** Los envases deben estar vacíos para ser reciclados en el programa de ACRC.
- ✓ **Piezas inaceptables:** Las tapas y demás piezas que no sean de PAD, como agarraderas de metal y revestimientos de metal, no pueden reciclarse. Remueva y descarte estas piezas como desecho sólido normal. **Nunca ponga la tapa nuevamente en el envase enjuagado.**
- ✓ **Limpieza:** El programa de reciclaje únicamente aceptará los envases debidamente enjuagados. Enjuague a presión o tres veces el envase inmediatamente después de vaciarlo. Vacíe el agua del enjuague en el tanque del equipo de aplicación.
- ✓ **Inspección:** Inmediatamente después de enjuagar el envase, examínelo por dentro y asegúrese de que se haya eliminado toda la formulación con el enjuagado. También inspeccione el exterior del envase; particularmente revise que la tapa, la rosca y la pared del envase alrededor de la tapa estén libres de residuos de la formulación que se descamen, manchen o se peguen a un guante al tocarlos. El reciclador no podrá aceptar envases que tengan residuos desprendibles de la formulación por dentro o por fuera.
- ✓ **Manchas:** Ciertos productos tiñen el plástico con una mancha penetrante. Los envases manchados son **aceptables** siempre y cuando no haya residuos que se unten o se puedan desprender al tocarlos con un guante.
- ✓ **Etiquetas:** Verifique con las autoridades locales y siga sus instrucciones para la remoción de las etiquetas. Las etiquetas y algunos cuadernillos interfieren con el proceso de reciclaje. Sin embargo, algunas autoridades de inspección prefieren que se mantengan las etiquetas pegadas a los envases para que se pueda identificar cualquier residuo.
- ✓ **Almacenamiento:** Los envases deben estar secos. Almacene los envases limpios en un edificio cerrado, en un acoplado o dentro de bolsas plásticas. Los recicladores no aceptarán envases que tengan líquido dentro.
- ✗ **NO SE ACEPTAN los envases que originalmente contenían productos veterinarios, productos de uso doméstico o pesticidas para casa y jardín.**

CHRONOLOGY OF PESTICIDE CONTAINER RECYCLING IN THE UNITED STATES

- American farmers depend on crop protection chemicals to protect their crops from the ravages of plant pests and diseases. Crop protection chemicals play an indispensable role in assuring the economic well-being of U.S. farmers and providing a safe and abundant food supply to U.S. consumers.
- It is estimated that about 43 million pounds of non-refillable high density polyethylene (HDPE) containers are used annually in agricultural and professional specialty markets.
- Prior to the establishment of the Ag Container Recycling Council (ACRC), the only options available to farmers and professional specialty users for container disposal were: burning, dumping or land-filling.
- ACRC, a non-profit organization was formed in 1992 to manage the collection and recycling of non-refillable HDPE plastic used in agricultural and professional specialty pesticide containers.
- More than 100 million pounds of HDPE plastic has been safely recovered from non-refillable pesticide containers since 1992. Total out-of-pocket cost to industry for operating ACRC has exceeded \$53 million. It has, in turn, generated a much larger in-kind investment by farmers, dealers, extension agents, and others to provide education, container cleaning & inspection and donated collection sites. About 8 million pounds of such plastic was recycled annually in 2004 and 2005 under the ACRC program.
- End uses of recycled HDPE plastic include field drain pipe, speed bumps, parking stops, treated lumber substitutes for marine pilings, fence posts, etc.
- Without a doubt, container recycling is an important contributor to achieving public health and environmental protection goals. Recycling results in cleaner containers across the board because the inspection requirement motivates pesticide users to triple rinse containers.
- In 1999, several CropLife America (CLA) members dropped out of ACRC. Therefore, the CLA Board made ACRC membership a condition of CLA membership for those members that generate non-refillable HDPE containers.
- Pesticide container recycling is a high profile issue in many states, especially in Arizona, California, Maine, New York and Washington. It must be addressed at the national level. If the current ACRC program collapses due to funding fairness issues and inaction by EPA, it is only a matter of time before several states would be requiring inconsistent but mandatory recycling programs.
- CropLife International and its member companies actively support container management programs in the EU, North America, Latin America and Asia:
 - In France, container management is run by ADIVALOR, which is jointly owned by the French Crop Protection Association (UIPP), French distributors and farmers and has received financial support from the

French Ministry of Environment and Water Agencies. In 2003, ADIVALOR collected 1,840 tons of plastic from over 3,650 sites. This represented about 25% of the estimated volume of plastic pesticide containers generated that year.

- In Brazil, Instituto Nacional de Processamento de Embalagens Vazias (InpEV) recycled about 89% of the generated plastic containers generated in 2006. Pesticide container recycling in Brazil has recently become mandatory.
- CropLife Canada operates an organization that is parallel to ACRC in the U.S. and is collecting and recycling over 70% of non-refillable HDPE containers.
- In July, 2005, EPA and ACRC jointly announced the initiative for the development of a National Standard to guide plastic pesticide container recycling by the American Society of Agricultural and Biological Engineers (ASABE), which is an accredited body of the American National Standards Institute (ANSI). The committee that developed these standards included experts from the U.S. EPA, state pesticide control officials, pesticide manufacturers, distributors and extensions. The Standard (ANSI/ASABE S596) was published in February 2006.
- In August, 2006, EPA published its long awaited final rule on Pesticide Management and Disposal; Standards for Pesticide Containers and Containment. On page 47332 of the Federal Register (Volume 71, no. 158, August 16, 2006) the final rule stated:

“EPA has an interest in promoting recycling to minimize the use of less environmentally-sound methods of disposing of these containers, such as by landfill or burning, and to reduce the amount of solid waste produced annually. After considering and evaluating a number of alternatives to sustain and increase the current level of container recycling, EPA has initiated development of proposed regulations for the recycling of plastic pesticide containers to ensure equitable, safe, effective and robust implementation of recycling programs. We are exploring a range of regulatory options for requiring participation in pesticide recycling programs and we will work with stakeholders to evaluate and pursue the most efficacious of these approaches.”

Conclusion

Unless a national pesticide container recycling program through a private-public partnership is initiated, the voluntary stewardship program managed by the ACRC for nearly 16 years, is at risk of collapse. While the registrants are willing to do their part, EPA needs to show leadership in publishing the proposed container recycling rule as soon as possible, which should include:

- **Mandatory recycling for agricultural and professional specialty pesticide registrants.**
- **A program that meets ANSI/ASABE container recycling standard.**
- **Minimal EPA oversight through a third party certificate system.**

KEY POINTS ON PESTICIDE CONTAINER RECYCLING RULE

- More than 100 million pounds of high density polyethylene (HDPE) plastic has been safely recovered from non-fillable pesticide containers since 1992. Total out of pocket cost to pesticide industry for operating the Ag Container Recycling Council (ACRC) exceeded \$53 million.
 - Pesticide container recycling is widely supported by farmers, state regulators and registrants. Container recycling benefits public health and safety, and the environment.
 - We recognize that EPA-OPP's professional staff has devoted considerable time and effort in drafting the proposed container recycling rule.
 - We believe that FIFRA Sections 3,6,19 and 25 provide ample legal authority to EPA to establish regulations for making recycling part of the comprehensive effort to ensure safe use and disposal of empty pesticide containers.
 - EPA-OPP has already notified the regulated community and stakeholders about its intentions to initiate a rule making on pesticide container recycling by announcing it in the final rule on Containers and Containment, published on August 16, 2006.
 - Regulatory changes are needed to initiate a national pesticide container recycling program. If these regulatory changes are not made soon, the voluntary stewardship program managed by the ACRC for nearly 16 years is at risk of collapse.
 - Therefore, EPA-OPP's recently drafted proposed rule must be published and finalized by the end of 2008, and also enforced to ensure collection of properly rinsed pesticide containers for recycling and provide for the remainder to be disposed of in landfills.
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