

New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials, Region One
Pesticide Management
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Tuesday, October 31, 2006

H. Pat Voges
Government Affairs Chairman
Nassau/Suffolk Landscape Gardener's Association
Post Office Box 489
Brightwaters, New York 11718

Re: ECL 33-1301(1) Service/Alternative Container Labeling

Dear Pat,

This letter is in follow-up to our meeting yesterday, at which time we discussed labeling requirements as they relate to service/alternative containers.

Any person utilizing a service container containing a pesticide must comply with ECL 33-1301(1), and must ensure that the container bears the following, or must directly affix to such container a label bearing:

- (1) The name and address of the manufacturer or registrant as it appears on the pesticide product label;
- (2) The registered product name and the USEPA registration number; and
- (3) The maximum volume or weight of pesticide that the container can hold.

In addition, if the service container contains pesticides with any substance or substances in quantities highly toxic to humans, the service container must also bear:

- (1) The skull and crossbones;
- (2) The word "POISON" prominently, in red, on a background of distinctly contrasting color; and
- (3) A statement of an antidote for the pesticide.

As an alternative to both of these requirements, a person may directly and securely affix a copy of the registered product label of the pesticide to the container or application device and indicate maximum weight and volume.

Please also note that in addition to properly labeling service/alternative containers, certified applicators, certified technicians, and commercial pesticide apprentices must have a copy of the entire label in their custody during pesticide use. This is necessary to comply with the provisions of 6 NYCRR 325.2(d) which states:

During pesticide use, the certified applicator, certified technician or commercial pesticide apprentice must have in their custody a copy of the label for each pesticide being used. The certified applicator, certified technician or commercial pesticide apprentice must make each label available for inspection upon request of the department.

As always, if you have any questions regarding this, or any other pesticide-related matter, please contact me at the above address or telephone number.

Sincerely yours,



Vincent A. Palmer
Pesticide Control Specialist III
Case Review Officer

vap

cc: M. O'Neil
A. Lamarino
Region One Pesticide Unit
File: ECL 33-1301(1) Service/Alternative Containers