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## 40 C.F.R. § 165.70

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### Refillers who are not registrants.

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- (a) *Must I comply with the standards in this section?* You must comply with the standards in this section if you are a refiller of a pesticide product and you are not the registrant of the pesticide product.
- (b) *Under what conditions can I repackage a registrant's pesticide product into refillable containers?* A registrant may allow you to repackage the registrant's pesticide product into refillable containers and to distribute or sell such repackaged product under the registrant's existing registration if all of the following conditions are satisfied:
- (1) The repackaging results in no change to the pesticide formulation.
  - (2) One of the following conditions regarding a registered refilling establishment is satisfied:
    - (i) The pesticide product is repackaged at a refilling establishment registered with EPA as required by § 167.20 of this chapter.
    - (ii) The pesticide product is repackaged by a refilling establishment registered with EPA as required by § 167.20 of this chapter at the site of a user who intends to use or apply the product.
  - (3) The registrant has entered into a written contract with you to repackage the pesticide product and to use the label of the registrant's pesticide product.
  - (4) The pesticide product is repackaged only into refillable containers that meet the standards of subpart C of this part.
  - (5) The pesticide product is labeled with the product's label with no changes except the addition of an appropriate net contents statement and the refillers EPA establishment number.
- (c) *What violations are applicable to illegal repackaging?* Repackaging a pesticide product for distribution or sale without either obtaining a registration or meeting all of the conditions in paragraph (b) of this section is a violation of section 12 of the Act. Both you and the pesticide product's registrant may be liable for violations pertaining to the repackaged product.
- (d) *Am I responsible for product integrity?* Yes, you are responsible for the pesticide product that you distribute or sell in refillable containers not being adulterated or different from the composition described in its confidential statement of formula that is required under FIFRA section 3.

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