



**US Environmental Protection Agency
Office of Pesticide Programs**

**Table 2: Products Subject to the
Nonrefillable Container, Refillable
Container and Repackaging Regulations**

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Category	Nonrefillable Containers (40 CFR Part 165 Subpart B)	Refillable Containers (40 CFR Part 165 Subpart C)	Repackaging Pesticide Products (40 CFR Part 165 Subpart D)
Products that are not subject to the regulations.	<p>(1) Manufacturing use products, (2) Plant-incorporated protectants, and (3) Antimicrobial pesticide products that satisfy all four of these criteria:</p> <ul style="list-style-type: none"> • The product is an antimicrobial pesticide (as defined in FIFRA section 2(mm)) or it has antimicrobial properties (as defined in FIFRA section 2(mm)(1)(A)) and is subject to a tolerance or a food additive regulation. • Its label includes directions for use on a site in at least one of the 10 antimicrobial product use categories identified as “household, industrial or institutional.” • It is not a hazardous waste when it is intended to be disposed, as defined in 40 CFR Part 261. • EPA has not specifically found that the product must be subject to these provisions to prevent an unreasonable adverse effect on the environment. 	<p>(1) Manufacturing use products, (2) Plant-incorporated protectants, and (3) Antimicrobial pesticide products that satisfy all four of the criteria listed in the nonrefillable container column.</p>	<p>(1) Manufacturing use products, (2) Plant-incorporated protectants, and (3) Antimicrobial pesticide products that satisfy all four of the criteria listed in the nonrefillable container column.</p>
Products that are subject to the regulations	<p>A product is subject to ALL nonrefillable container requirements if it satisfies at least one of the following criteria:</p> <ul style="list-style-type: none"> • It meets the criteria of Toxicity Category I in 40 CFR § 156.62. • It meets the criteria of Toxicity Category II in 40 CFR § 156.62. • It is a restricted use product. <p>If a product does not meet any of these criteria, the product is subject to only the basic Department of Transportation requirements in the nonrefillable container regulations.</p>	All products not listed above.	All products not listed above.