

3745-273-03 **Applicability- management standards for universal waste - pesticides.**

(A) Pesticides covered under Chapter 3745-273 of the Administrative Code. The requirements of Chapter 3745-273 of the Administrative Code apply to persons managing "pesticides," as ~~described~~defined in rule 3745-273-09 of the Administrative Code, meeting the following conditions, except those listed in paragraph (B) of this rule:

(1) Recalled pesticides that are:

(a) Stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under Section 19(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) ~~Section 19(b)~~, including, but not limited to those owned by the registrant responsible for conducting the recall; or

(b) Stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

(2) Stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

(B) Pesticides not covered under Chapter 3745-273 of the Administrative Code. The requirements of Chapter 3745-273 of the Administrative Code do not apply to persons managing the following pesticides:

(1) Recalled pesticides described in paragraph (A)(1) of this rule, and unused pesticide products described in paragraph (A)(2) of this rule, that are managed by farmers in compliance with rule 3745-52-70 of the Administrative Code. [Rule 3745-52-70 of the Administrative Code addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with paragraph (B)(3) of rule 3745-51-07 of the Administrative Code.];

(2) Pesticides not meeting the conditions set forth in paragraph (A) of this rule. These pesticides must be managed in compliance with the hazardous waste regulations in Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code;

(3) Pesticides that are not wastes under Chapter 3745-51 of the Administrative

Code, including those that do not meet the criteria for waste generation in paragraph (C) of this rule or those that are not wastes as described in paragraph (D) of this rule; and

- (4) Pesticides that are not hazardous waste. A pesticide is a hazardous waste if it is listed in rules 3745-51-30 to 3745-51-35 of the Administrative Code or if it exhibits one or more of the characteristics identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code.

(C) When a pesticide becomes a waste.

- (1) A recalled pesticide described in paragraph (A)(1) of this rule becomes a waste on the first date on which both of the following conditions apply:
 - (a) The generator of the recalled pesticide agrees to participate in the recall; and
 - (b) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).
- (2) An unused pesticide product described in paragraph (A)(2) of this rule becomes a waste on the date the generator decides to discard it.

(D) Pesticides that are not wastes. The following pesticides are not wastes:

- (1) Recalled pesticides described in paragraph (A)(1) of this rule, provided that the person conducting the recall:
 - (a) Has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "waste" under rule 3745-51-02 of the Administrative Code; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including Chapter 3745-273 of the Administrative Code. This pesticide remains subject to the requirements of FIFRA; or
 - (b) Has made a decision to use a management option that, under rule 3745-51-02 of the Administrative Code does not cause the pesticide to be a waste [i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation]. Such a pesticide is not a waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements

including Chapter 3745-273 of the Administrative Code. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA.

- (2) Unused pesticide products described in paragraph (A)(2) of this rule, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy recovery) them. These pesticides remain subject to the requirements of FIFRA.

~~[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]~~

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