



# United States Environmental Protection Agency

## Pesticide Report for Pesticide-Producing and Device-Producing Establishments

**It is unlawful to knowingly falsify all or part of any pesticide production information reported on EPA Form 3540-16. (FIFRA §12(a)(2)(M))**

### General Information

**Read all instructions before completing this form. Type or print clearly in dark ink.**

Page one has space to enter one product. Use page two and as many copies of page two as necessary to report additional products. This form may also be filled out and printed on-line. See the Pesticide Establishment Registration and Reporting Web page for the instructions and the form.

(<http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>)

<b>NOTE</b>	<b>There have been significant changes to the Form and Instructions for 2008.</b>
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#### 1. Who must report?

- Each producer operating an establishment that produces any pesticides, active ingredients, or devices must submit reports.
  - **“Producer”** also means any person, as defined by FIFRA, “who produces any pesticide, active ingredient, or device (including packaging, repackaging, labeling and relabeling).” (40 CFR §167.3)
  - **“Produce”** also means to “manufacture, prepare, propagate, compound or process any pesticide, including any pesticide product pursuant to FIFRA §5, any active ingredient or device, or to package, repackage, label, relabel, or otherwise change the container of any pesticide or device.” (40 CFR §167.3)
  - **“Establishment”** means any site where a pesticidal product, active ingredient, or device is produced. Establishment also includes sites which are independently owned or operated regardless of whether such site is domestic and producing a pesticidal product for export only or whether the site is foreign and producing a pesticidal product for import into the United States. (40 CFR §167.3) Also, any establishment, either foreign or domestic, which produces a pesticidal product for use under an Experimental Use Permit, FIFRA section 18 Emergency Exemption or section 24(c) Special Local Needs registration, must report. (40 CFR §167.20)
- Establishments that export from or import into the United States any pesticides, active ingredients, or devices must report to the Agency. (FIFRA §17)
- Establishments with Zero Production or Distribution in 2008. (See #2 below for details)

- Closed Establishments (Out of business or ceased production). (See #4 below for details)

## 2. What must be reported?

- Each producer operating an establishment must submit the following information for each pesticide product or device product produced at the establishment: *(Please note that production of unregistered pesticides must be reported. See 40 CFR §152.30).*
  - Types and amounts produced in 2008.
  - Types and amounts sold or distributed in 2008, regardless of when the product was produced.
  - An estimate of the amount expected to be produced in 2009.
- **Establishments with No Production or Distribution in 2008.**
  - If your establishment did not produce or distribute products subject to this report in 2008, *complete Items 1-27*, and check (✓) the appropriate Box in Item 14 where it states “Did You Produce or Distribute in 2008—Yes or No.” *Sign and date the report in Items 42 and 43; it is now complete. Submit the report as directed on Page 8.*
- **DO NOT REPORT:**
  - Production, distribution or sale of products NOT produced or repackaged by your establishment, (e.g., no changes are made to the product formulation, container, or label).
  - Products shipped from your supplier directly to your customer.
  - Any products for which Items 36, 37 and 38 are zero.
  - Custom-blended products.

<b>NOTE</b>	Custom blenders are exempt from the establishment registration requirement. Please see the Pesticide Establishment Registration and Reporting Questions for more information. ( <a href="http://www.epa.gov/compliance/resources/faqs/monitoring/fifra/estab-blend.html">http://www.epa.gov/compliance/resources/faqs/monitoring/fifra/estab-blend.html</a> )
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- Pesticides that are applied by your establishment’s staff.
- Returned inventory or carryover product from a previous year.

## 3. When to report:

- **Annual Reports are due: On or before March 1, 2009, even if there has been no production.**
- **Initial Reports:** FIFRA §7 requires all registered establishments to submit an initial report to the U.S. EPA **30 days** after receipt of notification of establishment registration. Failure to file the initial report is an unlawful act and may result in termination of the establishment’s registration or your ability to import into the United States until you have fulfilled your reporting responsibility.

## 4. Closed Establishments (Out of business or ceased production):

- Enter all production and distribution information for 2008.

- Include a letter on company letterhead with the report stating the establishment is out of business or has ceased production of pesticides and request the establishment number be terminated.

## 5. Completing the Report:

- An original signature of a company official is required on the report in Item 42. Enter the date in Item 43.
- For all pages complete at the bottom: “This is Page \_\_\_\_\_ of \_\_\_\_\_.”
- Submit completed reports as directed on Page 8. Please make copies of the reports for your records.

## 6. What if I fail to file this production report?

Failure to file an initial or annual production report is a violation of FIFRA, and may result in termination of the establishment’s registration, civil penalties up to \$7,500 per violation and/or criminal penalties. It may also affect your ability to import until you are in compliance.

## General Instructions

### Establishment Information: (Items 1 through 14)

- **Item 1—Establishment Name:** Enter the producing establishment name.
- **Item 2—Establishment Number:** Enter the producing establishment number.
- **Item 3 to 6—Establishment Site Address:** Enter the SITE address, *not a post office box or route number*, where your establishment is located. For foreign establishments, zip code is equivalent to postal code, post code or postcode.
- **Item 7 to 10—Establishment Mailing Address:** Enter the mailing address for the establishment if different from the site address.
- **Item 11—Telephone Number:** Enter the phone number for the establishment. For foreign establishments, please provide the country code.
- **Item 12—eMail:** Enter your eMail address (optional).
- **Item 13—**If establishment name or site address has changed from the previous year, enter a check (✓) in the box.
- **Item 14—**Did you produce or distribute in 2008? Check the appropriate box.

*Note: If you checked the “No” box, do not fill in items 28 through 39.*

<p><b>NOTE:</b> For items 5, 9, 18 and 20.</p>	<p>Foreign country abbreviation codes are available at: <a href="http://www.epa.gov/compliance/resources/publications/monitoring/fifra/fgnestablishments.html">http://www.epa.gov/compliance/resources/publications/monitoring/fifra/fgnestablishments.html</a>. Please contact U.S. EPA Headquarters, 202-564-4203, if you do not see the appropriate country code listed.</p>
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### Company Information: (Items 15 through 27)

- **Item 15—Company Name:** Enter the company name.
- **Item 16 to 19—Company Site Address:** Enter the company *headquarters’* address.
- **Item 20 to 23—Company Mailing Address:** Enter the mailing address for the company if different from the site address.
- **Item 24—Telephone Number:** Enter the phone number for the company. For foreign establishments, please provide the country code.

- **Item 25—eMail:** Enter your eMail address (optional).
- **Item 26—**If company name or site address has changed from the previous year, enter a check (✓) in the box.
- **Item 27—**If you have an Authorized Agent and their name or mailing address has changed from the previous year, enter a check (✓) in the box. Please attach your company’s request to change the authorized agent on company letterhead and send to the appropriate EPA office listed on Page 8.

**Pesticide Production Information:** (Items 28 through 39)

- **Item 28—Product Code:**
  - Enter 1 — if product is registered with EPA.
  - Enter 2 — if product registration is pending.
  - Enter 3 — if product is an Experimental Use Permit.
  - Enter 4 — if product is a device.
  - Enter 5 — if product is a Special Local Need (SLN) registration.  
*“Special Local Need (SLN)”* means an existing or imminent pest problem within a State for which the State lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available. (See: 40 CFR §162.151)
  - Enter 6 — if product is an unregistered pesticide or a chemical formulation. *“Unregistered Pesticide”* means pesticides that may be transferred, sold or distributed without registration. (See: 40 CFR §152.30) If a chemical formulation, please attach the chemical formulation of the product to the form. (See: 40 CFR §167.3)
- **Item 29—EPA Product Registration Number Information:** *(Please note that the information entered in this field depends on the product identified in Item 28).*
  - For Product Code 1— Enter EPA Registration No. (as it appears on product label)  
(Reporting production of multiple distributor registrations—multiple distributor registrations may appear on the same page; clearly identify each by their product name.)
  - For Product Code 2— Enter EPA File Symbol assigned *to product*.
  - For Product Code 3— Enter the Experimental Use Permit number.
  - For Product Code 4— For *DEVICES*, enter your EPA Company Number in Item 29.
  - For Product Code 5— For stand-alone *SLN REGISTRATIONS*, enter the SLN registration number in Item 29 (e.g., SLN-CA-890022). A “stand-alone” SLN is one for which there are no uses other than the 24(c) uses.
  - For Product Code 6— For *UNREGISTERED PESTICIDES* or *CHEMICAL FORMULATION*, in Item 29 indicate “unregistered pesticide,” and attach the chemical formulation of the product, showing the product’s active and inert ingredients, their common names, their CAS Registry numbers (if available), and the percentage, by weight of each ingredient (must total 100%).

<b>NOTE</b>	<p><b>Reporting Distributor Registrations:</b></p> <p>If you produce multiple pesticide products under the same basic EPA registration number (such as distributor products):</p> <p style="padding-left: 40px;">Report the total quantities for all <b>distributor products</b> under the basic EPA registration number, and add “and supplementals” following the product name. On a separate paper, list the basic registration number with each distributor company number and brand name and attach it to the report.</p>
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- **Item 30—Product Name:**  
List the most common brand name. If marketed under alternate brand names, add the wording “and alternate brand names” (“ABN”) and *report total production under all names for the formulation* in Item 36.
  
- **Item 31—Product Classifications:** *(Please note that the product classification numbers have changed from the 2007 Annual Report).*
  - Classification for Devices  
51 Device
  
  - Classifications for Pesticides

4 Insect Repellent	7 Antimicrobial	9 Attractant
18 Sterilizer	20 Disinfectant	21 Sanitizer
27 Fungicide	28 Nematocide	29 Fumigant
34 Herbicide	36 Defoliant	37 Desiccant
38 Antifoulant	43 Insecticide	49 Plant Growth Regulator
54 Rodenticide	57 Animal Repellent	59 Algacide
61 Molluscicide (e.g. slug bait)	69 Water Purifier	
  
  - 99 Multi-Use Active Ingredient (Chemicals that have both pesticidal and non-pesticidal uses). Producers are required to register both the product and their establishment(s) and report production on an annual basis under FIFRA §7, *if a producer has actual or constructive knowledge that a chemical or substance they produce is used or intended for use as an active ingredient in the manufacture of a pesticide.* These producers are required to report only the amount of the chemical or substance manufactured and distributed or sold for pesticidal purposes. These chemicals do not have an EPA Reg. No. (This classification is rarely appropriate.)
  
- **Item 32—Product Type:**
  - Enter 1 — **Technical material or active ingredient** for Manufacturing Use Only products.
  - Enter 2 — **End-use product** (this includes products where the formulation has been blended, diluted, or changed).
  - Enter 3 — **Repackaged or relabeled** (does not include any blending, dilution or change in the formulation).
  - Enter 4 — **Device.**

- **Item 33—Market Sold or Distributed To:**
  - Enter 1 — if all the product was marketed in the United States.
  - Enter 2 — if the product was marketed both in the United States and exported from the United States.
  - Enter 3 — if all the product was exported from the United States.
  - Enter 4 — if you are a foreign establishment and your product was exported to or marketed in the United States.  
DO NOT REPORT products that were sold to countries other than the United States.
  
- **Item 34—RUP Status:**
  - Enter 1 — Product label states RESTRICTED USE PESTICIDE at the top of the front label panel.
  - Enter 2 — All other pesticides.
  
- **Item 35—Unit of Measurement:**
  - G = Gallons (liquid chemical product)
  - K = Kilograms (dry, solid, or gaseous chemical product)
  - L = Liters (liquid chemical product)
  - P = Pounds (dry, solid, or gaseous chemical product)
  - T = Tons (short ton = 2,000 lbs. or 907.2 kilograms) (dry or solid chemical product)
  - U = Units (devices and pesticides that the label does not declare as gallons, pounds, liters, kilograms or tons)
  
- **Item 36—Amount Produced in 2008:**
  - *Do not include amounts that are custom blended or applied to a crop, commodity or site by your staff.*
  - Round all quantities *to the nearest whole number.*
  - Include all ABNs (alternate brand names) in the amount reported.
  
- **Item 37—Amount Sold or Distributed in 2008 - United States:**
  - Enter only those products sold or distributed that were *produced* by your establishment, regardless of when the product was produced.
  - *Do not include amounts that are custom blended or applied to a crop, commodity or site by your staff.*
  - *Foreign producers should enter only the amount of product or number of devices exported to the United States.*
  - Round all quantities *to the nearest whole number.*
  
- **Item 38—Amount Sold or Distributed in 2008 to Foreign Markets (Exported):**
  - Enter the quantity exported from the United States in 2008, regardless of when the product was produced.
  - *Foreign establishments should leave Item 38 blank.*
  - Round all quantities *to the nearest whole number.*

- **Item 39—Amount (Estimated) to be Produced in 2009:**

- Enter an estimate of the quantity to be produced in 2009.
- Round all quantities *to the nearest whole number*.

**Signature Certification:** (Items 40 through 43)

- **Items 40 and 41—Name and Title of Company Official or Authorized Agent:** Please enter the name and title of the person who is responsible for the establishment to the requirements of FIFRA §7. **Note:** If you are the authorized agent submitting this application, please enter your name and title.
- **Items 42 and 43—Signature of Company Official or Authorized Agent:** The company official and/or authorized agent listed in Item 40 must sign and date the application in order for it to be processed.

**Confidentiality.** Under FIFRA §7(d) [7 USC §136e], information reported in Items 36, 37, 38 and 39 of EPA Form 3540-16 will be treated as business confidential, subject to the provisions of FIFRA §10 [7 USC §136h]. You are not required to assert a claim of confidentiality for this information.

If you wish to assert a claim of confidentiality for other information you have provided on this form, you must identify by the box number(s) information for which you are asserting a claim of confidentiality. Information so designated will be disclosed by the EPA only to the extent allowed by, and by means of, the procedures set forth in 40 CFR Part 2. If you do not claim the information as confidential upon submission of the report, it may be made available to the public without further notice to you.

**Public Reporting Burden.** The time required to complete this report is estimated to average one hour and 26 minutes, per response, including reviewing instructions, searching data sources, gathering and maintaining data needed, and completing review and collection of information. Send comments regarding this burden estimate or other aspects related to this information collection, including suggestions for reducing this burden, to: Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed 3540-16 form to the above address.

# Where to Submit Reports

**DOMESTIC PRODUCERS:** Submit reports to the following EPA Regional Office where **your company headquarters is located.**

EPA Regional Offices	States/Terr. Covered	EPA Regional Offices	States/Terr. Covered
<b>U.S. EPA Region 1</b> <b>Kan Tham</b> Toxics and Pesticides Unit (SEP) One Congress Street, Suite 1100 Boston, MA 02114-2023 Telephone: 617-918-1872	CT, MA ME, NH RI, VT	<b>U.S. EPA Region 6</b> <b>Chuck Ruple</b> Pesticides Section (6PD-P) 1445 Ross Avenue Dallas, TX 75202-2733 Telephone: 214-665-6534	AR, LA NM, OK TX
<b>U.S. EPA Region 2</b> <b>Michael Kramer</b> Pesticides Team (MS-500) 2890 Woodbridge Avenue Edison, NJ 08837-3679 Telephone: 732-321-6610	NJ, NY PR, VI	<b>U.S. EPA Region 7</b> <b>Delbert Kelley</b> Toxics and Pesticides Branch (WWPD/TOPE) 901 N. 5 <sup>th</sup> Street Kansas City, KS 66101-2798 Telephone: 913-551-7371	IA, KS MO, NE
<b>U.S. EPA Region 3</b> <b>Kyla Townsend-McIntyre</b> Pesticides and Asbestos Programs Branch (3LC62) 1650 Arch Street Philadelphia, PA 19103-2029 Telephone: 215-814-2045	DC, DE MD, PA VA, WV	<b>U.S. EPA Region 8</b> <b>Kathleen Craig</b> Enforcement Division (8ENF-PJ) 1595 Wynkoop Denver, CO 80202 Telephone: 303-312-6049	CO, MT ND, SD UT, WY
<b>U.S. EPA Region 4</b> <b>Jacquelyn Wilkerson</b> Chemical Products & Asbestos Section (APTMD) 61 Forsyth Street, SW Atlanta, GA 30303-8960 Telephone: 404-562-9011	AL, FL GA, KY MS, NC SC, TN	<b>U.S. EPA Region 9</b> <b>Glenda Dugan</b> Pesticides Office (CED-5) 75 Hawthorne Street San Francisco, CA 94105-3901 Telephone: 415-947-4204	AZ, CA GU, HI MP, NV
<b>U.S. EPA Region 5</b> <b>Gail Muffitt</b> PTCS (LC-8J) 77 W. Jackson Blvd. Chicago, IL 60604-3507 Telephone: 312-886-6008	IL, IN MI, MN OH, WI	<b>U.S. EPA Region 10</b> <b>Erin Halbert</b> Pesticides and Toxics Unit (OCE-084) 1200 Sixth Avenue, Suite 900 Seattle, WA 98101-1128 Telephone: 206-553-4627	AK, ID OR, WA

**FOREIGN PRODUCERS:** Submit reports to the following EPA Washington, DC address:

U.S. Postal Service Mail Address	Courier Delivery Address
Michelle Stevenson U.S. Environmental Protection Agency Agriculture Division (2225A) 1200 Pennsylvania Avenue, NW Washington, DC 20460-0001 USA Telephone: 202-564-4203	Michelle Stevenson U.S. Environmental Protection Agency Agriculture Division Ariel Rios Building -- South 1200 Pennsylvania Avenue, NW, Room 6102 Washington, DC 20004 USA