



United States Environmental Protection Agency
Instructions for Completing EPA Form 3540-16
Pesticide Report for Pesticide-Producing and Device-Producing Establishments
Reporting Year 2007

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

GENERAL INFORMATION

Read all instructions before completing this Form. Type or print clearly in dark ink. Page one of EPA Form 3540-16 has space to enter two products. If you produce more than two products, use the continuation page and **make as many photocopies of the page, as you need.** **Electronic copies of these instructions and the screen-fillable EPA Form 3540-16 can be downloaded from <http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html>.**

1. Who must report?

- Each producer operating an establishment that produces any pesticides, active ingredients, or devices must submit reports.
 - **“Producer”** means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide. **(FIFRA § 2)**
 - **“Producer”** also means any person, as defined by the Act, “who produces any pesticide, active ingredient, or device (including packaging, repackaging, labeling and relabeling).” (EPA regulations at 40 CFR § 167.3)
 - **“Produce”** means to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide. **(FIFRA § 2)**
 - **“Produce”** also means to “manufacture, prepare, propagate, compound or process any pesticide, including any pesticide product pursuant to Section 5 of the Act, any active ingredient or device, or to package, repack, label, relabel, or otherwise change the container of any pesticide or device.” (EPA regulations at 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. (See: EPA regulations at 40 CFR § 167.3)
- Products also requiring reporting include, but are not limited to, the following: unregistered pesticides, Special Local Need products under FIFRA § 24(c), ozone or ultraviolet light producing devices for disinfecting, and other devices.
- 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 2007. (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 product produced at the establishment:
 - Types and amounts produced in the past calendar year.
 - Types and amounts sold or distributed in the past calendar year, regardless of when the product was produced.
 - An estimate of the amount expected to be produced in the current calendar year.
- **Establishments with Zero Production or Distribution in 2007.**
 - If your establishment did not produce or distribute products subject to this report in 2007, **complete Blocks 1-19**, and check (✓) the Box in Block 15 where it states “Did Not Produce or Distribute.” **Sign and date the report in Blocks 18 and 19; it is now complete. Submit the report as directed on Pages 7 and 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 Blocks 28, 29 and 30 are zero.
 - Custom-blended products (See Common Questions and Answers - Question 8).
 - Pesticides that are applied by your establishment’s staff.
 - Returned or carryover product from a previous year or inventory as production.

3. When to report:

- **Reports are due: On or before March 1, 2008, even if there has been no production.**
- **Initial Reports:** Section 7 of FIFRA requires all registered establishments to submit a 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.

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

- Enter all production and distribution information for 2007.
- 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 inactivated. Note: Your company will not receive this reporting form in future years.

5. Completing the Report:

- An original signature of a company official is required on the report in Block 18. Enter the date in Block 19.
- For all pages complete at the bottom: “This is Page _____ of _____.”
- Submit completed reports as directed on Pages 7 and 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 \$6,500 per violation and/or criminal penalties.

INSTRUCTIONS - COMPLETING THE REPORT

Blocks 1-19. Name and Location of Company Headquarters and Producing Establishment

- Blocks 1-5. Enter the company name and headquarters mailing address of the producing establishment.
- Block 6. Enter telephone number of company official responsible for the report.
- Block 7. If company name or mailing address has changed from the previous year, enter a check (✓) in the box.
- Blocks 8-13. A label showing the establishment SITE information should appear in Blocks 8-13. **CORRECT IF WRONG.**
- Block 14. If establishment name or site address has changed from the previous year, enter a check (✓) in the box.
- Block 15. Use this block to report that NO PRODUCTION OR DISTRIBUTION took place in 2007. **Do not list products which you did not produce or distribute.**
- Block 16. Enter name of company official signing report (should match Block 18).
- Block 17. Enter title of company official signing report (should be the title of person signing Block 18).
- Block 18. Original signature of the company official. If pages are numbered 1 of XX, etc., only 1st page must be signed.
- Block 19. Enter date report is signed. If there was “No Production,” the report is complete.

Block 20 - 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 pesticide device, an unregistered pesticide, or 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: EPA regulations at 40 CFR § 162.151)

Block 21 - EPA Product Registration No.

Product Code 1— Enter EPA Registration No. (as it appears on product label) (See NOTE below on reporting production of multiple distributor registrations).

Product Code 2 — Enter EPA File Symbol assigned **to product**.

Product Code 3 — Enter the Experimental Use Permit number.

Product Code 4 — For **DEVICES**, leave Block 21 blank.

For **UNREGISTERED PESTICIDES**, leave Block 21 blank, 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%). Multiple formulations may appear on the same page; clearly identify each by product name.

For stand-alone **SLN REGISTRATIONS**, enter the SLN registration number in Block 21 (e.g., SLN-CA-890022). A “stand-alone” SLN is one for which there are no uses other than the 24(c) uses.

NOTE: Reporting Distributor Registrations.

If you produce multiple pesticide products under the same basic EPA registration number (such as distributor products):

Report the total quantities for all **distributor products** 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.

Block 22 - 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.**

Block 23 - Product Classification

Classifications for Devices

13 Device 14 Water Purifier - Point of Use 15 Water Purifier - Small System

Classifications for Pesticides

01 Insecticide	02 Fungicide	03 Rodenticide
04 Herbicide	05 Algaecide	06 Nematocide
07 Plant Regulator	08 Defoliant, Desiccant	09 Disinfectant, Germicide, Sanitizer
10 Antifouling Paint	11 Animal Repellent	12 Other Pesticides (includes Insect Repellents & Slug Baits)
21 Insecticide-Fungicide	44 Herbicide-Fungicide	

16 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 Section 7 of FIFRA 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.)

Block 24 - Product Type. Describe the type of product:

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

Block 25 - Market Sold or Distributed To

Domestic Establishments

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.

Foreign Establishments

Enter 1 — if the product was exported to or marketed in the United States.

DO NOT REPORT products that were sold to countries other than the United States.

Block 26 - Use Classification

Enter 1 — Product label states RESTRICTED USE PESTICIDE at the top of the front label panel.

Enter 2 — All other pesticides and devices.

Block 27 - 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)

Block 28 - Amount Produced in 2007

- 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.

Block 29 - Amount Sold or Distributed in 2007 - 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.

Block 30 - Amount Sold or Distributed in 2007 to Foreign Markets (Exported)

- Enter the quantity exported from the United States in 2007, regardless of when the product was produced.
- **Foreign establishments should leave Block 30 blank.**
- Round all quantities **to the nearest whole number.**

Block 31 - Amount (Estimated) to be Produced in 2008

- Enter an estimate of the quantity to be produced in 2008.
- Round all quantities **to the nearest whole number.**

Confidentiality. Under FIFRA Section 7(d) [7 U.S.C. § 136e], information reported in Items 28, 29, 30 and 31 of EPA Form 3540-16 will be treated as business confidential, subject to the provisions of FIFRA Section 10 [7 U.S.C. § 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, OP/ORMI Regulatory Information Division (2137), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460, Attention: Desk Officer for EPA, and to the Paperwork Reduction Project, Office of Information and Regulatory Management Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503.

WHERE TO SUBMIT REPORTS

EPA Regional Offices	States/Territory Covered
<p>U.S. EPA Region 1 Kan Tham Toxics and Pesticides Unit (SEP) One Congress Street, Suite 1100 Boston, MA 02114-2023 Telephone: 617-918-1872</p>	<p>CT, MA, ME, NH, RI, VT</p>
<p>U.S. EPA Region 2 Michael Kramer Pesticides Team (MS-500) 2890 Woodbridge Avenue Edison, NJ 08837-3679 Telephone: 732-321-6610</p>	<p>NJ, NY, PR, VI</p>
<p>U.S. EPA Region 3 Kyla Townsend-McIntyre Pesticides Programs Branch (3WC32) 1650 Arch Street Philadelphia, PA 19103-2029 Telephone: 215-814-2045</p>	<p>DE, DC, MD, PA, VA, WV</p>
<p>U.S. EPA Region 4 Jacquelyn Wilkerson PCB & Chemical Products Mgmt. Section (APTMD) 61 Forsyth Street, SW Atlanta, GA 30303-8960 Telephone: 404-562-9011</p>	<p>AL, FL, GA, KY, MS, NC, SC, TN</p>
<p>U.S. EPA Region 5 Gail Muffitt PTCS (LC-8J) 77 W. Jackson Blvd. Chicago, IL 60604-3507 Telephone: 312-886-6008</p>	<p>IL, IN, MI, MN, OH, WI</p>
<p>U.S. EPA Region 6 Chuck Ruple Pesticides Section (6PD-P) 1445 Ross Avenue Dallas, TX 75202-2733 Telephone: 214-665-6534</p>	<p>AR, LA, NM, OK, TX</p>

EPA Regional Offices	States/Territories Covered
U.S. EPA Region 7 Joy Haff Toxics & Pesticides Branch (WWPD/TOPE) 901 N. 5 th Street Kansas City, KS 66101-2798 Telephone: 913-551-7752	IA, KS, MO, NE
U.S. EPA Region 8 Kathleen Craig Enforcement Division (8ENF-PJ) 1595 Wynkoop Denver, CO 80202 Telephone: 303-312-6049	CO, MT, ND, SD, UT, WY
U.S. EPA Region 9 Glenda Dugan Pesticides Office (CED-5) 75 Hawthorne Street San Francisco, CA 94105-3901 Telephone: 415-947-4204	AZ, CA, HI, NV, GU, MP
U.S. EPA Region 10 Erin Halbert Pesticides and Toxics Unit (OCE-084) 1200 Sixth Avenue, Suite 900 Seattle, WA 98101-3140 Telephone: 206-553-4627	AK, ID, OR, WA

FOREIGN PRODUCERS:

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

<u>U.S. Postal Service Mail Address</u>	<u>Courier Delivery Address</u>
Michelle Stevenson US Environmental Protection Agency Agriculture Division (2225A) 1200 Pennsylvania Avenue, NW Washington, DC 20460-0001 USA Telephone: 202-564-4203	Michelle Stevenson US Environmental Protection Agency Agriculture Division Ariel Rios South Building 1200 Pennsylvania Avenue, NW, Room 6102 Washington, DC 20004 USA Email: stevenson.michelle@epa.gov

NOTE: The Agency does not notify you when your Report is received. To ensure the Agency receives the report, you may wish to send it by certified or registered mail, return receipt requested.