Attachment D
Summary of Consultations
This attachment is available as part of the electronic **docket EPA-HQ-OPP-2011-0843** and is part of the ICR's Supporting Statement

Companies Contacted:

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Summary of Questions and Responses:

1. Are the instructions for submission clear? — Please include any comments on frequency of information collection here.

A. – yes
B. – no….. In filing the NOA, please clarify if the entry date (Box 15) is the actual date allowed entry by customs, OR the arrival date (you can't fill this out if it is the actual date allowed entry by customs, as you need an NOA to acquire "entry." Provide direction on what should be done if the shipment is delayed or there is a carrier change after the NOA has been filed and approved (and therefore the entry date or shipper is incorrect). For country of origin (box 11) do you wish to know the Producing facility that is on the label, OR the ACTUAL production (meaning formulation) facility. In the event a product is relabeled off-shore, the country of origin on the customs form and the NOA may differ. For Brand name of product (box 6) which brand name should be used if there are multiple? Can direction be placed on the form as to how much advance notice EPA would like a form received by?

C. – no….. Those blocks designated as self explanatory are not necessarily so. Need clarification on net quantities and UOM requirements. CFR 40 156.10 (d) (2)(3) – labels require UOM in Liters or Lbs. International trade is done in KGS and Liters. Most of labels have both the English and Metric net quantities on the labels. There are inconsistencies between EPA regions in what is acceptable on NOA in regards to net quantity UOM. Country of origin for EPA purposes needs clarification, often confused with CBP country or origin for entry purposes.

D. – yes

E. – yes

2. Would you be interested in electronic reporting of data?

A. – yes

B. – yes

C. – yes

D. – yes

E. – yes

3. What are the tasks and associated labor burdens (in hours) involved in filing an NOA?

	A	B	C	D	E
Read or hear instructions	0.25		0.1		0.25
Plan activities			0.1		1
Create information			0.15	0.5	0.5
Gather information	0.25	0.08	0.15	0.5	1
Process, compile, and/or review information for accuracy	0.25	0.02	0.1		0.25
Complete written forms	0.25	0.08	0.25	0.5	0.35
Record, disclose, or display information	0.25		0.15		0.25
Store, file, and/or maintain information			0.1		0.25
Other (specify)					0.25
Other (specify)					
Total (hrs)	1.25	0.18	1.1	1.5	3.85

4. other comments?

A. none

B. The NOA process, for the most part, is fine. However, the sections of greatest concern are the entry date (box 15), Carrier (Box 13) and the CBI provisions of the NOA. Boxes 13 & 15 have already been discussed, but in summary, we feel EPA's expectations of the data quality of these two fields is unrealistic, as we have been directed that the changing of an approved NOA is a potential FIFRA violation. Even if such corrections were possible, it would require resubmission of the NOA process, and due to the number of incidents in which the entry date or carrier change due to circumstances beyond our control, this would greatly increase the cost of filing NOAs. Also of concern is that the CBI declaration is being handled inconsistently across EPA regions. Some regions, specifically Region 2 (where the best ocean freight rates are to be had) make Bayer undergo additional legal review of their CBI claims to determine if they are justified. In the case of region 2, it has been stated to Bayer that the delay could be upwards of several weeks to a month. This amounts of a defacto prohibition of our right to declare this information as CBI if it moves through region 2 and interferes with our ability to do business. Furthermore, our competitors and business intelligence consultants attempt to obtain this information to gain insights into our confidential business dealings which also impacts our marketing and sales divisions. Bayer requests a consistent and uniform CBI handling procedure that does not delay our ability to receive imports and deliver them to their respective destinations, and increase the cost of doing business unnecessarily. Electronic NOAs would definitely increase efficiency and reduce cost. Finally, some regions request accompanying documentation (e.g. labels, pro-forma invoices, copies of the customs entry forms, etc.) to facilitate approval of the NOA. Bayer does not mind providing information requested by the EPA, but it is being requested inconsistently across regions. Bayer requests that such additional information be standardized in the NOA process, and across regions.

C. The greatest cost impact on our business is not in the submission of the NOA's, but the delay in receiving the approval forms back from the Regional Offices in a timely manner to expedite final CBP entry and release. We import multiple shipments of the same active ingredient over the same port of entry numerous times during a production season. Currently none of the EPA regional offices will grant blanket NOA's for multiple shipments arriving in defined period of time. This creates excessive administrative on the part of our brokers, and adds uncertainty to our supply chain in the expected release date and arrival of the goods at the final destination.

D. none.

E. none.