

United States Environmental Protection Agency

Instructions for Completing EPA Form 3540-8 Application for Registration of a Pesticide-Producing and Device-Producing Establishment

NOTE

Given the current events, **EPA requests that all requests for registration be submitted electronically using CDX.** For more information, see page 2.

Purpose of Form

This form is used to register establishments that produce pesticides, devices and active ingredients within the United States and that import into the United States.

Information submitted by respondents is used to issue establishment registration numbers. EPA also uses this information to identify producing establishments and ensure that pesticides or devices produced in the United States or imported into the United States are in compliance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Authority to Request Information

FIFRA section 7 (7 USC section 136e) requires any person producing any pesticide, device or active ingredient used in producing a pesticide in the United States or imported into the United States to be registered with the Agency. (Hereinafter “producing establishment.”) The owner of a producing establishment must register as required by 40 CFR Part 167. The information must be submitted on the Application for Registering a Pesticide-Producing and Device-Producing Establishments (EPA Form 3540-8).

EPA requires information contained in this application to identify the person(s) legally responsible for pesticides, devices or substances to be used as an active ingredient of a pesticide. EPA must ensure that pesticides, devices and active ingredients are manufactured in a way that protects human health and the environment as required by FIFRA.

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0078). Responses to this collection of information are mandatory (40 CFR 167). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be, on average, 1.6 hours per

response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

Who Must Submit this Form

- Any **establishment** must register if it produces, packages, repackages, labels or relabels a pesticide, device or substances used as an active ingredient of a pesticide. Registration must occur before production or distribution takes place.
- Any establishment where a substance is produced, packaged, repackaged, labeled or relabeled must register with EPA if the producer intends that substance to be used as an active ingredient of a pesticide. If the producer has actual or constructive knowledge that the substance will be used by any person as an active ingredient of a pesticide, it must register with EPA before production or distribution takes place.
- Any domestic establishment producing a pesticide, device, active ingredient or any unregistered pesticide for export must register before production or distribution takes place.
- Any foreign establishment producing a pesticide, device or active ingredient for import into the United States must register before production or distribution takes place.
- Any establishment, either foreign or domestic, that produces a pesticide or device for use under a section 5 of FIFRA—Experimental Use Permit, section 18 of FIFRA— Emergency Exemption or section 24(c) of FIFRA—Special Local Need registrations must register before production or distribution takes place.

NOTE

A facility where **only custom blending** activities take place is not considered a pesticide-producing establishment and therefore does not need to be registered. Please see the Pesticide Establishment Registration and Reporting FAQ for more information. <https://compliancegov.zendesk.com/hc/en-us/categories/201457388>

Recommended Electronic Registration

EPA created an optional [electronic reporting system](#) for pesticide establishments using the Section Seven Tracking System (SSTS). Once registered, pesticide establishments will be able to use EPA's Central Data Exchange (CDX) to quickly register new establishments (EPA Form 3540-8) and/or submit Annual Pesticide Production Reports (EPA Form 3540-16). Given the current events, **EPA requests that all requests for registration be submitted electronically using CDX.**

To sign up for electronic reporting, go to: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>

General Instructions

- Read all instructions before completing this form.
- Registering an establishment is only required once.
- Print in ink or type when completing the form. If you would like to complete this form electronically, an interactive PDF version is available at: <http://www2.epa.gov/compliance/epa-form-3540-8-application-registration-pesticide-producing-and-device-producing>.
- **You must obtain an EPA Company Number from EPA’s Office of Pesticides Programs (OPP) before submitting this application. Please see <http://www2.epa.gov/pesticide-registration/pesticide-registration-manual-how-obtain-company-number-and-register-official> for information on obtaining an EPA Company Number.**
- **Once you have obtained the EPA company number, then you must submit an EPA Form 3540-8 (Application for Registration of Pesticide-Producing and Device-Producing Establishment) to the applicable EPA office where your company Headquarters office is located to obtain the EPA establishment registration number. For assistance in completing the Form, please contact the pesticide establishment coordinator in your area. <https://www.epa.gov/compliance/pesticide-establishment-registration-and-reporting-contacts>**
- If you need additional information about your responsibilities as a pesticide or device producing establishment, please see Pesticide Establishment—Registration and Reporting Questions at: <https://compliancegov.zendesk.com/hc/en-us/categories/201457388>
- Regulations regarding books and records of pesticide and device production and distribution can be found at 40 CFR Part 169.

How to Complete the Application Form

Company Information

- **Item 1—Company Name:** Provide the legal name of your company as given to the Office of Pesticide Programs (OPP).
- **Item 2—EPA Company Number:** Provide your EPA FIFRA Company Number as assigned by OPP.
- **Item 3—Company Name (doing business as):** If you operate your company under a different name than that listed in Item 1 (i.e., doing business as), please list it here. For foreign establishments, the phrase “trading as” is equivalent to “doing business as.”
- **Items 4 to 9—Site Address:** Please provide the physical address of the company headquarters office of the producing establishment.

- **Items 10 to 15—Mailing Address:** Please provide the mailing address where EPA can contact you about your registered establishments. For foreign establishments, if identical to above, write SAME. **Note:** This address may be different than the address you used to obtain your company number.

NOTE

Country Codes for Foreign Pesticide Establishments are available at:

<http://www2.epa.gov/compliance/country-codes-foreign-pesticide-establishments>

- **Item 16—Phone Number:** Please enter the telephone number, including country code, EPA should use to contact you about your pesticide establishments.
- **Item 17—eMail:** Please enter your email address (optional).

Authorized Agent (if applicable)

- **Item 18—Authorized Agent Name:** If you are the designated authorized agent and you are submitting an application on behalf of the company (including foreign) indicated in Item 1, provide your name, address, etc.

NOTE

An Authorized Agent is a person legally responsible for completing and submitting to the Agency the registration form and the annual pesticide production and distribution report. An Authorized Agent **is a third party**, such as an attorney, consultant, or other agent and does not work directly for the reporting company. A senior company official of the pesticide production company must appoint the Authorized Agent.

- An authorized agent must include a copy of the “letter of agent” (LOA) on company letterhead, signed and dated by the authorized foreign company official. The letter statement must be translated into English, especially the name, title, email address and telephone number of the authorized foreign company official.

NOTE

If a foreign company official changes or elects an Authorized Agent to represent their company, they must specify the designation on **their company letterhead (translated into English)**. Provide the authorized agent’s company name, mailing address and telephone number details in the letter. Attach the letter to the application request (EPA Form 3540-8).

In addition, all companies should send a copy of the letter to the Office of Pesticides Programs. It may be fax to 703-305-7670. <https://www.epa.gov/pesticide-registration/pesticide-registration-manual-how-report-changes-company-name-or-address>

- **Items 19— Authorized Agent Organization:** As the designated authorized agent, provide your company name.
- **Items 20 to 23—Mailing Address:** Please provide the mailing address where EPA can contact you on behalf of the company and/or establishment.

- **Item 24—Phone Number:** Please enter the telephone number EPA should use to contact you about the pesticide company and/or establishments.
- **Item 25—Email:** Please enter your email address.

Signature Certification

- **Items 26 and 27—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 section 7. **Note:** If you are the authorized agent submitting this application, please enter your name and title.
- **Items 28 and 29—Signature of Company Official or Authorized Agent:** The company official and/or authorized agent listed in Item 26 must sign and date the application in order for it to be processed. **Note:** If you are the authorized agent listed in Item 18—25, you must sign and date the application in order for it to be processed.

Establishment Information

NOTE

Please complete Items 30 through 46 for each producing establishment you wish to register with EPA. You may register establishments in multiple states on this form.

- **Item 30—Establishment Name:** Please enter the name of the establishment being registered with EPA.

NOTE

Each establishment requesting to be registered must be operated by the company identified in Item 1.

- **Items 31 to 38—Site Address:** Please provide the physical address, **not a post office box or route number**, where your establishment is located.
- **Items 39 to 44—Mailing Address:** Please provide the mailing address for the establishment if different from the site address (if identical to above, write SAME).
- **Item 45—Phone Number:** Please enter the phone number for the establishment. For foreign establishments, please provide the country code.
- **Item 46—eMail:** Please enter an email address EPA can use to contact the establishment.

Before You Submit Your Application:

- Did you enter your company number received from the Office of Pesticides Programs? (Item 2)
- Did you remember to sign your application? (Item 26) If you submit your application through email you must still print and sign the form with a “wetink signature”, then scan the form and email as a PDF.

- If you are designating an Authorized Agent, is the letter attached? (See note at Item 18)
- Did you include all the Authorized Agent information? (Item 18—25)
- **If you are changing or electing an Authorized Agent for your Company and/or Establishment, did you also notify the Office of Pesticide Programs?** (See note at Item 18)
- **If more than one page is used to list establishments, please complete the statement, "This is page ___ of ___."**
- **Please proofread your application before submittal. Errors in your application will delay the process.**
- **Be sure to include all pages when you submit your EPA Form 3540-8.**
- **FOR FOREIGN COMPANIES- Please make certain that the foreign company who is registering the potential pesticide-producing establishment wholly owns and/or operates the facility that is being registered on the application (EPA Form 3540-8).**

Where Should I Send my Completed Application?

- **All producers** should submit the application through EPA's Section Seven Tracking System (SSTS) e-filing system, hosted on EPA's Central Data Exchange system (CDX). Go to our website to register: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>
- **Foreign producers** if the authorized agent is submitting the form for you must include an Authorized Agent Sponsorship form signed by the company giving the agent authority to represent the company.

What Happens after I File this Application?

- Upon receipt of the completed application, **EPA will assign a unique number** to each establishment registered **and notify the company or authorized agent** of the registration(s).
- You must submit an initial report on EPA Form 3540-16 (Pesticide Report for Pesticide-Producing and Device-Producing Establishments) (<http://www2.epa.gov/compliance/epa-form-3540-16-pesticide-report-pesticide-producing-and-device-producing-establishments>) to EPA **within 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 a civil penalty assessment. Once you submitted your initial report, you have completed your initial obligation. In addition to the initial report, an annual report is due to EPA by March 1 of every year. You may also submit initial and annual reports electronically, go to: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>
- Each producing establishment must place its assigned EPA establishment number on the immediate container or label of each pesticide, device or active ingredient produced.

- Your registration will remain effective as long as you file an annual production report (EPA Form 3540-16) with the Agency. If you wish to terminate your establishment registration, please send a letter to EPA using your company letterhead with the request. Failure to report annually as required may result in termination of your establishment's registration or a civil penalty assessment (40 CFR Part 167).

When Should my Company or Establishment Information be Revised?

If any information changes after you file your application, you must report to EPA those changes in writing on company letterhead or on EPA Form 3540-8 within 30 days, which can be mailed or emailed as a PDF to your EPA Pesticide Establishment Coordinator. If you inform us using 3540-8, please specify what information has changed: <https://www.epa.gov/compliance/epa-form-3540-8-application-registration-pesticide-producing-and-device-producing>

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Where to Submit Applications

1. Go to <https://cdx.epa.gov> to Register
2. Click Register with CDX
3. Accept Terms and Conditions
4. Enter "SSTS" in the search box
5. Click "SSTS: Section Seven Tracking System"
6. Select your role ([description of roles](#))
7. Click "Request Role Access"
8. Enter Company Number and Click "Next"
**If company address is incorrect you will be able to update the information on the next screen (for Primary Authorized Officials and Authorized Agent Only) **
9. Confirm Company Information and Click "Next"
10. Enter User Information (Enter primary e-mail address, this will be EPA's primary means of contact with your establishment)
11. A successful Registration will display a confirmation number (you should keep this number for your records)
12. Check email and re-log in and complete Electronic Signature Agreement (ESA)
 - Domestic: Users may submit LexisNexis Identity Verification and ESA electronically
 - International: Users must choose to sign a Paper ESA and send it to the appropriate [EPA Regional Coordinator](#) where the Company headquarters is located. [More information on foreign establishment registration.](#)
13. The Regional Pesticide Establishment Coordinator will review and activate your role and you may begin reporting (*Contact your [Regional Coordinator](#) if you are not approved in 30 days*)
14. Log back into CDX, click on the hyperlink "Primary Authorized Official" or "Agent" to access the reporting tool

Once you are registered for CDX you may follow the steps here to submit a New Establishment Application Form (Form 3540-8): <https://www.epa.gov/compliance/epa-form-3540-8-application-registration-pesticide-producing-and-device-producing>