

*United States Environmental Protection Agency*

# Instructions for Completing EPA Form 3540-16 Pesticide Report for Pesticide-Producing and Device-Producing Establishments Reporting Year January 1, 2022 through December 31, 2022

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**Reporting Deadline on or before March 1, 2023**

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

## **Electronic Reporting (RECOMMENDED)**

Before using PDF version of EPA Form 3540-16, please note that EPA created an optional [electronic reporting system](#) for pesticide establishments using the Section Seven Tracking System (SSTS). Once a company registered its first establishment, a company can use EPA's Central Data Exchange (CDX) to quickly register new establishments (EPA Form 3540-8), submit Annual Pesticide Production Reports (EPA Form 3540-16), keep establishment site and contact information current and request the termination of an EPA establishment number, when appropriate, as part of the reporting process.

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

## **General Information**

**Read all instructions before completing this form. Type or print clearly in dark ink. This form may also be filled out on-line and printed.** See the Pesticide Establishment Registration and Reporting web page for the instructions and the form. <http://www.epa.gov/compliance/pesticide-establishment-registration-and-reporting>.

### **1. Who must report?**

- All active domestic and foreign producing establishments, regardless of whether or not the establishment produced or distributed a pesticide, active ingredient or device must submit a report. (FIFRA §7 and 17 and 40 C.F.R. §167.85)
- Active establishments with zero production or distribution in 2022. If your establishment for which this report is being filed did not produce or distribute products subject to this report in 2022:
  - Complete Items 1-41.

- Check “No” in Item 18.
- Active establishments that closed, went out of business or ceased production.
  - Report all production and distribution during 2022.
  - **See Number 6** for information on terminating your establishment’s registration.

## 2. What must be reported?

- Produce means to manufacture, prepare, propagate, compound, or process any pesticide, including any pesticide produced pursuant to FIFRA Section 5, any active ingredient or device, or to package, repackage, label, relabel, or otherwise change the container of any pesticide or device. Each producer operating an establishment must submit the following information for each pesticide, active ingredient or device produced at your establishment: (Please note that production and distribution of unregistered pesticides must be reported. See 40 CFR §152.30).
  - Types and amounts produced in 2022.
  - Types and amounts sold or distributed in 2022 that was produced at this establishment, regardless of when the product was produced.
  - An estimate of the amount expected to be produced in 2023.
  - Production and distribution of unregistered pesticides must be reported. See 40 CFR §152.30
  - Reports submitted by foreign-producing establishments should cover only those pesticidal products exported to the United States.
- **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) in the establishment for which this report is being submitted.
  - Products shipped from your supplier directly to your customer.
  - Any products for which Items 50, 51 and 52 are zero.
  - Pesticides that are **applied** by your staff.
  - Custom-blended products.

## 3. When to report:

**Annual Reports are due: On or before **March 1, 2023**, 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.

## 4. Completing the Report:

- Enter the company official’s or authorized agent’s Name and Title (Items 36 and 37).
- An original, wet-ink signature of a company official or authorized agent is required on the report in Item 38.
- Enter the date in Item 39.
- Enter the Telephone Number and Email of a company official or authorized agent is required on the report in Items 40 and 41.
- For all pages complete at the bottom: “This is Page \_\_\_\_\_ of \_\_\_\_\_ .”

- Submit completed reports as directed on Page 9. Please make a maintain copy of the report for your records.
- **EPA will not accept any copies, faxes or emails of establishment initial or annual reports.**

## 5. What if I fail to file the production report?

Failure to file the initial or annual report is an unlawful act and may result in civil penalties up to \$21,805 per violation and/or termination of the establishment's registration.

## 6. How to terminate an establishment's registration:

- If you wish to terminate your establishment number at your request, because the establishment is out of business or has ceased production of pesticides, active ingredients or devices, please attach your letter of intent to terminate your establishment's registration on signed company letterhead and include:
  - The EPA Establishment Number of the establishment whose registration is being terminated
  - State that the establishment either is out of business or has ceased production of pesticides, active ingredients or devices, or other specified reason.
  - The company official requests that the establishment registration be terminated
  - Include the last (2022) pesticide report and
  - Write "Terminate Establishment" on the report.
- If EPA terminates your domestic establishment registration, it is illegal to produce any pesticide, active ingredient or device in the United States or to export it from the United States.
- If EPA terminates your foreign establishment registration, it is illegal for you to import any pesticide, active ingredient or device into the United States.

## 7. Definitions

- **Producer** — 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** — "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** — Includes:
  - Any site where a pesticidal product, active ingredient or device is produced.
  - Sites that 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)
  - Sites that produce 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)
  - Sites that produce unregistered pesticidal products for export from the United States.

- **Custom Blender** — any **facility** that provides the service of mixing registered pesticides to a customer’s specifications, specifically:
  - a pesticide-pesticide blend
  - a pesticide-fertilizer blend
  - a pesticide-animal feed mixture when:
    - the blend is not held in inventory
    - the pesticide used in producing the blend bears labeling that does not prohibit the use of the pesticide in the blend
    - the blend is delivered to the end-user with a copy of the labeling of the pesticide used in producing the blend and a statement specifying the composition of the mixture

If these conditions are not met, the establishment does not meet the definition of “custom blender” and must comply with FIFRA Section 7 requirements.

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 link below for more information.

[https://usepa.servicenowservices.com/ecss?id=kb\\_article\\_view&sys\\_kb\\_id=57ce9ba21bb99c1013bdb913cc4bcbbe](https://usepa.servicenowservices.com/ecss?id=kb_article_view&sys_kb_id=57ce9ba21bb99c1013bdb913cc4bcbbe)

## General Instructions (Please complete all required fields).

### Establishment Information: (Items 1 through 18)

- **Item 1—Establishment Name:** Enter the producing establishment name. (Required field)
- **Item 2—Establishment Number:** Enter the producing establishment number. (Required field)
- **Item 3 to 8—Establishment Site Address:** Enter the SITE address, *not a post office box or route number*, where your establishment is located. (Required fields)
- **Item 9 to 14—Establishment Mailing Address:** Enter the mailing address for the establishment if different from the site address. (Required field)
- **Item 15—Telephone Number:** Enter the phone number for the establishment. For foreign establishments, please provide the country code. (Required field)
- **Item 16—Email:** Enter your email address. (Required field)
- **Item 17—**If the establishment name or site address has changed from the previous year, enter a check (X) in the box. Please note that if you change your address you must update your [EPA Establishment Coordinator](#) within 30 days of that change:  
<https://www.epa.gov/compliance/pesticide-establishment-registration-and-reporting-contacts>
- **Item 18—Did you produce or distribute in 2022?** Check the appropriate box. Note: If you checked the “No” box, do not fill in Items 42 through 53. (Required field)

### Company Information: (Items 19 through 35)

- **Item 19—Company Name:** Enter the company name. (Required field)
- **Item 20 to 25—Company Site Address:** Enter the company’s *headquarter* address. (Required field)
- **Item 26 to 31—Company Mailing Address:** Enter the mailing address for the company if different from the company site address. (Required field)
- **Item 32—Telephone Number:** Enter the phone number for the company. For foreign companies, please provide the country code. (Required field)

- **Item 33— Email:** Enter your email address. (Required field)
- **Item 34—**If company name or site address has changed from the previous year, enter a check (X) in the box. (Required field) Company updates also should follow the instructions at <https://www.epa.gov/pesticide-registration/pesticide-registration-manual-how-report-changes-company-name-or-address>.
- **Item 35 —** If Authorized Agent name or mailing address has changed from the previous year, enter a check (X) 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 9. Pesticide Production Information: (Items 42 through 53)

## Pesticide Production Information: (Items 42 through 53) (Required fields of reporting production)

**NOTE: Foreign Establishments—** You must report production for products exported to or marketed in the United States or its territories. If your establishment produced a pesticide, active ingredient or device and sold some of the product in countries other than the United States, do not report this portion of your production and distribution. For example, if you produce 10,000 pounds of a product and sell 9,000 pounds to other countries and 1,000 pounds to the United States; you should report 10,000 pounds produced and 1,000 distributed into the United States.

- **Item 42—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.
  - Enter 6 — if product is an Unregistered Pesticide. Attach the formulation of the product to the end of the report 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 electronic reporters once you select Product Code 6, a new **Formulation Box** will appear, add each ingredient one at a time and click the blue plus mark to add a new line, repeat until all ingredients are entered and total 100%.
- **Item 43—EPA Product Registration Number Information:**
  - 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 Item 43 blank.
  - Product Code 5 — For stand-alone SLN Registrations, enter the SLN registration number in Item 43 (e.g., SLN-CA-890022). A “stand-alone” SLN is one for which there are no uses other than the 24(c) uses.
  - Product Code 6 — For Unregistered Pesticides, leave Item 43 blank.

**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 following the product name add “and supplementals.” On a separate paper, list the basic registration number with each distributor company number and brand name and attach it to the report. For those submitting reports electronically, please use the Comments Box to list the above-mentioned information.

- **Item 44—Product Name:**

List the most common brand name. If marketed under alternate brand names (ABN), add “ABN” and *report total production under all names for the formulation.*

**Item 45—Product Classifications: Enter the code that best describes the product’s use:**

- Classification for Devices

51 Device

- Classifications for Pesticides

04 Insect Repellent

18 Sterilizer

27 Fungicide

34 Herbicide

38 Antifoulant

54 Rodenticide

61 Molluscicide (e.g. slug bait)

07 Antimicrobial

20 Disinfectant

28 Nematocide

36 Defoliant

43 Insecticide

57 Animal Repellent

69 Water Purifier

09 Attractant

21 Sanitizer

29 Fumigant

37 Desiccant

49 Plant Growth Regulator

59 Algacide

\*99 Multi-Use Active Ingredient (Chemicals that have both pesticidal and non-pesticidal uses).

**These chemicals do not have an EPA Reg. No. (This classification is rarely appropriate.**

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.

- **Item 46—Product Type:**

- Enter 1 — **Technical formulations 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 47—Market Sold or Distributed To:**
  - Enter 1 — If all the product was sold or distributed in the United States.
  - Enter 2 — If the product was sold or distributed both in the United States and exported from the United States.
  - Enter 3 — If all the product was exported from the United States.
  
- **Item 48—RUP Status:**
  - Enter 1 — Product label states RESTRICTED USE PESTICIDE at the top of the front label panel.
  - Enter 2 — All other products.
  
- **Item 49—Unit of Measurement:**
  - @ = Each (registered pesticides that are sold in a unit such as petri dishes)
  - G = Gallons (liquid chemical product)
  - K = Kilograms (dry, solid, liquid or gaseous chemical product)
  - L = Liters (liquid chemical product)
  - P = Pounds (dry, solid, liquid or gaseous chemical product)
  - T = Tons (short ton = 2,000 lbs. or 907.2 kilograms) (dry, solid or gaseous chemical product)
  - U = Units (devices)
  
- **Item 50—Amount Produced, Repackaged or Relabeled in 2022:**
  - *Do not include amounts that are custom blended, placed directly into application equipment, or applied to a crop, commodity or site by your staff.*
  - Round all quantities **to the nearest whole number.**
  
- **Item 51—Amount Sold or Distributed in 2022 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, placed directly into application equipment, or applied to a crop, commodity or site by your staff.*
  - *Foreign producers should enter only the amount of pesticide product or number of devices exported to the United States.*
  - Round all quantities **to the nearest whole number.**
  
- **Item 52—Amount Sold or Distributed in 2022 to Foreign Markets (Exported from the United States):**
  - Enter the quantity exported from the United States in 2022, that were *produced* by your establishment, regardless of when the product was produced.
  - Round all quantities **to the nearest whole number.**
  - **Foreign establishments enter “0” in Item 52.**
  
- **Item 53—Amount (Estimated) to be Produced, Repackaged or Relabeled in 2023 :**
  - Enter an estimate of the quantity to be produced in 2023.

- Round all quantities **to the nearest whole number.**

### Signature Certification: (Items 36 through 41)

- **Items 36 and 37—Name and Title of Company Official or Authorized Agent (Required fields):**  
Please enter the name and title of the person who is responsible for your establishment's compliance with the requirements of FIFRA §7. **Note:** If you are the authorized agent submitting this report on behalf of the company that independently owns or operates this establishment, please enter your name and title.
- **Items 38 and 39—Signature of Company Official or Authorized Agent and Date (Required fields):** The company official and/or authorized agent listed in Item 36 must sign and date the report in order for it to be complete.
- **Items 40 and 41— Telephone Number of Company Official or Authorized Agent and Email (Required fields):** The company official and/or authorized agent listed in Item 36 must provide an email address and telephone number.

**Confidentiality.** Under FIFRA §7(d) (7 USC §136e), information reported in Items 18, 50, 51, 52 and 53 of EPA Form 3540-16 will be treated as business confidential, subject to the provisions of FIFRA §10 (7 USC §136h).

**Public Reduction Act Statement:** 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.



## Where to Submit Reports

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

EPA Regional Offices	State/ Territory	EPA Regional Offices	State/ Territory
<b><u>U.S. EPA Region 1</u></b> John Bowman Toxics, Pesticides, and Drinking Water Compliance Section (ECAD 05-4) Post Office Square, Suite 100 Boston, MA 02109-3912 Telephone: 617-918-1276	<b>CT, MA, ME, NH, RI, VT</b>	<b><u>U.S. EPA Region 6</u></b> Pesticide Reports Contact (3540-16) Waste Enforcement Branch (ECDST) 1201 Elm St., Suite 500 Dallas, TX 75270	<b>AR, LA, NM, OK, TX</b>
<b><u>U.S. EPA Region 2</u></b> Amanda Bebel Pesticides Team (MS-500) 2890 Woodbridge Avenue Edison, NJ 08837-3679 Telephone: 732-321-6635	<b>NJ, NY, PR, VI</b>	<b><u>U.S. EPA Region 7</u></b> Andrew Landry (3540-16) Air and Toxic Enforcement Section 11201 Renner Blvd Lenexa, KS 66219 Telephone: 913-551-7509	<b>IA, KS, MO, NE</b>
<b><u>U.S. EPA Region 3</u></b> Christine Convery (3540-16) Pesticides and Asbestos Programs Branch (3ED23) 1650 Arch Street Philadelphia, PA 19103-2029 Telephone: 215-814-2249	<b>DC, DE, MD, PA, VA, WV</b>	<b><u>U.S. EPA Region 8</u></b> Carol Ann Ross (3540-16) FIFRA Division (8ENF-AT-P) 1595 Wynkoop Denver, CO 80202	<b>CO, MT, ND, SD, UT, WY</b>
<b><u>U.S. EPA Region 4</u></b> Pesticide Reports Contact (3540-16) Pesticides Enforcement Section Sam Nunn Atlanta Federal Center, 12 <sup>th</sup> Floor 61 Forsyth Street, SW Atlanta, GA 30303	<b>AL, FL, GA, KY, MS, NC, SC, TN</b>	<b><u>U.S. EPA Region 9</u></b> Pesticide Reports Contact (3540-16) Enforcement and Compliance Assurance Division 75 Hawthorne Street (ENF-2-3) San Francisco, CA 94105	<b>AS, AZ, CA, GU, HI, MP, NV</b>
<b><u>U.S. EPA Region 5</u></b> Pesticide Reports Contact (3540-16) Pesticides & Toxics Compliance Section (ECP-13J) 77 West Jackson Boulevard Chicago, IL 60604	<b>IL, IN, MI, MN, OH, WI</b>	<b><u>U.S. EPA Region 10</u></b> Region 10 Pesticide Reports (3540-16) Air and Toxics Enforcement Section (20-C04) 1200 Sixth Avenue, Suite 155 Seattle, WA 98101 Telephone: 206-553-4017	<b>AK, ID, OR, WA</b>

**FOREIGN PRODUCERS:** Submit reports to the **following EPA Washington, DC address** (Do not send mail by messenger):

**\*\*Mail by courier will NOT be accepted\*\***

**U.S. Postal Service Mail Address (USPS ONLY)**

Foreign Pesticide Reports Contact (3540-16)  
 U.S. Environmental Protection Agency  
 Pesticides, Waste & Toxics Branch (2227A)  
 1200 Pennsylvania Avenue, NW  
 Washington, DC 20460-0001 USA

**NOTE:** The Agency does not notify you when your paper report is received. To ensure the Agency receives the report, you should submit electronically here: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>