

**Supporting Statement for an Information Collection Request (ICR)
Under the Paperwork Reduction Act (PRA)**

EXECUTIVE SUMMARY

Identification of the Information Collection – Title and Numbers

Title:	Notice of Arrival of Pesticides and Devices under section 17(c) of FIFRA
EPA ICR No.:	0152.15
OMB Control No.:	2070-0020
Docket ID No.:	EPA-HQ-OPP-2024-0139

Abstract

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA) regulates the importation of pesticides and pesticide devices into the United States. FIFRA’s definition of pesticides is broad and includes any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest (e.g., rodenticides, insecticides, herbicides, fungicides, and antimicrobials) and certain other substances such as plant growth regulators and any nitrogen stabilizers; the definition also includes substances imported for pesticide research and development purposes. FIFRA’s definition of pesticide devices include any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life. FIFRA section 17(c) governs the importation process for pesticides and pesticide devices into the U.S., while FIFRA § 17(e) authorizes the U.S. Department of the Treasury, in consultation with the EPA, to promulgate regulations implementing pesticide and device trade enforcement. This authority was delegated to the Department of Homeland Security’s U.S. Customs and Border Protection (CBP) in 2003.¹ CBP regulations, developed in concert with the EPA, give the EPA specific roles in the importation process.

CBP regulations at 19 CFR 12.112 require that an importer or their authorized agent desiring to import pesticides or devices must submit the most recent version of the EPA Form 3540-1 to the EPA Regional Office for the corresponding port of entry or submit its electronic alternative

¹ [19 C.F.R. § 0.1](#). In 2022, the Department of Homeland Security (DHS) was created by enactment of the Homeland Security Act (HSA). Section 412 of the HSA provides that the Secretary of Treasury may delegate customs revenue functions to DHS. [6 U.S.C. § 212 \(2002\)](#). Treasury exercised this option through Treasury Department Order No. 100-16, codified at [19 C.F.R. § 0.1](#), by delegating specific authority related to customs revenue to DHS. As a result, the Department of Treasury’s U.S. Customs Service was dissolved and absorbed by DHS in its new Bureau of Customs and Border Protection.

via any CBP-authorized electronic interchange system before the arrival of the shipment. This requirement not only includes pesticide and device shipments destined for entry into the U.S. channels of trade but also shipments admitted into a Foreign Trade Zone (FTZ), a Customs bonded warehouse, or transported in-bond for export.

Although all NOAs must be submitted prior to arrival, the EPA encourages submission as soon as practicable to allow time for the EPA to review and plan for the final disposition of the shipment. NOAs filed immediately before arrival risk delay in release of the shipment if there are inadequacies in the NOA.

The International Trade Data System (ITDS) is the ‘single window’ whereby regulated entities (importers and brokers- referred to as the Trade) can electronically file and process their entry and add agency-specific information for multiple agencies in one location rather than separately with each agency. The Automated Commercial Environment (ACE) implementation supports the ITDS. CBP’s ACE system is a platform that provides a single, centralized access point for the trade community to connect with CBP and its Partner Government Agencies (PGA). ACE is the system of record by which electronic trade transactions are conducted and recorded by CBP. Executive Order (EO) 13659, *Streamlining the Export/Import Process for America’s Businesses*, issued February 19, 2014, aimed to significantly reduce processing and approval times for importers and exporters. In response to E.O. 13659, the CBP transitioned all partner government agencies, including the EPA, to begin using ACE on January 1, 2017. ACE electronically processes the majority of NOAs, significantly reducing the need for manual review and approval by the EPA. Importers can continue to file paper NOAs, and the EPA will continue manual reviews and approvals as necessary.

Respondents subject to this information collection include all importers of pesticides and pesticide devices as defined by FIFRA.

Summary Total Burden and Costs

Information Collection	Number of Respondents	Annual Number of Responses	Responses per Respondent	Annual Time Burden (Hours)	Annual Cost Burden (Dollars)
Notice of Arrival of Pesticides and Devices (FIFRA) Total Respondent	168,025	168,025	1	67,723	\$5,478,039
Total Agency				17,680	\$1,799,016

SUPPORTING STATEMENT

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Under FIFRA, the EPA has the authority to regulate the distribution (importation) or sale of registered and unregistered pesticides and pesticide devices into the United States. To facilitate compliance with FIFRA, the filing of EPA Form 3540-1 (NOA) is required to notify the EPA of the arrival of imported pesticides and pesticide devices. This information collection activity allows the EPA and CBP to fulfill their statutory obligation under FIFRA section 17(c) to notify the EPA prior to the arrival of pesticides and pesticide devices in the United States. A NOA must be submitted for all imported pesticides and pesticide devices, including but not limited to those pesticides that are registered under section 3 of FIFRA and to those that may be transferred, sold, or distributed without registration pursuant to 40 CFR 152.30, such as pesticides for which an Experimental Use Permit has been granted under section 5 of FIFRA, and pesticides for which an Exemption has been granted under sections 18 or 25(b) of FIFRA. This notification allows the EPA, prior to arrival, to determine whether imported pesticide devices and registered and unregistered pesticides comply with FIFRA. The information permits the EPA to stop suspended, cancelled, misbranded, contaminated, or otherwise violative products from being imported into the United States, track those that do enter, and minimize any adverse human health or environmental impact that might arise from the importation of violative products. If EPA did not collect this information, CBP and EPA would be unable to meet their statutory requirements under FIFRA. The statutory provisions set forth in section 17(c) of the FIFRA, 7 U.S.C. 136o(c), are implemented in the CBP regulations at §§ 12.110 through 12.117 of title 19 of the CFR (19 CFR 12.110–12.117).

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection.

The information is used by EPA regional pesticide compliance and enforcement staff, the Office of Enforcement and Compliance Assurance (OECA), and the Office of Pesticide Programs (OPP) to monitor and assure compliance with FIFRA. CBP uses this information to ensure pesticide and pesticide device products admitted to the United States have been reviewed by EPA for compliance. The absence of an accompanying NOA is, under CBP regulations, grounds for refusal of entry into the United States.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

CBP amended its regulations at 19 CFR 12.112 to permit the option of filing an electronic alternative to the paper NOA , with entry documentation, via ACE. CBP and EPA have identified the need to clear up a misunderstanding of the FIFRA NOA requirements; specifically, when the paper and electronic NOA must be received by the EPA, and when CBP must be in receipt of the electronic NOA. ACE information collection has the OMB Control Number 1651-0105. See the associated Information Collection Request for discussion related to this question.

The NOA may still be filed in a paper format with the EPA prior to arrival of the shipment. The EPA-signed NOA (i.e., the form completed and signed by the importer or their authorized agent with the EPA's signature and disposition of the shipment) must be filed with CBP at the time of entry. [**Important Note:** CBP is urging importers to file an image of the signed paper EPA NOA via DIS in ACE rather than filing on paper with the shipment].

Under the electronic alternative, the importer or their authorized agent can submit pesticide data required by EPA Form 3540-1 through the PGA Message Set, along with an image of the label that is on the product being imported, through CBP's ACE's Document Image System (DIS) for the port of entry where the merchandise will be imported.

Filings for most, but not all, entry types can be accomplished through ACE. For example, ACE does not provide functionality for filing an electronic NOA for shipments destined to arrive in Foreign-Trade Zones (FTZs or "Zone"), known internationally as free-trade zones, Customs bonded warehouses or arriving in-bond for export. Only the paper version of the NOA (EPA Form 3540-1) is available for these entry types because they are not part of the PGA Cargo Release process. The importer or their authorized agent must submit a completed paper NOA (Form 3540-1) to the appropriate EPA regional office for the state/territory where the shipment is to arrive. It is unclear when the ability to file NOAs electronically in ACE for these entry types will be built into the system.

CBP does not make admissibility determinations for this entry type because the merchandise filed under the entry types mentioned above are not entering Customs territory (consumption entry into the U.S.). However, the EPA has an obligation to review pesticide shipment information and make a determination in advance of arrival into the U.S., therefore notifications must be provided to the EPA for the import(s) of pesticides and devices that cross our country's borders, regardless of whether or not those shipments are ever presented to CBP for entry into U.S. commerce.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information collection currently involves a partial duplication if the importer or their authorized agent elects to file a paper NOA (Form 3540-1) instead of filing the NOA electronically in ACE. Much of the identifying information collected on the paper NOA is identical or similar to information collected on CBP's entry notice form (Form 3461, OMB Control Number 1651-0024).

It is important to note the entry forms are mandatory for CBP purposes (e.g., appraisal, classification, origin, etc.) and must be presented to CBP when a shipment will make entry, which can occur up to 15 days after a pesticide or device arrives in the U.S. The entry forms do not contain all of the information required in an NOA. EPA is obligated to review NOA information for pesticide shipments *before* entry to determine whether the shipment may properly make entry in the U.S.

As mentioned above, CBP codified the availability of both paper and electronic NOA filing options through an interim final rule published in December 2016. CBP intends to finalize the rule in the near term where the filing an NOA via paper or electrically through ACE will remain as filing options for an importer to meet its FIFRA filing obligations. EPA continues to encourage importers or their authorized brokers to continue or start filing NOAs electronically to facilitate automated review of their electronic NOA filing which expedites release of their goods into the U.S. channels of trade if the data transmitted is complete and valid for ACE to process the filing. However, there are some entry types where an NOA can't be filed electronically through ACE. For those entry types, a paper NOA must be submitted as explained above. For more information about the ACE system and its functionality, see the information collection activities for the ACE system approved under [OMB control number 1651-0105](#).

Respondents' use of ACE to file import paperwork electronically enables respondents to electronically populate certain identifying information once in the system and have that information available for pre-population on the electronic NOA. CBP codified the availability of both paper and electronic NOA filing options through an interim final rule on September 30, 2016, (81 FR 67140), making electronic reporting a permanent option for filing. Importers can continue or start filing NOAs electronically to eliminate duplication. This renewal document specifically identifies burdens associated with the current collection activities.

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

The burden of this information collection is minimal and affects all importers. It cannot be reduced and still meet requirements outlined in question 1. The information collection does not

disproportionately impact small businesses, because the information requested is gathered during "Customary and Usual Business Practices."

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

This collection represents the minimum collection frequency possible to comply with statutory requirements, which is that the Agency be notified of the arrival of each shipment into the U.S so that each imported shipment may be evaluated, and if necessary, refused. In addition, if a shipment that should have been refused is allowed entry, the information collection enables the federal government to track the movement and distribution of those shipments within the United States, and to minimize any potential adverse human health or environmental impact that might arise. Collecting this information less frequently or not at all would not only violate a statutory mandate but would hamper mission-critical objectives of EPA and Customs.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

- a) requiring respondents to report information to the agency more often than quarterly;
- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- c) requiring respondents to submit more than an original and two copies of any document;
- d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- f) requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The only PRA-imposed guideline in 5 CFR 1320.6 that is exceeded in this collection is the recordkeeping retention period. Any record required to be made, kept, and rendered for examination and inspection by CBP under 19 CFR 163.2 shall be kept for 5 years.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside EPA to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Pursuant to 5 CFR 1320.8(d), EPA published a notice in the Federal Register on April 25, 2024 (89 FR 31747; FRL-11668-01-OCSP), announcing the planned renewal of this information collection activity, soliciting public comment on specific aspects of the ICR and providing a 60-day public comment period.

The EPA also consulted (5) stakeholders, specifically asking them for their assessment of the regulatory burden estimates expressed by the Agency in this ICR (**Attachment A**). Four stakeholders provided responses. The stakeholders consulted were:

- 1) Syngenta Crop Science
- 2) Bayer Crop Science
- 3) UPL NA Inc (formerly known as United Phosphrous)

- 4) Willert Home Products
- 5) Tevra Brands, LLC

Of those consulted, EPA received no comments nor did the EPA receive any comments from the stakeholders.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

This question is not applicable to this ICR.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Confidential data submitted to EPA is handled in accordance with the provisions of the FIFRA Confidential Business Information (CBI) security manual. This manual contains instructions to physical security measures; CBI copying and destruction procedures; transfer of CBI materials within EPA to contractors or to other government offices; computer security; CBI typing procedures; and internal office procedures. The manual dictates that all CBI must be marked or flagged as such, only authorized Agency personnel may be permitted access to CBI, all CBI must be kept in secure (double-locked) areas, and all CBI marked for destruction must be cleared by a Document Control Officer.

If information in the NOA is claimed as confidential, it cannot be released to the public except in accordance with EPA confidentiality regulations at 40 CFR part 2, subpart B. Certain information in NOAs (e.g., names and complete addresses, along with unit size, quantity, total net weight, country of origin, port of entry, entry number, and anticipated entry date) may be claimed as FIFRA CBI.

However, other information presented in an NOA may not be protected as confidential pursuant to FIFRA section 7(d), labeling requirements for pesticides/devices at 40 CFR 156.10, and misbranding provisions in FIFRA section 2(q), specifically:

- EPA Registration Number.
- EPA Establishment Number.
- Brand name of product.
- Active ingredients and percentages of each.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No information of a sensitive or private nature is requested in conjunction with these information collection activities, and these information collection activities comply with the

provisions of the Privacy Act of 1974 and OMB Circular A-108, as amended, “Responsibilities for the Maintenance of Records about Individuals by Federal Agencies.”

12. Provide estimates of the hour burden of the collection of information.

- a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- c) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government.’**

Respondents to this information collection are pesticide importers, which includes many types of business entities classified under the following North American Industry Classification System (NAICS) codes ranging from Commercial and Institutional Building Construction (NAICS 236220) to Pesticide and Other Agricultural Chemical Manufacturing (NAICS 3250A1) and even Public Administration: Executive Offices (NAICS 921110). Other industries and institutions that import pesticides include Agriculture, Forestry, Fishing and Hunting (Sector 11), Wholesale Trade, (Sector 42). The majority of responses come from businesses that fall under NAICS code 3250A1.

The data items that must be submitted for registered pesticides, unregistered pesticides, and pesticide devices are the same, except where indicated below.

Filing an EPA signed paper NOA requires software to file in ACE. Information on how to apply for a secure ACE portal account can be found on CBP’s webpage at <https://www.cbp.gov/trade/automated/getting-started/portal-applying>. Information on how to use ACE and a complete list of approved companies who have developed software applications or provide filing services for ACE can be found on CBP’s webpage at <https://www.cbp.gov/trade/automated/how-to-use-ace>.

For further information on filing the paper EPA NOA, please see the filing tips sheet at <https://www.cbp.gov/document/publications/ace-tips-filing-epa-pesticides>.

EPA reviews and evaluates NOA information submitted in paper form and may request additional information in order to plan for the final disposition of the shipment. Under the electronic alternative, EPA routinely monitors and conducts compliance reviews of electronic NOA filings for pesticide shipments that pass the validation checks in ACE and released from CBP custody. In addition, EPA responds to notifications from ACE for NOA filings that have failed the system automated validation checks. Under both filing options, a completed NOA (electronic or paper) for a pesticide or pesticide device shipment must be submitted to CBP for entry.

Under FIFRA, EPA has the authority to regulate the distribution (importation) or sale of registered and unregistered pesticides and pesticide devices into the United States. All data in this ICR that is recorded and reported is required in order to fulfill EPA and CBP's obligation under FIFRA 17(c). Below, Table 1 provides listing of data items required by FIFRA (along with citations to collect data) and recommended changes for most to provide clarity. No new data elements are being introduced in Table 1.

Table 1: Required 3540-1 Form Parts and Boxes, Authority, and Clarifying Changes to Currently Approved Form Parts, Boxes, and Instructions

Current EPA Form 3540-1 Table 1 and Corresponding Instruction	Statutory and/or Regulatory Authority	Clarifying changes to currently approved EPA Form 3540-1 Parts, Boxes and Instructions
<p>Instructions: Customs and Border Protection (CBP) Regulations</p> <p>Instruction text: "U.S. Customs and Border Protection (CBP) Regulations. 19 CFR 12.112(a) requires an importer or the importer's agent desiring to import pesticides or devices into the United States to submit, prior to arrival of the shipment in the United States, a Notice of Arrival of Pesticides and Devices on U.S. Environmental Protection Agency (EPA) Form 3540-1. In the alternative, the importer or the importer's agent may file an electronic alternative to the Notice of Arrival, with the filing of the entry documentation, via any CBP-authorized electronic interchange system. Upon entry, The NOA will be used by:"</p>	<p>FIFRA §17(c) FIFRA § 8(b) 19 CFR § 12.112 19 CFR §12.113 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS))</p>	<p>Clarify that CBP must be in receipt of a completed EPA NOA upon entry into the United States.</p> <p>"U.S. Customs and Border Protection (CBP) Regulations. 19 CFR 12.112(a) requires an importer or the importer's agent desiring to import pesticides or devices into the United States to submit, prior to arrival of the shipment in the United States, a Notice of Arrival of Pesticides and Devices on U.S. Environmental Protection Agency (EPA) Form 3540-1. In the alternative, the importer or the importer's agent may file an electronic alternative to the Notice of Arrival, with the filing of the entry documentation, via any CBP-authorized electronic interchange system. Upon entry and concurrent with the filing of the entry documentation, CBP must be in receipt of a completed NOA, which includes EPA's signature and recommended disposition with respect to the shipment. The NOA will be used by:"</p>
<p>EPA Regional Offices, States and Ports of Entry locations in the US.</p>	<p>FIFRA § 17(c) 19 CFR § 12.112</p>	<p>Update the EPA regional office information.</p> <p>1. Add "OH*" to the list of States for Region 4 and include the following language within the list of States cell, " *includes port of entry Cincinnati, OH (4102) and Cincinnati DHL Hub (4197)"</p>

Current EPA Form 3540-1 Table 1 and Corresponding Instruction	Statutory and/or Regulatory Authority	Clarifying changes to currently approved EPA Form 3540-1 Parts, Boxes and Instructions
		<p>2. Change mail code for Region 5 to "(ECP-17J)"</p> <p>3. Add an "*" next to the State code OH and add the following language within the States cell, "excludes ports of entry Cincinnati, OH (4102) and Cincinnati DHL Hub (4197)"</p>

The "label is the law" and EPA ensures pesticides are in compliance with the EPA-approved label and pesticide devices are compliant with regulations. OMB approved the use of ACE DIS to collect the label image. Under the current ICR, submission of the label is a mandatory requirement when filing electronically in ACE. A copy of the on-product label that is affixed to the imported pesticide device and pesticide product as part of the standard NOA package. The label allows EPA to verify compliance with FIFRA labeling requirements and may help to resolve issues with a shipment. The label also communicates information that may help Customs Officers take appropriate precautionary measures when handling these shipments at the port. This recommendation is accounting for current practice and can be provided through paper or electronic filing.

In addition to the required data items identified in question 12 EPA recommends the following data items continue to be included with submission of an NOA under this information collection. Submission of this information is voluntary.

1. When importing an unregistered pesticide, provide the CAS No. or Pesticide Chemical (PC) code for the active ingredients in Box 7. The CAS No. and PC code is a unique identifier of the chemical ingredient or substance. Brokers and importers sometimes provide CAS # or PC code because it is faster and more reliable than the chemical name. If the chemical name of the active ingredient for an unregistered pesticide is unknown, it can delay the NOA approval processing.
2. Any additional information, including the intended use and a description of why the product is being imported into the United States (Box 18 on EPA Form 3540-1 (**Attachment B**) or information in the remarks (Box 19 on EPA Form 3540-1). EPA recommends that importers of unregistered pesticides provide this information to help expedite EPA's review of the NOA. Electronic filers will be able to provide this information through ACE.
3. Supporting documentation, such as safety data sheets (SDS), Customs forms 7501 or 3461 other information submitted to Customs pursuant to 19 CFR 142.3(5), that may assist EPA in evaluating the shipment. The Customs entry forms allow EPA to verify that the information submitted on an NOA is accurate. The SDS provides EPA inspectors with information about the proper handling of the shipment when an inspection is required. This recommendation is accounting for current practice and can be provided through paper or electronic filing.

- Read instructions
- Plan activities
- Gather information
- Enter information on Form 3540-1 or its Customs-authorized electronic equivalent and submit the information, including the label, to EPA prior to arrival of pesticide or pesticide device product
- Respond to questions if further inquiries are made by EPA
- If using the paper Form 3540-1, after it is reviewed and signed by EPA, provide to Customs
- Plan and review information for accuracy
- Store, file, and maintain the information

During the course of normal and prudent business operations, a respondent would plan activities for this information collection, arrange for the collection, review the information for accuracy, and arrange to maintain or store the information detailed above. The information to be kept is generally information that prudent businesses would maintain.

Estimating the Burden and Cost of the Collection.

Estimating Respondent Burden

In calculating the respondent burden, EPA estimates that, on average, importers will submit over 168,025 responses (164,449 for electronic and 10,584 for paper) to this information collection annually during this renewal ICR. This estimate is based on a projected decrease in the number of paper NOAs EPA receives for manual review. We expect the number of paper NOAs to decrease. At the same time, the number of electronic responses is expected to increase for a total increase annually. For the last renewal, EPA estimated the annual number of responses at 92,133. At that time, respondents were starting to submit NOAs electronically. The ACE system, implemented in January 2017, is the platform for respondents to electronically provide their responses to CBP and EPA (as well as other agencies). Although ACE does initially identify commodities where responding may be required, respondents are independently responsible for determining whether they have any FIFRA obligations or obligations under any other Federal Law. The decrease for paper NOA responses and increase in electronic NOAs from the last renewal cycle to this one, is primarily due to a respondent's choice to file an electronic alternative to the paper NOA, with their entry documentation, via ACE. Approximately 3,585 paper NOAs and 164,440 electronic NOAs were received on average over the past three years from 2020-2023. Based on this recent historical data, EPA estimates that, on average, respondents (aka importers) will submit over 168,025 responses (164,440 for electronic and 3,585 for paper) to this information collection annually during this renewal ICR.

In estimating the burden per response, EPA assumes that all importers will include a copy of the product label as part of current practice and will voluntarily submit other supporting

documents to EPA as part of the NOA. In addition, EPA assumes importers of unregistered pesticides will voluntarily provide information regarding the intended use of the product, as well as a description of why the product is being imported. Therefore, all potential burden (both required and recommended/voluntary information) for both registered and unregistered pesticide imports has been accounted for in these burden estimates and may represent a slight overestimation of actual paperwork burden.

On average, the burden associated with this information collection activity is approximately 0.43 hours (26 minutes) per response. This estimate is based on an average response time across all response types. The response time includes an estimated average of 4 minutes of managerial time, 9 minutes of technical time and 13 minutes of clerical time, which is broken down approximately as follows:

- 4 managerial and technical minutes to read and hear any instructions.
- 4 minutes of technical and clerical time to gather information, including the label or supporting information.
- 5 managerial and technical minutes to process, compile and review information.
- 5 technical and clerical minutes to complete the form and attach the label.
- 4 clerical minutes to mail the form.
- 4 clerical minutes to file the form and supporting information.

Because EPA recommends that importers of unregistered pesticides voluntarily supply information about the intended use and an explanation of why the product is being imported, the response types have been divided into two types, registered and unregistered. In addition, the NOAs have been divided based on the submission method, paper or electronic. It is expected that electronic NOAs will take less time than paper submissions over time, but for this renewal, they are assumed to take the same amount of time. The number of respondents expected annually for each response type is exhibited in Table 2.

Table 2: Estimated Average Annual Number of Responses, by Type

Type of Response	Number of Responses	Percent of Total (%)	Burden (Hours) per Response
Paper	3,585	2%	
Registered Pesticides and Devices	2,222	62%	0.4
Unregistered Pesticides and other product types	1,363	38%	0.5
Electronic	164,440	98%	

Registered Pesticides and Pesticidal Devices	160,670	98%	0.4
Unregistered Pesticides and other product types	3,770	2%	0.5
Total	168,025	100%	
Registered Pesticides and Pesticidal Devices	162,892	97%	0.4
Unregistered Pesticides and other product types	5,133	3%	0.5

* "Other" product types refers to NOA filings of unregistered pesticides transferred between registered establishments, containers with unregistered pesticide residues, registered and unregistered research and development pesticides, pesticides imported solely for export, etc

EPA estimates it will take respondents submitting a NOA for a registered pesticide or pesticidal device product 0.40 hours (i.e., 24 minutes) per response to read instructions, complete form, and submit information to EPA and Customs, for a total of 65,157 hours annually. Respondents submitting a NOA for unregistered pesticides will require 0.50 hours (i.e., 30 minutes) for these activities, or 2,567 hours annually. The annual burden hours per response type are found by multiplying the annual number of responses for each response type (as shown in Table 2), times the estimated burden per response for that type. The paperwork burden estimates represent the average burden and costs. Some respondents will spend less time and others more time than the average estimated. The total estimated respondent burden to comply with this information collection is 67,723 hours annually.

The estimates below are still based on the time estimates for filling out a paper NOA, Form 3450-1. Over time, EPA expects that the burden to file NOAs could decrease as electronic NOA filings become a part of standard business practice. These burden reductions will be reevaluated as the ACE system is fully implemented and will be reflected in future renewals of this ICR once EPA has data on the frequency of electronic and paper filings and the time required to complete each type of NOA.

Estimating Respondent Costs

The methodology for calculating the wage rates in this renewal of the ICR has been updated to be consistent with the method for wage calculation for all ICRs managed by the Office of Pesticide Programs (OPP). The current wage estimates are based on latest wage data, 2023 data accessed online in 2024. The calculation of the wage rates use base wage data for each sector and labor type for an *Unloaded wage rate* (hourly wage rate) and calculates the *Loaded*

wage rate (unloaded wage rate + benefits) and the *Fully loaded wage rate* (loaded wage rate + overhead) based on that data. Fully loaded wage rates are used to calculate respondent and Agency costs.

Unloaded Wage Rate: Wages are estimated for labor types (management, technical, and clerical) within applicable sectors. The Agency uses average wage data for the relevant sectors available in the National Industry-Specific Occupational Employment and Wage Estimates from the [Bureau of Labor Statistics](http://www.bls.gov) (BLS).

Sectors: The specific NAICS code and website for each sector is included in the sector’s wage rates. Within each sector, the wage data are provided by Standard Occupational Classification (SOC). The SOC system is used by federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data (see http://www.bls.gov/oes/current/oes_stru.htm).

Loaded Wage Rate: Unless stated otherwise, all benefits represent 45.2% of unloaded wage rates, based on average rate of benefits for all civilian non-farm workers (see <http://www.bls.gov/news.release/ecec.t01.htm>).

Fully Loaded Wage Rate: OPP multiplies the loaded wage rate by 50% (EPA guidelines 20-70%) to get overhead costs. Since the majority of NOAs are submitted by firms in NAICS code 3250A1 (Pesticide and Other Agricultural Chemical Manufacturing), hourly wage rates for this sector were used to calculate respondent burden. The fully loaded hourly wage rates for management, technical, and clerical occupations for NAICS 3250A1 are \$166, \$90, and \$61, respectively.

Table 3 shows the estimated respondent burden and cost for submitting a NOA, including a label and other supporting documents, for registered pesticide and pesticidal devices. For these products, EPA estimates the burden per response to be 0.40 hours.

Table 3: Respondent Burden and Cost per Response: Registered Pesticides and Pesticidal Devices

Collection Activities	Management (hours) ¹	Technical (hours) ¹	Clerical (hours) ¹	Total (hours)	Cost (\$)
	\$166.18/hr	\$90.32/hr	\$61.31/hr		
Read or hear any instructions	0.01	0.05	0	0.06	\$6.18
Plan activities	0	0	0	0	\$0.00
Create information	0	0	0	0	\$0.00

Gather information, including label and supporting information (both mandatory and recommended/voluntary information)	0	0.02	0.03	0.05	\$3.65
Process, compile, review information for accuracy	0.02	0.05	0	0.07	\$7.84
Complete written forms	0	0.04	0.04	0.08	\$6.07
Record, disclose, or display information	0	0	0.07	0.07	\$4.29
Store, file, or maintain information	0	0	0.07	0.07	\$4.29
TOTAL BURDEN²	0.03	0.16	0.21	0.4	\$32.31

¹ Hourly wages rates are fully loaded wage rates based on NAICS 3250A1 - Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing from U.S. Department of Labor, Bureau of Labor Statistics, 2023 data, Accessed April 2024. See Attachment C for wage calculations.

² Totals may not sum due to rounding.

The estimated total annual burden for registered pesticides and pesticidal devices is shown in Table 4. As was stated above and as is shown in Table 3, the burden hours per response is estimated to be about 0.40 hours. The burden cost per response for registered pesticides and pesticidal devices is \$32.21 and the total number of responses per year is 162,892. The burden and cost per response is multiplied by the number of responses to get total annual respondent burden and cost, respectively. Thus, the total annual burden is estimated to be 65,157 burden hours and the total annual burden cost that is associated with these hours is expected to be \$5.26 million as is presented in Table 4.

Table 4: Total Annual Respondent Burden and Cost: Registered Pesticides and Pesticidal Devices

Information Collection	Burden Per Response (hours)	Cost Per Response ¹	Responses Per Year	Annual Burden (hours)	Total Costs
Notice of Arrival for Devices (paper)	0.40	\$32.31	2,222	889	\$71,798
Notice of Arrival for Registered Pesticides	0.40	\$32.31	160,670	64,268	\$5,191,604

and Devices (electronic)					
Total	0.40	\$32.31	162,892	65,157	\$5,263,401

1 Cost per Response is from Table 3 above.

Table 5 shows the estimated respondent burden and cost for submitting a type of NOA, including a label, supporting documents, and intended use information, for unregistered pesticides. For these responses, EPA estimates the burden per response to be 0.50 hours.

Table 5: Respondent Burden and Cost per Response: Unregistered Pesticides

Collection Activities	Management (hours)¹ \$166.18/hr	Technical (hours)¹ \$90.32/hr	Clerical (hours)¹ \$61.31/hr	Total (hour)	Cost (\$)
Read or hear any instructions	0.02	0.05	0	0.07	\$7.84
Plan activities	0	0	0	0	\$0.00
Create information	0	0	0	0	\$0.00
Gather information, including label and supporting information	0	0.03	0.04	0.07	\$5.16
Process, compile, review information for accuracy	0.02	0.05	0	0.07	\$7.84
Complete written forms	0	0.04	0.04	0.08	\$6.07
Record, disclose, or display information	0	0.07	0.07	0.14	\$10.61
Store, file, or maintain information	0	0	0.07	0.07	\$4.29
TOTAL BURDEN²	0.04	0.24	0.22	0.50	\$41.81

¹ Hourly wages rate are fully loaded wage rates based on NAICS 3250A1 - Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing from U.S. Department. of Labor, Bureau of Labor Statistics, 2023 data, Accessed April 2024. See Attachment C for wage calculations.

² Totals may not sum due to rounding.

The estimated total annual burden for unregistered pesticides is shown in Table 6. As was stated above and as is shown in Table 5, the burden hours per response for unregistered pesticides is estimated to be about 0.50 hours. The burden cost per response for unregistered pesticides is \$41.81 and the total number of responses per year is 5,133. The burden and cost per response is multiplied by the number of responses to get total annual respondent burden and cost, respectively. Thus, the total annual burden is estimated to be 20,135 burden hours and the total annual burden cost that is associated with these hours is expected to be \$1,383,402 as is presented in Table 6.

Table 6: Total Annual Respondent Burden and Cost: Unregistered Pesticides

Information Collection	Burden Per Response (hours)	Cost Per Response¹	Responses Per Year	Annual Burden (hours)	Total Costs
Notice of Arrival for Unregistered Pesticides (paper)	0.50	\$41.81	1,363	682	\$57,004
Notice of Arrival for Unregistered Pesticides (electronic)	0.50	\$41.81	3,770	1,885	\$157,633
Total	0.50	\$41.81	5,133	2,567	\$214,637

¹ Cost per Response is from Table 5 above.

In summary, the total annual respondent burden hours for this ICR are estimated at 67,723 hours. The total annual respondent cost for this ICR is estimated to be \$5.48 million.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

- a) The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting

information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- b) **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- c) **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no operational and/or maintenance costs.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

EPA regional personnel review the submitted information for accuracy and completeness and maintains files of the NOA for inspection and targeting. If all information is complete and accurate, the Agency reviewer signs and returns the form to the importer. An incomplete NOA may require additional follow-up in order to determine the disposition of the pesticide or pesticide device shipment. EPA regional personnel also work with Customs agents at the port of entry to resolve discrepancies between information submitted in a NOA and Customs entry documents. An incomplete, or incorrectly categorized NOA may also result in a review of the product. EPA headquarters and regional personnel participate in the pesticide device determination work group, formed in 2017, to increase consistency on Agency device determinations. The work group meets weekly and addresses device questions, including those from NOAs. The workgroup evaluates whether an import is a pesticide device, a pesticide or is a product unregulated by EPA. If the import is a pesticide device, the work group may evaluate the function and uses of the device which may include current label claims and changes needed to allow the import of the device.

EPA estimates that, in total, 8.5 EPA FTEs are allocated for processing data submitted under this information collection. The estimated number of federal government FTEs (full time equivalents) needed to process and review NOAs on an annual basis was decreased from the previous estimate of 9 to 8.5. To estimate the Agency burden hours for this ICR, the number of

FTEs, 8.5, was multiplied by the number of workday hours in a year, 2,080 hours (52 weeks multiplied by 40hrs/week), to get a total of 17,680 Agency burden hours.

Table 8: Agency Burden Estimate

	Total Burden
FTEs (full time equivalents)	8.5 FTEs
Workday hours per FTE	2,080 hours
Total Workday Hours Annually	17,680 hours

The methodology for calculating the wage rates in this renewal of the ICR has been updated to be consistent with the method for wage calculation for all ICRs managed by the Office of Pesticide Programs (OPP). The previous ICR used the 2020 annual salary for a federal employee at the GS-13, Step 1 level (\$78,681 annually, or \$40/hr, \$87/hr when fully loaded. This ICR uses the fully loaded hourly (flh) wage rate for technical staff in the federal government (\$97,198 annually, or \$47/hr, \$102/hr when fully loaded) to represent the wage rates for relevant Agency staff for 2023.

The current wage estimates are based on the most recent, 2023 BLS wage data, accessed online in 2024. The calculation of the wage rate uses base wage data for each sector and labor type for an *Unloaded wage rate* (hourly wage rate) and calculates the *Loaded wage rate* (unloaded wage rate + benefits) and the *Fully loaded wage rate* (loaded wage rate + overhead) based on that data.

Fully Loaded Wage Rate: OPP multiplies the loaded wage rate by 50% (EPA guidelines 20-70%) to get overhead costs. NAICS code 999100 for the Federal Government was used to calculate hourly wage rates for the Agency. The fully loaded hourly wage rates for management, technical, and clerical occupations for NAICS 999100 are \$151, \$102, and \$55, respectively. See **Attachment C** for labor wage calculations.

Table 9 shows the total cost of federal government labor for processing NOA forms. At a fully loaded annual wage rate of \$211,637 per FTE annually, the total annual cost of 8.5 FTEs to the federal government is approximately \$1.8 million.

Table 9: Federal Government (Agency) Labor Costs

Data Category	Value
Fully Loaded Annual Rate (\$/year per FTE)*	\$211,637
Total EPA FTEs	8.5
Total Federal Government Labor Costs	\$1,798,916

* For calculation of Fully Loaded Annual Rate from base salary, see Attachment C

In addition to labor costs, there are direct costs of printing instructions and reporting forms. In the previous ICR renewal, this cost was estimated at \$26,948 for 10,600 paper NOAs. In this renewal cycle there were roughly 3,585 paper NOAs, and the cost is estimated to be \$100.

Table 10 combines the labor costs and direct costs to the federal government of processing Notice of Arrival forms. The total cost is approximately \$1.8 million per year, assuming an average of about 168,025 NOAs filings (both paper and electronic) are processed each year.

Table 10: Total Annual Agency Costs

Data Category	Costs
Total Federal Government Labor Costs	\$1,798,916
Total Federal Government Direct Costs	\$100
TOTAL AGENCY COSTS	\$1,799,016

Agency Burden

The total annual agency burden for this ICR for 8.5 FTEs, with direct costs, would result in a total annual agency cost of \$1.8 million.

Table 11: Total Annual Agency Burden and Costs

Information Collection	Responses Per Year	Annual Burden (hours)	Total Costs (Labor plus Direct)
Notice of Arrival	168,025	17,680	\$1,799,016

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

There is an increase of **26,843** hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase is a result of an increase in the annual number of electronic NOAs submitted by **75,892**. The average burden hours per response is the same for this cycle and the last cycle, 0.44 hours. This estimate of burden hours per response takes into account changes to the data items on the NOA, as well as an accounting of the burden of submitting certain information voluntarily or as part of current practice. Specifically, this burden estimate accounts for the burdens related to providing a copy of the label as well as complete contact information, including a telephone number and email addresses, for the shipper, importer of record, licensed broker, carrier and ultimate consignee when supplying name and address information. In addition, EPA is accounting for the burden of voluntarily providing supporting documentation for registered and unregistered pesticides, active ingredients and percentage of each for registered pesticides, as well as intended use information for unregistered pesticides. The last renewal cycle had estimates for ‘Other Costs,’ but in this cycle none were submitted via comments or other forms of outreach, so there are no other costs included. In the future, any estimates of relevant ‘Other Costs,’ will be included.

There is an increase in respondent costs by **\$2,724,517** as a result of changes in the wage rates made to reflect the current wage rates.

EPA expects that the burden hours and costs to file NOAs could decrease as electronic NOAs become a part of standard business practice. These cost reductions will be reflected in future updates of this ICR once EPA has data on the time it takes to complete electronic filings received by the Agency.

These changes are adjustments.

16. For collections whose results will be published, outline the plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

This question is not applicable.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

This question not applicable to this ICR.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

EPA does not request an exception to the certification of this information collection.

SUPPLEMENTAL INFORMATION

PRA Burden Statement

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0020). Responses to this collection of information are mandatory for certain persons, as specified at 19 CFR Part 12. 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 **26 minutes** 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 Information Engagement 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."

You can also provide comments to the Office of Information and Regulatory Affairs, Office of Management and Budget via <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

All comments received by EPA will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

LIST OF ATTACHMENTS

The attachments listed below can be found in the docket for this ICR. The docket for this ICR is accessible electronically through <https://www.regulations.gov> using Docket ID Number: EPA-HQ-OPP-2024-0139.

Attachment	Description
A	Consultation
B	EPA Form 3540-1
C	Work Sheets used to Calculate Labor Costs

References

[7 U.S.C. 136o - Section 17 of the Federal Insecticide, Fungicide, and Rodenticide Act.](#)

[19 CFR 12.110-117.](#)

[Emergency Processing Request for Information Collected in the ITDS Pilot for Pesticide Notice of Arrival \(OMB Control No. 2070-0020; EPA ICR No. 0152.11\).](#)