Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
Information Collection Request (ICR)
OMB 1140-0098
Prevent All Cigarette Trafficking (PACT) Act Registration Form
(ATF Form 5070.1)

SUPPORTING STATEMENT

A. JUSTIFICATION

1. Explain the circumstances that make the information collection necessary.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) assists the states in their effort to eliminate interstate trafficking, selling, and distributing cigarettes and smokeless tobacco in avoidance of federal and state taxes. Recognizing that the range in state cigarette and smokeless tobacco taxes created a potential for interstate trafficking of these products to avoid state tax, Congress enacted federal laws to ensure the state cigarette and smokeless tobacco taxes are paid. The Prevent All Cigarette Trafficking Act of 2009 (15 U.S.C. §§ 375-378, 18 U.S.C. § 1716E) requires any person who sells, transfers, or ships for profit cigarettes or smokeless tobacco in interstate commerce to register with the Attorney General of the United States (delegated to ATF) and the state tax administrators of the states to which the person ships the tobacco products or in which the person advertises or offers them. Persons who sell these products must report sales into the jurisdictions, and if they engage in delivery sales, they must comply with state and local tax laws.

In 2021, electronic nicotine delivery systems (ENDS) became subject to regulation under the PACT Act through the Preventing Online Sales of E-Cigarettes to Children Act. This act expanded the definition of a ‘cigarette’ within the PACT Act to include “any electronic device that, through an aerosolized solution, delivers nicotine, flavor, or any other substance to the user inhaling from the device.” ENDS may include e-cigarettes, e-hookahs, e-cigars, vape pens, advanced refillable personal vaporizers, electronic pipes, and any component, liquid, part, or accessory of such a device, regardless of whether that item is sold separately from the device. All electronic devices that deliver aerosolized nicotine solutions to the user are regulated as ENDS, regardless of whether the nicotine they contain is derived from tobacco or synthetically derived and non-nicotine electronic devices, including those devices that aerosolize and deliver other types of substances (including CBD, THC, Delta-8, Delta-9, etc.) are also regulated as ENDS.

Sellers of ENDS products therefore must also register with ATF and the state tax administrators of the states to which they ship the ENDS products or in which they advertise or offer them. Persons who sell these products must report sales into the jurisdictions, and if they engage in

delivery sales, they must comply with state and local tax laws and regulatory laws that involve distributing ENDS to minors.

As part of the registration requirements, the law requires registrants to provide their full name and contact information; their trade name (if any); the address of their principal place of business and any other place of business; and the name, address, and telephone number of any agent they have in the state who the registrant authorizes to accept service on their behalf.

2. Indicate how, by whom, and for what purpose the information will be used.

Respondents use ATF Form 5070.1, Prevent All Cigarette Trafficking (PACT) Act Registration Form, to ensure they successfully complete the federal registration requirements. ATF uses the collected information to register applicants and to create and maintain a PACT Act registration database for registrants and a database for the unregistered/non-compliant delivery sellers. The non-compliant list is available to the attorneys general and tax administrators of each state, common carriers, and other persons the Attorney General deems appropriate to receive it.

3. Describe whether, and to what extent, the information collection involves using automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronically submitting responses, and the basis for the decision to adopt this means of collecting.

The form is available on ATF's website and is digitally fillable and signable. Applicants may submit the form electronically by email to pactactregistrationinbox@atf.gov.

4. Describe efforts to identify duplication.

This information is not duplicative; it includes identifying and contact information for registrants and their business, as required by law so that ATF knows the person sells cigarettes or smokeless tobacco and so ATF can register them. This information is not otherwise collected or available. ATF uses a uniform subject classification system for forms to identify duplication and to ensure that any similar information already available cannot be used or modified to use in this information collection.

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

ATF has assessed the impact to small businesses and other small entities under the Regulatory Flexibility Act (5 U.S. C. 601 *et seq*.) and has concluded that there will not be a significant impact on small businesses and other small entities.

6. Describe the consequences to federal programs 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.

The consequences if this information is not collected would be that delivery sellers and any person required to register with ATF would be unable to register with ATF, would be in violation of the PACT Act, and would subsequently be placed on the list of non-compliant delivery sellers. This would severely limit the delivery sellers' legal ability to continue to operate their business.

7. Explain any special circumstances that would cause the information collection to be conducted in a manner inconsistent with 5 CFR 1320.6.

There are no special circumstances associated with this information collection, which is conducted in a manner consistent with 5 CFR 1320.6.

8. If applicable, provide a copy, and identify the date and page number, of the agency's notice published in the *Federal Register*, as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submitting to OMB.

The 60-day notice was published in the *Federal Register* on 10/28/2026 (91 FR 67860). The comment period will end on 12/28/2026. ATF has not yet published the 30-day notice for this information collection. ATF anticipates publishing the 30-day notice as usual once the 60-day comment period has concluded and ATF has addressed any comments received during that time. ATF is requesting an emergency extension of the existing OMB approval to ensure the information collection's continuity while it completes the regular renewal and notice process.

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

ATF does not provide payments or gifts in connection with this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

ATF has not assured respondents of confidentiality. However, the information being collected includes PII and is thus protected by the Privacy Act. The information is maintained by ATF in a system of records, Justice/ATF-008, Regulatory Enforcement Record System. [The form that accompanies this ICR includes a Privacy Act statement that covers this information and informs respondents of the system of records, routine uses, etc.]

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 information collection does not ask questions or require information of a sensitive nature.

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

ATF estimates that 1,396 respondents are impacted by this registration requirement per year. Respondents provide this information one time, so there are 1,396 annual responses. ATF also estimates that it takes respondents approximately 30 minutes (0.5 hours) to complete Form 5070.1. Therefore, there are 698 total annual burden hours associated with this collection (1,396 responses * 0.5 hours).

To calculate an hourly wage rate for this ICR, ATF used the wage rate for Transportation, Storage, and Distribution Managers for May 2025, as determined by the U.S. Department of Labor, Bureau of Labor Statistics (BLS).[1] BLS determined the average hourly pay for private sector workers to be $58.46. They also determined that a load rate of 1.4 was appropriate to account for benefits, making the loaded wage rate $81.84 ($58.46 * 1.4).[2,3,4] The monetized value for this ICR is therefore $57,124 annually (rounded) ($58.46 loaded hourly wage rate * 698 hours).

Table 1. Estimated annualized respondent cost and hour burden

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)	Hourly rate*	Monetized value of respondent time
Completing registration form	1,396	1	1,396	0.5	698	$58.46	$57,124

13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the information collection. (Do not include the cost of any hour burden shown in items 12 and 14).

There are no start-up or other additional costs associated with this information collection because more than 90 percent of respondents submit by email.

14. Provide estimates of the annualized cost to the federal government.

There are no costs to the federal government associated with this collection. This is due to the current staffing and administrative capacity already in place to complete any marginal processing required under this information collection, with long-term staffing capacity serving as a sunk cost. ATF no longer prints and distributes the form, which is available to download from its website.

15. Explain the reasons for any program changes or adjustments.

[1] https://data.bls.gov/oesprofile/?year=2025&major_group=470000&occupation=475032&measure=01&areas=INDUSTRY,STATE,MSA
[2] https://data.bls.gov/dataViewer/view/timeseries/CMU2010000000000D
[3] https://data.bls.gov/dataViewer/view/timeseries/CMU2020000000000D
[4] 1.4 load rate = $44.86 total hourly compensation / $32.04hourly wages and salaries.

ATF has made no program changes affecting this information collection. However, the number of registrants have increased since the last renewal in 2023, from 800 respondents to 1,396, a 596-person increase. In addition, the registration forms have been made electronically downloadable, fillable, and signable, and submitted by email. This has resulted in a decrease in the amount of time it takes to complete the form, from 1 hour to 30 minutes. The combined increase in respondents and decrease in time has resulted in a net decrease in burden hours, from 800 during the last renewal to 698 in 2026. ATF has also made minor plain writing edits to the form, and has merged the continuation sheet, formerly Form 5070.1A, into Form 5070.1; as fully electronic forms, there is no longer a need for a separate continuation sheet.

16. For information collections whose results will be published, outline plans for tabulations and publication.

ATF does not publish the results of this collection.

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

ATF intends to display the OMB expiration date for this information collection.

18. Explain each exception to the certification statement.

This information collection does not include any exceptions to the certification statement.

B. INFORMATION COLLECTIONS EMPLOYING STATISTICAL METHODS.

This collection does not employ statistical methods.