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United States Environmental Protection Agency

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Instructions for Completing EPA Form 3540-16
Pesticide Report for Pesticide-Producing and Device-Producing Establishments
Reporting Year 2010

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))

General Information

Read all instructions before completing this form. Type or print clearly in dark ink. This form may also be filled out and printed on-line. Page one has space to enter one product. Use the **"Add additional page"** button at the bottom of the on-line screen-fillable form and add as many pages as necessary to report all products. Each "Additional" page has space for four (4) products. Please make sure you number each page. If you add too many pages, click the "Remove Extra Page" button to remove the last page added. See the Pesticide Establishment Registration and Reporting web page for the instructions and the form.
http://www.epa.gov/compliance/monitoring/programs/fifra/establishments.html

1. Who must report?

- All 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)

- Establishments with zero production or distribution in 2010. If your establishment did not produce or distribute products subject to this report in 2010:
  - Complete Items 1-27 and Items 40-43.
  - Check "No" in Item 14.

- Establishments that closed, went out of business or ceased production.
  - Report all production and distribution during 2010.
  - See Number 7 for information on terminating your establishment's registration.

2. 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 US.

- **Custom Blender—**any establishment 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 Pesticide Establishment Registration and Reporting FAQ for more information. http://www.epa.gov/compliance/resources/monitoring/fifra/faqestablishment.html

3. What must be reported?

- 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 2010.
  - Types and amounts sold or distributed in 2010, regardless of when the product was produced.
  - An estimate of the amount expected to be produced in 2011.

- **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).
  - Products shipped from your supplier directly to your customer.
  - Any products for which Items 36, 37 and 38 are zero.
  - Pesticides that are **applied** by your staff.
  - Returned inventory or carryover product from a previous year.
  - Custom-blended products.

4. When to report:

- **Annual Reports are due: On or before March 1, 2011, 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. Failure to file the initial report is an unlawful act and may result in termination of the establishment's registration or your ability to import into the United States until you have fulfilled your reporting responsibility.

5. Completing the Report:

- Enter the company official's or authorized agent's Name and Title (Items 40 & 41).
- An original signature of a company official or authorized agent is required on the report in Item 42.
- Enter the date in Item 43.
- For all pages complete at the bottom: "This is Page _____ of _____."
- Submit completed reports as directed on Page 9. Please make a copy of the report for your records.
- **EPA will not accept any copies (xeroxed, faxed or electronic document formats) of the initial or annual reports (EPA Form 3540-16).**

6. What if I fail to file this production report?

Failure to file an initial or annual production report is a violation of FIFRA, and may result in termination of the establishment's registration, civil penalties up to $7,500 per violation and/or criminal penalties. It may also affect your ability to import until you are in compliance.

7. How to terminate your establishment's registration:

- Send a letter on company letterhead with this report stating the establishment is out of business or has ceased production of pesticides, active ingredients or devices requesting that your establishment number be terminated.

- If EPA terminates your domestic establishment registration, it is illegal to sell or distribute any pesticide, active ingredient or device in the United States or to export a product out of the United States. If EPA terminates your foreign establishment registration, it is illegal for you to import any pesticide, active ingredient or device into to the United States.

8. **Additional Information** is available at Pesticide Establishment—Registration and Reporting Questions at: http://www.epa.gov/compliance/resources/monitoring/fifra/faqestablishment.html.

General Instructions

Establishment Information: (Items 1 through 14)

- **Item 1—Establishment Name**: Enter the producing establishment name.
- **Item 2—Establishment Number**: Enter the producing establishment number.
- **Item 3 to 6—Establishment Site Address**: Enter the SITE address, *not a post office box or route number*, where your establishment is located. For foreign establishments, zip code is equivalent to postal code, post code or postcode.
- **Item 7 to 10—Establishment Mailing Address**: Enter the mailing address for the establishment if different from the site address.
- **Item 11—Telephone Number**: Enter the phone number for the establishment. For foreign establishments, please provide the country code.
- **Item 12—Email**: Enter your email address.
- **Item 13—**If the establishment name or site address has changed from the previous year, enter a check (**X**) in the box.
- **Item 14—** Did you produce or distribute in 2010? Check the appropriate box.
  Note: If you checked the "No" box, do not fill in items 28 through 39.

NOTE: For items 5, 9, 18 and 22—Foreign country abbreviation codes are available at: http://www.epa.gov/compliance/resources/publications/monitoring/fifra/fgnestablishments.html Please contact U.S. EPA Headquarters 011-202-564-4203 if you do not see the appropriate country code listed.
http://www.epa.gov/compliance/resources/monitoring/fifra/faqestablishment.html

Company Information: (Items 15 through 27)

- **Item 15—Company Name**: Enter the company name.
- **Item 16 to 19—Company Site Address**: Enter the company's *headquarter* address.
- **Item 20 to 23—Company Mailing Address**: Enter the mailing address for the company if different from the company site address.
- **Item 24—Telephone Number**: Enter the phone number for the company. For foreign companies, please provide the country code.
- **Item 25—Email**: Enter your email address.
- **Item 26—**If company name or site address has changed from the previous year, enter a check (**X**) in the box.
- **Item 27 —** 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 28 through 39)

NOTE: Foreign Establishments – You must report production for products exported to or marketed in the United States. 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 to other countries and 1,000 pounds to the United States; you should report 1,000 produced and 1,000 distributed.

- **Item 28—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.
    "Special Local Need (SLN)" means an existing or imminent pest problem within a State for which the State lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available. (See: EPA regulations at 40 CFR §162.151)
  - 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.

- **Item 29—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 29 blank.
  - Product Code 5 — For stand-alone SLN Registrations, enter the SLN registration number in Item 29 (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 29 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.

- **Item 30—Product Name**:

  List the most common brand name. If marketed under alternate brand names, add the wording "and alternate brand names" or "ABN" and *report total production under all names for the formulation.*

- **Item 31—Product Classifications**: **Enter the code that best describes the product's use.**

  - Classification for Devices
    51 Device

  - Classifications for Pesticides

04 Insect Repellant	07 Antimicrobial	09 Attractant
18 Sterilizer	20 Disinfectant	21 Sanitizer
27 Fungicide	28 Nematocide	29 Fumigant
34 Herbicide	36 Defoliant	37 Desiccant
38 Antifoulant	43 Insecticide	49 Plant Growth Regulator
54 Rodenticide	57 Animal Repellant	59 Algaecide
61 Molluscicide (e.g. slug bait)	69 Water Purifier	

  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 32—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 33—Market Sold or Distributed To**:

  - Enter 1 — if all the product was marketed in the United States.
  - Enter 2 — if the product was marketed both in the United States and exported from the United States.
  - Enter 3 — if all the product was exported from the United States.

- **Item 34—RUP Status**:

  - Enter 1 — Product label states RESTRICTED USE PESTICIDE at the top of the front label panel.
  - Enter 2 — All other products.

- **Item 35—Unit of Measurement**:

  - 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 and pesticides that the label does not declare as gallons, pounds, liters, kilograms or tons)

- **Item 36—Amount Produced in 2010**:

  - *Do not include amounts that are custom blended or applied to a crop, commodity or site by your staff.*
  - Round all quantities **to the nearest whole number**.

- **Item 37—Amount Sold or Distributed in 2010 - 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 or applied to a crop, commodity or site by your staff.*
  - *Foreign producers should enter only the amount of product or number of devices exported to the United States.*
  - Round all quantities **to the nearest whole number**.

- **Item 38—Amount Sold or Distributed in 2010 to Foreign Markets** (Exported):

  - Enter the quantity exported from the United States in 2010, regardless of when the product was produced.
  - Round all quantities **to the nearest whole number**.
  - **Foreign establishments enter "0" in Item 38.**

- **Item 39—Amount (Estimated) to be Produced in 2011:**

  - Enter an estimate of the quantity to be produced in 2011.
  - Round all quantities **to the nearest whole number.**

Signature Certification: (Items 40 through 43)

- **Items 40 and 41—Name and Title of Company Official or Authorized Agent**: 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, please enter your name and title.

- **Items 42 and 43—Signature of Company Official or Authorized Agent**: The company official and/or authorized agent listed in Item 40 must sign and date the report in order for it to be complete.

Confidentiality. Under FIFRA §7(d) [7 USC §136e], information reported in Items 36, 37, 38 and 39 of EPA Form 3540-16 will be treated as business confidential, subject to the provisions of FIFRA §10 [7 USC §136h]. You are not required to assert a claim of confidentiality for this information.

If you wish to assert a claim of confidentiality for other information you have provided on this form, you must identify by the box number(s) information for which you are asserting a claim of confidentiality. Information so designated will be disclosed by the EPA only to the extent allowed by, and by means of, the procedures set forth in 40 CFR Part 2. If you do not claim the information as confidential upon submission of the report, it may be made available to the public without further notice to you.

Public Reporting Burden. The time required to complete this report is estimated to average one hour and 26 minutes, per response, including reviewing instructions, searching data sources, gathering and maintaining data needed, and completing review and collection of information. Send comments regarding this burden estimate or other aspects related to this information collection, including suggestions for reducing this burden, to: Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, DC 20460. Include the OMB control number in any correspondence. Do not send the completed 3540-16 form to the above address.

Where to Submit Reports

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

EPA Regional Offices	States/Terr. Covered	EPA Regional Offices	States/Terr. Covered
U.S. EPA Region 1 **Kan Tham** Toxics and Pesticides Unit (OES 05-4) 5 Post Office Square, Suite 100 Boston, MA 02109-3912 Telephone: 617-918-1872	**CT, MA** **ME, NH** **RI, VT**	**U.S. EPA Region 6** **Chuck Ruple** Pesticides Section (6PD-P) 1445 Ross Avenue Dallas, TX 75202-2733 Telephone: 214-665-6534	**AR, LA** **NM, OK** **TX**
U.S. EPA Region 2 **Michael Kramer** Pesticides Team (MS-500) 2890 Woodbridge Avenue Edison, NJ 08837-3679 Telephone: 732-321-6610	**NJ, NY** **PR, VI**	**U.S. EPA Region 7** **Delbert Kelley** Pesticides Section (WWPD/TOPE/PEST) 901 N. 5th Street Kansas City, KS 66101-2798 Telephone: 913-551-7371	**IA, KS** **MO, NE**
U.S. EPA Region 3 **Kyla Townsend-McIntyre** Pesticides and Asbestos Programs Branch (3LC62) 1650 Arch Street Philadelphia, PA 19103-2029 Telephone: 215-814-2045	**DC, DE** **MD, PA** **VA, WV**	**U.S. EPA Region 8** **Kathleen Craig** Enforcement Division (8ENF-PJ) 1595 Wynkoop Denver, CO 80202 Telephone: 303-312-6049	**CO, MT** **ND, SD** **UT, WY**
U.S. EPA Region 4 **Mary Summers** Chemical Products & Asbestos Section 61 Forsyth Street, SW 12th Floor Atlanta, GA 30303 Telephone: 404-562-8997	**AL, FL** **GA, KY** **MS, NC** **SC, TN**	**U.S. EPA Region 9** **Glenda Dugan** Pesticides Office (CED-5) 75 Hawthorne Street San Francisco, CA 94105-3901 Telephone: 415-947-4204	**AZ, CA** **GU, HI** **MP, NV**
U.S. EPA Region 5 **Gail Muffitt** PTCS (LC-8J) 77 W. Jackson Blvd. Chicago, IL 60604-3507 Telephone: 312-886-6008	**IL, IN** **MI, MN** **OH, WI**	**U.S. EPA Region 10** **Erin Halbert** Pesticides and Toxics Unit (OCE-084) 1200 Sixth Avenue, Suite 900 Seattle, WA 98101-1128 Telephone: 206-553-4627	**AK, ID** **OR, WA**

FOREIGN PRODUCERS: Submit reports to the **following EPA Washington, DC address:**

U.S. Postal Service Mail Address	Courier Delivery Address
Michelle Stevenson U.S. Environmental Protection Agency Agriculture Division (2225A) 1200 Pennsylvania Avenue, NW Washington, DC 20460-0001 USA Telephone: 202-564-4203	Michelle Stevenson U.S. Environmental Protection Agency Agriculture Division Ariel Rios Building -- South 1200 Pennsylvania Avenue, NW, Room 6102 Washington, DC 20004 USA

NOTE: The Agency does not notify you when your report is received. To ensure the Agency receives the report, you may wish to send it by certified or registered mail, return receipt requested.