

How EPA and CBP Regulate the Importation of Pesticides and Devices



Under Section 17 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA and CBP regulate the importation of unexempted pesticides and devices into the United States.

Anyone bringing a pesticide or device into the United States is an importer. Imported pesticides and devices are subject to regulations administered by EPA and CBP (12 C.F.R. §§ 12.110 - 12.117). Illegal importation of noncompliant pesticide products can result in pesticide misuse, illegal residues on food crops, human injury or exposure, and environmental damage. All imported pesticides and devices, including non-exempt, unregistered pesticides, must have been produced in an EPA-registered establishment (even when the production establishment is outside the United States) and labeled accordingly with that establishment number.

CBP regulations require that any importer of pesticides or devices must submit to EPA a Notice of Arrival of Pesticides and Devices (NOA) prior to their arrival in United States. EPA must review and approve the NOA and then provide the NOA to the importer who can present it to CBP for entry.

Since Sept. 30, 2016, upon entry of a shipment of pesticides or pesticide devices into the United States, and concurrent with the filing of the entry documentation, CBP must be in receipt of the information required by the EPA NOA. An importer (or its agent) can submit that information to CBP by paper, using EPA Form 3540-1, or electronically via any CBP-authorized electronic data interchange system. EPA encourages importers and their agents to file their EPA NOA information well in advance of their shipment's arrival at the port of entry to allow time for EPA review, any requests for additional information, and any necessary corrections.

Unregistered pesticides may be imported only if the import meets the conditions of one of the specific exceptions in 40 C.F.R. § 152.30. (Persons who are importing unregistered pesticides for the sole purpose of exporting them must comply with Pesticide Registration Notice 99-1.)