



United States Environmental Protection Agency

Instructions for Completing EPA Form 3540-16 Pesticide Report for Pesticide- Producing and Device-Producing Establishments Reporting Year January 1, 2023 through December 31, 2023

Reporting Deadline: On or before March 1, 2024

It is unlawful to knowingly falsify all, or part of, the information reported on EPA Form 3540-16. (FIFRA §12(a)(2)(M), 7 U.S.C. §136g)

Electronic Reporting (RECOMMENDED)

EPA created an electronic reporting system for pesticide establishments using the Section Seven Tracking System (SSTS). You can **file an electronic report for the current reporting year at any time during the reporting period**. By submitting annual production reports (EPA Form 3540-16) electronically, you can:

- Enter data directly through your browser (you do not need to access PDF forms or upload additional documentation).
- Document the immediate receipt of any submitted report.
- Track EPA's review status of reports.
- Easily view, edit, and amend reports that you created and for which you retain the passphrase.
- Experience fewer delays in having your reports processed.

The electronic reporting system also allows you to conveniently register new establishments (EPA Form 3540-8), submit overdue annual production reports, keep establishment address and contact information current, and request termination of an EPA establishment number, when appropriate, as part of the annual reporting process. To learn more about electronic reporting and view step-by-step instructional videos, go to: <https://www.epa.gov/compliance/electronic-reporting-pesticide-establishments>.

General Information

Read all instructions before completing this form. Type the information into the form from a computer or complete the form by hand. If completing the form by hand, print clearly in dark ink. If completing the form on a computer, print the form and sign with a wet ink signature. Once completed and signed, mail forms to the appropriate office (see mailing information on the last page of these instructions). See the Pesticide Establishment Registration and Reporting web page for instructions, additional information and responses to frequently asked questions: <http://www.epa.gov/compliance/pesticide-establishment-registration-and->

[reporting.](#)

1. Who must report?

Any producer operating active domestic and foreign producing establishments must submit a report, even if the producer has neither produced nor distributed any pesticide, active ingredient or device for that reporting year. (FIFRA §§ 7 and 17 and 40 CFR §167.85)

- Reporting for an active establishment that neither produced nor distributed any pesticide, active ingredient or device during 2023:
 - Complete Items 1-41.
 - Check “No” in Item 18.
- Reporting for an active establishment that has closed or for other reasons, has ceased production any pesticide, active ingredient or device:
 - Report all production and distribution of products produced at the establishment during 2023.
 - **See Number 6** for information on how to terminate the establishment.

2. What must be reported?

Each producer operating an establishment must submit the following information for each pesticide, active ingredient, or device produced at the establishment:

- Types and amounts produced in 2023.
- Types and amounts sold or distributed in 2023 that was produced at this establishment, regardless of when the product was produced.
- An estimate of the amount expected to be produced in 2024.
- Production and distribution of unregistered pesticides must be reported along with an unregistered products chemical formulation. See 40 CFR §152.30
- Reports submitted by foreign-producing establishments should cover only those pesticidal products exported to the United States.

DO NOT REPORT:

- Production, distribution or sale of products NOT produced or repackaged the establishment for which this report is being submitted (e.g., the producer made no changes to the product's formulation, container or label).
- Products shipped from another establishment or supplier directly to a customer.
- Any products for which Items 50, 51 and 52 are zero.
- Pesticides that are **applied** at the establishment.
- Custom-blended products (see 40 CFR §167.3 “Custom Blender”).

3. When must reports be submitted?

Annual reports: Due on or before **March 1, 2024**, even if there has been no production.

Initial Reports: FIFRA §7 requires producers operating an establishment to submit an initial report to the U.S. EPA no later than 30 days after receipt of notification of the establishment's registration.

4. What must be done to complete a report?

- Enter the company official's or authorized agent's name and title (Items 36 and 37).
- An original, wet-ink signature of a company official or authorized agent is required on the report in Item 38.
- Enter the date in Item 39.

- In Items 40 and 41, enter the telephone number and email of the person whose name appears in Item 36.
- At the bottom of all pages, complete the following: “This is Page ___ of ___
- Submit completed reports as directed on Page 9. Please make a maintain copy of the report for your records.
- **EPA will not accept any copies, faxes or emails of establishment initial or annual reports.**

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

Failure to file the initial or annual report is an unlawful act and may result in civil penalties up to \$23,494 per violation and/or termination of the establishment’s registration.

6. How to terminate an establishment’s registration:

If an establishment has closed or otherwise ceased production of pesticides, active ingredients or devices, you can request termination of the establishment’s registration by attaching a signed, dated letter on company letterhead with the following information to the 2023 annual production report:

- The name and title of the company official who requests that the establishment registration be terminated.
- Statement of the company’s intent to terminate the establishment.
- Establishment number, establishment name and establishment address of the establishment whose registration will be terminated.
- State the reason for the termination request (e.g., business has closed, company no longer produces pesticides or devices at this facility, etc.):

If production has occurred in 2024, also attach the annual production report for reporting year 2024 and write “Terminate Establishment” on the report.

After Termination:

- If EPA terminates your domestic establishment registration, it is illegal to produce at the terminated establishment any pesticide, active ingredient or device in the United States or to export it from the United States.
- If EPA terminates your foreign establishment registration, it is illegal for you to import any pesticide, active ingredient or device into the United States produced at the establishment after the date the establishment’s termination became effective.

7. Definitions

- **Producer** — any person, as defined by FIFRA, “who produces any pesticide, active ingredient, or device (including packaging, repackaging, labeling and relabeling).” (40 CFR §167.3)
- **Produce** — “manufacture, prepare, propagate, compound or process any pesticide, including any pesticide product pursuant to FIFRA §5, any active ingredient or device, or to package, repack, label, relabel or otherwise change the container of any pesticide or device.” (40 CFR §167.3)
- **Establishment** — Includes:
 - Any site where a pesticidal product, active ingredient or device is produced.
 - Sites that are independently owned or operated regardless of whether such site is domestic and producing a pesticidal product for export only or whether the site is foreign and producing a pesticidal product for import into the United States. (40 CFR §167.3)
 - Sites that produce a pesticidal product for use under an Experimental Use Permit, FIFRA Section 18 Emergency Exemption or Section 24(c) Special Local Needs registration, must report. (40 CFR

§167.20)

- Sites that produce unregistered pesticidal products for export from the United States.
- **Sold or distributed or other grammatical variations** —means the aggregate amount of a pesticidal product released for shipment by the establishment in which the pesticidal product was produced. (40 CFR §167.3)
- **Released for shipment** – A product becomes released for shipment when the producer has packaged and labeled it in the manner in which it will be distributed or sold, or has stored it in an area where finished products are ordinarily held for shipment. Products stored in an area where finished products are ordinarily held for shipment, but which are not intended to be released for shipment must be physically separated and marked as not yet released for shipment. Once a product becomes released for shipment, the product remains in the condition of being released for shipment unless subsequent activities, such as relabeling or repackaging, constitute production. (40 CFR §152.3)
- **Custom Blender** — any **facility** that provides the service of mixing registered pesticides to a customer's specifications, specifically:
 - a pesticide-pesticide blend
 - a pesticide-fertilizer blend
 - a pesticide-animal feed mixture when:
 - the blend is not held in inventory
 - the pesticide used in producing the blend bears labeling that does not prohibit the use of the pesticide in the blend
 - the blend is delivered to the end-user with a copy of the labeling of the pesticide used in producing the blend and a statement specifying the composition of the mixtureIf 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.

General Instructions (Please complete all required fields).

Establishment Information: (Items 1 through 18)

- **Item 1—Establishment Name:** Enter the producing establishment name. (Required field)
- **Item 2—Establishment Number:** Enter the producing establishment number. (Required field)
- **Items 3 to 8—Establishment Site Address:** Enter the physical SITE address, *not a post office box or route number*, where your establishment is located. (Required fields)
- **Items 9 to 14—Establishment Mailing Address:** Enter the mailing address for the establishment, if different from the site address. (Required field)
- **Item-15—Telephone Number:** Enter the phone number for the establishment. For foreign establishments, please provide the country code. (Required field)
- **Item 16—Email:** Enter your email address. (Required field)
- **Item 17— Changes to the Establishment Name or Address:** If the establishment name or site address has changed from the previous year, enter a check (X) in the box. Changes to the establishment name or address must be reported to EPA within 30 days of that change. Find the appropriate EPA Establishment Coordinator at the following webpage: <https://www.epa.gov/compliance/pesticide-establishment-registration-and-reporting-contacts>

- **Item 18—Did you produce or distribute in 2023?** Check the appropriate box. Note: If you checked the “No” box, do not fill in Items 42 through 53. (Required field)

Company Information: (Items 19 through 35)

- **Item 19—Company Name:** Enter the company name. (Required field)
- **Item 20 to 25—Company Site Address:** Enter the company’s *headquarters physical site* address. (Required field)
- **Item 26 to 31—Company Mailing Address:** Enter the mailing address for the company if different from the company site address. (Required field)
- **Item 32—Telephone Number:** Enter the phone number for the company. Provide the country code for telephone numbers outside of the United States. (Required field)
- **Item 33— Email:** Enter your email address. (Required field)
- **Item 34— Changes to the Company Name or Address:** If company name or site address has changed from the previous year, enter a check (X) in the box. (Required field) *Company updates also should follow the instructions at <https://www.epa.gov/pesticide-registration/pesticide-registration-manual-how-report-changes-company-name-or-address>.*
- **Item 35 — Changes to the Agent’s Name or Address:** If Authorized Agent name or mailing address has changed from the previous year, enter a check (X) in the box. Please attach your company’s request to change the authorized agent on company letterhead and send to the appropriate EPA office listed on Page 9. Pesticide Production Information: (Items 42 through 53).

NOTE: Changes to any of the following information must be reported to the EPA within **30 days** of the changes:

- Name and address of the company
- The name and address of each producing establishment for which registration is sought

Signature Certification: (Items 36 through 41)

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

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

NOTE: Foreign Establishments must report the following:

- Production and distribution and sale of **products exported to the United States** or its territories
- Products **produced with the intent to export to the United States** or its territories.

If your establishment produced a pesticide, active ingredient or device and distributed or sold some of the product in countries other than the United States, you do not report this portion of your production and distribution. For example, if you produced 10,000 pounds of a product and sold 9,000 pounds to other countries and 1,000 pounds to the United States; you should report 10,000 pounds produced and 1,000 pounds distributed into the United States.

- **Item 42—Product Code:** Enter the number from the list below that corresponds to the product being reported:
 - 1 — Pesticides **registered** with EPA.
 - 2 — Pesticides that have applied for registration to EPA and the registration status is **pending**.
 - 3 — Pesticides that have been **issued an Experimental Use Permit** by EPA.
 - 4 — Devices (see NOTE, below).
 - 5 — Pesticides issued a Special Local Need (SLN) registration.
 - 6 — Pesticides not registered with the EPA.
 - Attach the formulation of the product to the end of the report showing the product's active and inert ingredients; their common names; their CAS Registry numbers (if available); and the percentage, by weight, of each ingredient (must total 100%).
 - Multiple formulations may appear on the same page; clearly identify each by product name.
 - For electronic reporters once you select Product Code 6, a new **Formulation Box** will appear, add each ingredient one at a time and click the blue plus mark to add a new line, repeat until all ingredients are entered and total 100%.

NOTE: Selecting Product Codes 4 or 6

If you select "**4—Device**", ensure you are familiar with products that the EPA generally considers devices. For more information on devices and types of devices regulated by EPA, see:

<https://www.epa.gov/pesticide-registration/pesticide-registration-manual-chapter-13-devices>.

If you select "**6—Unregistered Pesticide**" and the product you are reporting contains a registration number on the label, you must report the product under that number using product code "1 - Registered with EPA,"

- **Item 43—EPA Product Registration Number Information:** From your response to Item 42—Product Code, use the list below to determine the appropriate response for Item 43:
 - Product Code 1— Enter the pesticide's EPA Registration No. (as it appears on product label; see NOTE, below, on reporting production for products with alternate brand names and supplemental distributor registrations).
 - Product Code 2 — Enter EPA File Symbol assigned *to the pesticide*.
 - Product Code 3 — Enter the pesticide's Experimental Use Permit number.
 - Product Code 4 — For devices, leave Item 43 blank.

- Product Code 5 — For stand-alone SLN Registrations, enter the SLN registration number in Item 43 (e.g., SLN-CA-890022). A “stand-alone” SLN is one for which there are no uses other than those authorized by a state in accordance with FIFRA Section 24(c).
- Product Code 6 — For Unregistered Pesticides, leave Item 43 blank.

NOTE: Reporting Distributor Products — If you produce a basic registered product under supplemental registrations, report the total quantities for all **distributor products** under the basic registered product’s EPA registration number and following the product’s name add “and supplementals.” On a separate paper to be attached to the annual production report, list the basic registration number with each subregistrant’s company number and the brand name of the distributor product and attach it to the report. For those submitting reports electronically, please use the Comments Box to list the above-mentioned information. For additional information on supplemental distribution of a registered pesticides, go to: <https://www.epa.gov/pesticide-registration/pesticide-registration-manual-chapter-9-supplemental-distribution-registered>.

- **Item 44—Product Name:** List the most common brand name. If product is also distributed or sold from this establishment under alternate brand names (ABN), add “ABN.” When *reporting Items XYZ, report total amounts produced, distributed or sold under all names for the formulation.*
- **Item 45—Product Classifications:** Enter the code that best describes the product’s use:
 - Classification for Devices:
 - 51 Device
 - Classifications for Pesticides:

04 — Insect Repellent	28 — Nematocide	49 — Plant Growth Regulator
07 — Antimicrobial	29 — Fumigant	54 — Rodenticide
09 — Attractant	34 — Herbicide	57 — Animal Repellent
18 — Sterilizer	36 — Defoliant	59 — Algicide
20 — Disinfectant	37 — Desiccant	61 — Molluscicide (e.g., slug bait)
21 — Sanitizer	38 — Antifoulant	69 — Water Purifier
27 — Fungicide	43 — Insecticide	99 — Multi-Use Active Ingredient

NOTE: Using “99 — Multi-Use Active Ingredient” — This classification is rarely appropriate. These chemicals that have both pesticidal and non-pesticidal uses, but **do not have an EPA Reg. No.** If a producer has actual or constructive knowledge that a chemical or substance they produce is used or intended for use as a pesticide or an active ingredient in the manufacture of a pesticide, then producers are required to register the product, register their establishment(s) and report production on an annual basis. These producers are required to report only the amount of the chemical or substance manufactured and distributed or sold for pesticidal purposes.

- **Item 46—Product Type:** Enter the number from the list below that corresponds to the product type being reported:
 - 1 — **Technical formulations or active ingredients:** For Manufacturing Use Only (MUP) products.
 - 2 — **End-use product:** This includes products where the formulation has been blended, diluted, or changed.
 - 3 — **Repackaged or relabeled:** This does not include any blending, dilution or change in the formulation.

4 — **Device:** For more information on devices and types of devices regulated by EPA, see:
<https://www.epa.gov/pesticide-registration/pesticide-registration-manual-chapter-13-devices>.

- **Item 47—Market Sold or Distributed To:**

Enter the number from the list below that corresponds to the distribution and sales category being reported:

- 1 — The product was sold or distributed **only in the United States**.
- 2 — The product was sold or distributed both in the United States and exported from the United States.
- 3 — The product was only exported from the United States.

- **Item 48—RUP Status:**

Enter the number from the list below based on whether the product is registered with EPA as a restricted use pesticide.

- 1 — The product is a pesticide registered with the EPA and the label states RESTRICTED USE PESTICIDE.
- 2 — All other products.

- **Item 49—Unit of Measurement:**

Enter the letter or symbol that reflects the product's unit of measure (e.g., the unit of measure that appears on a pesticide's label).

- 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)
- @ — Each (registered pesticides that are sold in a unit such as petri dishes; see NOTE, below)
- U — Units (devices)

NOTE: The use of “@ — Each” is rarely appropriate. Only use this unit if no other unit relating to weight or volume for the pesticide is available or present on the label. If the net contents of the product are produced at a unit of measure smaller than pounds or gallons (e.g., ounces or fluid ounces), the amount should be converted to an available unit of measure (e.g., pounds or gallons).

- **Item 50—Amount Produced, Repackaged or Relabeled in 2023:**

- **Do not include** amounts products that are used in custom blends, placed directly into application equipment, or applied by your staff to a crop, commodity or site.
- Round all quantities to the nearest whole number.

- **Item 51—Amount Sold or Distributed in 2023 United States:**

- **Only for products that were produced at your establishment**, enter the amounts sold or distributed, regardless of when the product was produced.
- **Do not include** amounts products that are used in custom blends, placed directly into application equipment, or applied by your staff to a crop, commodity or site.
- **Foreign establishments** only report the amount of pesticide product or number of devices exported to the United States (see bottom note on pg. 5 for an example).
- Round all quantities to the nearest whole number.

- **Item 52—Amount Sold or Distributed in 2023 to Foreign Markets (Exported from the United States):**
 - **Only for products that were produced at your establishment**, enter the amounts exported from the United States, regardless of when the product was produced.
 - Round all quantities to the nearest whole number.
 - Foreign establishments enter “0” in Item 52.
- **Item 53—Amount (Estimated) to be Produced, Repackaged or Relabeled in 2024 :**
 - Enter an estimate of the amount of product or number of devices to be produced in 2024.
 - Round all quantities to the nearest whole number.

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

Public Reporting Burden. The public reporting and recordkeeping burden for this collection of information is estimated to average one hour and 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, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 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. Do not send the completed 3540-16 form to the above address.

Where to Submit Hard Copy Reports with a Wet Ink Signature

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

EPA Regional Offices	State/ Territory	EPA Regional Offices	State/ Territory
<u>U.S. EPA Region 1</u> Kelsey Sullivan Toxics, Pesticides, and Drinking Water Compliance Section (ECAD 5-MO) 5 Post Office Square, Suite 100, Boston, MA 02109-3912 Telephone: 617-918-1415	CT, MA, ME, NH, RI, VT	<u>U.S. EPA Region 6</u> Pesticide Reports Contact (3540-16) Waste Enforcement Branch (ECDST) 1201 Elm St., Suite 500 Dallas, TX 75270	AR, LA, NM, OK, TX
<u>U.S. EPA Region 2</u> Kristen Ridarick Pesticides Team (MS-500) 2890 Woodbridge Avenue Edison, NJ 08837-3679 Telephone: 732-321-6635	NJ, NY, PR, VI	<u>U.S. EPA Region 7</u> Brenton Jennings (3540-16) Enforcement and Compliance Assurance Division 11201 Renner Blvd Lenexa, KS 66219 Telephone: 913-551-7268	IA, KS, MO, NE
<u>U.S. EPA Region 3</u> Christine Convery (3540-16) Enforcement and Compliance Assurance Division Toxics Section (3ED42) 4 Penn Center, 1600 JFK Boulevard Philadelphia, PA 19103 Telephone: 215-814-2249	DC, DE, MD, PA, VA, WV	<u>U.S. EPA Region 8</u> Carol Ann Ross (3540-16) FIFRA Division (8ENF-AT-P) 1595 Wynkoop Denver, CO 80202	CO, MT, ND, SD, UT, WY
<u>U.S. EPA Region 4</u> Pesticide Reports Contact (3540-16) Pesticides Enforcement Section Sam Nunn Atlanta Federal Center, 12 th Floor 61 Forsyth Street, SW Atlanta, GA 30303	AL, FL, GA, KY, MS, NC, SC, TN	<u>U.S. EPA Region 9</u> Pesticide Reports Contact (3540-16) Enforcement and Compliance Assurance Division 75 Hawthorne Street (ENF-2-3) San Francisco, CA 94105	AS, AZ, CA, GU, HI, MP, NV
<u>U.S. EPA Region 5</u> Pesticide Reports Contact (3540-16) Pesticides & Toxics Compliance Section (ECP-17J) 77 West Jackson Boulevard Chicago, IL 60604	IL, IN, MI, MN, OH, WI	<u>U.S. EPA Region 10</u> Region 10 Pesticide Reports (3540-16) Air and Toxics Enforcement Section (20-C04) 1200 Sixth Avenue, Suite 155 Seattle, WA 98101 Telephone: 206-553-4017	AK, ID, OR, WA

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

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

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

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

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