

US EPA ARCHIVE DOCUMENT



U.S. Environmental Protection Agency  
Pacific Southwest/Region 9



*Serving Arizona, California, Hawaii, Nevada, the Pacific Islands and 147 Tribes*

Communities & Ecosystems Division  
Pesticides Office • July 2011

75 Hawthorne Street, San Francisco, CA 94105  
866-EPA-WEST • [www.epa.gov/region9](http://www.epa.gov/region9)

## Pesticide Product Importers and Customs Brokers: Filing Your Mandatory EPA Notice of Arrival

Any importer bringing pesticides and/or pest control devices into the United States must submit to U.S. EPA a "Notice of Arrival of Pesticides and Devices" (EPA Form 3540-1 or "NOA") prior to the arrival of the shipment in the United States. The following guidelines are for all importers who bring pesticides and/or pest control devices into ports of entry located in the states of Arizona, California and Nevada. Individuals bringing a pesticide directly into Hawaii or the Pacific islands should contact EPA Region 9's Pesticide Imports Specialist at (415) 972-3568 for specific instructions.

- EPA Region 9 will review the submitted Notice of Arrival (NOA) for accuracy, completeness, and to ensure that the registrant and establishment are in compliance with all aspects of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- In certain instances, EPA may choose to hold a shipment for inspection at the port of entry or refuse entry based on a FIFRA compliance problem.
- EPA will complete Section II of the form and return it to the importer for presentation to U.S. Customs Officials upon arrival of the shipment. EPA Region 9 typically processes NOAs within 24 hours. Pesticides imported should have an EPA-assigned registration number, and should have been produced at an establishment that has been assigned an EPA producer establishment number.
- Pest control devices, such as sticky rodent traps and some air filters, must be produced at an EPA-registered establishment, but the pest control devices themselves do not need to be registered with EPA. Please contact EPA prior to attempting to import an unregistered pesticide to discuss the applicability of exemptions to the registration requirement.



### Are there penalties for failure to submit an NOA?



U.S. Customs Regulations, found at 19 Code of Federal Regulations § 12.112, require anyone importing a pesticide or pest control device to submit a completed NOA to EPA prior to the arrival of the shipment. Failure to submit an NOA is considered a violation under FIFRA and may subject the violator to both civil and criminal penalties.

### What is a pesticide?

EPA defines "pesticide" broadly to include "any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant (other than any article that is a new animal drug)." Many household products

are pesticides and can include kitchen, laundry and bath disinfectants and sanitizers. For more information on pesticides and pest control devices, please visit [www.epa.gov/pesticides/about](http://www.epa.gov/pesticides/about)

## NOA Submission Procedures

NOAs for pesticides and pest control devices arriving in ports located in California, Arizona and Nevada should be submitted through the EPA Region 9 electronic system. If you choose to assert confidential business information in box #16 of the NOA form, however, the electronic system cannot be used, and the NOA must be submitted in paper form (see below).



For the first time user, go to EPA's website listed below and register for a new importer or broker account:

[www.epa.gov/region9/pesticides](http://www.epa.gov/region9/pesticides)

Once the account is established, return to the website above and log into your new account. Follow the instructions to complete the NOA and submit online to EPA Region 9. The approved (or denied) form will be returned via email as an attachment. Please review the approved NOA, and sign the form prior to presenting to Customs and Border Protection upon arrival of the shipment.

## For Confidential Business Information Claims

Importers choosing to claim confidential business information in box #16 of the NOA form may not use the electronic system, and must submit the NOA to EPA Region 9 in paper format. Most importers and brokers choose to send NOAs using an overnight mail service, and include a prepaid overnight return envelope. EPA Region 9 cannot provide overnight return service without a prepaid envelope. Printable NOA forms can be downloaded from the following address:

[www.epa.gov/compliance/resources/publications/monitoring/fifra/noaform.pdf](http://www.epa.gov/compliance/resources/publications/monitoring/fifra/noaform.pdf)



Paper NOAs should be signed and sent to:

Pesticide Imports Specialist  
Pesticides Office (CED-5)  
U.S. EPA Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

## QUESTIONS?

Contact EPA Region 9 Pesticide Imports Specialist Chuck Kwan at (415) 972-3568.