



# ACE Filing of Pesticide Imports

NCBFAA Webinar

June 6, 2018



# Topics

- Effective Dates for Filing in ACE
- Role of Key Parties
- Filing Preparation for Pesticide Imports
- Filing Tips
- More Information
- Questions



# Effective Dates for Filing in ACE

Reporting	Date
<i>Imports</i>	
Pesticides Notices of Arrival (NOA)	September 30, 2016

***HTS Code Flags set in ACE - May 22, 2017***

The importer is responsible for knowing if a NOA is required to be filed, —*whether or not an HTS code has been flagged*

TSCA Certification is no longer required with NOA filing

## Importer/Exporter

- Know what you need to file
- Be able to provide all required information to Broker/Filer



## Software Vendor

- Understand CBP and EPA CATAIR Information
- Program to meet CATAIR Standards
- Complete testing in CERT environment

## Broker/Filer

- Test internal systems for correct PGA Data to file for each pilot commodity
- Test in CERT environment

# Filing Preparation for Pesticide Imports

- **Ways to file for Pesticide imports**
  1. **DIS Image of the Pesticide On-Product Label & NOA data in the PGA Message Set**
  2. Or DIS image of EPA-signed NOA with a Disclaim code C in the PGA message Set (Agency: EPA; Program: PS1 or PS2; Disclaim code C)
  3. Or paper EPA-signed NOA with a Disclaim code D in the PGA message Set (Agency: EPA; Program: PS1 or PS2; Disclaim code D)
- **Construct message** – Use latest CATAIR & other documents from:

<http://www.cbp.gov/trade/ace/catair#field-content-tab-group-tab-4>

## Testing



- **Get the right data to the filer :**
  - Correct LPCO numbers in the correct format
  - PGA Message sets code for importer's data (CATAIR)
  - Test first!



# Filing Preparation for Imports (cont)

## Filing the Full ACE PGA Message Set for Pesticide Imports?

- **Electronic review** of Entry, PGA Message Set
- **Messages:**
  - ‘Reject’ (AX/SX) [File couldn’t be processed, Try Again ]
  - ‘Accept’ (AX/SX)
    - ↳ An EPA “Under Review” or “Hold Intact” (SO70) – Some EPA Data is missing or invalid
    - ↳ An EPA “May Proceed” (SO70) – you have met filing requirements

***File early (well in advance of arrival at the port of entry) to allow for corrections if needed***



# Filing Preparation for Imports (cont)

## Filing in the on-product label in the Document Image System (DIS)

- ***Tag it so both EPA and CBP can see the image***
  - Pesticides (EPA04 for the pesticide on-product label and EPA03 for the Pesticides Notice of Arrival (if not filing the PGA Message set))
- ***Enter in the PGA Message Set***
  - Agency: EPA
  - Program:
    - Pesticides – PS1, PS2, PS3
  - Disclaim Code C
- ***Messages:***
  - Filings with disclaims **C** and **D** will automatically get a 'Documents Required' status to verify of the EPA- signed paper NOA by the CBP port officers. They will cancel the 'documents required' once they verify.



# Filing Tips

- Pesticide Imports





# For More Information



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**Questions?**



# **Pesticide Imports**

## **Overview and Filings**

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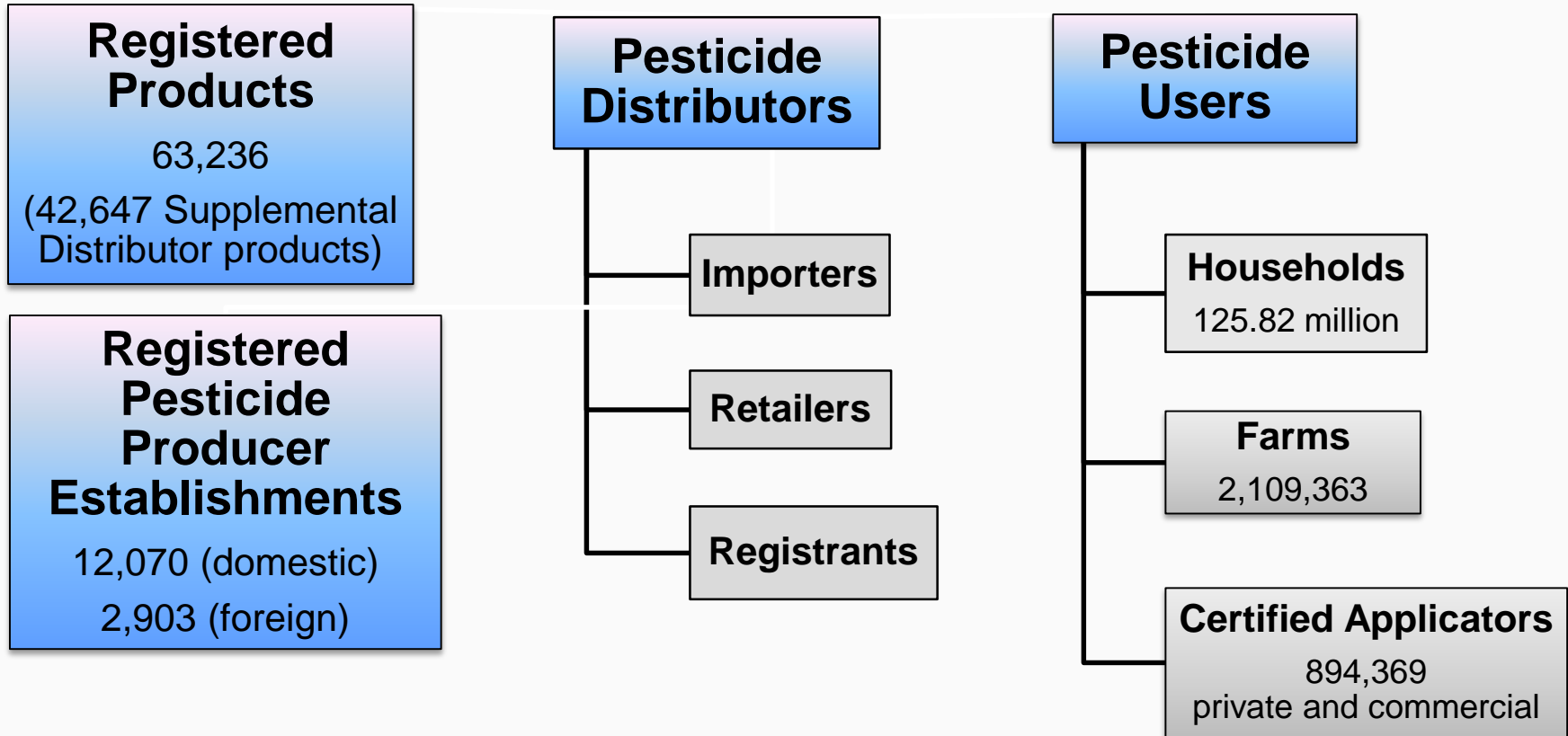
# Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

- Federal statute
- Establishes requirements related to production, distribution/sale, and use\* of pesticides and devices
- Product registration is basic foundation

\*States are granted primary enforcement responsibility for pesticide use violations. However, states can refer cases to EPA.



# FIFRA Regulated Universe





# Imports Program

## Compliance Monitoring and Enforcement

- ✓ Review and approval of Notice of Arrivals (NOAs) and PGA Data
- ✓ Conduct import inspections
  - ✓ Border crossings & ports of entry
  - ✓ Foreign Trade Zones
  - ✓ Designated destination points
- ✓ Education / outreach – impacted communities at high risk





# What is a pesticide?

Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or a plant growth regulator



# How to Recognize a Pesticide

- Labels and/or advertisement claims it can or should be used as a pesticide
- Composition of the substance consists of one or more active ingredient and has no other significant commercial value.
- Person who distributes or sells the substance has actual or constructive knowledge that the substance will be used or is intended to be used for a pesticidal purpose





# Pesticide Product Examples





# Pesticide Product Examples



<https://www.epa.gov/pesticide-registration/determining-if-cleaning-product-pesticide-under-fifra>

# Pesticide Product Examples



# Example of Illegal Pesticide Products





# Automated Commercial Environment (ACE) Pesticide Filings

How many of you have done pesticide filings through  
the PGA Message Set in ACE?

# Determining Filing Requirements for Importing Pesticides

Check with the EPA Regional Import Coordinator for the appropriate port, to assist with determining pre-arrival filing requirements.

Contacts for the regions can be found at:

<https://www.epa.gov/compliance/regional-contacts-questions-concerning-notices-arrival-epa-form-3540-1>

# What are the options for filing a Pesticide Notice of Arrival (NOA)?

Option 1: File a NOA in ACE; or

Option 2: File an EPA-signed NOA in the Document Image System (DIS); or

Option 3: File an EPA-signed NOA on paper:

**Note:** For options 2 and 3 above CBP port officers will be automatically notified to check every filing with disclaim codes C and D.



## Government Agency Program Code - PS1 (Registered Pesticide) Tips

- NOA or PGA message set required
- Copy of on-product label (label on the product) uploaded in DIS
- EPA registration number format
  - Enter the number as it is provided, leaving in the dashes





## Government Agency Program Code - PS1 (Registered Pesticide) Tips - Continued

- EPA establishment number format
  - No dashes
  - Add leading zeroes to both the first and last numbers if they do not follow the 6N 3A 3N rule
  - Domestic producer establishment numbers will have a state code, while foreign producer establishment numbers will have a country code
- Country of Origin
- Packaging information

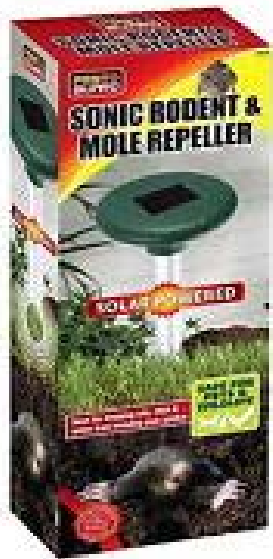
**Note:** For registered Pesticides, you may receive an automatic 'may proceed' if you file correctly.



## What is a Device?

Any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling or mitigating any pest...

## Device Examples



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



## Government Agency Program Code – PS2 (Devices) Tips

- NOA or PGA message set required
- Copy of on-product label (label on the product) uploaded in DIS
- EPA establishment number format
  - No dashes
  - Add leading zeroes to both the first and last numbers if they do not follow the 6N 3A 3N rule
  - Domestic producer establishment numbers will have a state code, while foreign producer establishment numbers will have a country code

**Note:** For devices, you may receive an automatic 'may proceed' if you file correctly.



## Government Agency Program Code – PS3 (Other pesticides) Tips

- File early
- Be prepared to answer questions and submit additional documentation.



# Import of Unregistered pesticides

## Limited circumstances

- R&D products (limited amounts)\*
  - Substances yet to be considered pesticides
- Import for export
  - (<https://www.epa.gov/pesticide-registration/prn-99-1-import-unregistered-pesticides-intended-export>)
- Contract manufacturing

\* **Note:** TSCA import regulations may apply; or import requirements from another federal agency such as the FDA or USDA.



# Minimum Risk Pesticides

- Exempt from FIFRA requirements if the product meets six conditions. If the six conditions are met, the product is exempt from regulation under FIFRA. Link to webpage summarizing conditions below.



Exemption conditions met = File entry using Disclaim A

<https://www.epa.gov/minimum-risk-pesticides/conditions-minimum-risk-pesticides>



# Enforcement

Entry Denial of Pesticide or Device Import = Re-export  
or destroy





# Contact

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