

# Automated Commercial Environment

Tips for Filing EPA Pesticides

June 6, 2018



U.S. Customs and  
Border Protection



## Tips for Trade when filing an EPA Pesticides ACE PGA Message Set

### Determining Filing Requirements:

To determine if you need to file the Pesticides Notice of Arrival (NOA) data and the on-product label, please 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>

### How to file a NOA

#### ***Filed with Entry and Certified from Summary only -not Summary***

NOAs and images of on-product labels are filed with entry or entry Summary certified for release (commonly called 'Certified from Summary')

EPA cannot see data submitted on the summary nor take action on it.

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

- 1. File a NOA in ACE:** File a NOA by typing into screens in your software and transmitting (what is referred to as the PGA Message Set) and upload an image of an on-product label to the Document Image System (DIS) (tagged as EPA04 -Pesticide Label). No mailing is required with the EPA Region. For registered Pesticides and Devices you may receive an automatic 'may proceed' if you file correctly.
- 2. File an EPA-signed NOA in the Document Image System (DIS):** File an image of an EPA-signed NOA by uploading an image of an acceptable file format to DIS (tagged as EPA03 -Pesticide). Mailing is required with the EPA Region. The NOA must first be completed and signed by the importer; mailed to the EPA region who will review, sign and return it; then upload to DIS. You will need to file a disclaim code C to show you have filed in DIS rather than the PGA Message Set. You will not receive an automated 'may proceed' message but will receive a one USG message and release if filed correctly.
- 3. File an EPA-signed NOA on paper:** File the paper NOA to accompany the shipment and file a disclaim code D in ACE. Mailing is required with the EPA Region. The NOA must first be completed and signed by the importer; mailed to the EPA region who will review, sign and return it; then provide it with your shipment. You will need to file a disclaim code D to show you have filed on paper rather than the PGA Message Set. You will not receive an automated 'may proceed' message.

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

## On-Product Labels

The importer should know the labeling requirements for their product and provide an EPA accepted legible label to the broker/filer. For more information on what is required for an on-product label see Chapter 3 in the following manual. Note labeling requirements can vary by product.

<https://www.epa.gov/pesticide-registration/label-review-manual>

### Disclaims for ACE:

If an HTS code in ACE is flagged for EPA Pesticides, but you have determined that you are not filing the EPA Pesticides NOA data electronically, determine the correct disclaim code to provide.

A= not required to be filed per agency regulation

C= filed by other means (meaning an image of an EPA-signed NOA is uploaded to DIS)

D= filed as paper (that accompanies the shipment)

**If you do not need to file** an EPA Pesticide NOA, use disclaim code

A = product is not regulated by this agency

If the commodity is some sort of substance, pick PS1 to disclaim with Code A

If the commodity is some type of equipment, pick PS2 to disclaim with Code A

Do not disclaim using PS3.

**If you cannot file electronically using the ACE PGA Message Set** for the NOA, prior to arrival you will need to follow the paper process with the appropriate EPA region for the port of entry. You will need to provide the EPA-signed NOA with the entry or shipment. For this process, the disclaim codes are one of the following

C = data filed through other agency means (uploading to the document image system-DIS)

If disclaim C is provided for EPA Pesticides, an image of an EPA-signed Notice of Arrival must be provided in DIS for this Entry Number. If an EPA-signed NOA is not provided, it is a violation. If you meant to file a code A rather than a C you can use the CA transaction to submit the corrected information.

D = data filed through paper

If disclaim D is provided for EPA Pesticides, an EPA-signed Notice of Arrival must accompany the shipment.

Filings with disclaims C and D are subject to a Documents Required status to allow for verification of the signed paper NOA by the CBP port officers and/or the EPA Regional Import Coordinator.

### Tips for Filing

For questions on how to file, please refer to your Software Provider's training and guidance. In addition, please keep in mind these important items:

- Make sure you are using the correct Government Program Agency Code
  - PS1 – registered pesticides
  - PS2 – devices
  - PS3 – other pesticides
- Tag any related DIS images with both the Entry Number and the correct EPA tag, so EPA can view the documents in ACE
  - EPA03 (NOA)
  - EPA04 (Pesticide Label)
- Please make sure you select the image indicator check box to indicate you uploaded a DIS image of the on product label when filing the PGA message set.
- Electronic Image Indicator should be used when the label has been uploaded into DIS prior to the filing.
- If possible, avoid entries with FDA lines when filing less than 5 days from arrival, as doing so prevents re-submissions to correct errors.
- Registration number format should be double-checked. Enter the number as it is provided, leaving in the dashes.
- Producer Establishment Number Format (NNNNNNAANNN) should be double-checked. Remove dashes and 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.
- For foreign establishments, the amount reported should only be that amount which is produced for import into the United States, not to other countries.
- Verify correct Country of Origin.
- Check for inclusion of all Eight Entity Roles and their respective information

<i>Data Element</i>	<i>Code</i>	<i>Description</i>
Entity Role Codes	NP	Notify Party
	CI	Certifying Individual
	IM	Importer
	CAR	Carrier
	DEQ	Shipper
	EPN	EPA Producer Establishment Number
	LG	Location of Goods
	CB	Customs Broker

- Check that the packaging is provided for at least 2 levels, and in addition, the total net weight is provided. There are multiple variations for packaging unit of measures, several of which can be found in the EPA CATAIR Supplemental and Samples documents. One simple example for the “packaging qualifier” (PG26) is:
  - Packaging Qualifier [5]: 1 = Largest unit of packaging
    - Quantity [6-17]: 000000110000 = **1,100 units in shipment**
    - Unit of Measure (packing level) [18-22]: BG = Bag
    - **There are 1,100 units (bags) in the shipment.**
  - Packaging Qualifier [5]: 2 = Second largest unit of packaging

- Quantity [6-17]: 000000001520 = **15.2 measurement of smallest units in shipment.**
- Unit of Measure (packing level) [18-22]: KG = Unit of Measure of individual units is kilograms
- **The bags in this shipment are 15.2 kg each.**
- The net weight line (PG29) is for the **total net amount of all the units** in the shipment being imported (**16731.45 kg**)

Please refer to the CBP CATAIR and EPA Supplemental for more details and samples:

<https://www.cbp.gov/trade/ace/catair>

### **Returned Goods** When the Exporter becomes the Importer

Importer enters NOA info in ACE

- If your software does not force the format of NNNNNNAAANNN then file the producer establishment number as shown on the on-product label. If your software forces this format you can report it as follows: add an "X" in front of the state initials for a 3-digit code (for example KS becomes XKS).
- The filer enters the NOA message data set and uploads the export transaction paperwork/documentation into DIS (this should include the product label, description, and foreign purchase acknowledgement statement (FPAS)).
- ACE will place an automatic '**HOLD INTACT**' and notify the appropriate EPA regional office (of where the port of entry is located) for NOA review.
- EPA reviewer ensures export information/documentation is compliant
- The 'may proceed' approval by EPA for the re-entry equals the disposition for the importation; the goods can enter commerce.