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To ensure effective communication with everyone,  
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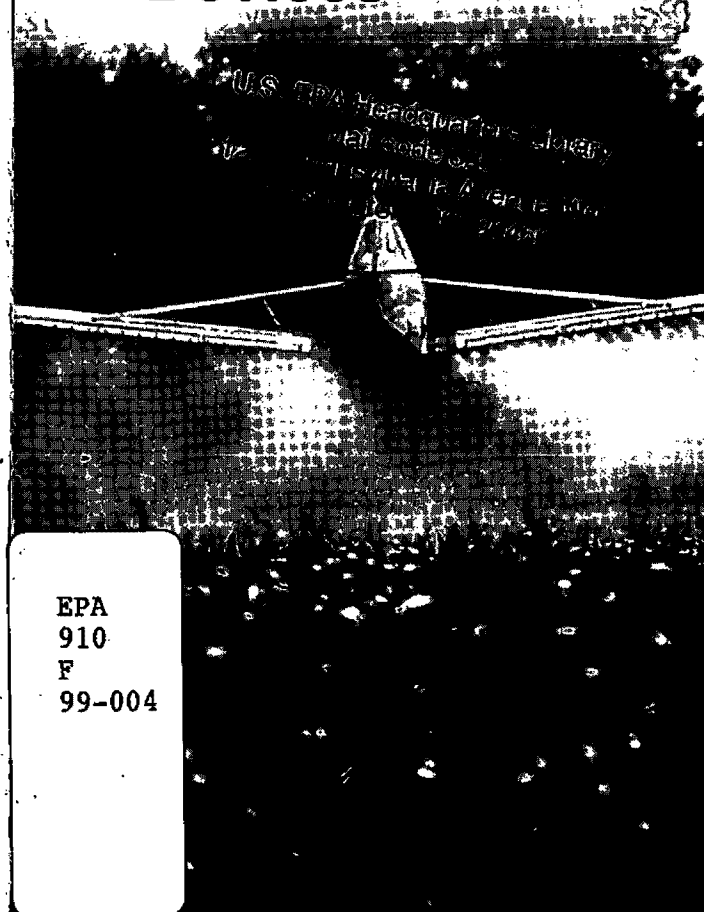
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United States  
Environmental Protection  
Agency

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# Questions A Customs Inspector May Have About Pesticides and Pesticide Devices



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## What is a Pesticide?

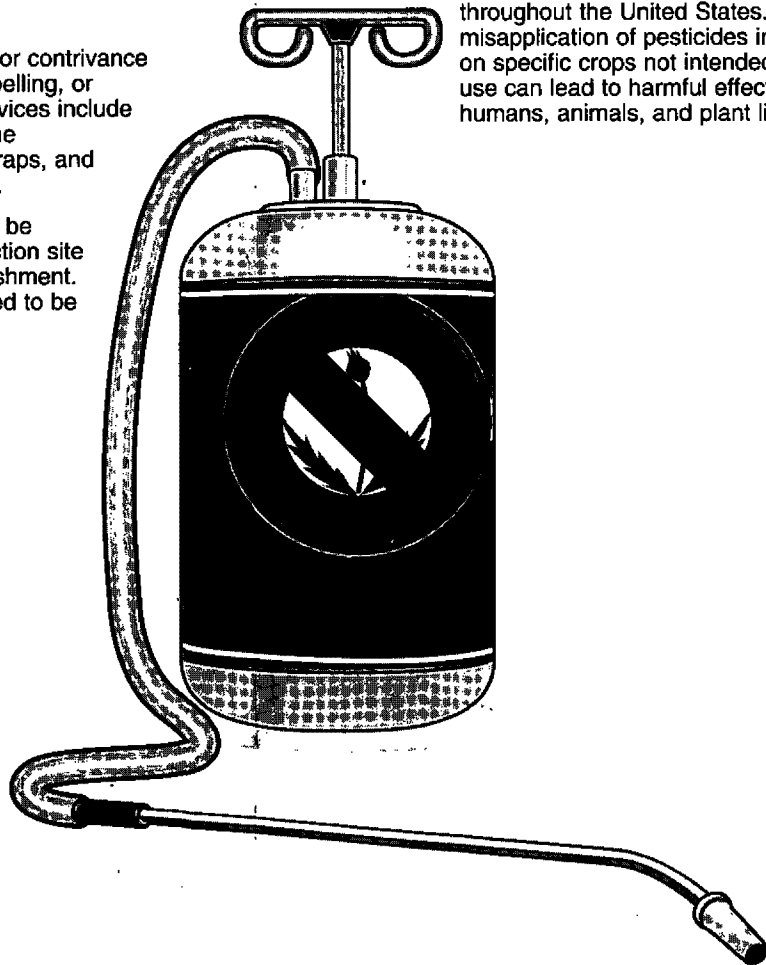
A **pesticide** is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. A pesticide can also be described as any substance or mixture of substances intended for use as a plant growth regulator, defoliant or desiccant. Examples of pesticides in addition to insect and plant control substances include disinfectants, biocides and mildew or fungus control agents, and animal control substances.

The law regulating the sale, distribution and use of pesticides is the *Federal Insecticide Fungicide and Rodenticide Act (FIFRA)*, at 7 United States Code (U.S.C.) Section 136. States are usually delegated authority to administer pesticide programs. All pesticides are required to be registered with the U.S. Environmental Protection Agency, and all registered pesticides are required to display the registration number on their label.

## What is a Pesticide Device?

A pesticide device is any instrument or contrivance intended for trapping, destroying, repelling, or mitigating any pest. Examples of devices include certain ultraviolet light systems, ozone generators, water filters, black light traps, and ultrasonic rodent or insect repellents.

Pesticide devices are not required to be registered with EPA, but their production site is required to be a registered establishment. This establishment number is required to be on the device label.



## What is considered a violation of FIFRA?

Potential violations of the FIFRA pesticide law include:

- Sale or distribution of unregistered pesticides; *This includes offering for sale, shipping, holding for shipment, receiving and delivery, or offering to deliver unregistered pesticides*
- Sale or distribution of pesticides with label information or ingredients that are different from what was approved by EPA when the pesticide was registered;
- Violations of EPA stop sale orders or cancellation orders for a particular substance;
- False statements related to use/registration/importation data;
- Misapplication of a pesticide, contrary to label instructions.

The illegal sale, distribution and application of pesticides are major problems throughout the United States. The misapplication of pesticides in areas or on specific crops not intended for their use can lead to harmful effects on humans, animals, and plant life.

## As an inspector, what should I look for when inspecting a shipment of pesticides?

An EPA *Notice of Arrival* (Form #3540-1) must be submitted prior to the importation of pesticides. Any perceived problems with the paperwork or inconsistencies with the actual product should be noted (label discrepancies, etc).

As an inspector, you may see pesticides in final packaged form (ready to use) or in bulk containers in higher concentrations for further manufacturing. If you suspect that a container/vehicle/load contains pesticides:

1. Make initial observations from a safe distance
2. Do not attempt to stop leaks, close valves or other response actions without personal protective equipment, and
3. Never sample containers without trained personnel present.

Inspectors should obtain the product label and look for the EPA registration number and the EPA establishment number and record this information. Inspectors should also document the identification of the person(s) importing the pesticide and the intended consignee.

## Under what circumstances is a pesticide allowed into the U.S.?

- A registered pesticide may be brought into the U.S. when accompanied by an EPA Notice of Arrival (Form #3540-1)
- A pesticide device may be brought into the U.S. when accompanied by an EPA Establishment Number and EPA Form #3540-1.
- An unregistered pesticide may be allowed entry into the U.S. if it is approved by EPA for use exclusively under an experimental permit, an emergency exemption, or for formulation into a product solely for export.

