

March 27, 2025

PESTICIDE REGISTRATION (PR) NOTICE 2025-1

NOTICE TO MANUFACTURERS, PRODUCERS, FORMULATORS, AND REGISTRANTS OF PESTICIDE PRODUCTS

ATTENTION: Persons Responsible for Federal Registration, Reregistration, and Registration Review of Pesticide Products

SUBJECT: Revised Procedures for Citing Data to Support Pesticide Registrations (EPA Forms No. 8570-34 and 8570-35)

I. PURPOSE AND APPLICABILITY

A. Purpose

The Office of Pesticide Programs (OPP) of the U.S. Environmental Protection Agency (EPA or the Agency) is revising procedures for citing data to support pesticide registrations using EPA Form 8570-34 (“Certification with Respect to Citation of Data”) and EPA Form 8570-35 (“Data Matrix”). The forms themselves are not changed by this notice.

This PR Notice supersedes PR Notice 98-5, entitled “New Forms for the Certification with Respect to Citation of Data” dated June 12, 1998, that announced the availability of these forms to use for citation of data to support pesticide registrations, which were newly established in 1998 to streamline the forms previously used.

With this PR Notice, OPP is revising the procedures that were established in 1998. Specifically, OPP is eliminating the instruction in PR Notice 98-5 that registrants submit two versions of the Data Matrix, i.e., one the “Internal Agency Use Copy” and the other the “Public File Copy.” In addition, consistent with federal mandates that direct agencies to adopt electronic submissions, OPP is eliminating the instruction to use paper submissions as described in PR Notice 98-5 because these forms can be completed and submitted electronically.

The changes in procedure are necessary updates to reflect current operations established to help reduce the burden associated with completing, submitting and processing these forms for both applicants and the Agency, as well as to provide improved efficiencies for providing public access to the information without the extra burden associated with the use of formal requests for the additional information contained in the “Internal Agency Use Copy” of the Data Matrix.

B. Applicability

This PR Notice provides updated guidance to registrants and applicants (both of which are referred to in this notice as “registrants”) concerning their submission of the Data Matrix form. While the requirements in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and EPA regulations are binding on the EPA and registrants, this PR Notice is not binding on EPA

personnel, pesticide registrants, or the public. The EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate generally or not applicable to a specific pesticide or decision. Registrants may propose alternatives to the guidance provided in any application to the Agency.

II. BACKGROUND

A. Pesticide registration requirements to submit supporting data.

EPA is responsible under section 3 of FIFRA for registering pesticide products on the basis of scientific data or other information adequate to show that, among other things, the products will not pose unreasonable adverse effects on the environment. In evaluating a pesticide registration application, the Agency assesses a wide variety of potential human health and environmental effects associated with use of the product.

An individual or entity wanting to obtain or maintain a registration for a pesticide product must submit an application package consisting of information relating to the identity and composition of the product and supporting data or a citation to supporting data that have previously been submitted to the Agency.

A registrant must furnish EPA with data and/or information (which may include a citation to data that have previously been submitted to the Agency by someone other than the registrant) about the pesticide, including its composition, toxicity, potential human exposure, environmental properties, and ecological effects, as well as information on its efficacy in certain cases. Although the data requirements are imposed primarily as a part of initial registration, EPA is authorized under FIFRA section 3(c)(2)(B) to require a registrant to develop and submit additional data to maintain a registration. This post registration data call-in authority recognizes that the scientific underpinnings of risk assessment change and is another means by which EPA may keep data for use in risk assessment current with evolving science.

When providing a citation to supporting data that have previously been submitted to the Agency by another person, the registrant generally must also certify that an offer of compensation has been made to the original data submitter or that the submitter has granted permission to cite data. The consequence of using another company's data to support a pesticide registration without an offer of compensation is possible denial of the pesticide application or cancellation of the pesticide registration. Generally, registrants citing to another company's data must certify that they've made an offer to pay or otherwise have permission to cite such data. The specifics as to the amount and terms of compensation are not within the Agency's purview. Rather, the Federal Mediation and Conciliation Service will appoint an arbitrator to resolve these specifics upon the request of either party.

B. Stakeholder engagement.

In the mid-1990s, the pesticide industry formed a "Data Compensation Task Force" consisting of pesticide manufacturers, formulators, and distributors. Collectively, the group represented both original data submitters and those that use another's data to support registration. The Task Force was formed to develop a mechanism for the pesticide industry to better protect its data rights by, among other things, making it easier for industry to self-police the FIFRA data compensation scheme. The Agency agreed that improvements could be made and issued PR Notice 98-5 to replace the previously used forms and establish EPA Form 8570-34 ("Certification with Respect to Citation of Data") and the Data Matrix.

In the last few years, EPA discussed the revised procedures to the Data Matrix that are discussed in this PR Notice with several stakeholders and solicited public comment on the proposed process for submitting these forms as well as on ways to make the data matrix publicly available. The content of the forms themselves have not changed.

C. Summary of PR Notice 98-5.

As established in 1998, registrants make the required certification related to data compensation by submitting a "Certification with Respect to Citation of Data" form (EPA Form 8570-34); and use a "Data Matrix" form (EPA Form 8570-35) under the selective or cite-all methods to indicate the companies to whom offers of compensation were made.

For the "Data Matrix" form (EPA Form 8570-35), registrants were instructed to submit two different copies: a "Public File Copy" and the "Agency Internal Use Copy." The Agency Internal Use Copy was described as normally retained for Agency use but available by request under the Freedom of Information Act (FOIA) (5 U.S.C. 552 and 40 CFR 2.100). The Public File Copy was described as not containing the guideline reference number, the guideline study name, and the Master Record Identifier (MRID) number but would indicate the submitter and status of the data.

As was indicated in PR Notice 98-5, once a pesticide was registered, the related EPA Form 8570-34 ("Certification with Respect to Citation of Data") and the Public File Copy of the Data Matrix would be placed in a publicly available file in the OPP Records Center to provide data submitters with faster, easier access to these documents than what could be obtained through a request under FOIA.

D. Changes reflected in this PR Notice.

For completeness in replacing PR Notice 98-5, this PR Notice includes information about both EPA Form 8570-34 ("Certification with Respect to Citation of Data") and the Data Matrix. For both forms, OPP is eliminating the instruction to use paper submissions as described in PR Notice 98-5. Also, for the Data Matrix, the Agency is eliminating the instructions to submit a Public File Copy of this form and to submit the two versions of the form in paper through the mail. These changes are discussed in the next two sections.

1. Single version of the Data Matrix.

Only one version of the Data Matrix will be submitted and used both internally and externally. Because EPA believes that the Data Matrix does not contain information that is confidential business information (CBI) or otherwise protected from public disclosure, only a single version of the form is necessary.

When the Data Matrix was originally created in 1998, a binder was kept in the EPA record room holding physical copies of all the public file forms for registered pesticides. When OPP moved to an electronic docket for pesticide registration records, this binder was no longer used, and the Public File Copy of the Data Matrix was uploaded along with the "Agency Internal Use Copy," and both were released in response to FOIA requests. OPP believes that removing the Public File Copy of the Data Matrix will eliminate this redundancy and decrease confusion by addressing and preventing the assumption that the Data Matrix contains CBI or other information protected from public release. OPP believes that eliminating the Public File Copy of the Data Matrix is also consistent with EPA regulations at 40 CFR 152.119(b), which states:

"Materials that will be publicly available include an applicant's list of data requirements, the method used by the applicant to demonstrate compliance for each data requirement, and the applicant's citations of specific studies in the Agency's possession if applicable."

Because information submitted under EPA's data requirements in part 158 constitute safety and efficacy information whose confidentiality is limited under Section 10(d)(1) of FIFRA, CBI claims for such information are strictly limited in 40 CFR 158.33 to manufacturing or quality control processes, the details of any methods for testing, detecting, or measuring the quantity of any deliberately added inert ingredient of a pesticide, and the identity or percentage quantity of any deliberately added inert ingredient of a pesticide, pursuant to FIFRA section 10(d)(1) (A) through (C). None of this information is reported in the data matrix. Because none of the information on the Data Matrix is protected from public release, the Agency already releases both versions of the form in response to a FOIA request. By changing to just one version of the Data Matrix, which will be released in response to a FOIA request and may otherwise be publicly available under 40 CFR 152.119(b), OPP believes that there will be a reduced burden for both registrants and the Agency associated with completing, submitting and processing two versions of the Data Matrix, as well as providing improved efficiencies for providing public access to the information without the extra burden associated with the use of FOIA requests.

2. Forms will be completed and submitted electronically.

OPP is eliminating the instruction to use paper submissions as described in PR Notice 98-5 because these forms can be completed and submitted electronically.

Using electronic reporting enables more efficient data transmittal and reduces errors through built-in validation procedures. It reduces the reporting burden for submitters by reducing the cost and time required to review, edit, and transmit data to the Agency. It also promotes

efficiency in communications and cost savings in submissions and correspondence. Additional support for adopting electronic reporting comes from the Government Paperwork Elimination Act (GPEA) ([44 U.S.C. 3504](#)), which states that Executive agencies are to provide “(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and (2) for the use and acceptance of electronic signatures, when practicable.”

OPP believes this new process will reduce the paperwork burden for the pesticide industry and will avoid confusion, as the information contained within the Data Matrix form is not confidential.

III. GUIDANCE

EPA Forms 8570-34 (“Certification with Respect to Citation of Data”) and 8570-35 (“Data Matrix”) supplement and are integral to one another, and both forms are used for the registration of pesticides. For each product, both forms will be publicly available upon request, after the pesticide product is registered.

A. Intended use and purpose of these forms.

1. EPA Form 8570-34: Certification with Respect to Citation of Data.

Pesticide registrants use this form to indicate how they will meet their data submission/data citation obligations under FIFRA. Generally, when a registrant refers to another company’s data, it must certify that an offer of compensation has been made to the original data submitter or that it has the original data submitter’s permission to cite the data and it must indicate that it has evidence on file that an offer has been made or that permission has been granted.

2. EPA Form 8570-35: Data Matrix.

Pesticide registrants use this form under the selective or cite-all method to indicate the persons or companies to whom offers of compensation were made.

B. Obtaining the blank forms to complete.

The Pesticide Registration Manual¹, which serves as a resource for companies and individuals who want to have their pesticide products registered for sale in the United States, describes the EPA's review and decision-making process for registering a pesticide product and its use. Detailed information for pesticide registrants (the company or individual applying to register a pesticide) concerning their responsibilities before, during and after the review process is also included in the manual. Chapter 20 of the Pesticide Registration Manual, titled “Forms and How to Obtain Them,” identifies the forms required to be submitted when applying for the registration of a pesticide product, experimental use permit, or distributor registration and describes how to obtain the forms and submit them to EPA. You can also view electronic copies

¹ <https://www.epa.gov/pesticide-registration/pesticide-registration-manual>.

of these forms at <https://www.epa.gov/pesticide-registration/pesticide-registration-manual-blank-forms>. Please note that once this PR Notice is issued, the references to PR Notice 98-5 and the corresponding forms that appear in this Manual will be updated accordingly.

C. Submitting the completed forms.

As described in Chapter 21 of the Pesticide Registration Manual, titled “Directions for Submitting Applications and Contacting EPA,” OPP established the Pesticide Submission Portal (PSP)² to allow registrants to create and submit packages electronically in lieu of submitting multiple paper copies. PSP is accessed through the EPA’s Central Data Exchange (CDX) Network³, which is a web-based system used for various electronic environmental data submissions to EPA.

Pesticide registrants should complete and submit EPA Forms 8570-34 (“Certification with Respect to Citation of Data”) and 8570-35 (“Data Matrix”) electronically through PSP. Detailed user guides, instructions and answers to frequently asked questions can be accessed at <https://www.epa.gov/pesticide-registration/e-submission-resource-documents-assembly-electronic-packages-and-discs>.

IV. PAPERWORK REDUCTION ACT NOTICE

The information-collection activities associated with EPA Forms 8570-34 and 8570-35 and the activities described in this PR Notice are already approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* The approved activities and related instruments are contained in the following Information Collection Requests (ICR):

- Consolidated Pesticide Registration Submission Portal, identified as EPA ICR No. 2624 and approved under OMB Control No. 2070-0226; and
- Pesticide Data Call-in Program, identified as EPA ICR No. 2288 and approved under OMB Control No. 2070-0174.

For additional information about these ICRs, use the link <https://www.reginfo.gov/public/> and search for the ICR records using the applicable OMB control number.

V. FOR ADDITIONAL INFORMATION

If you have questions about the forms, please contact us at pesticidequestions@epa.gov.

- You may also mail a written inquiry to EPA using the following mailing address:
U.S. Environmental Protection Agency
Office of Pesticide Programs (Mail code 7505M)

² <https://www.epa.gov/pesticide-registration/electronic-submissions-pesticide-applications>.

³ <https://cdx.epa.gov/>.

PR Notice 2025-1


1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

VI. EFFECTIVE DATE

This PR Notice is effective upon signature. Since these forms are already in use, all older versions of these forms will not be accepted after the effective date of this PR Notice.

VII. SIGNATURE

This PR Notice was digitally signed.

 Digitally signed by
EDWARD MESSINA
Date: 2025.03.27
15:47:39 -04'00'

Edward Messina,
*Director, Office of Pesticide Programs,
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency*