



US EPA
Office of Pesticide Programs

Pesticide Registration Manual
Appendix E – Essentials of EPA Transfers

June 3, 2009

ESSENTIALS OF EPA TRANSFERS

June 03, 2009

BEFORE YOU START. It is important that you have the correct EPA company numbers, correct company names and correct company addresses (of both transferor and transferee) before you attempt a transfer. 40 CFR§152.122 requires that the registrant keep the agency informed of the correct name and address of record at all times. This also applies to any change of the registrant's agent. It also helps to keep the agency informed of the official contact person, telephone number and email address, if any.

What is a Transfer? A transfer is different from just a company name change. A transfer is an exchange of products, data or EPA company number from one legal entity to another (even if you own both entities). This can be through a sale, merger, asset exchange etc. .

There are four kinds of transfers:

- **EPA Company Number** (what we call a "Company Ownership" Transfer).
- **Registration and Data** Transfer
- **Registration** (only) Transfer
- **Data** (only) Transfer

What types of Registrations may I transfer?

You may transfer active or pending products:

As an example, let us assume that you are company "264". You can transfer:

- **Section 3 Products** [EX: [264-316](#)]
- **Section 5 - Experimental Use Permits (EUP)** [EX: [264-EUP-54](#)]
- **Section 24c - Special Local Need Registrations** [EX: [GA870003](#)]
- **Tolerance Petitions** [EX: [1F6300](#)]
- **Distributor Products** [EX: 71368-14-264] [**NOTE: Distributor Products only transfer within a Company Ownership Transfer.**]

Note: When transferring a Sec. 3 registration from one company number to a different company number the Distributor Products (since they would then be based on a transferred or "new" registration number) are effectively canceled. This is because the company number (and registration number) used as part of the Distributor Product number changes. However, with a "Company Ownership" transfer (transfer of EPA Company Number) "everything" transfers without changes to the product registration or distributor product numbers.

Note: You may NOT transfer Canceled or Withdrawn Products.

What Documents do I need for a Transfer?

A Transfer requires two main documents:

A **Transfer Agreement** (signed and dated by official representatives of both the transferor and transferee).

A Transferor's **Affirmation Statement** (Declaring that the person signing for the transferor is authorized to do so). **NOTE: The Affirmation Statement must be notarized.**

There is no required form or format for transfer documents. However, **40 CFR§152.98 and 40 CFR§152.135** require that certain declarations be made. You will notice that some apply only to the Transferor; some apply only to the Transferee and some apply to both parties:

The Transfer Agreement must contain:

- (1) The Names, Titles, Signatures and Date Signed of the signatories for both parties?
- (2) The Name, Address and State of Incorporation of **Transferor** (and EPA Company Number).
- (3) The Name, Address and State of Incorporation of **Transferee** (and EPA Company Number).
- (4) A list of the EPA Registration Number(s) and Names of the product(s) being transferred.
- (5) A statement that the **Transferor transfers to the Transferee all right, title, and interest** in the EPA registration(s) [and/or data if applicable] listed in the document.
- (6) A statement that **the transferred registration(s) shall not serve as collateral or otherwise secure any loan or other payment arrangement or executory promise**, and that **the registration(s) shall not revert to the Transferor unless a new transfer agreement is submitted to and approved by the Agency.**
- (7) A description of the general nature of the underlying transaction, [e.g., sale, merger, spin-off, bankruptcy purchase (no financial information needs to be disclosed)].
- (8) A statement that the **Transferor and Transferee understand that any false statement may be punishable under 18 USC 1001**
- (9) A statement that the **Transferee acknowledges that its rights and duties concerning the registrations under FIFRA and 40 CFR, Ch. 1 will be deemed by EPA to be the same as those of the Transferor at the time the transfer is approved.**

The Transferor's Affirmation Statement must contain three statements where the transferor declares:

1. The person signing the transfer agreement is authorized by the registrant (and/or original data submitter) to bind the Transferor.
2. No court order prohibits the transfer, and any required court approvals have been obtained.
3. The transfer is authorized under all relevant Federal, State & local laws, and all relevant corporate charters, bylaws, partnerships, or other agreements.

The, Name, Title, Signature, Date Signed and Notary Seal (the Affirmation Statement must be notarized).

Note: In an effort to reduce fraud, it is preferable that the Affirmation Statement be signed by someone other than the person who signed the transfer agreement.

DATA LIST: A person or entity that possesses rights to exclusive use or data compensation rights under FIFRA may transfer such rights to another. If data are being transferred you must identify each study with:

- The name of the study or item of data;
- A statement as to whether the study is an exclusive use study, and, if so, when the period of exclusive use protection expires;
- The name of the person or laboratory that conducted the study;
- The date the study was submitted to the Agency; and
- The EPA document number assigned to the item of data such as the Master Record Identification Number (MRID) or Accession Number, if known. If not known, the EPA administrative number (such as the EPA Registration Number, petition number, file symbol, or permit number) with which the item of data was submitted, such that the Agency can identify the item of data.