

**SUPPORTING STATEMENT FOR  
AN INFORMATION COLLECTION REQUEST (ICR)**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title of the Information Collection:**

Certification of Pesticide Applicators  
OMB No: 2070-0029; EPA No: 0155.09

**1(b) Short Characterization/Abstract**

This information collection request (ICR) addresses the paperwork activities performed by various States and Indian tribal government agencies as well as federal agencies (collectively in this document termed “authorized agencies”) and activities performed by firms in the course of training and certifying persons who apply restricted use pesticides. In accordance with section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA) administers and oversees training and certification programs for pesticide applicators. These programs are implemented by authorized agencies with EPA-approved certification plans. FIFRA allows the EPA to classify a pesticide as “restricted use” if the pesticide meets certain toxicity or risk criteria. Restricted use pesticides, because of their potential to harm human health or the environment, may be applied only by a certified applicator or by a person under the direct supervision of a certified applicator. A person must meet certain standards of competency to become a certified applicator. Authorized agencies may administer a certified applicator program, but it must be approved by EPA before it can be implemented. Otherwise, EPA administers the certification program.

This ICR also addresses instances in which registrants of certain pesticide products are expected to perform specific, special paperwork activities, such as training and recordkeeping, in order to comply with the terms and conditions of the pesticide registration (e.g., registrants of anthrax-related pesticide products that assert claims to inactivate *bacillus anthracis* (anthrax) spores). Paperwork activities associated with the use of such products are conveyed specifically as a condition of the registration.

**2. NEED FOR AND USE OF THE COLLECTION**

**2(a) Need/Authority for the Collection**

EPA needs the data from this information collection activity to ensure that restricted use pesticides are only applied and used by “certified applicators.” A certified applicator is a person who has taken specific training in the safe handling and application of restricted-use products (RUP), and who has received license (certification) to that effect.

The authority for this information collection activity is provided under sections 3(d) and 11 of FIFRA and 40 CFR part 171. Section 3(d) of FIFRA authorizes EPA to classify registered pesticides as either general- or restricted-use (see Attachment A). RUPs are those that, absent

additional regulatory restrictions, may cause unreasonable adverse effects on people or the environment. Pesticides classified as restricted use may only be used by a certified applicator, or by a person under the direct supervision of a certified applicator. Section 11(a) of FIFRA grants EPA the authority to prescribe standards for the certification of restricted-use pesticide applicators (*see* Attachment B). Section 11(a)(2) of FIFRA establishes a certification program that allows authorized agencies to implement applicator certification after the authorized agency program has been approved by EPA. While the bulk of the certification program is implemented by State agencies, EPA has authority to directly administer certification programs where there is no authorized State or tribal program. The regulations for the certification program in 40 CFR part 171 also include procedures for certification programs for Federal agencies or Indian tribes who wish to develop their own plans in lieu of using State certification programs (*see* Attachment C).

In the case of certain restricted use products, like anthrax-related products, the Agency needs the data to ensure that the sale and use of registered anthrax-related products is limited to persons who are trained in the safe and effective use of such products. For anthrax-related products, the Agency's concern is the high risk involved in treating areas/objects contaminated with highly virulent and persistent anthrax spores. Such treatments must be performed correctly and with the approval of responsible regulatory authorities. To minimize the risks of improper and unsafe applications, the Agency is restricting availability of anthrax-related products only to those persons/companies who have a legitimate need to use them. With this approach, such products will not be sold, offered for sale, or distributed to the general public. The Agency is also requiring purchasers of anthrax-related products to be specifically trained in the product application (to assure it is done safely and effectively) and in the overall process of decontamination/remediation in response to an intentional attack with bacterial spores. Training must be repeated every two years. Registrants must maintain records of persons who have been trained and entities to which the product has been sold or distributed. Normally, records will not be submitted to EPA unless EPA requests them, such as in the event of a bioterrorism attack or in conjunction with enforcement investigations.

EPA issued a draft Pesticide Registration Notice (PRN), on June 6, 2007, (72 FR 31325) informing registrants that certain conditions of registration will apply to anthrax-related products. The PRN, titled "Guidance for Antimicrobial Pesticide Products With Anthrax-Related Claims," (Attachment D) specifies that products claiming to inactivate anthrax spores should be: (a) supported by specific sporicidal efficacy studies that are acceptable to EPA; and (b) subject to specific terms and conditions of registration that limit the use of these products to certain trained persons. The agency is also developing new guidelines "OPPTS 810.2100, Products for Use on Hard Surfaces—Basic Efficacy Data Recommendations." When final, the new data requirements will address efficacy testing for anthrax-related products. The training and reporting information activities for registrants of anthrax-related products will not be imposed on respondents until a registration is granted.

For the draft PRN, EPA received comments from only four parties: Oklahoma State University, New Jersey Department of Environment, State of New York Department of Health, and American Chemistry Council. While the comments are relevant and appropriate, none appear to be of a nature to delay the publication of the final PRN. The draft PRN, as well as any

public comments received, are located in the public docket for the guidance document (docket no. EPA-HQ-OPP-2006-1004), which can be accessed at <http://www.regulations.gov>.

## **2(b) Practical Utility/Users of the Data**

EPA uses annual reports from the authorized agencies as a monitoring tool to develop overall data on pesticide activities for OMB, Congress, and others; to distribute EPA grant funds to participating authorized agencies, to target enforcement activities, and to revise certification and training program emphasis and requirements.

An application form is used to obtain vital information from persons applying for certification, such as name and address, and to schedule applicators for certification or re-certification.

State-administered certification programs use State authority to require dealers to maintain sales records for RUPs. Dealer records are necessary for EPA to ensure that access to RUPs is limited to certified applicators.

A record of each application of a RUP is required by EPA under federally-run programs (currently the Navajo Indian Country program) for certified commercial applicators. EPA monitors these records to assure that RUPs are used only by, or under the supervision of, certified applicators and to ensure that pesticide labeling requirements are adhered to by requiring applicators to record details of the RUP application. Without these records it would be difficult to successfully enforce against misuse.

RUP application records are also required for certified commercial applicators under state-run programs. These records are monitored to assure that RUPs are used only by, or under the supervision of, properly trained and certified applicators and to ensure that pesticide labeling requirements are adhered to by requiring the applicators to record the application (amounts, locations, and dates) of RUPs. Without these records it would be difficult to successfully enforce against misuse and ensure proper training and supervision of uncertified applicators.

For anthrax-related products, the EPA and other responsible agencies (e.g., Department of Homeland Security, Department of Defense, and other federal and state agencies) will use the information in the event of a bioterrorism attack to carry out decontamination activities and to conduct enforcement investigations, if needed. The required registrant training will help assure that applications of anthrax-related products are performed safely, effectively and in accordance with the requirements of federal, state and local authorities. The utility of records kept by registrants on trained persons and persons to whom anthrax-related products are sold is twofold:

- EPA and other responsible agencies will be able to know who is qualified to buy and use these products and thereby be able to carry out effective and timely decontamination activities in the event of a bioterrorism attack; and
- human health and the environment will be protected because only persons who are properly trained will apply these products.

### **3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Non-duplication**

EPA is the only Federal agency with the authority to certify applicators of restricted use products. However, the United States Department of Agriculture (USDA) also has regulations which impact certified applicators. In addition to providing most of the training for certified applicators under an Interagency Agreement (IAG) with EPA, USDA has regulations which require private and commercial applicators to maintain detailed records regarding the application of restricted use pesticides. The records required by USDA under 7 CFR 110 are much more detailed than those required by EPA under 40 CFR 171.

FIFRA prohibits EPA from requiring private applicators to keep records or make reports, so there is no duplication with regard to private applicators. In addition, although both USDA and EPA appear to impose record-keeping requirements on commercial applicators, EPA's requirements are a subset of USDA's requirements and consist mostly of information that is already maintained by commercial applicators as part of their ordinary and customary business practices. As such there is no contradiction or practical duplication.

To prevent duplication and facilitate authorized agency reporting, EPA permits authorized agencies to use grant reports in lieu of the separate annual reports to EPA, and authorized agencies may amend their plan with an addendum.

No other Federal, state or tribal government agency requires that registrants conduct training for anthrax-related products, or that registrants keep information on persons trained or to whom anthrax-related products have been sold or distributed.

#### **3(b) Public Notice Required Prior to ICR Submission to OMB**

In preparing to renew this ICR, EPA published a notice in the Federal Register which provided a 60-day public notice and comment period on the draft ICR (see 72 FR 32640; June 13, 2007). EPA did not receive any comments in response to this notice.

#### **3(c) Consultations**

Continuous consultation and/or dialogue between industry and EPA occurs on an informal, on-going, "as needed" basis, primarily during the submission and review of reports. During the preparation of this ICR renewal, EPA staff contacted the following respondent representatives to seek feedback on the burden estimates in the ICR, the clarity of instructions provided, and other questions pertaining to the requirements of the program.

Dale W. Dubberly  
Chief, Bureau of Compliance Monitoring  
Florida Dept. of Agriculture and Consumer  
Services  
3125 Conner Blvd.  
Tallahassee, FL 32399-1650  
E-mail: [dubberd@doacs.state.fl.us](mailto:dubberd@doacs.state.fl.us)

Larry G. Olsen  
Extension State Agriculture Program Leader  
USDA Cooperative Extension Service  
108 Agriculture Hall  
Michigan State University  
East Lansing, MI 48824  
E-mail: [olsenl@msu.edu](mailto:olsenl@msu.edu)  
Tel. No.: (517) 355-2308

Jack Peterson  
Associate Director, Environmental Services  
Division  
Arizona Dept. of Agriculture  
1688 W Adams St.  
Phoenix, AZ 85007  
E-mail: [jpeterson@azda.gov](mailto:jpeterson@azda.gov)  
Tel. No.: (602) 542-3575

All three of the parties consulted agreed that the respondent burden and cost estimates included in this ICR renewal request are accurate. They also agreed that the electronic reporting system for annual reports is efficient and easy to use. Additionally, they generally stated that the data collected is not available from another source, the frequency of collection could not be reduced and still produce the same outcome, and the instructions to respondents are clear. The specific responses to EPA's consultation efforts are included as Attachment E.

### **3(d) Effects of Less Frequent Collection**

Only annual reports from authorized agencies are submitted to EPA. Annually is considered a minimal reporting period. Most annual reporting information required under the regulation is contained in the annual grant report, and can be submitted as a joint package. Budget requests and the distribution of cooperative agreement funds are also done on an annual basis. The annual report data is used to support budget requests and to apportion cooperative agreement funds. Less frequent collection of information would be less efficient for overall reporting by authorized agencies. In addition, less frequent collection of information would not allow EPA to distribute these funds in the most equitable manner, as data demonstrating need would not be current.

For anthrax-related products the information kept by registrants on certification, training and records regarding the persons to whom the product was sold will be requested only as needed (such as for an enforcement investigation), which should be very infrequently. Accordingly, less frequent collection of data would not meet the EPA's needs.

### **3(e) General Guidelines**

EPA's use of a form for applicators to apply for certification, whenever the Agency administers the Certified Pesticide Applicator program in the place of a program administered by an authorized agency, is required by FIFRA section 11(a)(1). Currently, only EPA Form 8500-

17-N, *Request for Pesticide Applicator Certification in Navajo Indian Country* (Attachment F) is used for this collection activity. The recordkeeping activities briefly described herein will not exceed OMB's guideline that agencies not require that records be retained for more than 3 years (5 CFR 1320.5(d)(2)(iv)).

**3(f) Confidentiality**

The activities or records proposed in this information collection does not include any confidential business information (CBI) and will not involve any confidentiality concerns or information.

**3(g) Sensitive Questions**

No information of a sensitive or private nature is requested in conjunction with this collection activity. Further, this information collection activity complies with the provisions of the Privacy Act of 1974 and OMB circular A-108.

**4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

**4(a) Respondents/NAICS codes**

The North American Industrial Classification System (NAICS) code for respondents participating in the data collection activity is noted here:

Applicators on Farms:

111 Crop Production  
112 Animal Production

Commercial Services Applicators:

561710 Exterminating and Pest Control Services

Administration of Certification Programs by States/Tribal Lead Agencies:

924110 Environmental protection program administration  
926140 Pest control programs, agricultural, governmental

Pesticide Dealers (only for EPA-administered programs):

444220 Retail Nursery, Lawn, and Garden Supply stores  
424910 Agricultural chemicals merchant wholesalers

Pesticide And Other Agricultural Chemical Manufacturing:

32532 Individuals or entities engaged in activities related to the registration of a pesticide product

#### **4(b) Information Requested**

- (i) *Data items, including recordkeeping requirements*

##### Annual Reports

Annual reports are required from States, Indian tribes, and Federal agencies with EPA-approved certification plans. These authorized agencies must develop reports based on the requirements in the regulations, including information on their respective program activity, such as the number, type, and category of applicators certified and re-certified, and any significant changes to their plans.

##### Application for certification in EPA-administered programs (Navajo Indian Country)

In EPA-administered programs, the regulations require that an application form (EPA Form 8500-17-N; see Attachment F) be completed for persons seeking certification or re-certification. The forms are necessary for EPA to schedule certification and re-certification, and to obtain vital information such as name and address.

EPA will administer a new program (for both private and commercial applicators) in Navajo Indian Country during this ICR renewal cycle, and an application form must be submitted in order to obtain certification. Applicators with current certification from New Mexico, Utah, and Arizona will be eligible for certification in the Navajo Indian Country with proof of certification and a completed form. There are currently 40 applicators that will need certification in Navajo Indian Country, and we expect that all will apply for the program.

The regulations do not require authorized agencies to use the EPA's application form, they may use similar forms developed to meet their specific needs.

##### Dealer record-keeping in EPA-administered programs (Navajo Indian Country)

The regulations require dealers under EPA-administered programs to keep records of the sale of restricted-use products for 24 months. Dealer records are maintained at the pesticide dealership, and are not routinely submitted to EPA; however they may be collected as part of an investigation or enforcement action. This is necessary for EPA to ensure that access to restricted use pesticides is limited to certified applicators, or those under their supervision. Without the ability to limit access to RUPs, there would be little purpose in certifying applicators or classifying pesticides for restricted use. This provision is solely intended to provide EPA with the authority to impose dealer record-keeping in entities with EPA-administered programs. Programs administered by authorized agencies must use their own laws to require dealers to maintain records of restricted-use pesticide sales.

There are currently no pesticide dealers in Navajo Indian Country, which is the only entity for which an EPA-administered program is anticipated during this ICR renewal cycle. Therefore, EPA anticipates that no dealers will incur required recordkeeping under EPA-administered programs during this ICR renewal cycle.

### Commercial Applicator Records - EPA-administered programs

Commercial applicators under EPA-administered programs must create records on the kinds, amounts, uses, dates and places of restricted-use pesticide applications immediately after the application is complete. Records must be retained for two years. Records are not required to be submitted, but they must be made available to EPA or State/Tribal officials upon request. Records collected may become part of an enforcement action or investigation. There are currently no EPA-administered programs for commercial applicator certification. However, EPA will administer a new program (for both private and commercial applicators) in Navajo Indian Country during this ICR renewal cycle.

### Commercial Applicator Records - Programs administered by authorized agencies

Commercial applicators under programs administered by authorized agencies must create records on restricted-use pesticide applications immediately after the application is complete. Specifically, EPA requires commercial applicators to record the following information: the name and address of the person for whom the pesticide was applied; the location of the application; the target pest(s); the specific crop or commodity, as appropriate; the name and registration number of the pesticide applied; the amount applied and percent active ingredient per unit of pesticide used; and the type and amount of leftover pesticide disposed of with the method and location of disposal. Records must be retained for two years. Records are not required to be submitted, but they must be made available to EPA or officials of authorized agencies upon request. Records collected may become part of an enforcement action or investigation.

### Anthrax-Related Products: Training and Examination Materials

Registrants of anthrax-related products will develop training and examination materials and submit them to EPA as part of the application for registration or amendment for EPA's review and approval. At a minimum, these materials will include:

- Characteristics of and human health hazards posed by *B. anthracis* spores;
- Personal Protective Equipment (PPE) appropriate for protection against both *B. anthracis* spores and the use of the pesticide product itself;
- Detailed instructions for safe and effective use of the pesticide product and any associated equipment;
- Detailed review of all steps involved in the decontamination process as provided in guidance from federal agencies (e.g., National Response Team Technical Assistance for Anthrax Response, Interim Final Draft, July 2005) as well as review of applicable federal statutory and regulatory requirements and guidance; and
- A written examination.

Registrants will use the exam to assess whether the trained applicator's competency on the above issues is acceptable.

### Anthrax-Related Products: Records of Persons Trained by the Registrant

Registrants of anthrax-related products will keep records of the persons who complete



training on the use of their products. Such information would include, at a minimum, the person's name, address, telephone number, and date of completion of training.

Anthrax-Related Products: Records of Persons to Whom Registrant Sells/Distributes Product

Registrants of anthrax-related products will keep records of the persons/entities to whom they sell or distribute their products. Such information would include, at a minimum, the person's or entity's name, address, telephone number, date, and amount of product.

(ii) *Respondent Activities*

Typically, authorized agencies respondents will perform the following activities:

Read rules or other instructions	Read applicable regulations, 40 CFR 171, grant requirements, and other applicable requirements
Receive Training	Administered by EPA approved program or EPA
Create information	Document activities/applications
Gather information	Collect records needed to develop annual report
Review	Review information for accuracy
Complete written forms or other instruments	Extract data from records and compile into reporting format
Record, disclose, display, or report the information	Compile report and submit. Record maintenance for preparation of the next annual report, such as grant reports and hard copy and computer records of data required in the annual report.
Store, file, or maintain information.	Store and retain records.

A typical registrant of an anthrax-related product will perform the following activities:

Read rules or other instructions	Read applicable regulations (40 CFR 152) and guidance (PR Notices, etc.)
Develop Training & Exam, and Record Keeping Method	Document development of materials and record-keeping methods
Review	Review information for accuracy
Submit training and exam materials to EPA	Compile training and exam materials and submit to EPA
Gather and review information	Collect and review record-keeping information
Submit record-keeping information, if requested.	Compile report and submit, if requested..
Record, store, file, or maintain information.	Record, store and retain records.

5. **THE INFORMATION COLLECTED - AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

**5(a) Agency Activities**

In continuing this collection for authorized agencies, EPA will:

Prepare report (Region 9 for Navajo Indian Country)	EPA, Region 9 will prepare and submit report for this federally-implemented plan
Answer respondent questions	Answer respondent questions
Review data	Review data submissions
Record data	Record submissions
Maintain data	Develop/maintain a master data base for data submissions
Reformat data	Reformat and distribute data
Store data	Store data

For anthrax-related products, EPA will:

Answer respondent questions	Answer respondent questions
Review training and examination materials	Review registrants' submissions
Record data	Record submissions
Maintain data	Maintain a master data base for data submissions
Store data	Store data

**5(b) Collection Methodology and Management**

Annual reports from EPA-approved certification programs are required. EPA allows respondents to use their end-of-year grant reporting to fulfill the annual report requirement under this collection program to the extent that information contained in such grant reports satisfies Part 171 requirements. Certain minor reporting elements which may be outside the scope of the grant reports may be provided in whatever fashion the respondent finds most convenient and least burdensome. The information required under this program is generally included in the grant reports as a 2-3 page addendum to that report. A web-based template for electronic completion and submission of the annual reports (*Certification Plan and Annual Reporting Database*, available at <http://134.121.87.199/candt/logon.cfm>) has been used by all states since 2006. EPA does not require the submission of dealer records or commercial applicator records, but rather requires that they furnish records for inspection and copying upon request.

The applicator certification application form is used as an initial reference point for potential certified applicators in EPA-administered programs. The form requires only basic information such as name and address. For EPA-administered programs certification applicants mail the completed forms to the respective EPA Regional office, which compiles and maintains

data on program operations. The public may access the data by contacting the appropriate EPA Regional office.

**Anthrax-related materials:** Training materials submitted by registrants will be handled like any other registration data submissions. That is, each document will be assigned a Master Record Identification (MRID) number, converted to an electronic copy, and stored in EPA's existing library of data. Applicable records for sale, use and training shall be available on site for inspection as needed.

### **5(c) Small Entity Flexibility**

This information collection applies specifically to individuals who are certified applicators. EPA believes that the records required of certified pesticide applicators and their employees are minimal and would generally be kept for the applicators' own use even in the absence of this regulation. In Navajo Indian Country, where EPA administers the certification program, dealers are also required to keep records. However, there are currently no dealers in the Navajo Indian Country. EPA does not require the submission of records kept by dealers or commercial applicators, but rather requires that they furnish records for inspection and copying upon request.

Most affected entities (certified applicators, pesticide dealers) are small entities. The information collected and the recordkeeping required is the minimum required by regulation and that is necessary to implement a successful certification program.

For anthrax-related products the regulations apply specifically to registrants, most of whom are likely to be small entities. EPA believes that the records required of registrants are minimal. The information collected and the recordkeeping is the minimum necessary to meet the conditions of registration described in the draft PR Notice: *Guidance for Antimicrobial Pesticide Products with Anthrax-Related Claims*.

### **5(d) Collection Schedule**

There is not a collection schedule *per se* for commercial applicators. Commercial applicators must generate records on the kinds, amounts, uses, dates, and locations of restricted use pesticide applications immediately after pesticide application, and are required to maintain these records for two years. Similarly, dealer records of restricted use pesticide sales are required to be maintained for two years. Although the commercial applicator records and the dealer records are maintained locally and are not required to be submitted to EPA or the authorized agencies, they must be made available for EPA or authorized agency officials upon request. Records collected may become part of an investigation or enforcement action. Commercial applicators in EPA-administered programs must also submit an application form for certification or recertification, whenever needed.

Authorized agencies with an EPA-approved plan to administer their own applicator certification program must submit a report annually. The annual reporting period allows for efficiency for authorized agencies as most required information is contained in their end-of-year

grant report, which can be submitted as a joint package. The annual reporting cycle also facilitates equitable apportionment of cooperative agreement funds to authorized agencies, based on data submitted.

There is no collection schedule for any data for anthrax-related products. Training and examination materials are only submitted with the application for registration or amendment. Information about training, and sale and distribution of anthrax-related products to whom product is sold is not submitted unless EPA requests it, which would likely be very infrequent.

## **6. ESTIMATING THE BURDEN AND COST OF COLLECTION**

### **6(a) Estimating Respondent Burden**

In estimating the average respondent burden, EPA based the burden hour estimates on its experience and knowledge of the Certification and Training Program, Regional contacts and budget staffing records of the Regional offices, and information obtained from the consultation process, USDA, authorized agencies, and other resources. The total annual burden for EPA's State, Federal, and Tribal partners to report is estimated to be 4,412 hours, with an average burden of 77.4 hours for each of the 57 participating entities (see Table 1). The average per-State burden was based on several estimates that were provided to EPA by participating States.

Navajo Indian Country is the only entity for which EPA anticipates administering a certification plan under this ICR renewal. In Navajo Indian Country, 35 commercial and 5 private applicators will need to complete application forms to apply for certification, once during the 3-year ICR cycle. EPA therefore estimates that an average of 13 applications for certification will be received annually in the federally-administered program (40 applicators/3 years). The total annual burden for certifying applicators where EPA implements the certification program for commercial and private applicators in the Navajo Indian Country is estimated to be 2.2 hours, with an average burden estimate of 0.17 hours, or 10 minutes, per respondent (see Table 2). This burden is based on completing applications. Since the Federal Program is actually managed by Agency personnel, this burden estimate is based on the experience of the personnel in EPA's Region 8 running the Colorado program, which will no longer be administered by EPA under this ICR renewal.

**EPA implemented programs:** The total annual burden of record-keeping for restricted use pesticide applications by commercial applicators where EPA implements the certification program (only in the Navajo Indian Country during this ICR renewal cycle) is estimated to be 109 hours, with an average burden estimate of 3.1 hours per respondent (see Table 3).

**Programs administered by authorized agencies :** Commercial applicators and firms under authorized programs are also required to create and maintain records of restricted use pesticide applications immediately after the application. The Agency estimates that 421,000 commercial applicators will be subject to the record-keeping requirements for a total annual respondent burden of 1,305,100 hours. The average per-respondent burden is 3.1 hours (see Table 4).

**Anthrax-related products:** In estimating the average respondent burden related to the information collection components on anthrax-related products, EPA based the burden hour and cost estimates on its experience and information obtained from the consultation process and other resources. The total annual burden for affected registrants for training and examination activities is estimated to be 75 hours, with an average burden of 25 hours each for approximately three registrants (see Table 5). The total annual burden for record-keeping of persons trained and persons/entities to whom anthrax-related products are sold or distributed is estimated to be 55.5 hours, with an average burden of 18.5 hours for each of three registrants (see Table 6).

### 6(b) Estimating Respondent Costs

Agency economists revised the estimated wages, benefits and overhead for all labor categories for affected industries, state government, and EPA employees based on publicly available data from the US Bureau of Labor Statistics. The formulas used to estimate the labor rates and formulas used to derive the fully loaded rates and overhead costs for this ICR renewal are listed in **Attachment G**

Methodology	The methodology uses data on each sector and labor type for an <i>Unloaded wage rate</i> (hourly wage rate), and calculates the <i>Loaded wage rate</i> (unloaded wage rate + benefits), and the <i>Fully loaded wage rate</i> (loaded wage rate + overhead). Fully loaded wage rates are used to calculate respondent costs. This renewal uses 2006 data.
Unloaded Wage Rate	Wages are estimated for labor types (management, technical, and clerical) within applicable sectors. The Agency uses average wage data for the relevant sectors available in the National Industry-Specific Occupational Employment and Wage Estimates from the Bureau of Labor Statistics (BLS) at <a href="http://www.bls.gov/oes/current/oes_nat.htm">http://www.bls.gov/oes/current/oes_nat.htm</a> .
Sectors	The specific North American Industry Classification System (NAICS) code and website for each sector is included in that sector's wage rate table (see Attachment G). Within each sector, the wage data are provided by Standard Occupational Classification (SOC). The SOC system is used by Federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data (see <a href="http://www.bls.gov/oes/current/oes_stru.htm">http://www.bls.gov/oes/current/oes_stru.htm</a> ).
Loaded Wage Rate	Unless stated otherwise, all benefits represent 43% of unloaded wage rates, based on benefits for all civilian non-farm workers, from <a href="http://www.bls.gov/news.release/ecec.t01.htm">http://www.bls.gov/news.release/ecec.t01.htm</a> . However, if other sectors are listed for which 43% is not applicable, the applicable percentage will be stated.
Fully Loaded Wage Rate	We multiply the loaded wage rate by 50% (EPA guidelines 20-70%) to get overhead costs.

The following tables illustrate the estimated burden and costs associated with the information collection activities of this program.. For annual report activities, the estimated average annual cost per participating State is \$3,239, with the total annual cost for all authorized agencies estimated to be \$184,620 (Table 1).

The estimated average annual cost for certifying commercial and private applicators in the Navajo Indian Country is \$5.15 per respondent, with the total annual cost for all certified applicators estimated to be about \$67 (Table 2).

The total annual respondent cost for all commercial applicator record-keeping of restricted use pesticide applications in Navajo Indian Country is estimated at \$3284, with an average annual per-respondent cost of about \$94. Recordkeeping of applications by all commercial applicators under State authority has an estimated total annual cost of \$39,506,640, based on the commercial applicator count of 421,000. Again, the average annual per-respondent cost is estimated at about \$94. See Tables 3 and 4 for further details.

For registrants of anthrax-related products, for training and examination materials, the estimated average annual cost per registrant is about \$1,626, with the total annual cost for all registrants estimated to be almost \$4,880 (Table 5). The estimated average annual cost to these respondents for record-keeping activities is approximately \$1,240 per registrant, with the total annual cost for all registrants estimated to be about \$3,720 (Table 6).

**Table 1. Average Annual Respondent Burden and Cost Estimates to Authorized Agencies for Annual Reports on Certification and Training Programs**

Collection Activities	Annual Burden Hours Per Respondent		TOTALS	
	Tech. \$51.89/hr	Clerical \$34.90/hr	Hours	Cost \$
Read/hear rule or any collective instrument instruction (incl. compliance determination)	0.25	0	0.25	12.97
Create information	5	0	5	259.45
Gather information	5	0	5	259.45
Process, compile, review info for accuracy	1	0	1	51.89
Complete written forms or other instruments	0.5	0.5	1	43.40
Record, disclose, display, or report the information	20	45	65	2608.30
Store, file, or maintain the information	0	0.1	0.1	3.49
<b>TOTAL</b>	<b>31.75</b>	<b>45.6</b>	<b>77.35</b>	<b>3238.95</b>

TOTAL ANNUAL BURDEN: 77.35 hrs/respondent x 57 respondents = 4,409 hrs

TOTAL ANNUAL COST: \$3,238.95/respondent x 57 respondents = \$184,620

**Table 2. Average Annual Respondent Burden and Cost Estimates for Certified Applicators in Federal Programs (Navajo Indian Country only) for Completion of EPA Application Forms**

Collection Activities	Annual Burden and Cost Per Respondent		
	Tech. Hours \$30.27/hr	Total Hours	Cost \$
Read/hear rule or any collective instrument instruction (incl. compliance determination)	0.07	0.07	2.12
Complete written forms or other instruments	0.10	0.10	3.03
<b>TOTAL</b>	<b>0.17</b>	<b>0.17</b>	<b>5.15</b>

TOTAL ANNUAL BURDEN: 0.17 hrs/respondent x 13 respondents = 2.2 hrs

TOTAL ANNUAL COST: \$5.15/respondent x 13 respondents = \$66.95

**Table 3. Average Annual Respondent Burden and Cost Estimates for Commercial Applicators in Federal Programs (Navajo Indian Country only) for Record-Keeping for Restricted Use Pesticide Applications**

Collection Activities	Annual Burden and Cost Per Respondent		
	Tech. Hours \$30.27/hr	Total Hours	Cost \$
Read/hear rule or any collective instrument instruction (incl. compliance determination)	0.2	0.2	6.05
Create information	2	2	60.54
Store, file, or maintain the information	0.9	0.9	27.24
<b>TOTAL</b>	<b>3.1</b>	<b>3.1</b>	<b>93.84</b>

TOTAL ANNUAL BURDEN: 3.1 hrs/respondent x 35 respondents = 109 hrs

TOTAL ANNUAL COST: \$93.84/respondent x 35 respondents = \$3,284

**Table 4. Average Annual Respondent Burden and Cost Estimates for Commercial Applicators and Firms for Record-keeping for Restricted Use Pesticide Applications under State Authority**

Collection Activities	Annual Burden and Cost Per Respondent		
	Tech. Hours \$30.27/hr	Total Hours	Cost \$
Read/hear rule or any collective instrument instruction (incl. compliance determination)	0.2	0.2	6.05
Create information	2	2	60.54
Store, file, or maintain the information	0.9	0.9	27.24
<b>TOTAL</b>	<b>3.1</b>	<b>3.1</b>	<b>93.84</b>

TOTAL ANNUAL BURDEN: 3.1 hrs/respondent x 421,000 respondents = 1,305,100 hrs

TOTAL ANNUAL COST: \$93.84/respondent x 421,000 respondents = \$39,506,640

**Table 5. Anthrax-related products: Average Annual Respondent (Registrant) Burden Hour and Cost Estimates for Training and Examination Materials**

Collection Activities	Annual Burden Hours Per Respondent		TOTALS	
	Tech. \$67.05/hr	Clerical \$33.85/hr	Hours	Cost \$
Read/hear PR Notice (guidance)	0.5	0	0.5	33.53
Develop Training & Examination Materials	20	0	20	1,341.00
Review information for accuracy	2	0	2	134.10
Submit training and exam materials to EPA	1	1	2	100.90
Record, store, and file the information	0	0.5	0.5	16.93
<b>TOTAL</b>	<b>23.5</b>	<b>1.5</b>	<b>25</b>	<b>1,626.45</b>

TOTAL ANNUAL BURDEN: 25 hrs/respondent x 3 respondents = 75 hrs

TOTAL ANNUAL COST: \$1,626.45/respondent x 3 respondents = \$4,879.35

**Table 6. Anthrax-related products: Average Annual Respondent (Registrant) Burden Hour and Cost Estimates for Record-Keeping**

Collection Activities	Annual Burden and Cost Per Respondent		
	Tech. Hours \$67.05/hr	Total Hours	Cost \$
Read/hear PR Notice (guidance)	0.5	0.5	33.53
Gather and review information	10	10	670.50
Record, store, and file the information	5	5	335.25
Submit information, only if requested	3	3	201.15
<b>TOTAL</b>	<b>18.5</b>	<b>18.5</b>	<b>1,240.43</b>

TOTAL ANNUAL BURDEN: 18.5 hrs/respondent x 3 respondents = 55.5 hrs

TOTAL ANNUAL COST: \$1,240.43/respondent x 3 respondents = \$3,721.29

### 6(c) Estimating Agency Burden and Cost

The Agency estimates the annual burden to the federal government to review the submissions of annual reports and applications for certification, based on experience. The Agency's total annual burden associated with the certification of pesticide applicators program is estimated at 1277 hours. The total annual cost to the Agency is estimated at \$91,103. The burden and cost to the Agency are reduced from the estimates in the last ICR renewal due to the fact that all States are now using the web-based template for electronic entry and submission of the annual reports, resulting in increased efficiency.

**Anthrax-related products:** The Agency estimates the annual burden to the federal government to review the registrants' training material submissions to be 75 hours. The total annual cost to the Agency is estimated at \$5,016.00



**Table 7a. Annual Agency Burden and Cost Estimates - Burden to Regional Offices for Navajo Program and for Processing Annual Reports Prior to Submission to Headquarters**

Collection Activities	Mgmt. hours (\$101.16)	Tech. hours (\$66.88)	Cler. hours (\$39.23)	Total Hours	Cost \$
Prepare Report - Region 9 for Navajo Program	0	104	0	104	6,955.52
Answer respondent questions	7.1	228	0	235.1	15,966.88
Audit/review submissions	15	638	0	653	44,186.84
Reformat and distribute data	0	50	0	50	3,344.00
Store, file, or maintain the information	0	17	3	20	1,254.65
<b>TOTAL</b>	<b>22.1</b>	<b>1,037</b>	<b>3</b>	<b>1,062.1</b>	<b>71,707.89</b>

**Table 7b. Annual Agency Burden and Cost Estimates - Burden to Headquarters for Review of Submitted Reports**

Collection Activities	Tech. Hours @ \$66.88/hr	Cost \$
Answer respondent questions	100	6,688.00
Audit/review submissions	80	5,350.40
Reformat and distribute data	25	1,672.00
Store, file, or maintain the information	10	668.80
<b>TOTAL</b>	<b>215</b>	<b>14,379.20</b>

**Table 7c Annual Agency Burden Hour and Cost Estimates - Burden to Headquarters for Review of Submitted Training and Examination Materials**

Collection Activities	Tech. Hours @ \$66.88/hr	Cost \$
Answer respondent questions	3	200.64
Audit/review submissions	60	4,012.80
Reformat and distribute data	6	401.28
Store, file, or maintain the information	6	401.28
<b>TOTAL</b>	<b>75</b>	<b>5,016.00</b>

### 6(d) Bottom Line Burden Hours and Cost Table

**Table 8. Bottom Line Annual Burden Hours and Cost Table**

<b>Respondent</b>	<b>Total Burden Hours</b>	<b>Total Cost (\$)</b>
States (Table 1)	4,409	184,620
Federal program - certified applicators (Tables 2 and 3)		
Table 2	2	67
Table 3	109	3,284
State-administered programs - certified applicators (Table 4)	1,305,100	39,506,640
Anthrax-related products - registrants (Tables 5 and 6)		
Table 5	75	4,879
Table 6	56	3,721
<b>Respondent Total</b>	<b>1,309,751</b>	<b>39,703,211</b>
<b>Agency</b>	<b>Total Burden Hours</b>	<b>Total Cost (\$)</b>
EPA Regional Offices (Table 7a)	1,062	71,708
EPA Headquarters (Table 7b)	215	14,379
EPA Headquarters – review of registrant training materials (Table 7c)	75	5,016
<b>Agency Total</b>	<b>1,352</b>	<b>91,103</b>

### 6(e) Reasons for Change in Burden

The total estimated respondent burden for this renewal ICR reflects a net decrease of 1,617 hours related to 2 program changes. The first program change is adoption of the private applicator and dealer recordkeeping programs by the State of Colorado. Colorado already administered the commercial applicator program. The second program change pertains to the new training and recordkeeping burdens that are expected to be imposed on registrants of anthrax-related products via registration terms and conditions.

### 6(f) Burden Statement

The annual burden for this collection is estimated to average 0.17 hours - approximately 10 minutes - for certifying applicators in the Navajo Indian Country, and 77.4 hours for each authorized agency to submit annual reports. Certified commercial applicators have an annual average burden of 3.1 hours for preparing and maintaining required records of restricted use pesticide applications. For anthrax-related products, the annual burden for this collection is estimated to average 25 hours for registrants' training activities, and 18.5 hours for each registrant to keep records.

According to the Paperwork Reduction Act, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. For this collection, it is the time reading the regulations, planning the necessary data collection activities, analyzing data, generating reports and

completing other required paperwork, and storing, filing, and maintaining the data. The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection appears at the beginning and end of this document. In addition OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR Part 9.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2007-0298, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805. You may submit comments regarding the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques.

Submit your comments, referencing Docket ID No. EPA-HQ-OPP-2007-0298 and OMB Control No. 2070-0029, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: Public Information and Records Integrity Branch (PIRIB), Mail Code: 7502P, Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

## ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPP-2007-0298. These attachments are available for online viewing at [www.regulations.gov](http://www.regulations.gov) or otherwise accessed as described in section 6(f) of the supporting statement, and as noted below.

- Attachment A:** 7 U.S.C. 136a(d) - FIFRA Section 3(d) - Also available at online at the US House of Representatives' [US Code website](#)
- Attachment B:** 7 U.S.C. 136i - FIFRA Section 11 - Also available at online at the US House of Representatives' [US Code website](#)
- Attachment C:** 40 CFR 171 - Certification of Pesticide Applicators - Also available online at the National Archives and Records Administration's [Electronic CFR Website](#)
- Attachment D:** Draft Pesticide Registration (PR) Notice 2007-X - "Guidance for Antimicrobial Pesticide Products With Anthrax-Related Claims" The public comment and/or other supporting materials for this draft document are located in the docket for the PR Notice, which can be accessed at <http://www.regulations.gov> using the docket identifier EPA-HQ-OPP-2006-1004.
- Attachment E:** Record of Consultations Between the U.S. Environmental Protection Agency and Respondents to the Information Collection Request: "Certification of Pesticide Applicators"
- Attachment F:** EPA Form 8500-17-N - Request for Pesticide Applicator Certification in Navajo Indian Country - Also available online at <http://www.epa.gov/oppfead1/safety/applicators/2007/navajo.htm>
- Attachment G:** Wage Rate Tables for Commercial Pesticide Applicators, Pesticide Registrants, State Government, and EPA
- Attachment H:** Display Related to OMB Control #2070-0029 -Listings of Related Regulations in 40 CFR 9.1