

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

**1. Identification of the Information Collection**

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

Title: **Standards for Pesticide Containers and Containment**

EPA ICR No. **1632.03**

OMB Control No. **2070-0133**

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

This Information Collection Request covers the information collection activities contained in the final Pesticide Container and Containment Regulations. The final rule was published on August 16, 2006, with final amendments to the rule published on October 29, 2008. EPA sought comment on this ICR document before the final Pesticide Container and Containment Regulations were published, and submitted the ICR to OMB in conjunction with issuing the final rule. Because the entities affected by the container regulations are different than the entities affected by the containment regulations, this ICR document provides separate discussions of the two primary activities and the Agency's related burden estimates. This ICR then totals the Agency's burden estimates for the two primary activities for purposes of providing a single burden estimate for this ICR.

Where necessary to distinguish the discussion of these two primary activities within each section of this ICR, the Agency has identified the discussion of the information collection activities associated with the container design and residue removal requirements with this header: "**Container**," and the information collection activities related to the containment structure requirements with this header: "**Containment**." Where the discussion applies equally to both sets of activities, there is no distinction.

**1(b)(i). Container.** These portions of the ICR cover the information collection activities associated with the **container design and residue removal requirements**. Specifically, the requirement that businesses subject to the container regulations (pesticide registrants) and repackaging regulations (pesticide registrants and refillers) maintain records of test data, cleaning procedures, certain data when a container is refilled and other supporting information. These records are subject to both call-in by EPA and on-site inspection by EPA and its representatives. EPA has not established a regular schedule for the collection of these records, and there is no reporting.

**1(b)(ii). Containment.** These portions of the ICR cover the information collection activities associated with the **containment structure requirements**. Specifically, the requirement that businesses subject to the containment structure regulations maintain records of the: 1) monthly inspection and maintenance of each containment structure and all stationary bulk containers; 2) duration over which non-stationary bulk containers holding pesticides and not protected by a secondary

containment unit remain at the same location; and 3) construction date of the containment structure. The businesses subject to the containment structure regulations include agrichemical retailers and refilling establishments, custom blenders and commercial applicators of agricultural pesticides. The records have to be maintained by the owners and operators of such businesses. There is no regular schedule for the collection of either of these records, nor does EPA anticipate a call-in of records at some future date. Instead, the records would be available to inspectors to ensure that businesses are in compliance with containment requirements. These inspections are generally conducted by the states, who enforce FIFRA regulations through cooperative agreements with EPA.

## **2. Need For and Use of the Collection**

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

The statutory authority for these collection activities are found in sections 3, 8, 19 and 25 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136f, 136q and 136w.

The 1988 amendments to FIFRA section 19 significantly expanded and strengthened EPA's authority in the areas of pesticide storage, disposal and transportation and authorized the administrator, in conjunction with the registration and reregistration of a pesticide, to establish:

- data requirements to determine methods of safe storage and disposal of pesticides [FIFRA section 19(a)(1)(A)]; and
- labeling requirements for the storage, transportation and disposal of pesticides, excess pesticides, rinsates, and containers [FIFRA section 19(a)(1)(B)].

Furthermore, section 19 mandates the issuance of regulations for:

- pesticide container design standards [FIFRA section 19(e)]; and
- pesticide residue removal standards and procedures [FIFRA section 19(f)].

The collection (record keeping) of information covered by this ICR is needed to ensure that EPA's statutory requirement to develop regulations for the safe storage and disposal of pesticides are implemented. Together with the requirements for containment of large pesticide tanks, the container requirements for design and residue removal are essential to ensure the safe use, reuse and refill of containers as required by FIFRA section 19.

**2(a)(i). Container.** The container design and residue removal regulations are contained in Title 40 of the Code of Federal Regulations (CFR) Parts 156 and 165.

The container design and residue removal standards are intended to protect human health during container handling, refilling, storage, use, reuse, disposal or recycling. The standards include design and construction requirements to ensure that

containers are durable and that breakage and leakage will not occur during these operations. The standards adopt and refer to certain Department of Transportation (DOT) standards regarding container integrity and marking. There are also requirements to include specific instructions on labels regarding residue removal procedures, and specific procedures for refilling refillable containers for sale or distribution. The standards are also intended to promote recycling and the use of refillable containers so that the number of pesticide containers in the waste stream will be reduced.

**2(a)(ii). Containment.** The containment structure regulations are contained in 40 CFR Part 165.

The containment standards are intended to prevent pesticide contamination of soil, ground water and surface water at specified sites where pesticides are stored in refillable bulk containers and where container refilling operations occur. There are a number of potential sources of pesticide spills at refilling operations and bulk pesticide handling facilities ranging from small leaks to container failures. In many cases, environmental contamination may be caused by chronic small leaks of concentrated pesticides from containers and appurtenances (e.g., hoses, pipes, valves, pumps) and from improper management of container rinsates or equipment wash water. Larger releases occur less frequently but can result in significant environmental contamination. Major spills can result from bulk container failure, operator error and vandalism. Facilities are required to maintain specific records so that the Agency can verify compliance.

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

EPA or its representative (i.e., the states) will use records that are required to be maintained to verify compliance with the regulations. Although records maintained under the regulations are subject to call-in by EPA, the Agency does not expect to conduct routine call-ins. Instead, the records will be reviewed during routine establishment inspections. These inspections are generally conducted by the states, who enforce FIFRA regulations through cooperative agreements with EPA.

**2(b)(i). Container.** EPA will use the records of test data and other information collected or submitted under the pesticide container design and residue removal regulations to assess compliance with the regulations and to evaluate their effectiveness.

The data will be used by the Registration Division, the Antimicrobial Division, the Biopesticides and Pollution Prevention Division and the Field and External Affairs Division of OPP, as well as the Office of Compliance and the Office of Civil Enforcement in EPA's Office of Enforcement and Compliance Assurance. The specific users within the divisions include chemists, economists, and product and project managers. The data may also be used by EPA Regions and state enforcement officials.

**2(b)(ii). Containment.** Records of the inspection and maintenance of containment structures and stationary bulk agricultural pesticide containers will assist EPA, states or political subdivisions duly designated by EPA to assess the integrity of bulk containers and containment structures.

Records documenting the duration over which a pesticide remains in a bulk container not protected by secondary containment at the same location will allow EPA or its representatives to determine whether the bulk container has exceeded the 30-day residence criterion which triggers requirements for secondary containment of stationary bulk containers.

Records of the construction date of the secondary containment structure will allow EPA or its representatives to determine whether the structure must comply with the standards for existing structures or for new structures (according to the definitions of existing and new in the final rule).

### **3. Non Duplication, Consultations, and Other Collection Criteria**

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

Duplication is not an issue because these records are generally unique to the requirements of the federal pesticide law (FIFRA) and to specific pesticide products. EPA is the primary Federal agency that regulates pesticide chemicals, pesticide containers and disposal. To the extent that companies may already retain these records as part of its management practices, any potential duplication will facilitate their compliance with the regulation. Therefore, there is no duplication of effort.

In addition, EPA maintains files on all pesticide chemicals, as well as correspondence and information/data submitted. These files are referenced to determine whether the necessary data are already on hand, thereby eliminating duplicative data requests. The list of data submitters that EPA publishes enables the industry to act cooperatively in the development and/or use of data. Further, EPA allows cost-sharing agreements among manufacturers of specific pesticide chemicals in order to minimize the duplication of laboratory tests conducted for this program.

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

In proposing to renew this ICR, EPA published a Federal Register Notice on February 25, 2009 (74 FR 8537) and provided a 60-day public notice and comment period. The Agency did not receive any public comments during this period.

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

In addition to the public notice that EPA published in the Federal Register concerning the renewal of this ICR, the Agency consulted with stakeholders who actively interact with the Agency through the use of this collection instrument. EPA staff contacted five relevant stakeholders and received four responses. EPA asked for their assessment of the regulatory burden estimates expressed by the Agency in this ICR. EPA consulted with the following individuals:

Marty Fitzpatrick  
BASF  
[martin.fitzpatrick@basf.com](mailto:martin.fitzpatrick@basf.com)  
919-883-4966

Susan Ferenc  
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703-548-7700

Kip Landwehr  
Winfield Solutions, A Land O'Lakes Company  
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972-462-8656

Carmen Hayworth  
Agricultural Retailers Association  
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202-457-0825 x36

Allan Hovis  
Bayer CropScience  
[allan.hovis@bayercropscience.com](mailto:allan.hovis@bayercropscience.com) 919-549-2696

#### Publicly Available Data

Respondents indicated that this data was newly created, stored internally, and not available from a public source.

#### Frequency of Collection

Respondents indicated that the frequency of collection was reasonable.

#### Clarity of Instructions

Respondents indicated that the available instructions (e.g., regulations, PR notices, etc) provide a sufficient summary of the recordkeeping requirements. A specific request regarding the submission of information includes a single registrant submission for multiple facilities. A registrant noted that not requiring a specific format for records would allow the registrant to consolidate records from all of its repackaging facility to create a single submission. Some respondents found the questions in the information collection request consultation process to be unclear.

#### Electronic Reporting and Recordkeeping

Respondents are in favor of electronic submission provided that there is a high level of security and confidentiality, availability of required software and acceptance of paper submission in case of electronic submission failure and varying levels of technology across the industry. Respondents are in favor of electronic submissions for ease of submission, more efficient records management, and lower storage requirements.

Respondents maintain records both electronically and in non-electronic form.

## Burden and Costs

Respondents indicated the labor rates estimates are fair and accurate, although the respondents encourage the Agency to update the labor rates to the most current year. One respondent noted that the labor costs may be in the higher range.

Regarding burden and cost estimates, respondents indicated the costs ranged from accurate to underestimated. One respondent noted that the activities for nonrefillable containers included the potential development of residue removal data. The respondent was unclear about whether these costs were included in the burden estimate. One respondent noted that the estimated time for professional labor to read instructions was lower than the respondent's experience.

Additional costs may include development of internal recordkeeping processes pertaining to regulatory compliance and costs associated with customer training and education regarding the regulatory changes.

A record of consultations is found in Attachment H.

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

Not applicable. There is no collection activity. Records are generated according to the schedule in the regulations, and, if necessary, information will be collected periodically without a set schedule for compliance assurance.

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

The only guideline established under the Paperwork Reduction Act (PRA) that may be exceeded in this collection is the time period for retaining records. The PRA guidelines specify that an agency must provide justification when requiring data other than health, medical or tax records be retained for more than three years. This is discussed separately for container and containment below.

In addition, OMB's regulations require agencies to provide a statement indicating whether the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and an explanation of the decision (5 CFR 1320.5(a)(iii)(E)). EPA is leaving the selection of an information storage method for the records to the regulated community. The records must be made available on request by EPA or its representatives, and may be stored by means of automated, electronic, mechanical or other forms of information technology.

**3(e)(i). Container.** The following time periods for retaining records under the container design and residue removal regulations exceed the three year only guideline for record retention established under the PRA:

- 1) for nonrefillable containers, the registrant must maintain the required records for as long as the nonrefillable container is used with the pesticide product and for three years thereafter;

2) for refillable containers, each registrant who distributes or sells a pesticide product to a refiller for repackaging into refillable containers and each registrant who distributes or sells a pesticide product in refillable containers must maintain the required records for the current operating year and for three years thereafter;

3) for refillable containers, each refiller must maintain the required informational records for the current operating year and for three years thereafter. Information about actual repackaging must be recorded and kept for three years.

EPA is requiring that the information described above be retained by registrants or refillers for more than three years so that risks presented by pesticide containers can be thoroughly evaluated. Most container designs and many refillable containers are in use for more than three years. Further, even when a design is discontinued, containers of that design type may remain on the market for a number of years. Therefore, if EPA is to be able to thoroughly evaluate risks presented by pesticide containers it requires access to information on these containers designs and containers for as long as they remain in commerce.

**3(e)(ii). Containment.** The only guideline established under the PRA that is exceeded is the time period for retaining records relating to the construction date of the secondary containment structure. The regulations require that records documenting the construction date of the containment structure be retained as long as the containment structure is in use, and for three years thereafter. EPA requires retention of records documenting the age of the containment facility because the standards for structures built before promulgation of the containment rule differ slightly from the standards for structures built after promulgation of the rule. The two sets of standards apply to “existing” and “new” containment structures, terms which are defined in the rule. EPA is requiring that the records be retained for a period in excess of that proposed by PRA guidelines because containment structures are typically in use for much longer than three years.

### **3(f). Confidentiality**

Trade secret or confidential business information (CBI) is frequently submitted to the EPA under the pesticide program because submissions usually include the manufacturing process, product formulation, and supporting data. Health and safety data submitted by registrants under FIFRA are considered by EPA to contain no CBI. If, however, registrants submit CBI, such information is protected from disclosure under FIFRA Section 10. CBI data submitted to the EPA is handled strictly in accordance with the provisions of the FIFRA Confidential Business Information Security Manual.

Since EPA does not anticipate a collection or call-in of the retained records covered by this ICR, the information in those records would not leave the possession of the affected businesses.

### **3(g). Sensitive Questions**

Not applicable. No information of a sensitive or private nature is requested in this information collection activity.

#### 4. The Respondents and the Information Requested

##### 4(a). Respondents/NAICS Codes

**4(a)(i). Container.** The regulated community affected by the container design and residue removal regulations includes businesses who formulate pesticide products or repackage pesticide products into refillable pesticide containers. The affected businesses are pesticide registrants, classified as North American Industry Classification System (NAICS) code 325320 - Pesticide and Other Agricultural Chemical Manufacturing, NAICS code 422910 - Farm Supplies Wholesalers, and Swimming Pool Applicators, classified under 3 different NAICS codes shown in the table below.

Category	NAICS codes	Examples of potentially affected entities
Pesticide and other agricultural chemical manufacturing	325320	Pesticide registrants and businesses who formulate pesticide products or pesticide formulation intermediates.
Farm Supply Wholesalers	422910	All agricultural pesticide refillers whose principal business is retail sale of agricultural pesticides.
Other services to buildings & dwellings	561790	Swimming pool applicators.
All other miscellaneous store retailers (except tobacco stores)	453998	
All other special trade contractors	235990	

**4(a)(ii). Containment.** The regulated community affected by the containment regulations includes facilities that utilize one or more stationary bulk agricultural pesticide containers, mobile bulk agricultural pesticide containers that remain in one location for at least 30 consecutive days, and containment pads for agricultural pesticide dispensing areas. The majority of such facilities are classified in the farm supplies industry under one NAICS code, 422910 - Farm Supplies Wholesalers (SIC code 5190). NAICS 422910 includes both farm supply dealers and fertilizer dealers, (frequently referred to as agricultural facilities or businesses), as well as other establishments engaged in the distribution of animal feeds, fertilizers, agricultural chemicals, pesticides, seeds and other farm supplies, except grains. Agricultural (aerial and ground) commercial applicators are also affected by the rule. Most of these industries are classified under NAICS 115112 - Soil Preparation, Planting and Cultivating. A number of agricultural services such as cultivation, pollination, detasseling of corn, hoeing, and pruning are included under this NAICS code.



Category	NAICS codes	Examples of potentially affected entities
Farm Supplies Wholesalers	422910	<p>All agricultural pesticide refillers whose principal business is retail sale of agricultural pesticides.</p> <p>Retail dealers that have bulk indoor or outdoor agricultural pesticide storage.</p>
Independent commercial applicators	115112	Businesses that apply pesticides for compensation (by aerial and/or ground application) and that are not affiliated with agrichemical dealers.

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

##### **4(b)(i). Data Items, Including Record Keeping Requirements**

**4(b)(i)(1). Container.** In order to comply with the container design and residue removal requirements, respondents must undertake a number of recordkeeping activities (see tables below) for as long as the product is used and for three years after that. There are no reporting requirements for these regulations. However, the required records must be furnished and made available for inspection and copying upon request of EPA or its designee. In addition, registrants must inform EPA by notification of the label changes made to comply with the requirements of §156.

## Recordkeeping Requirements for Nonrefillable and Refillable Containers

	Recordkeeping
Nonrefillable Containers	<p>For as long as a nonrefillable container is used for the product and for 3 years thereafter:</p> <ul style="list-style-type: none"> <li>• The name and EPA registration number of the product.</li> <li>• A description of the container(s) used to distribute or sell the product.</li> <li>• Documentation of compliance with the closure requirement, if applicable.</li> <li>• Documentation of compliance with the dispensing requirement, if applicable.</li> <li>• Documentation of compliance with the residue removal requirement, if applicable.</li> </ul>
Repackaging	<p>(a) These “informational” records must be kept for the current operating year and for three years after that (see the table below which identifies which businesses (registrants of refillers) must comply:</p> <ul style="list-style-type: none"> <li>• The written contract between the pesticide product’s registrant and the refiller for the pesticide product.</li> <li>• The written refilling residue removal procedure for the pesticide product.</li> <li>• The written description of acceptable containers for the pesticide product.</li> </ul> <p>(b) Each time a refiller repackages pesticide product into a refillable container for distribution or sale, the following records must be generated and maintained for at least three years after the date of repackaging:</p> <ul style="list-style-type: none"> <li>• The EPA registration number of the pesticide product distributed or sold in the refillable container.</li> <li>• The date of the repackaging.</li> <li>• The serial number of the refillable container.</li> </ul> <p>As shown in the following table, antimicrobial products used in swimming pools and closely-related sites do not have to comply with these section (b) repackaging requirements.</p>

## Recordkeeping Requirements in the Repackaging Regulations

Product-Specific Record	Registrants who d/s directly in refillables <sup>1</sup>		Registrants who d/s to refillers for repackaging into refillables <sup>1</sup>	Refillers who aren’t registrants	
	Swim pool products <sup>2</sup>	All other products	All products	Swim pool products <sup>2</sup>	All other products
<b>Informational Records</b>					
Contract to repackage	No	No	Yes	Yes	Yes
Refilling residue removal procedure	Yes	Yes	Yes	Yes	Yes
Description of acceptable containers	Yes	Yes	Yes	Yes	Yes
<b>Repackaging Records</b>					
EPA registration # d/s in the container	No	Yes	No	No	Yes
Date of the repackaging	No	Yes	No	No	Yes
Serial # of the container	No	Yes	No	No	Yes

(1) “d/s” = distributed or sell. (2) Swim pool products = antimicrobial products used in swimming pools and closely related sites, that are subject to the pesticide container-related regulations.

Registrants may request waivers from or modifications to the nonrefillable container standards and to some of the refillable container standards.

There are no forms associated with this record keeping.

**4(b)(i)(2). Containment.** The following records that must be maintained under the requirements of the containment regulations:

(a) Records of inspection and maintenance for each containment structure and for each stationary bulk container and its appurtenances must be kept for 3 years and must include the following information: (1) name of the person conducting the inspection or maintenance; (2) date the inspection or maintenance was conducted; (3) conditions noted; (4) specific maintenance performed.
(b) Records for any non-stationary dry or liquid bulk container that holds pesticides but is not protected by a secondary containment unit meeting current regulations must be kept for 3 years. Records on non-stationary bulk containers must include the time period that the container remains at the same location.
(c) Records of the construction date of the containment structure must be kept for as long as the pesticide containment structure is in use, and for 3 years afterwards.

There are no forms associated with this record keeping.

**4(b)(ii). Container Requirements - Respondent Activities for Regulated Entities.**

**4(b)(ii)(1). Registrant Activities for Nonrefillable Containers**

Respondent Paperwork Activity	Description
<b>1. Read instructions</b>	Read container regulations in the FR and the associated compliance manual.
<b>2. Plan activities</b>	<ul style="list-style-type: none"> <li>- Determine whether your products are subject to the container requirements, and if so which ones.</li> <li>- Determine what subset of the DOT regulations your products are subject to.</li> <li>- Develop plan to comply.</li> </ul>
<b>3. Gather information</b>	<ul style="list-style-type: none"> <li>- Determine if the containers holding your products dispense properly and have standard closures.</li> <li>- Develop residue removal data for dilutable pesticides in rigid containers.</li> <li>- Prepare waiver request (if desired).</li> </ul>
<b>4. Create information</b>	<ul style="list-style-type: none"> <li>- Develop and maintain a recordkeeping system of test data and documentation for container/formulation combinations.</li> <li>- Submit waiver request.</li> </ul>
<b>5. Store/maintain data</b>	File and maintain copies of all container records for as long as the container is used and for 3 years afterwards.

#### 4(b)(ii)(2). Registrant Activities for Refillable Containers

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations in the FR and the associated compliance manual.
2. Plan activities	<ul style="list-style-type: none"> <li>- Determine what standards your bulk containers must meet.</li> <li>- Develop plan to comply.</li> </ul>
3. Gather information	<ul style="list-style-type: none"> <li>- Determine if your refillable containers meet the specified DOT regulations.</li> <li>- Determine if your refillable containers are marked with a serial number and have a one-way valve or tamper-evident device on each opening.</li> </ul>
4. Store/maintain data	No refillable container records are required.

#### 4(b)(ii)(3). Registrant Activities for Repackaging Directly into Refillable Containers

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations in the FR and the associated compliance manual.
2. Plan activities	<ul style="list-style-type: none"> <li>- Develop plan to comply.</li> </ul>
3. Create information	<ul style="list-style-type: none"> <li>- Record specified information each time product is repackaged.</li> <li>- Inspect, clean and relabel containers.</li> </ul>
4. Store/maintain data	File and maintain copies of all repackaging records for 3 years (all products other than swimming pool chemicals).

#### 4(b)(ii)(4). Registrant Activities for Distributing to Refillers

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations in the FR and the associated compliance manual.
2. Plan activities	<ul style="list-style-type: none"> <li>- Develop plan to comply.</li> </ul>
3. Create information	<ul style="list-style-type: none"> <li>- Develop a recordkeeping system for contracts with refillers.</li> <li>- Develop residue removal procedures.</li> <li>- Develop a written list of acceptable containers.</li> </ul>
4. Store/maintain data	<ul style="list-style-type: none"> <li>- Maintain records of contracts with refillers.</li> <li>- Maintain copies of all contracts and "informational" container records for current operating year and for 3 years afterwards.</li> </ul>

#### 4(b)(ii)(5). Refiller (non-registrant) Activities for Repackaging

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations in the FR and the associated compliance manual.
2. Plan activities	Determine what repackaging requirements you must comply with and plan compliance.
3. Gather information	Gather labeling, written residue removal procedures and description of acceptable containers.
4. Create information	- Develop and maintain a recordkeeping system for contracts with registrants which allow you to repack their pesticide for distribution and sale and all required container information. - Record specified information each time product is repackaged.
5. Enforce & monitor	Inspect, clean and relabel containers.
6. Store/maintain data	- File and maintain copies of all "informational" container records for the current operating year and for 3 years afterwards. - Record and maintain repackaging records for 3 years.

#### 4(b)(ii)(6). Swimming Pool Applicator Activities for Refillable Containers

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations in the FR and the associated compliance manual.
2. Plan activities	Determine what repackaging requirements you must comply with and plan compliance.
3. Gather information	Gather labeling, written residue removal procedures and description of acceptable containers.
4. Create information	Develop and maintain a recordkeeping system for contracts with registrants which allow you to repack their pesticide for distribution and sale and all required container information. (No repackaging recordkeeping is required.)
5. Enforce & monitor	Inspect, clean and relabel containers.
6. Store/maintain data	File and maintain copies of "informational" container records for the current operating year and for 3 years afterwards. (No repackaging recordkeeping is required.)

#### 4(b)(ii)(7). Respondent Activities for Labeling Requirements

All respondents are required to comply with the labeling requirements, and the Agency will allow label changes to be submitted by notification.

#### 4(b)(iii). Containment - Respondent Activities for Regulated Entities

Respondent Paperwork Activity	Description
1. Read instructions	Read container-containment regulations in the FR and the associated compliance manual.
2. Plan activities	<ul style="list-style-type: none"> <li>- Determine whether the facility has stationary bulk containers or conducts refilling operations.</li> <li>- Determine whether the facility has non-stationary bulk containers which are not protected by secondary containment.</li> <li>- Determine whether the facility is in compliance with the regulations.</li> </ul>
3. Gather information	Determine if the state has pesticide containment regulations in force. If yes, determine whether the state has requested and received authorization from EPA to implement state regulations in lieu of the EPA regulations, and whether the facility conforms to state regulations. If there are no state containment regulations, determine whether the facility conforms to federal EPA regulations.
4. Create information	<ul style="list-style-type: none"> <li>- Inspect and maintain each containment structure and each stationary bulk container and its appurtenances monthly. Record the following information: (1) name of the person conducting the inspection or maintenance; (2) date the inspection or maintenance was conducted; (3) conditions noted;(4) specific maintenance performed.</li> <li>- Inspect and maintain each non-stationary bulk container and record the time period that it remains at the same location in the facility.</li> </ul>
5. Store/maintain data	<ul style="list-style-type: none"> <li>- File and maintain copies of all inspection and maintenance for 3 years.</li> <li>- File and maintain data on time-in-location for all non-stationary bulk containers which are not protected by secondary containment for 3 years.</li> <li>- File and maintain documents proving the construction date of the facility (to demonstrate whether it is subject to the full standards or qualitative standards) for as long as the structure is in use and for 3 years afterwards.</li> </ul>

#### 5. The Information Collected - Agency Activities, Collection Methodology, and Information Management

##### 5(a) EPA Activities – Containers.

EPA does not anticipate collecting or calling-in the records retained to comply with the container regulations. The data maintained by registrants, refillers and swimming pool applicators will be available for review by EPA or its designee to ensure compliance with the regulations and in the event that a problem arises with a particular type of container. However, EPA anticipates that there may be waiver requests from some or all of the container design and residue removal requirements. In addition, every product will likely require label amendments, which will be submitted by notification, to comply with the labeling requirements of the rule.

Agency Activity	Description
<b>1. Receive Notifications, Waiver Requests and Inquiries</b>	There are approximately 15,000 pesticide products registered by EPA, and large numbers of notifications and waiver requests may potentially be submitted simultaneously. Submissions will have to be screened for confidentiality and protected accordingly.
<b>2. Plan activities</b>	FEAD will coordinate with the 3 divisions who make registration decisions: RD, AD and BPPD to respond to waiver requests, as well as with IRSD data processors. Records of notifications will be maintained as usual by the registering divisions, and possibly in an additional database unique to container issues.
<b>3. Create information</b>	EPA will use existing databases to store and track incoming information. Ultimately, a database accessible to state enforcement staff will be developed.
<b>4. Complete paperwork</b>	FEAD and registering divisions will coordinate to prepare responses to waiver requests stating approval/disapproval with comments.
<b>5. Monitor DOT regulatory actions and publish FRNs</b>	The FEAD disposal team will have to monitor FR Notices issued by DOT to determine if the DOT regulations referred to in the container rule have been changed, and if so, must publish an EPA FR notice informing the regulated community of any changes.
<b>6. Store/maintain data</b>	Store, file, and maintain copies of waiver requests and responses/authorizations.

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

EPA expects to receive and review notifications and waiver requests during the 3-year compliance period, and for new products as they are introduced. Since 19 states already have containment regulations in force, EPA also expects to receive a maximum of 19 letters with accompanying justification to request authorization to continue implementing state regulations in lieu of EPA federal regulations. The correspondence may be submitted in printed or electronic format, including e-mail, according to the respondent's preference. As itemized in 5(a), EPA will receive and manage these notifications, waiver requests and state authorization letters in accordance with its existing and standard procedures for the receipt and management of information submitted to it under the pesticide laws.

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

Small entities are generally subject to the same requirements as large entities. The information to be recorded is straightforward and can be maintained by facilities in the manner they see fit, as long as the records are available for review during routine establishment inspections by the states. The notifications and waiver requests involve the use of existing forms and processes, which reflect the consideration of small entity flexibility in their establishment. No new forms are being established for these regulations.

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

Not applicable. The activity is conducted only as needed by state inspections, or upon the determination of the respondent. There is no set schedule for the collection of this information.

## **6. Estimating the Burden and Cost of the Collection – Container Design and Residue Removal Regulations**

### **6(a). Estimating Regulated Community Burden and Costs**

The respondent burden reflected in this ICR is based on the two Economic Analyses (EAs) that were prepared for the final regulations. For ease in presentation, the burden and costs for the container design and residue removal requirements are discussed separately from those related to the containment requirements. After discussing the burden and costs separately, the burden and cost estimates are totaled in section 6(d) of this ICR.

#### **6(a)(i). Regulated Community Burden**

The burden on the regulated community considered in this analysis is the administrative burdens associated with the time spent to record and maintain the necessary records. There is no requirement to submit the records to the Agency. The burden also includes a review of the regulations and a determination of how the regulations affect the respondent, which are expected to occur in the first year of compliance with the regulations, but not expected to occur at this same level every year after that.

**6(a)(i)(1). Container.** The ICR estimates all recordkeeping and reporting burden and costs associated with the regulations. However, the EA determined that industry is essentially in compliance with at least two of the recordkeeping requirements under the proposed rule. Therefore, the actual additional cost and burden incurred by industry as a result of the regulations will probably be less than estimated in the ICR. The specific requirements with which industry is believed to be in compliance involve registrant and refiller recordkeeping related to refilling agreements.

The labor rates used in the analysis were developed for the EA and include both fringe benefits and overhead. Based on the information in the EA, this ICR will use wage rates for an administrative labor category and a professional labor category. The current wage rates are \$34.95 for the administrative labor category and \$104.41 for professional (technical) labor.

A separate analysis is provided below for each of the three regulated industries for the pesticide container regulations.

**6(a)(i)(1)(a). Container Requirements - Pesticide Registrants.** There are four separate sets of paperwork burden activities for pesticide registrants. Tables 6.1, 6.2, and 6.3 describe the estimated burden and costs associated with these activities. The burden is associated with ensuring that new formulations and containers meet the requirements. As with any change in labeling or registration requirements, a certain number of waiver requests is to be expected, and processing of waivers is an ongoing activity. The Agency estimates that if a registrant wishes to submit an application for a waiver from some of the requirements of the rule, professional labor will be used. The burden for the application of a waiver is estimated to be the same in each year, which is likely an overestimate. It is estimated that five percent of pesticide registrants may



apply for a waiver. To simplify the analysis, the burden and costs estimated for the application of a waiver are applied to the nonrefillable container burden and cost estimates (registrants can apply for a waiver for a subset of both nonrefillable and refillable requirements).

It is estimated that each respondent will spend seven hours on the paperwork activities associated with nonrefillable containers (Table 6.1).<sup>1</sup> At a cost of \$34.95 per hour for the administrative labor and \$104.41 per hour for the professional labor, the estimated cost assuming seven hours of time spent on the information collection, per respondent, is estimated to be \$522. The total annual paperwork burden across all respondents, assuming that 1,804<sup>2</sup> registrant facilities will be affected by the requirement is 5,773 hours (Table 6.1).

**Table 6.1 Annual Registrant Burden/Cost Estimates for Nonrefillable Containers**

Activity	Burden Hours (per Year)			Costs (\$) (per Year)
	Administrative	Professional	Total Hours	
1. Read instructions	0	0.5	0.5	52
2. Plan activities	0	0.5	0.5	52
3. Gather information	1	2	3	244
4. Create information	1	0.5	1.5	87
5. Store/maintain data	1	0.5	1.5	87
<b>Total Burden</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>522</b>

Values may not add due to rounding

Administrative labor costs \$34.95/hour, professional labor costs \$104.41/hour.

**TOTAL ANNUAL BURDEN:**

In all years after the first year of compliance: (3 hours per facility X 1,804 facilities) + (4 hours per facility X (1,804 facilities X 5% of facilities)) = 5,412 hours + 361 hours = 5,773 hours per year

**TOTAL ANNUAL COST:**

In all years after the first year of compliance: (3 hours per facility X \$35.95/hour X 1,804 facilities) + (4 hours per facility X \$104.41/hour X (1,804 facilities X 5% of facilities)) = \$189,149 + \$37,671 = \$226,821

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<sup>1</sup> The amount of time estimated for these activities depends on the size of the facility. For this analysis, since there are relatively more small pesticide registrants and agricultural pesticide refillers potentially impacted by the regulations than large registrant and agricultural pesticide refillers, estimates of burden are based on small facilities - medium-small facility burden estimates are used.

<sup>2</sup> Estimate of the number of pesticide registrants estimated to be impacted by the rulemaking. See the Economic Analysis of the Pesticide Container Design and Residue Removal Standards.

For the paperwork burden activities associated with refillable containers, it is estimated that 2 hours will be spent per registrant respondent (Table 2). These burden estimates include both the activities associated with refillable containers and for registrants distributing to refillers. At a cost of \$34.95 per hour for the administrative labor, the estimated cost after the first year, assuming two hours of time spent on information collection, per respondent, is estimated to be \$70. The total annual paperwork burden across all respondents, assuming that 1,804 facilities will be affected by the requirement, is 3,608 hours after the first year (Table 6.2).

**Table 6.2 Annual Registrant Burden/Cost Estimates for Refillable Containers and Distributing to Refillers**

Activity	Burden Hours (per Year)		Costs (per Year) (\$) (\$34.95 per hour)
	Administrative	Total Hours	
1. Read instructions	0	0	0
2. Plan activities	0	0	0
3. Create information	1	1	35
4. Store/maintain data	1	1	35
<b>Total Burden</b>	<b>2</b>	<b>2</b>	<b>70</b>

May not add due to rounding.

**TOTAL ANNUAL BURDEN:**

In all years after the first year of compliance: 2 hours per facility X 1,804 facilities = 3,608 hours per year

**TOTAL ANNUAL COST:**

In all years after the first year of compliance: 2 hours per facility X \$34.95/hour X 1,804 facilities = \$126,100

It is estimated that one administrative hour, at a cost of \$34.95 per hour will be spent for each registrant for the paperwork activities associated repackaging directly into refillable containers (Table 6.3). The total annual paperwork burden across all respondents, assuming that 1,804 facilities will be affected by the requirement, is 1,804 hours after the first year (Table 6.3).

**Table 6.3 Annual Registrant Burden/Cost Estimates for Repackaging Directly into Refillable Containers**

Activity	Burden Hours (per Year)		Costs (per Year) (\$) (\$34.95 per hour)
	Administrative	Total Hours	
1. Read instructions	0	0	0
2. Plan activities	0	0	0
3. Create information	0.5	0.5	17
4. Store/maintain data	0.5	0.5	17
<b>Total Burden</b>	<b>1</b>	<b>1</b>	<b>35</b>

May not add due to rounding.

**ANNUAL BURDEN:**

In all years after the first year of compliance: 1 hours per facility X 1,804 facilities = 1,804 hours per year

**ANNUAL COST:**

In all years after the first year of compliance: 1 hours per facility X \$34.95/hour X 1,804 facilities = \$63,050

The estimated annual burden per pesticide registrant cost per pesticide registrant respondent associated with nonrefillable pesticide containers record keeping activities is 7 hours per year. The estimated annual burden per registrant associated with refillable containers and repackaging is 2 hours per year, and one hour per year, respectively. Based on an estimated 1,804 pesticide registrant facilities affected by the requirement per year, the total annual burden is estimated to be 11,185 hours per year. (See Tables 6.1, 6.2 and 6.3)

**ANNUAL BURDEN:**

In all years after the first year of compliance: 5,773 + 3,608 + 1,804 = 11,185 hours per year.

The estimated annual cost per pesticide registrant respondent associated with nonrefillable pesticide containers record keeping activities is \$522 per year. The estimated annual cost per registrant associated with refillable containers and repackaging is \$70 and \$35, respectively. Based on an estimated 1,804 pesticide registrant facilities affected by the requirement per year, the total annual cost is estimated to be \$415,970. (See Tables 6.1, 6.2 and 6.3)

**ANNUAL COSTS:**

In all years after the first year of compliance: \$226,821 + \$126,100 + \$63,050 = \$415,970.

**6(a)(i)(1)(b). Container Requirements - Agricultural Pesticide Refillers.** The paperwork burden activities that affect agricultural pesticide refillers are associated with the repackaging of agricultural pesticides directly into refillable containers. It is estimated that seven and one-half hours will be spent per year for the paperwork activities associated with repackaging agricultural pesticides directly into refillable containers (Table 6.4). At a cost of \$34.95 per hour for the administrative labor, the estimated cost per respondent is \$262 per year. The total annual paperwork burden across all respondents, assuming that 16,795<sup>3</sup> facilities will be affected by the requirement, is 125,963 hours per year (Table 6.4).

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<sup>3</sup> Estimate of the number of pesticide refillers estimated to be impacted by the rulemaking. See the Economic Analysis of the Pesticide Container Design and Residue Removal Standards.

**Table 6.4 Annual Agricultural Pesticide Refiller Burden/Cost Estimates for Repackaging Directly into Refillable Containers**

Activity	Burden Hours (per Year)		Costs (per Year) (\$) (\$34.95 per hour)
	Administrative	Total Hours	
1. Read instructions	0.5	0.5	17
2. Plan activities	0.5	0.5	17
3. Gather Information	1.0	1.0	35
4. Create information	1.0	1.0	35
5. Enforce and Monitor	4.0	4.0	140
6. Store/maintain data	0.5	0.5	17
Total Burden	7.5	7.5	262

May not add due to rounding.

The estimated annual burden per agricultural pesticide refiller associated with record keeping activities is seven and one-half hours per year. Based on an estimated 16,795 agricultural pesticide refiller facilities affected by the requirements per year, the total annual burden is estimated to be 125,963 hours per year. The estimated annual cost per agricultural pesticide refiller associated with record keeping is \$262. Assuming 16,795 agricultural pesticide refillers, the estimated total annual cost is \$4,402,389 per year. (See Table 6.4)

**ANNUAL BURDEN:**

7.5 hours per facility X 16,795 facilities = 125,963 hours per year

**ANNUAL COST:**

7.5 hours per facility X \$34.95/hour X 16,795 facilities = \$4,402,389 per year

**6(a)(i)(1)(c). Container Requirements - Swimming Pool Supply Companies.**

The paperwork activities that affect swimming pool supply companies are associated with refillable containers. It is estimated that seven and one half hours will be spent per year for the paperwork activities associated with refillable containers (Table 6.5). At a cost of \$34.95 per hour for the administrative labor, the estimated cost per respondent is \$262 per year. (Table 6.5) The total annual paperwork burden across all respondents, assuming that 322<sup>4</sup> facilities will be affected by the requirement, is 2,415 hours per year.

<sup>4</sup> Estimate of the number of swimming pool supply companies estimated to be impacted by the rulemaking. See the Economic Analysis of the Pesticide Container Design and Residue Removal Standards.

**Table 6.5 Annual Swimming Pool Supply Company Burden/Cost Estimates for Repackaging Directly into Refillable Containers**

Activity	Burden Hours (per Year)		Costs (per Year) (\$) (\$34.95 per hour)
	Administrative	Total Hours	
1. Read instructions	0.5	0.5	17
2. Plan activities	0.5	0.5	17
3. Gather Information	1.0	1.0	35
4. Create information	1.0	1.0	35
5. Enforce and Monitor	4.0	4.0	140
6. Store/maintain data	0.5	0.5	17
<b>Total Burden</b>	<b>7.5</b>	<b>7.5</b>	<b>262</b>

May not add due to rounding.

The estimated annual burden per swimming pool supply facility associated with record keeping activities is seven and one half hours per year. Based on an estimated 322 swimming pool supply companies affected by the requirements per year, the total annual burden is estimated to be 2,415 hours per year. The estimated annual cost per swimming pool supply facility associated with record keeping is \$262. Assuming 322 swimming pool supply facilities, the estimated total annual cost per year is \$84,364.

**ANNUAL BURDEN:**

7.5 hours per facility x 322 facilities = 2,415 hours per year

**ANNUAL COST:**

7.5 hours per facility X \$34.95/hour X 322 facilities = \$84,364

**6(a)(i)(1)(d). Total Respondent Burden and Costs for the Container Design and Residue Removal Regulations.** The bottom line estimates for the container design and residue removal regulations are intended to represent the total annual burden and costs estimates over the next three years. Table 6.6 provides the total estimated annualized burden and costs for respondents, as well as the total estimated annualized burden and costs for the Agency:

**Table 6.6 Annual Bottom Line Hours and Costs for the Container Regulations**

Collection Activity	Annual Burden	
	Hours	Cost
<b><i>Respondent Burden and Costs – After the First Year of Compliance</i></b>		
Registrants (see 6(ii)(a))	11, 185	\$415,970
Ag Refillers (see 6(ii)(b))	125,963	\$4,402,389
Swimming Pool Suppliers (see 6(ii)(c))	2,415	\$84,364
<b>Total for each year after compliance</b>	<b>139,563</b>	<b>\$ 4,902,723</b>
<b><i>Annual Agency Burden and Costs</i></b>		
<b>Agency Total (See Table 6.9)</b>	<b>232</b>	<b>\$15,062</b>

**6(a)(i)(2). Containment.** An administrative labor category was assigned with an average rate of \$34.95 per hour<sup>5</sup> to inspect containment structures and to maintain records of inspection and maintenance. It is estimated that seven and a half hours will be spent per year on the activities associated with this requirement.<sup>6</sup> The first three activities are estimated to take an average of three and one half hours per year to conduct. The last two activities are estimated to account for four hours per year. These activities will occur monthly. The activity associated with creating the information is estimated to take an average of 15 minutes per month, or three hours a year; and the activity associated with storing and maintaining the data is estimated to take an average of five minutes per month, or one hour per year. At a cost of \$34.95 per hour for administrative labor, the estimated cost per year for seven and one half hours of time spent on the information collection, per respondent, is \$262. The total annual paperwork burden across all respondents, assuming that 4,665<sup>7</sup> facilities will be affected by the requirement, is 34,987.5 hours per year. (Tables 6.7 and 6.8)

**Table 6.7 Annual Regulated Community Burden/Cost Estimates**

Activity	Burden Hours (per Year)		Costs (per Year) (\$) (\$34.95 per hour)
	Administrative	Total Hours	
1. Read instructions	2.0	2.0	70
2. Plan activities	0.5	0.5	17
3. Gather information	1	1	35
4. Create information	3	3	105
5. Monitor & enforce	1	1	35
Total Burden	7.5	7.5	262

May not add due to rounding

The estimated annual cost per respondent associated with bulk pesticide containment structures inspection and record keeping is \$262 per year (Table 6.7). Based on an estimated 4,665 facilities affected by the requirement per year, the total annual cost is estimated to be \$1,222,230 per year.

**ANNUAL BURDEN**

7.5 hours per facility x 4,665 facilities = 34,987.5 hours per year

**ANNUAL COSTS**

7.5 hours X \$34.95/hour X 4,665 facilities = \$1,222,230

<sup>5</sup> The estimate of the cost of administrative labor presented in the ICR for containment structures is higher than the cost presented in the Economic Analysis of the Bulk Pesticide Containment Structures, to reflect the current cost of labor.

<sup>6</sup> Seven and a half hours is the longest it will take across all affected facilities. The amount of time for inspection varies depending on the size of the facility, ranging from an average annual burden of three hours for a small facility to seven and a half hours for a large facility.

<sup>7</sup> Estimate of the number of bulk pesticide containment facilities estimated to be impacted by the rulemaking. See the Economic Analysis of the Bulk Pesticide Containment Structures.

The bottom line estimates for the containment regulations are intended to represent the total annual burden and costs estimates over the next three years. Table 6.8 provides the total estimated annualized burden and costs for respondents, as well as the total estimated annualized burden and costs for States and the Agency:

**Table 6.8 Annual Bottom Line Hours and Costs for Containment Structures Regulations**

Collection Activity	Annual Burden	
	Hours	Cost
<b><i>Regulated Community Burden and Costs (see 6(a)(i)(2)):</i></b>		
<b>Total for Year 1 (used for ICR totals):</b>	<b>34,987.5</b>	<b>\$1,222,230</b>

**6(b). Estimating State Agency Cost and Burden**

There is no significant burden estimated for state agencies associated with either the container regulations or containment regulations.

**6(c). Estimating EPA Burden and Cost - Containers**

EPA does not anticipate collecting or calling-in the records retained to comply with the container regulations. The data maintained by registrants, refillers and swimming pool applicators will be available for review by EPA or its designee to ensure compliance with the regulations and in the event that a problem arises with a particular type of container. However, EPA anticipates that, as with most registration requirements and label amendments, there may be waiver requests from some of the container design and residue removal requirements. Agency labor rates are based on Office of Personnel Management salary tables for federal employees and include benefits and overhead costs, as well as locality pay for the Washington, DC-Baltimore area. For management, the wage rate is \$103.46 per hour; for technical workers, the wage rate is \$71.14; for clerical workers, the wage rate is \$40.81. Estimates for the Agency's burden are provided below.

**Table 6.9 Annual EPA Burden/Cost Estimates for Container Design and Residue Removal Regulations**

COLLECTION ACTIVITIES	BURDEN HOURS (per year)				COSTS (per year) (\$)
	Mgmt. \$104/hr	Tech. \$72/hr	Cler. \$41/hr	Total Hours	Total Costs
1) Receive notifications, waiver requests and inquiries	2	90	10	112	7,017
2) Plan activities	5	20	5	30	2,144
3) Create information	0	20	10	30	1,831
4) Complete paperwork	0	30	15	45	2,746
5) Monitor DOT regulatory actions and publish FRNs	0	10	5	15	915
6) Store/maintain data	0	0	10	10	408
<b>TOTAL BURDEN</b>	<b>7</b>	<b>170</b>	<b>55</b>	<b>232</b>	<b>15,062</b>

Mgmt. refers to management; Tech. refers to technical; and Cler. refers to clerical.

(a) Management - 7 hours X \$104 =	\$724
(b) Technical - 170 hours x \$72 =	\$12,093
(c) Clerical - 55 hours x \$41 =	<u>\$2,244</u>
<b>TOTAL</b>	<b>\$15,062</b>

**6(d). Bottom Line Burden Hours and Costs for this ICR – Combined Container and Containment Regulations**

The total combined bottom line burden for both the container design and residue removal regulations and the containment structure regulations are discussed in this section. The Agency’s estimates are detailed earlier in section 6, and are briefly summarized as follows:

- *Estimated total number of potential respondents:* 23,586. This includes 1,804 registrant facilities + 16,795 agricultural pesticide refillers + 322 swimming pool supply companies + 4,665 facilities requiring secondary containment.
- *Frequency of response:* On occasion. There is no regular reporting involved. This ICR only involves recordkeeping requirements.
- *Estimated total average number of responses for each respondent:* 1.
- *Estimated total respondent annual burden hours:* 174,550.5 hours (139,563 + 34,987.5).
- *Estimated total respondent annual costs:* \$ 6,124,953. This includes an estimated burden cost of \$4,902,723 for container regulations and an estimated cost of \$1,222,230 for containment regulations for capital investment or maintenance and operational costs.



**Table 6.10 Annual Bottom Line Hours and Costs / Master Table**

Collection Activity	Annual Burden	
	Hours	Cost
<b><i>Respondent (Regulated Community) Burden and Costs</i></b>		
Container Design and Residue Removal (After Year 1) (Table 6.6)	139,563	\$4,409,723
Containment Structures (Table 6.8):	34,987.5	\$1,222,230
<b>Total Respondent Burden and Cost for Container and Containment Regulations Combined</b>	<b>174,550.5</b>	<b>\$6,124,953</b>
<b><i>Annual Agency Burden and Costs – Container Design and Residue Removal</i></b>		
Container Design and Residue Removal (See Table 6.9)	232	\$15,062
Containment Structures (See Subsection 6(e))	0	\$5,030
<b>Total Agency Burden and Cost for Container and Containment Regulations Combined</b>	<b>232</b>	<b>\$15,602</b>

**6(e). Reasons for Change in Burden for this ICR**

The main change in the overall estimated burden for this ICR was to eliminate the burden on state agencies and EPA associated with determining whether a state's regulations for bulk pesticide containment structures offer equivalent environmental protection to the federal regulations. This is a one-time process and EPA will make the equivalency determinations in 2009.

When the information collection associated with this ICR was approved in 2006, the burden hours were adjusted to reflect only the burden associated with initial rule familiarization and state requests to use their containment regulations in lieu of Federal regulations – a total of 52,057 hours. These were the only burdens that were imposed by the pesticide container and containment regulations during the course of that approval. EPA was instructed to revise the estimates, upon resubmission, to reflect the burden imposed in 2009 and beyond because of compliance with the requirements. The burden statement described below reflects the burden associated with complying with the pesticide container and containment regulations.

**6(f). Burden Statement for this ICR**

The total estimated annual respondent paperwork burden to comply with the information collection activity is 174,550.5 hours. The respondent burden includes 139,563 hours associated with the container design and residue removal regulations and 34,987.5 hours associated with the containment structure regulations. The respondent burden hours for container regulations represents an estimated per respondent burden of 10 hours per Pesticide Registrant, 7.5 hours per Agricultural Refiller and 7.5 hours per Swimming Pool Supplier. The respondent burden hours for containment regulations represents an estimated burden of 7.5 hours per respondent.

As defined by the PRA and 5 CFR 1320.3(b), "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and

systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The OMB control numbers for certain EPA regulations codified in Chapter 40 of the CFR, after appearing in the preamble of the final rule, are listed in 40 CFR part 9, displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. For this ICR activity, in addition to displaying the applicable OMB control number in the final rule, the Agency has amended the table in 40 CFR § 9.1 to list the OMB control number assigned to this ICR activity.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2008-0917, which is available for on-line viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the OPP Regulatory Public Docket in Room 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.

Comments may be submitted to EPA electronically through <http://www.regulations.gov> or by mail addressed to Director, Collection Strategies Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. You can also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Include docket ID No. EPA-HQ-OPP-2008-0917 and OMB control number 2070-0133 in any correspondence.

## List of Attachments for this Supporting Statement

- Attachment A**      **FIFRA Sections 3, 8, 19 and 25**  
This attachment is available as part of the electronic docket EPA HQ-OPP-2008-0917 and electronically at <http://www.epa.gov/opp00001/regulating/fifra.pdf>.
- Attachment B**      **Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Final Rule (August 16, 2006)**  
This attachment is available as part of the electronic docket EPA-HQ-OPP-2008-0917.
- Attachment C**      **Pesticide Management and Disposal; Standards for Pesticide Containers and Containment [Amendments]; Final Rule (October 29, 2008)**  
This attachment is available as part of the electronic docket EPA-HQ-OPP-2008-0917.
- Attachment D**      **Display Related to OMB Control #2070-0133 - *Listings of Related Regulations in 40 CFR 9.1.***  
This attachment is available as part of the electronic docket EPA-HQ-OPP-2008-0917.
- Attachment E**      **Economic Analysis of the Bulk Pesticide Container Design and Residue Removal Standards**  
This attachment is available as part of the electronic docket EPA-HQ-OPP-2008-0917.
- Attachment F**      **Economic Analysis of the Bulk Pesticides Containment Structures Final Regulation**  
This attachment is available as part of the electronic docket EPA-HQ-OPP-2008-0917.
- Attachment G**      **Work Sheets to Calculate Industry and EPA Labor Costs**  
This attachment is available as part of the electronic docket EPA-HQ-OPP-2008-0917.
- Attachment H**      **Record of Consultations**  
This attachment is available as part of the electronic docket EPA-HQ-OPP-2008-09 7

## Attachment D

### Display Related to OMB Control #2070-0133 - Listings of Related Regulations in 40 CFR 9.1

As of May 10, 1993, the OMB approval numbers for EPA regulations in Chapter I of Title 40 of the Code of Federal Regulations (CFR) appear in a listing in 40 CFR 9.1 (58 FR 27472). This listing fulfills the display requirements in section 3507(f) of the Paperwork Reduction Act (PRA) for EPA regulations. The listing at 40 CFR 9.1 displays this OMB Control number for the following regulation:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB Control No.
Pesticide Management and Disposal Part 165	2070-0133

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This captures all of the information collection requirements in Part 165 which includes the following provisions: 165.27, 165.65, 165.67, 165.70, 165.95, and 165.97.