

**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: 0155.10

1(b) Short Characterization/Abstract

The Environmental Protection Agency (EPA) administers certification programs for pesticide applicators under section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA allows EPA to classify a pesticide as “restricted use” if the pesticide meets certain toxicity or risk criteria. This information collection request (ICR) addresses the paperwork activities performed by various EPA-authorized agencies of States and Indian tribal governments as well as Federal agencies (collectively referred to in this document as “authorized agencies”) and activities performed by firms and individual applicators in the course of training and certifying persons who apply restricted use pesticides. Because of their potential to harm human health or the environment, restricted use pesticides may be purchased and 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; these standards are met through completion of a certification program or test. Authorized agencies administer certified applicator programs within their jurisdictions, but each agency’s certification plan must be approved by EPA before it can be implemented. In areas where no authorized agency has jurisdiction, EPA may administer a certification program directly, called a Federal program.

This ICR also addresses how 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 (RUPs) are only purchased and applied by “certified applicators,” or individuals under their direct supervision. A certified applicator is a person who has demonstrated competency in the safe handling and application of RUPs, and who has received certification to that effect. This collection also makes records of specific RUP applications available for investigations or enforcement actions concerning possible misuses or poisoning incidents.

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 use 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 (all 50 States are authorized), a few tribes and Federal agencies are also authorized; additionally, EPA has authority to directly administer Federal certification programs in areas where there is no authorized agency program. The regulations for the certification program in 40 CFR part 171 include procedures for certification programs for States, Federal agencies, Indian tribes, or U.S. territories who wish to develop and implement their own certification plans and programs, after obtaining EPA approval (*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 is concerned with the high risks involved in treating areas/objects contaminated with highly virulent and persistent anthrax spores. Reducing these risks, which include exposure to the anthrax spores, the pesticide product, and any areas ineffectively decontaminated, requires that treatments be performed correctly and with the approval of responsible regulatory authorities. To minimize the risks of improper and unsafe applications, the Agency is limiting availability of anthrax-related products to those persons or companies who have a legitimate need. With this approach, these 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 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 Pesticide Registration Notice (PR Notice), on September 3, 2008, (73 FR 51467) informing registrants that certain conditions of registration will apply to anthrax-related products. The PR Notice, 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 specifically trained persons. The training and reporting information activities for registrants of anthrax-related products will not be imposed on respondents until a registration is granted.

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.

In a Federal program, 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. Authorized agencies use their State or tribal authority to obtain this information.

Federal certification programs 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. State-administered (or authorized agency) certification programs use State authority to require dealers to maintain sales records for RUPs.

EPA requires a record of each application of a RUP by a certified commercial applicator under federally-run programs (such as the Indian Country programs). EPA monitors these records to assure that RUPs are used only by, or under the direct supervision of, certified applicators, and to ensure that pesticide labeling requirements are adhered to by applicators. This is done by requiring applicators to record details of the RUP application. Without these records it would be difficult to successfully enforce against misuse, or investigate accidents or poisoning incidents.

RUP application records are also required for certified commercial applicators under programs run by states or other authorized agencies. 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 applicators. This is done by requiring applicators to record the application (e.g., 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, EPA and other authorized agencies (e.g., Department of Homeland Security, Department of Defense, and other Federal and State agencies) will use the recorded information to carry out decontamination activities and to conduct enforcement investigations, if needed, in the event of a bioterrorism attack. 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 be able to 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 applicators to maintain records regarding the application of restricted use pesticides. The records required by USDA under 7 CFR 110 are more specific 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 of recordkeeping with regard to private applicators. Only EPA requires recordkeeping for commercial applicators. Consequently, no duplication of requirements exists.

To prevent duplication and facilitate authorized agency reporting, EPA permits authorized agencies to use grant reports in lieu of 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

Pursuant to 5 CFR 1320.8(d), EPA published a **Federal Register** (FR) notice on October 27, 2010, soliciting comment on this information collection activity and the Agency's intent to renew the OMB approval of this ICR. EPA received no comments on this notice. The FR notice and the proposed renewal ICR are located in the docket for this action, which can be accessed at <http://www.regulations.gov> using the docket identifier EPA-HQ-OPP-2010-0723.

3(c) Consultations

Formal and informal consultations have occurred regarding EPA's regulation of activities performed by firms in the course of training and certifying persons who apply restricted use pesticides. Regulations under 40 CFR, Part 171 (40 CFR 171) were published in the **Federal Register** in 1974, 1975 and 1978 with minor modifications in 1983 and 1984. All sections of the regulations provided a comment period for interested parties prior to promulgation. The comments received were evaluated by the Agency prior to issuance of the final rule. Continuous consultation and/or dialogue between industry and the Agency occurs on an informal, on-going, "as needed" basis, primarily during the submission and review of reports.

In addition, during preparation of this ICR renewal, EPA staff contacted representatives

from a cross-section of respondents 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. A list of respondents consulted and their complete responses can be found in Attachment E.

Consultations with States:

All 50 states currently administer the certification program based on individual state plans that are approved by EPA. Under a cooperative agreement with EPA, States are required to submit annual reports that describe program activity and planned changes to State plans. These reports also detail the number of applicators certified, an important piece of information as the state allocation for training is based on the numbers of applicators certified. These reports are the basis for the information collection that this request addresses. Three consultations were made with states: State of Maine, Department of Agriculture, Board of Pesticides Control; California Department of Pesticide Regulation (DPR), Licensing and Certification Program; and an agricultural extension program expert at the University of Arkansas, Division of Agriculture.

These respondents said that the data required by the Agency are clear and are not available from other sources. One State noted that while the requirements are generally clear, any changes from the previous year should be identified and summarized in a written document sent to each State and posted on the website where the data are electronically reported. EPA will consider implementing this suggestion for future reporting. One State indicated that some of the data reported is available from multiple agencies within their State. However, EPA feels it is reasonable to receive a single report from each State lead agency for pesticide regulation and that each state is free to collect the information through whatever process they choose.

The respondents understand which records need to be kept, that web-based reporting tools are working well, and that a less-frequent collection would not produce the desired outcomes. Although one State did suggest reporting once every two years, this would not allow for efficient, equitable distribution of funding among states (*see* explanation in section 3(d), below). Respondents also said that no costs were omitted, and that the Agency's burden and cost estimates are generally realistic, though two of the respondents said the wage rates the Agency described were somewhat high, and that the Agency may have overestimated the clerical burden. EPA feels that a slight overestimate of the costs and burdens associated with this ICR is preferable to an underestimate, and that the wage rates and burden estimates described in this ICR renewal are appropriate as average estimates for a program with national scope. Actual burdens and wage rates are expected to differ among states. Based on the information provided by respondents, no changes were made to the burden and cost estimates in the ICR.

Consultations with Registrants of Anthrax-Related Products

The only two companies that currently register anthrax-related products were contacted. A response was received from the Director of Manufacturing Operations for one company (sBioMed LLC). No response was received from the other company contacted, Clean Earth Technology.

The response received said that the data required by the Agency are clear and not available from other sources. It is also clear which records need to be kept, and that they must be current at any given time. The response said that the Agency's estimate of costs and burden hours are accurate, and that no costs have been omitted. Based on the information provided by respondents,

no changes were made to the ICR for anthrax-related products recordkeeping burden.

3(d) Effects of Less Frequent Collection

Authorized agencies' reports on certification program activities are submitted to EPA annually, which is a minimal reporting period. Most annual reporting information required under the regulation is contained in authorized agencies' annual grant report to EPA, 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

FIFRA section 11(a)(1) requires that EPA use 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. In the last renewal of this ICR, only EPA Form 8500-17-N, *Request for Pesticide Applicator Certification in Navajo Indian Country* (Attachment F) was used for this collection activity. In this renewal of the ICR, EPA seeks approval of another, similar form (EPA Form 8500-17, *Request for Pesticide Applicator Certification in Indian Country*) to be used for all of Indian Country nationally (Attachment G), except for Navajo Indian Country. In Navajo Indian Country, the previous form will continue to be used. 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 do 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) Respondent Activities

(i) *Information Collections (ICs)*

The respondent activities covered in this ICR have been organized according to the following ICs in the electronic ICR submission system (ROCIS):

- Annual Reports
- Application for Federal Pesticide Applicator Certification
- Recordkeeping by Federally-Certified Commercial Applicators (RUPs)
- Recordkeeping by Commercial Applicators (RUPs)
- Submission of Anthrax-Related Training and Examination Materials by Registrants
- Records for Anthrax-Related Training and Sales/Distribution by Registrants

(ii) *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 (Indian Country)

In Federal programs, regulations require that an application form (EPA Form 8500-17-N, *Request for Pesticide Applicator Certification in Navajo Indian Country* (Attachment F); and, new EPA Form 8500-17, *Request for Pesticide Applicator Certification in Indian Country*; (see Attachment G) be completed for persons seeking certification or re-certification. The forms are necessary for EPA to certify and re-certify applicators, by obtaining vital information on certified applicators such as name, address, and type and category of certification.

EPA plans to administer a Federal program (for both private and commercial applicators) throughout Indian Country nationally during this ICR renewal cycle; one of the application forms listed above must be submitted to obtain certification. This program expands on an existing program to certify applicators in Navajo Indian Country. Applicators with current certification from an authorized agency will be eligible for certification in Indian Country with proof of certification and a completed form. Private applicators will also be given the option to complete training and a completed form in lieu of a current existing certification. EPA estimates that about 8,300 applicators will need certification in Indian Country, and we expect that all will apply for the program.

Dealer recordkeeping in Federal (EPA-administered) programs (Indian Country)

The regulations require dealers under Federal 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 direct 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 recordkeeping in entities with EPA-administered programs. Programs administered by authorized agencies must use their own laws and regulations to require dealers to maintain records of restricted-use pesticide sales.

Commercial Applicator Records – Federal programs

Commercial applicators under EPA-administered programs must generate records on the kinds, amounts, uses, dates and places of 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.

There currently is one EPA-administered program for commercial applicator certification, in Navajo Indian Country. However, during this ICR renewal cycle, EPA plans to expand this program (including both private and commercial applicators) to all of Indian Country nationally.

Commercial Applicator Records - Programs administered by authorized agencies

Commercial applicators under programs administered by authorized agencies must generate records on restricted-use pesticide applications immediately after the application is complete. In programs administered by authorized agencies, the information recorded includes what EPA requires (described above in Federal programs) as well as any requirements by the authorized agency.

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 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 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 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 minimum, the person's or entity's name, address, telephone number, date, and amount of product.

(iii) *Respondent Activities*

Typically, authorized agencies respondents will perform the following activities:

| <i>Activity</i> | <i>Detail</i> |
|--|--|
| 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:

| <i>Activity</i> | <i>Detail</i> |
|---|--|
| Read rules or other instructions | Read applicable regulations (40 CFR 152) and guidance (PR Notices, etc.) |
| Develop Training & Exam, and Recordkeeping Method | Document development of materials and recordkeeping 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 recordkeeping information |
| Submit recordkeeping 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 Federal certification programs and authorized agencies, EPA will:

- Prepare reports (EPA Regions for Indian Country). For this, EPA Regional offices will prepare and submit reports for the Federal plans in Indian Country.
- Answer respondent questions.
- Review data submissions.
- Record data submissions.
- Develop/maintain a master data base for data submissions.
- Reformat and distribute data.
- Store data.

For anthrax-related products, EPA will:

- Answer respondent questions.
- Review training and examination materials.
- Record data.
- Maintain data.
- Store data.

5(b) Collection Methodology and Management

Authorized agencies: Annual reports from authorized agencies 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 40 CFR 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://cpard.wsu.edu/login.aspx?ReturnUrl=%2fDefault.aspx>) 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.

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

program operations. The public may access the data through 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 data library. 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 Federal programs for Indian Country, where EPA administers the certification program, dealers are also required to keep records. 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, 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 PR Notice: *Guidance for Antimicrobial Pesticide Products with Anthrax-Related Claims*.

5(d) Collection Schedule

There is no set collection schedule 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 in 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, sale, and distribution of anthrax-related products, including to whom product is sold, is not submitted unless EPA requests it, which would likely be infrequently.

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 experience with 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 (authorized agencies) to report is estimated to be 4,409 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 provided to EPA by participating States.

Within this ICR renewal cycle, EPA anticipates administering a Federal certification plan for Indian Country throughout the U.S. In Indian Country, an estimated 8,300 applicators will need to complete an application form to apply for certification, once during the 3-year ICR cycle. EPA therefore estimates that an average of 2,767 applications for certification will be received annually in the Federal program (8,300 applicators over 3 years). The total annual burden for certifying applicators where EPA implements the certification program for commercial and private applicators in Indian Country is estimated to be 470 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 for certification. Since the Federal Program is managed by Agency personnel, this burden estimate is based on the experience of the personnel in EPA's Region 9, which runs the program in Navajo Indian Country.

The Federal plan for certification in Navajo Indian Country has been the only Federal plan administered by EPA since the last ICR renewal. Prior to the next ICR renewal, EPA intends to implement two new Federal certification plans: one for Indian Country in EPA's Region 8 (in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming), and the other for the rest of Indian Country, nationally. The national plan will cover all of Indian Country except for Navajo Indian Country and Indian Country in Region 8; there will be separate Federal plans for each of those two areas. However, the burden and cost estimates for Indian Country included below, and for which EPA seeks approval for collection, are a single estimate for Indian Country throughout the U.S., i.e., these estimates are for Navajo Indian Country, Region 8, and the rest of the nation combined. Although the plan for Navajo Indian Country is already in effect, and the Region 8 and national plans will be implemented sequentially, the combined burden estimates are based on the maximum burdens anticipated in any year during this ICR renewal cycle.

Federal (EPA-implemented) programs: The total annual burden of recordkeeping for

restricted use pesticide applications by commercial applicators under Federal certification programs (Indian Country throughout the U.S.) is estimated to be 10,044 hours, with an average burden estimate of 3.1 hours per respondent, for each of an estimated 3,240 respondents (see Table 3).

Programs administered by authorized agencies: Commercial applicators and firms under authorized programs are also required to generate 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 recordkeeping requirements, for a total annual respondent burden of 1,305,100 hours. The average per-respondent burden is 3.1 hours (see Table 4).

RUP Product Sales Recordkeeping: RUP dealers are required to record sales of RUPs and maintain these records; the Agency estimates that there are approximately 250 RUP sales transactions per dealer per year, which require approximately 2 minutes of dealer burden per transaction. This results in a per-respondent burden of approximately 8.6 hours annually to collect and record information. The total annual burden for all respondents is approximately 559 hours for 65 respondents (Table 5).

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 50 hours, with an average burden of 25 hours each for approximately 2 registrants (see Table 6). The total annual burden for recordkeeping of persons trained and persons/entities to whom anthrax-related products are sold or distributed is estimated to be 37 hours, with an average burden of 18.5 hours for each of 2 registrants (see Table 7).

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 H**.

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|------------------------|--|
| 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 2009 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 http://www.bls.gov/oes/current/oes_nat.htm . |
| 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 http://www.bls.gov/oes/current/oes_stru.htm). |
| Loaded Wage Rate | Unless stated otherwise, all benefits represent 43% of unloaded wage rates, based on benefits for all civilian non-farm workers, from http://www.bls.gov/news.release/ecec.t01.htm . 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 or other authorized agency is about \$3,555, with the total annual cost for all authorized agencies estimated to be \$202,618 (Table 1).

The estimated average annual cost for certifying commercial and private applicators in Indian Country is \$5.42 per respondent, with the total annual cost for all certified applicators estimated to be about \$14,982 (Table 2).

The total annual respondent cost for all commercial applicator recordkeeping of restricted use pesticide applications in Indian Country is estimated at \$319,901, with an average annual per-respondent cost of about \$99 (Table 3). Recordkeeping of applications by all commercial applicators under State authority has an estimated total annual cost of \$41,567,435, based on the commercial applicator count of 421,000. Again, the average annual per-respondent cost is estimated to be about \$99 (Table 4).

The estimated average annual cost per respondent for all RUP dealers in Indian Country to record sales and maintain records is \$374.19, with the total annual cost for all 65 RUP dealers estimated to be approximately \$24,322. This assumes 250 RUP sales transactions per dealer per year, with 2 minutes required during each transaction, or approximately 8.6 hours per respondent over the course of a year (Table 5).

For registrants of anthrax-related products, the estimated average annual cost per registrant for training and examination materials is about \$1,487, with the total annual cost for all registrants estimated to be almost \$2,974 (Table 6). The estimated average annual cost to these respondents for recordkeeping activities is approximately \$1,126 per registrant, with the total annual cost for all registrants estimated to be about \$2,253 (Table 7).

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. \$56.65/hr | Clerical \$38.51/hr | Hours | Cost \$ |
| Read/hear rule or any collective instrument instruction (incl. compliance determination) | 0.25 | 0 | 0.25 | 14.16 |
| Create information | 5 | 0 | 5 | 283.25 |
| Gather information | 5 | 0 | 5 | 283.25 |
| Process, compile, review info for accuracy | 1 | 0 | 1 | 56.65 |
| Complete written forms or other instruments | 0.5 | 0.5 | 1 | 47.58 |
| Record, disclose, display, or report the information | 20 | 45 | 65 | 2,865.95 |
| Store, file, or maintain the information | 0 | 0.1 | 0.1 | 3.85 |
| TOTAL | 31.75 | 45.6 | 77.35 | 3,554.69 |

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

TOTAL ANNUAL COST: \$3,554.69/respondent x 57 respondents = \$202,618

Table 2. Average Annual Respondent Burden and Cost Estimates for Certified Applicators in Federal Programs (Indian Country) for Completion of EPA Form to Apply for Certification

| Collection Activities | Annual Burden and Cost Per Respondent | | |
|--|---------------------------------------|-------------|-------------|
| | Tech. Hours \$31.85/hr | Total Hours | Cost \$ |
| Read/hear rule or any collective instrument instruction (incl. compliance determination) | 0.07 | 0.07 | 2.23 |
| Complete written forms or other instruments | 0.10 | 0.10 | 3.19 |
| TOTAL | 0.17 | 0.17 | 5.42 |

TOTAL ANNUAL BURDEN: 0.17 hrs/respondent x 2,767 respondents = 470 hrs

TOTAL ANNUAL COST: \$5.42/respondent x 2,767 respondents = \$14,982

Table 3. Average Annual Respondent Burden and Cost Estimates for Commercial Applicators in Federal Programs (Indian Country) for Recordkeeping for Restricted Use Pesticide Applications

| Collection Activities | Annual Burden and Cost Per Respondent | | |
|--|---------------------------------------|-------------|--------------|
| | Tech. Hours \$31.85/hr | Total Hours | Cost \$ |
| Read/hear rule or any collective instrument instruction (incl. compliance determination) | 0.2 | 0.2 | 6.37 |
| Create information | 2 | 2 | 63.70 |
| Store, file, or maintain the information | 0.9 | 0.9 | 28.67 |
| TOTAL | 3.1 | 3.1 | 98.74 |

TOTAL ANNUAL BURDEN: 3.1 hrs/respondent x 3,240 respondents = 10,044 hrs

TOTAL ANNUAL COST: \$98.74/respondent x 3,240 respondents = \$319,901

Table 4. Average Annual Respondent Burden and Cost Estimates for Commercial Applicators and Firms under Authorized Agency Programs for Recordkeeping for Restricted Use Pesticide Applications

| Collection Activities | Annual Burden and Cost Per Respondent | | |
|--|---------------------------------------|-------------|--------------|
| | Tech. Hours \$31.85/hr | Total Hours | Cost \$ |
| Read/hear rule or any collective instrument instruction (incl. compliance determination) | 0.2 | 0.2 | 6.37 |
| Create information | 2 | 2 | 63.70 |
| Store, file, or maintain the information | 0.9 | 0.9 | 28.67 |
| TOTAL | 3.1 | 3.1 | 98.74 |

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

TOTAL ANNUAL COST: \$98.74/respondent x 421,000 respondents = \$41,567,435

Table 5. Average Annual Respondent Burden and Cost Estimates for Restricted Use Pesticide (RUP) Dealers in Federal Programs (Indian Country) for Recordkeeping for RUP Sales

| Collection Activities | Annual Burden and Cost Per Respondent | | |
|--|---------------------------------------|-------------|---------------|
| | Tech. Hours \$43.51/hr | Total Hours | Cost \$ |
| Read/hear rule or any collective instrument instruction (incl. compliance determination) | 0.2 | 0.2 | 8.70 |
| Create information | 6.3 | 6.3 | 274.11 |
| Store, file or maintain the information | 2.1 | 2.1 | 91.37 |
| TOTAL | 8.6 | 8.6 | 374.19 |

TOTAL ANNUAL BURDEN: 8.6 hrs/respondent x 65 respondents = 559 hrs

TOTAL ANNUAL COST: \$374.19/respondent x 65 respondents = \$24,322

Table 6. Anthrax-related products: Average Annual Respondent (Registrant) Burden and Cost Estimates for Training and Examination Materials

| Collection Activities | Annual Burden Hours Per Respondent | | TOTALS | |
|---|---------------------------------------|------------------------|-----------|-----------------|
| | Tech. \$60.88/hr | Clerical \$37.40/hr | Hours | Cost \$ |
| Read/hear PR Notice (guidance) | 0.5 | 0 | 0.5 | 30.44 |
| Develop Training & Examination Materials | 20 | 0 | 20 | 1,217.60 |
| Review information for accuracy | 2 | 0 | 2 | 121.76 |
| Submit training and exam materials to EPA | 1 | 1 | 2 | 98.28 |
| Record, store, and file the information | 0 | 0.5 | 0.5 | 18.70 |
| TOTAL | 23.5 | 1.5 | 25 | 1,486.78 |

TOTAL ANNUAL BURDEN: 25 hrs/respondent x 2 respondents = 50 hrs

TOTAL ANNUAL COST: \$1,486.78/respondent x 2 respondents = \$2,974

Table 7. Anthrax-related products: Average Annual Respondent (Registrant) Burden and Cost Estimates for Recordkeeping

| Collection Activities | Annual Burden and Cost Per Respondent | | |
|---|---------------------------------------|-------------|-----------------|
| | Tech. Hours \$60.88/hr | Total Hours | Cost \$ |
| Read/hear PR Notice (guidance) | 0.5 | 0.5 | 30.44 |
| Gather and review information | 10 | 10 | 608.80 |
| Record, store, and file the information | 5 | 5 | 304.40 |
| Submit information, only if requested | 3 | 3 | 182.64 |
| TOTAL | 18.5 | 18.5 | 1,126.28 |

TOTAL ANNUAL BURDEN: 18.5 hrs/respondent x 2 respondents = 37 hrs

TOTAL ANNUAL COST: \$1,126.28/respondent x 2 respondents = \$2,253

6(c) Estimating Agency Burden and Cost

Certification Programs: Based on experience, the Agency has estimated the annual burden to the federal government to review the submissions of annual reports and applications for certification. The Agency's total annual burden associated with the certification of pesticide applicators program is estimated at 2,144 hours. The total annual cost to the Agency is estimated at \$160,498. The burden and cost to the Agency have increased from the estimates in the last ICR renewal due to an increase in the number of respondents in Indian Country.

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 \$5,588.

Total Agency burden: The Agency estimates the total annual burden to the Federal government associated with the certification of pesticide applicators program and anthrax-related products training materials to be 2,219 hours. The total annual cost to the Agency for these reviews is \$166,087.

Table 8a. Annual Agency Burden and Cost Estimates - Burden to EPA Regional Offices for Indian Country Program and for Processing Annual Reports from Authorized Agencies Prior to Submission to Headquarters

| Collection Activities | Mgmt. hours \$112.42/hr | Tech. hours \$74.51/hr | Cler. hours \$42.43/hr | Total Hours | Cost \$ |
|--|----------------------------|---------------------------|---------------------------|----------------|-------------------|
| Prepare Regional Reports - for Federal Programs in Indian Country ¹ | 0 | 936 | 0 | 936 | 69,741.36 |
| Answer respondent questions | 7.1 | 228 | 0 | 235.1 | 17,786.46 |
| Audit/review submissions | 15 | 638 | 0 | 653 | 49,223.68 |
| Reformat and distribute data | 0 | 50 | 0 | 50 | 3,725.50 |
| Store, file, or maintain the information | 0 | 17 | 3 | 20 | 1,393.96 |
| TOTAL | 22.1 | 1,869 | 3 | 1894.1 | 141,870.96 |

Table 8b. Annual Agency Burden and Cost Estimates - Burden to Headquarters for Review of Submitted Annual Reports

| Collection Activities | Tech. Hours \$74.51/hr | Cost \$ |
|--|---------------------------|------------------|
| Answer respondent questions | 116 | 8,643.16 |
| Audit/review submissions | 93 | 6,929.43 |
| Reformat and distribute data | 29 | 2,160.79 |
| Store, file, or maintain the information | 12 | 894.12 |
| TOTAL | 250 | 18,627.50 |

Table 8c. Annual Agency Burden and Cost Estimates - Burden to Headquarters for Review of Submitted Training and Examination Materials for Anthrax-related products

| Collection Activities | Tech. Hours \$74.51/hr | Cost \$ |
|--|---------------------------|-----------------|
| Answer respondent questions | 3 | 223.53 |
| Audit/review submissions | 60 | 4,470.60 |
| Reformat and distribute data | 6 | 447.06 |
| Store, file, or maintain the information | 6 | 447.06 |
| TOTAL | 75 | 5,588.25 |

6(d) Bottom Line Burden Hours and Cost Table

1 For nine Regional Reports on federal programs in Indian Country with a burden of 104 hours of technical time per report. Although there are ten EPA Regional Offices, one Region has no federally recognized tribes. The plan for Navajo country will be included in the Region 9 Report.

Table 9. Bottom Line Annual Burden and Cost Table

| Respondent | Total Burden Hours | Total Cost (\$) |
|--|---------------------------|------------------------|
| States (Table 1) | 4,409 | 202,618 |
| Federal program - certified applicators (Tables 2 and 3) | | |
| Table 2 | 470 | 14,997 |
| Table 3 | 10,044 | 319,901 |
| State-administered programs - commercial applicators (Table 4) | 1,305,100 | 41,567,435 |
| RUP dealer burden for recordkeeping of RUP sales (Table 5) | 559 | 24,322 |
| Anthrax-related products - registrants (Tables 6 and 7) | | |
| Table 6 | 50 | 2,974 |
| Table 7 | 37 | 2,253 |
| Respondent Total | 1,320,669 | 42,134,484 |
| | | |
| Agency | Total Burden Hours | Total Cost (\$) |
| EPA Regional Offices (Table 8a) | 1,894 | 141,871 |
| EPA Headquarters (Table 8b) | 250 | 18,628 |
| EPA Headquarters – review of registrant training materials for anthrax-related products (Table 8c) | 75 | 5,588 |
| Agency Total | 2,219 | 166,087 |

6(e) Reasons for Change in Burden

The total estimated respondent burden for this renewal ICR reflects a net increase of 10,918 hours related to a program change: the expansion of the Federal certified applicator program from Navajo Indian Country to all of Indian Country.

6(f) Burden Statement

The annual burden for this collection is estimated to average 0.17 hours - approximately 10 minutes - for each respondent to apply for certification in 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 each 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 each registrant’s 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-2010-0723, which is available for online viewing at www.regulations.gov, or in person 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-2010-0723 and OMB Control No. 2070-0029, to (1) EPA online using 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-2010-0723. These attachments are available for online viewing at 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:** Pesticide Registration (PR) Notice 2008-2 - "Guidance for Antimicrobial Pesticide Products With Anthrax-Related Claims." Public comments 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-2008-1004, or at http://www.epa.gov/PR_Notices/index.htm.
- 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:** EPA Form 8500-17 – Request for Pesticide Applicator Certification in Indian Country.
- Attachment H:** Wage Rate Tables for Commercial Pesticide Applicators, Pesticide Registrants, State Government, and EPA.
- Attachment I:** Display Related to OMB Control #2070-0029 – *Listings of Related Regulations in 40 CFR 9.1.*