

SUPPORTING STATEMENT

Protection of Stratospheric Ozone: Critical Use Exemption from the Phaseout of Methyl Bromide (Renewal)

1. Identification of the Information Collection

- a) Title: Protection of Stratospheric Ozone: Critical Use Exemption from the Phaseout of Methyl Bromide

EPA Number: 2031.06

OMB Control Number 2060-0482

- b) Short Characterization:

With this Information Collection Request (ICR), the Environmental Protection Agency's (EPA) Office of Air and Radiation (OAR) is seeking to renew the existing ICR for the methyl bromide critical use exemption program (CUE) under the Clean Air Act. This ICR seeks to characterize the burden associated with producing, importing, distributing, and using methyl bromide under the critical use exemption program as described in 40 CFR Part 82. In addition, it includes the burden associated with applying for the critical use exemption. Entities applying for this exemption are asked to submit to EPA applications with necessary data to evaluate the need for a critical use exemption. This information collection is conducted to meet U.S. obligations under Article 2H of the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) and to implement Section 604(d)(6) of the CAA, added by Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law No. 105-277; October 21, 1998).

Since 2002, entities have applied to EPA for a critical use exemption that would allow for the continued production, import, and use of methyl bromide after the phaseout in January 2005. This exemption allows for consumption only in those agricultural sectors that have demonstrated that there are no technically or economically feasible alternatives to methyl bromide. The applications are rigorously assessed and analyzed by EPA experts from the Office of Pesticide Programs. On an annual basis, EPA uses the data submitted by applicants to nominate future critical uses. The Department of State, on behalf of the U.S. Government, submits the nomination to the Ozone Secretariat for their review. That review includes analyses by an international panel of experts and advisory bodies: the Methyl Bromide Technical Options Committee (MBTOC) and the Technical and Economic Assessment Panel (TEAP). EPA makes the uses authorized internationally by the Parties to the Protocol available in the U.S. on an annual basis through the annual critical use exemption allocation rulemaking.

2. Need For, and Use Of, the Collection

- a) Authority for the Collection

This information collection is authorized under Section 604(d)(6) of the Clean Air Act Amendments of 1990, added by Section 764 of the 1999 Omnibus Consolidated and Emergency

Supplemental Appropriations Act (Public Law No. 105-277; October 21, 1998).

Because this action involves the controlled use of a pesticide, EPA's Office of Pesticide Programs collaborates in the exemption application process. The regulation of pesticides is conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Food Quality Protection Act (FQPA).

b) Practical Utility/Users of the Data

The applications enable EPA to:

- Maintain consistency with the Protocol by supporting critical use nominations to the Parties to the Protocol, in accordance with paragraph 2 of Decision IX/6 of the Protocol;
- Ensure that critical use exemptions comply with Section 604(d)(6), as added to the CAA in 1998;
- Provide EPA with necessary data to evaluate the technical and economic feasibility of methyl bromide alternatives in the circumstance of the specific use, as presented in an application for a critical use exemption.

The reported data enable EPA to:

- Ensure that critical use exemptions comply with Section 604(d)(6) as added to the CAA in 1998;
- Maintain compliance with the Protocol requirements for annual data submission on the production of ozone depleting substances;
- Analyze technical use data to ensure that exemptions are used in accordance with requirements included in the annual allocation rulemakings.

3. Nonduplication, Consultation, and Other Collection Criteria

a) Nonduplication

All the information requested from respondents under this ICR is authorized by statute (CAA Sections 114 and 604(d)(6)) and is not available from other sources because it is proprietary or sensitive information.

b) Public Notice

EPA provided public notice and comment regarding this ICR with the publication of a notice in the Federal Register (76 FR 11447, 3/2/2011). EPA received one comment generally opposed to a critical use exemption process for methyl bromide but without direct relevance to the burden imposed by the renewed information collection request. This second notice is being submitted to the Federal Register concurrent with submission of this ICR request to the Office of Management and Budget (OMB).

c) Consultations

EPA consulted with Gary Obenauf of Agricultural Research Consulting, Paul Niday of Trical and Ann Oxford of Albemarle to seek input on the forms as well as the estimated burden numbers in the ICR supporting statement.

Mr. Obenauf has prepared multiple CUE applications over the past several years. He noted that the \$100.86/hour cost for preparing the application forms is low. EPA based that cost on the estimated hourly mean wage rate for management within the Pesticide, Fertilizer, & Other Agricultural Chemical Manufacturing sector (325300 Series NAICS code). Most CUE applications are prepared by consultants, not members of the agricultural chemical manufacturing sector. EPA has revised the cost estimate to reflect the estimated hourly mean wage rate of \$136.93 for management within the Management, Scientific, and Technical Consulting Services sector (541600 Series NAICS code).

Mrs. Oxford completes forms applicable to producers, distributors, and applicators and is thus familiar with the various forms authorized under this ICR. She noted that the \$100.86/hour cost is a fair estimate of costs. She also found the hourly burden numbers to be accurate. She commented that there is some redundancy between the forms, especially for businesses that complete multiple forms. EPA reviewed the forms to determine whether redundant fields on forms can be deleted. As a result, the revised producer and importer forms no longer contain “CSA allowance balance” fields. Producers and importers cannot produce or import pre-phaseout inventory so these fields are unnecessary and the information is captured in the CSA form. Mrs. Oxford also noted that the “Notification of Methyl Bromide Transfers” form contains an arithmetic error in the formula for calculating the offset. EPA has corrected the error and clarified the equation in the new form.

Mr. Niday also completes forms applicable to producers, distributors, and applicators and is familiar with the various forms authorized under this ICR. He also noted the redundancy between forms. Mr. Niday also expressed confusion about whether the “Pre-2005 Stocks” and “Sales of Critical Use Methyl Bromide” forms are to be reported annually or quarterly. While EPA has allowed quarterly reporting of these two forms, only a few companies did so and in some instances did both. EPA’s regulations only require annual reporting for these two pieces of information so EPA is clarifying in the new forms that they are only to be submitted annually. EPA has also tried to simplify the sales form to make it more user-friendly. EPA believes these changes will reduce confusion and burden for businesses completing these two forms.

EPA welcomes continued input on the user-friendliness of the required forms. For example, EPA has also revised all of the forms so that the cell with the original submittal and re-submittal check boxes has a white background. Previously the background was black so any marks in the check boxes were not visible.

d) Effects of Less Frequent Collection

EPA’s timing for information collection is motivated by the U.S. Government’s requirements under the Montreal Protocol. First, the timeline for critical use applications coincides with the critical use nomination process established by the Parties to the Montreal Protocol. Any deviation from that timeline would result in a forfeiture from inclusion in the U.S. nomination package and subsequent consideration by the Parties. Second, the U.S. government is required to report data to the Ozone Secretariat on an annual basis. EPA is requesting quarterly reporting from

producers and importers of methyl bromide to monitor the likelihood of compliance throughout the year. These entities typically prepare quarterly reports and prefer to report smaller data sets to EPA and not leave the entire task to the end of the year. EPA is requesting annual reporting from entities such as distributors and fumigation companies because they typically have less regulatory compliance infrastructure and/or are less familiar with Protocol reporting requirements. This annual request is now clear on the revised forms.

e) General Guidelines

This rule does not exceed any of the OMB guidelines found at 5 CFR 1320.5(d)(2).

f) Confidentiality

EPA informs respondents that they may assert claims of business confidentiality for any of the information they submit. Information claimed confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR Part 2, Subpart b, and will be disclosed only if EPA determines that the information is not entitled to confidential treatment. If no claim of confidentiality is asserted when the information is received by EPA, it may be made available to the public without further notice to the respondents (40 CFR 2.203).

g) Sensitive Information

Individual reporting data may be claimed as sensitive and will be treated as confidential information in accordance with procedures outlined in 40 CFR Part 2.

4. The Respondents and the Information Requested

a) Respondents NAICS Codes

Respondents include producers, importers, distributors, and custom applicators of methyl bromide, organizations, consortia, and associations of methyl bromide users, as well as individual methyl bromide users. The appropriate North American Industry Classification System (NAICS) and Standard Industrial Classification (SIC) codes for these entities are:

TABLE I: NAICS CLASSIFICATION OF REGULATED ENTITIES

Category	NAICS code	SIC code
Agricultural production	1112- Vegetable and Melon farming	0171- Berry Crops
	1113- Fruit and Nut Tree Farming	0172- Grapes
	1114- Greenhouse, Nursery, and Floriculture Production	0173- Tree Nuts
		0175- Deciduous Tree Fruits (except apple orchards and farms)
		0179- Fruit and Tree Nuts

	1119- Other Crop Farming	0181- Ornamental Floriculture and Nursery Products 0831- Forest Nurseries and Gathering of Forest Products
Storage Uses	115114- Postharvest Crop activities (except Cotton Ginning) 311211- Flour Milling 311212- Rice Milling 493110- General Warehousing and Storage 493130- Farm Product Warehousing and Storage	2041- Flour and Other Grain Mill Products 2044- Rice Milling 4225- General Warehousing and Storage 4221- Farm Product Warehousing and Storage
Distributors and Applicators	115112- Soil Preparation, Planting and Cultivating 424910- Farm Supplies and Merchant Wholesalers	0711- Soil Preparation Services 0721- Crop Planting, Cultivation, and Protection 0723- Crop Preparation Service for Market (except Cotton Ginning)
Producers and Importers	325320- Pesticide and Other Agricultural Chemical Manufacturing	2879- Pesticides and Agricultural Chemicals

b) Information Requested

(i) Applications

The Agency intends to continue seeking the same information as in previous years and will use the current application forms. The following information encompasses any information that will be requested from those entities seeking a critical use exemption, and includes applications for both pre-plant and post-harvest sectors:

- **Identity of contact person(s).** Unless otherwise specified, the person who submits the application will be considered the contact person for all matters relating to the critical use exemption. Requests must identify by name and telephone number one or more qualified experts who may be contacted in case any questions arise concerning the application.
- **Description of the proposed use.** The applications shall provide information on the proposed use (crop/pest combination), the amount of methyl bromide to be used, the location of use, the method of application and any other use information requested by the Administrator.
- **Description of past use.** The applications shall provide information on past use (crop/pest combination), acreage, the amount of methyl bromide used, the method of application and other historical use data requested by the Administrator.
- **Consideration of alternatives (Technical).** The applicant must demonstrate what steps have been, and will be, taken to find and implement alternatives. The applicant must also provide an explanation of, and data relating to, the technical feasibility of currently available alternatives for their proposed use and any other information required by the Administrator to determine whether technically feasible alternatives are available for the proposed use.
- **Consideration of alternatives (Economic).** To determine whether an applicant's proposed use has economically feasible alternatives, EPA will request information on historical

revenue and available economic measures, such as operating costs.

- **Additional information.** Additional information required of applicants may include, but is not limited to, agricultural statistics, fumigation conditions and timeline, research proposals and funding levels, and transition plans.

(ii) Reporting

EPA is requesting that entities provide the following information to the Agency:

Producers and importers

- Quarterly: the quantity of methyl bromide produced or imported under the exemptions for Quarantine and Preshipment (QPS), critical uses, emergency uses, lab uses, and export to Article 5 countries;
- Quarterly: the quantity of methyl bromide produced or imported for uses resulting in its transformation and/or destruction;
- Quarterly: the number and type of expended and unexpended critical use allowances (CUAs) and Article 5 allowances;
- Annually: the total amount and type of methyl bromide sold directly to critical uses;
- Annually: the total amount and type of critical use methyl bromide held in inventory for themselves or on behalf of a third party;
- Annually: the total amount of methyl bromide that was produced/imported prior to January 1, 2005, that is held in inventory for themselves or on behalf of a third party;
- Periodically, (likely less than annually): information that the Administrator may reasonably require in carrying out the critical use exemption program under Section 604(d)(6) of the Clean Air Act including management and composition of pre-phaseout inventory, price of methyl bromide and its alternatives, and fumigant emissions reductions practices. EPA may also use the information gathering authority under Section 114 of the Clean Air Act to ensure compliance with existing regulations under the critical use exemption program.

Exporters

- Quarterly: names and addresses of the exporter and the recipient of the exports, and the exporter's Employer Identification Number;
- Quarterly: the quantity of methyl bromide exported under each exemption; the date on which, and the port from which, the controlled substances were exported from the United States or its territories; and the country to which the controlled substances were exported.

Distributors and Applicators

- Annually: the total amount and type of methyl bromide purchased;
- Annually: the total amount and type of methyl bromide sold directly to critical uses;
- Annually: the total amount and type of critical use methyl bromide held in inventory for themselves or on behalf of a third party;
- Annually: the total amount of methyl bromide that was produced/imported prior to January 1, 2005, that is held in inventory for themselves or on behalf of a third party;
- Periodically, (likely less than annually): information that the Administrator may reasonably require in carrying out the critical use exemption program under Section 604(d)(6) of the Clean Air Act including management and composition of pre-phaseout inventory, price of

methyl bromide and its alternatives, and fumigant emissions reductions practices. EPA may also use the information gathering authority under Section 114 of the Clean Air Act to ensure compliance with existing regulations under the critical use exemption program.

(iii) Recordkeeping

EPA is requiring the following records are kept for three years.

Producers, importers, and exporters

- Self certification form for each sale that indicates the buyer will only sell or use methyl bromide for approved critical uses;
- Order forms and invoices for methyl bromide;

Distributors and Applicators

- Self certification form for each sale that indicates the buyer will only sell/use the methyl bromide for approved critical uses;
- Order forms and invoices for methyl bromide;

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

a) Agency Activities

(i) Applications

Submitted critical use exemption applications are received by the Stratospheric Program Implementation Branch (SPIB), of the Stratospheric Protection Division (SPD) of the Office of Atmospheric Programs (OAP). The Biological and Economic Assessment Division (BEAD) of the Office of Pesticide Programs (OPP) conducts a technical review of the applications. Both a biologist and an economist review each application, and the applications are grouped according to agricultural sector. Specifically, the review determines whether or not there is sufficient information to support the contention that “no technically or economically feasible alternatives exist” for the specified methyl bromide use. The review also determines if a lack of methyl bromide availability would cause a significant market disruption. These requirements for critical use exemptions were agreed to by the Parties to the Protocol at their Seventh Meeting, and are delineated in Decision IX/6, as well as Section 604(d) of the Clean Air Act (CAA). This review may require additional consultation with the applicants if further clarification is needed.

EPA, in consultation with the U.S. Department of Agriculture and the Department of State, compiles a nomination package containing all uses to be nominated by the U.S. as “critical.” This package is submitted to the Ozone Secretariat of the Protocol, reviewed by MBTOC and TEAP, and later authorized by the Parties at their annual meeting. Typically, EPA must respond to one or two rounds of questions from MBTOC as that body conducts a technical review of the U.S. Nomination.

In order to complete the application process, EPA must:

- Publish a Federal Register notice announcing the availability of applications
- Collect, compile, and analyze submitted applications

- Review applications for completeness and inform applicants if application is not complete
- Review applications for critical need for methyl bromide (e.g., data supporting a finding that there is no technically or economically feasible alternative)
- Transpose data from the applications into the required nomination format (as consistent with the MBTOC Handbook)
- Compile applications into U.S. nomination package for submission to the Ozone Secretariat

(ii) Reported Data

Reported data are received by the Stratospheric Program Implementation Branch (SPIB), of the Stratospheric Protection Division (SPD) of the Office of Atmospheric Programs (OAP).

- All reported data are reviewed by EPA for completeness and accuracy, often through follow-up with the reporting entity.
- EPA ensures that compliance has been maintained with U.S. production and consumption levels of exempted material at the national and sector levels.
- EPA reports annually to the Ozone Secretariat, through the U.S. Department of State, on U.S. compliance with allowable production and consumption levels.
- EPA uses data on actual use levels and material in inventory to adjust future nomination and allocation amounts.
- Data are maintained in EPA data electronic tracking system and file room.

b) Collection and Methodology and Management

(i) Applications

When applications for methyl bromide critical uses are received by EPA, they are assigned a CUE number and tracked in a spreadsheet as active submissions through the process, after which applications become historical files.

(ii) Reported Data

Data are tracked by industry and are provided to EPA on a quarterly and/or annual basis on forms provided by the Agency on EPA's website (www.epa.gov/ozone/record/mbr.html). EPA will use our electronic tracking system to update company specific and overall U.S. compliance with production, consumption, and use. Confidential business information are stored in appropriately controlled areas.

c) Small Entity Flexibility

This information collection is authorized by statute under Section 604 of the Clean Air Act and is required in order to ensure U.S. compliance with international treaty obligations under the Montreal Protocol.

Methyl bromide was phased out under the Montreal Protocol and the Clean Air Act in 2005, except for limited exemptions. The application information collection provides meaningful relief for those users of methyl bromide who do not have technically or economically feasible alternatives.

Applying for the exemption is voluntary and only those entities that believe they have a critical use will submit an application. While the exemption itself will relieve burden on affected entities, the burden on all affected entities associated with applying for the exemption, and especially the burden on small entities, has been reduced to every extent possible. EPA encouraged small businesses to participate in and/or form representative organizations that will serve to aid in gathering information and completion of applications. Today, most applications received are submitted by such organizations.

Bearing in mind U.S. obligations under the Protocol, EPA designed a reporting and recordkeeping system that would remove almost all burden from the end users of methyl bromide, some of whom are small entities. This program seeks to place the burden instead on chemical manufacturers, distributors, and applicators who are not small entities. EPA created a system that requires end users to sign a short form (1-2 pages in length) certifying that they are buying the exempted material for an allowable use and will use it accordingly. The form is kept by the supplier, not the end user. Participation in this exemption program is voluntary and constitutes a benefit.

d) Collection Schedule

(i) Applications

EPA annually publishes a notice in the Federal Register announcing the availability of the pre-plant and post-harvest applications. Entities have between 60 and 90 days from the date of publication to submit an application. Applications for exemptions are requested with three years of anticipation due to the international process and EPA's notice-and-comment rulemaking procedures. For example, the first time EPA requested applications, in May 2002, the exemptions were requested for the use of methyl bromide during the 2005 calendar year. The applications requested in May 2003 were for use in the 2006 calendar year, etc. Once applications are submitted to EPA, the following schedule takes place:

- August, Year 1: Applications due
- September-December, Year 1: Review of applications and development of U.S. nomination
- January, Year 2: Inter-Agency review of nomination package
- January 24, Year 2: U.S. nomination submitted to Ozone Secretariat
- February-June, Year 2: Advisory body (MBTOC/TEAP) review
- November-December, Year 2: Parties authorize critical uses
- January-December, Year 3: EPA publishes critical uses and allocates allowances in notice-and-comment rulemaking

Subsequent collection schedules depend on the timetables established by the Parties. In some instances additional ("Extraordinary") meetings have been required, delaying the schedule.

(ii) Reported Data

The information is to be submitted on an annual or quarterly basis (see section 5a) to EPA beginning in the last quarter of 2011 and continuing for the life of the exemption.

6) Estimating the Burden and Cost of Collection

a) Estimating the Burden

The basis of the burden analysis is EPA's experience with implementing the critical use exemption program since 2002 and EPA's previous ICR analyses for the CUE program. EPA expects that the burden estimate is conservatively high as the Agency believes that the respondents are familiar with EPA's regulations and likely have an established system for complying with those requirements.

The burden analyzed is that associated with the application, reporting, and recordkeeping requirements of the program. As in previous ICRs, EPA identified the steps involved in applying for and complying with the requirements of the CUE program. This includes identifying the principal information needed to support U.S. nominations to Parties to the Protocol. The burden has been estimated by identifying the number of times the step will be undertaken and the number of hours required to complete each step.

b) Estimating the Respondent Cost

i) Applications

To determine the respondent cost, EPA used an hourly industry wage rate of \$136.93 per hour, including benefits and overhead. This is the estimated hourly mean wage rate for management within the Management, Scientific, and Technical Consulting Services sector (541600 Series NAICS code). This rate was developed by the Office of Pesticide Programs within EPA and is based on 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. Based on consultations on this ICR, EPA is no longer using the Pesticide, Fertilizer, & Other Agricultural Chemical Manufacturing sector (325300 Series NAICS code) for estimating the respondent cost for completing the applications. EPA anticipates this rate to overestimate the burden on the whole universe of respondents, as the wage rates are lower for growers, applicators, and other respondents within the Critical Use Exemption program.

Burden hours needed to complete each application that is forwarded to EPA is estimated to be 38. The number of applications has been declining from a maximum of 61 to 33 applications last year. EPA does not anticipate new users or groups to submit applications and therefore does not expect the number to increase from 33. EPA is conservatively estimating 40 applicants for the next three years. Total burden hours have decreased from previous ICRs as the prior ICR estimated 75 respondents. EPA believes that the number of hours may be an overestimate as there have been minimal formatting /data changes to the application form, encouragement of electronic submissions, reduced requirements for repeat applicants, frequent communication with stakeholders, and nine years of implementation. EPA has also found that the majority of users have applied through their consortia, and that these consortia represent many growers.

ii) Reported Data

To determine respondent costs for recordkeeping and reporting, EPA used an hourly industry wage rate of \$100.86 per hour as described above. Some activities, such as rule familiarization, are

one time activities therefore total respondent burden hours indicated in Table II (below) may be overestimated. This renewal, as compared to the existing ICR, reduces the expected burden for the respondents compiling and reporting data on an annual basis. The number of distributors of methyl bromide has decreased as the amount of critical use methyl bromide sold in the U.S. has decreased. Second, this ICR increases the number of responses for quarterly reporting to more accurately reflect the number of responses EPA has received in recent years. Prior ICRs had estimated 4 quarterly reports per year per respondent, but some respondents submit more than 4 reports as they are producers, importers, and distributors and must file separate reports for each. As discussed above, the number of applications submitted the last three years has declined. This corresponds to a similar decrease in the end user universe which EPA now estimates to be approximately 1800.

TABLE II- RESPONDENT BURDEN HOURS PER YEAR

Collection Activity	No. of Respondents	Total No. of Responses	Hours per Response	Total Hours
i) Applications				
Read CAA Request for applications	40	40	0.5	20
Process, compile, and review the requested data for accuracy and appropriateness	40	40	30	1200
Generate application correspondence (and any follow-up information requested)	40	40	7	280
Store, file, or maintain the information	40	40	0.5	20
Total burden for applications	40	40	38	1,520
ii) Recordkeeping and Reporting				
Rule Familiarization	75	75	2	150
Data Compilation (quarterly basis)	4	40	4	160
Data Compilation (annual basis)	75	75	8.5	637.5
Data Reporting (quarterly basis)	4	40	0.5	20
Data Reporting (annual basis)	75	75	1	75
Reporting on Allowance Trading Activities	4	16	0.5	8
Responding to periodic questions regarding CUE program and fumigation industry	75	75	1	75
Self Certification Activities by Producers, Importers, and Distributors	75	150	0.25	37.5
Self Certification Activities by End Users	1,800	2,300	0.25	575
Total Burden for reporting and recordkeeping	1,879	2846	18	1,738.0
COMBINED TOTAL BURDEN HOURS	1919	2886	56	3,258.0

There are no capital and operating costs associated this action.

TABLE III- CAPITAL AND OPERATING COSTS

Activity	No of Entities Affected	Estimated Annual Cost per entity	Total Estimated Annual Cost
TOTAL CAPITAL AND	0	0	0

OPERATING COSTS			
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c) Estimating Agency Burden and Cost

The estimated cost to the Federal Government of the critical use exemption process consists of two components. The first is the number of hours and costs incurred by the Agency to review each application. The second is the number of hours and costs incurred by the Agency in reviewing reporting data, preparing nominations, submitting data to the Ozone Secretariat on U.S. compliance, distributing critical use allowances, and developing guidance for regulated entities.

The calculations below are based on combined OAR/OPP experience implementing the CUE program over the past nine years. The Agency burden in reviewing the applications has decreased from those in the previous ICR as the Agency has developed a regular system over the course of implementing the CUE program over the last nine years. In addition, the number of sectors applying to the program has decreased. The values in this renewal for recordkeeping and reporting are also less than the sum of the burdens listed in the prior ICR. Some steps analyzed in prior ICRs, such as writing the reporting forms and determining the historic baseline, have already been completed are unnecessary for this renewal.

The hourly wage rates for EPA clerical, technical and managerial staff were derived from the 2010 OPM pay table multiplied by 1.6, the standard government benefits multiplier. The hourly wage rates are as follows: EPA estimates an average hourly labor cost of \$76.38 (GS-15 level) for managerial costs, \$54.94 (GS-13 level) for technical staff, and \$21.02 (GS-5 level) for clerical staff based on 2010 figures. While the number of occurrences of each activity is shown per application, EPA intends to continue grouping applications according to agricultural sectors. Each hour of extramural (contractor) time is valued at \$120.00 per hour including overhead and fringe benefits.

TABLE IV- AGENCY BURDEN HOURS

	No. of Responses	Managerial hours per response	Technical hours per response	Clerical hours per response	Extramural hours per response
i) Applications					
Read and review the applications for completeness; make appropriate amount of electronic/paper copies	40	0	1	1	0.25
Review information submitted for accuracy	40	0	10	0	0
Perform economic and technical analysis and compile nomination on proposed exemption to the Ozone Secretariat	40	5	40	45	0
Respond to 2 rounds of questions on Nomination from MBTOC/TEAP (advisory bodies to Parties to Protocol)	80	2	10	0	0
Final decision on each sector	12	10	15	0	0
Store, file, and maintain applications	40	0	1	1	0.25
TOTAL per response (applications)		17	77	47	0.5
TOTAL per year (applications)		480	3,060	1,880	20

i) Reporting and Recordkeeping					
Process annual reports	75	0.25	1	0	0.25
Process quarterly reports	40	0.25	1	0	0.25
Report to the Ozone Secretariat	1	0.25	10	0	1
Provide Guidance	30	0.25	1	0	0
Seek information on CUE program and fumigation industry	75	0.25	0.25	0	0
TOTAL per response (recordkeeping and reporting)		1.25	13.25	0	1.5
TOTAL per year (recordkeeping and reporting)		55.25	173.75	0	29.75
TOTAL FOR ALL AGENCY ACTION PER YEAR					
		535	3,234	1,880	50

d) Estimating the Respondent Universe

EPA's estimate of the number of regulated entities is based upon the Agency's experience regulating those entities under the CUE program for the last nine years. This program does not require reporting or recordkeeping from end users of methyl bromide, but the Agency is able to make an estimation based on self reported data from entities who requested an exemption.

As mentioned above, the number of applications has been declining, and was 33 last year. The number of applicants for the exemption is much less than the estimated end user universe of 1,800 as the majority of end users apply through their consortia, not individually. EPA continues to encourage users with similar circumstances to utilize grower and user organizations to aid in completion of the application, thereby reducing both the burden on applicants (particularly small businesses) and the Agency. The registration of additional alternatives in the U.S. has also resulted in fewer applications received.

There are 4 producers and importers of methyl bromide who report quarterly and up to 75 distributors/ applicators of methyl bromide who may report annually. Thus the total number of respondents is estimated to be 1,919 (1800 end users, 40 applicants, 75 distributors/applicators, and 4 producers/importers).

e) Bottom Line Burden Hours and Cost Tables

i) The burden hour portion of the respondent application, reporting, and recordkeeping burden and operating/capital costs are estimated in Tables II and III respectively. The dollar estimate associated with this burden is displayed in Table V below. The total annual labor cost burden is \$988,840.

TABLE V- RESPONDENT BURDEN HOURS AND COSTS

Response	No of Responses	Hours per response	Cost/Hour	Total Cost
Application	40	38	\$136.93	\$208,134
Recordkeeping and Reporting	396	18	\$100.86	\$718,930

Self certification: producers, importers, distributors, end users	2,450	0.25	\$100.86	\$61,777
Total				\$988,840

ii) Agency burden is reported in Table IV. This includes technical review of each application as well as distributing critical use allowances, reviewing reporting data, submitting data to the Ozone Secretariat on U.S. compliance, preparing nominations, and developing guidance for regulated entities. The total annual labor cost burden below in Table VI is \$6,577 per application and \$1,003 per recordkeeping and reporting response. Total annual cost to the Agency is \$264,032.

TABLE VI- ANNUAL AGENCY BURDEN HOURS AND COSTS

	Managerial Hours Annual Total	Technical Hours Annual Total	Clerical Hours Annual Total	Extramural Hours Annual Total	Total Agency Hours per Response	Total Agency Costs per response
	\$76.38	\$54.94	\$21.02	\$120.00		
Part I. Hours per response						
-Application	17	77	47	0.50	142	\$6,577
-Recordkeeping and reporting	1.25	13.25	0	1.50	16.00	\$1,003
Part II. Hours per year						
-Application	480	3,060	1,880	20	5,440	
-Recordkeeping and reporting	55	174	0	30	258.75	
TOTAL HOURS	535	3,234	1,880	50	5,699	
TOTAL COSTS	\$40,882	\$177,662	\$39,518	\$5,970	\$264,032	

f) Reasons for Change in Burden

There is a decrease of 1,660 hours in the total estimated respondent burden compared with the burden currently approved by OMB. The primary reason for the decrease in burden hours is a decrease in the number of applicants. There also reflects a decline in the number of end users. Other reasons for burden reduction include increased stakeholder familiarity with the critical use exemption program, the encouragement of electronic submission of applications and other data and frequent EPA communication with methyl bromide stakeholders.

g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1 hour per response. 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 purposes 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. An 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 numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on 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, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2011-0085, which is available for public viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can 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. Please include the EPA Docket ID No. EPA-HQ-OAR-2011-0085 and OMB control number 2060-0482 in any correspondence.

Part B of the Supporting Statement

This Section is not applicable.