

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

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a). Title of the Information Collection

Worker Protection Standard Training and Notification

OMB No. 2070-0148; EPA No. 1759.06

1(b). Short Characterization/Abstract

This information collection request (ICR) is a renewal of an existing ICR that is currently approved by OMB and is due to expire on November 30, 2010. The ICR estimates the third party response burden of paperwork activities under the Worker Protection Standard (WPS) requirements, codified under 40 Code of Federal Regulations (CFR) Part 170 (see Attachment A). The Environmental Protection Agency (EPA, or the Agency) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The WPS establishes requirements to protect agricultural workers and pesticide handlers from hazards of pesticides used on farms, on forests, in nurseries and in greenhouses.

The regulations contain the standard and workplace practices which are designed to reduce or eliminate worker exposure to pesticides and establish procedures for responding to exposure-related emergencies. The practices include prohibitions against applying pesticides in a way that would cause exposure to workers and others; a waiting period before workers can return to areas treated with pesticides (restricted entry interval); basic safety training (and voluntary training verification) and posting of information about pesticide hazards, as well as pesticide application information; arrangements for the supply of soap, water, and towels in case of pesticide exposure; and provisions for emergency assistance. The training verification program facilitates compliance with the training requirements by providing a voluntary method for employers to verify that the required safety information has been provided to workers and handlers.

Information is exchanged between agricultural employers and employees at farm, forest, nursery and greenhouse establishments to ensure worker safety. No information is collected by the Agency under this ICR.

2. NEED FOR AND USE OF THE COLLECTION

2(a). Need/Authority for the Collection

In accordance with FIFRA Section 25 (Attachment B), the Agency issued final regulations on August 21, 1992, revising the WPS at 40 CFR 170. The WPS is designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposure to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also from the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies. The notification and training requirements are necessary to provide agricultural workers

and pesticide handlers with the information they need to protect themselves from pesticide poisoning and other injuries.

2(b). Practical Utility/Uses of the Data

Basic pesticide safety information/training, instructions on safe operations and repair of equipment, notification regarding use of specific pesticides, and the applicability of exceptions/exemptions to WPS reentry restrictions provide agricultural workers, pesticide handlers, agricultural employers, and medical personnel with basic information so they are more informed and better prepared to take precautionary or responsive measures, as appropriate. The training and notification are targeted at agricultural workers who perform tasks related to the cultivation and harvesting of plants in areas treated with pesticides, and pesticide handlers who mix, load, and apply pesticides for use in these areas.

Training verification certificates have been produced by the Agency for authorized trainers to issue to workers and handlers once they have completed the WPS training requirements. The EPA training verification program is a voluntary program and the issuance of the training verification cards is not a WPS requirement. However, agricultural employers are relieved of the responsibility of safety training if their agricultural workers and pesticide handlers possess valid EPA training verification cards.

Participating States issue the cards to qualified training providers within the State. The program is intended to assist in substantiating WPS pesticide safety training, minimize the need for retraining (given the migrant nature of much of the workforce), offer an uncomplicated system for verifying training, provide a means for training quality control, and allow states flexibility in administering the program.

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

3(a). Non-duplication

Not applicable. The notification requirement is the only activity of its kind and notifications required in this program are required only once per event. Consequently, the possibility for duplication does not exist. The WPS provides for an exemption from the requirements of training for certified applicators of restricted-use pesticides trained under the Certification and Training Program found in 40 CFR Part 171. Therefore, no duplication of training is imposed. Additionally, the WPS training verification program was explicitly developed to eliminate duplication of training.

3(b). Public Notice

In preparing to renew this ICR, EPA published a Federal Register Notice (76 FR 14390, March 16, 2011) announcing this proposed information collection activity, and providing a 60-day public comment period. The Agency did not receive any public comments.

3(c). Consultations Required Prior to ICR Submission to OMB

EPA staff contacted three stakeholders who actively interact with the Agency through the WPS program. The consultations included questions about the regulatory burden estimates expressed in this ICR. The list of representatives, the questions posed, and their responses are provided in Attachment C.

Several comments resulted in revisions to the ICR, including changes to assumptions, a correction to a calculation, and clarifying language.

Regarding the regulatory burden estimates expressed in this ICR, one response pointed out that the total number for oral and posted notifications was incorrect because total number of agricultural establishments that hire labor and used pesticides was used in the place of total number of non-greenhouse establishments. The number of non-greenhouse establishments has been corrected to 297,735 (309,085 – 11,350), and all related calculations in Section 6 of this ICR now reflect this correction. The stakeholder EPA consulted also indicated that the formulas and assumptions used to calculate the notification burden need to be clarified. Their response offered alternative numbers for such estimates as: the number of oral notifications per treatment per establishment, the cost to the grower of paying for the workers' time during notifications, the probability of workers' presence within a ¼ mile radius during the restricted-entry interval (REI), and the number of new entrants (growers or agricultural employers subject to the WPS) into the industry annually. The Agency's responses to these comments are discussed in more detail below. Where relevant, clarifications of the methodology used in calculating these burdens have been included in Section 6(a) of this ICR.

One response stated that the ICR's assumption of only one oral notification per treatment per establishment is unrealistic. Among the reasons given were that "[n]ot all workers gather in a common location at one specific time to allow for the possibility of a singular oral notification." The stakeholder suggested that, for non-greenhouse applications, a minimum of two oral notifications per establishment for each application would be better. The Agency agrees with the response that the average oral notification per establishment per application is probably greater than one. However, EPA believes that an estimate of two oral notifications in such instances is probably too high for an average. The primary reason is that, if growers can orally notify all workers at a single gathering, they instead strive to do so because it is less costly. If it becomes necessary to orally notify workers twice for the same application, the grower is instead more likely to post a notification because one posted notification generally costs less than two oral notifications. That is, it takes about 5 minutes for the grower to prepare for and orally notify workers per application, but 8 minutes for a posted notification (see Table 1 in Section 6(b) of this ICR for treatment-specific worker/handler notification). Moreover, many establishments employ only one worker, making it unnecessary to provide more than one oral notification. The number of workers to receive oral notifications is less for those establishments where the one employee is also the applicator. Therefore, it would be more realistic to assume 1.5 oral notifications per application per establishment. The respondent burden in Section 6(a) and Table 1 reflect this change both for greenhouse and non-greenhouse establishments.

The response from the stakeholder also stated that the burden and cost of workers' time during treatment-specific oral and posted notification needed to be factored into the burden of the employer. However, the Agency's assumptions take into account that it takes much longer to gather information for the notification, gather workers, and deliver orally than it does for the workers to receive them. The actual delivery and receipt of an oral notification is very brief, as the message is to stay out of a specific treated area until a specific date and time, as it is under a restricted entry interval. It is also likely that the oral notification would be delivered along with other work instructions for the day. In comparison to the 5 minute estimate for a grower to prepare and deliver an oral notification, the time it takes a worker to listen to the notification is negligible. Given all of these factors, the burden of paying workers to listen to or read notifications is assumed to be zero for the purposes of analysis.

The stakeholder also responded that it is unrealistic to assume a 50% probability of workers' presence within a ¼ mile radius of treated area during the re-entry interval, suggesting that a 65%

probability makes more sense both for oral and posted notifications. Further explanation or a basis for the 65% estimate was not provided. EPA based its estimate of 50% on discussions with stakeholders and farmers, including the actual experience of EPA employees who were farmers or had farm expertise.

The application of pesticides is affected by, among many factors, the seasonality of agriculture, pesticide residue consideration, weather, and what makes the best economic sense. In general, without considering cost-effectiveness decisions, in some circumstances, workers simply do not happen to be near treated areas on the farm or are not near treated areas during REIs. In many other scenarios, employers have flexibility in the timing or location of worker tasks, pesticide treatments, or both, allowing good planning to avoid having workers near treated areas. Given that a large number of pesticide products have 12 hour or shorter REIs, it makes sense for a grower to aim both for efficiency and safety of workers by scheduling applications around farm work. Some of these applications would not need notification because of the field's location (such as large, expansive fields of corn) or time of year (no workers are present because no hand labor tasks are being performed). Based on all of these factors, the EPA estimates that farmers will make the best economic decision by both maximizing safety and minimizing the number of notifications to their workers in general. EPA views the lower figure of 50% probability as a reasonable estimate.

The response indicated that an estimate of 50,000 new entrants each year into the agricultural industry seems to be unrealistically high. The Agency agrees that the number is particularly high in light of a general trend in recent years toward fewer agricultural establishments. While EPA is not aware of data on new entrants, the Agency revised the estimate to reflect 10% of agricultural employers subject to the WPS would be new entrants. This change is included in Section 6(a) and Table 1.

One response suggested using language more consistent with the regulatory text when discussing worker pesticide safety training. The regulation refers to requiring training "before the 6th day of entry" rather than "within 5 days of employment" and more accurately defines the requirement. The ICR text has been changed where this requirement is discussed.

Other responses provided suggestions for clarifying and simplifying training and notification compliance as follows:

- 1) integrating State and federal pesticide application notification requirements,
- 2) providing a standard checklist of requirements for training and notification, and
- 3) developing web-based tools such as
 - a) application records that can be printed out and given to workers in various languages,
 - b) a searchable electronic database to provide a standardized, product-specific (REI, AI, PPE, label instructions) framework for record-keeping and treatment-specific notifications.

These 3 consultant responses are either outside the scope of the WPS rule or are suggestions for new outreach materials or compliance assistance tools. These suggestions will be addressed as appropriate in the context of rulemaking and rule implementation. We are currently developing a proposed regulation which is expected to include several changes to the WPS regulations. In conjunction with the subsequent final rule, updated outreach materials and compliance assistance tools are anticipated.

3(d). Effects of Less Frequent Collection

Not applicable. Training/notifications in this program are required only once per event, as specified in 40 CFR 170. Consequently, the possibility for less frequent training/notification does not exist under current regulations, or without increased risk to agricultural workers and handlers.

3(e). General Guidelines

All but two of the general guidelines of the PRA under 5 CFR 1320.5 are met by the information collection activities covered by this ICR. Specifically:

Availability and Maintenance of Notice Information – Under 5 CFR 1320.9(e), the Agency must certify that the information collection activities are “to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond.” The information that EPA requires agricultural employers provide to workers and handlers (e.g., safety information, training materials, signs for posting, etc.) is not typically maintained by the employer. Employers will generally need to develop or purchase these materials. However, some of the information may customarily be maintained, but in a different format than is required by the rule. Specifically, the pesticide application information that is required (including the location of the application, information about the pesticide, date and time of application and restricted entry interval, but the format of such information posting is left to the individual employer) must be centrally posted. The information may be maintained by the employer in various other forms, such as in their bills, receipts for pesticides purchased, or service contracts for individual applications by commercial applicators. Location information may be maintained in the form of field maps. Materials containing guidance on the required information have been distributed widely.

Small Entity Flexibility – Under 5 CFR 1320.9(c), the Agency must consider “[e]stablishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond.” This guideline is not met because all entities must follow the same requirements under the WPS, unless exempted as a solely family-operated establishment. The protections of the WPS depend upon workers receiving the various training and notifications contained in the regulation, and when these were established, EPA considered the typical farming establish, most of which qualify as small entities under the SBA definition. As such, EPA determined that the WPS information collection activities could not be reduced for small establishments without seriously compromising the protections offered to workers and handlers.

3(f). Confidentiality

Not applicable. The Agency is not collecting information in conjunction with this activity. Further, this 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

Respondents affected by the collection activities under this ICR are agricultural employers, including employers in farms as well as nursery, forestry, and greenhouse establishments. There are

approximately 309,085 agricultural establishments¹ in the U.S. (including 11,350 greenhouse establishments) that both hire labor and use pesticides, and 3 million to 4 million farm workers. The North American Industrial Classification System (NAICS) codes assigned to the parties responding to this information are as follows:

NAICS Code	Examples of Potentially Affected Entities
111 <i>Crop production</i>	Agricultural employers - farms
115 <i>Support activities for agriculture and forestry</i>	Agricultural employers - greenhouses and forestry

Workers' burden hours and cost estimates are included in the total burden and cost for this information collection (and in Table 1 under section 6(b) of this document) because workers must spend the time necessary to receive training and notifications from their employers. However, the requirements for all training/notifications are on the employer. It is assumed that workers are generally paid during training/notifications. Therefore, the cost for worker burden hours is effectively borne by the agricultural employer, even though the workers' time and wage rate are also used in the estimation.

4(b). Information Requested

(i). Data items, including recordkeeping requirements

(1). Central Information:

Safety Poster (40 CFR 170.135). The agricultural employer must display pesticide safety information in a central location on the agricultural establishment, providing pesticide safety concepts and emergency medical care information. EPA supported the development of posters which are readily available at no cost from EPA or at a very low cost from commercial supply (at \$2.50 each). Employers need only add the name of the nearest medical care facility and post the poster in a central location. Employers are not obligated to use the EPA-developed poster and may create their own so long as the ten basic points described in 40 CFR 170.135(b) are included.

Treatment-Specific Information (40 CFR 170.122). The agricultural employer must display at a central location the following: the location and description of a treated area; the product name, EPA registration number, and active ingredient(s) of the pesticide; the time and date of application; and the restricted-entry interval for each pesticide application, if workers will be on the establishment within a specified time period during or following application.

(2). Training:

Basic Pesticide Safety Information (40 CFR 170.130(c)). The agricultural employer must assure that each agricultural worker who has not received the complete pesticide safety training is provided basic pesticide information specified in 40 CFR 170.130(a)(3) in a manner the worker can understand.

1. Based on EPA's calculation from 1992 "Regulatory Impact Analysis of Worker Protection Standard for Agricultural Pesticides" (Table III-2): <http://yosemite1.epa.gov/ee/epa/ria.nsf/EIO/7CC4C776E9E118868525646200633164>

Agricultural Worker Training (40 CFR 170.130). The agricultural employer must assure that each agricultural worker is trained in pesticide safety before the 6th day that a worker enters any area on the agricultural establishment where a pesticide has been applied within the last 30 days or an REI has been in effect or before workers enter treated areas to perform early-entry activities. Training must be presented in a manner that the worker can understand. The person who conducts the training must meet the criteria described in 40 CFR 170.130(d)(2) and the training must cover the eleven points described in 40 CFR 170.130(d)(4).

Pesticide Handler Training (40 CFR 170.230). The handler employer must assure that each pesticide handler is trained in pesticide safety, covering the 13 points described in 40 CFR 170.230(c) before they perform any handling task.

EPA supported the development of pesticide safety training materials for agricultural workers, pesticide handlers, and trainers for both groups of employees. Through the cooperation of the pesticide chemical industry, state agencies, and others, the materials were produced in large volume and distributed for no cost. Additional materials are commercially available for minimal cost (training handbooks available at \$1.00 or less, trainer notebooks available at \$3.50, and a reference guide is available at \$3.50 each). Additionally, the Agency has supported training efforts conducted by national farm worker organizations across the country, focusing on entry points and key paths for the migrant farm worker workforce.

(3). Training Verification (40 CFR 170.130(e)):

The EPA training verification program is a voluntary program and is intended to relieve agricultural employers of the burden of repeat training of individuals in a mobile work force. Employers are relieved of the responsibility of safety training if their agricultural workers and pesticide handlers possess valid EPA training verification cards. States that agree to participate in EPA's voluntary training verification program submit an agreement form to EPA indicating the name of a State WPS contact and the number of training verification cards that they wish to receive from EPA. This is a one-time filing. Participating States will issue EPA training verification cards to qualified training providers within the State. As a condition for being allowed to provide cards to workers and handlers, trainers are also asked to keep class rosters of the names of those they have trained. The burden for the voluntary program is discussed in section 6(a) of this ICR.

(4). Treatment-Specific Worker/Handler Notification:

Oral Notification and/or posting warning signs (40 CFR 170.120). Whenever specified on the pesticide label, the employer must notify workers who come within 1/4 mile of a treated area within a specified time period of any pesticide application. Notification may be either by posting a warning sign (40 CFR 170.120(c)) or by providing information orally (40 CFR 170.120(d)), unless the pesticide label requires both posting and oral notification. Required specifications for the warning signs are contained in the 40 CFR 170.120(c). Signs are commercially available for approximately \$2.00 each. The oral notification must be in a manner that the worker can understand, and include the location and description of the treated area, the time during which entry is restricted, and instructions not to enter the treated area until the restricted-entry interval has expired..

(5). Handler and Emergency Information:

Handler Notice to Employer (40 CFR 170.124). Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide or assure the agricultural employer for the establishment is aware of the specific location and description of the treated area; the time and date of application; the product name, EPA registration number, and active ingredient(s); the restricted-entry interval; and whether posting and oral notification are required.

Safe Operation and Repair (40 CFR 170.234). The handler employer must assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of the equipment.

Emergency Information (40 CFR 170.160 and 40 CFR 170.260). If the employer has reason to believe that a person who is or has been employed by an agricultural establishment or a commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, the employer must provide that person or treating medical personnel information about the pesticide, the antidote and first aid information from the product label, the circumstances of handling the pesticide, and the circumstances of exposure to the pesticide.

(6). Use of Exceptions/Exemptions Notification:

Use of Exceptions/Exemptions Notice (40 CFR 170.112(e)). Employers must notify workers, either in writing or orally, in a language the worker understands, if the establishment is operating under conditions of an EPA-approved exception/exemption to the early entry provisions of the WPS. The exceptions/exemptions are intended to provide flexibility, if needed, to growers to conduct certain otherwise prohibited activity during a time period when exposure to pesticide residues is of concern.

There are currently two nationwide exceptions and one exemption for which third party notification would be required (40 CFR 170.112(e)(7)). They include some circumstances for conducting irrigation activities, some circumstances for conducting activities which result in limited contact with pesticide treated surfaces, and some circumstances for conducting crop advising activities, all during a restricted entry interval following pesticide application.

(ii) Respondent Activities

In assuring that training is provided to their workers and handlers and providing WPS notifications, agricultural employers generally engage in the following activities:

Activity	Description
Learn rule requirements	Read WPS, 40 CFR Part 170
Acquire poster and warning	Create own pesticide safety poster and warning sign, obtain poster

signs	and signs free if available from EPA and States, or purchase for low cost from commercial supply.
Fill in medical information on safety poster and post specific application information	Fill in the name of the nearest medical care facility on the centrally-displayed pesticide safety poster; record the location and description of the treated area, the product name, and active ingredient(s) of the pesticide, the time and date the pesticide is to be applied, and the restricted-entry interval for the pesticide at a central location for each pesticide application.
Post notices or provide oral notification	Post the basic pesticide safety poster at a central location; post warning signs at usual points of entry or in corners of the treated area for each application or provide oral notification to workers
Arrange for training of workers and pesticide handlers	Become an authorized WPS trainer or arrange for state personnel or other qualified trainer to train workforce. Arrange for training all new employees before the 6 th day that a worker enter any areas on the agricultural establishment where a pesticide has been applied within the last 30 days or an REI has been in effect or before workers enter treated areas to perform early-entry activities.
Issue and review training verification cards	Obtain verification cards and issue to workers or handlers after training is completed or arrange for an authorized WPS trainer to provide verification cards.
Provide treatment information to employers, handlers and medical personnel	For pesticide treatments performed for hire, notify the agricultural employer of the specifics of the treatment (time, product used, REI's, etc.) and ensure that handlers have label information available during application. If a medical emergency exists, provide medical personnel with specific information from the pesticide label and the circumstances of application.
Notify workers and handlers of terms of exceptions/exemptions allowing for tasks to be performed in treated areas	When using WPS exceptions or exemptions, the agricultural employer must explain the exception to the workers and handlers.

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

5(a). Agency Activities

Not applicable. This ICR involves activities conducted by third parties. EPA does not collect any information under this ICR. Participating States are responsible for implementing voluntary training verification programs.

5(b). Collection Methodology and Management

Not applicable. This ICR involves activities conducted by third parties. EPA does not conduct any activities under this ICR. Participating States are responsible for implementing voluntary training verification programs.

5(c). Small Entity Flexibility

The protections of the WPS depend upon workers receiving the various training and notifications contained in the rule. These cannot be reduced for small establishments without seriously compromising the protections offered to workers and handlers. As such, small entities are required to follow the same requirements as larger establishments under the WPS, unless exempted as a solely family-operated establishment under 40 CFR 170.204(a). Under this exemption, the owner of an agricultural establishment is not required to provide certain protections to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment.

5(d). Collection Schedule

Not applicable. This ICR involves activities conducted by third parties. EPA does not conduct any activities or collect any information under this ICR. Participating States are responsible for implementing voluntary training verification programs.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

Estimated burden hours and cost associated with training and information exchanges required by the Worker Protection Standard are detailed in this section. These estimates are listed in Table 1 in section 6(b) and are based on the agricultural establishment and employment figures used in the WPS regulatory impact analysis, as well as information obtained by the Agency during the implementation of the WPS and from contacts at the state level and within the US Department of Agriculture (USDA).

6(a). Estimating Respondent Burden

New entrant rule familiarization

There are an estimated 309,085 establishments that hire labor and use pesticides and are therefore affected by the WPS requirements. New agricultural employers must learn the rule requirements when they enter the industry. It is assumed that of the affected entities, as many as 10% of the total agricultural establishments (30,909) subject to the WPS may be new entrants each year. It is further assumed that learning the requirements of the rule takes an average of 30 minutes.

Central Information.

It is further assumed that there is one centrally-posted safety poster per establishment that hires labor and uses pesticides (309,085). However, as the poster could last indefinitely, not all establishments need a new poster every year. It is assumed that affected establishments put up a safety poster once every 3-4 years, with an assumption of 100,000 safety poster events annually. It is also assumed that an average of 10 minutes is needed to fill in medical information on the safety poster, and to post it.

For treatment-specific information, it is assumed that there will be one centrally posted notice per pesticide treatment per establishment that hires labor. It is also assumed that it will take an average of ten minutes for employers to post the notice.

Annual notifications equal the number of establishments that use pesticides and hire labor (309,085) multiplied by the average number of pesticide treatments (approximately 3.5) per establishment. The average number of pesticide treatments (3.5) is a good proxy only if each time a grower applied a pesticide he treated his entire acreage that normally is treated in a year. This is not always the case since many grow multiple crops, and even within a single crop a farmer may not treat all acres the same, or not all at once. A correction for this is to multiply the average number of pesticide treatments by an assumed factor of 3 (EPA estimate based on general knowledge) to equal an average of approximately 10.5 pesticide treatments per establishment, and accordingly, an estimated 3,245,393 treatment-specific central notification events.

Training

The estimated burden and cost to farmers for the time taken to train workers and pesticide handlers is based on the Agency's experience obtained during the implementation of the WPS, as well as from additional information provided by personnel from the USDA and state agricultural agencies. The number of events is based on either the number of agricultural establishments or individuals involved, or a multiple of this number based on the estimated number of occurrences per year. The time for each event is based on field experience in accomplishing such events and is for a typical year.

Training verification

Upon the completion of the training, the WPS provides for the issuance of "EPA-approved Worker Protection Standard training certificates" to workers and handlers to allow employers to verify that workers and handlers have received WPS safety training. The EPA Training Verification Program is a voluntary program and the issuance of the training verification cards is not a WPS requirement. However, agricultural employers are relieved of the responsibility of safety training if their agricultural workers and pesticide handlers possess valid EPA training verification cards. Participating States will issue the cards to qualified training providers within the State. The program is intended to assist in substantiating WPS pesticide safety training, minimize the need for retraining (given the migrant nature of much of the workforce), offer an uncomplicated system for verifying training, provide a means for training quality control, and allow states flexibility in administering the program. The voluntary verification activity of the training provider to the trained employee(s) has a total annual burden of 4,765 burden hours (2,978 hours to gather information, and 1,787 hours to file or disclose information) and is covered in this ICR.

Treatment-Specific Worker and Handler Notification.

It is assumed that: employers either orally notify workers of pesticide treatments or post treated areas (except for pesticides which are Toxicology Category I for dermal or eye, which require both); greenhouses will always post treated areas, and all others will always orally notify workers; for non-greenhouse establishments, both notifications (one oral and/or one posted) are required for each pesticide treatment when workers will be within a 1/4 mile radius of the treated area during the restricted entry interval (REI); an employer's preparation, assembling of workers, and delivering an oral notification takes 5 minutes; preparing and posting a notification takes 8 minutes of growers' time. Also, assuming that a prudent grower would want to maximize safety while minimizing the number of notifications required, a 50% probability that workers will be within a 1/4 mile radius of treated area during REI is used. A large number of pesticide products with re-entry restrictions have 12 hour REIs. Therefore, it makes sense for a grower to aim both for efficiency and safety of workers by scheduling applications around farm work. An employer would schedule applications late in the day, over a

weekend, or when workers have already left the area, allowing the REI to expire before the next working day, making it unnecessary to notify for such applications.

Total oral notification events are calculated as the number of oral notifications on non-greenhouse establishments (which orally notify workers of all treatments when workers will be within ¼ mile), plus the number of oral notifications on greenhouse establishments (which orally notify workers only for Toxicity Category I treatments). Therefore, for all establishments other than greenhouses, multiply the number of non-greenhouse establishments which hire labor and use pesticides, 297,735 (i.e., 309,085 less 11,350) by the average number of pesticide treatments per establishment per year (10.5), and multiply by the average percent probability that workers will be within 1/4 mile of the treated area during the REI (50%) and by 1.5 (the average number of oral notification events needed in order to notify all workers per establishment per treatment). For greenhouses, multiply the number of establishments (11,350) by the average number of treatments made per greenhouse establishment per year (50), and multiply by the percent of treatments which are Toxicology Category I for dermal or eye (5%).

Calculations for Annual Number of Oral Notifications

Non-greenhouse establishments

297,735 establishments * 10.5 treatments annually * 50% probability of workers present within ¼ mile of the treated area during re-entry interval * 1.5 average number of oral notification events per treatment per establishment in order to notify all workers = 2,344,663 oral notifications annually by non-greenhouse establishments

Greenhouse establishments

11,350 establishments * 50 treatments annually * 5% of treatments involving pesticides that are classified as Toxicology Category I for dermal or eye * 1.5 average number of oral notification events per treatment per establishment in order to notify all workers = 42,563 oral notifications annually by greenhouse establishments

Total Annual Number of Oral Notifications

2,387,226 (i.e., 2,344,663 + 42,563)

Total posted notifications are calculated as the number of posted notifications on non-greenhouse establishments, which do posted notifications only for Toxicity Category I treatments and when workers will be within ¼ mile, plus the number of posted notifications on greenhouse establishments, which do posted notifications for all treatments. Therefore, for all establishments other than greenhouses, multiply the number of establishments (297,735) by the average number of pesticide treatments per establishment per year (10.5), multiply by the percent of treatments which are Toxicology Category I for dermal or eye (5%), and multiply by the average percent probability that workers will be within 1/4 mile of the treated area during the REI (50%). For greenhouses, multiply the number of establishments (11,350) by the average number of treatments made per greenhouse establishment per year.

Calculations for Annual Number of Posted Notifications

Non-greenhouse establishments

297,735 establishments * 10.5 treatments annually * 50% probability of workers present within ¼ mile of the treated area during re-entry interval * 5% of treatments involving pesticides that are classified as Toxicology Category I for dermal or eye = 78,155 posted

notifications annually by non-greenhouse establishments

Greenhouse establishments

11,350 establishments * 50 treatments annually = 567,500 posted notifications annually by greenhouse establishments

Total Annual Number of Posted Notifications

645,655 (i.e., 78,155 + 567,500)

Handler and Emergency Information.

Using the estimates for worker and handler notification and training, the number of events for handler-initiated notifications and the number of handler sessions on safe equipment operations was estimated. It was assumed that each commercial application would trigger a handler notification to the agricultural employer and that the same number of handlers would need instruction in safe equipment operation as would need the pesticide safety training.

It was also assumed that 1% of workers and handlers trained in any given year would require medical attention and request that pesticide-specific emergency information be provided to medical personnel. These workers and handlers are the most likely to be entering treated areas during the course of their employment.

Exceptions/Exemptions Notification.

There are 279,359 farms with irrigation in the United States (1992 Census)². The average annual number of pesticide applications is estimated to be 3.5 for irrigated acres. It is assumed to take about 2.5 minutes to supply the information to the irrigation workers. It is further assumed that 20% of the pesticide treatments would invoke the irrigation exception. The same working assumptions have been applied to the limited contact exception.

Crop advisors often enter fields, orchards, or other crop production areas to scout for pests, monitor the effectiveness of recent pesticide treatments, and determine the need and timing for additional treatments. The crop advisor exemption allows for entry into treated areas during a restricted entry interval in certain circumstances. It is estimated that there are 10,000 such instances annually for crop advisors when the crop advisor employer is required to notify their employees who will enter the treated area, of the restricted entry status and use of the exemption. The estimated average burden for notification of the crop advisor exemption is 15 minutes. This average burden is considerably longer than for notification of the two exceptions, discussed above. The longer time is primarily because the crop advisor work may involve more contact with treated plant surfaces than the exceptions do, and crop advisors must be advised of the necessary personal protective equipment to be used for the specific crop, pesticide, and situation.

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

² The 2007 Ag Census shows 301,028 farms with irrigation in the United States. The next WPS ICR will apply updated figures for irrigated farms.

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 presented in Attachment D.

Methodology: The methodology uses data on each sector and labor type for an Unloaded wage rate (hourly wage rate), and calculates the Loaded wage rate (unloaded wage rate + benefits), and the Fully loaded wage rate (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. 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 total respondent burden is estimated to be 1,827,493 hours annually. The total respondent cost for this ICR renewal is estimated to be \$92,729,052 annually. The labor rates for the farm workers and growers subject to the WPS requirements (\$19.87/hr and \$53.89/hr, respectively) were estimated using the methodology cited above. Workers' burden hours and cost estimates are included in Table 1 and in the total burden and cost for this information collection because workers must spend the time necessary to receive training and notifications from their employers. However, the requirements for all training/notifications are on the employer. It is assumed that workers are generally paid during training/notifications. Therefore, the burden and cost are effectively borne by the agricultural employer, even though the workers' time and wage rate are also used in the estimation.

Category	Activity	Total No. People/ Events	Per Event Average						TOTALS ³	
			Grower (\$53.89r) ⁴		Worker (\$19.87hr.) ²		Total per Event		Burden (hours)	Cost (\$)
			Burden (minutes)	Cost (\$)	Burden (minutes)	Cost (\$)	Burden (minutes)	Cost (\$)		
New Entrant Rule Familiarization	Learn requirements (new entrants)	30,909	30	26.95	0	0.00	30.00	26.95	15,455	8,329,998
Central Information	Safety Poster	100,000	10	8.98	0	0.00	10.00	8.98	16,667	889,000
	Treatment-specific information	3,245,393	10	8.98	0	0.00	10.00	8.98	540,899	29,143,629
Training	Basic Safety Info Conveyance	169,000	2	1.79	0	0.00	2.00	1.79	5,633	302,510
	Ag. Worker Training	339,000	20	17.96	20	6.62	40.00	24.58	226,000	8,332,620
	Pesticide Handler Training	185,000	25	22.45	20	6.62	45.00	29.07	138,750	5,377,950
Training Verification	Gather Information	35,733	5	4.49	0	0.00	5.00	4.49	2,978	160,441
	File or Disclose Info	35,733	3	2.70	0	0.00	3.00	2.70	1,787	96,479
Treatment-specific worker/handler Notification	Oral Notifications	2,387,226	5	4.49	0	0.00	5.00	4.49	198,894	10,718,645
	Posted Notifications	645,655	8	7.19	0	0.00	8.00	7.19	86,087	4,642,259
Handler and Emergency Information	Handler Notice of Ag. Employer & Labeling Info.	1,875,705	10	8.98	5	1.66	15.00	10.64	468,926	19,957,501
	Safe Operation and Repair	185,000	10	8.98	10	3.32	20.00	12.30	61,667	2,275,500
	Provide Emergency Info. on Pesticide Treatments	52,400	20	17.96	10	3.32	30.00	21.28	26,200	1,115,072
Exceptions/ Exemptions Notification	Irrigation Exception	195,300	2.5	2.25	2.5	0.83	5.00	3.08	16,275	601,524
	Limited Contact Exception	195,300	2.5	2.25	2.5	0.83	5.00	3.08	16,275	601,524
	Crop Advisor Exemption	10,000	15	13.47	15	4.97	30.00	18.44	5,000	184,400
TOTALS									1,827,493	92,729,052

3 Totals were determined as follows: Total Burden Hours: (total # events x burden minutes ÷ 60). Total Costs: (total # events x total per-event costs).

4 Updated estimates of fully loaded wage rates based on NAICS Sector 11. Source: US Bureau of Labor Statistics http://www.bls.gov/oes/current/naics2_11.htm
See part 6(b) and Attachment D for sources and methodology for deriving these estimates.

6(c). Estimating Agency Burden and Cost

Not applicable. This ICR involves activities conducted by third parties. EPA does not conduct any activities or collect any information under this ICR. Participating States are responsible for implementing voluntary training verification programs. As such, EPA does not incur any burden or cost under this ICR.

6(d). Bottom Line Burden Hours and Cost Tables

Bottom Line Estimated Burden Hours And Costs		
	Hours	Costs
Respondents	1,827,493	\$92,729,052
Agency	n/a	n/a

6(e). Reasons for Changes in Burden

The total estimated annual respondent burden for this ICR renewal is 1,827,493 hours, which is an increase of 51,362 hours from the currently-approved ICR because of adjustments in some of the assumptions to be consistent with the stakeholder feedback discussed in section 3(c) of this supporting statement, and a minor correction in the calculations from 309,100 in the previous ICR to 309,085 match the actual derived number from EPA's 1992 regulatory impact analysis for WPS. As discussed in more detail in Section 3 (c), the burden changes made based on stakeholder feedback were:

- Increased average number of notifications per treatment-specific worker and handler notification event from 1 to 1.5 (resulting in the increase in the burden);
- Adjusted the number of new entrants from 15% to 10% (decreasing the burden);
- Deducted the number of greenhouse establishments from the total number of establishments to derive the number for non-greenhouse establishments for oral and posted notifications because the notification requirements are different (resulting in a decrease in the burden).

Minor corrections involved restoring a rounded-off number for the number of establishments that both use pesticides and hire labor from 309,100 in the previous ICR to 309,085 to match EPA's 1992 Regulatory Impact Analysis for WPS.

6(f). Burden Statement

The total annual respondent burden for providing the training and notifications associated with the Worker Protection Standard is estimated to be 1,827,493 hours, with the incremental burden of the various activities ranging from 2 minutes per respondent to provide initial basic safety information to 45 minutes per respondent for handler training. This total estimate includes

the third party WPS training and notification requirements, e.g., provisions requiring employers to: provide employees with pesticide-specific treatment (application) information in the form of oral or written notification, assure that employees receive basic pesticide safety information or training, provide emergency information on pesticide treatments, and notify employees when an exception/exemption to the WPS is being implemented, as well as a voluntary program to verify training and relieve duplication of training, and provisions requiring handler notification to employers regarding pesticide treatments (applications).

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. 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 (Attachment E).

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2010-0896, which is available for online viewing at www.regulations.gov, or in person viewing at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805. You may submit comments regarding the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques.

Submit your comments, referencing Docket ID No. EPA-HQ-OPP-2010-0896 and OMB Control No. 2070-0148, 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-2010-0896**. 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: **40 CFR 170 - Worker Protection Standard** - Also available online via the US Government Printing Office's Federal Digital System at:
<http://www.gpo.gov/fdsys/pkg/CFR-2010-title40-vol23/pdf/CFR-2010-title40-vol23-part170.pdf>

Attachment B: **7 U.S.C. 136w - FIFRA Section 25** - Also available online via the US Government Printing Office's Federal Digital System at:
<http://www.gpo.gov/fdsys/pkg/USCODE-2010-title7/pdf/USCODE-2010-title7-chap6-subchapII-sec136w.pdf>

Attachment C: **Record of Consultations**

Attachment D: **Wage Rate Tables for Agricultural Employers and Agricultural Workers**

Attachment E: **Display Related to OMB Control #2070-0148** - Listings of Related Regulations in 40 CFR 9.1