

SUPPORTING STATEMENT FOR AN INFORMATION COLLECTION REQUEST (ICR)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

TITLE: Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides

OMB No. 2070-0027

EPA No. 0161.12

1(b) Short Characterization/Abstract

This information collection enables the Environmental Protection Agency (EPA) to provide notice to foreign purchasers of unregistered pesticides exported from the United States that the pesticide product cannot be sold in the United States. Section 17(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (Attachment A) requires an exporter of any pesticide not registered under FIFRA section 3 or sold under FIFRA section 6(a)(1) to obtain a signed statement from the foreign purchaser acknowledging that the purchaser is aware that the pesticide is not registered for use in, and cannot be sold in, the United States. A copy of this statement, which is known as the Foreign Purchaser Acknowledgment Statement, or FPAS, must be transmitted to an appropriate official of the government in the importing country. This information is submitted in the form of annual or per-shipment statements to the EPA, which maintains original records and transmits copies, along with an explanatory letter, to appropriate government officials of the countries which are importing the pesticide.

In addition to the export notification for unregistered pesticides, FIFRA requires that all exported pesticides include appropriate labeling. There are different requirements for registered and unregistered products. Export labeling requirements meet the definition of third-party notification. In the interests of consolidating various related information collection requests, this ICR includes burden estimates for the FPAS requirement for unregistered pesticides, as well as the labeling requirement for all exported pesticides, both registered and unregistered. These burdens have been consolidated in this information collection since the implementation of the 1993 pesticide export policy governing the export of pesticides, devices, and active ingredients used in producing pesticides.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

This information is required to be submitted to EPA pursuant to section 17(a)(2) of FIFRA. Regulations pertaining to exporting pesticides are contained in Title 40 of the Code of Federal Regulations, Part 168, Subpart D (Attachment B).

2(b) Practical Utility/Users of the Data

Section 17(a)(2) of FIFRA requires all exporters of unregistered pesticides to obtain signed statements from their customers acknowledging that they are aware that their purchased products are not

registered in the United States. Hence, one use of this collection activity is in assuring that foreign purchasers of pesticides produced in the U.S. are aware of the products' U.S. registration status. When such statements are submitted to EPA, the Agency is provided with a record of foreign destinations of domestically produced unregistered products. This enables the Agency to assure that such products, which are produced in the U.S. but cannot be legally sold for use in the U.S., have been legally distributed.

In addition, such statements are required by statute to be directed onward to the appropriate government officials in importing countries. Officials of foreign governments can use this information to verify that a specific pesticide product, that may or may not have an active ingredient that has been evaluated by EPA and approved for registration, has been exported to their country. The name and address of the purchaser in the importing country is included, enabling the government official to contact the purchaser directly, as appropriate. This information can be useful in countries which do not have the resources to maintain extensive import records or control systems.

3. NON DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non duplication

For every export of an unregistered pesticide, the U.S. exporter is required to obtain the FPAS prior to export and certify to EPA that export did not occur prior to the exporter's receipt of the FPAS. The FPAS and the certification statement must then be transmitted to the governments of importing countries. EPA is not aware of any other collection requirements for this information.

EPA recognizes that repeated submissions of purchaser acknowledgment statements involving the same country, purchaser, and pesticide product would be duplicative and potentially burdensome. Individual submissions do, however, provide information on the total number of shipments to a specific purchaser. For this reason, EPA offers an option to exporters to either make individual submissions for every export, or notify EPA upon the first export to the foreign purchaser and then provide an annual summary of all shipments no later than March 1 of the following calendar year. This reduces the redundancy that would be associated with the submission of identical acknowledgment statements by the same purchaser for the same product, while still providing EPA and foreign governments with information regarding the number of shipments in the previous calendar year.

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

In proposing to renew this ICR, EPA published a notice in the Federal Register announcing a 60-day public notice and comment period on the draft ICR (76 FR 74051; November 30, 2011). EPA received no public comment in response to this notice, which is available in the docket for this ICR and can be accessed at <http://www.regulations.gov> using the docket identifier EPA-HQ-OPP-2011-0766.

3(c) Consultations

In addition to the public notice that EPA published in the Federal Register concerning the renewal of this ICR, the Agency consulted with stakeholders who actively interact with the Agency through the use of this collection instrument, as required under 5 CFR 1320.8(d)(1).

Five companies were selected at random to respond to questions about the information collection and the accuracy of the burden estimates. All five reported that the instructions for submitting the FPAS are clear; that the information is not available to the Agency from any other source; and, that electronic submissions in the future would be of interest. All five companies responded that the burden and cost estimates for complying with the FPAS requirements seemed accurate. The responses from the five companies regarding the burden and costs for complying with the export labeling requirements ranged from agreement that the estimates were accurate to one indication that they were significantly different. No action by EPA to change the estimates is planned.

The representative from one company noted that it would be preferable if the FPAS could be collected on a revolving annual basis – that is, every 12 months from the time of the original submission (per purchaser). EPA provides two reporting options. The exporter may elect to report on a per-shipment basis or to report on an annual basis, provided the exporter submits the first FPAS in the calendar year for the first shipment to a purchaser in an importing country. EPA believes these two options provide flexibility for respondents to comply with the information request. EPA does not contemplate changes to the reporting options at this time.

A summary of the consultations is available in Attachment E of this ICR.

3(d) Effects of Less Frequent Collection

By offering the compliance option of annual reporting, EPA is offering a less frequent information submission to reduce the burden of per-shipment reporting. Further reduction, i.e., to a one-time submission for the life of the product or otherwise to a frequency of less than once a year could compromise the accuracy of the data on the number of shipments exported to a particular purchaser in another country. Less frequent submission could also make it difficult for foreign governments to determine the regulatory status of imported pesticides.

The annual summaries provide EPA with the ability to monitor compliance with the requirements of section 17(a). Currently, such records must be retained by exporters for only two years. Since the summaries are submitted after the applicable year, less frequent submissions could result in the unavailability of records necessary to validate submissions.

3(e) General Guidelines

In accordance with 5 CFR 1320.5(a)(iii)(E), federal agencies are required to indicate whether the proposed collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and an explanation of the decision.

Information collected under this ICR is currently submitted to EPA by mail. At this time, there are no practicable automated information submission techniques available under this information collection activity readily available to all pesticide purchasers and companies selling products worldwide that could enable the collection and submission of electronic signatures. Additionally, there is no mechanism currently in place to ensure that foreign governments will accept electronic notifications from the United States demonstrating compliance with 40 CFR 168, Subpart D.

3(f) Confidentiality

EPA urges submitters to minimize the amount of claimed Confidential Business Information (CBI). All data and/or information submitted to the Agency under this information collection that may be claimed as trade secret, commercial or financial information will be protected from disclosure by EPA under FIFRA section 10.

Based on “Nonconfidentiality of Certain Information Submitted under Sections 7 and 17(a)(2) of FIFRA”, 55 FR 1261 (January 12, 1990) and “Class Determination 1-91, Identity of Importing Country Under FIFRA Section 17(A)(2),” 58 FR 9062 (February 18, 1993), the following information will generally not be considered confidential: (a) The fact that a producer makes a registered or unregistered pesticide product; (b) the fact that an acknowledgement statement or other notice of export has been filed by an exporter; (c) the identity of the unregistered exported product; and, if applicable, the identity of the active ingredients of the pesticide; and (d) the identity of the importing country and the country or countries of final destination.” According to statute, this same information must be reported to the government of the importing country.

Exported research and development substances that fit the criteria set out in 40 CFR 168.75(5) are not subject to the FPAS requirement, but are subject to the labeling requirement. Confidential business information may be required to be submitted in the case where a business wishes to export an unregistered research pesticide product that does not fit the criteria of 168.75(5). EPA recognizes that the chemical identity of the research product may require protection as confidential business information, but believes that it is essential that the Agency nevertheless be able to accurately identify the nature of the product. The identity of a product under research and development may be identified by use of identification codes which protect proprietary information.

3(g) Sensitive Questions

No information of a sensitive nature is required to be submitted.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents - NAICS Codes

Respondents affected by the collection activities under this ICR are individuals or entities that either manufacture and export pesticides or that reformulate or repackage and export pesticides. The North American Industrial Classification System (NAICS) code assigned to the parties responding to this information is as follows:

Category	NAICS code	Examples of potentially affected entities
Pesticide and other agricultural chemical manufacturing	325300	Individuals or entities engaged in activities related to the registration of a pesticide product.

4(b) Information Requested

There are no forms for this activity. In preparing the statement, the exporter is free to format the document in any manner as long as it includes all of the required information. The exporter must obtain the signed statement from the foreign purchaser before the pesticide can be shipped.

(i) Data items, including record keeping requirements

. Foreign Purchaser Acknowledgment Statement (FPAS)

After determining that the product is subject to this requirement, the exporter must obtain a statement of the type described in item 3(b)(i) from the foreign purchaser of the pesticide product. This will normally require that the exporter provide the purchaser with a prepared statement for signature or with instructions that are adequate to ensure that the purchaser can prepare the statement.

If the exporter anticipates making more than one shipment of the product to the purchaser in a given year, the exporter may elect to notify EPA only at the time of the first shipment and to choose to comply with the annual reporting option, which requires the submission of an annual summary of shipments of pesticides shipped to each purchaser.

The FPAS must contain the following information:

- 26240. Name and address of exporter.
- 26241. Name and address of foreign purchaser.
- 26242. Name of product and active ingredient.
- 26243. Statement that foreign purchaser is aware that the product is not registered for use in the United States and cannot be sold for use in the United States.
- 26244. If known, country of final destination of the exported shipment if different from country of import.
- 26245. Signature of foreign purchaser.
- 26246. Date that purchaser acknowledgment statement is signed by foreign purchaser.
- 26247. Certification that shipment did not occur prior to receipt of Purchaser Acknowledgment Statement.
- 26248. Exporter's signature.

Information required to be collected must be maintained pursuant to 40 CFR 168.85.

B. Third Party Notification Requirements; Export Labeling

All exported registered pesticides must bear the EPA approved label and supplemental labeling options have been made to accommodate the importing country's requirements. For unregistered pesticides, the following information must be included on the labels or labeling:

1. EPA pesticide producing establishment number.
2. Warning or caution statements.
3. The statement "Not Registered for Use in the United States of America." The labels of all pesticides, devices, and active ingredients which are not registered for use in the United States under FIFRA section 3 must include this statement.
4. The ingredient statement.
5. Identity of parties.

6. Weight or measure.
7. Additional warning for highly toxic pesticides.
8. Use classification statement.

C. Multilingual labeling requirement

For both registered and unregistered products, the following labeling information must be multilingual:

- 25000. Warning and caution statements.
- 25001. Where applicable, the statement “Not registered for use in the United States of America.”
- 25002. Ingredient statement.
- 25003. If the pesticide, device or active ingredient is highly toxic to humans, the skull and crossbones, the word “Poison,” and a statement of practical treatment must appear on the label. The word “Poison” and the statement of practical treatment shall be in English and in an acceptable language of the country of import, and in an acceptable language in the country of final destination, if known or reasonably ascertainable.

(ii) Respondent Activities

A. Submission of Foreign Purchaser Acknowledgment Statement

The exporter is required to send a copy of the purchaser acknowledgment statement to EPA within 7 days of having shipped the pesticide, along with a signed statement that the shipment did not occur prior to receipt of the purchaser acknowledgment statement. In addition, if the exporter chooses the annual reporting option, he or she must include a statement that the FPAS is for the first shipment of a pesticide to a particular purchaser in a specific country, and that the exporter will report this information annually. Where an exporter chooses to comply with the annual summary reporting option, a summary must be sent after the end of the calendar year which lists all shipments of a particular pesticide shipped to a particular foreign purchaser. It is not required for the statement to be submitted to EPA in time to enable EPA to notify the importing country prior to arrival of the pesticide.

Submission of a purchaser acknowledgment statement does not require the maintenance of any records unique to this section. All records needed to ensure and verify compliance with this requirement are required under section 8 of FIFRA. The recordkeeping burden related to this requirement is covered under another ICR.¹

B. Exemption of research and development pesticides

Records supporting research and development status must include information regarding research intent of the shipment as well as information indicating knowledge that the quantity being shipped is consistent with research intent, as specified in 40 CFR 168.75 (b)(5). Persons claiming an exemption from the FPAS requirement for the export of research and development products must maintain records which support the R&D claim for each shipment so claimed. In its policy, EPA has limited research claims only to shipments where the quantity shipped would be unlikely to support a commercial use. Thus, the company’s records must be sufficient to support the claim that the quantity shipped is only sufficient for use within the limits of the policy. This can be done either in the form of

¹ OMB Control No. 2070-0028; EPA ICR 0143 Recordkeeping Requirements for Producers of Pesticides under section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

communications received from the purchaser before or on the date of export or in the form of instructions sent to the purchaser before or on the date of export.

Alternatively, the exporter may retain records which indicate that the quantity shipped is compatible with the claim that the amount can only be used as provided in the policy. Such information could include test results, literature citations, or other information which supports the claim.

At the time of shipment, the exporter must maintain a record of the identity, amount, and date that the pesticide was shipped, the destination and purchaser, and the intended research use. Most of this information is typically reflected on invoice/shipping records normally maintained for such products; records of pesticide shipments are already required to be maintained under FIFRA section 8. Other documentation supporting research use is generally available as typical business practice and should not impose additional burdens. Records of shipment and confirmation of research intent must be maintained and made available for inspection and copying by EPA for two years following the exportation of the pesticide.

C. Export labeling

Every exported pesticide, device, and active ingredient used in producing a pesticide must bear a label or labeling which meets the requirements of FIFRA section 17(a)(1). This requirement applies to all such pesticides, devices, or active ingredients, regardless of whether the export is for commercial or research and development use. The specific requirements for the labeling of exported pesticides are described above. The required label statements may be met through either immediate container labels, or accompanying supplemental labeling, or through a combination of the two.

EPA included supplemental labeling as an option to ease the compliance burden of this requirement. Supplemental labeling used to meet pesticide export label requirements must be attached to each smallest divisible shipping container of a given pesticide product. In the case that cartons or drums are secured to a pallet such that they will not be separated from the pallet during shipment, it is permissible to attach supplemental labeling to the pallet load. An example would be where a pallet of cartons has a wrapper (e.g., shrink-wrap) which contains all of the cartons on the pallet. However, if cartons or drums are loosely stacked on a pallet so that they could be separated during shipment, each drum or carton must be labeled.

Exporters are also required to keep records of the product labeling, including the EPA registered labeling, any foreign labeling on or attached to the product when shipped, and as applicable, any supplemental labeling. The records are to be maintained in a manner that shows exactly which labels and labeling accompanied each shipment of a pesticide product to a foreign country.

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

5(a) Agency Activities

EPA is required to perform the following activities:

1. Respond to questions submitted by respondents.
2. Receive submissions of acknowledgment statements, certification statements, and

- summaries of shipments.
- 3. Review submissions for completeness.
- 4. Transmit submissions of acknowledgment statements and summaries of shipments to appropriate government officials of importing countries;
- 5. Maintain a file of all submissions.
- 6. Respond to queries.

5(b) Collection Methodology and Management

EPA maintains a file of all submitted acknowledgment statements. This file includes the following for each submitted statement:

- 1. Copy of the purchaser acknowledgment statement and certification that shipment did not occur before receipt of statement by exporter.
- 2. Date that the statement was forwarded to the appropriate government official or agency of the importing country.
- 3. Copy of the estimate summary of the number of shipments to be made in association with that statement.

EPA reviews its files annually for completeness, following the submission of annual summaries of shipments, by referencing establishment reporting records for apparent discrepancies. EPA targets inspections based on such apparent discrepancies to determine whether a violation under FIFRA has occurred.

5(c) Small Entity Flexibility

Under this reporting requirement, small entities must follow the same collection procedures as large companies. Both large and small entities may avail themselves of options which support alternative, flexible means of meeting specific requirements: 1. reporting options; 2. acquisition options, and 3. formatting options of required information. The Agency allows respondents the choice of reporting options; respondents can choose between annual estimates and summaries or per-shipment statements. Respondents are also allowed flexibility in determining the method of obtaining the foreign purchaser acknowledgment statement. Finally, EPA provides flexibility in the formatting of submissions; small entities and occasional submitters may find it easier to comply with the requirements since they do not have to adhere to a specific format.

5(d) Collection Schedule

Not applicable. The activity is conducted only as purchaser acknowledgment statements are received. There is no set schedule for the collection of this information.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Methodology for Estimating Respondent Cost

The methodology for calculating the wage rates in this revision of the ICR has been updated to be consistent with the method for wage calculation for all ICRs managed by the Office of Pesticide Programs (OPP). This approach uses a transparent and consistent methodology employing publicly-available data to provide more accurate estimates and allow easy replication of the calculations. Wage estimates are based on 2010 wage data.

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 the Agency's staffing costs.

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. Attachments D and D.1 contain worksheets providing the breakout of these costs.

To derive the labor rates for this ICR, Agency economists estimated the wages for the management, technical, and clerical labor categories using the methodology cited above. The respondent costs for this renewal for managerial, technical and clerical rates are estimated at \$120.28, \$60.85 and \$37.11 per hour, respectively. These labor rates are fully loaded and include benefits and overhead costs.

6(b) Estimating Respondent Burden and Cost

The overall respondent burden hours associated with this collection total 24,470 hours per year. This figure shows a decrease of 22 burden hours from the previous ICR. The difference is due to a decrease in the average number of respondents per calendar year from 2008-2010.

The requirements to be fulfilled under this ICR consist of two parts: submission of the Foreign Purchaser Acknowledgment Statements (FPAS); and the third party notification export labeling requirement. The third party labeling requirement is further subdivided into labeling requirements for unregistered exported pesticide products and multilingual labeling requirements for registered exported pesticide products.

(i) Estimating the Respondent Burden and Cost of the FPAS Requirement

This ICR renewal includes a respondent burden estimate of 2,420 hours for the FPAS requirement. This figure is based on the average of 2,283 notices received annually from 2008-2010. Table 1 presents the calculations for total annual costs, a breakdown of the FPAS collection activities per respondent, and the expected labor mix required for each activity. Hourly wage rates for firms in NAICS 325000 were used to calculate respondent burden. The fully loaded hourly wage rates for management, technical, and clerical occupations for NAICS 325300 are \$120.28, \$60.85, and \$37.11, respectively. See Attachment D for labor wage calculations. The total management, technical, and clerical hours are multiplied times the annual number of requests and by the fully loaded wage rates to get a total annual respondent cost of \$135,904 for submitting FPAS forms.

All records submitted under this rule are either required to be kept under FIFRA Section 8 or are maintained in the normal course of business. Exporters who feel that per-shipment submissions represent undue burden may choose to report annually. The per-shipment notification and annual summary requirements of this option are based on records of production and shipment records already required by regulations under FIFRA Section 8, so such information will be readily available to exporters, who may submit it without reformatting or special preparation. These annual submissions may be included as part of the annual submission of acknowledgment statements and thus would result in minimal burden.

Table 1. Respondent Burden/Cost: Submission of FPAS

Collection Activity	Burden Hours (per year)			Total	
	Mgmt \$120.28/hr	Technical \$60.85/hr	Clerical \$37.11/hr	Hours	Cost (\$)
Read Regulations	0.08	0.00	0.00	0.08	9.62
Plan Activities	0.00	0.08	0.00	0.08	4.87
Gather Information	0.00	0.08	0.00	0.08	4.87
Process, compile and reveal information	0.00	0.16	0.00	0.16	9.74
Complete paperwork	0.00	0.25	0.25	0.50	24.49
Record, disclose & display information	0.00	0.00	0.08	0.08	2.97
Store, maintain and file information	0.00	0.00	0.08	0.08	2.97
TOTAL	0.08	0.57	0.41	1.06	59.52

ANNUAL BURDEN: 1.06 hrs (64 minutes) X 2,283 statements = 2,420 hours per year

ANNUAL COSTS: \$59.52 X 2,283 respondents = \$135,904 per year

¹ Hourly wages rates are fully loaded wage rates based on NAICS 325300 - Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2010. See Attachment D for wage calculations.

² Totals may not sum due to rounding.

(ii) Estimating the Respondent Burden of the Third Party Notification Export Labeling Requirement

As discussed above, certain information must be included on the labels or labeling of exported pesticides. The labeling requirements may be met by supplemental labeling attached to either the product container or the shipping container

Table 2 presents the estimated respondent burden for product labeling of unregistered exported pesticide products. Historically, in order to estimate the number of unregistered exported pesticide products, the Agency has assumed that one-quarter of the pesticides exported from the U.S. are not registered for use in the United States. The Agency has estimated that the total number of pesticide products that are exported annually to be 3,600. Therefore, based on these assumptions, approximately 900 unregistered pesticide products are exported annually. EPA is seeking comment on whether more precise sources for information on the number of pesticide products exported annually, and the percentages that are unregistered, are available.

Product labeling for unregistered exported products accounts for eight burden hours, at a cost of \$504.65, for each respondent. This equates to a total annual burden of 7,200 hours and a total annual burden of \$454,180 across all respondents.

Table 2. Respondent Burden/Cost: Unregistered Exported Pesticide Product Labeling

Collection Activity	Burden Hours (per year)			Total	
	Mgmt \$120.28/hr	Technical \$60.85/hr	Clerical \$37.11/hr	Hours	Cost (\$)
Read Regulations	0.50	0.00	0.00	0.50	60.41
Design Labels	0.00	2.00	0.00	2.00	121.70
Translate Labels	0.00	5.00	0.00	5.00	304.25
Complete Paperwork and Store Information	0.00	0.00	0.50	0.50	18.56
TOTAL	0.50	7.00	0.50	8.00	504.65

ANNUAL BURDEN: 8 hours x 900 unregistered products = 7,200 hours

ANNUAL COSTS: \$504.65 x 900 unregistered products = \$454,180

¹ Hourly wages rates are fully loaded wage rates based on NAICS 325300 - Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2010. See Attachment D for wage calculations.

² Totals may not sum due to rounding.

Certain information must be provided in the languages of the country or countries of final destination. Table 3 presents the estimated respondent burden for multilingual product labeling of registered exported pesticide products. The labeling requirements may be met by supplemental labeling attached to either the product container or the shipping container. EPA estimates that it will take respondents approximately 5.5 hours at a cost of \$322.81 to meet the multilingual labeling requirement for each product. EPA estimates that to prepare one label in one language would take approximately one hour. In reviewing the major destinations of export shipments, EPA estimates that most labels would be in one or more of the following languages: French, Spanish, German, Taiwanese, and Portuguese. This equates to a total annual burden of 14,850 hours and a total annual burden of \$871,574 across all respondents.

Table 3. Respondent Burden/Cost: Multilingual Product Labeling, Registered Pesticide Product Exports

Collection Activity	Burden Hours (per year)			Total	
	Mgmt \$120.28/hr	Technical \$60.85/hr	Clerical \$37.11/hr	Hours	Cost (\$)
Translate Labels	0.00	5.00	0.00	5.00	304.25
Complete Paperwork and Store Information	0.00	0.00	0.50	0.50	18.56
TOTAL	0.00	5.00	0.50	5.50	322.81

ANNUAL BURDEN: 5.5 hours x 2700 exported registered products = 14,850 hours

ANNUAL COSTS: \$322.81 x 2700 exported registered products = \$871,574

¹ Hourly wages rates are fully loaded wage rates based on NAICS 325300 - Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2010. See Attachment D for wage calculations.

² Totals may not sum due to rounding.

6(c) Estimating Agency Burden and Cost

Agency costs for this information collection activity are minimal, and include only the record keeping associated with the receipt of the acknowledgment statements and costs associated with the transmittal of acknowledgment statements to the appropriate government official in the importing country. EPA estimated hourly burden at 0.57 hours (around 35 minutes) per statement. Based on this estimate, annual costs are determined by multiplying hourly burden by the wage rate for technical labor.

Table 4. Agency Processing Burden for FPAS Requirement

Collection Activity	Hours	Annual Cost (\$)
	Technical \$71.58/hr	
Receive, review acknowledgment statements for completeness, and enter in log book	0.08	5.73
Data entry of information in acknowledgment statements	0.25	17.90
Make necessary copies and transmit submission to appropriate government officials of importing countries	0.16	11.45
Maintain a file of all submissions	0.08	5.73
TOTAL	0.57	40.80

ANNUAL BURDEN: 2,283 statements x 0.57 hours = 1,301 hours

ANNUAL COSTS: 2,283 statements x \$40.80 = \$93,146

¹ Hourly wages rates are fully loaded wage rates based on NAICS code 999100 - Federal Executive Branch from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2010. See Attachment A for wage calculations.

² Totals may not sum due to rounding.

6(d) Bottom Line Burden Hours and Cost

(i) Respondent Burden by Information Collection (IC)

The total annual respondent burden hours for this ICR are estimated at 24,470 hours. This accounts for 2,420 hours for the FPAS requirement, 7,200 hours for the labeling of unregistered pesticides, and 14,850 hours for the labeling of registered pesticides.

The total annual respondent cost for this ICR is estimated to be \$1,461,658. This estimate is composed of the following costs: \$135,904 for the FPAS requirement, \$454,180 for the labeling of unregistered pesticides, and \$871,574 for the labeling of registered pesticides.

Table 5. Total Annual Respondent Burden Hours and Cost

Information Collection	Responses Per Year	Burden Per Response (hours)	Annual Burden (hours)	Annual Cost (\$)
Foreign Purchaser Acknowledgment Statements	2,283	1.06	2,420	\$135,904
Labeling for Unregistered Exported Pesticide Products	900	8	7,200	454,181
Multilingual Product Labeling for Registered Exported Pesticide Products	2,700	5.5	14,850	\$871,574
Total Annual Respondent Burden			24,470	1,461,658

¹ Totals may not sum due to rounding.

(ii) Agency Burden

The total annual agency burden for this ICR is estimated to be 1,301 hours. This would result in a total annual agency cost of \$93,146.

Table 6. Bottom Line Burden Hours and Cost

	TOTAL	
	Hours	Costs
Respondent Burden Estimate	24,470	\$1,461,658
Agency Burden Estimate	1,301	\$93,146

6(e) Reason for Changes in Burden

There were no program changes affecting this ICR, and there was no change in the estimated average response time for respondents. There is a decrease of 22 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease is a result of a decrease in the average annual number of foreign purchaser acknowledgement statements submitted from 2,304 to 2,283 which resulted in a change to the annual burden hours for respondents from 2,442 in the previous renewal to 2,420 in the current renewal. There is no change in burden associated with labeling requirements for unregistered and registered exported pesticides. Labor costs for respondents and the Agency increased as a result of changes in the wage rates made to: a) reflect current wage rates and b) to make the methodology for calculating wage rates consistent with other OPP ICRs. The new wage estimates incorporated higher estimates for benefits and overhead than were used in the past. These changes are an adjustment.

6(f) Burden Statement

Annual respondent burden for this collection of FPAS information requirements is estimated to average 1.06 hours (around 65 minutes) per response. The annual respondent burden for meeting labeling requirements for unregistered and registered exported pesticide products is estimated to average 8.0 hours and 5.5 hours, respectively. This estimate includes the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. 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 Agency has established a public docket for this ICR under Docket ID No. **EPA-HQ-OPP-2011-0766**, which is available for online viewing at www.regulations.gov, or in person viewing at the EPA Docket Center Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. The EPA/DC is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. The docket telephone number is (202) 566-1744. 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-2011-0766** and OMB Control No. 2070-0027, to (1) EPA online using www.regulations.gov (our preferred method), or by mail to: OPP Regulatory Public Docket, Environmental Protection Agency Docket Center (EPA/DC), Mailcode: 28221T, 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-2011-0766**. These attachments are available for online viewing at www.regulations.gov or otherwise accessed as described in section 6(f) of the supporting statement.

- Attachment A:** 7 U.S.C. 136o - Section 17 of the Federal Insecticide, Fungicide, and Rodenticide Act. Also available online at the US House of Representatives' [US Code website](#)
- Attachment B:** 40 CFR 168.75 - *Procedures for exporting unregistered pesticides – purchaser acknowledgement statements*. Also available online at the National Archives and Records Administration's [Electronic CFR Website](#)
- Attachment C:** Display Related to OMB Control #2070-0027
- Attachment D:** Work Sheets used to Calculate Industry Labor Costs
- Attachment D.1** Work Sheets used to Calculate EPA and Federal Government Labor Costs
- Attachment E** Summary of Consultations