

Supporting Statement
Part A
for
OECA's Tips and Complaints Regarding Environmental Violations

1. Identification of the Information Collection –

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

Tips and Complaints Regarding Environmental Violations, EPA ICR Number 2219.04, OMB Control Number 2020-0032

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

The Office of Enforcement and Compliance Assurance (OECA) is the component of the Environmental Protection Agency responsible for administrative, civil, and criminal enforcement of the environmental laws that EPA administers. EPA's criminal enforcement program, and, to a lesser extent, its civil enforcement program are, like other federal law enforcement programs, dependent on tips and complaints from concerned citizens and members of the regulated community. The OECA Tips & Complaints webpage provides a convenient means by which these individuals can voluntarily submit tips and complaints regarding suspected violations of environmental law.

Tips or complaints received through the webpage are used by civil and/or criminal enforcement personnel at EPA to determine whether an investigation is warranted into the suspected or alleged misconduct. In some cases, EPA may decide to refer tips or complaints for investigation to other federal agencies or to State or local authorities within whose jurisdiction the matter may appropriately fall. The OECA Tips and Complaints webpage does not replace or otherwise supplant other means of providing tips or complaints to EPA; it merely provides a convenient means by which to supply these tips or complaints online. As with complaints provided by phone, fax, or electronic mail, we expect that tippers or complainants are already in the possession of information that leads them to suspect a violation of environmental law when they then contact EPA to report the matter. Accordingly, EPA believes that the burden associated with the webpage is merely that arising from the need to read the instructions and type information into the appropriate fields on the webpage. In our estimate, this amounts to approximately ½ hour per tip or complaint, for total annualized burden for all tippers and complainants of 4,601 hours. While we do not expect actual labor costs associated with these burden hours, the opportunity cost of 4,601 burden hours would be approximately \$100,026.

2. Need For and Use of the Collection

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

Under the statutes that EPA is charged to administer, apprehending violators and responding to ongoing environmental violations is central to the Agency's mission. See, *e.g.*, 33 U.S.C. § 1319 (Clean Water Act), 42 U.S.C. § 7413 (Clean Air Act). EPA's criminal enforcement program, and, to a lesser extent, its civil enforcement program are, like other federal law enforcement programs, dependent on tips and complaints from concerned citizens and members of the regulated community. In fact, in some cases, the statute expressly contemplates that EPA will take action on citizen complaints. See, *e.g.*, 15 U.S.C. § 2647(d) (citizen complaints regarding asbestos hazards). These tips and complaints help EPA focus its investigative resources on violations of environmental law that could otherwise escape detection.

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

Tips and complaints received through the EPA tips and complaints web form are used principally by civil and criminal law enforcement personnel at EPA to investigate reported accidental violations and intentional misconduct. When appropriate, the collected information may be shared with other law enforcement agencies that may have jurisdiction over the matter reported.

3. Non-duplication, Consultations, and Other Collection Criteria

3(a) **Non-duplication**

OECA's tips and complaints webpage does not duplicate other EPA web-based information collections. OECA's Senior Information Resources Management Office (SIRMO) has confirmed that the tips and complaints webpage does not duplicate other web-based information collections.

As noted in Section 1, above, the OECA tips and complaints webform does not replace or otherwise supplant other means of providing tips or complaints to EPA; it merely provides a new and convenient means by which to supply these tips or complaints online. Accordingly, tippers or complainants remain free to submit their tips or complaints in person or by telephone, fax, or e-mail.

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

EPA has published notice of its intent to renew the ICR for the OECA tips and complaints webpage on 11/19/2012 (77 FR 69451).

EPA received no comments regarding the notice of intent to renew this ICR.

3(c) **Consultations**

In order to confirm its burden estimates, EPA timed the entries of actual tippers or complainants who have used the OECA tips and complaints webpage. In order to preserve the confidentiality of these tippers or complainants, EPA did not record the names of these tippers or complainants or otherwise record any identifying information.

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

Tips and Complaints are provided to EPA on an entirely voluntary basis; accordingly, there is no specified frequency with which tips or complaints should or must be provided. There is, therefore, no basis to assess the effects of less frequent collection.

3(f) **Confidentiality**

Tippers or complainants are not required to provide contact information in order to submit a tip or complaint. However, if contact information is provided, EPA may use this information to initiate follow-up communications with the tipper or complainant and may be shared by EPA with appropriate administrative, law enforcement, and judicial entities engaged in investigating or adjudicating the tip or complaint. The information is otherwise protected from disclosure to third parties to the extent permitted by law.

Access to the database in which tips and complaints are stored is limited by system administrator to a small, known universe of users. Before this access is granted, these users are informed that any misuse of the information stored in the database will cause them to lose access to the database and subject them to disciplinary action. Contractors do not have access to the database.

EPA does not maintain hardcopies of the information supplied through the webform. Tips or complaints not acted upon within 30 days are automatically purged from the database. Tips or complaints upon which some action is taken are preserved for a period of five years, pursuant to the record schedule for criminal investigations.

3(g) **Sensitive Questions**

The tips and complaints web page does not pose any sensitive questions.

4. The Respondents and the Information Requested

4(a) **Respondents/SIC Codes**

Respondents are expected to be members of the general public as well as employees of any company subject to federal environmental regulation. There is no specific industry or group of industries about which EPA expects tips or

complaints. For the foregoing reasons, it is not possible to classify the expected universe of respondents by SIC code.

4(b) **Information Requested**

(i) Data items, including recordkeeping requirements

The information requested on the tips and complaints web page is listed below. Items of information that are required in order to submit a tip or complaint are shown in italics.

- If known, the suspected violator's name
- If known, the suspected violator's street address
- If known, the suspected violator's city
- If known, the suspected violator's zip code
- Tipper's name
- Tipper's email address
- Tipper's phone number
- Tipper's street address
- Tipper's city
- Tipper's zip code
- Is the violation is ongoing?
- Has the tipper has already contacted other authorities?
- If another authority already contacted, the name of the department contacted, if known.
- If known, is the violation accidental or intentional?
- *What type of act constitutes the violation? (Release, dumping, spill, spraying, etc.)*
- *Does the violation affect land, water, air, workers, or documents?*
- If known, is the violator an individual, company, or government/military agency or department?
- *A description of the incident or hazard.*
- Directions to the site of the violation.
- *Checkbox attestation of awareness and understanding of the meaning and significance of submitting a tips or complaint.*
- Optional photo upload tool. (To be added within the approval period).

Generally speaking, the items of information requested are not dictated by environmental statute or regulation; instead, the information is intended to make it possible to route the tip or complaint within EPA (or to another, appropriate law enforcement agency) and to provide inspectors and/or investigators the information that they need to follow-up on the tip or complaint. The sole exception is the checkbox attestation at the end of the web form. The items of knowledge to which a tipper or complainant attests by checking this box are dictated by the general false statements provision of the U.S. Criminal Code, 18 U.S.C. § 1001. In the event that EPA prosecutes a tipper of complainant for

deliberately supplying false information on this web form, this attestation is intended to frustrate a mistake-of-fact defense that the tipper or complainant did not understand the nature and/or significance of submitting a tip or complaint using this web form.

(ii) Respondent Activities

Tipplers or complainants are generally expected to review the web form and complete the form by answering the questions posed. Those who choose to do so may also review a general information web page on reporting an environmental violation and/or a web page that describes the EPA web privacy policy – the form provides links to these documents.

Generally speaking, EPA expects tipplers to be either a general member of the public or an employee who believes that their employer has violated an environmental law. In either case, EPA expects that tipplers or complainants will come to the web form already in possession of all of the information needed to submit a tip or complaint. Even where the form calls for information that a general member of the public may not have (say, for example, the address of the suspected violator), the instructions on the web form explain that the tippler or complainant may simply enter “unknown” in the field provided for their response.

EPA expects that tipplers or complainants who are an employee of the company about which they are filing a tip or complaint will maintain, as a matter of customary business practice, the name and address of the suspected violator. In all other cases, EPA has no basis to presume that data items would be maintained as a matter of customary business practice.

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

5(a) **Agency Activities**

Many of the activities associated with this web form are either one-time events that have already occurred or are ongoing agency activities that are fully automated (such that they do not constitute an ongoing burden or expense). The only activities that are ongoing but not automated are as follows:

- Answer respondent questions
- Review and distribute tips or complaints

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

The EPA tips and complaints web form was tested as a “pilot” at a less prominent location on EPA’s website for a period of months. Only after this

evaluation period did EPA provide a link to the web form on its internet home page.

EPA does not check the quality of data entry by tipplers or complainants. Of course, where a tip or complaints appears to warrant further investigation, EPA conducts an investigation into the tip or complaint. Only in this respect does EPA check data quality.

EPA does not employ special machines or processing technology in evaluating tips or complaints. The information supplied by the tippler or complainant automatically populates a database that is regularly reviewed by EPA personnel for matters that warrant investigation. The information stored in this database cannot be accessed by the public and, within EPA, access to the database is limited by system administrator to a small universe of people who are responsible for reviewing the tips and complaints.

EPA has not eliminated more traditional means of collecting tips and complaints; the tips and complaints web form simply adds an additional, convenient method of providing a tip or complaint for those with internet access. EPA expects that this method of accepting tips or complaints will reduce burden for many individuals. As expected, the prominence of the tips and complaint web form on our site, the ease with which the form may be completed, and the relative anonymity that the internet affords tipplers or complainants has resulted in a significant increase in the number of tips or complaints received. The web form also elicits specific items of information that allow EPA to efficiently route tips or complaints within EPA to the appropriate office. The standardized format of the form also represents an advantage over tips or complaints received by phone, where items of information needed to evaluate a tip or complaints are more likely to be accidentally omitted.

5(c) **Small Entity Flexibility**

The tips and complaints web form is an addition to, not a substitution for, other methods of supplying tips or complaints to EPA; accordingly, the form, itself, constitutes an increase in agency flexibility with respect to small entities as well as anyone else who may wish to supply a tip or complaint.

5(d) **Collection Schedule**

Individuals may submit a tip or complaint at any time. There is no schedule associated with this collection.

6. Estimation of the Burden and Cost of the Collection

6(a),(b) **Annual Respondent Burden & Cost**

EPA receives approximately 767 tips or complaints per month through the existing webpage, for a total of approximately 9,202 responses per year. Reading instructions and completing the webform takes approximately a half hour per response; accordingly, respondents collectively spend approximately 4,601 hours per year providing tips or complaints through the tips and complaints webform. Assuming an average annual wage of \$21.74, the opportunity cost of these burden hours is approximately \$100,026 per year. This information is summarized in the table shown below.

Annual Respondent Burden & Cost							
Information collection activity	Respondent hours per year	Labor opportunity cost per year	Capital/startup costs per year	O&M costs	Number of respondents	Total hours per year	Total cost per year
Reading instructions	3,067	66,677	0	0	9,202	3,067	100,026
Completing form	1,534	33,349	0	0	9,202	1,534	

6(c),(d) Annual Agency Burden & Cost

EPA technical staff spends approximately 10 hours per month on system maintenance and upkeep, for a total of 120 hours of technical work on the system per year. At an hourly contractor cost of \$110 per hour, system maintenance costs EPA approximately \$13,200 per year.

EPA now expects that it will be more than an additional two years before it can add the option to upload photos to the webpage and to design and deploy a mobile phone application that permits the same information collected on the webpage to be submitted through a web-enabled mobile phone.

EPA receives very few queries from respondents; accordingly, EPA desk officers spend barely a quarter of an hour answering respondent questions per year. They spend approximately 29 hours per month reviewing tips and complaints received through the system. At an hourly wage of \$39, these functions collectively cost EPA approximately \$13,573 per year. The total cost to the agency of operating the tips and complaints webpage is approximately, \$26,772. This information is summarized in the table shown below.

Annual Agency Burden & Cost

Information collection activity	Agent hours (\$39/hour)	Technical hours (\$110/hour)	Annual labor cost	Capital/startup costs per year	Total cost per year
System maintenance	0	120	\$13,200	\$0	\$13,200
System enhancements				\$0	\$0
Answer respondent questions	.25	0	\$9.75	\$0	\$10
Review and distribute tips and complaints	348	0	\$13,572	\$0	\$13,572
				TOTAL	\$0

6(e) Bottom Line Burden & Cost Tables

The tables set forth above reflect bottom line estimates.

6(f) Reasons for Burden Change

There is an increase of 821 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects continued growth in the rate that tips and complaints are being filed, a strong indication of the success of this program. There has been no change in the information being reported or the estimated burden per respondent.

6(g) Burden Statement

ICR: Tips and Complaints Webpage Regarding Environmental Violations
OMB Control Number: 2020-0032

Providing a tip or complaint to EPA is entirely voluntary and use of the tips and complaints webpage to provide a tip or complaint is also entirely a matter of tipper or complainant choice. EPA estimates that it will take tippers or complainants approximately ½ hour to provide a tip or complaint using the tips and complaints webpage. This estimate includes time for reading the instructions, gathering required information, and completing the webform. There are no associated record-keeping requirements and, accordingly, no associated record-keeping burden.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or

otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OECA-2009-0494, which is available for online viewing at www.regulations.gov, or in person viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is 202-566-1752. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OECA-2009-0494 and OMB Control Number 2020-0032 in any correspondence.