

**SUPPORTING STATEMENT FOR
AN INFORMATION COLLECTION REQUEST**

1. Identification of the Information Collection

1(a) Title of the Information Collection

TITLE: **Standards for Pesticide Containers and Containment**

EPA ICR No. **1632.04**

OMB Control No. **2070-0133**

1(b) Short Characterization/Abstract

This is a renewal of an Information Collection Request (ICR) that covers the information collection activities under the Pesticide Container and Containment Regulations found at 40 CFR Parts 156 and 165. The regulations were finalized August 16, 2006 (71 FR 47330), and amended October 29, 2008 (73 FR 64215). (See Attachments B and C).

The entities affected by the container regulations are different than the entities affected by the containment regulations, so this ICR document provides separate discussions of the primary activities and the related burden estimates. Where necessary to distinguish the discussion of these two primary activities within each section of this ICR, the Agency has identified the discussion of the information collection activities associated with the container design and residue removal requirements with this header: “**Container,**” and the information collection activities related to the containment structure requirements with this header: “**Containment.**” Where the discussion applies equally to both sets of activities, there is no distinction.

1(b)(i) Container. These portions of the ICR cover the information collection activities associated with the **container design and residue removal requirements**. Specifically, the requirement that businesses subject to the container regulations (pesticide registrants) and repackaging regulations (pesticide registrants and refillers and swimming pool supply companies) maintain records of test data, cleaning procedures, certain data when a container is refilled, and other supporting information. These records are subject to both call-in by EPA and on-site inspection by EPA and its representatives. EPA has not established a regular schedule for the collection of these records, and there is no reporting.

1(b)(ii) Containment. These portions of the ICR cover the information collection activities associated with the **containment structure requirements**. Specifically, the requirement that businesses subject to the containment structure regulations maintain records of the: 1) monthly inspection and maintenance of each containment structure and all stationary bulk containers; 2) duration over which non-stationary bulk containers holding pesticides and not protected by a secondary containment unit remain at the same location; and 3) construction date of the containment structure. The businesses subject to the containment structure regulations include agricultural retailers and refilling establishments, custom blenders and commercial applicators of agricultural pesticides. The records have to be maintained by the owners and operators of such businesses. There is no regular schedule for the collection of either of these records, nor does EPA anticipate a call-in of records at some future date. Instead, the records

would be available to inspectors to ensure that businesses are in compliance with containment requirements. These inspections are generally conducted by the states, that enforce regulations through cooperative agreements with EPA.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

The statutory authority for these collection activities are found in sections 3, 8, 19 and 25 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136f, 136q and 136w. See Attachment A.

The 1988 amendments to FIFRA section 19 significantly expanded and strengthened EPA's authority in the areas of pesticide storage, disposal and transportation and authorized the administrator, in conjunction with the registration and reregistration of a pesticide, to establish:

- data requirements to determine methods of safe storage and disposal of pesticides (FIFRA section 19(a)(1)(A)); and
- labeling requirements for the storage, transportation and disposal of pesticides, excess pesticides, rinsates, and containers (FIFRA section 19(a)(1)(B)).

Furthermore, section 19 mandates the issuance of regulations for:

- pesticide container design standards (FIFRA section 19(e)); and
- pesticide residue removal standards and procedures (FIFRA section 19(f)).

The collection (record keeping) of information covered by this ICR is needed to ensure that EPA's statutory requirement to develop regulations for pesticide container design and residue removal is implemented. Together with the requirements for containment of large pesticide tanks, the container requirements for design and residue removal are essential to ensure the safe use, reuse and refill of containers as required by FIFRA section 19.

2(a)(i) Container. The container design and residue removal regulations are contained in Title 40 of the Code of Federal Regulations (CFR) Parts 156 and 165.

The container design and residue removal standards are intended to protect human health during container handling, refilling, storage, use, reuse, disposal and recycling. The standards include design and construction requirements to ensure that containers are durable and that breakage and leakage will not occur during these operations. The standards adopt and refer to certain Department of Transportation (DOT) standards regarding container integrity and marking. There are also requirements to include specific instructions on labels regarding residue removal procedures, and specific procedures for refilling refillable containers for sale or distribution. The standards are also intended to promote recycling and the use of refillable containers so that the number of pesticide containers in the waste stream will be reduced.

2(a)(ii) Containment. The containment structure regulations are contained in 40 CFR

Part 165.

The containment standards are intended to prevent pesticide contamination of soil, ground water and surface water at specified sites where pesticides are stored in refillable bulk containers and where container refilling operations occur. There are a number of potential sources of pesticide spills at refilling operations and bulk pesticide handling facilities ranging from small leaks to container failures. In many cases, environmental contamination may be caused by chronic small leaks of concentrated pesticides from containers and appurtenances (e.g., hoses, pipes, valves, pumps) and from improper management of container rinsates or equipment wash water. Larger releases occur less frequently but can result in significant environmental contamination. Major spills can result from bulk container failure, operator error and vandalism. Facilities are required to maintain specific records so that the Agency can verify compliance.

2(b) Practical Utility/Users of the Data

EPA or its representative (i.e., the states) will use records that are required to be maintained to verify compliance with the regulations. Although records maintained under the regulations are subject to call-in by EPA, the Agency does not expect to conduct routine call-ins. Instead, the records will be reviewed during routine establishment inspections. These inspections are generally conducted by the states, which enforce FIFRA regulations through cooperative agreements with EPA. In addition, the requirement to keep records should foster regulatory compliance because facilities know they could be inspected and would need to furnish the records. Improved compliance with these regulations will reduce risk to human health and the environment by decreasing the likelihood of pesticide spills from containers and releases from containment structures.

2(b)(i) Container. EPA will use the records of test data and other information collected or submitted under the pesticide container design and residue removal regulations to assess compliance with the regulations and to evaluate their effectiveness.

The data will be used by the Office of Pesticide Programs (OPP), as well as EPA's Office of Enforcement and Compliance Assurance (OECA). The specific users within the divisions include chemists, economists, and product and project managers. The data may also be used by EPA Regions and state enforcement officials.

2(b)(ii) Containment. Records of the inspection and maintenance of containment structures and stationary bulk agricultural pesticide containers will assist EPA, states or political subdivisions duly designated by EPA to assess the integrity of bulk containers and containment structures.

Records documenting the duration over which a pesticide remains in a bulk container not protected by secondary containment at the same location will allow EPA or its representatives to determine whether the bulk container has exceeded the 30-day residence criterion which triggers requirements for secondary containment of stationary bulk containers.

Records of the construction date of the secondary containment structure will allow EPA or its representatives to determine whether the structure must comply with the standards for

existing structures or for new structures (according to the definitions of existing and new in the final rule).

3. Non Duplication, Consultations, and Other Collection Criteria

3(a) Non duplication

Duplication is not an issue because these records are generally unique to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and to specific pesticide products. EPA is the primary Federal agency that regulates pesticide chemicals, pesticide containers and disposal. To the extent that companies may already retain these records as part of its management practices, any potential duplication will facilitate their compliance with the regulation. Therefore, there is no duplication of effort.

In addition, EPA maintains files on all pesticide chemicals, as well as correspondence and information/data submitted. These files are referenced to determine whether the necessary data are already on hand, thereby eliminating duplicative data requests. The list of data submitters that EPA publishes enables the industry to act cooperatively in the development and/or use of data. Further, EPA allows cost-sharing agreements among manufacturers of specific pesticide chemicals in order to minimize the duplication of laboratory tests conducted for this program.

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 on November 21, 2012 (77 FR 69822) and provided a 60-day public comment period. The Agency did not receive any public comment during this period.

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. EPA staff contacted three relevant stakeholders and received three responses. EPA asked for their assessment of the regulatory burden and costs estimates expressed by the Agency in this ICR, the clarity of instruction for respondents, the method of frequency of collection, etc. The responses essentially agreed with the burden estimates, stated that the instructions are clear, and had no suggestion for changing the collection methodology of frequency. The full consultation responses from the three entities and the questions asked are in Attachment H.

3(d) Effects of Less Frequent Collection

Not applicable. There is no collection activity. Records are generated when certain activities take place, such as repackaging pesticide into refillable container or inspecting a containment structure, and, periodically, information will be collected for compliance assurance.

3(e) General Guidelines

The only guideline established under the Paperwork Reduction Act (PRA) that may be exceeded in this collection is the time period for retaining records. The PRA guidelines specify that an agency must provide justification when requiring data other than health, medical or tax records be retained for more than three years. This is discussed separately for container and containment below.

In addition, OMB's regulations require agencies to provide a statement indicating whether the 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 (5 CFR 1320.5(a)(iii)(E)). EPA is leaving the selection of an information storage method for the records to the regulated community. The records must be made available on request by EPA or its representatives, and may be stored by means of automated, electronic, mechanical or other forms of information technology.

3(e)(i) Container. The following time periods for retaining records under the container design and residue removal regulations exceed the three year only guideline for record retention established under the PRA:

- 1) for nonrefillable containers, the registrant must maintain the required records for as long as the nonrefillable container is used with the pesticide product and for three years thereafter;
- 2) for refillable containers, each registrant who distributes or sells a pesticide product to a refiller for repackaging into refillable containers and each registrant who distributes or sells a pesticide product in refillable containers must maintain the required records for the current operating year and for three years thereafter;
- 3) for refillable containers, each refiller must maintain the required informational records for the current operating year and for three years thereafter. Information about actual repackaging must be recorded and kept for three years.

EPA is requiring that the information described above be retained by registrants or refillers for more than three years so that risks presented by pesticide containers can be thoroughly evaluated. Most container designs and many refillable containers are in use for more than three years. Further, even when a design is discontinued, containers of that design type may remain on the market for a number of years. Therefore, if EPA is to be able to thoroughly evaluate risks presented by pesticide containers it must have access to information on these containers for as long as they remain in commerce.

3(e)(ii) Containment. The only guideline established under the PRA that is exceeded is the time period for retaining records relating to the construction date of the secondary containment structure. The regulations require that records documenting the construction date of the containment structure be retained as long as the containment structure is in use, and for three years thereafter. EPA requires retention of records documenting the age of the containment facility because the standards for structures built before promulgation of the containment rule differ slightly from the standards for structures built after promulgation of the rule. The two sets of standards apply to "existing" and "new" containment structures, terms which are defined in

the rule. EPA is requiring that the records be retained for a period in excess of that proposed by PRA guidelines because containment structures are typically in use for much longer than three years.

3(f) Confidentiality

In some cases the nonrefillable container records may contain confidential business information (CBI) as defined in FIFRA. If registrants submit CBI, such information is protected from disclosure under FIFRA Section 10. CBI data submitted to the EPA is handled strictly in accordance with the provisions of the FIFRA Confidential Business Information Security Manual. Because EPA does not anticipate a collection or call-in of the retained records covered by this ICR, the information in those records would not leave the possession of the affected businesses.

3(g). Sensitive Questions

Not applicable. No information of a sensitive or private nature is requested in this information collection activity.

4. The Respondents and the Information Requested

4(a) Respondents/NAICS Codes

The regulated community affected by the container design and residue removal regulations includes businesses that formulate pesticide products or repackage pesticide products into refillable pesticide containers. The affected businesses are pesticide registrants, classified by the following North American Industry Classification System (NAICS) codes:

Category	NAICS codes	Examples of potentially affected entities
Pesticide and other agricultural chemical manufacturing	325320	Pesticide registrants and businesses who formulate pesticide products or pesticide formulation intermediates.
Farm Supply Wholesalers	422910	All agricultural pesticide refillers whose principal business is retail sale of agricultural pesticides. Retail dealers that have bulk indoor or outdoor agricultural pesticide storage.
Other services to buildings & dwellings	561790	Swimming pool applicators.
All other miscellaneous store retailers (except tobacco stores)	453998	
All other special trade contractors	235990	
Independent commercial applicators	115112	Businesses that apply pesticides for compensation (by aerial and/or ground application) and that are not affiliated with agrichemical dealers.

4(b) Information Requested

4(b)(i) Data Items, Including Record Keeping Requirements

4(b)(i)(1) Container. In order to comply with the container design and residue removal requirements, respondents must undertake a number of recordkeeping activities (see tables below) for as long as the product is used and for three years after that. There are no reporting requirements for these regulations. However, the required records must be furnished and made available for inspection and copying upon request of EPA or its designee. In addition, registrants must inform EPA by notification of the label changes made to comply with the requirements of §156.

Recordkeeping Requirements for Nonrefillable and Refillable Containers

	Recordkeeping
Nonrefillable Containers	For as long as a nonrefillable container is used for the product and for 3 years thereafter: <ul style="list-style-type: none"> • The name and EPA registration number of the product. • A description of the container(s) used to distribute or sell the product. • Documentation of compliance with the closure requirement, if applicable. • Documentation of compliance with the dispensing requirement, if applicable. • Documentation of compliance with the residue removal requirement, if applicable.
Repackaging	<p>(a) These “informational” records must be kept for the current operating year and for three years after that (see the table below which identifies which businesses (registrants and/or refillers)) must comply:</p> <ul style="list-style-type: none"> • The written contract between the pesticide product’s registrant and the refiller for the pesticide product. • The written refilling residue removal procedure for the pesticide product. • The written description of acceptable containers for the pesticide product. <p>(b) Each time a refiller repackages pesticide product into a refillable container for distribution or sale, the following records must be generated and maintained for at least three years after the date of repackaging:</p> <ul style="list-style-type: none"> • The EPA registration number of the pesticide product distributed or sold in the refillable container. • The date of the repackaging. • The serial number or other identifying code of the refillable container. <p>As shown in the following table, antimicrobial products used in swimming pools and closely-related sites do not have to comply with these section (b) repackaging requirements.</p>

Recordkeeping Requirements in the Repackaging Regulations

Product-Specific Record	Registrants who d/s directly in refillables ¹		Registrants who d/s to refillers for repackaging into refillables ¹	Refillers who aren’t registrants	
	Swim pool products ²	All other products	All products	Swim pool products ²	All other products
Informational Records					
Contract to repackage	No	No	Yes	Yes	Yes
Refilling residue removal procedure	Yes	Yes	Yes	Yes	Yes
Description of acceptable containers	Yes	Yes	Yes	Yes	Yes
Repackaging Records					
EPA registration #	No	Yes	No	No	Yes

d/s in the container					
Date of the repackaging	No	Yes	No	No	Yes
Serial # of the container	No	Yes	No	No	Yes

(1) “d/s” = distribute or sell. (2) Swim pool products = antimicrobial products used in swimming pools and closely related sites, that are subject to the pesticide container-related regulations.

Registrants may request waivers from or modifications to the nonrefillable container standards and to some of the refillable container standards.

There are no forms associated with this record keeping.

4(b)(i)(2) Containment. The following records must be maintained under the requirements of the containment regulations:

<p>(a) Records of inspection and maintenance for each containment structure and for each stationary bulk container and its appurtenances must be kept for 3 years and must include the following information:</p> <ul style="list-style-type: none"> (1) name of the person conducting the inspection or maintenance; (2) date the inspection or maintenance was conducted; (3) conditions noted; (4) specific maintenance performed.
<p>(b) Records for any non-stationary dry or liquid bulk container that holds pesticide but is not protected by a secondary containment unit meeting the regulations must be kept for 3 years. Records on non-stationary bulk containers must include the time period that the container remains at the same location.</p>
<p>(c) Records of the construction date of the containment structure must be kept for as long as the pesticide containment structure is in use, and for 3 years afterwards.</p>

There are no forms associated with this record keeping.

4(b)(ii) Container Requirements – Respondent Activities for Regulated Entities.

4(b)(ii)(1) Registrant Activities for Nonrefillable Containers

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations.
2. Plan activities	<ul style="list-style-type: none"> - Determine whether your products are subject to the container requirements, and if so which ones. - Determine what subset of the DOT regulations your products are subject to. - Develop plan to comply.
3. Gather information	<ul style="list-style-type: none"> - Determine if the containers holding your products dispense properly and have standard closures. - Develop residue removal data for dilutable pesticides in rigid containers. - Prepare waiver request (if desired).
4. Record information	<ul style="list-style-type: none"> - Develop and maintain a recordkeeping system of test data and documentation for container/formulation combinations. - Submit waiver request.

5. Store/maintain data	File and maintain copies of all container records for as long as the container is used and for 3 years afterwards.
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4(b)(ii)(2) Registrant Activities for Refillable Containers

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations.
2. Plan activities	- Determine what standards your refillable containers must meet. - Develop plan to comply.
3. Gather information	- Determine if your refillable containers meet the specified DOT regulations. - Determine if your refillable containers are marked with a serial number and have a one-way valve or tamper-evident device on each opening.
4. Store/maintain data	No refillable container records are required.

4(b)(ii)(3) Registrant Activities for Distributing to Refillers for Repackaging

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations.
2. Plan activities	Develop plan to comply.
3. Record information	- Develop a recordkeeping system for contracts with refillers. - Develop residue removal procedures. - Develop a written list of acceptable containers.
4. Store/maintain data	Maintain records of contracts with refillers and “informational” records for current operating year and for 3 years afterwards.

4(b)(ii)(4) Registrant Activities for Repackaging Directly into Refillable Containers

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations.
2. Plan activities	Develop plan to comply.
3. Gather information	Gather labeling, written residue removal procedures and description of acceptable containers at each producing establishment that fills refillable containers
4. Record information	Record specified information each time product is repackaged.
5. Enforce & monitor	Inspect and relabel containers.

6. Store/maintain data	<ul style="list-style-type: none"> - File and maintain copies of all “informational” container records for the current operating year and for 3 years afterwards. - File and maintain copies of all repackaging records for 3 years (all products other than swimming pool chemicals).
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4(b)(ii)(5) Refiller (non-registrant) Activities for Repackaging

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations.
2. Plan activities	Determine what repackaging requirements you must comply with and plan compliance.
3. Gather information	Gather labeling, written residue removal procedures and description of acceptable containers.
4. Record information	<ul style="list-style-type: none"> - Develop and maintain a recordkeeping system for contracts with registrants who allow you to repackaging their pesticide for distribution and sale and all required container information. - Record specified information each time product is repackaged.
5. Enforce & monitor	Inspect and relabel containers.
6. Store/maintain data	<ul style="list-style-type: none"> - File and maintain copies of all “informational” container records for the current operating year and for 3 years afterwards. - Record and maintain repackaging records for 3 years.

4(b)(ii)(6) Swimming Pool Supply Company Activities for Repackaging

Respondent Paperwork Activity	Description
1. Read instructions	Read container regulations.
2. Plan activities	Determine what repackaging requirements you must comply with and plan compliance.
3. Gather information	Gather labeling, written residue removal procedures and description of acceptable containers.
4. Record information	Develop and maintain a recordkeeping system for contracts with registrants who allow you to repackaging their pesticide for distribution and sale and all required container information. (No repackaging recordkeeping is required.)
5. Enforce & monitor	Inspect and relabel containers.
6. Store/maintain data	File and maintain copies of “informational” container records for the current operating year and for 3 years afterwards. (No repackaging recordkeeping is required.)

4(b)(ii)(7) Respondent Activities for Labeling Requirements

All registrants are required to comply with the labeling requirements, and the Agency allowed label changes to be submitted by notification. Because the deadline for compliance with the container labeling requirements was August 16, 2011, there will not be any new notifications

associated with these requirements. The required container instructions will be included in newly submitted labels, covered under the ICR for the registration of pesticides under FIFRA section 3.

4(b)(iii) Containment - Respondent Activities for Regulated Entities

Respondent Paperwork Activity	Description
1. Read instructions	Read containment regulations.
2. Plan activities	Plan activities
3. Record information	<ul style="list-style-type: none"> - Inspect and maintain each containment structure and each stationary bulk container and its appurtenances monthly. Record the following information: (1) name of the person conducting the inspection or maintenance; (2) date the inspection or maintenance was conducted; (3) conditions noted; (4) specific maintenance performed. - Inspect and maintain each non-stationary bulk container and record the time period that it remains at the same location in the facility.
4. Store/maintain data	<ul style="list-style-type: none"> - File and maintain copies of all inspection and maintenance for 3 years. - File and maintain data on time-in-location for all non-stationary bulk containers which are not protected by secondary containment for 3 years. - File and maintain documents proving the construction date of the facility (to demonstrate whether it is subject to the standards for new or existing structures) for as long as the structure is in use and for 3 years afterwards.

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

5(a) EPA Activities

EPA does not anticipate collecting or calling-in the records retained to comply with the container regulations. The data maintained by registrants, refillers and swimming pool applicators will be available for review by EPA or its designee to ensure compliance with the regulations and in the event that a problem arises with a particular type of container. However, EPA anticipates that there may be waiver requests from some or all of the container design and residue removal requirements.

Agency Activity	Description
1. Receive Waiver Requests and Inquiries	There are approximately 15,000 pesticide products registered by EPA, and waiver requests may be submitted for some products. Submissions will have to be screened for confidentiality and protected accordingly.
2. Plan activities	OPP will coordinate with its 3 divisions who make registration decisions to respond to waiver requests. Records of waivers will be maintained as usual by the registering divisions, and possibly in an additional database unique to container issues.
3. Record information	EPA will use existing databases to store and track incoming information.

4. Complete paperwork	OPP will prepare responses to waiver requests stating approval/disapproval with comments.
5. Monitor DOT regulatory actions and publish FRNs	The OPP disposal team will have to monitor FR Notices issued by DOT to determine if the DOT regulations referred to in the container rule have been changed, and if so, must publish an EPA FR notice informing the regulated community of any changes.
6. Store/maintain data	Store, file, and maintain copies of waiver requests and responses/authorizations.

5(b) Collection Methodology and Management

EPA expects to receive and review waiver requests for new products as they are submitted. The correspondence may be submitted in printed or electronic format, including e-mail, according to the respondent's preference. As itemized in 5(a), EPA will receive and manage these waiver requests in accordance with its existing and standard procedures for the receipt and management of information submitted to it under the pesticide laws.

5(c) Small Entity Flexibility

Small entities are generally subject to the same requirements as large entities. The information to be recorded is straightforward and can be maintained by facilities in the manner they see fit, as long as the records are available for review during routine establishment inspections by the states. The notifications and waiver requests involve the use of existing forms and processes, which reflect the consideration of small entity flexibility in their establishment. No new forms are being established for these regulations.

5(d) Collection Schedule

There is no set schedule for the collection of this information. The activity is conducted only as needed by state inspections, or upon the determination of the respondent.

6. Estimating the Burden and Cost of the Collection – Container Design and Residue Removal Regulations

6(a) Estimating Regulated Community Burden and Costs

The respondent burden reflected in this ICR is based on the two Economic Analyses (EAs) that were prepared for the final regulations (See Attachments E and F). For ease in presentation, the burden and costs for the container design and residue removal requirements are discussed separately from those related to the containment requirements. After discussing the burden and costs separately, the burden and cost estimates are totaled in section 6(c) of this ICR.

The burden on the regulated community considered in this analysis is the administrative burden associated with the time spent to record and maintain the necessary records. There is no requirement to submit the records to the Agency. The burden also includes a review of the applicable requirements and a determination of how the regulations affect the respondent, which were expected to occur in the first year of compliance with the regulations, but that may occur when new pesticides are registered and as a periodic review of compliance.

6(a)(i) Container. The ICR estimates all recordkeeping and reporting burden and costs associated with the regulations. A separate analysis is provided below for each of the three regulated industries for the pesticide container regulations.

The labor rates used in the analysis were developed for the EA and include both fringe benefits and overhead. Based on the information in the EA, this ICR will use wage rates for an administrative labor category and a professional labor category. The current wage rates are \$36.79 for the administrative labor category and \$124.10 for professional (technical) labor.

6(a)(i)(1) Container Requirements - Pesticide Registrants. There are three separate sets of paperwork burden activities for pesticide registrants. Tables 6.1, 6.2, and 6.3 describe the estimated burden and costs associated with these activities.

For nonrefillable containers, the burden is associated with creating records documenting that new formulations and containers meet the requirements and submitting waiver requests. As with any change in labeling or registration requirements, a certain number of waiver requests is to be expected, and processing waivers is an ongoing activity. The Agency estimates that if a registrant wishes to submit an application for a waiver from some of the requirements of the rule, professional labor will be used. The burden for the application of a waiver is estimated to be the same in each year, which is likely an overestimate. It is estimated that one percent of pesticide registrants may apply for a waiver. To simplify the analysis, the burden and costs estimated for the application of a waiver are applied to the nonrefillable container burden and cost estimates (registrants can apply for a waiver for a subset of both nonrefillable and refillable requirements).

It is estimated that each respondent will spend three hours on the paperwork activities associated with new formulations and new nonrefillable containers (Table 6.1).¹ At a cost of \$36.79 per hour for the administrative labor, the cost, per respondent, is estimated to be \$110. In addition, it is estimated that 1% of the respondents will spend an additional four hours preparing and processing waivers. At costs of \$124.10 per hour for the professional labor associated with this activity, the cost per respondent is estimated to be \$496.

Table 6.1 Average Annual Burden Estimates per Registrant Respondent to Comply with the Requirements for Nonrefillable Containers

Activity	Ensuring that New Formulations and Containers Comply (All Registrants)		Preparing and Processing Waiver Requests (1% of Registrants)	
	Annual Burden (Hours)	Annual Costs (\$)	Annual Burden (Hours)	Annual Costs (\$)
	Administrative		Professional	
1. Read instructions	0	0	0.5	62
2. Plan activities	0	0	0.5	62
3. Gather information	1	37	2	248
4. Record information	1	37	0.5	62

¹ The amount of time estimated for these activities depends on the size of the facility. For this analysis, estimates of burden are based on small facilities because there are relatively more small pesticide registrants and agricultural pesticide refillers than large ones.

5. Store/maintain data	1	37	0.5	62
Total Burden	3	110	4	496

The total annual paperwork burden across all respondents, assuming that 1,804² registrants will be affected by the requirement, is 5,484 hours (Table 6.1), with a total annual cost estimated to be \$208,063.

ANNUAL BURDEN:

(3 hours per registrant x 1,804 registrants) + (4 hours per registrant x (1,804 registrants x 1% of registrants)) = 5,412 hours + 72 hours = 5,484 hours per year

ANNUAL COST:

(3 hours per registrant x \$36.79/hour x 1,804 registrants) + (4 hours per registrant x \$124.10/hour x (1,804 registrant x 1% of registrants)) = \$199,108 + \$8,955 = \$208,063

For the paperwork burden activities associated with registrants distributing pesticide to refillers for repackaging into refillable containers, it is estimated that 2 hours will be spent per registrant respondent (Table 6.2). These burden estimates include both the activities associated with refillable containers and for registrants distributing pesticides to refillers for repackaging. At a cost of \$36.79 per hour for the administrative labor, the estimated cost now that the contracts are in place, assuming two hours of time spent on information collection, per respondent, is estimated to be \$74. The total annual paperwork burden across all respondents, assuming that 1,804 registrants will be affected by the requirement, is 3,608 hours (Table 6.2).

Table 6.2 Average Annual Burden Estimates per Respondent to Comply with the Requirements for Refillable Containers and Distributing Pesticides to Refillers for Repackaging

Activity	Annual Burden (Hours)		Annual Costs (\$) (\$36.79 per hour)
	Administrative	Total Hours	
1. Read instructions	0	0	0
2. Plan activities	0	0	0
3. Record information	1	1	37
4. Store/maintain data	1	1	37
Total Burden	2	2	74

ANNUAL BURDEN:

2 hours per registrant x 1,804 registrants = 3,608 hours per year

ANNUAL COST:

2 hours per registrant x \$36.79/hour x 1,804 registrants = \$132,738

² Estimate of the number of pesticide registrants estimated to be impacted by the rulemaking. See the Economic Analysis of the Pesticide Container Design and Residue Removal Standards.

It is estimated that 7.5 administrative hours, at a cost of \$36.79 per hour will be spent for each registrant for the paperwork activities associated with repackaging directly into refillable containers (Table 6.3). The total annual paperwork burden across all respondents, assuming that 1,804 registrants will be affected by the requirement, is 13,530 hours (Table 6.3).

Table 6.3 Average Annual Burden Estimates per Respondent for Registrants that Repackage Directly into Refillable Containers

Activity	Annual Burden (Hours)		Annual Costs (\$) (\$36.79 per hour)
	Administrative	Total Hours	
1. Read instructions	0.5	0.5	18
2. Plan activities	0.5	0.5	18
2. Gather Information	1.0	1.0	37
3. Record information	1.0	1.0	37
4. Enforce & Monitor	4.0	4.0	147
5. Store/maintain data	0.5	0.5	18
Total Burden	7.5	7.5	276

ANNUAL BURDEN:

7.5 hours per registrant³ x 1,804 facilities = 13,530 hours per year

ANNUAL COST:

7.5 hours per registrant x \$36.79/hour X 1,804 facilities = \$497,769

The estimated annual burden per pesticide registrant respondent associated with nonrefillable pesticide container record keeping activities is 7 hours per year (See Table 6.1). The estimated annual burden per registrant associated with distributing pesticides to refillers for repackaging and distributing pesticide directly in refillable containers is 2 hours per year and 7.5 per year (Tables 6.2 and 6.3), respectively. Based on an estimated 1,804 pesticide registrants affected by the requirement per year, the total annual burden is estimated to be 22,622 hours per year. (See Tables 6.1, 6.2 and 6.3)

TOTAL ANNUAL BURDEN:

5,484 + 3,608 + 13,530 = 22,622 hours per year

The estimated annual cost per pesticide registrant respondent associated with nonrefillable pesticide containers record keeping activities is \$522 per year. The estimated annual cost per registrant associated with refillable containers and repackaging is \$70 and \$35, respectively. Based on an estimated 1,804 pesticide registrants affected by the requirement per year, the total annual cost is estimated to be \$838,570. (See Tables 6.1, 6.2 and 6.3)

TOTAL ANNUAL COSTS:

\$208,063 + \$132,738 + \$497,769= \$838,570

³ This requirement actually applies to each producing establishment, and here assumes that the average registrant has one facility that refills containers

6(a)(i)(2). Container Requirements - Agricultural Pesticide Refillers. The paperwork burden activities that affect agricultural pesticide refillers are associated with the repackaging of agricultural pesticides directly into refillable containers. It is estimated that seven and one-half hours will be spent per year for the paperwork activities associated with repackaging agricultural pesticides directly into refillable containers (Table 6.4).

Table 6.4 Average Annual Burden Estimates per Agricultural Pesticide Refiller Respondent for Repackaging Directly into Refillable Containers

Activity	Annual Burden (Hours)		Annual Costs (\$) (\$36.79 per hour)
	Administrative	Total Hours	
1. Read instructions	0.5	0.5	18
2. Plan activities	0.5	0.5	18
3. Gather Information	1.0	1.0	37
4. Record information	1.0	1.0	37
5. Enforce and Monitor	4.0	4.0	147
6. Store/maintain data	0.5	0.5	18
Total Burden	7.5	7.5	276

The estimated annual burden per agricultural pesticide refiller associated with record keeping activities is seven and one-half hours per year. Based on an estimated 16,795 agricultural pesticide refillers affected by the requirements per year, the total annual burden is estimated to be 125,963 hours per year. The estimated annual cost per agricultural pesticide refiller associated with record keeping is \$276. Assuming 16,795 agricultural pesticide refillers and a labor cost of \$36.79, the estimated total annual cost is \$4,634,160 per year (See Table 6.4).

ANNUAL BURDEN:

7.5 hours per refiller x 16,795 refillers = 125,963 hours per year

ANNUAL COST:

7.5 hours per refiller x \$36.79/hour X 16,795 refillers = \$4,634,160 per year

6(a)(i)(3) Container Requirements - Swimming Pool Supply Companies. The paperwork activities that affect swimming pool supply companies are associated with repackaging antimicrobial pesticides into refillable containers. It is estimated that seven and one half hours will be spent per year for the paperwork activities associated with refillable containers (Table 6.5).

Table 6.5 Average Annual Burden Estimates per Swimming Pool Supply Company for Repackaging Directly into Refillable Containers

Activity	Annual Burden (Hours)		Annual Costs (\$) (\$36.79 per hour)
	Administrative	Total Hours	
1. Read instructions	0.5	0.5	18
2. Plan activities	0.5	0.5	18
3. Gather Information	1.0	1.0	37
4. Record information	1.0	1.0	37

5. Enforce and Monitor	4.0	4.0	147
6. Store/maintain data	0.5	0.5	18
Total Burden	7.5	7.5	276

Based on an estimated 322 swimming pool supply companies affected by the requirements per year, the total annual burden is estimated to be 2,415 hours per year. At a cost of \$36.79 per hour for the administrative labor, the estimated cost per respondent is \$276 per year. (Table 6.5) Assuming 322 swimming pool supply companies, the estimated total annual cost per year is \$88,848.

ANNUAL BURDEN:

7.5 hours per company x 322 companies = 2,415 hours per year

ANNUAL COST:

7.5 hours per company x \$36.79/hour X 322 companies = \$88,848

6(a)(i)(4). Total Respondent Burden and Costs for the Container Regulations. The bottom line estimates for the container regulations represent the total annual burden and costs estimates per year. Table 6.6 provides the total estimated annualized burden and costs for respondents, as well as the total estimated annualized burden and costs for the Agency:

Table 6.6 Annual Bottom Line Hours and Costs for the Container Regulations

Collection Activity	Annual Burden	
	Hours	Cost
Respondent Burden and Costs		
Registrants (see 6(a)(i)(1))	22,622	\$838,570
Ag Refillers (see 6(a)(i)(2))	125,963	\$4,634,160
Swimming Pool Suppliers (see 6(a)(i)(3))	2,415	\$88,848
Total for each year after compliance:	151,000	\$5,561,578
Annual Agency Burden and Costs		
Agency Total (See Table 6.8)	232	\$16,499

6(a)(ii). Containment.

An administrative labor category was assigned with an average rate of \$36.79 per hour to inspect containment structures and to maintain records of inspection and maintenance. The main on-going activities include inspecting facilities monthly and recording the required information, which is estimated to take an average of 15 minutes per month, or three hours a year. The activity associated with storing and maintaining this information and the records of the age of the containment structure and any large mobile containers (if applicable) is estimated to take an average of five minutes per month, or one hour per year, for a total burden of 4 hours per year (see Table. 6.7).

Table 6.7 Annual Average Burden Estimates per Respondent to Comply with the Containment Regulations

Activity	Annual Burden (Hours)		Annual Costs (\$) (\$36.79 per hour)
	Administrative	Total Hours	

1. Read instructions	0	0	0
2. Plan activities	0	0	0
3. Record information	3	3	110
4. Monitor & enforce	1	1	37
Total Burden	4	4	147

At a cost of \$36.79 per hour for administrative labor, the estimated cost per year for four hours of time spent on the information collection, per respondent, is \$147. The total annual paperwork burden across all respondents, assuming that 4,665⁴ facilities will be affected by the requirement, is 18,660 hours per year. Based on an estimated 4,665 facilities affected by the requirement per year, the total annual cost is estimated to be \$686,501 per year.

ANNUAL BURDEN:

4 hours per facility x 4,665 facilities = 18,660 hours per year

ANNUAL COSTS:

4 hours x \$36.79/hour x 4,665 facilities = \$686,501

These figures represent the total industry burden and cost for the paperwork activities under the containment structures regulations.

6(b) Estimating EPA Burden and Cost

EPA does not anticipate collecting or calling-in the records retained to comply with the container regulations. The data maintained by registrants, refillers and swimming pool applicators will be available for review by EPA or its designee to ensure compliance with the regulations and in the event that a problem arises with a particular type of container. However, EPA anticipates that, as with most registration requirements and label amendments, there may be waiver requests from some of the container requirements. There are no regular burden impacts to EPA in the containment regulations. Agency labor rates are based on Office of Personnel Management salary tables for federal employees and include benefits and overhead costs, as well as locality pay for the Washington, DC-Baltimore area. For management, the wage rate is \$120.32 per hour; for technical workers, the wage rate is \$77.85; for clerical workers, the wage rate is \$44.05. Estimates for the Agency's burden and costs are provided below.

Table 6.8 Average Annual EPA Burden Estimates for EPA to Implement the Container and Containment Regulations

COLLECTION ACTIVITIES	Annual Burden (Hours)				Annual Costs (\$)
	Mgmt. \$120/hr	Tech. \$78/hr	Cler. \$44/hr	Total Hours	Total Costs
1) Receive notifications, waiver requests and inquiries	2	90	10	112	7,688

⁴ Estimate of the number of bulk pesticide containment facilities estimated to be impacted by the rulemaking. See the Economic Analysis of the Bulk Pesticide Containment Structures.

2) Plan activities	5	20	5	30	2,379
3) Record information	0	20	10	30	1,997
4) Complete paperwork	0	30	15	45	2,996
5) Monitor DOT regulatory actions and publish FRNs	0	10	5	15	999
6) Store/maintain data	0	0	10	10	440
TOTAL BURDEN	7	170	55	232	16,499

Mgmt. refers to management; Tech. refers to technical; and Cler. refers to clerical.

(a) Management - 7 hours x \$120	=	\$842
(b) Technical - 170 hours x \$78	=	\$13,234
(c) Clerical - 55 hours x \$44	=	<u>\$2,423</u>
TOTAL		\$16,499

6(c) Total Burden

The total combined bottom line burden for both the container design and residue removal regulations and the containment structure regulations are discussed in this section. The Agency’s estimates are detailed earlier in section 6, and are briefly summarized as follows:

- *Estimated total number of potential respondents:* 23,586. This includes 1,804 registrants + 16,795 agricultural pesticide refillers + 322 swimming pool supply companies + 4,665 facilities requiring pesticide containment structures.
- *Frequency of response:* On occasion. There is no regular reporting involved. This ICR only involves recordkeeping requirements.
- *Estimated total average number of responses for each respondent:* 1.
- *Estimated total respondent annual burden hours:* 169,660 hours (151,000 for the container regulations and + 18,660 for the containment regulations).
- *Estimated total respondent annual costs:* \$ 6,248,079. This includes an estimated burden cost of \$5,561,578 for container regulations and an estimated cost of \$686,501 for containment regulations for maintenance and operational costs.

Table 6.9 Annual Bottom Line Hours and Costs / Master Table

Collection Activity	Annual Burden	
	Hours	Cost
<i>Respondent (Regulated Community) Burden and Costs</i>		
Container Design and Residue Removal (Table 6.6)	151,000	\$5,561,578
Containment Structures (Table 6.7):	18,660	\$686,501
Total Respondent Burden and Cost for Container and Containment Regulations Combined	169,660	\$6,248,079
<i>Annual Agency Burden and Costs – Container Design and Residue Removal</i>		
Container Design and Residue Removal (See Table 6.8)	232	\$16,499
Containment Structures (See Subsection 6(b))	0	0
Total Agency Burden and Cost for Container and Containment Regulations Combined	232	\$16,499

6(d) Reasons for Change in Burden for this ICR

The changes to the overall estimated burden for this ICR were based on three revisions.

First, the estimated annual burden on pesticide registrants to comply with the nonrefillable container regulations decreased. During implementation of the container regulations over the past three years, EPA received very few waiver requests from registrants. Therefore, the estimated rate of registrants that request waivers decreased from 5% in the previous ICR to the observance rate of 1% of registrants in this ICR.

Second, the estimated average annual burden per respondent for pesticide registrants who repack into refillable containers increased to more accurately reflect the registrant repackaging activities, which are very similar to the repackaging activities conducted by refillers and swimming pool supply companies. The description of activities for registrants that repack was changed to be consistent with the activities in the following two sections. (See Section 4(b)(ii)(4)-(6).) The average annual burden per registrant respondent that repackages directly into refillable containers was increased from 1 hour to 7.5 hours per respondent to be the same as the average burden per refiller or swimming pool supply company (Table 6.3).

Third, the estimated annual burden for entities that are subject to the containment requirements decreased because the containment activities identified in the previous ICR included some activities that were completed by the compliance date of August 16, 2009. Therefore the table describing the activities (Section 4(b)(iii)) and the estimated average annual burden (Table 6.7) were adjusted to include only the on-going annual information collection activities required by the containment regulations.

As a result of these three changes, the overall industry burden estimate decreased 4,890.5 hours, from 174,550.5 hours to 169,660 hours.

There were a number of other changes to this supporting statement to improve its accuracy, delete superfluous details relating to earlier versions for the ICR, and reflect the on-going paperwork burden now that the container and containment regulations are full in effect (after the last compliance date of August 16, 2011). The changes include:

- Deleting information that explained the differences between the previous ICR and the versions prior to that;
- Deleting text, tables and wording that is no longer necessary because it referred to activities that were conducted during the first three years, such as adjusting the containment activities as described above; removing references to any “Year 1” activities now that the ICR only covers on-going annual activities; deleting discussions of the label changes by notification, which were completed by the compliance date of August 16, 2011; and deleting the short section on State Agency Cost and Burden (section 6(b)) because the burden to states occurred before 2009.
- Revising Table 6.1 and the discussion before it to clarify that some of the estimated burden applies to all registrants (three hours) and the rest of the estimated burden applies only to 1% of the registrants. This clarification reduces the average burden per registrant respondent from 16.5 hours to 12.5 hours, which is reflected in the burden statement in the following section.
- Revising specific phrases throughout to fix editorial mistakes or to improve the clarity or accuracy of the statement.

6(e) Burden Statement for this ICR

The total estimated annual respondent paperwork burden to comply with the information collection activity is 169,660 hours. The respondent burden includes 151,000 hours associated with the container design and residue removal regulations and 18,660 hours associated with the containment structure regulations. The respondent burden hours for the container regulations represents an estimated per respondent burden of 12.5 hours per Pesticide Registrant, 7.5 hours per Agricultural Refiller and 7.5 hours per Swimming Pool Supplier. The respondent burden hours for containment regulations represents an estimated burden of 4 hours per respondent. Burden is defined at 5 CFR 1320.3(b).

The OMB control numbers for certain EPA regulations codified in Chapter 40 of the CFR, after appearing in the preamble of the final rule, are listed in 40 CFR part 9, displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. For this ICR activity, in addition to displaying the applicable OMB control number in the final rule, the Agency has amended the table in 40 CFR §9.1 to list the OMB control number assigned to this ICR activity.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2012-0737, which is available for on-line viewing at <http://www.regulations.gov>, or in person viewing at the Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. 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.

Comments may be submitted to EPA electronically through <http://www.regulations.gov> or by mail addressed to Director, Collection Strategies Division, U.S. Environmental Protection Agency (28221T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. You can also send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Include

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docket ID No. EPAHQ-OPP-2012-0737 and OMB control number 2070-0133 in any correspondence.

List of Attachments for this Supporting Statement

- Attachment A** **FIFRA Sections 3, 8, 19 and 25**
This attachment is available as part of the electronic docket EPA HQ-OPP-2012-0737 and electronically at <http://www.epa.gov/opp00001/regulating/fifra.pdf>.
- Attachment B** **Pesticide Management and Disposal; Standards for Pesticide Containers and Containment; Final Rule (August 16, 2006)**
This attachment is available as part of the electronic docket EPAHQ-OPP-2012-0737.
- Attachment C** **Pesticide Management and Disposal; Standards for Pesticide Containers and Containment [Amendments]; Final Rule (October 29, 2008)**
This attachment is available as part of the electronic docket EPAHQ-OPP-2012-0737.
- Attachment D** **Display Related to OMB Control #2070-0133 - *Listings of Related Regulations in 40 CFR 9.1.***
This attachment is available as part of the electronic docket EPAHQ-OPP-2012-0737.
- Attachment E** **Economic Analysis of the Bulk Pesticide Container Design and Residue Removal Standards**
This attachment is available as part of the electronic docket EPAHQ-OPP-2012-0737.
- Attachment F** **Economic Analysis of the Bulk Pesticides Containment Structures Final Regulation**
This attachment is available as part of the electronic docket EPAHQ-OPP-2012-0737.
- Attachment G** **Work Sheets to Calculate Industry and EPA Labor Costs**
This attachment is available as part of the electronic docket EPAHQ-OPP-2012-0737.
- Attachment H** **Record of Consultations and Responses**
This attachment is available as part of the electronic docket EPAHQ-OPP-2012-0737.