

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

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

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

Agricultural Worker Protection Standard Training and Notification (Proposed Rule)  
OMB Control No.: 2070-[new]; EPA ICR No.: 2491.01

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

This Information Collection Request (ICR) estimates the recordkeeping and third-party response burden of paperwork activities associated with a proposed rule, entitled “Agricultural Worker Protection Standard Revisions” [RIN 2070-AJ22]. This proposed rule ICR is intended to replace an existing ICR, currently approved under OMB Control Number 2070-0148, that covers the information collection requirements contained in the current Worker Protection Standard (WPS) regulations at 40 CFR Part 170.

The existing regulation already has provisions for training and notification of pesticide related information for workers who enter the fields after pesticide application to perform crop-related tasks, as well as for handlers who mix, load, and apply pesticides. Agricultural employers and commercial pesticide handling establishments (CPHEs) are responsible for providing required training, notifications and information to their employees to ensure worker safety. The proposed changes to the regulation are intended to improve protections and include revisions to many current provisions as well as the addition of new requirements. The proposed rule would include expanded and more frequent training for workers and handlers, improved posting of pesticide-treated areas, additional information before entering a pesticide treated area under a Restricted Entry Interval (REI), access to more general and application-specific information about chemical hazards in the workplace and recordkeeping of training and notification activities to improve enforceability and compliance.

**2. NEED FOR AND USE OF THE COLLECTION**

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

The U.S. Environmental Protection Agency (EPA, or the Agency) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This responsibility includes promoting worker protection and safety from exposure to pesticides. Section 25 of FIFRA (Attachment A) gives EPA broad regulatory authority for the purpose of carrying out the various provisions of the Act. Current regulations at 40 CFR Part 170, last revised in 1992, establish requirements to protect agricultural workers and pesticide handlers from the hazards of pesticides used in the production of agricultural plants on agricultural establishments.

Some of the agricultural workforce is occupationally exposed to pesticides and pesticide residues and that exposure can pose significant long and short term health risks. Workers and handlers are potentially exposed to a wide range of pesticides with different toxicities and risks. There is strong general evidence that such risks can occur and that they can be substantially reduced; the activities subject to this ICR are designed to help reduce these risks by reducing exposure. Overall, the weight of evidence suggests that these paperwork activities, including the revisions in the proposed rule, will result in significant health benefits to the nation’s agricultural workers and pesticide handlers.

All of the paperwork activities under this ICR are provided to or for workers and handlers, and are not reported to EPA. Without the required training, affected employees may be unaware of the risks

of pesticide exposure or how to protect themselves. Without the notifications and information they would not know, among other things, where specific pesticides have been applied or when it is safe to enter a treated area, nor would they have pesticide-specific information available for health care personnel after an acute exposure incident. The agricultural worker protection regulations are enforced by state agencies. The EPA has received feedback from our state regulatory partners indicating difficulty enforcing some requirements, due primarily to a lack of records. Proposed recordkeeping is designed to improve enforcement capability as a means of fostering compliance, thereby improving protections.

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

The ICR activities included in the regulation support the regulation's intent to protect workers, handlers and other persons from occupational exposure to pesticides used on an agricultural establishment. The pesticide safety and application information, safety instructions, pesticide safety training, and entry restriction notifications required by the regulation are workplace practices designed to reduce or eliminate exposure to pesticides.

The requirements, such as instructions on safe operations and repair of equipment and notification regarding use of specific pesticides provide agricultural workers and pesticide handlers with basic information so they are more informed and better able to protect themselves. The regulation establishes procedures for responding to exposure-related emergencies and providing medical personnel with basic information to take responsive measures as appropriate.

Training and notification are targeted at agricultural workers who perform tasks related to the cultivation and harvesting of plants in areas treated with pesticides, and pesticide handlers who mix, load, and apply pesticides for use in these areas. The notification and training requirements are necessary to provide agricultural workers and pesticide handlers with the information they need to protect themselves from pesticide poisoning and other pesticide-related injuries. Recordkeeping of training and notification greatly enhances the enforceability of these requirements.

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

### **3(a). Non-duplication**

This ICR covers the only notification activities of its kind, and notifications required in this program occur only once per event. Consequently, duplication is avoided. The regulation provides for an exemption from the requirements of training for certified applicators of restricted-use pesticides (RUPs) trained under the Certification and Training Program found in 40 CFR Part 171. Therefore, no duplication of training is imposed. Additionally, the worker and handler pesticide training recordkeeping was intentionally developed to avoid duplication of training.

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

The proposed rulemaking serves as the public notice for this ICR. Interested parties should submit comments referencing Docket ID No. EPA-HQ-OPP-2011-0184 to the address listed at the end of this document. Responses will be taken into account in developing the final rulemaking.

### **3(c). Consultations**

From 1996 to 2000, EPA held public meetings across the country for open dialogue on rule implementation, challenges in compliance, and perceived effectiveness. The meetings were open to the general public.

The agency initiated the National Assessment of the Worker Protection Standard in 2000. Through this process, the EPA convened stakeholder meetings in Texas, California, and Florida as well as other states. Participants included representatives from farmworker organizations, cooperative extension services, commodity organizations, state regulatory agencies, federal agencies, pesticide manufacturers and distributors, and individual farmworkers and growers. Stakeholders provided information about the strengths and weaknesses of the rule's protections and implementation. The EPA established three workgroups: General training, train-the-trainer, and hazard communication. Each of the workgroups met apart from the public meetings to assess specific aspects of the WPS and to recommend improvements.

The assessment concluded with a meeting in Washington D.C. at which the *Report on the National Assessment of EPA's Pesticide Worker Safety Program* was presented. The various individual opinions and suggestions made during the course of the assessment centered on broad improvement areas: Promotion of safer work practices, improved training of and communication with all pesticide workers, increased enforcement efforts and improved training of inspectors, training of health care providers and monitoring of pesticide incidents, and finally, program operation, efficiency and funding. While some of the recommendations have been addressed through grants, program guidance, and outreach, others required regulatory changes.

During the initial stages of the framing of this proposal, the Federal Advisory Committee for the EPA pesticide program, the Pesticide Program Dialogue Committee, formed a workgroup to provide feedback to the EPA on areas proposed for change. The workgroup had over 70 members representing a wide range of stakeholders. The EPA shared with the workgroup suggestions for regulatory change identified through the National Assessment of the Worker Protection Program and solicited comments. The workgroup never reached consensus; they focused on evaluating areas for change that the EPA was considering and providing feedback from the perspective of each member.

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

Training and notifications in this program are required only once per event, as specified in 40 CFR 170. Consequently, the possibility for less frequent training and notification does not exist under current regulations or proposed amendments. Less frequent training and notification would increase risk to agricultural workers and handlers.

### **3(e). General Guidelines**

This information collection adheres to OMB's guidelines at 5 CFR 1320.5(d).

### **3(f). Confidentiality**

The Agency is not collecting information under this ICR; the collection focuses on recordkeeping and third-party training and notification requirements. Further, this activity complies with the provisions of the Privacy Act of 1974 and OMB circular A-108.

## **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a). Respondents/NAICS Codes**

Respondents affected by the collection activities under this ICR are agricultural employers of agricultural establishments, including employers in farms as well as in nursery, forestry, and greenhouse establishments. The rule does not cover persons working in livestock.

The North American Industrial Classification System (NAICS) codes have been provided in the following table to help identify potentially affected categories and entities. This listing is not, however, intended to be exhaustive.

<b>NAICS Code</b>	<b>Examples of Potentially Affected Entities</b>
<b>111</b> - <i>Crop production</i>	Agricultural employers – farms and greenhouses
<b>113</b> - <i>Forestry and logging</i>	Agricultural employers – forests
<b>115</b> - <i>Support activities for agriculture and forestry</i>	Commercial employers

#### **4(b). Information Requested**

The regulation contains paperwork related requirements for information exchanges and notifications, employee trainings, and recordkeeping. The overall estimated potential economic impact of the proposed changes to the regulation is presented in the document entitled “Economic Analysis of Proposed Revisions to the Worker Protection Standard” (Economic Analysis), which is available as a part of the public version of the official record for the amendment. This ICR describes the information collection activities contained in the proposed regulation, along with the estimated burden and costs related to those information collection requirements.

The proposed regulation requires employers to collect, disseminate, and maintain information relating to employee notifications and training, and application of pesticides on agricultural establishments. The information exchanged and the records maintained as a result of this information collection provides workers and handlers with the information necessary to protect themselves against the potential exposure to pesticides.

##### **(i). Data items, including recordkeeping requirements**

This section describes the categories of recordkeeping and notification requirements under 40 CFR Part 170, assuming that proposed amendments will become final.

##### **(1). Basic Pesticide Safety Information (§170.11(a))**

The agricultural employer is required to display pesticide safety information on the agricultural establishment. The content of the display includes general safety information to protect against exposure to pesticides and the contact information of appropriate emergency medical care facility and pesticide enforcement agency. The pesticide information must be displayed at a place on the establishment where workers and handlers are likely to pass by or congregate and can be readily seen and read. The information must also be displayed anywhere decontamination supplies must be provided.

In the existing WPS, the pesticide safety information is a poster displayed in one location centrally located. The proposed amendment adds pesticide safety information to be displayed wherever decontamination supplies are required, and expands the amount of information to be displayed.

##### **(2). Pesticide Hazard and Application-specific information (§170.11(b))**

For each pesticide application, agricultural employers must record application information and maintain a copy of the product label and SDS information, store the information and make available upon request. The requirement to post application-specific information in a central location near the pesticide safety poster has been eliminated; record keeping has been expanded in content and in length of the time period stored.

The application record must include the name, EPA registration number, and active ingredients of the product applied; the crop or site treated and the location and description of the treated area; the dates and times the application started and ended; and the end date and duration of the REI. Application-specific information records are to be kept for a period of 2 years. The agricultural employer must make the information available to any worker, handler or their authorized representatives upon request during normal work hours.

### **(3). Notification to Workers of Restricted Entry Areas (§107.109)**

The agricultural employer must notify workers of all entry restrictions associated with pesticide applications. Entry restrictions apply in outdoor production and enclosed space production. The regulation (Sections 170.105 and 170.107) defines the entry-restricted areas. Notifications are either oral or by the posting of warning signs, and in certain applications, both oral and posting are required (i.e., double notification). Double notification is required if the pesticide product labeling has a statement requiring both the posting and oral notification.

For outdoor production, posting of warning signs is required for pesticides that have an REI greater than 48 hours. If the REI is equal to or less than 48 hours, notification may be given orally or by posting of warning signs. The signs must be visible from all reasonably expected points of worker entry to the treated area, including each access road and each border with any worker housing within 100 feet of the treated area, each footpath or other walking route that enters the treated area. If there are no expected worker entry points, then signs should be posted in the corners of the treated area or where there is maximum visibility.

For enclosed space production (such as greenhouses), posting of warning signs is required if the pesticide applied has an REI greater than 4 hours. If the REI is equal to or less than 4 hours, notification may be given orally or by posting of warning signs. The signs must be visible from all reasonably expected points of worker entry to the treated area, including each aisle or walking route that enters the treated area. If there are no expected worker entry points, then signs should be posted in the corners of the treated area or where there is maximum visibility.

The signs must be posted prior to application (but no more than 24 hours prior to scheduled application) and must stay up throughout the REI, but come down within 3 days. If there are no workers present, then no notifications are needed.

Oral warnings must include the location and description of the entry-restricted area and the treated area, the dates and times when entry is restricted, and instructions to not enter the entry-restricted area during application nor the treated area until the REI has expired

### **(4). Establishment-Specific Information (§170.103 & §170.203(b))**

The agricultural employer must ensure that workers and handlers have been informed of establishment-specific information before any worker or handler performs any task on an agricultural establishment where within the last 30 days a WPS pesticide has been used or an REI for such a pesticide has been in effect. The employer must provide the information orally, in a manner the worker or handler can understand.

The establishment-specific information includes the locations of the pesticide safety information (as described above 4(b)(i)(1)), pesticide application and hazard information, and decontamination supplies.

**(5). Information Exchange between Agricultural Employer and Commercial Pesticide Handler Employer (§170.9(k), §170.13(h), §170.13(i)-(j))**

*Agricultural employer informs CPHE employer of entry restricted area locations (§170.9(k))*

If any handler employed by a CPHE will be working on an agricultural establishment, the agricultural employer must provide the CPHE employer information about the restrictions on entering areas, including the specific location and description of any entry restricted areas, or treated areas where an REI is in effect.

*CPHE employer informs handler of entry-restrictions on agricultural establishment (§170.13(h))*

The Commercial Pesticide Handling Establishment (CPHE) employer must ensure that any handler employed by the CPHE working on an agricultural establishment is provided information about the restrictions on entering areas, including the specific location and description of any entry restricted areas, or treated areas where an REI is in effect.

*CPHE employer informs agricultural employer prior to application (§170.13(i))*

The CPHE employer must provide the agricultural employer application information prior to making any pesticide application of the agricultural establishment. The CPHE employer must provide the specific location and description of the area to be treated; the dates and start and estimated end times of application; the product name, EPA registration number and active ingredients; REI; whether posting or oral notification are required; and any restrictions or use directions on the labeling that must be followed to protect workers, handlers, or other persons during or after application. If there are any changes to the information (except changes to the end time of less than 1 hour) the CPHE employer must provide the agricultural employer updated information within 2 hours of the end of the application (§170.13(j)).

**(6). Safe Operation of Equipment and Repair (§170.9(i) and §170.13(f), §170.9(g) and §170.13(l))**

The agricultural employer and CPHE employer must ensure that a handler is instructed in the safe operation of any equipment used for mixing, loading, transferring or applying pesticides. This includes informing their own handler employees, as well as informing handler employees not directly employed by the agricultural or CPHE employer.

Employers, both agricultural employers and CPHE employers, can only assign the tasks to clean, repair, or adjust pesticide application equipment if they have been trained as a handler. If the handler assigned to these tasks is not directly employed by the employer, then the employer is required to inform the persons about the handling of equipment before cleaning, repairing or adjusting equipment that has been used to mix, load, transfer or apply pesticides. The employer must inform the handler that pesticide application equipment may be contaminated with pesticides, the potential harmful effects of pesticide exposure, and procedures for handling pesticide application equipment and for limiting exposure to pesticide residues, and personal hygiene practices and decontamination procedures for preventing exposures and removing pesticide residues.

**(7). Information Required for Emergency Assistance (§170.9(f)(2) and §170.13(k)(2))**

If a worker or handler is poisoned or injured by an exposure to pesticides as a result of that employment, the agricultural employer must provide emergency assistance. That assistance includes, in part and related to this ICR, pesticide information related to the circumstance of the exposure or injury.

The agricultural employer must provide to the person (worker or handler) or to the treating medical personnel copies of the Safety Data Sheet (SDS) and the pesticide product label (or the following information listed on the product labeling: product name, EPA registration number, active ingredients, antidote and first aid and medical treatment information), the circumstances of application or use of the pesticide(s), and the circumstances that could have resulted in exposure to the pesticide(s). §170.9(f)(2)

Similarly, the CPHE employer must provide to the person (employed by the CPHE on the CPHE) or to the treating medical personnel copies of the Safety Data Sheet (SDS) and the pesticide product label (or the following information listed on the product labeling: product name, EPA registration number, active ingredients, antidote and first aid and medical treatment information), the circumstances of application or use of the pesticide(s), and the circumstances that could have resulted in exposure to the pesticide(s). §170.13(k)(2))

### **(8). Pesticide Safety Training for Workers and Handlers (§170.101 and §170.201)**

All workers, who are not trained as handlers (or other exception that satisfies the safety training), require training on an agricultural establishment before the third day the worker performs any task on an agricultural establishment where, within the last 30 days, a pesticide product bearing a WPS label has been applied or an REI has been in effect.

Workers must be retrained annually. This worker training session must be conducted by either an individual who has completed the train-the-trainer program or a trainer of certified applicators. During the first 2 years after the effective date of the final rule, a certified applicator of restricted use pesticides (RUPs) under 40 CFR Part 171 may also conduct worker training. By year 3 of the ICR, certified applicators may no longer train workers.

All handlers, both on agricultural establishments and commercial pesticide handling establishments will require annual training. The handler training session lasts one hour and must be conducted by an individual who has completed the train-the-trainer program, a trainer of certified applicators, or a certified applicator of RUPs.

#### *Agricultural Worker Training (§170.101)*

The agricultural employer must assure that each agricultural worker is trained in pesticide safety in a manner that the worker can understand by the start of the third day of employment on the establishment where a WPS product was applied within the last 30 days, or before workers enter treated areas to perform early-entry activities. Under EPA's proposed amendments, the worker training grace period is reduced from 5 to 2 days and the worker basic summary training is expanded. All workers will now receive the full worker training session annually instead of once every 5 years. The training is expanded to cover the 11 points described in 40 CFR 170.130(c)(3) as well as take home exposure, early entry notification, establishment-specific information, and hazard information (SDS). The person who conducts the training must have either completed the train-the-trainer program or be a trainer of certified applicators.

The agricultural employer must retain records of training for 2 years, including the trained worker's printed name and signature, the trained worker's date of birth, the date of the training, information identifying which EPA-approved training materials were used, the trainer's name and documentation showing the trainer met the requirements of trainer, and the agricultural employer's name. The agricultural employer is responsible for providing the worker a record of the training which includes all the information recorded.

*Pesticide Handler Training (§170.201)*

The handler employer must assure that each pesticide handler is trained annually in pesticide safety, covering the 13 points described in 40 CFR 170.230(c) before they perform any handling task. The content is also expanded to include the following: take home exposure; observe entry restricted area limitations; establishment-specific information; hazard information (SDS); and assure proper respirator fit-test, training, and medical evaluation.

The handler employer must retain records of training for 2 years, including the trained handler's printed name, date of birth and signature, date of the training, information identifying which EPA-approved training materials were used, the trainer's name and documentation showing the trainer met the requirements of trainer, and the handler employer's name. The pesticide handler employer is responsible for providing the handler a record of the training which includes all the information recorded.

**(9). Personal Protective Equipment Information and Records***Provide handler medical evaluation, fit testing and respirator training and recordkeeping (§170.207(b)(9))*

Pesticide handler employers must provide handlers with a medical evaluation by a licensed health care professional to ensure the handler's physical ability to safely wear the respirator (that conforms with provisions 29 CFR 1910.134). Pesticide handler employers must also provide handlers with fit-testing 170.207(b)(i) and respirator training of the respirator specified on the pesticide product label (§170.207(b)(9)(ii)) that conforms with Occupational Health and Safety (OSHA) Standard "Personal Protective Equipment" provisions 29 CFR 1910.134. The pesticide handler employer must maintain records documenting the completion of the medical evaluation, fit testing and respirator training that conform with 29 CFR 1910.134 for 2 years.

*Inform the cleaner/laundrer of personal protective equipment (§170.207(d)(8))*

The pesticide handler employer must inform any person who cleans or launders personal protective equipment (PPE) that such equipment may be contaminated with pesticides, the potentially harmful effects of exposure to pesticides, the correct ways to clean personal protective equipment and to protect themselves when handling such equipment, and the proper decontamination and personal hygiene practices.

*Records for closed system maintenance (§170.307(d)(3)(i))*

All handler employers of establishments with closed systems must retain records of system maintenance for 2 years. Maintenance of closed system is to be done as specified in its written operating instructions and as needed to make sure the system functions properly.

**(10). Exceptions/Exemptions***Waiting period prior to worker training exception (§170.309(c)): Pesticide information sheet*

A worker may perform tasks in a treated area for 2 days before receiving the worker training. The worker must be provided a copy of an EPA-approved pesticide information sheet and its contents communicated to the work orally in a language the worker understands prior to conducting any tasks in a treated area.

The agricultural employer must maintain records of this communication for 2 years on the agricultural establishment. The record includes a copy of the information provided, the printed name of

the worker, date of birth, and signature of the worker, date of the information was received, the employer's name, phone number of employer or establishment.

*Exceptions/ Exemptions for Early Entry Notification*

Early entry notifications (§170.305(a))

If an agricultural employer directs a worker to perform activities in a treated area where an REI is in effect, the employer must inform each early-entry worker, orally, the date of the entry, location of the early-entry area, the pesticide(s) applied, dates and time that the REI begins and ends, and the exception of the regulation that allows the early entry and the description of tasks performed under the exception, contact with the treated surfaces permitted, amount of time the worker is allowed in the treated area, the PPE required by the label for early entry, and the location of the pesticide safety display and decontamination supplies. The agricultural employer must ensure that each worker either has read the pesticide product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements and statements related to human hazards or precautions, first aid, and user safety.

Inform workers of label information (§170.305(c))

The agricultural employer must ensure that each worker, prior to early entry, has read the pesticide product labeling or has been informed, in a manner that the worker can understand, the labeling requirements and statements related to human hazards or precautions, first aid, and user safety.

Early entry notifications records (§170.305(b))

The agricultural employer is required to keep records of worker early entry activities including information detailed above with the exception of labeling related to hazard and precautions. This information, including acknowledgement of notification by printed name, date of birth and signature of each early-entry workers who received the information, is to be retained for 2 years.

**(ii) Respondent Activities**

To respond to this ICR, agricultural establishment employers, and/or commercial pesticide handling establishment (CPHE) employers, generally will engage in the following activities. Specific requirements are identified to fulfill the conditions of the major activity. Respondents must do the activities listed under eleven categories in this section.

**(1) Rule familiarization**

**Activity: Agricultural employers and CPHE employers to learn rule requirements.**

- Read 40 CFR Part 170, and read specific pesticide labels related to pesticide application. Agricultural employers and commercial pesticide handling establishment (CPHE) employers will need to read the regulation in order to familiarize themselves with the requirements.

**(2). Basic Pesticide Safety Information (§170.11(a))**

**Activity: The agricultural employer posts pesticide safety information on agricultural establishment. The employer would:**

- Obtain or create pesticide safety display with content outlined in the regulation. EPA-approved posters will be readily available.
- Post safety information displays at a place on the establishment where workers and handlers are likely to pass by or congregate and can be readily seen and read. The information must also be displayed anywhere decontamination supplies must be provided.
- Add location specific content to the basic safety information, including the name, address and telephone number of the lead state or tribal agency responsible for pesticide enforcement, and emergency medical facility contact name, address and phone number.
- Inform workers and handlers of changes to the required information at beginning of next work day on agricultural establishment and promptly update display.

### **(3) Pesticide Hazard and Application-specific Information (§170.11(b))**

**Activity: Gather, record and maintain pesticide hazard and application-specific information.**

- Record required application-specific information and maintain a copy of SDS and pesticide label. The application-specific information required is as follows:
  - the pesticide name,
  - EPA registration number,
  - and active ingredients of the product applied,
  - the crop or site treated and the location and description of the treated area,
  - dates and times the application started and ended, and
  - the end date and duration of the REI.
- Retain record for 2 years.
- Also, agricultural employers must make information available upon request for workers, handlers or authorized representatives during normal work hours.

### **(4) Notification to Workers of Restricted Entry Areas (§107.109)**

**Activity: Notify workers of entry restrictions to treated areas.**

- The agricultural employer must notify workers of all entry restrictions associated with pesticide applications either orally or by posting warning signs, or both, as defined by the regulation and label.
- In outdoor production, employers give oral notification to workers for all REIs equal to or less than 48 hours and for all double notification products. Post warning signs for all REIs greater than 48 hours and for all double notification products. The signs must be placed where they are visible from all expected points of worker entry to the treated area, including each access road and each border with any worker treated area.
- In enclosed space, posting of warning signs is required if the pesticide applied has an REI greater than 4 hours. If the REI is equal to or less than 4 hours, notification may be given orally or by posting of warning signs. Warning signs must be visible from reasonably expected points of worker entry to the treated area, including each aisle or walking route that enters the treated area.

- Signs are posted prior to (but no sooner than 24 hours before the application), and stay up for the duration of the REI.
- Signs must come down within 3 days of the end of the application or end of the REI, whichever is later.
- Oral notifications are given to workers prior to the application, if workers are on the premises; otherwise, the oral notification is given after the application at the start of the worker's first work period on the agricultural establishment.
- Oral notifications are given in a manner that the workers can understand, and includes the following:
  - The location and description of the entry-restricted area and treated area.
  - The dates and times during which entry is restricted.
  - Instructions not to enter the entry-restricted area during application and not to enter the treated area until the REI has expired.

**(5) Establishment-Specific Information (§170.103 & §170.203(b))**

**Activity: Provide establishment-specific information.**

- Agricultural employer informs workers and handlers of the locations of the pesticide safety information, pesticide application and hazard information, and decontamination supplies.
- The information is given orally in a manner the worker or handler can understand.

**(6) Information Exchange between Agricultural Establishment Employer and Commercial Pesticide Handler Establishment Employer (§170.9(k), §170.13(h), §170.13(i)-(j))**

**Activity: Provide application information to agricultural employers, CPHE employers and handlers.**

- For pesticide applications, the agricultural employer informs the CPHE employer of entry restricted area locations, including the specific location and description of any entry restricted areas, or treated areas where an REI is in effect.
- The CPHE employer ensures that any handler employed by the CPHE working on the agricultural establishment is provided information about restrictions on entering areas, including the location and description of any entry restricted areas or treated areas where an REI is in effect.
- The CPHE employers notify the agricultural employer of the specifics of the treatment prior to making the application on the agricultural establishment, the dates and start and estimated end times of application, the product name, the EPA registration number and active ingredients, REI, whether posting or oral notification are required, and any restrictions or use directions on the labeling.
- The CPHE employer informs the agricultural employer if there are any changes to the application information (except changes to the end time of less than one hour) within 2 hours of the end of the application.

**(7) Safe Operation of Equipment and Repair (§170.9(i) and §170.13(f), §170.9(g) and §170.13(l))**

**Activity: Instruct handlers on safe operation and repair of equipment.**

- Handler employers, including agricultural employers and CPHE employers, must ensure that a handler is instructed in the safe operation of equipment.
- The employer must inform the handler that pesticide application equipment may be contaminated with pesticides, the potential harmful effects of pesticide exposure, and procedures for handling pesticide application equipment and for limiting exposure to pesticide residues, and personal hygiene practices and decontamination procedures for preventing exposures and removing pesticide residues.

**(8) Information Required for Emergency Assistance (§170.9(f)(2) and §170.13(k)(2))**

**Activity: Provide pesticide-specific information to workers and handlers or medical personnel in case of an emergency.**

- If a medical emergency exists, the agricultural employer or CPHE employer must provide to the person (worker or handler) or to the treating medical personnel with specific information regarding the application:
  - copies of the SDS and the pesticide product label (or, information listed on the labeling, including product name, EPA registration number, active ingredients, antidote and first aid and medical treatment information),
  - the circumstances of the application or the use of the pesticide(s), and
  - the circumstances that could have resulted in exposure to the pesticide(s).

**(9) Pesticide Safety Training for Workers and Handlers (§170.101 and §170.201)**

**Activity: Arrange for training of workers and pesticide handlers.**

- Train or arrange for pesticide safety training for all existing workers and handlers as well as new workers and handlers. Workers being sent into pesticide treated areas must be trained by the start of their third day performing tasks on an agricultural establishment where, within the last 30 days, a pesticide product bearing a WPS label has been applied or an REI has been in effect. Training for workers (who have not received handler training) and handlers is required annually. Content is outlined in the regulation at §170.101 for workers and §170.201 for handlers.
- Worker and handler pesticide safety trainings are conducted by those designated as a qualified trainer. To train workers, the trainer must be designated as a trainer of certified applicators by EPA or a state or tribal agency responsible for pesticide enforcement, or must have completed a pesticide safety train-the-trainer program approved by EPA. To train handlers, the trainer must be designated as a trainer of certified applicators or handlers by EPA or a state or tribal agency responsible for pesticide enforcement, or must have completed a pesticide safety train-the-trainer program approved by EPA. In addition, certified applicators are eligible to train handlers. There is a delayed implementation regarding the qualifications of trainers of agricultural workers for 2 years after the effective date of the final rule, whereas a certified applicator of RUPs may also conduct worker training. (*Refer to §170.101(c)(4) and §170.201(c)(4)*)
- Employers must keep records of training including acknowledgements for 2 years. The records may be created by the trainer or the employer, but it is the agricultural employer's responsibility to document and maintain records.

- Training records must include:
  - the trained worker or handler's printed name,
  - the trained worker or handler's signature,
  - the date of birth of worker or handler,
  - the date of the training,
  - the information identifying which EPA-approved training materials were used,
  - the trainer's name and documentation showing the trainer met the requirements of trainer, and
  - the agricultural employer's name.
  
- The employer must provide the worker or handler a record of the training.

### **(10) Personal Protective Equipment Information and Records**

**Activity: Provide respirator training, medical evaluation and fit test to handlers.**

*Respirator Users: Medical evaluation, fit testing and respirator training*

- Pesticide handler employers, which include agricultural employers and CHPE employers, must provide handlers with respirator training of the respirator specified on the pesticide product label. The training must conform with the provisions of OSHA's 29 CFR 1910.134.
- Current OSHA provisions regarding training and information (CFR 1910.134(k)) requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable, and recur annually and more often if necessary.
- Handler employers must create and maintain records to document the completion of required medical evaluation, fit testing and respirator training of a handler that conform with OSHA's Personal Protective Equipment Respiratory Program 19 CFR 1910.134 for 2 years.
- Fit testing Recordkeeping: OSHA's Personal Protective Equipment 1910.134 "Respiratory Program" requires the employer to establish a record of the qualitative and quantitative fit tests administered to an employee including:
  - The name or identification of the employee tested;
  - Type of fit test performed;
  - Specific make, model, style, and size of respirator tested;
  - Date of test; and
  - The pass/fail results for QLFTs or the fit factor and strip chart recording or other recording of the test results for QNFTs.
- Respiratory Training Recordkeeping: OSHA's 1910.134 does not outline specific information required to document respiratory training, but employers need to demonstrate compliance with the required training, at a minimum noting who was trained and when the training occurred.

*Cleaners of PPE*

- The pesticide handler employer must inform any person who cleans or launders personal protective equipment (PPE) that such equipment may be contaminated with pesticides, the potentially harmful effects of exposure to pesticides, the correct ways to clean personal protective equipment and to protect themselves when handling such equipment, and the proper decontamination and personal hygiene practices.

#### *Maintenance of Closed Systems*

**Activity: Create and retain records for closed system maintenance.**

- Employers of establishments with closed systems must retain records of system maintenance for 2 years.

### **(11) Exceptions/Exemptions**

#### *Exception to Allow a 2-Day Waiting Period prior to Worker Pesticide Safety Training*

**Activity: Provide pesticide information sheet and oral presentation of information to workers.**

- Agricultural employers must provide pesticide safety training to workers by the start of the third day of work into a treated area. If an employer waits to train workers, the employer may direct workers into a treated area (that is not under an REI if he/she provides a pesticide information sheet meeting the WPS requirements. Prior to the worker entering a treated area to perform tasks, the agricultural employer must communicate the contents (specified at 170.309(e)) in a language the worker understands.
- The employer must provide a copy of this pesticide information sheet to the worker.
- The employer must make a record, recording printed name of the worker, date of birth, date of the information communicated, the employer's name and phone number. The worker must sign the record. A copy of the information sheet must be maintained along with the required details.
- The record is maintained for 2 years on the agricultural establishment.

#### *Notification of Exceptions for Early Entry*

**Activity: Notify workers of terms of exceptions/exemptions allowing for tasks to be performed in treated areas. Keep records of these early-entry notifications.**

- When using regulation exceptions or exemptions for early entry of workers into a treated area, the agricultural employer must explain the exception or exemption to the workers. Specifically, the agricultural employer informs each early-entry worker, orally, the following information:
  - The date of entry,
  - Location of the early-entry area,
  - Pesticide(s) applied,
  - Dates and item that the REI begins and ends,
  - The exception of the regulation that allows the early entry,
  - Description of the tasks performed under the exception,
  - Contact with the treated surfaces permitted,
  - Amount of time the worker is allowed in the treated area,
  - The PPE required by the label for early entry, and
  - Location of the pesticide safety display and decontamination supplies.

- The employer records the information provided in written format, collects the early-entry worker's signature after the worker receives the information orally, along with the printed name and date of birth.
- Employers must also keep these early entry notification records for 2 years including written acknowledgements that the workers received the information orally.
- Additionally, the employer must ensure that each early-entry worker has read the pesticide product labeling or has been informed in a manner the worker can understand, the labeling requirements and statements related to human hazards, precautions, first aid, and user safety.

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

### **5(a). Agency Activities**

This ICR does not involve EPA activities; respondents provide training, notify third parties, and create and retain records.

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

EPA does not collect or manage information under this ICR. Respondents are allowed flexibility in how they collect and manage the information.

### **5(c). Small Entity Flexibility**

The protections in 40 CFR Part 170 depend upon workers receiving the various training and notifications contained in the regulation. These requirements cannot be reduced for small establishments without significantly compromising the protections offered to their workers and handlers. As such, small entities are required to follow the same requirements as larger establishments, unless exempted as a solely family-operated establishment under existing 40 CFR 170.204(a) or at the proposed 40 CFR 170.301(a). Under this exemption, the owner of an agricultural establishment is not required to provide certain protections to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment.

### **5(d). Collection Schedule**

This ICR does not involve agency collection activities.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

The PRA requires the EPA to estimate the “paperwork burden,” i.e., 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 can include the resources to: review instructions; develop, acquire, install, and use technology and systems; search data sources; collect, review, validate, and verify information/data; process and maintain information/data; disclose and transmit/submit information/data; change/adjust the existing ways of complying with any previously applicable instructions and requirements to now comply with new requirements; and, train personnel. The agency is also required to estimate the paperwork costs, which include both the costs associated with the paperwork burden hours, and any additional costs not tied to a burden hour, but incurred under the

PRA nonetheless.

In this section, the Agency describes the assumptions and methods used to estimate the total cost and hourly burden estimates for all of the rule requirements, assuming that the proposed amendments become final. Tables 5-17 list the estimated burden hours and costs associated with this ICR. The estimates are based on the information and figures contained in the “Economic Analysis of Proposed Revisions to the Worker Protection Standard,”<sup>1</sup> as well as information obtained by the Agency from the U.S. Department of Labor’s Bureau of Labor Statistics (BLS) for wage rates, and U.S. Department of Agriculture’s special tabulation for the number of farms that hire workers and use pesticides based on the number of farms in the 2007 Agricultural Census.<sup>2</sup>

### **6(a). Respondent Burden**

The type of respondent burden considered in this analysis is administrative burden. Administrative burden is defined as the time spent to record, file and store records related to the requirements in this information collection request. Respondents include employers of agricultural workers and handlers as well as persons that come into contact with pesticides as part of their occupation. The burden includes the respondent’s time to provide, receive, and gather pesticide-related information and may include activities such as becoming familiar with the rule and regulations, conducting, attending or receiving pesticide safety training, respirator fit testing for persons required to use respirators, developing and taking medical evaluations, preparing and posting pesticide safety and application information signs, providing safety information, providing oral and written notification to persons who may enter restricted entry areas, site specific pesticide application information, exchange of information between employers and employees, and informing persons including workers, handlers and persons that will be cleaning and laundering clothing and equipment that clothing and equipment may contain pesticide residues.

Estimates of burden are based on Agency assumptions unless otherwise noted for each requirement and activity. The Agency estimates the burden in terms of the time it takes for respondent to perform a given activity. Then that time estimate is multiplied by the number of respondents or the number of responses depending upon the activity, to determine the total time burden. The burden estimates are explained in detail together with respondent costs, in the next section.

### **6(b). Estimating Respondent Burden and Costs**

#### **(i). Methodology**

Respondent groups are derived from the number of agricultural establishments subject to this revised worker protection standard (WPS) regulation. With the exception of family farms (which are exempt from most requirements), agricultural establishments include farms, nurseries, greenhouses and commercial pesticide handling establishments (CPHEs). Respondents from these establishments include agricultural employers, CPHE employers, agricultural workers, agricultural handlers, CPHE handlers and trainers.

To calculate the cost the Agency estimated the number of respondents, their wage rates, number of responses, and the time for them to comply with a given requirement. The total cost for each respondent group for each response activity associated with a requirement is equal to the cost per respondent times the number of respondents in a respondent group. Multiple respondent groups may incur burden for each activity and for multiple activities associated with a requirement. The total cost for a requirement is equal to the sum of the cost of the activities for each respondent group. The cost for each activity is equal to the burden associated with each activity multiplied by the applicable labor

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<sup>1</sup> Economic Analysis of Proposed Revisions to the Worker Protection Standard, EPA, 2011

<sup>2</sup> USDA, NASS 2008

category (respondent group) wage rate. For example, the cost for the respondent group agricultural employers to fill in the required information on a safety poster and post it at a main location, is equal to the average estimated time it takes to fill in and post the poster (three minutes, done once per year) multiplied by the labor cost (\$28.21 per hour), which equals \$1.41 ( $3/60 \times 28.21$ ) per respondent per year.

### **(1) Wage Rates**

For this ICR, the Agency used the estimated wages and benefits for all labor categories for affected respondent groups based on publicly available data from the U.S. Bureau of Labor Statistics (BLS). The wage rate methodology uses data from each sector and labor type for an unloaded wage rate (hourly wage rate), and then calculates the loaded wage rate (unloaded wage rate + benefits). These rates are then combined into the seven overall labor categories of agricultural employer, CPHE employer, worker, agricultural handler, CPHE handler, trainer, and health care worker (as described below).

Each sector's wage data (with the exception of agricultural establishment workers and handlers) corresponds to a specific Standard Occupational Classification (SOC) and for certain categories, a North American Industry Classification System (NAICS) code as well. Specific details are provided in the wage rate table (see Attachment B). The SOC system is used by Federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data.

#### *Unloaded Wage Rate*

The unloaded wage rates are estimated for the following labor types:

- Agricultural establishment employers
- Commercial pesticide handling establishment (CPHE) employers
- Agricultural establishment trainers of workers and handlers
- CPHE handler trainers
- Agricultural establishment workers (trained and untrained)
- Agricultural establishment handlers (aged 16 years and older)
- CPHE handlers (aged 16 years and older)

The Agency uses mean hourly wage data for all relevant labor types, except for agricultural establishment workers and handlers, available in the National Industry-Specific Occupational Employment and Wage Estimates from the BLS Occupational Employment Statistics data series.<sup>3</sup> For agricultural establishment workers, the Agency uses the USDA Farm Labor Report's annual average wage rate for U.S. fieldworkers.<sup>4</sup> The wage rate for agricultural establishment handlers is calculated as the average of the agricultural establishment employer and worker rates. The overall wage is then weighted in order to create the wage for handlers aged 16 years and older. This procedure is described in Attachment B. The wage rates are derived from BLS NAICS 2010 estimates.

#### *Loaded Wage Rate*

The Agency expects that all labor categories including agricultural establishment employer, CPHE employer, agricultural establishment worker and handler trainer, CPHE handler trainer, agricultural establishment workers, and handlers (for both agricultural establishment and CPHEs) will receive loaded wages. They include benefits and overhead for both agricultural establishment employers and commercial pesticide handling establishment employers. Worker wage rates are

<sup>3</sup> BLS May 2010 National Industry-Specific Occupational Employment and Wage Estimates available at: <http://www.bls.gov/oes/2010/may/oesrci.htm>

<sup>4</sup> USDA November 2007 NASS Farm Labor Report available at: <http://usda.mannlib.cornell.edu/usda/nass/FarmLabo//2000s/2007/FarmLabo-11-16-2007.pdf>

assumed to include only the wage rate and some benefits as most workers are field workers and do not have direct associated overhead. Most workers received some kind of benefit (i.e., health insurance) according to the Bureau of Labor Statistics. These individuals are paid benefits that amount to 30% of the total remuneration with wages accounting for 70%.<sup>5</sup> However, data from the National Agricultural Workers Survey (DoL) indicate that up to 77% of agricultural workers do not receive benefits as part of their employment<sup>6</sup>.

The loaded wage rate for agricultural employers is \$28.21 an hour. The loaded wage rate for CPHE employers is \$30.30. The loaded wage rate for workers is estimated to be \$13.43 per hour. The wage rate for handlers depends upon the employer. Agricultural establishment handler wage rates are \$20.83 per hour and the wage rate for CPHE handlers is \$20.10 per hour. The loaded wage rate of \$37.87 per hour for trainers applies to trainers of agricultural workers and handlers on agricultural establishments and whose qualifications are that they are trainers of certified applicators or have completed a train-the-trainer program. The wage rate for health care workers that review the medical surveys for those persons that will be using respirators is \$42.91. (Table 1)

Category	Wage (\$/hour)
Agricultural Employer	28.21
CPHE Employer	30.30
Agricultural Worker	13.43
Handler	20.83
CPHE Handler	20.10
Trainer	37.87
Health Care Worker	42.91

## **(2) Number of Establishments, Workers and Handlers**

Additional information used in this ICR includes the number of agricultural establishments subject to the WPS. To estimate the number of agricultural establishments that use pesticides and hire labor, the Agency requested a special tabulation of data from USDA, NASS 2007 Census of Agriculture. The number of agricultural establishments is based on the number of farms, nurseries, and greenhouses and the tabulation breaks down the number of establishments from the total number of farms, nurseries, and greenhouses. Based on the USDA NASS data, there are 788,582 agricultural establishments that use pesticides. A subset of that data can be broken down further into the number of agricultural establishments, defined as those that hire labor, and the number of establishments that both use pesticides and hire labor. Based on USDA, NASS data there are 394,658 agricultural establishments that hire labor, and 304,348 that hire labor and use pesticides (303,829 farms and 519 greenhouses).<sup>8</sup>

From the USDA, NASS 2007 Census of Agriculture, there are 2,322,610 farm employees, all of whom are assumed to be field workers. This implies that each agricultural establishment hires, on average, 5.88 workers. The Agency estimates that there are 247,815 agricultural handlers within the total number of farm employees.

<sup>5</sup> BLS Employer Costs for Employee Compensation- December 2010 available at: [http://www.bls.gov/news.release/archives/ecec\\_03122008.pdf](http://www.bls.gov/news.release/archives/ecec_03122008.pdf)

<sup>6</sup> U.S. Department of Labor, Office of the Assistant Secretary for Policy, Office of Programmatic Policy, *National Agricultural Workers Survey (NAWS) 2001-2002 A Demographic and Employment Profile of United States Farm Workers Research Report No. 9*, March 2005. Available here: [http://www.doleta.gov/agworker/report9/naws\\_rpt9.pdf](http://www.doleta.gov/agworker/report9/naws_rpt9.pdf)

<sup>7</sup> Wage Rates based on occupations defined by the BLS NAICS codes. See footnotes 1-3 above.

<sup>8</sup> USDA, NASS Special Tabulation of data from 2007 Census of Agriculture, 2008

Agricultural establishments that hire labor can be further subdivided by the size. Establishment size is determined by gross revenue based on USDA's definition of farm size. Farm size is an important definition because it is also used to determine the number agricultural handlers. The Agency assumes that only large and large-small agricultural establishments listed in the tables below have full time handlers which the Agency estimates to be 247,815 or 2 for every large agricultural establishment and 1 for every large-small agricultural establishment<sup>9</sup>.

Table 2 presents the number of agricultural establishments that use pesticides by revenue category.

Income Range (\$)	Farm Size Classification	Number of Agricultural Establishments that Use Pesticides.	Percent of Total
1,000 – 9,999	Small-Small	218,041	28%
10,000 – 99,999	Medium-Small	290,611	37%
100,000 – 749,999	Large-Small	221,735	28%
750,000 <	Large	58,197	7%
	Total	788,582	100%

Table 3 presents the number of farms that hire labor that are in each revenue category.

Income Range (\$)	Farm Size Classification	Number of Agricultural Establishments that Hire Labor	Percent of Total
1,000 – 9,999	Small-Small	79,909	20%
10,000 – 99,999	Medium-Small	121,223	31%
100,000 – 749,999	Large-Small	139,237	35%
750,000 <	Large	54,289	14%
	Total	394,658	100%

Of those that agricultural establishments that hire labor or use pesticides, a subset also hire labor and use pesticides in any given year. Table 4 presents the 304,348 agricultural establishments that both hire labor and use pesticides used in the calculations for this ICR.

Income Range (\$)	Farm Size Classification	Number of Agricultural Establishments that Hire Labor and Use Pesticides	Percent of Total
1,000 – 9,999	Small-Small	40,880	13.5%
10,000 – 99,999	Medium-Small	89,559	29.5%
100,000 – 749,999	Large-Small	124,960	41%
750,000 <	Large	48,949	16%
	Total	304,348	100%

For CPHEs, the Agency estimates that there are approximately 72,449 firms of which 2,793 hire labor. The remaining 69,656 CPHEs are "self-employed" with a single owner/handler. EPA estimated this number based on the number of commercial certifications and the number of commercial applicators certified to apply pesticides in the Agricultural Pest Control (Plants) Category. The Agency assumes that not every certification is active every year. For the 2,793 CPHEs that hire labor, EPA estimates that each establishment hires on average 6.1 (6) handlers for a total of approximately 17,080 handlers.

<sup>9</sup> The Small Business Administration (SBA) defines large farms as farms with annual revenues of \$750,000 or more. EPA separates small farms into small-, medium- and large-small as shown in Tables 2 and 3.

There are also pesticide safety trainers for both agricultural establishments and CPHEs. For agricultural establishments, safety trainers may be trainers of certified applicators or individuals trained in how to instruct training. The number of qualified trainers is unknown. Calculations in this ICR are based on assumptions the Agency made about the number of training sessions held each year. There is more explanation in part 9 and Table 14 of Section 6 of this ICR.

## (ii) Requirements

This section details the Agency's estimate of burden and cost per respondent for activities in each category of WPS requirements that are defined as paperwork burden. The tables below present the unit and total hourly burden and costs for agricultural establishments and CPHEs to comply with the proposed rule requirements. There are eleven categories each with a varying number of activities in each category that have data items that require record keeping.

### (1) Rule familiarization

All existing agricultural establishment employers and commercial pesticide handler establishment (CPHE) employers that apply pesticides must become familiar with the WPS requirements. The Agency estimates that it will take an average of 30 minutes per year per establishment to read the regulations. The Agency estimates that there are 394,658 agricultural establishments and 72,449 CPHEs that will spend an average of 30 minutes per year per establishment to read regulations. Table 5 shows the activity, respondent group, the number of respondents affected by the activity, the total number of responses, the hourly wage rates for each respondent, the time in minutes each respondent will spend annually reading the regulations, the hourly cost per respondent for each activity, and the total burden in hours and total cost. The total time burden for all establishments to comply with rule familiarization is estimated to be 233,554 hours. The total cost is estimated to be \$6,664,253. (Table 5)

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Rule Familiarization	Agricultural Establishment Employer	394,658	394,658	28.21	0.5	14.11	197,329	5,566,651
Rule Familiarization	CPHE Employer	72,449	72,449	30.30	0.5	15.15	36,225	1,097,602
TOTALS		467,107	467,107				233,554	\$6,664,253

\*Estimates may not add due to rounding. Respondents are counted only once.

### (2). Basic Pesticide Safety Information (§170.11(a))

The agricultural employer is required to display pesticide safety information on the agricultural establishment at a location on the establishment where workers and handlers are likely to pass by or congregate and it can be readily seen and read. The information must also be displayed at any location where decontamination supplies are provided. This requirement only affects agricultural establishments.

The Agency assumes that there is one main pesticide safety information display per agricultural establishment that hires labor and uses pesticides (304,348 agricultural establishments) and that the number of displays at decontamination sites depends on the size of the establishment. The Agency also assumes an average of 3 minutes is needed to fill in information on the safety information display,

and to post it.

In addition, whenever worker and handler decontamination supplies are required to be provided, employers must display pesticide safety information. The Agency assumes that the display is a poster and estimates that it takes 3 minutes per display to post each poster and the number of decontamination posters is assumed to depend upon the size of the establishment.

The Agency estimates that there are approximately 304,348 agricultural establishments including greenhouses that hire labor and use pesticides that will have to post general pesticide safety information. For clarification purposes, the number of greenhouses by size was subtracted from each farm size type because greenhouses of all sizes are assumed to each have 4 decontamination posters while the number of posters for WPS farms is dependent upon the size of the farm. The Agency assumes that the number of small-small agricultural establishments (40,851) have 1 worker decontamination site each; medium-small agricultural establishments (89,368) have 2 worker decontamination sites each requiring 178,736 posters; large-small agricultural establishments (124,791) have 2 worker decontamination sites and 1 worker/handler decontamination site each requiring 374,373 posters; and large agricultural establishments (48,819) have 2 worker decontamination sites, 1 worker/handler decontamination site, and 1 handler decontamination site requiring 4 posters for each farm or a total of 195,276 posters. In addition, the 519 greenhouses that are estimated to have 4 decontamination sites each require a total of 2,076 posters. The total number of posters needed is approximately 791,312 at decontamination sites. The Agency assumes that the posters last an average of 3 years so the average number of posters needed to be posted in a given year is 1/3 of that number or 263,771. (Table 6)

<b>Agricultural Establishment Size by Type</b>	<b>Decontamination Poster/Agricultural Establishment</b>	<b>Agricultural Establishment (WPS Farms that are Agricultural Establishments Minus the Number of Greenhouses) by Size</b>	<b>Total Number of Farms</b>	<b>Total Posters</b>
Small - Small	1 poster	40,880 - 29	40,851	40,851
Medium - Small	2 posters	89,559 - 191	89,368	178,736
Large - Small	3 posters	124,960 - 169	124,791	374,373
Large	4 posters	48,949 - 130	48,819	195,276
Greenhouses	4 posters	519	519	2,076
Total				791,312

Any changes to the information required on the pesticides safety information display must be promptly updated at the main location and where decontamination supplies are provided. The Agency estimates that 1/3 of the 1,095,660 (304,348 main posters + 791,312 decontamination posters from Table 6 above) or 365,220 responses will require changes and that each change takes 3 minutes per display.

Multiplying the per event average by the total number of responses for each line item yields the total burden hours and costs. The Agency estimates that the total number of burden hours for agricultural establishments is 70,000 hours and the cost is \$1,974,712. (Table 7)

Table 7: Basic Pesticide Safety Information- WPS Posters at Main Display & Decontamination Sites- Poster Changes								
Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Main Poster	Agricultural Employer	304,348	304,348	28.21	0.05	1.41	15,217	429,283
Decontamination Poster	Agricultural Employer	304,348	791,312	28.21	0.05	1.41	39,566	1,116,146
Poster Changes	Agricultural Employer	304,348	365,220	28.21	0.05	1.41	18,261	515,143
TOTALS		304,348	0				0	2,060,571

\*Estimates may not add due to rounding. Respondents are counted only once.

### (3) Pesticide Hazard and Application-specific Information

For each pesticide application, agricultural employers must record application information and maintain a copy of the product label and SDS information, store the information and make available upon request.

The application record must include the name, EPA registration number, and active ingredients of the product applied; the crop or site treated and the location and description of the treated area; the dates and times the application started and ended; and the end date and duration of the REI. The Agency estimates that the average time to gather application information is 12 minutes. To gather and record information the Agency estimates that in a given year 304,658 respondents will conduct this activity on average 20 times each resulting in 6,093,160 responses.

Application-specific information records are to be kept for a period of two years. Agricultural employers require 1 minute per application record for each of the 20 applications (20 minutes total each year) to store the record, copy of label and SDS for a total of 6,093,160 (304,658 X 20) response records to be maintained annually.

When there is a request by a worker, handler or an authorized representative for a worker or handler requesting application information, the Agency estimates that it requires 6 minutes of the agricultural employer's time to provide that information. The Agency estimates that a request will be made for approximately 25% of the applications, or 1,523,290 responses to provide information annually.

The Agency estimates that the total number of burden hours for agricultural establishments to gather, record, maintain records and provide information upon request is 1,472,514 hours and the cost is \$41,539,611. (Table 8)

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden	Cost	Burden	Cost
					(hours)	(\$)	(hours)	(\$)
Gather and Record	Agricultural Employer	304,658	6,093,160	28.21	0.20	5.64	1,218,632	34,377,609
Maintain Records	Agricultural Employer	304,658	6,093,160	28.21	0.017	0.47	101,553	2,864,801
Provide Information Upon Request	Agricultural Employer	304,658	1,523,290	28.21	0.10	2.82	152,329	4,297,201
<b>TOTALS</b>		304,658	13,709,610				1,472,514	41,539,611

\*Estimates may not add due to rounding. Respondents are counted only once.

#### **(4) Notification to Workers of Restricted Entry Areas (§107.109)**

Agricultural establishment employers must either orally notify workers of pesticide treatments or post warning signs in areas under an REI (except for products which are Toxicology Category I for acute dermal or eye irritation potential, which must be labeled to require notification by both oral and posted warnings). A new modification to the rule would require that employers post warning signs for outdoor production applications with restricted entry intervals (REIs) greater than 48 hours. Outdoor applications with products with an REI of 48 hours or less would require employers to notify workers either orally, or by posted warning signs. In the case of indoor production, posting is required if the REI is greater than 4 hours.

Each oral notification is estimated to require three minutes of the agricultural employer's time as well as 3 minutes time of workers present on the farm or greenhouse during the REI. There are 303,829 farms and 519 greenhouses (304,348 total) that use pesticides and hire workers and the Agency assumes that an average of 20 pesticide applications per year will be made. The Agency assumes that for WPS farms (outdoor production) there will be 14 oral notifications, including 2 for double notification products, and for greenhouses there will be 6 oral notifications, including 2 for double notification products, for a total of 4,256,720 notifications ( $303,829 \times 14 + 519 \times 6$ ). In addition, approximately 2,030,930 agricultural workers will receive an oral notification which takes 3 minutes. Not all agricultural establishment workers will be present during an REI. The Agency assumes that workers on WPS farms (outdoor production) will be present for about 80% of REIs and so each worker will receive 11.2 oral notifications, on average. Greenhouse workers are expected to be present for about 60% of REIs and they will receive 3.6 notifications per year. This results in 22,812,613 responses ( $2,030,930 \times 11.2 + 18,388 \times 3.6$ ).

Posting events are assumed to take 20 minutes of the agricultural employer's time for each posting. WPS farm (outdoor production) average 8 postings, including 2 for double notification products, and greenhouse operations average 16 postings, including 2 for double notification products, annually. The Agency estimates that there are 303,829 WPS farms that use pesticides in a given year and 519 greenhouses so the total number of responses is 1,616,664 ( $304,348 \times 8 + 519 \times 16$ ).

The Agency estimates that the total average time in terms of burden hours and costs for agricultural establishments to inform workers of an area under an REI is 2,166,445 hours with a cost of \$44,256,901. (Table 9)

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden	Cost	Burden	Cost
					(hours)	(\$)	(hours)	(\$)
Provide Oral Notification	Agricultural Establishments	304,348	4,256,720	28.21	0.05	1.41	212,836	6,004,104
Receive Oral Notification	Agricultural Workers <sup>10</sup>	2,030,930	22,812,613	13.43	0.05	0.67	1,140,631	15,318,669
Post Indoor/outdoor	Agricultural Establishments	304,348	2,438,936	28.21	0.33	4.70	812,979	22,934,128
Totals		2,353,616	29,508,269				0	\$44,256,901

\*Estimates may not add due to rounding. Respondents are counted only once.

### (5) Establishment-Specific Information (§170.103 & §170.203(b))

The agricultural employer must ensure that workers and handlers have been informed of establishment-specific information before any worker or handler performs any task on an agricultural establishment. The employer must provide the information orally, in a manner the worker or handler can understand.

The establishment-specific information includes the locations of the pesticide safety information (as described above), pesticide application and hazard information, and decontamination supplies. The Agency estimates that all 394,658 agricultural establishments will provide establishment specific information at least 2 times resulting in 789,316 responses for agricultural establishments. Each response requires 1 minute of the employers time. In addition the Agency estimates that 2,030,930 agricultural workers will receive establishment specific information at least one time and that it takes 1 minute of the employee's time to receive this information resulting in 2,030,930 responses. There is no record keeping requirement for this activity.

The Agency estimates that the total average burden in terms of hours and costs for agricultural employers is 47,004 hours and \$825,700. (Table 10)

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden	Cost	Burden	Cost
					(hours)	(\$)	(hours)	(\$)
Inform-Provide Establishment Specific Information	Agricultural Establishment <sup>11</sup>	394,658	789,316	28.21	0.017	0.4702	13,155	371,110
	Agricultural Workers/Handlers	2,030,930	2,030,930	13.43	0.017	0.2238	33,849	454,590
TOTALS		2,425,588	2,820,246				47,004	\$825,799

\*Estimates may not add due to rounding. Respondents are counted only once.

<sup>10</sup> Assume 12 WPS notifications and 4 Greenhouse Entry restriction notifications

<sup>11</sup> Assumes 2 early entry events per year per establishment.

**(6) Information Exchange between Agricultural Employer and Commercial Pesticide Handler Employer (§170.9(k), §170.13(h), §170.13(i)-(j))**

*Agricultural Employer Informs CPHE Employer of Entry Restricted Area Locations*

If any handler employed by a CPHE will be working on an agricultural establishment, the agricultural employer/operator must provide the CPHE employer the specific location and description of any areas that may be treated or areas where an REI may be in effect, and any restriction on entry into those areas.

The Agency estimates that the annual average number of agricultural establishments that apply pesticides is 788,582. Each agricultural establishment is estimated to have an average of 20 applications per year resulting in approximately 10,852,040 applications per year. The Agency assumes that WPS farms hire CPHEs to apply 38% of the applications on WPS farms. This requires agricultural establishments to inform CPHEs a total of 4,123,775 times about an application made by agricultural establishment when a CPHE is hired to make an application on a WPS farm  $((788,582 \times 20) \times .38)$ . The estimated time to exchange information is 3 minutes. The burden for agricultural establishments to comply with this requirement is 299,661 hours and the cost is \$8,453,441. (Table 11)

*CPHE Employer Informs Agricultural Employer prior to Application*

The CPHE applicator must also provide application information to agricultural establishments/family farms that use pesticides and hire a CPHE to make the application, prior to making any pesticide application on the agricultural establishment/family farm. The information the CPHE applicator must provide includes the specific location and description of the area to be treated; the dates and start and estimated end times of application; the product name, EPA registration number and active ingredients; REI; whether posting or oral notification are required; and any restrictions or use directions on the labeling that must be followed to protect workers, handlers, or other persons during or after application. The Agency estimates that there are 39,571 CPHE applicators (2,793 + 36,778 self employed). The number of CPHE handlers is estimated to be 56,858 (17,080 hired by 2,793 CPHEs + 36,778 self-employed CPHEs). The Agency also estimates that there are 788,582 agricultural establishments and family farms that use pesticides. Based on an average of 20 applications per agricultural establishment per year, there are an estimated 15,771,640 pesticide applications per year for all agricultural establishments that use pesticides. Of these 15,771,640 applications applied on agricultural establishments, CPHE handlers account for 38% or 5,993,223 applications. The Agency estimates that 70% of the 5,993,223 applications applied by CPHE handlers require 2 exchanges of information (8,390,512) and the remaining 30% require 1 exchange of information (1,797,967). The total number of notifications by CPHE handlers to agricultural establishments that use pesticides is 10,188,179  $((5,993,223 \times .7) \times 2) + (5,992,223 \times .3)$ . The time for CPHEs to notify the agricultural establishment is 6 minutes per notification. The burden for CPHEs to comply with this requirement is 1,018,818 hours and the cost is \$30,870,183. (Table 11)

*Commercial Pesticide Handler Establishment Employer (CPHE) Informs CPHE Handler*

In addition, the CPHE employer is required to provide information to CPHE handlers resulting in a time-cost for the CPHE employer to provide information and the CPHE handlers to receive information. This time-cost is borne by the CPHE. This time-cost requirement does not include self-employed CPHE handlers as they are already informed of the application because they made the application. For those CPHEs that hire labor and are required to inform their handlers of the applications made CPHEs including those on WPS farms. The Agency estimates that there are 2,793 establishments that will spend 3 minutes informing each of their handlers and that this information exchange will occur for each application  $(17,080 \times 90 = 1,537,200)$ . For the handlers' time, the Agency estimates that there are 17,080 handlers that will each receive this information 90 times and that it takes 3 minutes of their time for each notification. The burden for CPHEs in term of time to inform their

workers and for workers to receive the information for this requirement is 153,720 (76,860 x 2) hours and the cost is \$3,873,744 (2,328,858 + 1,544,886).

The total burden for all respondents to comply with these requirements is 1,472,199 hours and \$43,197,368. (Table 11)

Table 11: Information Exchanges Between Agricultural Employer, CPHE Employer, or CPHE Handler								
Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden	Cost	Burden	Cost
					(hours)	(\$)	(hours)	(\$)
Agricultural Establishment Provides Information on treated areas under an REI to CPHE <sup>12</sup>	Agricultural Establishment Employer	788,582	5,993,233	28.21	0.05	0.47	299,661	8,453,441
CPHE Provides Application Information to Agricultural Establishment <sup>13</sup>	CPHE Employer	39,571	10,188,179	30.3	0.10	0.51	1,018,818	30,870,183
CPHE Provides Information to CPHE Handlers	CPHE Employer	2,793	1,537,200	30.3	0.05	1.51	76,860	2,328,858
CPHE Handler Receives Information from CPHE	CPHE Handlers	17,080	1,537,200	20.1	0.05	1.005	76,860	1,544,886
TOTALS		845,233	19,255,802				1,472,199	\$43,197,368

\*Estimates may not add due to rounding. Respondents are counted only once.

### (7) Safe Operation, Cleaning and Repair of Equipment

The agricultural handler employer and CPHE employer must ensure that the handler is instructed in the safe operation of any equipment used for mixing, loading, transferring or applying pesticides.

The handler employer must also provide information to persons not employed directly by the establishment before they clean, repair or adjust pesticide application equipment. The handler employer must inform the person that the equipment may be contaminated with pesticides, the potential harmful effects of pesticide exposure, and procedures for handling pesticide application equipment and for limiting exposure to pesticide residues.

Handlers must be provided instruction in the safe operation of pesticide equipment. The instruction is assumed to be provided the handler employers and requires 5 minutes of the employer's time to provide and 5 minutes of the handler's time to receive information.

<sup>12</sup> Assumes that all WPS establishments will rely on a CPHE for some of their estimated 20 applications per season. The number of responses assumes that WPS farms make 62% of the 20 applications and CPHEs account for the other 38% and that it takes 3 minutes to exchange information.

<sup>13</sup> Assumes that 70% of the 1,537,200 applications made by CPHEs will require 2 exchanges of information up to 6 minutes each. The other 30% of applications require 1 exchange of information (1.7X1,537,200=2,613,240)

The Agency estimates that the number of WPS respondents is based on the number of WPS farms that have handlers that use pesticides in a given year. Of the 173,909 farms that have handlers and use pesticides, the Agency estimates that the number of agricultural handlers that receive information is 222,858. For CPHEs, the number of establishments that provide information is 2,793 and the number of CPHE handlers is 17,080. For this requirement the total average burden in terms of hours and costs for agricultural employers to comply with this requirement is 39,990 hours and \$982,482. (Table 12)

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden	Cost	Burden	Cost
					(hours)	(\$)	(hours)	(\$)
Agricultural Employer informs handlers. <sup>14</sup>	Agricultural Establishment Employer	173,909	222,858	28.21	0.083	2.351	18,572	523,902
	Agricultural Establishment Handler	222,858	222,858	20.83	0.083	1.736	18,572	386,844
CPHE Employer informs handlers.	CPHE Employer	2,793	17,080	30.3	0.083	2.525	1,423	43,127
	CPHE Handler	17,080	17,080	20.1	0.083	1.675	1,423	28,609
TOTALS		416,640	479,876				39,990	\$982,482

\*Estimates may not add due to rounding. Respondents are counted only once.

### **(8) Information Required for Emergency Assistance**

In the event of an illness or injury to a worker or handler that may have been caused by a pesticide exposure, the agricultural employer must provide for his employee the relevant SDS and product label information to the attending medical personnel or the affected individual.

To determine the burden and cost of this activity the following assumptions were made regarding the frequency of medical emergency event (probability), the average number of persons impacted and the time it takes to provide the information. The Agency assumes that each provision of pesticide-specific emergency information takes 5 minutes of the employer's time to locate and provide to medical personnel or the affected worker or handler. The total number of workers affected is determined by the probability that any worker/handler is likely to experience a pesticide related exposure event. This is dependent on whether the injured party is a worker or a handler because the Agency assumes that the risk of exposure is slightly higher for handlers due to the nature of their occupation.

The estimate of worker emergencies is based on the number of agricultural pesticide incidents from the American Association of Poison Control Center's National Poison Data System (NPDS) for the years 2003 to 2005<sup>15</sup>. Based on the data, the Agency assumes that there are about 2,400 incidents per year on average. Of these 20 were with CPHEs and the remainder were for Agricultural establishments. The Agency assumes that it takes 5 minutes for each response resulting in about 198 hours of emergency assistance time per year for agricultural establishments and 2 hours for CPHEs.

<sup>14</sup> WPS farms/employers that have handlers include only large farms & large-small farms or 119,839 of the 201,564 farms that use pesticides and hire labor. The total number of handlers employed by these farms is 151,879. This is based on the assumption that there are 2 handlers per large farm and 1 handler per large-small farm. CPHEs are estimated to have 6 (6.115) handlers per firm.

<sup>15</sup> US EPA, OPP Report on Incident Information: The Baseline 2007.  
<http://www.epa.gov/pesticides/ppdc/2007/oct2007/session10-finalrpt.pdf>

The Agency estimates that the average burden in terms of hours and costs for agricultural worker and handler employers to comply with this requirement is 200 hours and \$5,645. (Table 13)

Table 13: Information Required for Emergency Assistance								
Activity <sup>16</sup>	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Agricultural Employer Provides Information to Medical Personnel, Worker or Handler	Ag. Establishment Employer	394,658	2,380	28.21	0.083	2.35	198	5,595
CPHE Employer Provides Information to Medical Personnel or Handler	CPHE Employer	2,793	20	30.30	0.083	2.53	2	51
TOTALS		397,451	2,400				200	\$5,645

\*Estimates may not add due to rounding. Respondents are counted only once.

### (9) Pesticide Safety Training for Workers and Handlers

Annual training is required for all agricultural workers and handlers on agricultural establishments and handlers employed by commercial pesticide handling establishments (CPHEs). Handlers that receive the handler pesticide safety training are not required to also take worker training. Trainings for agricultural workers are the responsibility of the agricultural establishment employer and must be provided by persons designated by EPA, or state or tribal pesticide enforcement agencies to train certified applicators, and trainers that have completed an approved Train-the-Trainer course. Training for handlers employed by agricultural establishments and CPHEs must be provided by trainers identified above for workers or certified applicators (such as agricultural establishment owner). Employers are required to make a record of the training and have it signed by the trained worker or handler, provide a record of the same information to the worker or handler, and maintain the records for 2 years.

Workers who are not trained as handlers must be trained before they enter an area treated with a pesticide or under an REI within the last 30 days. However, under an exception, pesticide safety training may be delayed until the start of their third day of employment on an agricultural establishment, but workers must receive pesticide safety information prior to entry to perform worker tasks. A separate burden calculation for workers who are trained after the 2-day waiting period is presented in Table 16.

<sup>16</sup> The requirement intends to clarify the regulation text meaning for an employer to provide information to a medical provider if there is a pesticide exposure. The clarification changes the response time from "prompt" to "30 minutes". The actual transfer of pesticide information which can be phoned or faxed in by the employer is assumed to take 5 minutes of an employer's time per event.

### *Agricultural Worker Pesticide Safety Training*

The training time requirement for worker training sessions increased from the current ICR estimate of 30 minutes to 45 minutes due to expanded training content. The proposed rule requires that trainings will be conducted by either a trainer or certified applicator or a trainer that has completed a "train the trainer" program. The wage rate for both categories of trainers is \$37.87. The Agency assumes that all agricultural workers are trained one time and that the 394,658 establishments average 1.5 trainings per establishment. This results in a total of 591,987 trainings that require records to be saved. Of the 591,987 trainings, the Agency assumes 85% of the trainings (503,189) for workers are conducted by trainers who have completed a Train-the-Trainer program. The other 15% of the trainings (88,798) will be conducted by trainers that are certified applicators. Of the 2,322,610 workers that attend worker safety training, the total number of workers trained does not include 208,165 returning handlers who receive handler training and 19,510 field workers that work less than 2 days ( $2,322,610 - 208,165 - 19,510 = 2,094,935$ ). (Table 14)

### *Agricultural Handler Pesticide Safety Training*

For handlers on agricultural establishments, the Agency assumed that all 247,815 agricultural establishment handlers including handlers on livestock operations are trained one time per year and that as per the Economic Analysis<sup>17</sup>, the Agency estimated that only large and large-small agricultural establishments have handlers (193,526 establishments). Because establishments can share training resources, the Agency estimates that there will be about 4 training sessions for every 5 large farms or 80% of the 54,289 large agricultural establishments and about 1 session for every two large-small farms or 50% of the 139,237 large-small agricultural establishments provide handler training sessions totaling 113,050 sessions ( $43,431 + 69,619$ ). Because different types of trainers have different time costs, Table 14 below breaks out the trainers and training sessions. The Agency estimates that the number of training sessions varies by trainer type. About 76% of agricultural handler training sessions, or 85,918 sessions are conducted by certified applicators (primarily the agricultural employer) ( $113,050 \times .76 = 85,918$ ), another 10% or 11,305 of the training sessions are conducted by trainers that have completed the Train-the-Trainer course ( $113,050 \times .10 = 11,305$ ) and about 14% of the training sessions or 15,827 are conducted by trainers of certified applicators ( $113,050 \times .14 = 15,827$ ). (Table 14)

### *CPHE Handler Pesticide Safety Training*

For CPHE handlers, the Agency did not include the 36,778 self-employed CPHE owner operators in the calculation of the burden and cost estimates for this line item to avoid double counting the burden and cost because the self-employed CPHEs will be included the Certification Rule ICR. For the 2,793 CPHE's that hire handlers, the Agency assumed that the 2,793 CPHEs conduct on average 1.3 trainings per year per establishment for CPHE Handlers. Of the 3,631 ( $2,793 \times 1.3$ ) trainings, 14% of the trainings or 508 ( $(2,793 \times 1.3) \times .14$ ) were conducted by trainers of certified applicators, 10% or 363 were conducted by trainers that completed a Train-the-Trainer program ( $(2,793 \times 1.3) \times .1$ ) and the remaining 76% or 2,759 were conducted by certified applicators (assume CPHE employer). (Table 14)

<sup>17</sup> Economic Analysis of Proposed Revisions to the Worker Protection Standard, EPA, 2013

*Training Burden Requirements for Agricultural Establishment and CPHEs*

The training time for agricultural establishment and CPHE handler training is 60 minutes. The estimated time burden for both agricultural establishment and CPHE employers to record and maintain records of training is 7 minutes per worker and 4 minutes per handler. The time required for both workers and handlers to acknowledge training is 30 seconds per acknowledgement. Agricultural employers are required to keep records of training for two years, including names of workers trained, trainer and agricultural employer; date; materials used; and signature acknowledgement of receipt of training.

For CPHEs only those that hire labor are required to provide handler training. This time-cost training requirement does not include self-employed CPHE handlers as they are trained under the Certification Rule ICR as noted above.

The Agency estimates that the average burden in terms of hours and costs for agricultural and CPHE employers and their worker and handler employees to comply with this requirement is 2,511,929 hours and \$49,963,089. (Table 14)

Table 14: Pesticide Safety Training								
Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Train Workers on Pesticide Safety	Trainers of Certified Applicators <sup>18</sup>	59,199	88,798	37.87	0.75	28.40	66,599	2,522,087
	Trainers of a Train-the-Trainer program <sup>19</sup>	335,459	503,189	37.87	0.75	28.40	377,392	14,291,824
Worker pesticide safety training	Workers <sup>20</sup>	2,094,935	2,094,935	13.43	0.75	10.07	1,571,201	21,101,233
Record and maintain records of worker training	Agricultural establishment employers	394,658	591,987	28.21	0.12	3.29	69,065	1,948,328
Sign Acknowledgement of worker training and receive a copy	Workers	2,094,935	2,094,935	13.43	0.0084	0.11	17,458	234,458
Train handlers of agricultural establishments	Training by Trainers of certified applicators <sup>21</sup>	15,827	15,827	37.87	1	37.87	15,827	599,368
	Training by Trainers who completed Train-the-Trainer program	11,305	11,305	37.87	1	37.87	11,305	428,120
	Training by Certified Applicator of RUPs <sup>22</sup>	85,918	85,918	28.21	1	28.21	85,918	2,423,745

<sup>18</sup> Assumes 6.5 workers per training and trainers of certified applicators conduct 15% of worker trainings.

<sup>19</sup> Assumes 6.5 workers per training and trained trainers conduct 85% of trainings

<sup>20</sup> 1,785,100 workers minus .8% of workers that work less than 2 days (14,995), minus returning handlers (84%) that have received handler training and therefore do not need worker training (134,952).

<sup>21</sup> Assumes 14% of handlers are trained by trainers of certified applicators of restricted use pesticides (RUPs).

<sup>22</sup> Assume the certified applicator trainer is the agricultural establishment owner.

Attend handler training on agricultural establishment	Agricultural establishment handlers	247,815	247,815	20.83	1	20.83	247,815	5,161,986
Record and maintain records of handler training (agricultural establishment)	Agricultural establishment employers with handlers <sup>23</sup>	193,526	224,490 <sup>24</sup>	28.21	0.12	3.29	26,191	738,835
Sign Acknowledgement of handler training and receive a copy	Handlers of agricultural establishments	247,815	247,815	20.83	0.0084	0.17	2,065	43,017
Train handlers of CPHEs	Trainers of certified applicators <sup>25</sup>	508	508	37.87	1	37.87	508	19,238
	Trainers who completed a Train-the Trainer program <sup>26</sup>	363	363	37.87	1	37.87	363	13,747
	Certified Applicator of RUPs <sup>27</sup>	2,759	2,759	30.30	1	30.30	2,759	83,598
Attend handler training on CPHEs	Handlers of CPHEs	17,080	17,080	20.10	1	20.1	17,080	343,308
Record and Maintain records of handler training (CPHE)	CPHE employers <sup>28</sup>	2,793	3,691	30.30	0.07	2.02	242	7,335
Sign acknowledgment of handler training and receive a copy	Handlers of CPHEs	17,080	17,080	20.10	0.0084	0.017	142	2,861
TOTALS		2,758,152	5,959,199				0	\$49,963,089

\*Estimates may not add due to rounding. Respondents are counted only once.

## (10) Personal Protective Equipment Information

### *Respirator Users: Medical Evaluation, Fit Testing and Respirator Training*

Agricultural handler employers are required to keep records documenting the completion of medical evaluation, respirator fit testing, and respirator training for their handlers that wear respirators. The Agency assumes that 76% of all large and large-small farms that hire labor (193,526 ) have 1 handler each that will use a respirator resulting in 147,414 handlers that will be required to undergo respirator training which takes 30 minutes, if they will use a product that will require a respirator other than a dust-mist filtering face piece. Agricultural handlers will also be required to complete an initial survey which the Agency estimates will take 30 minutes to complete, a respirator fit-test which takes 4 minutes, and a respirator medical evaluation reviewed by a health care worker which the Agency estimates will take 5 minutes to determine pre-existing conditions. The Agency estimates that each

<sup>23</sup> Assume there are 4 training sessions for every 5 farms or 80% of the 33,766 large farms have a training session and therefore are required to keep records. For the 93,125 large-small farms, there is 1 training session for every 2 farms or 46,562 training sessions. Added together there are 73,575 trainers. For the number of responses, assume 1.2661 handlers per training session or a total of 1609,657 handlers trained.

<sup>24</sup> Assumes that there are 1.16 sessions per establishment and that .16 is the new hire rate per year for handlers.

<sup>25</sup> Assume 14% of 2793 trainers of certified applicators of restricted use pesticides (RUPs) multiplied by 1.3 trainings

<sup>26</sup> Assume 10% of 2793 trainers completed train the trainer program multiplied by 1.3 trainings.

<sup>27</sup> Assume 76% of 2,793 certified applicators of restricted use pesticides (RUPs) multiplied 1.3 trainings.

<sup>28</sup> Assume 1.3 training sessions per CPHE.

health care worker has 4 cases resulting in 36,854 (147,414 divided by 4) health care workers reviewing agricultural handler evaluations annually. The Agency assumes that approximately 23% of agricultural handlers (33,905 (147,414x0.23) will require a follow-up evaluation which will take 4 minutes of the handler's time.

Agricultural establishment employers with handlers that take the medical evaluation will spend 4 minutes per year to record and maintain medical records of handler employees. In addition they will also spend another 4 minutes to record and maintain information related to the respirator fit test.

CPHE handler employers (2,793) are required to keep records documenting the completion of medical evaluation, respirator fit testing, and respirator training for their handlers that wear respirators. The Agency assumes that 100% of all CPHEs handlers will use a respirator resulting in 17,080 handlers that will be required to undergo respirator fit-test training which takes 30 minutes, if they will use a product that will require a respirator other than a dust-mist filtering face piece. CPHE handlers will also be required to complete an initial survey which the Agency estimates will take 30 minutes to complete, a respirator fit-test which takes 4 minutes, and a respirator medical evaluation reviewed by a health care worker which the Agency estimates will take 5 minutes to determine pre-existing conditions. The Agency estimates that each health care worker has 4 cases resulting in 4,270 health care workers reviewing CPHE handler evaluations annually. The Agency assumes that approximately 23% of CPHE handlers (3,928) will require a follow-up evaluation which will take 4 minutes of the handler's time. (Table 15)

#### *Cleaners of PPE*

Handler employers are required to inform the person who cleans or launders PPE equipment or clothing that the PPE equipment or clothing may be contaminated with pesticides, the harmful effects of exposure to pesticides and the proper method to clean contaminated personal protective equipment or clothing and how to protect themselves. The Agency assumes all 304,348 WPS farms using pesticides and 100% of the CPHEs (2,793) will have to provide this information once annually. The Agency estimates that it takes agricultural and CPHE employers 5 minutes to inform cleaner/lauderer persons of this information. (Table 15)

#### *Maintenance of Closed Systems*

For WPS farms that use pesticides and hire labor EPA assumes that 50% of the large and large-small agricultural establishments or 96,763 (Table 4) have a closed system. EPA estimates that 90% of those agricultural establishments use pesticides in a given year and approximately 20% are estimated to have a breakdown of some sort requiring maintenance. The Agency estimates that 17,391 agricultural establishments will be required to keep records in a given year and that it takes 3 minutes to record and store a record. Smaller agricultural establishments would not typically own such a system.

In addition, there are 484,234 (Table 2) family farms that do not hire labor but that use pesticides, of which there are 9,246 large family farms that use pesticides. EPA assumes that 1/3 have closed systems (3,082). EPA estimates that about 70% will use a closed system in a given year and that 20% will have a maintenance issue that requires record keeping or about 433. The Agency estimates that the total number of WPS farms (agricultural establishments and family farms) that will be required to keep records in a given year is 17,824 (17,391+433) and that it takes 3 minutes to record and store a record. (Table 15)

EPA also assumes that 2/3 of CPHEs that hire labor (2,793 x .667 = 1,862) have on average 2 closed systems and that of those systems, 20% will require a maintenance record or about 745 CPHEs that hire labor will be required to have maintenance record(1,862 x 2) x .20). For self-employed CPHEs, the agency assumes that 2/3 or 25,553 (38,311 x .667) have 1 closed system and of those 20% or

5,111 will require maintenance ( $25,553 \times .2 = 5,111$ ). The total number of CPHEs required to comply with this requirement is 5,856. The Agency assumes that CPHEs that have to record maintenance of closed systems will spend 3 minutes per year per system for recordkeeping. Establishments that purchase new closed systems will not have any maintenance events in the first year.

The Agency estimates that the average burden in terms of hours and costs for agricultural and CPHE employers and their worker/handler employees to comply with this requirement is 228,483 hours and \$5,321,503. (Table 15)

Table 15: Personal Protective Equipment Information								
Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. avg)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Agricultural Handler Respirator Training	Ag Establishment Handlers <sup>29</sup>	147,414	147,414	20.83	0.50	10.42	73,707	1,535,317
Initial Respirator Survey	Ag Establishment Handlers	147,414	147,414	20.83	0.50	10.42	73,707	1,535,317
Respirator Fit-test	Ag Establishment Handlers	147,414	147,414	20.83	0.07	1.39	9,828	204,709
Medical Evaluation	Health Care Worker <sup>30</sup>	36,845	147,414	42.91	0.08	3.58	12,285	527,128
Follow up Evaluation	Ag Establishment Handlers <sup>31</sup>	33,905	33,905	20.83	0.07	1.39	2,260	47,083
Record and Maintain Records	Ag Employer <sup>32</sup>	147,414	147,414	28.21	0.07	1.88	9,828	277,237
Inform Cleaner/lauderer	Ag Employer	304,348	304,348	28.21	0.08	2.35	25,362	715,471
Maintenance of Closed System Record Keeping	Ag Employer <sup>33</sup>	17,824	17,824	28.21	0.05	1.41	891	25,141
CPHE Handler Respirator Training	CPHE Handler <sup>34</sup>	17,080	17,080	20.10	0.50	10.05	8,540	171,654
Initial Respirator Survey	CPHE Handler	17,080	17,080	20.10	0.50	10.05	8,540	171,654
Respirator Fit-test	CPHE Handler	17,080	17,080	20.10	0.07	1.34	1,139	22,887
Medical Evaluation	Health Care Worker <sup>35</sup>	4,270	17,080	42.91	0.08	3.58	1,423	61,075
Follow up Evaluation	CPHE Handler <sup>36</sup>	3,928	3,928	20.10	0.07	1.34	262	5,264
Record and Maintain Records	CPHE Employer	2,793	2,793	30.30	0.07	2.02	186	5,642
Inform Cleaner/lauderer	CPHE Employer	2,793	2,793	30.30	0.08	2.50	233	7,052
Maintenance of Closed System Record Keeping	CPHE Employer <sup>37</sup>	5,856	5,856	30.30	0.05	1.52	293	8,872
TOTALS		513,395	1,176,837				0	5,321,503

\*Estimates may not add due to rounding. Respondents are counted only once.

### (11) Exceptions/Exemptions

<sup>29</sup> Assume 79% of handlers.

<sup>30</sup> Assume 4 WPS handler cases per health care worker.

<sup>31</sup> Assume 23% of the 79% of WPS handlers.

<sup>32</sup> Assume all large and large-small farms with handlers that use respirators.

<sup>33</sup> Assume 50% of large and large-small farms.

<sup>34</sup> Assume 100% of CPHE handlers.

<sup>35</sup> Assume 4 CPHE handler cases per health care worker.

<sup>36</sup> Assume 23% of CPHE handlers.

<sup>37</sup> Assume 66.7% of CPHEs have 2 systems that require record keeping.

*Exception to Allow a 2-Day Waiting Period prior to Worker Pesticide Safety Training*

A worker may perform tasks in a treated area for 2 days before receiving the pesticide safety worker training. Prior to conducting any tasks in a treated area, the worker must be provided a copy of an EPA-approved pesticide information sheet and its contents communicated to the worker orally in a language the worker understands. The Agency assumes that this requirement takes 10 minutes of the agricultural establishment owner and workers time. The agricultural employer must maintain records of this communication for 2 years on the agricultural establishment. The Agency estimates that the recordkeeping will take the agricultural establishment 10 minutes per response. Employers are required to provide the full pesticide safety training to workers before their third day of work in pesticide treated area (see Section 6(b)(ii)(9)).

The Agency estimates that 39,466 or 10% of the 394,658 agricultural employers will use this exception ( $394,658 \times 0.1$ ). The record must include a copy of the information provided, the printed name of the worker, date of birth, and signature of the worker, date of the information was received, the employer's name, and the phone number of employer or establishment. The Agency estimates that the number of workers that receive the pesticide information sheet is 103,740 or 5% of the total number of workers less the number of agricultural handlers ( $(2,322,610 - 247,815) \times 0.05$ ).

The Agency estimates that the total average burden in terms of hours and costs for agricultural employers and their worker and trainers to comply with this requirement is 30,445 hours and \$603,314. (Table 16)

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Provide Information Sheet to Agricultural Worker	Agricultural Establishment Employer	39,466	39,466	28.21	0.17	4.70	6,578	185,555
Create, Collect, and Maintain Workers records for 2 years	Agricultural Establishment Employer	39,466	39,466	28.21	0.17	4.70	6,578	185,555
Receive Information Sheet and Acknowledge Receipt of Sheet	Agricultural Workers	103,740	103,740	13.43	0.17	2.24	17,290	232,204
<b>Total</b>		<b>143,206</b>	<b>182,671</b>				<b>0</b>	<b>\$603,314</b>

\*Estimates may not calculate due to rounding. Respondents are counted only once.

*Notification of Exceptions for Early Entry*

If the agricultural employer directs a worker to perform activities in a treated area where an REI is in effect (i.e., early entry), the agricultural employer must notify the worker certain required information regarding that entry. The Agency estimates that approximately 427,360 or 18.4% of the 2,322,610 workers are involved in early entry events per year based on the Agencies assumption that

50% of agricultural workers will be involved in an early entry event which implies that 20% of workers on an agricultural establishment applying pesticides. Since 87.4% of workers are employed on farms that apply pesticides in any given year, there is a 17.5% chance that an agricultural worker will be involved in an early entry event ( $0.20 \times 0.874 = 17.5\%$ )<sup>38</sup>. The Agency also estimates that approximately one third of all agricultural establishments will have an early entry event that requires notification assuming that the greatest number of events would be 394,658 or 1 event per establishment over a 3 year period. This results in 131,421 responses for agricultural establishments ( $394,658 \times 0.333$ ). On average, 3 minutes of each agricultural establishment employer's time and 3 minutes of each involved worker's time will be required for each oral notification during any early entry events. In addition, each agricultural establishment employer will spend another 4 minutes per early entry event (131,421) to create and maintain a record of information for this notification for the 406,457 workers that are estimated to be involved in an early entry event.

The proposed rule would require that employers of workers involved in early entry activities retain records of the notification for two years including the acknowledgement of notification by printed name and signature of workers. The Agency also estimates that each agricultural establishment employer who informs workers of label information and workers that read or receive orally label information due to an early entry event will take 30 seconds per event.

The Agency estimates that the total average burden in terms of hours and costs for agricultural employers and their worker/handler employees to comply with this requirement is 41,183 hours and \$795,885. (Table 17)

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-yr. average)	Wage Rate (\$/hr)	Per Event Average		TOTALS	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Oral Notifications	Ag. Establishment Employer	394,658	131,421	28.21	0.05	1.41	6,571	185,369
Receive Oral Notification Sign and Receive Acknowledgement	Ag. Worker <sup>39</sup>	427,360	427,360	13.43	0.05	0.67	21,368	286,972
Create and Maintain Records for 2 years	Ag. Establishment Employer	131,421	131,421	28.21	0.0667	1.88	8,761	247,159
Inform Workers of Label Information	Ag. Establishment Employer	394,658	131,421	28.21	0.0083	0.24	1,095	30,895
Read Label or Receive Info Orally	Ag. Worker	406,457	406,457	13.43	0.0083	0.112	3,387	45,489
<b>TOTALS</b>		<b>801,115</b>	<b>1,228,080</b>				<b>0</b>	<b>\$795,885</b>

\*Estimates may not add due to rounding. Respondents are counted only once.

### **6(c). Estimating Agency Burden and Cost**

<sup>38</sup> Based on the Economic Analysis of Proposed Revisions to the Worker Protection Standard; Appendix A - Cost Estimation of Potential Regulations; Notify-07.

<sup>39</sup> Assume 18.4% of 2,322,610 agricultural workers.

This ICR involves activities conducted by respondents, including notification to third parties. EPA does not conduct any activities or collect any information under this ICR so there is no Agency burden and cost to estimate.

#### **6(d). Estimating the Total Burden and Costs**

The following section details the respondents' total burden and cost for the activities detailed in the previous tables. Using the estimates for the number of respondents for each activity and the associated per respondent burden and cost estimates derived in the preceding sections, the Agency calculated the total burden and costs (Table 18). Because the Agency does not collect information, the Agency does not have any associated burden or cost.

#### **6(e). Total Burden Hours and Cost Tables**

<b>Table 18: Total Estimated Burden Hours And Costs</b>		
	<b>Hours</b>	<b>Costs</b>
<b>Respondents</b>	<b>8,316,993</b>	<b>\$196,130,463</b>
<b>Agency</b>	n/a	n/a

**6(f). Cross-walk of ICs to Supporting Statement**

IC Title		Supporting Statement Crosswalk
1	Rule Familiarization	Table 5
2	Agricultural Employers Display Basic Safety Information	Table 7
3	Agricultural Employers Maintain Pesticide Application Records, Copy of Product Labeling, and Copy of Safety Data Sheet	Table 8
4	Agricultural Employer Notifies Agricultural Workers of Restricted Entry Areas	Table 9
5	Agricultural Workers Receive of Restricted Entry Area Notifications	Table 9
6	Agricultural Employers Provide Establishment-Specific Information to Handlers and Agricultural Workers	Table 10
7	Agricultural Workers and Agricultural/Commercial Handlers Receive Establishment-Specific Information from Agricultural Employer	Table 10
8	Agricultural Employer Notification to Commercial Handler Employer of Restricted Entry Interval	Table 11
9	Commercial Handler Employer Provides Application Information to Agricultural Employer	Table 11
10	Commercial Handler Employer Notifies Handler Employee of Restricted Entry Interval at Agricultural Establishment	Table 11
11	Commercial Handler Receives Agricultural Establishment Restricted Entry Interval Information from Employer	Table 11
12	Agricultural and Commercial Handler Employers Inform Handlers About Safe Operation, Cleaning and Repair of Equipment	Table 12
13	Handlers Receive Information About Safe Operation, Cleaning and Repair of Equipment from Agricultural and Commercial Handler Employers	Table 12
14	Agricultural and Commercial Handler Employers Provide Information to Medical Personnel, Workers or Handlers	Table 13
15	Agricultural Employers Provide for Agricultural Worker Pesticide Safety Training	Table 14
16	Agricultural Workers Attend and Acknowledge Pesticide Safety Training Provided by Agricultural Employers	Table 14
17	Agricultural Employers Maintain Records of Agricultural Worker Pesticide Safety Training	Table 14
18	Agricultural Employers Provide for Handler Pesticide Safety Training	Table 14
19	Agricultural Handler Employees Attend and Acknowledge Pesticide Safety Training Provided by Employers	Table 14
20	Agricultural Employers Maintain Records of Handler Pesticide Safety Training	Table 14
21	Commercial Handler Employers Provide for Handler Pesticide Safety Training	Table 14
22	Commercial Handler Employees Attend and Acknowledge Pesticide Safety Training Provided by Employers	Table 14
23	Commercial Handler Employers Maintain Records of Handler Pesticide Safety Training	Table 14
24	Agricultural and Commercial Handlers Attend Respirator Training, Receive Respirator Fit Test, and Complete Initial Respirator Survey	Table 15
25	Agricultural and Commercial Handler Employers Maintain Medical Evaluation, Respirator Fit Testing, and Respirator Training Records	Table 15
26	Medical Evaluation of Agricultural and Commercial Handlers by Health Care Worker	Table 15
27	Agricultural and Commercial Handler Employers Notify Cleaners/Laundryers of Personal Protective Equipment of Potential Contamination, Adverse Effects, Cleaning Methods, and Precautions	Table 15
28	Agricultural and Commercial Handler Employers With Closed Systems Retain Records of System Maintenance	Table 15
29	Agricultural and Commercial Handlers Receive Follow-up Medical Evaluation	Table 15
30	Waiting Period Prior to Worker Training Exception: Agricultural Employers Provide Pesticide Information Sheet to Agricultural Workers	Table 16
31	Waiting Period Prior to Worker Training Exception: Agricultural Workers Acknowledge Receipt of Pesticide Information Sheet From Employers	Table 16
32	REI - Early Entry Exception: Agricultural Employers Provide Early Entry Notification and Information to Agricultural Workers	Table 17
33	REI - Early Entry Exception: Agricultural Workers Acknowledge Receipt of Early Entry Notification from Agricultural Employers	Table 17
34	REI - Early Entry Exception: Agricultural Employers Keep Records of Agricultural Worker Early Entry Activities	Table 17
35	REI - Early Entry Exception: Agricultural Workers Read Label or Receive Info Orally from Agricultural Employer	Table 17

### **6(g). Reasons for Changes in Burden**

The total estimated annual respondent burden for this proposed rule replacement ICR is 8,316,993 hours. As new, replacement ICR, all of the burden would be attributed to program changes. However, relative to the 1,776,131 total burden hours estimated for the existing WPS regulation in the ICR currently-approved under OMB Control No. 2070-0148, this ICR reflects an increase of 6,540,862 hours. The increase in burden reflects both changing regulatory requirements as well as a re-estimation of the burden associated with existing requirements, including the inclusion of some required baseline activities that were not clearly included in the existing approved ICR, as well as the number of estimated respondents/responses based on newer information that is available to EPA. The regulatory changes include modifications to restrictions in field entry activities during restricted entry intervals; increased hazard communications; increased training (for both workers and handlers); increased posting of pesticide application information; provisions for information during emergency assistance; recordkeeping for respirator requirements and for workers performing early entry activities.

### **6(h). Burden Statement**

The total annual respondent burden for providing the training and notifications associated with the proposed Agricultural Worker Protection Standard Revisions is estimated to be 8,316,993 hours, with the incremental burden of the various activities ranging from 6 seconds per respondent for workers to provide acknowledgements to their employers to 5 hours per respondent to create, gather, record and store information for pesticide application information. This total estimate includes the third party WPS training and notification requirements, e.g., provisions requiring employers to: provide employees with pesticide-specific treatment (application) information in the form of oral or written notification, assure that employees receive basic pesticide safety information or training, provide emergency information on pesticide treatments, and notify employees when an exception/exemption to the WPS is being implemented, and provisions requiring handler notification to employers regarding pesticide treatments (applications), etc.

According to the Paperwork Reduction Act, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection appears at the beginning and end of this document. In addition, after initial display in the final rule, OMB control numbers for EPA's regulations are listed in 40 CFR Part 9.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2011-0184, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in-person viewing at the OPP Docket in the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the WJC West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 EPA/DC Public Reading Room 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-2011-0184 and OMB Control No. 2070-[NEW], to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), Mail code: 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-2011-0184. These attachments are available for online viewing at [www.regulations.gov](http://www.regulations.gov) or otherwise accessed as described in section 6(f) of the supporting statement, and as noted below.

Attachment A: 7 U.S.C. 136w - FIFRA Section 25 - Also available online at the US House of Representatives' [US Code website](#)

Attachment B: Wage Rate Tables for Agricultural Employers and Agricultural Workers from the EA

**Attachment B: Wage Rate Tables for Agricultural Employers and Agricultural Workers**  
From the Worker Protection Standard Economic Analysis - Wage Rate Calculations

Labor Category <sup>40</sup>	Base Wage Rate (=W)	Benefits (%) <sup>41</sup> (Lb= B/W)	Benefits (B) / Hour (\$)	Loaded Hourly Wage (=W + B) (\$)
Agricultural Establishment	19.75	0.429	8.46	28.21
CPHE	21.21	0.429	9.09	30.30
Agricultural Worker	9.40	0.429	4.03	13.43
Agricultural Handler	14.58	0.429	6.25	20.83
CPHE Handler	14.07	0.429	6.03	20.10
Handler Trainer	26.51	0.429	11.36	37.87
Health Care Worker	30.04	0.429	12.87	42.91

1. Data Source: BLS		<a href="http://www.bls.gov/oes/current/naics2_11.htm">http://www.bls.gov/oes/current/naics2_11.htm</a>
NAICS: Sector 11 - Agriculture, Forestry, Fishing and Hunting		
Standard Occupational Codes		
Farmers and Ranchers	11-9013	Farmers and Ranchers
Agricultural Managers	11-9013	Farmer and Ranchers, Other Agricultural Managers
Healthcare Practitioners	29-0000	Healthcare Practitioners and Technical Occupations
Pesticide Handlers	37-3012	Pesticide Handlers, Sprayers, and Applicators, Vegetation
Agricultural Workers	45-2092	Farmworkers and Laborers, Crop, Nursery, and Greenhouse
2. Fringe benefits/wage per hour. The average for non farm, non federal civilian workers.		
3. U. S. Environmental Protection Agency, <i>EPA Air Pollution Control Cost Manual, Sixth Edition</i> , EPA-452-02-001, January 2002, pg. 2-34. The loading for indirect costs is within the range of 20-70% of the load labor rate (wage + benefits) suggested in EPA guidance.		

<sup>40</sup> Data Source: US Department of Labor. Bureau of Labor Statistics. [http://www.bls.gov/oes/current/naics2\\_11.htm](http://www.bls.gov/oes/current/naics2_11.htm)

<sup>41</sup> Fringe benefits/wage per hour which is the average for non farm, non federal civilian workers. Note: Most farm workers do not receive fringe benefits.