

ATTACHMENT E

Records of Consultations between the U.S. Environmental Protection Agency and Respondents to the Information Collection Request:

“Certification of Pesticide Applicators”

List of Stakeholders Who Responded:

1. Jasmine LR (Courville) Brown

Company and contact: Confederated Salish and Kootenai Tribes Pesticide Program, PO Box 278 Pablo, Montana 59855; jasmineb@cskt.org.

2. Janice Cooney

Company and contact: Cooney Fertilizer, Inc., 1030 26th Road, Walthill, NE 68067; jycooney@yahoo.com.

3. Laurie Gordon

Company and contact: Oregon Department of Agriculture, 475 NE Bellevue Dr., Ste. 110, Bend, OR 97701; lgordon@oda.state.or.us.

4. Andrew Beck

Company and contact: Pennsylvania Department of Agriculture, 2301 N. Cameron St., Harrisburge, PA 17100; andrbeck@pa.gov.

Consultations Responses

Response 1.

Jasmine LR (Courville) Brown, Confederated Salish and Kootenai Tribes Pesticide Program (Government Applicators) - EPA-Administered Program

Questionnaire

(1) Publicly Available Data

- Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency?
- Yes.
- If yes, where can you find the data? (Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they don't meet our data needs very well?)

USEPA and available public databases do not provide a true data duplication. Most states have a Department of Agriculture that maintains an online pesticide applicator searchable database which provides the public: the applicator's name; business name; license number; license expiration date; licensed category and the business location by county for commercial government and private applicators.

USEPA's public database for Pesticide Dealers provides the public with detailed information the state departments do not provide. This information is supported for the public, potential customers/market, and regulators.

(2) Frequency of Collection

- Can the Agency collect the information less frequently and still produce the same outcome?

No.

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

- Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit such data? If not, what suggestions do you have to clarify the instructions?

No: from the website <http://www2.epa.gov/pesticide-applicator-certification-indian-country>, “How to Apply for Applicator Certification under the EPA Plan” the first bullet contains a link “Find the regional office address on page 3 of the instructions for completing the application form.” Page 3 of the above-mentioned document was not useful until I connected to the link <http://www2.epa.gov/aboutepa#pane-4> provided on page 2 of the Instructions for Completing the Application Form EPA Form 7100-01. I strongly suggest providing the address of each regional office on page 3.

- Do you understand that you are required to maintain records?

Yes.

- Considering that there is no required submission format **for Dealers**, is it difficult to submit information in ways that are clear, logical and easy to complete?

Yes.

- Are there forms associated with this process? Do you use them? Are they clear, logical, and easy to complete?

Sales and purchase records are maintained by businesses. There is no standard form used to my knowledge for submitting an annual report containing the name of the RUP product; EPA registration number of the RUP product; the special local need number of the RUP product, if any and the quantity of the RUP product sold.

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so. One such reason is ~~that, at the present time~~, the Agency is unable to ensure the security of CBI ~~that might be~~ transmitted over the Internet.

- What do you think about electronic alternatives to paper-based records and data submissions? Current electronic reporting alternatives include the use of web forms/XML based submissions via the Agency’s Internet site and magnetic media-based submissions, e.g., diskette, CD-ROM, etc. Would you be interested in pursuing electronic reporting?

Yes.

- Are you keeping your records electronically? If yes, in what format?

I am aware of electronic record storage by manually storing files on the computer hard drive and/or keeping the files on the GPS unit and transferring the records from the GPS unit to the computer.

- Although the Agency does not offer an electronic reporting option because of CBI-related security concerns at this time, would you be more inclined to submit CBI on diskette (CD or DVD) than on paper?

N/A

- What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

Submitting electronically would save time and reduce my cost of printer ink and paper.

(5) Burden and Costs

- **Are the labor rates accurate?**

No: USEPA is underestimating the number of 10 Dealers in Indian Country throughout the U.S. There are an estimated 300 Indian reservations that this ICR might be applicable. If a minimum of one quarter of the Indian country has one dealer, it would constitute an estimate of 75 dealers. For example, the Confederated Salish and Kootenai Tribes have five Dealers within the exterior boundaries of the reservation.

No: USEPA is underestimating the number of 3,240 commercial applicator RUP recordkeeping responses. For example, if 3,240 responses are divided by 300 prospective reservations it would equal 10.8 responses.

This amount of RUP recordkeeping responses could be done by a single commercial/government applicator within the agency within one reservation. For instance a government applicator will apply Tordon (RUP) twice or more annually for noxious weed management on one project.

- The Agency assumes there is no capital cost associated with this activity. Is that correct?
- Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR (e.g., the ICR does not include estimated burden hours and costs for conducting studies), are the estimated burden hours and **labor rates accurate (Duplicate question)?** If you provide burden and cost estimates that are substantially different from EPA's, please provide an explanation of how you arrived at your estimates.

I estimate a RUP transaction to take 5 minutes. It is common practice for Dealers to store a copy of the person's license for whom the RUP was made available and it is kept with each transaction: this alone may take 3 minutes, followed by printing a receipt and assistance with loading or providing additional customer service.

- Are there other costs that should be accounted for that may have been missed?

Response 2.

Janice Cooney, Cooney Fertilizer, Inc. -

Questionnaire:

(1) Publicly Available Data

- Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency?
-
- The private and commercial Nebraska licenses & expiration dates are available on line, but the federal are not. Likewise the Nebraska dealers' names and addresses are available on line.
-
- If yes, where can you find the data? (Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they don't meet our data needs very well?)
- The Nebraska data is available on line at Kelly Solutions. (Likewise on line we can see if an individual has a federal license, but their license number is not displayed. It would very helpful if the license numbers were available as many farmers do not carry their billfold in the field.)

(2) Frequency of Collection

- Can the Agency collect the information less frequently and still produce the same outcome?

The way I understand it, dealers and farmers only have to submit their info when renewing their licenses or when they change addresses. It is nice the dates are the same.

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

- Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit such data? If not, what suggestions do you have to clarify the instructions?

The initial certification process was easy as we each received a letter, but I'm not quite sure how the renewal process will work. Will each private and commercial applicator receive a letter when their license expires or will we be able to fax/e-mail our state license to you to get "federally renewed"? The COL drivers have a fax number and an address where they can send their new medical cards to stay in compliance.

- Do you understand that you are required to maintain records?

I understand that the same kind of RUP sales and application records that we have been generating and keeping on file will be suffice for you also.

- Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical and easy to complete?

I understand the only information you need sent to you is licensing info. As stated before, the initial licensing was quick and easy. I'm just wondering about relaying renewal info.

- Are there forms associated with this process? Do you use them? Are they clear, logical, and easy to complete?

That's what I'm wondering- will growers, applicators, and dealers receive a renewal form?

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paperMbased submissions by 2003, unless there is a strong reason for not doing so. One such reason is that, at the present time, the Agency is unable to ensure the secmity of CBI that might be transmitted over the Internet.

- What do you think about electronic alternatives to paper-based records and data submissions? Current electronic reporting alternatives include the use of web forms@/XML based submissions via the Agency's Internet site and magnetic mediabased submissions, e.g., diskette, CD-ROM, etc. Would you be interested in pursuing electronic reporting?

I would like to renew licenses and change addresses via the internet just like we pay taxes, file tax forms, do e-verify, etc.

- Are you keeping your records electronically? If yes, in what format?

Yes, we keep records of EPA licenses, sales, and ct1stom applications on the computer. We also keep hard copies of custom applications.

- Although the Agency does not offer an electronic reporting option because of CBI-related security concerns at this time, would you be more inclined to submit CBI on diskette (CD or DVD) than on paper?

If we can't use the internet I would probably use paper due to the time and cost. We are located in the country and it would take a trip to the post office to mail the diskette.

- What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

Reporting via the internet would save time and money. I don't understand your security concerns - people file tax returns, buy merchandise, bank, etc. on line all the time.

(5) Burden and Costs

- Are the labor rates accurate?

The rates seem a little on the high side, but I know the cost of employees is a lot more than the amount on the paycheck.

- The Agency assumes there is no capital cost associated with this activity. Is that correct?

We use computers and a copy machine to generate and maintain records so there are costs other than labor.

- Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR (e.g., the ICR does not include estimated burden hours and costs for conducting studies), are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are substantially different from EPA's, please provide an explanation of how you arrived at your estimates.

In general you had estimated most things fairly well. However, I feel Table 3 doesn't reflect the time we spend on recording RUP applications. Keep in mind, we are just a small, family-owned business, but this year we made approx. 400 RUP applications. We figure it takes at least 15 minutes/application to complete a record- formulating, mapping, recording weather conditions, naming target pests, recording applicator and machine info, etc. When the application is complete the actual quantities must be entered in the computer and if any product is left over it must be stated where it went.

- Are there other costs that should be accounted for that may have been missed?

None that come to mind

*Response 3.**Laurie Gordon, Oregon Department of Agriculture – “Authorized” Agency***Questionnaire**

(1) Publicly Available Data

• Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency?

*** Pesticide Dealers, pesticide applicators, and pesticide application businesses and holding a current, valid license can be looked up on the Oregon Department of Agriculture’s (ODA) website under license search. License categories can also be searched from the website as well.**

<http://oda.state.or.us/dbs/licenses/search.lasso?&division=pest>

*** An applicators training history for the current certification period can be viewed online with the person’s pesticide applicator license number.**

*** Courses can be searched online, but the course title does not necessarily reflect the course content. That information can be available by contacting the ODA licensing staff.**

*** Recordkeeping requirements can be found online. Results of recordkeeping inspections can be made as a Public Records Request to the ODA Pesticides Program.**

*** How to register a pesticide and registered pesticide(s) (current, inactive, 25b products) can be found on the ODA website.**

<http://www.oregon.gov/ODA/programs/Pesticides/PesticideProductInformation/Pages/HowtoRegister.aspx>

http://oda.state.or.us/dbs/pest_productsL2K/search.lasso

If yes, where can you find the data? (Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they don’t meet our data needs very well?)

See web links above. Website is currently undergoing changes.

*** Electronic labels for some products are available via the website.**

*** Specific data elements for 24c SLN and section 18 requests are not online, but could be requested through the Public Records Request process unless some or all of the information is Confidential Business Information (CBI).**

(2) Frequency of Collection

- Can the Agency collect the information less frequently and still produce the same outcome?

*** Possibly depending on the information is being used for and whether it is being collected for funding purposes.**

*** EPA Region 10 usually comes down once a year for programs reviews and ODA staff goes to EPA Region 10 each year to meet with EPA staff.**

*** ODA conducts routine and complaint driven Dealer, Applicator, and Recordkeeping inspections. That information can be received via the records request. It is also summarized to EPA in the CPARD report and Year End Reports to EPA.**

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

- Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit such data? If not, what suggestions do you have to clarify the instructions?

*** Usually. This report could have had better instructions as to the specific information being sought.**

- Do you understand that you are required to maintain records?

*** Yes.**

- Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical and easy to complete?

*** Sometimes, however it seems it would be more difficult for the person trying to compile or analyze the data. Having a specific submission format helps to reduce possible errors or not supplying the information requested.**

- Are there forms associated with this process? Do you use them? Are they clear, logical, and easy to complete?

*** Investigative staff uses a variety of forms for inspections, sampling, sample tracking, Attestations, Detainment, and Chain of Custody, etc.**

*** People requesting an Experimental Use Permit must complete a request form and supply specific information.**

*** People requesting continuing education credits for a course must submit a request form and specific information about the course.**

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so. One such reason is that, at the present time, the Agency is unable to ensure the security of CBI that might be transmitted over the Internet.

• What do you think about electronic alternatives to paper-based records and data submissions? Current electronic reporting alternatives include the use of web forms/XML based submissions via the Agency's Internet site and magnetic mediabased submissions, e.g., diskette, CD-ROM, etc. Would you be interested in pursuing electronic reporting?

*** Yes.**

• Are you keeping your records electronically? If yes, in what format?

*** Yes. Filemaker- recertification courses and investigations, L2k (licensing module).**

• Although the Agency does not offer an electronic reporting option because of CBI-related security concerns at this time, would you be more inclined to submit CBI on diskette (CD or DVD) than on paper?

*** It depends on the information. Sending a CD would require an electronic version being backed up on the server where paper would not.**

• What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

*** Electronic submissions is usually less time consuming than handwritten submissions. Since most records are already kept electronically, being able to import or export those to an electronic file for submission can be faster and more efficient.**

(5) Burden and Costs

• Are the labor rates accurate?

***Unknown.**

- The Agency assumes there is no capital cost associated with this activity. Is that correct?

*** Unknown.**

• Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR (e.g., the ICR does not include estimated burden hours and costs for conducting studies), are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are substantially different from EPA's, please provide an explanation of how you arrived at your estimates.

- Are there other costs that should be accounted for that may have been missed?

*** Due to internal security or restricted access to certain databases, it sometimes requires having the IT or other program area staff to run reports for Pesticides Program staff to be able to submit.**

Response 4. Andrew Beck, Pennsylvania Department of Agriculture - Authorized Agency**Questionnaire**

(1) Publicly Available Data

- Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency? **No**
- If yes, where can you find the data? (Does your answer indicate a true duplication, or does the input indicate that certain data elements are available, but that they don't meet our data needs very well?)

(2) Frequency of Collection

- Can the Agency collect the information less frequently and still produce the same outcome?
Yes, once per year, preferably with the year-end report.

(3) Clarity of Instructions

The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.

Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit such data? If not, what suggestions do you have to clarify the instructions? **On the 5700 form, the required "total number of applicators re-certified" is cumbersome to calculate. We suggest removing this requirement.**

We have 27 categories of licensing, Maine has approximately 41. If you were to compare our 5700 data under the column labeled agriculture plant, we had 642 "total applicators," to Maine's data, are you really getting an accurate comparison? Due to category overlap, how many times is one applicator counted and how does that impact data reported from state to state?

- Do you understand that you are required to maintain records?
Yes
- Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical and easy to complete?
We consider CPARD and the 5700 the required format. The forms are fairly clear, some information is confusing, such as the "total number of applicators re-certified."

- Are there forms associated with this process? Do you use them? Are they clear, logical, and easy to complete?

What is the purpose of gathering the information and how is it being used?

(4) Electronic Reporting and Record keeping

The Government Paperwork Elimination Act requires agencies make available to the public electronic reporting alternatives to paper-based submissions by 2003, unless there is a strong reason for not doing so. One such reason is that, at the present time, the Agency is unable to ensure the security of CBI that might be transmitted over the Internet.

- What do you think about electronic alternatives to paper-based records and data submissions? Current electronic reporting alternatives include the use of web forms/XML based submissions via the Agency's Internet site and magnetic media-based submissions, e.g., diskette, CD-ROM, etc. Would you be interested in pursuing electronic reporting? We prefer electronic filing. Filling out the form whether paper or electronic is not the issue. Having a clear and concise reporting form is the most important.
- Are you keeping your records electronically? If yes, in what format? Yes and no. Our records are produced in part by a web-based program, PaPlants (also known as USA Plants), saved in word and excel documents.
- Although the Agency does not offer an electronic reporting option because of CBI-related security concerns at this time, would you be more inclined to submit CBI on diskette (CD or DVD) than on paper? Our reports are currently submitted via email. Our report does not contain CBI information.
- What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

None

(5) Burden and Costs

- Are the labor rates accurate? Yes
- The Agency assumes there is no capital cost associated with this activity. Is that correct? Yes
- Bearing in mind that the burden and cost estimates include only burden hours and costs associated with the paperwork involved with this ICR (e.g., the ICR does not include estimated burden hours and costs for conducting studies), are the estimated burden hours and labor rates accurate? If you provide burden and cost estimates that are substantially

different from EPA’s, please provide an explanation of how you arrived at your estimates.

Below are our suggested adjustments to table 1.

Table 1. Average Annual Respondent Burden and Cost Estimates to Authorized Agencies for Annual Reports on Certification and Training Programs

Collection Activities	Annual Burden Hours Per Respondent		TOTALS	
	Tech. \$59.17/hr	Clerical \$40.81/hr	Hours	Cost \$
Read/hear rule or any collection instrument instruction (incl. compliance determination)	10.25	0	0.25	14.79
Create information	5	0	5	295.85
Gather information	85	0	5	295.85
Process, compile, review info for accuracy	1	0	1	59.17
Complete written forms or other instruments	0.52	0.5	1	49.99
Record, disclose, display, or report the information	20	45	65	3,019.85
Store, file, or maintain the information	0	0.1	0.1	4.08
TOTAL	31.75	45.6	77.35	3,739.58

TOTAL ANNUAL BURDEN: 77.35 hrs/respondent x 57 respondents = 4,409 hrs.

TOTAL ANNUAL COST: \$3,739.58/respondent x 57 respondents = \$213,156.06

NAICS codes

State government: 999200

Technical, Life, Physical, and Social Science Occupations:
19-0000

Clerical, Office and Administrative Support Occupations:
43-0000

- Are there other costs that should be accounted for that may have been missed?
The program developed to help retrieve the requested data, PaPlants (also known as USA Plants) incurred a cost of \$20,000