

# **The 2015 Supporting Statement for OMB 0596-NEW**

Forest Service Pesticide-Use Proposal Form

November 2015

## **A. Justification**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Collection of information is required for compliance with:

- The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136), and 40 CFR 171
- The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421), and 36 CFR 219
- National Environmental Policy Act (42 CFR 4321), and 36 CFR 220

USDA Forest Service (FS) must collect information on proposed use of pesticides on lands administered by FS to safeguard natural resources and human health. Also, information collection is needed to ensure consistency with Federal land management stewardship goals and decisions.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

- a. What information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)**

Information to be collected describes purpose of pesticide application, specific products to be applied, type of application, rate of application, treatment area, sensitive areas to be protected, and project implementation and precautions. Requested items of information are listed on expandable, one-page form FS-2100-2 *Pesticide-Use Proposal*. FIFRA statute establishes that “the label is the law,” and all requested information is needed to ensure conformity with regulatory requirements. All requested information is readily available to qualified pesticide applicators, and is essential to safely-planned pesticide projects.

Categories of information requested are descriptive of type, amount, and location of applications, as well as identification of qualifying credentials of those performing the work.

- b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.**

Information will be collected from anyone who proposes to apply pesticides upon FS-administered lands or waterways.

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**c. What will this information be used for - provide ALL uses?**

Information will be used to inform District, Forest, Regional, and National Pesticide Use Coordinators of proposed pesticide usage on FS lands and to facilitate vetting of pest control projects for consistency with local Forest Management Plans and directives, including compliance with locally-applicable pesticide application laws and regulations.

**d. How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?**

The information will be collected on FS Form FS-2100-2. Respondent may electronically fill in the form and then submit either the electronic or hardcopy of the form to the local Pesticide Use Coordinator. The listing of FS Region/Area Pesticide Use Coordinators can be found at the following website: <http://www.fs.fed.us/foresthealth/pesticide/contactus.shtml>.

**e. How frequently will the information be collected?**

Information will be collected once for each proposed pesticide application project.

**f. Will the information be shared with any other organizations inside or outside USDA or the government?**

Information is for internal use of Forest Service for Federal land management stewardship and will not be shared.

**g. If this is an ongoing collection, how have the collection requirements changed over time?**

This is a new information collection.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The form can be electronically completed and submitted as an e-mail attachment.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Due to the differing locations and timing of these projects, each pesticide application project proposed is unique, and must be individually described on the form. Similar information from preceding projects cannot be reused for new proposal requests.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

Form FS-2100-2 has been designed to be as simple in organization and scope as possible to minimize the burden on all respondents, including small businesses, and gathers only essential information.

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**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Without the ability to collect the details of proposed projects from outside parties, the FS would not be able to make appropriately informed decisions concerning land stewardship and necessary ecological and human health safeguards.

The project-specific information is collected once for each pesticide application project so there is no option for this information to be collected less frequently.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than quarterly;**

Although there is no requirement, a respondent may perform more than one pesticide application project in any one quarter and therefore may complete more than one PUP.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

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In accordance with 5 CFR 1320.8(d), on May, 13, 2014, a 60-day notice for public comment was published in the *Federal Register*, page 27278. One comment was received. The Wyoming Ag-Business Association (WABA) queried the purpose of the information collection, to which USFS provided explanation. WABA also asserted that the prospective number of respondents was underestimated. WABA anticipates at least one Wyoming State agency will be approaching the preparation of PUPs at the district level. To accommodate that approach and the concomitant increase in the number of prospective respondents, USFS accordingly increases our estimate of anticipated average annual respondents, as follows.

Based upon a review of USFS nationwide land use database entries for special use permits, leases and easements, there were identified nearly 700 sites for which the Forest Service Handbook 2709.11, Ch. 50, specifies mandatory use of the real estate instrument clause "D-18, Herbicide and Pesticide Use." That clause anticipates the possibility of pesticide use on those sites, and requires USFS advance approval for pesticide applications. Although not all of these approximately 700 sites will need to use pesticides in any particular year, there are some sites for which clause D-18 is not mandatorily included within the real estate agreement, but where, in some years, pesticide use might be requested. For all sites where pesticide use is planned, the PUP would be used to collect and vet the proposals. But, the small size of most of these sites would tend to decrease the complexity of PUP preparation, and average time to complete. In general, PUP submittal will be determined by emergent respondent needs. And, not all PUPs are anticipated to be synchronized in start and end dates. This staggered timing is anticipated to further significantly reduce reporting burden. On balance, for purposes of planning, USFS anticipates a possibility of 700 sites each requiring an annual average of 1.25 PUP submittals (i.e. 875 PUP submittals per year), with an average preparation time of 2 hours each. [see also section #12 below].

### **Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

We spoke with Mr. Keel Price, District Supervisor, USDA APHIS Wildlife Services to obtain his peer review and consultation on the proposed collection. He agreed with the sufficiency of the form for the intended purpose and had no further input on this proposed collection.

### **Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

Three prospective, non-federal proponents of pesticide application projects upon FS-administered lands were identified and queried by FS Regional Pesticide Use Coordinators. Consensus of respondents was that information requested was readily available, and each anticipated needing to collect the information once

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annually. Prospective users agreed that the instructions and format are clearly understandable and usable, and they supported open public disclosure of information collected without objection.

They also stated that the form format, and specific data elements to be recorded, disclosed, or reported are appropriate, logically organized, but that some supplemental elaboration might be necessary if tank mix combinations were to be proposed. They were informed that the form is expandable to accommodate that contingency.

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**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are contemplated for respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There is no assurance of confidentiality. No information covered by a Privacy Act System of Records, Personally Identifiable Information, or other confidential information covered by a statute, regulation, or agency policy will be collected.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

No information of a sensitive nature that is commonly considered private will be collected.

**12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.**

Please refer to supplemental document entitled *0596-NEW 2014 Pesticide Use Burden-Cost spreadsheet* for burden and costs estimates. Overall, 700 respondents are anticipated annually, with an average of 1.25 responses per respondent, at 2.0 hours per response. The 875 anticipated responses are projected to result in an annual burden of 1,750 total hours.

The number of respondents was estimated by using professional judgment combined with the response from those consulted to answer question 8 above.

The estimated burden per response was estimated by using professional judgment combined with the response from those consulted to answer question 8 above.

The estimated cost per hour to respondents is based on the average mean national rate for pesticide handlers, sprayers, and applicators of \$15.72 per hour, from the Bureau of Labor occupation employment statistics, <http://www.bls.gov/oes/current/oes373012.htm>.

- **Record Keeping:** There is no record keeping burden placed upon the respondents in connection with this collection.

**13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b)**

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**a total operation and maintenance and purchase of services component.**  
 There are no capital operation and maintenance costs.

**14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

**The response to this question covers the actual costs the agency will incur as a result of implementing the information collection. The estimate should cover the entire life cycle of the collection and include costs, if applicable, for:**

- **Employee labor and materials for developing, printing, storing forms**
- **Employee labor and materials for developing computer systems, screens, or reports to support the collection**
- **Employee travel costs**
- **Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information**
- **Employee labor and materials for collecting the information**
- **Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information**

Table 1: Annualized Additional Cost to Government

<b>ACTION ITEM</b>	<b>PERSONNEL</b>	<b>GS LEVEL</b>	<b>HOURLY RATE*</b>	<b>HOURS</b>	<b>SALARY/COST</b>
Employee labor for developing, printing and storing forms	clerical	7/5	\$31.86	10	\$318.60
Employee labor and materials for collecting the information	biologist	13/5	\$67.20	100	\$6,720.00
Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information	biologist	13/5	\$67.20	875	\$58,800.00
Cost of printing and storing of 1000 forms at \$.20 per form					200.00
<b>Total cost to government</b>					<b>\$66,038.60</b>

*\*Rate taken from OPM basic salary table for current year for a GS 7/5 the hourly wage is \$23.38 x 36.25% benefits = \$31.82/hr. A GS 13/5 hourly wage is \$49.32 x 36.25% benefits = \$67.20/hr. Cost of total benefits as a percentage of total hourly compensation for Federal Government employees has been calculated by multiplying 36.25% by the hourly OPM wage in accordance with OMB Memorandum M-08 13.*

**15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of OMB form 83-I.**

This is a new information collection.

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

The information will not be shared.



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- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The valid OMB control number and expiration date will be displayed on all information collection instruments.

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**18. Explain each exception to the certification statement identified in item 19, "Certification Requirement for Paperwork Reduction Act."**

The Agency is able to certify compliance with 5 CFR 1320.