

ATTACHMENT H

Record of Consultations between the U.S. Environmental Protection Agency and Respondents to the Information Collection Request: “Application for New and Amended Pesticide Registration”

I. List of Stakeholders Who Agreed to Participate in the Consultations:

1. John J. Arthur
Company and contact: BASF Corporation; john.arthur@basf.com
2. George Katsigas
Company and contact: Baker Petrolite, LLC; george.katsigras@bakerhughes.com
3. Michael Sarli
Company and contact: United Industries Corporation – A Spectrum Brands Company; One Rider Trail Plaza Drive, Suite 300, Earth City, MO 63045;
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II. Consultation Questions

1. Publicly Available Data

- Is the information that the Agency seeks available from any public source or already collected by another office at EPA or by another agency?
- If yes, where can you find the data?

2. Frequency of Collection

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

3. Clarity of Instructions

- The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.
 - (a) Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit the data?
 - (b) If not, what suggestions do you have to clarify the instructions?
- Do you understand that you are required to maintain records?
- Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical and easy to complete?

- Regarding the any pesticide registration forms, do you use them? Are they clear, logical, and easy to complete?

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 was that, before September, 2015, the Agency was 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, magnetic media-based submissions (e.g., diskette, CD-ROM, etc.), and through EPA’s new Pesticide Submissions Portal (PSP).
- Are you keeping your records electronically? If yes, in what format?
- Have you used the new Pesticide Submissions Portal?

If yes, how long did it take you to create a login and a password through the Central Data Exchange (CDX) reporting site? How long did it take you to submit each form on PSP?

- Since the Agency started offering an electronic reporting option for CBI-related data through EPA’s CDX reporting site, would you be more inclined to submit CBI via PSP or on diskette than on paper?
- What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information?

5. Burden and Costs

- Are the labor rates accurate?
- 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?
- Have you incurred additional paperwork burden as a result of third party disclosure requirements involving disclosing product specific information to potential users and the general public through the pesticide label?
- Are there other costs that should be accounted for that may have been missed?

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.

III. United Industries added responses to the questionnaire as markups (pages 3-5 below):

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Docket ID: EPA-HQ-OPP-2015-0332

OMB Control Number 2070-0060; EPA ICR Number 0277.17

Consultation Questions

1. Publicly Available Data

- Is the information that the Agency seeks available from any public source or already collected by another office at EPA or by another agency? No, not that I am aware.
- If yes, where can you find the data? N/A

2. Frequency of Collection

Can the Agency collect the information less frequently and still produce the same outcome? No, based on the unpredictable number of actions that are submitted to the Agency

3. Clarity of Instructions

- The ICR is intended to require that respondents provide certain data so that the Agency can utilize them.
 - (a) Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit the data? Yes
 - (b) If not, what suggestions do you have to clarify the instructions? None
- 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? No
- Regarding the any pesticide registration forms, do you use them? Are they clear, logical, and easy to complete? Yes we do. We have created our own Word or Excel versions to increase efficiency

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 was that, before September, 2015, the Agency was 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, magnetic media-based

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submissions (e.g., diskette, CD-ROM, etc.), and through EPA's new Pesticide Submissions Portal (PSP). We are in favor of this approach. We are participating in the pilot Smart Label initiative and although there is more work on the front-end when creating the label initially the extra effort pays off in the long run. If industry can make the reviewer's job easier, we all benefit.

- Are you keeping your records electronically? If yes, in what format? Yes, scan to .pdf
- Have you used the new Pesticide Submissions Portal? No

If yes, how long did it take you to create a login and a password through the Central Data Exchange (CDX) reporting site? How long did it take you to submit each form on PSP?

- Since the Agency started offering an electronic reporting option for CBI-related data through EPA's CDX reporting site, would you be more inclined to submit CBI via PSP or on diskette than on paper? PSP is preferred once satisfied there are no confidentiality risks.
- What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information? We already maintain electronic versions but we print them out and submit to the agency as hard copy. We would eliminate that printing/miling step but for the grand majority of our submissions (i.e. type B as defined in this ICR) that is not a significant burden.

5. Burden and Costs

- Are the labor rates accurate? To the best of our knowledge. Certainly follow the logic of your rationale.
- The Agency assumes there is no capital cost associated with this activity. Is that correct? For us specifically, 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? Yes, seem to be.
- Have you incurred additional paperwork burden as a result of third party disclosure requirements involving disclosing product specific information to potential users and the general public through the pesticide label? No

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- Are there other costs that should be accounted for that may have been missed? No

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.