

Supporting Statement for Paperwork Reduction Act Submissions

National Clandestine Laboratory Seizure Report

EPIC Form 143

[OMB control number 1117-0042]

Part A. Justification

1. Necessity of Information:

Methamphetamine is a controlled substance under Schedule II of the Controlled Substances Act, 21 U.S.C. 801 et seq. Section 873(a) of Title 21 authorizes the Attorney General to, among other things, “arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances” and to “maintain in the Department of Justice a unit which will accept, catalog, file, and otherwise utilize all information and statistics, including records of controlled substances abusers and other controlled substance law offenders, which may be received from Federal, State, and local agencies, and make such information available for Federal, States, and local law enforcement purposes”.

The Drug Enforcement Administration (DEA) hosted a National Methamphetamine Conference in February 1996 in response to the inherent danger posed by clandestine methamphetamine laboratory proliferation throughout the United States. A significant percentage of the conference participants represented State and local law enforcement. The clandestine laboratory-working group made several recommendations, one of which was the establishment of a central database through which the nation’s law enforcement agencies could report clandestine laboratory related seizure intelligence and produce reports relevant to those seizures. This recommendation ultimately became part of DEA’s National Methamphetamine Strategy (NMS), which included the establishment of a National Clandestine Laboratory Seizure System (NCLSS).

As a result of the multi-agency methamphetamine conference and DEA’s NMS, the NCLSS was conceived and established at the El Paso Intelligence Center (EPIC) in 1997. The primary focus of the NCLSS database was to provide Federal, State and local law enforcement with the ability to have direct electronic access to input, query, and/or update clandestine laboratory seizure information. This initiative is also consistent with the provision of Public Law 106-130, § 3625, which authorizes DEA to provide specific assistance to state and local law enforcement agencies, to combat illegal manufacturing and trafficking in methamphetamine. EPIC Form 143 was created to be completed for all seizure incidents to ensure that seizure information is collected and entered the same way throughout the United States. NCLSS also provided users the ability to access and share clandestine laboratory-related seizure intelligence and to produce statistical and analytical reports relevant to their clandestine laboratory-related seizures.

In May of 2002, a national drug seizure system was designated as a top priority item as part of the Administration's General Counter-drug Intelligence Plan (GCIP) revalidation review process. One of the initiatives (Action Item B-12) for the El Paso Intelligence Center (EPIC) under the GCIP developed by the Office of National Drug Control Policy (ONDCP) was to provide a national shared comprehensive intelligence database for drug seizure information and related drug movement activities.

In response to the GCIP initiative, EPIC developed the National Seizure System (NSS) which is a web-based interface and repository for collecting seizure information that includes drug, clandestine laboratory, currency, and weapon seizures. The NSS allows authorized users the ability to access, review, update, and search available seizure information. The NSS resides on the EPIC System Portal (ESP) which was developed during phase one of EPIC's Open Connectivity Project (OCP). Through the OCP, authorized Federal, State, local, and tribal law enforcement personnel have secure electronic access to the ESP via the Internet, and other approved networks. The NCLSS became part of the NSS in the OCP, thus allowing authorized users to report their seizure information electronically and receive immediate feedback and value-added analysis concerning entities reported and contained in the NSS. Accordingly, the NCLSS would no longer be a stand-alone national seizure system, and seizures associated with clandestine methamphetamine laboratories would be reported along with other seizures to the NSS. The paper EPIC-143 eventually will be rendered obsolete as more authorized users are granted access to the ESP.

In 2016, changes to the EPIC Form 143 were made after suggestions from the National Methamphetamine and Pharmaceutical Initiative (NMPI) and concurrence from Federal, State and Local counterparts. The fields were updated throughout the form and the overall form was reduced from four pages to two pages. Format changes were made to clarify the data required and to make the form more aesthetically pleasing. The contact information for the ESP and the help desk was also updated.

The number of estimated respondents from the last approval of this collection decreased from 1267 to 850. The number was formed by looking at all of the different agencies and departments that submitted EPIC 143 forms either manually or electronically and making sure not to count a respondent twice if submitted from co-workers that worked in the same department or location of an agency. If the same agency had submissions from different locations, they were treated as separate respondents. The decrease in the number of respondents in this collection also can be attributed to the overall decrease in the number of Clandestine Laboratory seizures in FY 2015 compared to the prior year reported. DEA instituted the Authorized Central Storage (ACS) cleanup program which allows State and local agencies to drop off clandestine laboratory chemicals at an approved ACS storage site in order to consolidate and reduce the cleanup costs of the Hazardous Waste Disposal contractors. State and Local agencies are instructed to submit an EPIC Form 143 for each individual lab they are cleaning up via the ACS program.

2. Needs and Uses:

The information collected in the NSS, legacy NCLSS, provides a centralized clearinghouse for the storage, retrieval, analysis, and dissemination of laboratory, dumpsite, and chemical and equipment seizure data. The data is useful in determining, among other things, the types, numbers, and locations of laboratories; manufacturing trends; officer safety information; precursor and chemical sources; investigative leads; and the number of children encountered at laboratory sites. Information is also captured on suspects, associates, business, vehicles, etc. The NSS provides U.S. law enforcement agencies with the capability to develop target specific and investigative intelligence. EPIC promotes coordination between U.S. law enforcement agencies working on the same or similar cases.

The data contained in the NSS is used by managers and policy makers at the national, regional, state, and local level to determine strategy, budget and resource allocations, legislative and regulatory recommendations and policy. The NSS provides a means for seizures to be counted and represented accurately for the national picture of the clandestine laboratory-manufacturing problem in the United States.

3. Use of Technology:

The EPIC Form 143 is designed to be easily understood and filled out by all law enforcement agencies. The form is available electronically. Law enforcement personnel are able to enter the data into the form online before printing or submit via a pdf version electronically into the database. Additionally, online data entry can be made directly into the NSS database. Currently, 2,312 seizures (29%) were entered and/or completed electronically. Of this number, EPIC received Clandestine Laboratory seizure information via a web services application process from the Western States Information Network (WSIN), California Department of Justice (CALDOJ), Illinois, North Florida HIDTA, Tennessee, Arkansas, New Jersey, South Dakota, Colorado, and Minnesota.

4. Efforts to Identify Duplication:

The NSS (legacy NCLSS) is the only national source of statistics and other information on clandestine laboratory seizure incidents. All seizures are queried prior to entry into the NSS and duplicate incidents are identified and avoided. If duplicates are identified after data entry, they are able to be merged or deleted as necessary by EPIC Data Management Team members.

5. Methods to Minimize Burden on Small Business:

EPIC Form 143 is completed by Federal, State, local, and tribal law enforcement agencies. There is no impact on small business.

6. Consequences of Less Frequent Collection:

The form should be filled out at the time a seizure incident has occurred. Once that information is entered into the database, all participating members then can access the data. Frequency of collection depends on frequency of seizure incidents. If there is a delay in entering the information, then statistical reports will not be complete, budget submissions for funding requests will not be accurate, and therefore Federal programs and policies will be negatively affected.

7. Special Circumstances Influencing Collection:

Due to the uniqueness of each clandestine laboratory seizure, the forms reflect one-time collection of data. As part of the quality assurance process respondents may be contacted for clarification of seizure incidents or asked to provide additional information, as deemed appropriate by EPIC Data Management Team members.

8. Reasons for Inconsistencies with 5 CFR 1320.6:

There are no inconsistencies with the Paperwork Reduction Act. DEA did not receive any comments concerning this collection at the time it was published. DEA works cooperatively with all Federal, State, and local law enforcement agencies.

Members of Federal, State, and local law enforcement agencies provided feedback regarding the categories of information that they recommended to be collected regarding clandestine laboratory seizures. The form was designed and updated to ensure that respondents will easily provide required information and they will not need to supplement prior submissions. Once the seizure is entered into the NSS, the respondents have the ability to update the information directly in the database if necessary.

9. Payment or Gift to Claimants: No gift or payment will be provided to law enforcement personnel for filling out the form itself.

10. Assurance of Confidentiality: The data will be maintained in the NSS (legacy NCLSS), a system of records used for law enforcement purposes. As such, use and disclosure of information contained therein will be strictly controlled and will be confined to those who have a need for the information in conjunction with law enforcement responsibilities. The DEA published a Final Rule in the Federal Register on March 24, 2003, exempting this system of records from some provisions of the Privacy Act pursuant to 5 U.S.C. § 552(j) and (k).

11. Justification for Sensitive Questions: The data to be collected is necessary for the enforcement of the nation's criminal laws concerning controlled substances manufacture, 21 U.S.C. § 801 et seq. It is to be contained in a system of records for which routine uses include criminal investigations.

12. Estimate of Hour Burden (during FY 2015):

Number of Respondents: 850
Frequency of Response: As needed
Average Time per Response: 1 hour

Total Paper/Manual Responses: 5,618
 Non-EPIC Responses entered: 2,258
 EPIC paper/manual Responses received: 3,360
Total Burden for Paper Responses: 5,618 hours

Total Electronic Responses: 2,312
 Electronic EPIC Form 143 entries: 1,551
 EPIC Web Services received: 761
Total Burden for Electronic Responses: 2,312 hours

Total Number of Responses: 7,930

Total Annual Hour Burden: 7,930 hours

13. Estimate of Cost Burden:

Currently, 50% of the 3,360 paper responses are mailed to EPIC.

Mailing cost: 1,680 paper responses x \$0.49 (cost for First Class mail in 2015) = \$823.20

14. Estimated Annualized Cost to Federal Government:

GS-14 step 8 (1% of work year) = \$1,065.00
GS-13 step 10 (2% of work year) = \$1,900.96
GS-12 step 4 (2% of work year) = \$1,352.72
GS-09 step 5 (2% of work year) = \$ 961.02
Contract Data Analysts (3 people at 80% of work year) = \$146,814.72

Contract Support Developer (NSS and Web Services support) (2 person at 15% of work year) = \$30,000.00

Total Cost to Government: \$182,094.42

15. Reason for Program Changes: The number of estimated respondents from the last approval of this collection decreased from 1267 to 850. The number was formed by looking at all of the different agencies and departments that submitted EPIC Form 143 either manually or electronically and making sure not to count a respondent twice if submitted from co-workers that worked in the same department or location of an agency. If the same agency had submissions from different locations, they were treated as

separate respondents. The decrease in the number of respondents in this collection can be attributed to the overall decrease in the number of Clandestine Laboratory seizures reported in FY 2015 compared to the number reported in the prior year.

In 2016, changes to the EPIC Form 143 were made after suggestions from the National Methamphetamine and Pharmaceutical Initiative (NMPI) and concurrence from Federal, State and Local counterparts. The fields were updated throughout the form and the overall form was reduced from four pages to two pages. Format changes were made to clarify the data required and to make the form more aesthetically pleasing. The contact information for the ESP and the help desk was also updated.

16. Plans for Publication: EPIC does not anticipate any publication of the collections information included in this report.

17. Expiration Date Approval: An expiration date on the form will result in unnecessary confusion and increased costs to state and local law enforcement agencies, which may use the form only occasionally. For this reason EPIC is requesting an exception to the requirement to have the expiration date appear on the form.

18. Exceptions to Certification Statement: There are no exceptions to the certification statement.

Part B. Collections of Information Employing Statistical Methods:

The Drug Enforcement Administration does not use the collection of statistical information or use statistical methods in this information collection; therefore, Part B of this Supporting Statement will not be completed for this collection.