

Container-Containment ICR Questions

Kip Landwehr
Winfield United
celandwehr@landolakes.com

CONTAINER

(1) Publicly Available Data

(A) Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency? *I do not know of any publicly available source of the information that contains records for container design, residue removal and cleaning instructions, etc. Refillers and registrants have repackaging agreements on file but there is no central repository for this type of information at a state or federal level.*

(B) If yes, where can you find the data? *There is no publicly available source for container information.*

(2) Frequency of Collection

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

There isn't currently a requirement to submit records to EPA under the PCCR. Registrants do maintain records as required by the PCCR. These records can be made available to EPA or a state agency upon request. Since there isn't a current requirement to submit, this question is not applicable.

(3) Clarity of Instructions

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

(1) Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit such data?

Yes, it is clear what recordkeeping is required. Registrants and refillers have been informed of the recordkeeping requirements. EPA has provided a tremendous outreach program to educate the regulated community in all requirements relating to the PCCR.

(2) If not, what suggestions do you have to clarify the instructions? Continuing education is always a good idea. *Registrants have dedicated personnel who are responsible for container recordkeeping requirements. However, many dealers don't have dedicated EHS staff. Operations/management personnel are responsible for managing regulatory requirements. Continuing education would be a very good idea. This could be accomplished by working with industry associations like ARA and CLA to provide compliance reminders, bulletins or other information.*

(B) Do you understand that you are required to maintain records? *Yes.*

(C) Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical and easy to complete? *Currently there isn't any requirement to submit*

records. Records are available but there aren't any requirements that I'm aware of to use a designated form or format. Therefore, if EPA did request or require submissions it might be quite a task to sort through of the information in various forms/formats.

(D) Regarding any pesticide container-containment forms, do you use them? Are they clear, logical and easy to complete? Containment inspection forms were developed in house. They are clear and easy to complete. Some container documentation is captured electronically using the company ERP and some container information is kept manually on spreadsheets, forms or other types of documents. There is no standard form or format that the industry uses that I'm aware of.

(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.

(A) 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. If reporting becomes necessary, electronic submittals would be preferred.

(B) Would you be interested in pursuing electronic reporting? Are you keeping your records electronically? If yes, in what format? Yes (see comment above). If EPA came up with a form that can be completed on a web site (CDX) that would be one method. If dealers are just submitting copies of paper forms, these could be scanned and sent as pdf documents. I'd suggest standard forms be developed for all aspects of the regulated community to help the data gathering and review process.

(C) 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 than on paper? I would suggest using an on-line option like CDX rather than a disk or manual forms.

(D) What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information? At this point since there is currently no data collection requirements, there is no real benefit to electronic data collection. If records are required to be submitted in the future, electronic submission would be preferred to reduce printing, reproduction and mailing costs.

(5) Burden and Costs

(A) Are the labor rates accurate? Cost estimates seem reasonable taking into account variability across the country.

(B) The Agency assumes there is no capital cost associated with this activity. Is that correct? There are no capital costs currently associated with generating the records associated with containment requirements.

(C) 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. I don't know how accurate the cost estimates are but I would say they are in the ballpark for the current collection requirements for the compliance information using checklists/forms.

(D) Are there other costs that should be accounted for that may have been missed? There are costs for continuing education and training, and costs for AASA inspections for dealers and refillers

CONTAINMENT

(1) Publicly Available Data

(A) Is the data that the Agency seeks available from any public source, or already collected by another office at EPA or by another agency? A number of state agencies require distributors and refillers to submit containment design specifications prior to constructing containment. This data is a matter of public record. Also an industry association, the American Agronomic Stewardship Alliance (AASA) audits pesticide dealers on a three-year cycle collecting data on containment structures condition and size, number of primary containers, products repackaged, etc. This data isn't publicly available but is available through the basic suppliers of pesticide products.

(B) If yes, where can you find the data? Data for containment structures for dealers in all states isn't publicly available. However, a number of Midwest states (through Dept. of Ag or state environmental agency) have secondary containment information on file for active pesticide dealers.

(2) Frequency of Collection

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

There is no formal data collection process for containment at this time at a federal level that I'm aware of. However, since states regulate the installation of secondary containment structures and once a structure is installed it's not very easy to modify it, and there aren't many new facilities being built (none that wouldn't follow state/federal guidelines for containment installation) if EPA did require a formal data collection process for containment structures it could be collected on a less frequent basis (five-year basis). If monthly compliance recordkeeping for containment structures would be required, a three year cycle would be adequate.

(3) Clarity of Instructions

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

(1) Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit such data?

Yes, it is clear what recordkeeping is required. Dealers and refillers have been informed of the recordkeeping requirements. EPA has provided a tremendous outreach program to educate the regulated community in all requirements relating to the PCCR.

(2) If not, what suggestions do you have to clarify the instructions? Continuing education is always a good idea. *Many dealers don't have dedicated EHS staff. Operations/management personnel are responsible for managing regulatory requirements. Continuing education would be a very good idea. This could be accomplished by working with industry associations like ARA and CLA to provide compliance reminders, bulletins or other information.*

(B) Do you understand that you are required to maintain records? Yes

(C) Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical and easy to complete? *Currently there isn't any requirement to submit records. State agencies and industry audits (AASA) do review compliance with containment requirements.*

(D) Regarding any pesticide container-containment forms, do you use them? Are they clear, logical and easy to complete? *Containment inspection forms were developed in house. They are clear 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 is that, at the present time, the Agency is unable to ensure the security of CBI that might be transmitted over the Internet.

(A) 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. *If reporting becomes necessary, electronic submittals would be preferred.*

(B) Would you be interested in pursuing electronic reporting? Are you keeping your records electronically? If yes, in what format? Yes (see comment above). *If EPA came up with a form that can be completed on a web site (CDX) that would be one method. If dealers are just submitting copies of paper forms, these could be scanned and sent as pdf documents.*

(C) 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 than on paper? *I would suggest using an on-line option like CDX rather than a disk or manual forms.*

(D) What benefits would electronic submission bring you in terms of burden reduction or greater efficiency in compiling the information? *At this point since there are currently no data collection requirements, there is no benefit to electronic data collection. If records are required to be submitted in the future, electronic submission would be preferred to reduce printing, reproduction and mailing costs.*

(5) Burden and Costs

(A) Are the labor rates accurate? *Cost estimates seem reasonable taking into account variability across the country.*

(B) The Agency assumes there is no capital cost associated with this activity. Is that correct? *There are no capital costs associated with generating the records associated with containment requirements.*

(C) 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. *I don't know how accurate the cost estimates are but I would say they are in the ballpark for the collection of the compliance information using checklists/forms.*

(D) Are there other costs that should be accounted for that may have been missed? *There are costs for continuing education and training, and costs for AASA inspections (not directly to the dealer).*

(not directly to the dealer). No additional costs for registrants.

Container-Containment ICR Questions

Paul Derig
JR Simplot Company
paul.derig@simplot.com

(1) Publicly Available Data

(A) 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, The data is made available to EPA or an Agent of the EPA (Dept. of Ag or other agency with primacy). Others may see the data during internal inspections, which may be done by a third party or local agency inspections such as the Fire Department but it is for information only and not collected.

(B) 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?

The information regarding container and containment is maintained and produced on request from the Agency or an agent representing EPA. Reports for repackaging are submitted annually to support the volumes used in filling containers. This seems to be an appropriate time schedule.

(3) Clarity of Instructions

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

(1) Based on the instructions (regulations, PR Notices, etc.), is it clear what you are required to do and how to submit such data?

Yes, for the most part the instructions are clear and understandable. There are certain isolated instances though where it is difficult to get clarification and to determine appropriate actions. It is difficult for some in the Ag industry as they depend upon industry associations and University Extension or Department of Ag outreach to learn of the rules and rule changes. I believe there is still a number of small businesses that do not know where or how to search out the answers of find the instructions.

(2) If not, what suggestions do you have to clarify the instructions?

(B) Do you understand that you are required to maintain records?

Yes

(C) Considering that there is no required submission format, is it difficult to submit information in ways that are clear, logical and easy to complete? N/A

(D) Regarding any pesticide container-containment forms, do you use them? Are they clear, logical and easy to complete? N/A

(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.

(A) 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.

With no data submission requirement in Container Containment there is not a need for this at this time. We do keep records electronically which could be transmitted in some form if it is required in the future.

(B) Would you be interested in pursuing electronic reporting? Are you keeping your records electronically? If yes, in what format? Yes (see comment above).

Not at this time.

(C) 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 than on paper?

Today we do not have any computers with diskette options available. Information could be submitted on a flash drive or through other electronic file sharing protocols. Although this is a bit of a moot point until the Container Containment rule required data submission.

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

Certainly electronic submission is more efficient if required. The move to electronic reporting for producing establishment has greatly improved the efficiency in this process for us.

(5) Burden and Costs

(A) Are the labor rates accurate?

Yes, I think the labor rates are pretty close (in the ball park anyway).

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

From an efficiency stand point there were some capital costs to implement the systems for record keeping. This cost was by choice to reduce the burden of maintaining hand written records.

(C) 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?

I believe that the rates are close, although I am not sure that the time/burden estimates are. Although I have not gathered the information the times allotted per registrant/refiller seem to fall far short. I say this, as it seems that the time burden allotment would be more accurate if calculated per registered product which would escalate the numbers substantially. As an example; Refillers generally have more than one product and they are required to record information on both the product and container with each fill or turn of the container as well as record keeping for containment including monthly inspections (alone this can be easily more than the allotted annual burden estimate of 7.5 hours for all activities). 7.5 hours may be a close estimate per product refilled by an establishment.

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.

(D) Are there other costs that should be accounted for that may have been missed?

None that come to mind on the paperwork burden.