

**SUPPORTING STATEMENT FOR AN
INFORMATION COLLECTION REQUEST (ICR)**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

TITLE: Foreign Purchaser Acknowledgment Statement of Unregistered Pesticides
EPA No.: 0161.14
OMB No.: 2070-0027
Docket ID No.: EPA-HQ-OPP-0266

1(b) Short Characterization/Abstract

This information collection request (ICR) addresses the information collection activities associated with the requirement that the Environmental Protection Agency (EPA) provide notice to foreign purchasers of unregistered pesticides exported from the United States that the pesticide product cannot be sold in the United States. Section 17(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (Attachment A) requires an exporter of any pesticide not registered under FIFRA section 3 or sold under FIFRA section 6(a)(1) to obtain a signed statement from the foreign purchaser acknowledging that the purchaser is aware that the pesticide is not registered for use in, and cannot be sold in, the United States. A copy of this statement, which is known as the Foreign Purchaser Acknowledgement Statement, or FPAS, must be transmitted to the Designated National Authority or appropriate official of the government in the importing country. This information is submitted in the form of annual or per-shipment statements to EPA, which maintains original records and transmits copies, along with an explanatory letter, to appropriate government officials of the countries that are importing the pesticide.

In addition to the export notification for unregistered pesticides, FIFRA requires that all exported pesticides include appropriate labeling. There are different requirements for registered and unregistered products. Export labeling requirements meet the definition of third-party notification. In the interests of consolidating various related information collection requests, this ICR includes burden estimates for the FPAS requirement for unregistered pesticides, as well as the labeling requirement for all exported pesticides, both registered and unregistered. These burdens have been consolidated in this ICR since the implementation of the 1993 pesticide export policy governing the export of pesticides, devices, and active ingredients used in producing pesticides.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

This information is required to be submitted to EPA pursuant to FIFRA section 17(a)(2). Regulations pertaining to exporting pesticides are contained in 40 CFR part 168, subpart D

(Attachment B).

2(b) Practical Utility/Users of the Data

Section 17(a)(2) of FIFRA requires all exporters of unregistered pesticides to obtain signed statements from their customers acknowledging that they are aware that their purchased products are not registered in the United States. Hence, one use of this collection activity is in assuring that foreign purchasers of pesticides produced in the U.S. are aware of the products' U.S. registration status. When such statements are submitted to EPA, the Agency is provided with a record of foreign destinations of domestically produced unregistered products. This enables the Agency to assure that such products, which are produced in the U.S. but cannot be legally sold for use in the U.S., have been legally distributed.

In addition, such statements are required by statute to be directed onward to the appropriate government officials in importing countries. Officials of foreign governments can use this information to verify that a specific pesticide product, that may or may not have an active ingredient that has been evaluated by EPA and approved for registration, has been exported to their country. The name and address of the purchaser in the importing country is included, enabling the government official to contact the purchaser directly, as appropriate. This information can be useful in countries which do not have the resources to maintain extensive import records or control systems.

3. NON- DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-duplication

For every export of an unregistered pesticide, the U.S. exporter is required to obtain the FPAS prior to export and certify to EPA that export did not occur prior to the exporter's receipt of the FPAS. The FPAS and the certification statement must then be transmitted to the governments of importing countries. EPA is not aware of any other collection requirements for this information.

EPA recognizes that repeated submissions of purchaser acknowledgment statements involving the same country, purchaser, and pesticide product would be duplicative and potentially burdensome. Individual submissions do, however, provide information on the total number of shipments to a specific purchaser. For this reason, EPA offers an option to exporters to either make individual submissions for every export, or to notify EPA upon the first export to the foreign purchaser and then provide an annual summary of all shipments no later than March 1 of the following calendar year. This reduces the redundancy that would be associated with the submission of identical acknowledgment statements by the same purchaser for the same product, while still providing EPA and foreign governments with information regarding the number of shipments in the previous calendar year.

3(b) Public Notice Required Prior to ICR Submission to OMB

Pursuant to 5 CFR 1320.8(d), EPA published a notice in the Federal Register (83 FR 35273; July 25, 2018) (FRL-9979-93) announcing the proposal to renew this information collection activity, providing a 60-day public comment period. The FR notice, supporting statement, and supporting attachments provided during the public comment period are available at <http://www.regulations.gov> using the docket identifier EPA-HQ-OPP-2018-0266. EPA received one comment during the public comment period. This comment was anonymously submitted to the docket in response to our consultation request (discussed in next section). Therefore, the comments received are addressed in the consultations summary in Section 3(c).

3(c) Consultations

The Agency sent consultation requests, as required under 5 CFR 1320.8(d)(1), to nine representatives from private industries who interact with the Agency through the use of this information collection activity. EPA staff sought feedback on the burden estimates in the ICR, the clarity of instructions provided, and other questions pertaining to the requirements of the program. Two industry representatives responded to the Agency's request, one of which was submitted to the docket anonymously during the public comment period. The list of companies contacted, the questions asked, and the responses received are provided in Attachment C.

In summary, EPA did not receive any comments from the respondents that would warrant changes to the burden and cost estimates presented during the first public comment period. One respondent stated that they believed the burden and labor costs have been accurately accounted, while the other respondent did not specifically respond to the Agency's questions about its estimates. Therefore, EPA did not adjust its estimates as presented during the public comment period.

In addition to questions specific to the estimated burden and labor costs in this supporting statement, EPA also asked questions concerning paper submissions and alternatives to paper submissions. One respondent stated that they preferred paper submissions over electronic options and that they did not believe electronic options would provide any benefits in terms of burden reduction or greater efficiency in compiling the information. The other respondent disagreed, indicating electronic alternatives to paper submissions would be a good idea and that they would be interested in electronic reporting as they would provide cost reductions (i.e., postage, mail, paper, ink) and greater efficiency.

3(d) Effects of Less Frequent Collection

By offering the compliance option of annual reporting, EPA is offering a less frequent information submission to reduce the burden of per-shipment reporting. Further reduction, i.e., to a one-time submission for the life of the product or otherwise to a frequency of less than once a year could compromise the accuracy of the data on the number of shipments exported to a particular purchaser in another country. Less frequent submission could also make it difficult for foreign governments to determine the regulatory status of imported pesticides.

The annual summaries provide EPA with the ability to monitor compliance with the requirements of section 17(a). Currently, such records must be retained by exporters for only two

years. Since the summaries are submitted after the applicable year, less frequent submissions could result in the unavailability of records necessary to validate submissions.

3(e) General Guidelines

In accordance with 5 CFR 1320.5(a)(iii)(E), federal agencies are required to indicate whether the proposed 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 an explanation of the decision.

Information collected under this ICR is currently submitted to EPA by mail. At this time, there are no practicable automated information submission techniques available under this information collection activity readily available to all pesticide purchasers and companies selling products world-wide that could enable the collection and submission of electronic signatures.

Beginning in 2012, EPA began transmitting the FPAS electronically to Designated National Authorities (DNAs) identified by the Rotterdam Convention on Prior Informed Consent for Certain Hazardous Chemicals and Pesticides in International Trade where a valid email address exists and through mail where one does not. EPA has determined that sending the FPAS, which may contain FIFRA sensitive information, through the mail or via electronic media to foreign governments pursuant to FIFRA section 17 is acceptable for the following reasons: 1) The transmission is a limited, non-public disclosure required by FIFRA; 2) Foreign recipients are not subject to FIFRA security procedures in the FIFRA Information Security Manual; 3) The specific recipient in the government of the importing country is often not known. For both electronic or mail transmissions, the transmission includes a cover with the following language: "This Purchaser Acknowledgement Statement may contain information claimed as confidential. Please treat the statement according to appropriate national confidentiality laws and regulations."

3(f) Confidentiality

EPA urges submitters to minimize the amount of claimed Confidential Business Information (CBI). All data and/or information submitted to the Agency under this information collection that may be claimed as trade secret, commercial or financial information will be protected from disclosure by EPA under FIFRA section 10.

Based on "Non-confidentiality of Certain Information Submitted under Sections 7 and 17(a)(2) of FIFRA", 55 FR 1261 (January 12, 1990) and "Class Determination 1-91, Identity of Importing Country Under FIFRA Section 17(A)(2),", 58 FR 9062 (February 18, 1993), the following information will generally not be considered confidential: (a) The fact that a producer makes a registered or unregistered pesticide product; (b) the fact that an acknowledgement statement or other notice of export has been filed by an exporter; (c) the identity of the unregistered exported product; and, if applicable, the identity of the active ingredients of the pesticide; and (d) the identity of the importing country and the country or countries of final destination. According to statute, this same information must be reported to the government of the importing country.

Exported research and development substances that fit the criteria set out in 40 CFR 168.75(b)(5) are not subject to the FPAS requirement, but are subject to the labeling requirement. Confidential business information may be required to be submitted in the case where a business wishes to export an unregistered research pesticide product that does not fit the criteria of 168.75(b)(5). EPA recognizes that the chemical identity of the research product may require protection as confidential business information, but believes that it is essential that the Agency nevertheless be able to accurately identify the nature of the product. The identity of a product under research and development may be identified by use of identification codes which protect proprietary information.

3(g) Sensitive Questions

No information of a sensitive nature is required to be submitted.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents - NAICS Codes

Respondents affected by the collection activities under this ICR are individuals or entities that either manufacture and export pesticides or that reformulate or repackage and export pesticides. The North American Industrial Classification System (NAICS) code assigned to the parties responding to this information is as follows:

Category	NAICS code	Examples of potentially affected entities
Chemical Manufacturing (3251, 3252, 3253, and 3259 only)	3250A1	Individuals or entities engaged in activities related to the registration of a pesticide product.

4(b) Information Requested

There are no forms for this activity. The EPA does not currently provide a template nor mandate the use of a common form. Therefore, the exporter must develop and use their own FPAS. In preparing the statement, the exporter is free to format the document in any manner as long as it includes all of the required information. The exporter must obtain the signed statement from the foreign purchaser before the pesticide can be shipped.

While the EPA does not currently provide a form, the Agency is planning to develop a voluntary template that will help guide the process of submitting a FPAS. While this template is not yet available, EPA does not intend to make the use of the template mandatory, and exporters may continue to choose to develop an alternative format.

(i) Data items, including record keeping requirements

A. Foreign Purchaser Acknowledgment Statement (FPAS)

After determining that the product is subject to this requirement, the exporter must obtain a statement of the type described in item 4(b)(i) from the foreign purchaser of the pesticide product. This will normally require that the exporter provide the purchaser with a prepared statement for signature or with instructions that are adequate to ensure that the purchaser can prepare the statement.

If the exporter anticipates making more than one shipment of the product to the purchaser in a given year, the exporter may elect to notify EPA only at the time of the first shipment and to choose to comply with the annual reporting option, which requires the submission of an annual summary of shipments of pesticides shipped to each purchaser.

The FPAS must contain the following information:

1. Name and address of exporter.
2. Name and address of foreign purchaser.
3. Name of product and active ingredient.
4. Statement that foreign purchaser is aware that the product is not registered for use in the United States and cannot be sold for use in the United States.
5. If known, country of final destination of the exported shipment if different from country of import.
6. Signature of foreign purchaser.
7. Date that purchaser acknowledgment statement is signed by foreign purchaser.
8. Certification that shipment did not occur prior to receipt of Purchaser Acknowledgment Statement.
9. Exporter's signature.

Information required to be collected must be maintained pursuant to 40 CFR 168.85.

A. Third Party Notification Requirements; Export Labeling

All exported registered pesticides must bear the EPA approved label and supplemental labeling options have been made to accommodate the importing country's requirements. For unregistered pesticides, the following information must be included on the labels or labeling:

1. EPA pesticide producing establishment number.
2. Warning or caution statements.
3. The statement "Not Registered for Use in the United States of America." The labels of all pesticides, devices, and active ingredients which are not registered for use in the United States under FIFRA section 3 must include this statement.
4. The ingredient statement.
5. Identity of parties.
6. Weight or measure.
7. Additional warning for highly toxic pesticides.
8. Use classification statement.

A. Multilingual labeling requirement

For both registered and unregistered products, the following labeling information must be multilingual:

1. Warning and caution statements.
2. Where applicable, the statement “Not registered for use in the United States of America.”
3. Ingredient statement.
4. If the pesticide, device or active ingredient is highly toxic to humans, the skull and crossbones, the word “Poison,” and a statement of practical treatment must appear on the label. The word “Poison” and the statement of practical treatment shall be in English and in an acceptable language of the country of import, and in an acceptable language in the country of final destination, if known or reasonably ascertainable.

(ii) Respondent Activities

A. Submission of Foreign Purchaser Acknowledgment Statement

The exporter is required to send a copy of the purchaser acknowledgment statement to EPA within 7 days of having shipped the pesticide, along with a signed statement that the shipment did not occur prior to receipt of the purchaser acknowledgment statement. In addition, if the exporter chooses the annual reporting option, he or she must include a statement that the FPAS is for the first shipment of a pesticide to a particular purchaser in a specific country, and that the exporter will report this information annually. Where an exporter chooses to comply with the annual summary reporting option, a summary must be sent after the end of the calendar year which lists all shipments of a particular pesticide shipped to a particular foreign purchaser. It is not required for the statement to be submitted to EPA in time to enable EPA to notify the importing country prior to arrival of the pesticide.

Submission of a purchaser acknowledgment statement does not require the maintenance of any records unique to this section. All records needed to ensure and verify compliance with this requirement are required under section 8 of FIFRA. The recordkeeping burden related to this requirement is covered under another ICR.¹

B. Exemption of research and development pesticides

Records supporting research and development status must include information regarding research intent of the shipment as well as information indicating knowledge that the quantity being shipped is consistent with research intent, as specified in 40 CFR 168.75 (b)(5). Persons claiming an exemption from the FPAS requirement for the export of research and development products must maintain records which support the R&D claim for each shipment so claimed. In its policy, EPA has limited research claims only to shipments where the quantity shipped would be unlikely to support a commercial use. Thus, the company’s records must be sufficient to support the claim that the quantity shipped is only sufficient for use within the limits of the policy. This can be done either in the form of communications received from the purchaser before or on the date of export or in the form of instructions sent to the purchaser before or on

¹ OMB Control No. 2070-0028; EPA ICR 0143 Recordkeeping Requirements for Producers of Pesticides under section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

the date of export.

Alternatively, the exporter may retain records which indicate that the quantity shipped is compatible with the claim that the amount can only be used as provided in the policy. Such information could include test results, literature citations, or other information which supports the claim.

At the time of shipment, the exporter must maintain a record of the identity, amount, and date that the pesticide was shipped, the destination and purchaser, and the intended research use. Most of this information is typically reflected on invoice/shipping records normally maintained for such products; records of pesticide shipments are already required to be maintained under FIFRA section 8. Other documentation supporting research use is generally available as typical business practice and should not impose additional burdens. Records of shipment and confirmation of research intent must be maintained and made available for inspection and copying by EPA for two years following the exportation of the pesticide.

B. Export labeling

Every exported pesticide, device, and active ingredient used in producing a pesticide must bear a label or labeling which meets the requirements of FIFRA section 17(a)(1). This requirement applies to all such pesticides, devices, or active ingredients, regardless of whether the export is for commercial or research and development use. The specific requirements for the labeling of exported pesticides are described above. The required label statements may be met through either immediate container labels, or accompanying supplemental labeling, or through a combination of the two.

EPA included supplemental labeling as an option to ease the compliance burden of this requirement. Supplemental labeling used to meet pesticide export label requirements must be attached to each smallest divisible shipping container of a given pesticide product. In the case that cartons or drums are secured to a pallet such that they will not be separated from the pallet during shipment, it is permissible to attach supplemental labeling to the pallet load. An example would be where a pallet of cartons has a wrapper (e.g., shrink-wrap) which contains all of the cartons on the pallet. However, if cartons or drums are loosely stacked on a pallet so that they could be separated during shipment, each drum or carton must be labeled.

Exporters are also required to keep records of the product labeling, including the EPA registered labeling, any foreign labeling on or attached to the product when shipped, and as applicable, any supplemental labeling. The records are to be maintained in a manner that shows exactly which labels and labeling accompanied each shipment of a pesticide product to a foreign country.

5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

EPA is required to perform the following activities:

1. Respond to questions submitted by respondents.
2. Receive submissions of acknowledgment statements, certification statements, and annual summaries of shipments.
3. Review submissions for completeness.
4. Transmit submissions of acknowledgment statements and summaries of shipments to appropriate Designated National Authority or government official of the importing country or countries.
5. Maintain a file of all submissions.

EPA has automated the process of reviewing and filing submissions. The submissions are scanned and an electronic copy (pdf) is stored and saved. The Agency transmits the submissions of acknowledgment statements and summaries of shipments to appropriate government officials of importing countries electronically where a valid email address exists. The appropriate government official is the Designated National Authority (DNA) as identified by the Rotterdam Convention. In the rare instance that a DNA does not exist a contact is located by contacting the U.S. embassy abroad.

5(b) Collection Methodology and Management

EPA maintains a file of all submitted acknowledgment statements. This file includes the following for each submitted statement:

1. Copy of the purchaser acknowledgment statement and certification that shipment did not occur before receipt of statement by exporter.
2. The EPA Mailing, and the date that the statement was forwarded to the appropriate government official or agency of the importing country.
3. Copy of the estimate summary of the number of shipments to be made in association with that statement.

5(c) Small Entity Flexibility

Under this reporting requirement, small entities must follow the same collection procedures as large companies. Both large and small entities may avail themselves of options which support alternative, flexible means of meeting specific requirements: 1. reporting options; 2. acquisition options, and 3. formatting options of required information. The Agency allows respondents the choice of reporting options; respondents can choose between annual estimates and summaries or per-shipment statements. Respondents are also allowed flexibility in determining the method of obtaining the foreign purchaser acknowledgment statement. Finally, EPA provides flexibility in the formatting of submissions; small entities and occasional submitters may find it easier to comply with the requirements since they do not have to adhere to a specific format.

5(d) Collection Schedule

Not applicable. The activity is conducted only as purchaser acknowledgment statements

are received. There is no set schedule for the collection of this information.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Methodology for Estimating Respondent Cost

The methodology for calculating the wage rates in this renewal of the ICR is consistent with the method for wage calculation for all ICRs managed by the Office of Pesticide Programs (OPP). This approach uses a transparent and consistent methodology employing publicly-available data to provide more accurate estimates and allow easy replication of the calculations. Wage estimates are based on 2017 wage data.

Methodology: The methodology uses data on each sector and labor type for an *Unloaded wage rate* (hourly wage rate), and calculates the *Loaded wage rate* (unloaded wage rate + benefits), and the *Fully loaded wage rate* (loaded wage rate + overhead). Fully loaded wage rates are used to calculate the Agency's staffing costs.

Unloaded Wage Rate: Wages are estimated for labor types (management, technical, and clerical) within applicable sectors. The Agency uses average wage data for the relevant sectors available in the National Industry-Specific Occupational Employment and Wage Estimates from the Bureau of Labor Statistics (BLS) at http://www.bls.gov/oes/current/oes_nat.htm.

Sectors: The specific North American Industry Classification System (NAICS) code and website for each sector is included in that sector's wage rate table. Within each sector, the wage data are provided by Standard Occupational Classification (SOC). The SOC system is used by Federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data (see http://www.bls.gov/oes/current/oes_stru.htm).

Loaded Wage Rate: Unless stated otherwise, all benefits represent 46.5% of unloaded wage rates, based on benefits for all civilian non-farm workers, from <http://www.bls.gov/news.release/ecec.t01.htm>. However, if other sectors are listed for which 46.5% is not applicable; the applicable percentage will be stated.

Fully Loaded Wage Rate: We multiply the loaded wage rate by 50% (EPA guidelines 20-70%) to get overhead costs. Attachments D and E contain worksheets providing the breakout of these costs.

To derive the labor rates for this ICR, Agency economists estimated the wages for the management, technical, and clerical labor categories using the methodology cited above. The respondent costs for this renewal for managerial, technical and clerical rates are estimated at \$127.82, \$66.48 and \$43.76 per hour, respectively. These labor rates are fully loaded and include benefits and overhead costs.

6(b) Estimating Respondent Burden and Cost

The overall respondent burden hours associated with this collection total 16,660 hours

per year. This figure shows a decrease of 1,333 burden hours from the previous ICR. The difference is due to a decrease in the average number of respondents per calendar year from 2015-2017. Largely in part to an increase in the use of the annual summary option.

The requirements to be fulfilled under this ICR consist of two parts: submission of the Foreign Purchaser Acknowledgment Statements (FPAS); and the third-party notification export labeling requirement. The third party labeling requirement is further subdivided into labeling requirements for unregistered exported pesticide products and multilingual labeling requirements for registered exported pesticide products.

(i) Estimating the Respondent Burden and Cost of the FPAS Requirement

This ICR renewal includes a respondent burden estimate of 2,940 hours for the FPAS requirement. This figure is based on the average of 2,774 notices received annually from 2015-2017, and is a decrease of 250 notices from the previous renewal. Table 1 presents the calculations for total annual costs, a breakdown of the FPAS collection activities per respondent, and the expected labor mix required for each activity. Hourly wage rates for firms in NAICS 3250A1 were used to calculate respondent burden. The fully loaded hourly wage rates for management, technical, and clerical occupations for NAICS 3250A1 are \$127.82, \$66.48, and \$43.76, respectively. See Attachment D for labor wage calculations. The total management, technical, and clerical hours are multiplied by the annual number of requests and by the fully loaded wage rates to get a total annual respondent cost of \$183,239 for submitting FPAS forms.

All records submitted under this information collection are either required to be kept under FIFRA Section 8 or are maintained in the normal course of business. Exporters who feel that per-shipment submissions represent undue burden may choose to report annually. The per-shipment notification and annual summary requirements of this option are based on records of production and shipment records already required by regulations under FIFRA Section 8, so such information will be readily available to exporters, who may submit it without reformatting or special preparation. These annual submissions may be included as part of the annual submission of acknowledgment statements and thus would result in minimal burden.

Table 1. Respondent Burden/Cost: Submission of FPAS

Collection Activity	Burden Hours (per year)			Total	
	Mgmt \$127.82/hr	Technical \$66.48/hr	Clerical \$43.76/hr	Hours	Cost (\$)
Read Regulations	0.08	0.00	0.00	0.08	10.23
Plan Activities	0.00	0.08	0.00	0.08	5.32
Gather Information	0.00	0.08	0.00	0.08	5.32
Process, compile and reveal information	0.00	0.16	0.00	0.16	10.64
Complete paperwork	0.00	0.25	0.25	0.50	27.56
Record, disclose & display information	0.00	0.00	0.08	0.08	3.50

Store, maintain and file information	0.00	0.00	0.08	0.08	3.50
TOTAL	0.08	0.57	0.41	1.06	66.06

ANNUAL BURDEN: 1.06 hrs (64 minutes) X 2,774 statements = 2,940 hours per year

ANNUAL COSTS: \$66.506X 2,774 responses = \$183,239 per year

¹ Hourly wages rates are fully loaded wage rates based on NAICS 3250A1 – Chemical Manufacturing (3251, 3252, 3253, and 3259 only) from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2017. See Attachment D for wage calculations.

² Totals may not sum due to rounding.

(ii) Estimating the Respondent Burden of the Third-Party Notification Export Labeling Requirement

As discussed above, certain information must be included on the labels or labeling of exported pesticides. The labeling requirements may be met by supplemental labeling attached to either the product container or the shipping container.

Tables 2 and 3 present the estimated respondent burden for product labeling of unregistered and registered exported pesticide products. The Agency has estimated that on average over 2015-2017, 560 unregistered pesticide products and 1,680 registered pesticide products are exported annually. The number of unregistered pesticides exported is based on counting the number of unique products per year identified in the foreign purchaser acknowledgement statements. This figure is a decrease from 611 in the estimated number of unregistered pesticide products exported annually in the previous renewal.

Product labeling for unregistered exported products accounts for a total of eight burden hours, at a cost of \$551.17, for each unregistered product. This equates to a total annual burden of 4,480 hours and a total annual cost of \$308,653 across all unregistered products.

Table 2. Respondent Burden/Cost: Unregistered Exported Pesticide Product Labeling

Collection Activity	Burden Hours (per year)			Total	
	Mgmt \$127.82/hr	Technical \$66.48/hr	Clerical \$43.76/hr	Hours	Cost (\$)
Read Regulations	0.50	0.00	0.00	0.50	63.91
Design Labels	0.00	2.00	0.00	2.00	132.96
Translate Labels	0.00	5.00	0.00	5.00	332.41
Complete Paperwork and Store Information	0.00	0.00	0.50	0.50	21.88
TOTAL	0.50	7.00	0.50	8.00	551.17

ANNUAL BURDEN: 8 hours x 560 unregistered products = 4,480 hours

ANNUAL COSTS: \$551.17 x 560 unregistered products = \$308,653

¹ Hourly wages rates are fully loaded wage rates based on NAICS 3250A1 – Chemical Manufacturing (3251, 3252, 3253, and 3259 only) from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2017. See Attachment D for wage calculations.

² Totals may not sum due to rounding.

Certain information must be provided in the languages of the country or countries of final destination. Table 3 presents the estimated respondent burden for multilingual product labeling of registered exported pesticide products. The labeling requirements may be met by supplemental labeling attached to either the product container or the shipping container. EPA estimates that it will take respondents approximately 5.5 hours at a cost of \$354.29 to meet the multilingual labeling requirement for each product. This estimation is based on the estimate that to prepare one label in one language would take approximately one hour, and that, on average, exporters prepare a label for each of the major destinations of export shipments. In reviewing the major destinations of export shipments, EPA estimates that most labels would be in one or more of the following languages: French, Spanish, German, Taiwanese, and Portuguese.

Historically, in order to estimate the number of registered exported pesticide products, the Agency has assumed that one-quarter of the pesticides exported from the U.S. are not registered for use in the U.S., while the remaining three-quarters are registered pesticide products. Therefore, EPA has assumed that there are three times as many registered products exported than unregistered. Using this assumption and the estimated number of exported unregistered products (560), EPA estimates the total number of registered products exported to be 1,680 per year. This equates to a total annual burden of 9,240 hours and a total annual burden of \$595,209 across all respondents.

Table 3. Respondent Burden/Cost: Multilingual Product Labeling, Registered Pesticide Product Exports

Collection Activity	Burden Hours (per year)			Total	
	Mgmt \$127.82/hr	Technical \$66.48/hr	Clerical \$43.76/hr	Hours	Cost (\$)
Translate Labels	0.00	5.00	0.00	5.00	332.41
Complete Paperwork and Store Information	0.00	0.00	0.50	0.50	21.88
TOTAL	0.00	5.00	0.50	5.50	354.29

ANNUAL BURDEN: 5.5 hours x 1,680 exported registered products = 9,240 hours

ANNUAL COSTS: \$354.29 x 1,680 exported registered products = \$595,209

¹ Hourly wages rates are fully loaded wage rates based on NAICS 3250A1 – Chemical Manufacturing (3251, 3252, 3253, and 3259 only) from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2017. See Attachment D for wage calculations.

² Totals may not sum due to rounding.

6(c) Estimating Agency Burden and Cost

Agency costs for this information collection consist mainly of FTE time spent, the majority of which is due to record keeping associated with the receipt of the acknowledgment statements, review of transmissions to be sent to foreign governments, and costs associated with the transmittal of acknowledgment statements to the appropriate government official in the importing country. EPA estimated hourly burden at 0.33 hours (around 20 minutes) per statement. Based on this estimate, annual costs are determined by multiplying hourly burden by the wage rate for technical labor. This estimate represents an increase of 431 burden hours since

the previous renewal. This decrease is due to the automation of the filing and transmission process described in section 5(a).

Table 4. Agency Processing Burden for FPAS Requirement

Collection Activity	Hours	Annual Cost (\$)
	Technical \$82.67/hr	
Receive, review acknowledgment statements for completeness, and scan to make digital copies	0.12	9.65
Data entry of information in acknowledgment statements	0.07	5.51
Make necessary copies and transmit submission to appropriate government officials of importing countries	0.05	4.13
Review of prepared submission by OPP international team staff or GISB management, and transmission of the documentation to the appropriate government authority	0.05	4.13
Maintain a file of all submissions	0.05	4.13
Respond to inquiries: EPA receives 30 inquiries per year, spends 1 hour to respond to each inquiry.	30	
TOTAL	0.33	27.56

ANNUAL BURDEN: 2,774 statements x 0.33 hours = 945 hours¹

ANNUAL COSTS: 2,774 statements x \$27.56 = \$78,932

¹Includes 30 hours of EPA burden in responding to 30 inquiries per year.

Hourly wages rates are fully loaded wage rates based on NAICS code 999100 - Federal Executive Branch from U.S. Dept. of Labor, Bureau of Labor Statistics, May 2017. See Attachment E for wage calculations.

Totals may not sum due to rounding.

6(d) Bottom Line Burden Hours and Cost

(i) Respondent Burden by Information Collection (IC)

The total annual respondent burden hours for this ICR are estimated at 16,660 hours. This accounts for 2,940 hours for the FPAS requirement, 4,480 hours for the labeling of unregistered pesticides, and 9,240 hours for the labeling of registered pesticides.

The total annual respondent cost for this ICR is estimated to be \$1,087,202. This estimate is composed of the following costs: \$183,239 for the FPAS requirement, \$308,653 for the labeling of unregistered pesticides, and \$595,209 for the labeling of registered pesticides.

Table 5. Total Annual Respondent Burden Hours and Cost

Information Collection	Responses Per Year	Burden Per Response (hours)	Annual Burden (hours)	Annual Cost (\$)
Foreign Purchaser Acknowledgment Statements	2,774	1.06	2,940	\$183,239
Labeling for Unregistered Exported Pesticide Products	560	8	4,480	\$308,653
Multilingual Product Labeling for Registered Exported Pesticide Products	1,680	5.5	9,240	\$595,209
Total Annual Respondent Burden			16,660	\$1,087,102

¹ Totals may not sum due to rounding.

(ii) Agency Burden

The total annual agency burden for this ICR is estimated to be 943 hours. This would result in a total annual agency cost of \$78,932.

Table 6. Bottom Line Burden Hours and Cost

	TOTAL	
	Hours	Costs
Respondent Burden Estimate	16,660	\$1,087,102
Agency Burden Estimate	945	\$78,932

6(e) Reason for Changes in Burden

There was no change in the estimated average response time for respondents. There is a decrease of 1,333 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease reflects a reduction in the annual number of foreign purchaser acknowledgment statements received by EPA (from 3,024 to 2,774), which resulted in a corresponding decrease in the estimated annual burden hours for respondents (from 3,205 to 2,940 hours); and a reduction in the estimated annual burden associated with labeling requirements. The respondent burden associated with labeling requirements for unregistered exported pesticides decreased from 4,888 to 4,480 hours; and from 9,900 to 9,240 hours associated with labeling requirements for registered exported pesticides. The decrease in burden associated with labeling requirements is due to a reduction in the number of respondents per calendar years 2015-2017. Total labor costs for respondents decreased due to a decrease in the estimated number of respondents per calendar year from 2015-2017 and an update to the wage rate estimates, which incorporated higher estimates for benefits than was used in the previous renewal. These changes qualify as adjustments.

There were program changes affecting the Agency burden estimate. There is an increase of 421 hours in the total estimated Agency burden compared with that identified in the ICR

currently approved by OMB. The total Agency burden increased due to an increase in the EPA estimated hourly burden from 0.17 hours (around 10 minutes) per statement to 0.33 hours (around 20 minutes) per statement. This increase is due to processes added to ensure proper review of FPAS statements before being sent to the importing country. There has also been a change in the system used and steps for storing digital copies of the FPAS. Total labor costs for the Agency also increased due to changes in the wage rates made to reflect current wage rates. The new wage estimates incorporated higher estimates for benefits than was used in the previous renewal. These changes are an adjustment.

6(f) Burden Statement

Annual respondent burden for this collection of FPAS information requirements is estimated to average 1.06 hours (around 65 minutes) per response and has not changed since the last renewal. The annual respondent burden for meeting labeling requirements for unregistered and registered exported pesticide products is estimated to average 8.0 hours and 5.5 hours, respectively. Burden is defined at 5 CFR 1320.3(b). This estimate includes the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Under PRA, 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OPP-2018-0266, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the EPA Docket Center-Public Reading Room, William Jefferson Clinton (WJC) West Building, in Rm. 3334, 1301 Constitution Avenue, NW, Washington, DC. This docket facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. The docket telephone number is (202) 566-1744. You may submit comments regarding the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques.

Comments may be submitted to EPA electronically through <http://www.regulations.gov> or by mail addressed to Director, Regulatory Support Division, U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include Docket ID No. EPA-HQ-OPP-2018-0266 and OMB control number 2070-0027 in any correspondence.

ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPP-2018-0266. These attachments are available for online viewing at <http://www.regulations.gov> or otherwise accessed as described in section 6(f) of the supporting statement.

- Attachment A:** 7 U.S.C. 136o - Section 17 of the Federal Insecticide, Fungicide, and Rodenticide Act Also available online at the [United States GPO website](#).
- Attachment B:** 40 CFR 168.75 - *Procedures for exporting unregistered pesticides – purchaser acknowledgement statements*. Also available online at the [Electronic Code of Federal Regulations website](#).
- Attachment C:** Consultation Summary
- Attachment D:** Work Sheets used to Calculate Industry Labor Costs
- Attachment E:** Work Sheets used to Calculate EPA and Federal Government Labor Costs
- Attachment F:** Display Related to OMB Control #2070-0027