

Attachment D
Summary Consultation for OPP ICR: Notice of Arrival of Pesticides and Devices
(OMB No. 2070-0020, EPA No. 0152.13)

Overview

Under 5 CFR §1320.8(d)(1), agencies are required to consult with respondents about specific aspects of information collection before submitting approval requests to OMB. In accordance with this regulation, EPA is contacting representatives from a cross section of stakeholders to seek feedback on the burden estimates in this ICR, and on the clarity of the information collection process.

Questions and Responses

(1) Publicly Available Data

- 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 comments provided

- If yes, list the specific data available from other public sources and where the data can be found. [Note: Consider before you respond whether your answer indicates a true duplication, or does your answer indicate that certain data elements are available but that they don't meet EPA's data needs very well.]

N/A

- Do understand the new edits for EPA Form 3540-1?

No comments provided

(2) Frequency of Collection

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

No comments provided

(3) Clarity of Instructions

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

- Based on the instructions (regulations, PR Notices, publications such as tip sheets and other guidance documents posted on EPA's and other government (i.e., CBP) websites, is

it clear what you are required to do and how to submit such data? If not, what suggestions do you have to clarify the instructions?

The guidance is sufficient except there is a lack of central written guidance on importing small-scale samples for research purposes.

- Do you understand that you are required to maintain records per 40 CFR 169 and 19 CFR Part 163? Are the requirements in place clear and logical?

The requirements are clear.

(4) Electronic Reporting and Recordkeeping

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. Information in the NOA that is claimed as confidential, cannot be released to the public except in accordance with EPA confidentiality regulations at 40 CFR part 2, subpart B. Only certain information such as names and complete addresses, along with unit size, quantity, total net weight, country of origin, port of entry, entry number, and anticipated entry date) may be claimed as FIFRA CBI.

Electronic Reporting

CBP regulations at 19 CFR 12.112, require that an importer or the importer's agent desiring to import pesticides into the United States shall, prior to arrival of the shipment in the United States, submit a NOA of Pesticides and Devices on EPA Form 3540-1. In the alternative, the importer or the importer's agent may file the Notice of Arrival electronically, with the filing of the entry documentation, via any CBP-authorized electronic interchange system. ACE then completes a series of automatic checks to determine if there are problems with the information submitted and will issue electronic notifications to the importer. A successful filing (using what is known as the Partner Government Agency (PGA) PGA Message Set) will generate a "may proceed" indicating the filing passed the automatic checks in ACE, thereby minimizing the review time by EPA.

- Do you currently file the EPA NOA electronically through ACE? If not, why not? What obstacles, if any, are preventing you from filing electronically?

We support clients with the import of samples for research, for which it is not always possible to file electronically. Some clients do not yet have a customs broker to facilitate this. Without a customs broker we do not have access to ACE and information must be supplied minimally via email to the appropriate Region or via hard copy mailing.

Recordkeeping

- How are your records managed (e.g., filed and maintained) and stored? Are the records kept electronically and/or by paper?

No comments provided

- Much of the information that is stored electronically can be readily retrieved and does not have to be re-entered. Do you leverage this stored information on recurring filings for the same commodity? If so, how much time do you estimate you save?

No comments provided

(5) Burden and Costs of Collection

The labor rates provided in this information collection are a U.S. average that include costs for overhead and benefits.

- Does the estimated burden and costs reflect the amount time and costs to complete a paper or an electronic filing to answer an entry line item? Specifically, does the estimate reflect the time and cost for the following collection activities?
 - For paper filings (complete written paper form), time and cost associated with:
 - Processing;
 - Compiling; and
 - Reviewing information for accuracy
 - For electronic filings, time and cost associated with:
 - Processing;
 - Recording;
 - Disclosing/displaying information

We are concerned that the estimates underestimate the burden.

- If not, please provide your estimated burden and cost with an explanation of how you arrived at your estimation of labor and costs different than EPA's estimate. Bear 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. Include in your explanation any other costs you believe should have been accounted for that may have been missed?

The estimation for companies with limited or no experience with importation requires a greater time to collect the information regarding the shipment quantities, carriers and locations, expected date of entry and coordination with the customs broker takes longer than the estimates provided in the table below. The time to further clarify intent of entry with a Region to complete the entry particularly for import of samples for research adds to the time to process in its entirety. For those entries of samples, a label must be prepared to meet the requirements of the 40 CFR, as well as letter describing the intended testing to take place. Please see revised estimates of time below.

- The Agency assumes there is no capital cost associated with this activity. Is that correct? If not, please explain.

No comments provided

- Are there other costs that should be accounted for that may have been missed?

No additional costs beyond the additions provided below

— Respondent Burden and Cost per Response: Registered Pesticides and Pesticidal Devices

Collection Activities	Management (hours) ¹	Technical (hours) ¹	Clerical (hours) ¹	Total (hours)	Cost (\$)
	\$143.80/hr	\$75.21/hr	\$47.95/hr		
Read or hear any instructions	0.01	0.05 0.30	-	0.06 0.31	5.20 24.00
Plan activities	-	-	-	-	0.00
Create information	-	-	-	-	0.00
Gather information, including label and supporting information (both mandatory and recommended/voluntary information)	-	0.02 0.50	0.03 0.30	0.05 0.80	2.94 51.99
Process, compile, review information for accuracy	0.02	0.05 0.2	-	0.07 0.7	6.64 17.92
Complete written forms	-	0.04 0.30	0.04	0.08 0.38	4.93 24.48
Record, disclose, or display information	-	-	0.07	0.07	3.36
Store, file, or maintain information	-	-	0.07	0.07	3.36
TOTAL BURDEN²	0.03	0.16 1.30	0.21 0.51	0.40 1.81	\$26.42 125.11