

Supporting Statement  
Agricultural Aircraft Operations (formerly "Agricultural Aircraft Operator Certificate  
Application") OMB 2120-0049

CHANGES SINCE LAST SUBMISSION:

- Number of certificate holders is slightly lower, resulting in a lower hour-burden. However, wage-rate information has been improved, so this collection now reflects a higher economic burden.
- Federal government costs have been updated with better information (wages and fringe/overhead).
- Question 2 has been updated with a more detailed breakdown of each IC within this ICR, including the purpose of the collection and the means by which it can be accomplished.
- The FAA proposes to change the name of this collection to one that more accurately reflects its scope.

A. Justification

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of each statute and regulation mandating or authorizing the collection of information.**

The reporting and recordkeeping requirements of Title 14 Code of Federal Regulations (14 CFR) part 137, Agricultural Aircraft Operations, is authorized by part A of Subtitle VII of the Revised Title 49 United States Code. 14 CFR part 137 prescribes requirements for issuing agricultural aircraft operator certificates and for appropriate operating rules.

This collection of information supports the Department of Transportation's strategic goal on safety.

In addition to the statutory basis, the collection of this information is necessary to:

- Issue, reissue, or amend applicant's agricultural aircraft operator certificates.
- Approve operator's plan of operation over congested areas.
- Conduct knowledge and skill tests and issue letters of competency.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The information on FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application, is required from applicants who wish to be issued a commercial or private agricultural aircraft operator certificate. Aviation Safety Inspectors in FAA Flight Standards District Offices (FSDO) review the submitted information to determine certificate eligibility. If the information were not collected, the FAA could not discharge its responsibilities directed to the safety of agricultural aircraft operations and the dispensing of materials during such operations.

Section 137.1, Applicability: This section prescribes *inter alia* that each person operating under part 137 must report any emergency deviation from regulations within 10 days after the deviation. They must send to the responsible Flight Standards District Office a complete report of the aircraft operation involved, including a description of the operation and the reasons for it. This can be done by email. This aids the FAA in surveillance, enforcement and data analysis.

Section 137.15, Application for Certificate: - Applicants for an Agricultural Aircraft Operator Certificate are required to submit an application to the FAA FSDO having jurisdiction over the applicant's home base of operations. FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application, is used for that purpose. The front side of the form is used by the applicant to provide information required by the 14 CFR for issuance and amendment of operating certificates. The reverse side is used by FAA to record inspection of the applicant for certification. Operating certificates are effective until surrendered, suspended, or revoked. The form can be completed and signed electronically and submitted to the local FSDO by email.

Section 137.17, Amendment of Certificate - Operators may amend their certificate by submitting FAA Form 8710-3 to their nearest FSDO. The amended application can be completed and signed electronically and submitted by email.

Section 137.51, Operation over Congested Areas: A plan for operations over congested areas is sent to the local FSDO for approval. It can be sent by email. The plan must include the area in which operation will be conducted, must identify the aircraft and pilot, a map of the area, emergency landing areas, and other information essential to safe operations. Plan must also indicate that there is local law enforcement cooperation. The FAA evaluates plans to determine if operations can be conducted safely, and confirms that local political subdivision is involved. Flight Standards also confirms whether Air Traffic Control has been contacted, depending on airspace.

Section 137.71, Records: Commercial Agricultural Aircraft Operator - Requires each operator to maintain specific records for a minimum of 12 months. These records include the dates of all services performed, the name of the material dispersed, the name of the pilot and registration number of the aircraft used, and other operational data. This information must be made available to the FAA to aid in oversight and enforcement.

***3. Describe whether, and to what extent, the 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 the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.***

Applicants may electronically download the application form in Adobe PDF format from the FAA web site, at <https://www.faa.gov/forms/index.cfm/go/document.information/documentID/1020386> . The form may be completed electronically, signed, and either submitted by e-mail or in paper format to the FAA Flight Standards District Office. The form is used to authorize individuals or groups to conduct agricultural aircraft operations if the Administrator finds that

the operations can be safely conducted in accordance with certification requirements of section 137.19. The United States cannot risk having unknown people conducting airborne spray operations within its critical infrastructure. The information submitted on the form is not made publicly available.

***4. Describe efforts to identify duplication. Show specifically why any similar information already available can be used for the purpose described in Item 2 above.***

The information collection involves unique requests and duplication is unlikely. In addition, we have reviewed our other public reports to insure that no duplication exists. To our knowledge, no other agency is responsible for collecting information on agricultural aircraft operators.

We have checked other FAA public reports and to our knowledge, no similar information is available. The reporting information required by the FAA can only be supplied by those agricultural aircraft operators requesting certification. Individuals or small entities may receive, upon request, specific assistance from FAA Aviation Safety Inspectors located in district offices around the country.

***5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.***

Required information is collected using FAA Form 8710-3, which was designed to be short and easy to complete by those not familiar with it. The operators are only asked pertinent safety information necessary to make a factual determination that the proposed aviation activity would not be detrimental to public safety. The burdens are minimized because only those who wish to pursue aviation agricultural operations are required to submit the minimum information to determine a safety equivalency. All records and information is gathered for the accomplishment of a specific regulatory requirement necessary to maintain a high degree of safety in aviation. These requirements were carefully thought out prior to implementation and to delay the collection and documentation of this information might well create possible hazards in the airspace system. The entire form, including signature, can now be completed electronically via Adobe PDF format. This significantly reduces the time burden and allows the applicant to maintain an electronic record of their submission.

***6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.***

All records and information, whether gathered on a scheduled basis, on demand, or as required by regulation, is for the accomplishment of a specific regulatory requirement necessary to maintain a high degree of safety in aviation. These requirements were carefully thought out prior to implementation and to delay the collection and documentation of this information might well create possible hazards in the airspace system.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 1320.5(d)(2)(i)-(viii).**

There are no special circumstances.

**8. Describe efforts to consult with persons outside the agency to obtain their views on availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any) and on the data elements to be recorded, disclosed, or reported.**

A notice for public comments was published in the Federal Register on March 1, 2021 (86 FR 12074). No comments were received. The FAA did not engage in any additional consultations in connection with this renewal.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts are made to respondents.

**10. Describe an assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The information collected on FAA Form 8710-3 will become part of the DOT/FAA Privacy Act Systems of Records DOT/FAA 847, Aviation Records on Individuals. The information will be handled under the provisions of the Privacy Act.

**11. Provide additional justification for any questions of a sensitive nature.**

There are no sensitive questions in this collection of information.

**12. Provide estimates of the hour burden of the collection of information. This statement should: Provide number of respondents, frequency of response, annual burden, and an explanation of how the burden was estimated.**

A section by section breakdown of the applicable sections of 14 CFR part 137 is listed below, including number of responses, time per response, and annual burden, and how the burden has been estimated.

Section 137.1, Applicability - Prescribes procedures for reporting deviations from the requirements of part 137. The FAA estimates 100 annual deviation reports.

Summary (Annual numbers)	Reportin g	Recordkeepin g	Disclosur e
# of Respondents	100		

<b># of Responses per respondent</b>	1		
<b>Time per Response</b>	.5 hours		
<b>Total # of responses</b>	100		
<b>Total burden (hours)</b>	50		

Section 137.15, Application for Certificate - Applicants for an Agricultural Aircraft Operator Certificate are required to submit an application to the FAA FSDO having jurisdiction over the applicant's home base of operations. FAA Form 8710-3, Agricultural Aircraft Operator Certificate Application, is used for that purpose. The front side of the form is used by the applicant to provide information required by the 14 CFR for issuance and amendment of operating certificates. The reverse side is used by FAA to record inspection of the applicant for certification. Operating certificates are effective until surrendered, suspended, or revoked.

Summary (Annual numbers)	<b>Reportin g</b>	<b>Recordkeepin g</b>	<b>Disclosur e</b>
<b># of Respondents</b>	100		
<b># of Responses per respondent</b>	1		
<b>Time per Response</b>	.5 hours		
<b>Total # of responses</b>	100		
<b>Total burden (hours)</b>	50		

Section 137.17, Amendment of Certificate - Operators may amend their certificate by submitting FAA Form 8710-3 to their nearest FSDO.

Summary (Annual numbers)	<b>Reportin g</b>	<b>Recordkeepin g</b>	<b>Disclosur e</b>
<b># of Respondents</b>	100		
<b># of Responses per respondent</b>	1		
<b>Time per Response</b>	.5 hours		
<b>Total # of responses</b>	100		

<b>Total burden (hours)</b>	50		
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Section 137.51, Operation over Congested Areas - Paragraph (a)(3) requires a plan for operation over congested areas must be submitted to the FAA for approval.

Summary (Annual numbers)	<b>Reportin g</b>	<b>Recordkeepin g</b>	<b>Disclosur e</b>
<b># of Respondents</b>	350		
<b># of Responses per respondent</b>	1		
<b>Time per Response</b>	.5 hours		
<b>Total # of responses</b>	350		
<b>Total burden (hours)</b>	175		

Section 137.71, Records: Commercial Agricultural Aircraft Operator - Requires each operator to maintain specific records for a minimum of 12 months. We estimate there is an annual average of 1,763 certificated operators. (Approximately 50 operators are certificated annually, and approximately 50 certificates are surrendered, suspended, or revoked.)

Summary (Annual numbers)	<b>Reportin g</b>	<b>Recordkeepin g</b>	<b>Disclosur e</b>
<b># of Respondents</b>		1,763	
<b># of Responses per respondent</b>		1	
<b>Time per Response</b>		4.5	
<b>Total # of responses</b>		1,763	
<b>Total burden (hours)</b>		7,934	

TOTALS:

We estimate that 14 CFR part 137 will require a total annual reporting and recordkeeping burden of 8,259 hours, of which 325 hours constitute public reporting and 7,934 hours constitute public recordkeeping. A summary of the burden is below:

<b>Hour Burden per Section (Annual)</b>			
	<b>Reporting</b>	<b>Recordkeeping</b>	<b>Disclosure</b>
<b>137.1</b>	50		
<b>137.15</b>	50		
<b>137.17</b>	50		
<b>133.51</b>	175		
<b>133.71</b>		7,934	
	<b>325</b>	<b>7,934</b>	
	<b>TOTAL: 8,259</b>		

The annualized cost to the public is estimated to be **\$233,341.13**.

This cost is determined by estimating the applicants' time required to complete and submit new applications, amendments, deviations, etc.

We estimate 325 forms and letters submitted for approval, at an average preparation time of .5 hours each at a wage rate of \$19.43 per hour per applicant, based on the Bureau of Labor Statistics Occupational Employment and Wages data, May 2020, for Secretaries and Administrative Assistants,<sup>1</sup> would cost the applicants \$4,683 a year. The FAA has applied a multiplier of **31.3 percent**<sup>2</sup> to account for fringe benefits, plus an estimated **17 percent** for overhead costs such as rent, equipment and utilities.<sup>3</sup> This results in a fully loaded wage rate of **\$28.82** (19.43+48.3%). We also estimate the total recordkeeping requirement would be 7,934 hours at \$17.11 per hour, at a cost to the applicant of \$228,657.

325 forms x .5 forms/hr x \$28.82/hr = \$ 4,683.25 (reporting)  
 7,934 forms x 1 form/hr x \$28.82/hr = \$ 228,657.88 (recordkeeping)  
 Total hourly costs: 228,657.88+ 4,683.25 = **\$ 233,341.13**

**13. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

There are no additional costs not already included in question twelve.

<sup>1</sup> <https://www.bls.gov/oes/current/oes436014.htm>

<sup>2</sup> <https://www.bls.gov/news.release/ecec.nr0.htm>

<sup>3</sup> <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2014-0650-0005>

**14. Provide estimates of annualized cost to the Federal government.**

Approximately 80 percent of the total cost is government labor done by Aviation Safety Inspectors (ASIs), midrange GS-13, RUS locality. \$104,429 per annum, divided by 2,080 hours, results in a base rate of \$50.21. Approximately 20 percent of the FAA burden is performed by administrative specialists, midrange GS-7, RUS locality. \$49,508 per annum, divided by 2,080 hours, results in a base rate of \$23.80. The FAA uses a fringe benefits and overhead cost, for FAA employees, of 100%.<sup>4</sup> This results in a fully loaded wage rate of \$100.42 per hour for Aviation Safety Inspectors, and \$47.60 for administrative specialists.<sup>5</sup> Based on the above, the annualized cost to the Federal Government is as follows:

<u>Hours by Regulation</u>		<u>Hours</u>
137.1	100 letters @ 3 hours	300
137.15	100 applications @ 10 hours	1000
137.17	100 amendments @ 3 hours	300
137.51	350 letters @ 4 hours	<u>1,400</u>
		3,000

Estimated total annual labor burden                      3,000 hours

Technical Labor (3000 x .8 x \$100.42 /hr)	\$241,008
Clerical Labor (3000 x .2 x 47.60/hr)	<u>\$28,560</u>
	<b>\$269,568</b>

**15. Explain reasons for any program changes or adjustments reported in Items 13 or 14 of OMB Form 83-1.**

According to the FAA’s WebOPSS database, the total number of active part 137 certificates is now 1,763, down from 2,000 in the last submission. This results in a lower total hourly burden and a lower number of responses. This reduction is a result of attrition.

**16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used.**

There is no requirement for any of the information collected pursuant to 14 CFR part 137 to be published for statistical use. None of the information collected will be published on the FAA website or elsewhere.

<sup>4</sup> U.S. Department of Health and Human Services, “Guidelines for Regulatory Impact Analysis” (2016), [https://aspe.hhs.gov/system/files/pdf/242926/HHS\\_RIAGuidance.pdf](https://aspe.hhs.gov/system/files/pdf/242926/HHS_RIAGuidance.pdf). On page 30, HHS states, “As an interim default, while HHS conducts more research, analysts should assume overhead costs (including benefits) are equal to 100 percent of pretax wages....”

<sup>5</sup> <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/RUS.aspx>



**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not seeking approval to not display the expiration date.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions", of OMB Form 83-1.**

There are no exceptions.