

The 2022 Supporting Statement for OMB 0596-0241

Forest Service Pesticide-Use Proposal Form FS-2100-002

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 the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Collection of information is required for compliance with:

- The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136), and 40 CFR 171
- The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421), and 36 CFR 219
- National Environmental Policy Act (42 CFR 4321), and 36 CFR 220

USDA Forest Service (FS) must collect information on proposed use of pesticides on lands administered by FS to safeguard natural resources and human health. Also, information collection is needed to ensure consistency with Federal land management stewardship goals and decisions.

- 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.**

- a. What information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)**

Information to be collected describes purpose of pesticide application, specific products to be applied, type of application, rate of application, treatment area, sensitive areas to be protected, and project implementation and precautions. Requested items of information are listed on expandable, one-page form FS-2100-2 *Pesticide-Use Proposal*. FIFRA statute establishes that "the label is the law," and all requested information is needed to ensure conformity with regulatory requirements. All requested information is readily available to qualified pesticide applicators and is essential to safely planned pesticide projects. Categories of information requested are descriptive of type, amount, and location of applications, as well as identification of qualifying credentials of those performing the work.

- b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.**

Information will be collected from anyone who proposes to apply pesticides upon FS administered lands or waterways.

- c. What will this information be used for - provide ALL uses?**

Information is used to inform District, Forest, Regional, and National Pesticide Use Coordinators of proposed pesticide usage on FS lands or waterways and to facilitate vetting of pest control projects for consistency with local Forest

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Management Plans and directives, including compliance with locally-applicable pesticide application laws and regulations.

- d. How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?**

The information will be collected on FS Form FS-2100-2. Respondent may electronically fill in the form and then submit either the electronic or hardcopy of the form to the local Pesticide Use Coordinator. The listing of FS Region/Area Pesticide Use Coordinators can be found at the following website: <https://www.fs.fed.us/foresthealth/contact-us/pesticide-contact-us.shtml> .

- e. How frequently will the information be collected?**

Information will be collected once for each proposed pesticide application project.

- f. Will the information be shared with any other organizations inside or outside USDA or the government?**

Information is for internal use by the Forest Service for Federal land management stewardship and will not be shared with others, except as might be legally required.

- g. If this is an ongoing collection, how have the collection requirements changed over time?**

This is an ongoing information collection without changed requirements.

- 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.**

The form can be electronically completed and submitted as an e-mail attachment.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Due to the differing locations and timing of these projects, each pesticide application project proposed is unique, and must be individually described on the form. Similar information from preceding projects cannot be reused for new proposal requests.

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

Form FS-2100-2 has been designed to be as simple in organization and scope as possible to minimize the burden on all respondents, including small businesses, and gathers only essential information.

- 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.**

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Without the ability to collect the details of proposed projects from outside parties, the FS would not be able to make appropriately informed decisions concerning land stewardship and necessary ecological and human health safeguards.

The project-specific information is collected once for each pesticide application project so there is no option for this information to be collected less frequently.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**

Although there is no requirement, a respondent may perform more than one pesticide application project in any one quarter and therefore may complete more than one PUP.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

In accordance with 5 CFR 1320.8(d), on July 6, 2021, a 60-day notice for public comment was published in the *Federal Register*, 86 FR 35468-35469. No comments were received. Parties drafting a treatment proposal are invited to consult a local USDA/FS Region/Area Pesticide-Use Coordinator [listed at:

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<https://www.fs.fed.us/foresthealth/contact-us/pesticide-contact-us.shtml>] to determine where best to direct any proposal. The electronic version of USDA/FS Pesticide-Use Proposal Form [FS-2100-002] [available at: https://www.fs.fed.us/foresthealth/pesticide/pdfs/FS-2100-0002_Form.pdf] obviates the need for “wet ink” reviewer signatures. And, approved proposals are authorized for the stated life of the project (not necessarily limited to three years), unless needed modifications trigger required proposal revision.

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

Mr. Keel Price, District Supervisor, USDA APHIS Wildlife Services provided peer review and consultation on the proposed collection. He agreed with the sufficiency of the form for the intended purpose and had no further input on this proposed collection.

Mr. Slade Franklin, Weed and Pest Coordinator, Wyoming Department of Agriculture shared comment that form is “very intuitive,” but expanded explanation of “sensitive areas” in instructions would be welcome [see amended instruction].

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

To date, experience of respondents has been positive. Feedback indicates that information requested was readily available, and instructions and format are clearly understandable and usable. Such contact includes:

- Will Lackey, Oregon Dept. of Transportation, Vegetation Management, 503-986-3010, ODOT, 800 Airport Road SE, Salem, OR 97301
- Ray Willard, Washington Dept. of Transportation, 360-705-7865, WSDOT, Landscape Maintenance Program, PO Box 47358, Olympia, WA 98504

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

No payments or gifts are contemplated for respondents.

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

There is no assurance of confidentiality. No information covered by a Privacy Act System of Records, Personally Identifiable Information, or other confidential information covered by a statute, regulation, or agency policy will be collected.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No information of a sensitive nature that is commonly considered private will be collected.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.**

Please refer to supplemental document entitled *0596-0241 2022 Pesticide Use Burden-Cost spreadsheet* for burden and costs estimates. The estimated burden per response was estimated by using professional judgment combined with the response from those consulted.

The estimated cost per hour to respondents is based on the mean national rate for pesticide handlers, sprayers, and applicators of \$24.64 (\$18.81 per hour, plus 31% for benefits) from the Bureau of Labor occupation employment statistics, <http://www.bls.gov/oes/current/oes373012.htm>.

- **Record Keeping:** There is no record keeping burden placed upon the respondents in connection with this collection.

13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There are no capital operation and maintenance costs.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The response to this question covers the actual costs the agency will

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incur as a result of implementing the information collection. The estimate should cover the entire life cycle of the collection and include costs, if applicable, for:

- **Employee labor and materials for developing, printing, storing forms**
- **Employee labor and materials for developing computer systems, screens, or reports to support the collection**
- **Employee travel costs**
- **Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information**
- **Employee labor and materials for collecting the information**
- **Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information**

Table 1: Annualized Additional Cost to Government

| ACTION ITEM | PERSONNEL | GS LEVEL | HOURLY RATE* | HOURS | SALARY/COST |
|--------------------------------------------------------------------------------------------------------------------|------------------|-----------------|---------------------|--------------|--------------------|
| Employee labor for developing, printing and storing forms | clerical | 7/5 | \$27.88 | 10 | \$278.80 |
| Employee labor and materials for collecting the information | biologist | 13/5 | \$58.79 | 100 | \$5879.00 |
| Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information | biologist | 13/5 | \$58.79 | 875 | \$51,441.25 |
| Cost of printing and storing of 1000 forms at \$.20 per form | | | | | 200.00 |
| Total cost to government | | | | | \$57,798.25 |

*Rate taken from OPM basic salary table for current year for a GS 7/5 the hourly wage is \$20.46 + 36.25% benefits = \$27.88/hr. A GS 13/5 hourly wage is \$43.15 + 36.25% benefits = \$58.79/hr. *Cost of total benefits as a percentage of total hourly compensation for Federal Government employees has been calculated by adding 36.25% of the hourly OPM wage in accordance with OMB Memorandum M-08 13.*

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of OMB form 83-I.

This is a renewal information collection. Cost estimates updated based upon OPM basic salary table for current year.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

There are no plans for publication of the information.

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.

The valid OMB control number and expiration date will be displayed on all information collection instruments.

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- 18. Explain each exception to the certification statement identified in item 19, "Certification Requirement for Paperwork Reduction Act."**

The Agency is able to certify compliance with 5 CFR 1320.