

**Supporting Statement for an Information Collection Request (ICR)
Under the Paperwork Reduction Act (PRA)**

EXECUTIVE SUMMARY

Identification of the Information Collection – Title and Numbers

Title: Certification of Pesticide Applicators
EPA ICR No.: 0155.14
OMB Control No.: 2070-0029
Docket ID No.: EPA-HQ-OPP-2021-0288

Abstract

The Environmental Protection Agency (EPA) administers certification programs for pesticide applicators under section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). FIFRA allows EPA to classify a pesticide as “restricted use” if the pesticide meets certain toxicity or risk criteria. The regulations in 40 CFR part 171 include procedures for certification programs for States, Federal agencies, Indian tribes, or U.S. territories who wish to develop and implement their own certification plans and programs, after obtaining EPA approval. This information collection request (ICR) addresses the paperwork activities performed by businesses, individuals, and regulators to comply with training and certification requirements associated with applicators of restricted use pesticides (RUPs). Because of the potential of improperly applied RUPs to harm human health or the environment, pesticides under this classification may be purchased and applied only by “certified applicators” or by persons under the direct supervision of certified applicators. To become a certified applicator, a person must meet certain standards of competency; these standards are met through completion of a certification program or test.

The information collection requirements that were contained in the January 4, 2017 final rule (82 FR 952; RIN 2070-AJ20) that amended the regulations at 40 CFR part 171 and associated burdens that are currently approved under OMB Control No. 2070-0196 (EPA ICR No. 2499.03) and have now been incorporated into this ICR. Specifically, this includes the activities and burdens associated with: training for noncertified applicators applying RUPs under the direct supervision of certified applicators, recordkeeping of the noncertified applicator training, recordkeeping of RUP sales by pesticide dealerships under certification programs not administered by the EPA, and burden to states, D.C., territories, tribes, and federal agencies to revise certification plans as needed to comply with the revised requirements.

All 50 states, the District of Columbia, American Samoa, Cheyenne River Sioux, Guam, Commonwealth of the Northern Mariana Islands, Oglala Sioux, Puerto Rico, Republic of Palau, Shoshone-Bannock Tribe Affiliated Tribes and U.S. Virgin Islands as well as the U.S. Department of Defense, the U.S. Department of the Interior, the U.S. Department of Energy and the U.S. Department of Agriculture (USDA)(USDA, APHIS/PPQ and USDA Forest Service) administer applicator certification programs within their jurisdictions, but each agency's certification plan must be approved by EPA before it can be implemented. Agencies authorized by EPA to administer a certification program are collectively referred to in this document as "authorized agencies." Currently all 50 states, the District of Columbia, 6 territories, 4 tribes and 5 federal agencies are authorized to run their own certification programs. Under authorized agencies' certification programs, dealerships of RUP are not required to report their dealership information and RUP sales directly to EPA, and such information is not included in the paperwork burden estimates of this ICR.

In areas where no authorized agency has jurisdiction, EPA may administer a certification program directly, called a Federal program. Federal certification programs require RUP dealers to maintain records of RUP sales and to report and update their names and addresses with the pesticide regulatory agency for enforcement purposes. Starting in 2007 and in 2014 respectively, the Agency implemented EPA-administered applicator certification programs for Indian Country¹ and for Navajo Nation (79 FR 7185-89).² Under the EPA plan for Indian Country, dealerships operating in Indian Country are required to report their dealership and individual business names and addresses to EPA Regional offices.

This ICR also addresses how registrants of certain pesticide products are expected to perform specific, special paperwork activities, such as training and recordkeeping, in order to comply with the terms and conditions of the pesticide registration (e.g., registrants of anthrax-related pesticide products that assert claims to inactivate *Bacillus anthracis* (anthrax) spores). Paperwork activities associated with the use of such products are conveyed specifically as a condition of the registration.

SUPPORTING STATEMENT

1. Explain the circumstances that make the collection of information necessary.

EPA needs the data from this information collection activity to ensure that restricted use pesticides (RUPs) are only purchased and applied by certified applicators, or individuals under their direct supervision. A certified applicator is a person who has demonstrated

¹ The term *Indian Country* as it applies to the EPA-administered pesticide applicator certification plan is consistent with the statutory definition in 18 U.S.C. § 1151.

² EPA resource directory for the Federal Certification to Apply Restricted Use Pesticides in Indian Country (<https://www.epa.gov/pesticide-applicator-certification-indian-country> accessed on November 21, 2017)

competency in the safe handling and application of RUPs, and who has received certification to that effect. This collection also makes records of specific RUP applications available for investigations or enforcement actions concerning possible misuses or poisoning incidents.

The authority for this information collection activity is provided under sections 3(d), 11, and 25 of FIFRA and 40 CFR part 171. Section 3(d) of FIFRA authorizes EPA to classify registered pesticides as either general use or restricted use (**Attachment A**). RUPs are those pesticides which, absent additional regulatory restrictions, may cause unreasonable adverse effects on people or the environment. Pesticides classified as restricted use may only be used by a certified applicator, or by a person under the direct supervision of a certified applicator.

Section 11(a) of FIFRA grants EPA the authority to prescribe standards for the certification of RUP applicators (**Attachment B**). Under Section 11(a)(2) of FIFRA, EPA approves authorized agency certification programs. While the bulk of the certification programs are implemented by State agencies (all 50 States are authorized), tribes and other Federal agencies are also authorized agencies.

The regulations in 40 CFR part 171 include procedures for certification programs for States, Federal agencies, Indian tribes, or U.S. territories who wish to develop and implement their own certification plans and programs, after obtaining EPA approval (**Attachment C**). Additionally, EPA has authority to directly administer certification programs in areas with no authorized agency program.

In accordance with FIFRA Section 25, the EPA issued a final rule to revise 40 CFR 171, to improve these protections.

RUP applicators, including certified applicators and noncertified applicators using RUPs under the direct supervision of certified applicators, may be exposed to a wide range of pesticides and pesticide residues, with different toxicities and risks, as part of their occupation. Such exposure can pose significant long- and short-term health risks. RUPs, in particular, pose risks of unreasonable adverse effects to the health of the applicators, bystanders, and the public, as well as to the environment, if not applied properly. There is strong general evidence that such risks can occur and that they can be reduced; the activities subject to this ICR are designed to help reduce these risks by ensuring the competency of applicators applying RUPs, thereby reducing exposure. Overall, the weight of evidence suggests that these revised paperwork activities included in the final rule should result in reduced incidents of negative effects from RUP exposure to applicators, the public, and the environment.

The final rule required specific training for noncertified applicators on proper application of RUPs and how to protect themselves, their families, and the environment from RUP

exposure. Without the required training, affected noncertified applicators may be unaware of the risks of pesticide exposure or how to protect themselves and others from RUP exposure. The final rule also required that a commercial applicator supervising a noncertified applicator maintains records of the training provided. The training and recordkeeping are intended to improve protections for noncertified applicators, the public, and the environment.

The regulations are enforced by state agencies, D.C., tribes, and territories. The EPA received feedback from our regulatory partners indicating difficulty enforcing some requirements, due primarily to a lack of records. Recordkeeping of training and RUP sales, required in the final rule, is designed to improve enforcement capability as a means of fostering compliance, thereby improving protections.

EPA issued a Pesticide Registration Notice (PR Notice), on September 3, 2008, (73 FR 51467) informing registrants that certain conditions of registration will apply to anthrax-related products. The PR Notice, titled "Guidance for Antimicrobial Pesticide Products with Anthrax-Related Claims," (**Attachment D**) specifies that products claiming to inactivate anthrax spores should be: (a) supported by specific sporicidal efficacy studies that are acceptable to EPA; and (b) subject to specific terms and conditions of registration that limit the use of these products to specifically trained persons. The training and reporting information activities for registrants of anthrax-related products will not be imposed on respondents until a registration is granted.

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.

In the Federal program, persons applying for pesticide applicator certification use a form to submit vital contact and identification information such as name, date of birth, and address, and for verification of identity and to schedule applicators for certification or recertification. This data is necessary to ensure that RUP applications are only carried out by or under the supervision of persons who have demonstrated competence in their proper use. Authorized agencies use their State or tribal authority to obtain this information.

Federal certification programs require dealers to maintain sales records for RUPs. Dealer records are necessary for EPA to ensure that access to RUPs is limited to certified applicators. State-administered (or authorized agency) certification programs use State authority to require dealers to maintain sales records for RUPs, and are not included in this ICR's paperwork burden estimates.

EPA requires a record of each application of a RUP by a certified commercial applicator under federally run programs. EPA monitors these records to assure that RUPs are

used only by, or under the direct supervision of, certified applicators, and to ensure that pesticide labeling requirements are adhered to by applicators. This is done by requiring applicators to record details of the RUP application. Without these records it would be difficult to successfully enforce against misuse or investigate accidents or poisoning incidents.

Training of noncertified applicators is necessary to ensure that persons using RUPs under the direct supervision of certified applicators have received the proper instruction and are prepared adequately to use RUPs in a manner that should not cause unreasonable risk to human health or the environment. Records of this training, for applicators under the supervision of commercial applicators, should increase the likelihood of appropriate training occurring, thereby reducing misuse and exposure. RUP application records are also required for certified commercial applicators under programs run by authorized agencies. These records are monitored to assure that RUPs are used only by, or under the supervision of, properly trained and certified applicators and to ensure that pesticide labeling requirements are adhered to by applicators. This is done by requiring applicators to record the application (e.g., amounts, locations, and dates) of RUPs. Without these records it would be difficult to successfully enforce against misuse and ensure proper training and supervision of uncertified applicators. EPA uses annual reports from the authorized agencies as a monitoring tool to develop overall data on pesticide activities for OMB, Congress, and others; to distribute EPA FIFRA grant funds to participating authorized agencies; to target enforcement activities; and to revise certification and training program emphasis and requirements.

In the case of certain RUPs like anthrax-related products, the Agency requires data to ensure that the sale and use of registered anthrax-decontaminant products is limited to persons who are trained in the safe and effective use of such products. Training must be repeated every two years. The required registrant training will help ensure that applications of anthrax-related products are performed safely, effectively and in accordance with the requirements of Federal, State, and local authorities.

Due to the high risks involved in treating areas/objects contaminated with highly virulent and persistent anthrax spores, the Agency is limiting availability of anthrax-related products to those persons or companies who have a legitimate need. With this approach, these products will not be sold, offered for sale, or distributed to the general public. EPA and other authorized agencies (e.g., Department of Homeland Security, Department of Defense, and other Federal and State agencies) will use the recorded information to carry out decontamination activities and to conduct enforcement investigations, if needed, in the event of a bioterrorism attack. Registrants must maintain records of persons who have been trained and entities to which the product has been sold or distributed. Normally, records will not be submitted to EPA unless EPA

requests them, such as in the event of a bioterrorism attack or in conjunction with enforcement investigations.

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.

Authorized agencies: Annual reports from authorized agencies are required. EPA allows respondents to use their end-of-year grant reporting to fulfill the annual report requirement under this collection program to the extent that information contained in such grant reports satisfies 40 CFR part 171 requirements. Certain minor reporting elements which may be outside the scope of the grant reports may be provided in whatever fashion the respondent finds most convenient and least burdensome. The information required under this program is generally included in the grant reports as a 2- to 3-page addendum to that report. A web-based template for electronic completion and submission of the annual reports (*Certification Plan and Annual Reporting Database*³) has been used by all states since 2006. Conditions for the FIFRA cooperative agreement with authorized agencies specify that annual reporting submitted through CPARD satisfies the certification-related reporting requirements under the cooperative agreement. The ICR includes the estimated burden of submitting reports through the database in this ICR.

EPA does not require the submission of dealer records or commercial applicator records, but rather requires that they furnish records for inspection and copying upon request.

Dealership information: As of a few years ago, all 50 States in the United States run their own Pesticide Application Certification programs, and dealership information for the States is no longer reportable to EPA. With the implementation of the Federal Certification plan for Indian Country in 2014, however, RUP dealers under this program are required to report each dealership's name and address to the appropriate EPA Regional offices. EPA estimates there are 49 RUP dealers under this EPA-administered program.

Applicators: The applicator certification application form is used as an initial reference point for potential certified applicators in Federal programs. In addition to basic questions about the certification desired, the forms require identification information such as name, address, date of birth. Applicants to the Federal certification program mail completed forms to the respective EPA Regional office, which compiles and

³ The *Certification Plan and Annual Reporting Database* is publicly available at: <https://www.epa.gov/pesticide-worker-safety/resources-states-and-educators-use-training-pesticide-applicators>

maintains data on program operations. EPA Headquarters compiles the information from all EPA Regional offices and publishes the applicators' name and address on its website. The public may access the information from EPA's website⁴.

Private applicators in the Federal plan now have the option of taking an EPA-developed course, then use an auto-generated code provided after their classes end to fill in the form to attest that they have completed the course.

Anthrax-related materials: Training materials submitted by registrants will be handled like any other registration data submissions. That is, each document will be assigned a Master Record Identification (MRID) number, converted to an electronic copy, and stored in EPA's existing data library. Applicable records for sale, use and training shall be available on site for inspection as needed.

4. Describe efforts to identify duplication.

EPA is the only Federal agency with the authority to certify applicators of restricted use products. However, USDA also has regulations which impact certified applicators. USDA has regulations which require private applicators to maintain records regarding the application of RUPs. The records required by USDA under 7 CFR 110 are more specific than those required by EPA under 40 CFR 171.

FIFRA prohibits EPA from requiring private applicators to keep records or make reports, so there is no duplication of recordkeeping with regard to private applicators. EPA only requires recordkeeping for commercial applicators. Consequently, no duplication of requirements exists.

All 50 states and other authorized agencies currently administer the certification program based on individual certification plans that are approved by EPA. Under the FIFRA cooperative agreement with EPA, States, and other authorized agencies are required to submit annual reports that describe program activity and planned changes to certification plans. The reports detail the number of applicators certified, which is an important piece of information as the EPA funding allocation for training is based on the numbers of applicators certified. These reports are the basis for the information collection that this request addresses. To prevent duplication and facilitate authorized agency reporting, EPA specifies in the FIFRA cooperative agreement guidance to authorized agencies that submitting information annual reporting information through CPARD satisfies the certification-related reporting requirements under the cooperative agreement. Authorized agencies may amend their plan with an addendum.

⁴ <http://www2.epa.gov/pesticide-applicator-certification-indian-country/training-private-applicators-indian-country>

No other Federal, State, or tribal government agency requires that registrants conduct training for anthrax-related products, or that registrants keep information on persons trained or to whom anthrax-related products have been sold or distributed.

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

This information collection applies specifically to individuals who are certified applicators. EPA believes that the records required of certified pesticide applicators and their employees are minimal and would generally be kept for the applicators' own use even in the absence of this regulation. In Federal programs for Indian Country, where EPA administers the certification program, dealers are also required to keep records. EPA does not require the submission of records kept by dealers or commercial applicators, but rather requires that they furnish records for inspection and copying upon request.

Most affected entities (certified applicators, pesticide dealers) are small entities. The information collected and the recordkeeping required is the minimum required by regulation and that is necessary to implement a successful certification program.

Pursuant to FIFRA Section 11(a)(2), the optional training program that EPA has developed does not require that applicators take examinations for private pesticide application certification applicants. In lieu of taking this optional training, applicants for private applicator certification still have the option to submit proof of current certification from an authorized agency with a completed form to receive their federal certification.

For anthrax-related products, regulations apply specifically to registrants, most of whom are likely to be small entities. EPA believes that the records required of registrants are minimal. The information collected and the recordkeeping is the minimum necessary to meet the conditions of registration described in the **Attachment D**.

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.

Authorized agencies'⁵ reports on certification program activities are submitted to EPA annually, which is a minimal reporting period. Most annual reporting information required under the regulation is contained in authorized agencies' annual grant report to EPA and can be submitted as a joint package. Budget requests and the distribution of cooperative agreement funds are also done on an annual basis. The annual report data is used to support budget requests and to apportion cooperative agreement funds. Less

⁵ "Authorized agencies" are defined in section 1(b) of this ICR as EPA-authorized agencies of States and Indian tribal governments as well as Federal agencies.

frequent collection of information would be less efficient for overall reporting by authorized agencies. In addition, less frequent collection of information would not allow EPA to distribute these funds in the most equitable manner, as data demonstrating need would not be current.

Training for noncertified applicators is required annually under the final rule, as specified in 40 CFR 171. Recordkeeping of the training is only required once per event. Consequently, the possibility for less frequent recordkeeping does not exist under the proposed amendments. Less frequent training would increase risk of unreasonable adverse effects from RUP use.

For anthrax-related products, the information kept by registrants on certification, training, and records regarding the persons to whom the product was sold will be requested only as needed (such as for an enforcement investigation), which should be very infrequently. Accordingly, less frequent collection of data would not meet the EPA's needs.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

FIFRA section 11(a)(1) requires that EPA use a form for applicators to apply for certification whenever the Agency administers the Certified Pesticide Applicator program in the place of a program administered by an authorized agency. The two forms used for this collection activity are EPA Form 8500-17-N, *Request for Pesticide Applicator Certification in Navajo Indian Country (Attachment F)* for use in Navajo Indian Country, and EPA Form 8500-17, *Request for Pesticide Applicator Certification in Indian Country (Attachment G)* used nationally for all Indian Country except Navajo. In Navajo Indian Country, the previous form will continue to be used. The recordkeeping activities briefly described herein will not exceed OMB's guideline that agencies do not require records to be retained for more than 3 years (5 CFR 1320.5(d)(2)(iv)).

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 in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside EPA to obtain their views on the 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 report.

Pursuant to 5 CFR 1320.8(d), EPA published a notice in the Federal Register on June 30, 2021(86 FR 34745; FRL-10022-67), announcing the planned renewal of this

information collection activity, soliciting public comment on specific aspects of the ICR and providing a 60-day public comment period.

The EPA also consulted 3 stakeholders, specifically asking them for their assessment of the regulatory burden estimates expressed by the Agency in this ICR (**Attachment E**).

EPA consulted with the following entities and received 1 response:

- **North Carolina Dept. of Agriculture and Consumer Services (Responded)**
- Pennsylvania Dept. of Agriculture and Consumer Services
- Florida Dept of Agriculture and Consumer Services

The stakeholder commented that the overall information of the ICR is accurate apart from the burden in terms of the estimated labor wage rates in relation to most State wages who are doing the reporting for this ICR. The stakeholder also suggested reporting be done every 3 years instead of annually.

The Agency recognizes the comment was consistent with the assumptions in the ICR, except for the wage rate for state workers. OPP uses a fully loaded wage rate, which includes overhead and benefits, so it may seem higher than a cash wage that people are more familiar with. Further, OPP uses a single, national average for state wage rate, which may not represent specific state wage rates.

While the Agency heard the recommendation from the respondent to change the reporting timeline requirements, however annual reports are a requirement in the current rule. Until a change in rulemaking has been conducted, the frequency in reporting will remain the same annually. The burden calculated and estimated by the Agency remains unchanged.

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

This question is not applicable to this ICR.

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

The activities or records proposed in this information collection do not include any confidential business information (CBI) and will not involve any confidentiality concerns or information.

The Agency does not collect recordkeeping on the third-party training and RUP sales requirements.

The Agency published a Privacy Act System of Record Notice (SORN) in January of 2013 (77 FR 2060) covering application forms for RUP applicator certification under certification plans administered by EPA regional offices or the Office of Pesticide Programs, as described in (75 FR 49489; August 13, 2010). This system of records, titled “Records of Pesticide Applicators Certified Under EPA Administered Certification Plans,” covers identification information such as birth dates. Records covered by this system of record notice are subject to Agencywide security requirements governing all Privacy Act database systems at EPA. System administrators may disclose certain personal information (e.g., names, addresses, EPA certification numbers, categories of certification) upon request as described in the section describing routine uses of records maintained in the system. The Tribal Pesticide Program Council and other tribes requested EPA to make certain information available online to facilitate their ability to confirm private and commercial certifications. The Agency publishes only the name, zip code and certification information on its website for certified applicators of the EPA Federal Plan for Indian country.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No information of a sensitive or private nature is requested in conjunction with these information collection activities, and these information collection activities comply with the provisions of the Privacy Act of 1974 and OMB Circular A-108, as amended, “Responsibilities for the Maintenance of Records about Individuals by Federal Agencies.”

12. Provide estimates of the hour burden of the collection of information.

A full summary of all estimates of the respondent burden (hour and costs) and calculation is reflected in **Attachment J and K**.

Table 1. Baseline Bottom Line Annual Burden and Cost Table

| Respondent | | Total Burden Hours | Total Labor Cost (\$) |
|--|------------|--------------------|-----------------------|
| States (Table 1**) | | 4,409 | 240,595 |
| Federal program - certified applicators (Tables 2** and 3**) | | | |
| | Table 2a** | 211 | 8,722 |
| | Table 2b** | 73 | 2,999 |

| | | | |
|--|-----------|------------------|-------------------|
| | Table 3** | 2,914 | 120,377 |
| State-administered programs - commercial applicators (Table 4**) | | 1,371,638 | 56,662,382 |
| RUP dealer burden for recordkeeping of RUP sales (Table 5a**) | | 96 | 4,716 |
| RUP dealer burden for reporting informational changes (Table 5b**) | | 16 | 790 |
| Anthrax-related products - registrants (Tables 6** and 7**) | | | |
| | Table 6** | 50 | 3,737 |
| | Table 7** | 37 | 2,825 |
| Respondent Total | | 1,379,444 | 57,047,144 |

****Table numbers are reflected from Attachment J**

Table 2. Rule-Related Bottom Line Incremental Increase in Annual Burden and Cost to Respondents

| Respondent | Total Burden Hours | Total Labor Cost (\$) |
|--|---------------------------|------------------------------|
| Rule Familiarization (Table 2)*** | 457,094 | 30,822,280 |
| Revision of State Certification Plans (Table 3a)*** | 300,136 | 20,546,661 |
| Revision of Other Authorized Agency Certification Plans – Federal Agencies, Territories and Tribes (Table 3b)*** | 1,979 | 183,925 |
| Noncertified Applicator Training and Recordkeeping – Commercial Applicators (Table 4a)*** | 1,367,957 | 47,991,940 |
| Noncertified Applicator Training - Private Applicator (Table 4b)*** | 56,183 | 3,704,492 |
| RUP Sales Recordkeeping (Table 5)*** | 97,500 | 4,812,600 |
| New Respondent Total | 2,280,849 | 108,061,898 |

*Estimates may not add due to rounding.

*****Table numbers are reflected from Attachment K**

Table 3. Total Burden of Rule-related burden merged with Baseline burden

| Certified Pesticide Applicators Information Collection Activities | Burden (Hours) | Total Labor Cost (\$) |
|--|-----------------------|------------------------------|
| Baseline (EPA ICR No. 0155.14; OMB Control No. 2070-0029) | 1,379,444 | 57,047,144 |
| Rule-Related (EPA ICR No. 2499.03; OMB Control No. 2070-0196) | 2,280,849 | 108,061,898 |
| Total | 3,660,293 | 165,109,042 |

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

There are no operational and/or maintenance costs.

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

A full summary of all estimates of the respondent burden (hour and costs) and calculation is reflected in **Attachment J and K**.

Table 4. Baseline: Bottom Line Agency Annual Burden and Cost Table

| Agency | Total Burden Hours | Total Labor Cost (\$) |
|--|---------------------------|------------------------------|
| EPA Regional Offices (Table 8a**) | 1,998 | 187,560 |
| EPA Headquarters (Table 8b**) | 262 | 24,497 |
| EPA Headquarters – review of registrant training materials for anthrax-related products (Table 8c**) | 75 | 7,013 |
| Agency Total | 2,335 | 219,070 |

****Table numbers are reflected from Attachment J**

Table 5. Rule-Related Bottom Line Agency Annual Burden and Cost Table

| Agency | Total Burden Hours | Total Labor Cost (\$) |
|---|---------------------------|------------------------------|
| Agency Review and Approval of Certification Plans (Table 7a)*** | 5,080 | 474,980 |
| EPA-Administered Plans Agency Plans (Table 7b)*** | 157 | 14,673 |

| | | |
|---------------------|--------------|----------------|
| Agency Total | 5,237 | 489,653 |
|---------------------|--------------|----------------|

*Estimates may not add due to rounding.

*****Table numbers are reflected from Attachment K**

Table 6. Total Agency Burden of Rule-related burden merged with Baseline burden

| Certified Pesticide Applicators Information Collection Activities | Burden (Hours) | Total Labor Cost (\$) |
|--|-----------------------|------------------------------|
| Baseline (EPA ICR No. 0155.14; OMB Control No. 2070-0029) | 2,335 | \$219,070 |
| Rule-Related (EPA ICR No. 2499.03; OMB Control No. 2070-0196) | 5,237 | \$489,653 |
| Total | 7,572 | \$708,723 |

15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

The Agency is merging the Rule-Related (Pesticides; Certification of Pesticide Applicators; Final Rule [RIN 2070-AJ20]) into this ICR. This will reflect a change in the total respondent burden of **3,660,293** (Table 3), an increase of 2,280,849 hours from what was currently approved by OMB. Since the Agency is renewing this ICR with newly added burden, the only adjustments calculated is the cost in burden which is made to reflect the latest wage labor rates (BLS 2019). These changes are adjustments.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There is no set collection schedule for commercial applicators to create or check records of training of noncertified applicators they supervise, or dealers of RUPs to create records of sales. These records are created for each occurrence. Commercial applicators must generate, or verify the existence of, records of the training of noncertified applicators under their direct supervision immediately after training, or prior to each RUP use. These records are required to be maintained for 2 years from the date of an RUP application. Similarly, dealer records of RUP sales are required to be maintained for two years. Although the commercial applicator records and the RUP dealer records are maintained locally and are not required to be submitted to the EPA or the authorized agencies, they must be made available for the EPA or authorized agency

officials upon request. Records collected may become part of an investigation or enforcement action. Certification plans to meet the requirements as revised by the final rule are required to be submitted for review and approval by the Agency. Authorized agencies must submit plans for review and approval to the EPA within 3 years after the effective date of the final rule. All certification plans approved as of the effective date of the final rule will be valid until a revised plan is submitted to the EPA within the required 3-year period, the Agency subsequently makes a determination of its approval, and the authorized agency implements their approved plan, generally within another two years after EPA approval. This submission is anticipated as a one-time event unless an authorized agency makes significant changes to their plan at another time. Significant changes to the plans must be approved by the Agency prior to making the changes.

Similarly, dealer records of RUP sales are required to be maintained for two years. Although the commercial applicator records and the dealer records are maintained locally and are not required to be submitted to EPA or the authorized agencies, they must be made available for EPA or authorized agency officials upon request. Records collected may become part of an investigation or enforcement action. Commercial applicators in EPA-administered programs must also submit an application form for certification or recertification, whenever needed.

Authorized agencies with an EPA-approved plan to administer their own applicator certification program must submit a report annually. The annual reporting period allows for efficiency in authorized agencies as most required information is contained in their end-of-year grant report, which can be submitted as a joint package. The annual reporting cycle also facilitates equitable apportionment of cooperative agreement funds to authorized agencies, based on data submitted.

There is no collection schedule for any data for anthrax-related products. Training and examination materials are only submitted with the application for registration or amendment. Information about training, sale, and distribution of anthrax-related products, including to whom product is sold, is not submitted unless EPA requests it, which would likely be infrequently.

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

This question not applicable to this ICR.

18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

EPA does not request an exception to the certification of this information collection.

SUPPLEMENTAL INFORMATION

The annual public burden for this collection of information is estimated to average 3,660,293 hours per response over the three-year period. According to the Paperwork Reduction Act, “burden” means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time needed to review and understand instructions; prepare and submit reports (including searching data sources); complete and review the collection of information; transmit the information; and keep records.

To comment on 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, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OPP-2021-0288, which is available at <http://www.regulations.gov>. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the Docket ID Number identified above.

You can also provide comments to the Office of Information and Regulatory Affairs, Office of Management and Budget via <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

All comments received by EPA will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

Please note that due to the public health concerns related to COVID-19, the EPA Docket Center (EPA/DC) and Reading Room is open to visitors by appointment only. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

LIST OF ATTACHMENTS

The attachments listed below can be found in the docket for this ICR or by using the hyperlink that is provided in the list below. The docket for this ICR is accessible electronically through <http://www.regulations.gov> using Docket ID Number: EPA-HQ-OPP-2021-0288.

| <u>Attachment</u> | <u>Description</u> |
|-------------------|---|
| A | <u>7 U.S.C. 136(d) - FIFRA Section 3(d)</u> |

| <u>Attachment</u> | <u>Description</u> |
|--------------------------|---|
| B | <u>7 U.S.C. 136i - FIFRA Section 11 7 U.S.C. 136i - FIFRA Section 11</u> |
| C | <u>40 CFR 171 - Certification of Pesticide Applicators</u> |
| D | <u>Pesticide Registration (PR) Notice 2008-2 -"Guidance for Antimicrobial Pesticide Products with Anthrax-Related Claims</u> |
| E | Consultation Summary |
| F | EPA Form 8500-17-N – Request for Pesticide Applicator Certification in Navajo Indian Country and Instructions. Also available at https://www.epa.gov/sites/production/files/2016-04/documents/8500-17-n-form.pdf . |
| G | EPA Form 8500-17 – Request for Pesticide Applicator Certification in Indian Country and Instructions. Instructions and Form are available at https://www.epa.gov/sites/production/files/2016-03/documents/fed_cert_plan_application_form_and_instructions_2016.pdf . |
| H | 2019 Wage Rate Tables (Authorized Agencies, Private Applicators, RUP Dealers, Commercial Pesticide Applicators, Pesticide Registrants, Dealers, State Government, and EPA) |
| I | Display Related to OMB Control #2070-0029 – <i>Listings of Related Regulations in 40 CFR 9.1</i> |
| J | Baseline Summary of Respondent Burden – <i>Hours and Cost</i> |
| K | Rule Related Summary of Respondent Burden – <i>Hours and Cost</i> |