

Attachment K

Respondent & Agency Burden – Hours and Costs

A. Estimating Respondent Burden

The estimated burden and costs associated with the information collection activities of the existing 40 CFR 171 prior to the final rule is estimated in the existing ICR “Certification of Pesticide Applicators” (Attachment A) that was published in the Federal Register on February 25, 2015, and approved by OMB on November 2, 2015. The total estimated annual burden in the existing ICR for annual report activities by all authorized agencies is 1,320,254 hours and the total cost is \$42,637,865 (Table 1).

Since the time when burden and cost were estimated for the existing ICR, newer data for factors used in their estimation have become available. For example, updated numbers of respondents and updated wage rates have become available. These updates are adjustments included in this section as the incremental burden and costs relative to the baseline estimates in the existing ICR, as the adjusted baseline. Both the baseline burden and costs from the existing ICR, and the adjusted baseline estimates, are presented in Table 1.

Table 1. Respondent Annual Burden and Cost Table from the Existing ICR as Baseline, and Adjustments to that Baseline

Respondent	Current ICR Burden Hours	Current ICR Cost (\$)	Incremental Change in Burden Hours	Incremental Change in Burden Cost (\$)	Adjusted Baseline Burden Hours	Adjusted Baseline Cost (\$)
States (Table 1)**	4,409	213,156	696	41,317	5,105	240,595
Federal program - certified applicators (Tables 2 and 3)**						
Table 2a	470	15,163	0	-180	470	8,722
Table 2b	121	3,901	0	-47	121	2,999
Table 3	10,044	323,806	0	-3,880	10,044	120,377
State-administered programs - commercial applicators (Table 4)**	1,305,100	42,074,740	-3	-504,323	1,305,097	56,662,382
RUP dealer burden for recordkeeping of RUP sales (Table 5a)**	20	896	0	-7	20	4,716
RUP dealer burden for reporting informational changes (Table	3	153	0	-1	3	790

5b)**						
Anthrax-related products - registrants (Tables 6 and 7)**						
Table 6	50	3,437	0	136	50	3,737
Table 7	37	2,613	0	102	37	2,825
Respondent TOTAL	1,320,254	\$42,637,865	693	-466,884	1,320,947	\$57,047,144

Source: existing ICR (OMB No.: 2070-0029; EPA No.: 0155.12 – Certification of Pesticide Applicators)

**Table numbers refer to tables in the above-mentioned existing ICR. Please refer to the existing ICR (Attachment A) for more information regarding these tables and estimates.

The baseline comparison from the existing ICR is adjusted as follows:

- Row 1: States - an increase of 696 burden hours and an increase in cost of \$41,317. This change was due to an increase in the number of jurisdictions (respondents) from 57 to 66 and a 3.1% increase in the general wage rate.
- Row 2: Federal program - a cumulative decrease in cost of \$4,108 due to a - 1.22% decrease in the general wage rate.
- Row 3: State-administered programs- a decrease in cost of \$504,323 due to a - 0.82% decrease in the general wage rate.
- Rows 4 & 5: RUP dealers – a decrease in cost of \$7 due to a -0.82% decrease in the general wage rate.
- Row 6: Anthrax-related products - a cumulative increase in cost of \$238 due to an increase in the wage rate of 3.9% for technical labor and 5.4% for clerical labor.

Overall, in the respondent adjusted baseline burden, hours increased by 693 and costs decreased by \$466,884 due to changes in the numbers of respondents and wage rates.

(i) *Burden and Costs Due to the Final Rule*

The following discussion and tables provide calculations of the estimated burden and costs associated with the additional and revised information collection activities of this program resulting from the final rule.

(1) Rule Familiarization

The estimated average annual burden in terms of hours and cost for respondents to familiarize themselves with the new rule changes varies by respondent. The estimate is a 3-year average; the EPA assumes that the respondents will spend more time in the first year to fully familiarize themselves with the revised requirements for the certification programs. The total burden for all respondents to familiarize themselves with the new rule is estimated to be 457,094 hours and the total cost is \$30,822,280 (Table 2).

There are three groups of respondents:

- Authorized Agencies with EPA-approved applicator certification plans (includes 50 state, District of Columbia, 6 US territory, 4 tribal, and 5 federal agency plans). The Agency estimates that the authorized agencies will spend 4 hours in the first year to familiarize themselves with the revised regulation, and 1 hour each for the second and third year covered by this ICR. The average time spent annually is 2 hours.
- Certified applicators: both private and commercial. Certified applicators are assumed to review only the requirements for certified applicators. It is estimated that they will spend 1 hour the first year, and 15 minutes each for the second and third years. The average time spent annually is 30 minutes.
- RUP dealers. RUP dealers are assumed to review only the requirements for dealers. It is estimated that they will spend 1 hour the first year, and 15 minutes each for the second and third years. The average time spent annually is 30 minutes.

Table 2. Burden of Rule Familiarization for Authorized Agencies, Certified Applicators, and RUP Dealers*

Activity	Respondent Group	Number of Respondents	Total Responses Annually	Wage Rate (\$/hour, Fully Loaded)	Per Event Average		Totals	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Rule Familiarization	Authorized Agencies	66	66	\$81.53	2.00	\$194.48	132	\$12,836
Rule Familiarization	Private Applicators	482,925	482,925	\$90.56	0.50	\$45.28	241,463	\$21,866,889
Rule Familiarization	Commercial Applicators	420,999	420,999	\$41.31	0.50	\$20.66	210,500	\$8,695,755
Rule Familiarization	RUP Dealers	10,000	10,000	\$45.58	0.50	\$24.68	5,000	\$246,800
Totals		913,990	913,990				457,094	\$30,822,280

Source: EPA estimates of respondents and responses; wage rates from 2014 (BLS updated 2015). *Estimates may not add due to rounding. Respondents (authorized agencies, certified applicators and RUP dealers) are counted only once.

(2) Annual Respondent Burden and Cost Estimates to Revise and Submit Certification Plans to EPA for Review and Approval

Authorized agencies with existing certification plans are required to revise and submit their certification plans to be in compliance with the regulations as revised by the

final rule.

In order to implement the revised regulations, state laws and regulations relevant to the certification plans may also need to be revised. The Agency assumes that all states with currently EPA-approved certification plans will update their laws and regulations, in addition to revising the certification plan. For each state plan revised, and the territory of Puerto Rico, 5,000 hours per year or about the equivalent of five full-time employees for a year (2080 hours as full-time for a year) is estimated to be necessary to make legislative and regulatory revisions and to develop the revised certification plan. The Agency estimates that submitting each plan to the EPA for review and approval through the CPARD database would take 8 hours per plan. Certifying authorities will also need to update their databases to track the certification status of applicators, which EPA estimates to cost about \$59,000 a year, which is the average annual cost per jurisdiction. For the smaller certification programs usually included in "Other Jurisdictions," this cost is further subdivided and the average is about \$3,200 a year.

For states and Puerto Rico, the total burden is estimated to be 300,136 hours and the total cost is \$20,546,661 (Table 3a).

The Agency estimated less burden for the remaining 15 authorized agencies (territories, tribes, D.C., and federal agencies) to revise their certification plans, because the number of certified applicators in each of them was small. Combined, these other programs have fewer commercial and private applicators than Puerto Rico and most of the States. In addition, federal agencies and most tribes will not have to make legislative or regulatory changes, and thus, less time and cost is assumed to revise the certification plans. In terms of the cost to update their databases, these 15 authorized agencies and the 2 EPA-administered plans have an average annual cost of about \$4,000 a year. Tribes and federal agencies, however, must revise their existing certification plans to comply with the revised regulations, resulting in administrative burden. Tribes base their certification plans on recognizing an existing state certification program. Therefore, the tribes will rely on the state regulatory and legislative changes made in order to comply with the rule changes. Federal agencies and tribes also must submit the updated certification plans to the EPA for review and approval.

For federal agencies, D.C., tribes, and territories authorized to certify applicators, the total burden is estimated to be 1,979 hours and the total cost is \$183,925 (Table 3b).

In addition to the authorized agency certification plans, the EPA directly administers 2 certification programs, a national certification plan for Indian country (79 FR 7185; February 6, 2014) and a certification plan for the Navajo Nation (72 FR 32648; June 13, 2007). The burden and costs to revise these plans is to the Agency and is shown in Table 7b. The burden and costs to Indian country and the Navajo Nation are negligible.

Table 3a. Burden to States and Puerto Rico to Revise Regulations, Certification Plans and Update Databases*

Collection Activities	Annual Burden Hours Per Respondent			TOTALS	
	Senior Technical \$97.24/ hour	Jr. Technical \$66.82/ hour	Administrative \$46.04/hour	Hours	Cost \$
Revise State Regulations and Plans	1000	3000	1000	5000	\$343,740
Submit Plans	0	8	0	8	\$535
Update Database	0	877	0	877	\$58,601
TOTAL	1,000	3,885	1,000	5,885	\$402,876

Source: EPA estimates; wages from BLS (2014). *Estimates may not add due to rounding. Respondents (states) are counted only once.

State TOTAL ANNUAL BURDEN: 5,885 hours/respondent x 51 respondents = **300,136 hours**

State TOTAL ANNUAL COST: \$368,828/respondent x 51 respondents = **\$20,546,661**

Table 3b. Burden to Federal Agencies, D.C., Territories and Tribes Authorized to Certify Applicators to Revise, Submit Certification Plans and Update Databases*

Collection Activities	Annual Burden Hours Per Respondent			TOTALS	
	Senior Technical \$132.92/ hour	Jr. Technical \$93.50/hour	Administrative \$49.06/hour	Hours	Cost \$
Revise Agency Regulations and Plans	16	48	16	80	\$7,400
Submit Plans	0	8	0	8	\$748
Update Database	0	44	0	44	\$4,114
TOTAL	16	100	16	132	\$12,262

Source: EPA estimates; wages from BLS (2014). *Estimates may not add due to rounding. Respondents (federal agencies, D.C., territories and tribes) are counted only once.

Respondent TOTAL ANNUAL BURDEN: 132 hours/respondent x 15 respondents = **1,979 hours**

Respondent TOTAL ANNUAL COST: \$12,262/respondent x 15 respondents = **\$183,925**

(3) Training of Noncertified Applicators – Commercial and Private Applicators
Training of Noncertified Applicators and Commercial Applicator
Recordkeeping

Under the final rule revisions, noncertified applicators that apply RUPs under the direct supervision of certified applicators are required to receive pesticide safety training. This requirement can be fulfilled in 4 ways – by attending special RUP noncertified applicator training, satisfying pesticide safety training requirements for handlers under the Worker Protection Standard (WPS) (40 CFR 170), attending a relevant training program defined by the state/jurisdiction that is at least equivalent, or being a certified applicator (but is applying as a noncertified applicator due to lacking the certification for the type of application or not certified in the jurisdiction where the use will take place). It is assumed that all noncertified applicators who work as agricultural handlers will have taken the WPS handler training, and therefore, would not take any additional training to meet this requirement. Certified applicators who have not met the certification requirements for the specific application, and therefore, may only use under the RUP supervision of a certified applicator who meets the requirements, are not required to attend the noncertified applicator training. There is also an option to take state/jurisdiction specified equivalent training in jurisdictions where available. Although these alternative options are available, it is assumed that all other noncertified applicators besides agricultural handlers, including the certified applicators who have not met the certification requirements for the specific application type or jurisdiction, would take the noncertified applicator training.

To calculate burden and costs, the respondents are separated into private and commercial applicator categories.

The EPA estimates that there are 929,065 noncertified applicators under the supervision of commercial applicators. Of these, the EPA estimates that 10,174 are employed by firms serving the agricultural sector and will likely receive pesticide handler training under the Worker Protection Standard. Therefore, it is assumed that all other noncertified applicators (918,892) will likely receive one hour of training per year (trainees). The EPA estimates that there are about 420,999 commercial applicators (trainers) providing the training. The total annual estimated respondent burden for commercial applicators to train noncertified applicators and to record and maintain records of the training is 1,367,957 hours at a total cost of \$47,991,940 (Table 4a). Commercial applicators are also required to create and maintain records of RUP applications; this requirement exists under the existing 40 CFR 171 and, therefore, is not included in this ICR amendment but is included in the baseline burden for the existing ICR (Table 1). Changes to application recordkeeping requirements in the final rule, and any resulting incremental burdens, are negligible.

For private applicators supervising RUP applications, the EPA estimates there are approximately 28,092 noncertified applicators (trainees) receiving 1 hour of training per year, and that the ratio of trainer to trainee is 1:1. The EPA estimates that there are a total of 80,587 noncertified applicators who apply RUPs under the supervision of private applicators, but the majority (52,495) are employed on farms that produce crops and will receive pesticide handler training under the Worker Protection Standard, thereby satisfying the training requirement. The total annual respondent burden for private applicators to train noncertified applicators applying RUPs under their supervision, is

56,183 hours and total cost of \$3,704,492. For private applicators training noncertified applicators there is no record keeping requirement (Table 4b).

Table 4a. Training of Noncertified Applicators under the Supervision of Commercial Applicators

Activity	Respondent Group	Number of Respondents	Total Responses Annually (estimates from EA)	Wage Rate (\$/hour)	Per Event Average		TOTALS	
					Burden	Cost	Burden (hours)	Cost (\$)
					(hours)	(\$)		
Train noncertified applicators	Noncertified Applicators	918,892	918,892	32.04	1	32.04	918,892	\$29,441,024
	Commercial Applicators	420,999	420,999	41.31	1	41.31	420,999	\$17,391,469
Record and maintain records of noncertified applicator training	Commercial Applicators	420,999	420,999	41.31	0.067	2.77	28,067	\$1,159,448
TOTALS		1,339,891	1,339,891				1,367,957	\$47,991,940

Source: EPA estimates; wages from BLS (2014). Estimates may not add due to rounding. Respondents (noncertified applicators under the supervision of commercial applicators) are counted only once.

Table 4b: Training of Noncertified Applicators under the Supervision of Private Applicators

Activity	Respondent Group	Number of Respondents	Total Responses Annually (3-year average)	Wage Rate (\$/hour)	Per Event Average		TOTALS	
					Burden	Cost	Burden (hours)	Cost (\$)
					(hours)	(\$)		
Train noncertified applicators	Private applicators	28,092	28,092	90.56	1	90.56	28,092	\$2,544,012
Attend	Noncertified	28,092	28,092	41.31	1	41.3	28,092	\$1,160,48

noncertified applicator training	applicators					1		1
Totals		56,183	56,183				56,183	\$3,704,492

Source: EPA estimates; wages from BLS (2014). Estimates may not add due to rounding. Respondents (noncertified applicators under the supervision of private applicators) are counted only once.

(4) Record Keeping for RUP Dealers

The EPA estimates that there are approximately 9,000¹ agricultural retail establishments that sell RUPs and an additional 1,000 retail establishments that sell RUPs to non-agricultural establishments. The Agency assumes for this estimate that all 10,000 establishments are licensed to sell RUPs. On average, each RUP dealer is estimated to have approximately 5 RUP sales per week for 9 months of the year, for a total of 195 RUP sales transactions per year. Each transaction requires recordkeeping that is estimated to take approximately 3 minutes. The estimated average annual burden in terms of hours and cost per RUP dealer to comply with new record keeping requirements is approximately 10 hours and \$450. The total burden for all RUP dealer respondents is estimated to be 97,500 hours and the total cost is \$4,812,600 (Table 5).

In federal programs for Indian country, where the EPA administers the certification program, RUP dealers are also required to keep records; this requirement existed under 40 CFR 171 prior to the final rule, and therefore is not costed in this ICR amendment but is included in the baseline burden for the existing ICR (Table 1).

Table 5. Recordkeeping for RUP Dealers*

Collection Activities	Respondent Group	Number of Respondents	Total Responses Annually	Wage Rate (\$/hour)	Per Event Average		Totals	
					Burden (hours)	Cost (\$)	Burden (hours)	Cost (\$)
Create information	RUP dealers	10,000	195	\$49.36	0.02	\$0.99	39,000	\$1,925,040
Store, file or maintain the information	RUP dealers	10,000	195	\$49.36	0.03	\$1.48	58,500	\$2,887,560
Totals		10,000			0.05	\$2.47	97,500	\$4,812,600

*NAICS code: 444200 Sales Managers Retail Nursery, Lawn and Garden Supply Stores.

Source: EPA estimates; wages from BLS (2014). Estimates may not add due to rounding. Respondents (RUP dealers) are counted only once.

TOTAL ANNUAL BURDEN: (0.05 hours/respondent x 10,000 respondents) x 195 responses per respondent = **97,500 hours**

¹ Personal communication: 9,000 agricultural retailers per Richard Gupton, Agricultural Retailers Association (personal communication to N. Fitz at EPA sent via email 07/14)

TOTAL ANNUAL COST: (\$2.47/respondent x 10,000 respondents) x 195 responses per respondent = **\$4,812,600.**

6(c) Estimating Agency Burden and Cost

(i) The Existing ICR; Baseline Burden and Costs to EPA

The Agency has estimated the annual burden to the EPA to review the submissions of annual reports from authorized agencies, applications for certification in EPA-administered programs, as well as registrants' training material submissions for anthrax-related products. Adjustments to the baseline of the existing ICR are revisions to burden and cost estimates due to available updates in factors used in their estimation. For example, updated wage rates are available from the Bureau of Labor Statistics. These adjustments are included in this section as part of the incremental change in burden and costs to the baseline of the existing Certification of Pesticide Applicators ICR.

Overall, in the Agency adjusted baseline, burden hours stayed the same and costs increased by \$3,188 (Table 6). The total burden hours in this final rule ICR appear to decrease about 50% from the proposed rule ICR, but this is due to a typo**. The Agency burden hours are the same from the original ICR under the adjusted baseline for this final rule ICR.

B. Agency Burden Hours and Cost Table

Table 6. Existing ICR; Baseline Annual Burden and Cost to EPA, and Adjustments to that Baseline*

Agency	Baseline Burden Hours (Existing ICR)	Baseline Cost (Existing ICR) (\$)	Incremental Change in Burden Hours	Incremental Change in Cost (\$)	Adjusted Baseline Burden Hours	Adjusted Baseline Cost (\$)
EPA Regional Offices (Table 8a*)	1,998	161,015	0.00	2,732	1,998	187,560
EPA Headquarters (Table 8b*)	2620**	21,007	0.00	355	262**	24,497
EPA	75	6,014	0.00	101	75	7,013

Headquarters – review of registrant training materials for anthrax-related products (Table 8c*)						
Agency TOTAL	4,693***	\$188,035	0.00		2,335***	\$ 219,070

Source: existing ICR (OMB No.: 2070-0029; EPA No.: 0155.12 – Certification of Pesticide Applicators)

* Please refer to existing ICR, Table 9, and Tables 8a, 8b, and 8c, for more information regarding the existing Agency burden and cost estimates.

** Typographical error in existing ICR that added a 0. Corrected to 262 here in adjusted baseline, to reflect correct burden in the existing ICR.

*** Error in Agency Total in existing ICR, Table 9, resulting from typographical error explained in ** above. Corrected to 2,335 here in adjusted baseline, to reflect correct burden in the existing ICR.

(ii) *Incremental Burden and Cost to EPA Due to Final Rule*

(1) Burden to EPA Headquarters for Review and Approval of Revised Certification Plans by Authorized Agencies

The EPA’s burden to review and approve the revised certification plans is shown below. There are 66 authorized agencies (50 states plus D.C., 6 territories, 4 tribes and 5 federal agencies) that are required to submit revised plans to the EPA for the Agency to review. The burden for the EPA to review and approve revised certification plans submitted by states, territories and tribes is estimated at 80 hours per plan. The EPA’s burden to review revised federal agency certification plans is estimated at 40 hours because federal plans cover fewer applicators and have a more narrow focus than do state plans. This review and approval of certification plans would be a one-time activity, not an annual one. The total Agency burden to review all authorized agency revised certification plans is 5,080 hours and the total cost is \$414,172 (Table 7a).

Table 7a. Agency Burden and Cost Estimates - Burden to Headquarters for Review and Approval of Revised Certification Plans Submitted by Authorized Agencies

Collection Activities	Number of Respondents*	Tech. Hours \$93.50/hour	Total Burden Hours	Total Cost \$
Review State, D.C., Territory and Tribal Plans	61	80	4,880	\$456,280
Review Federal Agency Plans	5	40	200	\$18,700
TOTAL	66		5,080	\$474,980

*NAICS 999100 - Federal Executive Branch: Technical: 19-0000, Life, Physical, and Social Science Occupations

Source: EPA estimates; wages from BLS (2014). Estimates may not add due to rounding

TOTAL ANNUAL BURDEN: (80 hours/state, D.C., territory or tribal plan x 61 states,

D.C., territories and tribes = 4,640 hours) + (40 hours / federal agency plan x 5 federal agencies = 200 hours). Total hourly burden = **5,080 hours**

TOTAL ANNUAL COST: (\$7,480/state, D.C., territory or tribal plan x 61 states, D.C., territories and tribes= \$397,866) + (\$3,740/federal agency plan x 5 federal agencies = \$16,306). Total cost = **\$474,908**

(2) Burden to EPA Headquarters for Revision of EPA-Administered Certification Plans

Currently there are 2 EPA-administered certification plans (Indian Country and Navajo Nation) that the Agency would need to revise. All certifying authorities will also need to update their databases to track the certification status of applicators, which EPA estimates to take about 79 hours a year for EPA-administered plans. The total burden to perform this activity is 157 hours and the cost is approximately \$14,673 (Table 7b).

Table 7b. Agency Burden and Cost Estimates – Headquarters to Revise EPA-Administered Certification Plans and Update Database

Collection Activities	Annual Burden Hours Per Respondent			TOTALS	
	Senior Technical \$132.92/hour	Jr. Technical \$93.50/hour	Administrative \$49.06/hour	Hours	Cost \$
Revise EPA-Administered Certification Plans	10	12	10	32	\$2,942
Submit Plans	0	8	0	8	\$748
Update Database	0	39	0	39	\$3,647
TOTAL	10	59	10	79	\$ 7,336

Source: EPA estimates; wages from BLS (2014). Estimates may not add due to rounding. Respondents are counted only once.

Agency TOTAL ANNUAL BURDEN: 79 hours/response x 2 responses = **157 hours**

Agency TOTAL ANNUAL COST: \$7,336 /respondent x 2 responses = **\$14,673**

C. Overall Summary Burden

The estimated average annual paperwork burden to respondents due to the amendments to the Certification rule is 2,280,849 hours and the average annual estimated cost is \$108,061,898 (Table 8a).

Table 8a. Incremental Increase in Annual Burden and Cost to Respondents*

Respondent	Total Burden Hours	Total Cost (\$)
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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.

The Agency's change in burden from the existing Certification ICR to include the certification rule amendments is an increase of 5,237 hours and the cost is \$489,653 (Table 8b).

Table 8b. Incremental Increase in Annual Burden and Cost to EPA*

Agency	Total Burden Hours	Total 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.

The total respondent burden and respondent costs from the existing ICR and the certification rule amendment ICR is 3,601,796 hours and the cost is \$165,109,042. Total burden and costs to the Agency are 7,572 hours and \$708,722 (Table 9).

Table 9. Summary of Total Annual Burden and Cost after Final Rule Changes*

Respondent	Total Burden Hours	Total Cost (\$)
Current ICR Respondent Burden (Table 1)	1,320,947	57,047,144
Rule Respondent Burden (Table 8a)	2,280,849	108,061,898
TOTAL Respondent Burden and Cost	3,601,796	\$165,109,042
Agency		
Agency	Total Burden Hours	Total Cost (\$)
Current Agency (Table 6)	2,335	219,070
Agency Burden Rule (Table 8b)	5,237	489,653
TOTAL Agency Burden and Cost	7,572	\$708,722

*Estimates may not add due to rounding.