

**SUPPORTING STATEMENT FOR
AN INFORMATION COLLECTION REQUEST (ICR)**

Title of the Information Collection

Title: Pesticide Establishment Application, Notification of Registration, and Pesticide Production Reports for Pesticide-Producing and Device-Producing Establishments (Renewal)

EPA ICR No.: 0160.13

OMB Control No.: 2070-0078

Docket ID No.: EPA-HQ-OECA-2011-0824

Short Characterization/Abstract

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 7(a) (7 USC 136e) requires that any person who produces pesticides or active ingredients subject to the Act must register with the Administrator of EPA the establishment in which the pesticide is produced. This Section further requires that the application for registration of any establishment shall include the name and address of the establishment and of the producer who operates such an establishment. EPA Form 3540-8, Application for Registration of Pesticide-Producing and Device-Producing Establishments is used to collect the establishment registration information required by this Section. Establishment registration information, collected on EPA Form 3540-8, is a one-time requirement for all pesticide-producing and device-producing establishments.

FIFRA Section 7(c) requires that any producer operating an establishment registered under Section 7 report to the Administrator within 30 days after it is registered, and annually thereafter by March 1st for certain pesticide/device production and sales/distribution information. The producers must report which types and amounts of pesticides, active ingredients, or devices are currently being produced, were produced during the past year, and sold or distributed in the past year. The supporting regulations at 40 CFR part 167 provide the requirements and time schedules for submitting production information. EPA Form 3540-16, Pesticide Reports for Pesticide-Producing and Device-Producing Establishments is used to collect the pesticide production information required by Section 7(c) of FIFRA.

- 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.**

See Abstract section above. FIFRA Section 7 states that required pesticide production information be reported annually as required under regulations (40 CFR part 167) as the Administrator may prescribe.

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 purpose of this reporting requirement is to obtain pesticide production information. The EPA requires this information to maintain current and complete records of the locations of all pesticide-producing and device-producing establishments. This information provides an overview of establishments engaged in pesticide activities and allows the Agency to target establishments for inspections with optimal utilization of limited inspection resources. Such production information permits EPA to trace ineffective, contaminated or otherwise violative products to their source, and minimizes any adverse environmental impact that might arise from the production or distribution of violative products. If this information were not collected, the Agency would be unable to meet the statutory requirements of FIFRA.

The Office of Compliance (OC) in the Office of Enforcement and Compliance Assurance (OECA) collects the establishment and pesticide production information for compliance purposes and risk assessment. This information is used by EPA Regional pesticide enforcement and compliance staffs, the OC, the Office of Civil Enforcement (OCE), and the Office of Pesticide Programs (OPP) within the Office of Chemical Safety & Pollution Prevention (OCSPP), as well as the U.S. Department of Agriculture (USDA), the Food and Drug Administration (FDA), other Federal agencies, States under Cooperative Enforcement Agreements, and the public.

EPA Headquarters, Regions and the States use the data for targeting inspection activities, compliance and outreach, and enforcement actions. Establishment registration and production data are used to: identify where specific pesticides are made; target inspections in response to tips or complaints of producer violations; determine where violative products found in the marketplace were produced, thus facilitating recalls of problem products; facilitate the issuance of Stop Sale, Use or Removal Orders for violative products; help locate production sites of canceled or suspended products; and assist in notifying producers of regulatory actions or 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.

Producers determine how to best comply with the requirements for record keeping under FIFRA Section 7. They may collect and store the required data electronically or by paper copy.

The Agency, in turn, annually provides forms for pesticide-producing and device-producing establishments to report their collected and stored information. On January 2, 2016, EPA launched an electronic reporting option. The Covid-19 pandemic accelerated use of the electronic reporting system. Currently 92% of reports were filed via the electronic reporting system.

EPA's Office of Enforcement and Compliance Assurance, Office of Pesticide Programs, and Office of Environmental Information partnered to deploy electronic reporting (eReporting) of establishment registration information (EPA Form 3540-8) and pesticide production information (EPA Form 3540-16) into the Section Seven Tracking System (SSTS). eReporting allows producers who operate pesticide-producing or device-producing establishments to electronically enter and submit their establishment registration information and pesticide production information by way of EPA's CDX. CDX provides a suite of services to support data collection and exchange with external partners and stakeholders such as states, tribes, localities, industry, federal agencies and other organizations or countries. This process is voluntary, it is not mandatory. This process has a one-time registration requirement.

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.

No agency besides EPA, nor any other program within EPA, requests this information. The Agency, under Section 29 of FIFRA, does collect a subset of production data only for conditionally registered pesticides. However, this production data for conditionally registered pesticides does not fulfill the requirements of Section 7 of FIFRA. Therefore, no duplication exists.

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

The information collected under this ICR does not significantly impact small businesses, because the information being reported would be considered as "customary and usual business activities." Even though the record-keeping and reporting requirements are the same for small and large businesses, the Agency considers these requirements the minimum needed to ensure compliance and, therefore, cannot reduce them further for small businesses.

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.

EPA Form 3540-8 is a one-time requirement for information used to register pesticide-producing and device-producing establishments. EPA Form 3540-16 must be submitted by all establishments subject to Section 7 of FIFRA 30 days after notification of the initial assignment of an establishment registration number, and thereafter on an annual basis. The statute dictates the time schedule in which reporting must occur. Therefore, EPA could not carry out the requirements of the statute if EPA collected such data on a less frequent reporting schedule.

Additionally, if the information were not submitted, the EPA would be unable to fulfill its statutory responsibilities relative to the review and registration of pesticides and the protection of human health and the environment.

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;
- 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 secrets, 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.

The collection does not include or require any of the provisions listed at 5 CFR 1320.5(d)(2) that require special explanation.

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.

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 recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

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.

The Federal Register notice required by 5 CFR 1320.8(d) was published February 14, 2023 at 88 FR 9516. There were no comments received in response to the Federal Register Notice.

EPA consulted with industry representatives of the respondent universe — small businesses, firms with multiple establishments, and repackagers — on the scope and burden covered by this ICR and to estimate the amount of time they typically spent gathering, compiling and filling out information for both forms if done via paper and electronically before issuing the second Federal Register notice. Specifically:

EPA contacted the following pesticide companies with questions regarding the ICR:

- Bob McDonald, SRS Consulting
- Harold Stowe, TSG Consulting
- Kathy Robison, Burlington Fabrics
- Jennifer Strafford, CSI
- Dan Andersen, CHS Inc.
- Sharla Horne, Pinch A Penny
- Kindra Levels, Occidental Chemical
- Matthew Jenks, BASF
- Bill Washburn, Helena-Agri Enterprises

The questions EPA asked included:

1. As part of this Information Collection Request (ICR) renewal, EPA reassessed who typically performs the activities necessary to comply with 40 CFR part 167 and EPA Forms 3540-8 and 3540-16. For this renewal, EPA assumes that Managers (BLS occupation code 11-000), Computer Technicians (BLS occupation code 15-000), and Data Entry (BLS occupation code 43-9020) staff help pesticide producers and distributors comply with 40 CFR part 167 and EPA Forms 3540-8 and 3540-16. What categories of staff help your company complete EPA Forms 3540-8 and 3540-16?
2. On the following activities, how long did you or staff spend on completing each of the following aspects associated with completing with EPA Forms 3540-8 and 3540-16? (Please provide time in 3-minute increments/0.05/hour.)
3. Are there activities EPA is missing?
4. Were the instructions for completing EPA Form 3540-8 clear and easy to follow? Please note if you relied on the paper, electronic or both versions of the instructions.
5. Were the instructions for completing EPA Form 3540-16 clear and easy to follow? Please note if you relied on the paper, electronic or both versions of the instructions.
6. Did you experience any barriers when using EPA's electronic system to complete EPA Forms 3540-8 and 3540-16.
7. How can we improve your experience?

EPA received one response to the questions posed. The burden estimates in this ICR currently are based on the consultation with industry in the 2019 renewal as well as the one response EPA received for the survey conducted as part of this ICR renewal.

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

The EPA does not provide any payments or gifts as part of this information collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

The information collected on EPA Form 3540-8 does not involve any confidentiality concerns or sensitive questions. However, pesticide and device producers must report certain confidential business information (CBI) on EPA Form 3540-16, including the amounts of pesticides/devices produced, sold and distributed, under FIFRA Section 7 requirements. EPA safeguards trade secrets in accordance with FIFRA Sections 7(d) and 10. The Agency's copies of individual firms' reports are stored in secure file cabinets within CBI security areas. Electronically submitted information is stored on CBI-compliant servers. Confidential business information pertaining to specific data on any one firm cannot be released to the public.

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. 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 or private nature is requested in this information collection activity.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under**

‘Annual Cost to Federal Government’.

The collection schedule established in the regulations at 40 CFR 167.85(d) requires that each producer report pesticide and device production information within 30 days of receipt of the notification of assignment of their establishment number from the Agency; thereafter, each producer is required annually to report their pesticide production information by March 1. Each December, the Agency will remind producers of the March 1 reporting deadline and providing them with the link where they can obtain the forms online and to the electronic reporting system.

The estimates for EPA Form 3540-8 are based on prior surveys with industry as well as the response received from the 2023 survey. The one-time submission of information is of such a nature as to demand no research of company records or calculations; it is easily completed by technical personnel; and reviewed and signed by a company officer. The completion of the application rarely exceeds the estimated hourly rate. See Table 1 for respondent burden estimates.

Burden estimates for EPA Form 3540-16 are based on the same information as that used for EPA Form 3540-8. From the surveys, we learned that, generally, the information is already assembled and compiled so filling out the form involves little burden. See Table 2 for the respondent burden estimates for EPA Form 3540-16.

This ICR uses estimates of labor rates and associated costs based on Department of Commerce Bureau of Labor Statistics estimates. Specifically, this ICR uses the May 2022 National Industry-Specific Occupational Employment and Wage Estimates for the North American Industry Classification System (NAICS) AICS 3250A1 — Chemical Manufacturing (3251, 3252, 3253, and 3259 only), which is presumed to dominate this sector. The mean hourly wage rates for NAICS code 3250A1 were: management (11-0000), \$70.59; technical (17-2000), \$54.28; and clerical (43-0000), \$25.56. A factor of 1.6 was added to adjust for benefit costs, resulting in respective total labor costs of \$112.94, \$86.85, and \$40.90.

Application for Registration of Pesticide-Producing and Device-Producing Establishments (EPA Form 3540-8):

Public reporting burden for this collection of information using the paper form is estimated to average 1 hours (60 minutes) per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing the review and collection of information. The burden for those pesticide establishments completing the electronic version of EPA Form 3540-8 is 1.25 hours (75 minutes), which includes a one-time CDX registration, estimated to take 30 minutes per respondent.

Pesticide Report for Pesticide-Producing Establishments (EPA Form 3540-16)

Public reporting burden for this collection of information for those respondents using the paper version of EPA Form 3540-16 is estimated to average 2.1 hours (2 hours and 6

minutes) per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the review and collection of information. The burden for any establishment using the eReporting system to complete EPA Form 3540-16 is estimated to average 1.45 hours (1 hour and 27 minutes). Some respondents will have an estimated additional 30 minutes to complete a one-time CDX registration.

See Tables 1 and 2 for the respondent cost estimates for EPA Forms 3540-8 and 3540-16, respectively.

Table 1: Respondent Burden Hours and Costs for Application for Registration of Pesticide-Producing Establishments (EPA Form 3540-8)

ACTIVITIES	ANNUAL BURDEN HOURS						TOTAL HOURS	TOTAL COSTS \$
	Management Paper Form	Technical Paper Form	Clerical Paper Form	Management eReporting	Technical eReporting	Clerical eReporting		
	\$112.94	\$86.85	\$40.90	\$112.94	\$86.85	\$40.90		
a. Read or Hear Any Instructions	$(\$112.94 \times 5.1) = \576.01	$(\$86.85 \times 5.1) = \442.92	$(\$40.90 \times 5.1) = \208.57	$(\$112.94 \times 165.24) = \$18,662.87$	$(\$86.85 \times 165.24) = \$14,350.76$	$(\$40.90 \times 165.24) = \$6,757.66$	511.02	\$\$40,998.79
b. Process, Compile, and Review the Information	0	$(\$86.85 \times 17.85) = \$1,550.24$	0	0	$(\$86.85 \times 165.24) = \$14,350.76$	0	183.09	\$\$15,901.00
c. Complete Form(s)	0	$(\$86.85 \times 10.2) = \885.85	0	0	$(\$86.85 \times 165.24) = \$14,350.76$	0	175.44	\$\$15,236.61
d. Record, Disclose, Display, or Report the Information	0	$(\$86.85 \times 5.1) = \442.92	0	0	$(\$86.85 \times 165.24) = \$14,350.76$	0	170.34	\$\$14,793.69
e. Store, File, or Maintain the Information	0	0	$(\$40.90 \times 2.55) = \104.28	0	$(\$86.85 \times 165.24) = \$14,350.76$	$(\$40.90 \times 82.62) = \$3,378.83$	250.41	\$\$17,833.88
f. One-time CDX Registration	0	0	0	$(\$112.94 \times 413.1) = \$46,657.17$	$(\$86.85 \times 413.1) = \$35,876.91$	0	826.2	\$\$82,534.08

Annual Burden Hour Total = 2,116.5* Annual Cost Total = \$187,298.05*

* Assumes 1703 responses annually, 97% by eReporting and 3% by paper

***NOTE: Numbers in the Tables (1-4) may vary slightly due to rounding

Table 2: Respondent Burden Hours and Costs for Pesticide Report for Pesticide-Producing Establishments (EPA Form 3540-16)

ACTIVITIES	ANNUAL BURDEN HOURS						TOTAL HOURS	TOTAL COSTS \$
	Management Paper Form	Technical Paper Form	Clerical Paper Form	Management eReporting	Technical eReporting	Clerical eReporting		
	\$112.94	\$86.85	\$40.90	\$112.94	\$86,85	\$40.90		
a. Read or Hear Any Instructions	$(\$112.94 \times 164.84 = \$18,617.69)$	$(\$86.85 \times 412.1) = \$35,790.06$	$(\$40.90 \times 164.84) = \$6,741.30$	$(\$112.94 \times 1,895.9) = \$214,130.53$	$(\$86.85 \times 4,739.75) = \$411,637.81$	$(\$40.90 \times 1,895.9) = \$77,534.73$	9,273.33	\$764,452.11
b. Process, Compile, and Review the Information	0	$(\$86.85 \times 824.2) = \$71,580.12$	0	0	$(\$86.85 \times 9,479.5) = \$823,275.62$	0	10,303.70	\$894,855.74
c. Complete Form(s)	0	$(\$86.85 \times 824.2) = \$71,580.12$	0	0	$(\$86.85 \times 3,791.8) = \$329,310.25$	0	4,616.00	\$400,890.37
d. Record, Disclose, Display, or Report the Information	0	$(\$86.85 \times 329.68) = \$28,632.05$	$(\$40.90 \times 329.68) = \$13,482.59$	0	$(\$86.85 \times 1,895.9) = \$164,655.12$	0	2,555.26	\$206,769.77
e. Store, File, or Maintain the Information	0	$(\$86.85 \times 164.84) = \$14,316.02$	$(\$40.90 \times 247,26) = \$10,111,94$	0	$(\$86.85 \times 1,895.9) = \$164,655.12$	$(\$40.90 \times 1,895.9) = \$77,534.73$	4,203.90	\$266,617.82
f. One-time CDX Registration	0	0	0	$(\$112.94 \times 75.5) = \$8,527.27$	$(\$86.85 \times 75,5) = \$6,557.02$	0	151	\$15,084.30

Annual Burden Hour total = 31,103.19*

Annual Cost total = \$2,548,670.10*

* Assumes 20,607 responses annually, and one-time CDX registration for an estimated 302 respondents (20 percent of respondents who previous used paper)

***NOTE: Numbers in the Tables (1-4) may vary slightly because of a rounding factor.

13. Provide an estimate for 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 already reflected on the burden worksheet).

- **The cost estimate 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. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

The only type of industry costs associated with the ICR activity in the standards is labor costs. There are no capital/start-up or O&M costs.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The cost to the Government for the Application for Registration of Pesticide-Producing and Device-Producing Establishments (EPA Form 3540-8) is based on one work-year to review and process applications. Other direct costs are limited to review of the data, mailing costs, etc. The number of respondents (1703) are estimated based on the average annual number of applicants registering establishments over the past five-year period. See Table 3 for Agency burden and cost estimates.

The cost to the Government for the Pesticide Report for Pesticide-Producing and Device-Producing Establishments (EPA Form 3540-16) is based on one work-year to review and process

production reports. The number of respondents is the number of active pesticide-producing and device-producing establishments registered with EPA (18,904) as well as 1703 initial reports from newly registered establishments. See Table 4 for Agency burden and cost estimates.

This ICR consolidated all government labor costs to that of a GS-13 step 1, as the bulk of the work is performed at this level. The minor shares of burden carried by management and clerical staff have been judged approximately equal and thus balance out if the entire burden is estimated at the GS-13/1 level.

EPA estimates that 10 percent of paper and 5 percent of electronic submissions are missing information or contain an error that requires the Agency to follow up with respondents. For purposes of this ICR, EPA used these assumptions in its calculations.

The estimates for Agency costs for EPA Forms 3540-8 and 3540-16 are shown in Tables 3 and 4, respectively.

Table 3: Annual Agency Burden/Cost Estimates for Application and Notification for Pesticide-Producing Establishments (EPA Form 3540-8)

[2023 GS-13/1 hourly rate is \$47.20 x (1.6 benefits cost) = \$75.52]

ACTIVITIES	ANNUAL BURDEN HOURS PAPER FORM	ANNUAL BURDEN HOURS eREPORTING	TOTAL COSTS \$
a. Respond to Inquiries	(\$75.52x 17.85) \$1,348.03	(\$75.52x 578.34) \$43,676.24	\$45,024.27
b. Review Information for Accuracy	(\$75.52x 10.2) \$770.30	(\$75.52x 303.48) \$24,957.85	\$25,728.15
c. Record Form Submission and Assign Establishment Number	(\$75.52x 10.2) \$770.30	(\$75.52x 165.24) \$12,478.92	\$13,249.23
d. Follow Up on Submissions with Errors	(\$75.52x 2.55) \$192.58	(\$75.52x 20.66) \$1,559.87	\$1,752.44
e. Store and Maintain Data	(\$75.52x 10.2) \$770.30	(\$75.52x 82.62) \$6,239.46	\$7,009.77
f. Prepare Notification	(\$75.52x 15.3) \$1,155.46	(\$75.52x 82.62) \$6,239.46	\$7,394.92
TOTAL	66.3 hours/ \$5,006.98	1,259.16 hours/ \$95,151.80	1,326.26hours/ \$100,158.78

***NOTE: Numbers in the Tables (1-4) may vary slightly because of a rounding factor.

Table 4: Annual Agency Burden Cost Estimates for Pesticide Report for Pesticide-Producing Establishments (EPA Form 3540-16)

[2023 GS-13/1 hourly rate is \$47.20 x 1.6 benefits cost) = \$75.52]

ACTIVITIES	ANNUAL BURDEN HOURS PAPER FORM	ANNUAL BURDEN HOURS eREPORTING	ANNUAL COSTS
a. Preparation of Notification	(\$75.52 x 12) \$906.24	0	\$906.24
b. Respond to Inquiries	(\$75.52x 576.94) \$43,570.51	(\$75.52x 6635.65) \$501,124.29	\$544,694.80
c. Review Information for Accuracy	(\$75.52x 576.94) \$43,570.51	(\$75.52x 1895.9) \$143,178.37	\$186,748.88
d. Follow Up on Submissions with Errors	(\$75.52x 82.42) \$6,224.36	(\$75.52x 236.99) \$17,897.30	\$24,121.65
e. Record and Enter Data into Electronic Database	(\$75.52x 576.94) \$43,570.51	(\$75.52x 1895.9) \$143,178.37	\$186,748.88
f. Store and Maintain Data	(\$75.52x 412.1) \$31,121.79	(\$75.52x 1895.9) \$143,178.37	\$174,300.16
TOTAL	2,237.34hours/ \$168,963.92	12,560.34 hours/ \$948,556.69	14,797.68hours/ \$1,117,520.60

In this collection the Agency will: (1) answer companies' and producers' questions; (2) review the data collected; (3) provide appropriate protection of confidential business information; and (4) store collected data both electronically and in paper file systems.

Producers determine how to best comply with the requirements for record keeping under FIFRA Section 7. They may collect and store the required data electronically or by paper copy.

The Agency, in turn, annually provides forms for pesticide-producing and device-producing establishments to report their collected and stored information. On January 2, 2016, EPA launched an electronic reporting option.

EPA's Office of Enforcement and Compliance Assurance, Office of Pesticide Programs, and Office of Environmental Information partnered to deploy electronic reporting (1eReporting) of establishment registration information (EPA Form 3540-8) and pesticide production information (EPA Form 3540-16) into the Section Seven Tracking System (SSTS). eReporting allows producers who operate pesticide-producing or device-producing establishments to electronically enter and submit their establishment registration information and pesticide production information by way of EPA's CDX. CDX provides a suite of services to support data collection and exchange with external partners and stakeholders such as states, tribes, localities, industry, federal agencies and other organizations or countries. This process is voluntary, it is not mandatory. This process has a one-time registration requirement.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet (in hour or cost burden.)

There is an increase of 6,084.43 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is a result of the covid-19 pandemic causing a 109.1 percent increase in the average number of new establishments (815 in 2019 to 1703 in 2023) and a 32.67% increase in the total number of establishments (14,248 in 2019 to 18,904 in 2023). Additional increases are due to changes in the salary tables used in the calculations. There have only been minor changes in the time used to calculate each individual activity.

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. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

EPA publishes a list of active pesticide-producing and device-producing establishments on its website that is updated nightly. All other information collected under this ICR is not publicly available.

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.

EPA is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

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

List of Attachments for this Supporting Statement

- FIFRA section 7 (7 USC 136e)
- 40 CFR part 167
- EPA Form 3540-8
- EPA Form 3540-16