

**SUPPORTING STATEMENT FOR
Controlled Substances Import/Export Declaration
(DEA Form 236)**

The Drug Enforcement Administration (DEA) seeks approval by the Office of Management and Budget (OMB) for an existing collection of information that was previously approved by OMB – OMB Approval # 1117-0009, Controlled Substances Import/Export Declaration (DEA Form 236); Controlled Substances Export for Subsequent Reexport Declaration (DEA Form 236R); Controlled Substances Export for Subsequent Reexport Among European Economic Area Members Declaration (DEA Form 236R-EEA).

A. JUSTIFICATION

1. DEA Form 236 provides DEA with oversight and control over the importation and exportation of controlled substances. 21 CFR part 1312, promulgated pursuant to 21 U.S.C. 952 and 21 U.S.C. 953, requires registrants who desire to import non-narcotic substances in schedules III, IV, and V or to export non-narcotic substances in schedules III and IV and any other substance in schedule V, to furnish a controlled substances import declaration/controlled substances export invoice on a DEA Form 236 (if those activities are not otherwise subject to import/export permit requirements). In addition, Article 12 of the Convention on Psychotropic Substances of 1971 (Convention) requires a system of export declarations for certain substances controlled under the Convention.

2. These forms and the information collection enable DEA to monitor and control the importation and exportation of controlled substances. Analysis of these documents provides DEA with important intelligence regarding the international commerce in controlled substances and assists in the identification of suspected points of diversion. In addition, the compiled data is reported to the International Narcotics Control Board annually, as required by Article 16 of the Convention. Failure to require import/export declarations, and the information provided thereon, would violate the requirements imposed by the Controlled Substances Act (CSA) and the United States' international obligations.

3. The DEA Form 236 is available to be submitted through the Diversion Control Division secure network application on DEA's Diversion Control Program web site (<http://www.deadiversion.usdoj.gov>). Currently, 100% of DEA Forms 236 are submitted electronically.

4. DEA has made efforts to identify and prevent duplication of the collection of information. The existing DEA Form 236 is not duplicative. The collection of this information is unique to DEA.

5. This is a routine three-year renewal of DEA Form 236. DEA does not anticipate any additional impact on small businesses or other small entities since the initial approval of this form. The collection will not have a significant economic impact on small businesses or other small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

6. DEA uses the information collected to monitor the import and export of controlled substances. Information is provided each time the registrant proposes to import or export controlled substances and therefore cannot be collected less frequently. Failure to collect the information would impair DEA's enforcement activities and violate the requirements imposed by the CSA and the United States' international obligations.

7. There are no special circumstances applicable to this information collection.

8. The 60-Day Notice was published in the Federal Register on September 11, 2023 (88 FR 62395). The comment period ended on November 13, 2023. No comments were received.

DEA meets regularly with the affected industry to discuss policies, programs, and regulations. These meetings provide an open forum to discuss matters of mutual concern with representatives of those entities from whom the information is obtained.

9. This collection of information does not propose to provide any payment or gift to respondents.

10. Information requested in this collection may be considered confidential business information if marked as such in accordance with 28 CFR 16.8(c) and Exemption 4 of the Freedom of Information Act (FOIA). Submitters who are required to furnish commercial or financial information to the government are protected from the competitive disadvantages that could result from disclosure of such information. The information is protected by DEA through secure storage, limited access, and federal regulatory and DEA procedures. In the event a FOIA request is made to obtain information that has been designated as confidential business information per 28 CFR 16.8(c) and Exemption 4 of FOIA, DEA will give written notice to the submitter to allow an opportunity to object within a reasonable time prior to any disclosure by DEA.

11. This collection of information does not ask any questions of a sensitive nature.

12.

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate ¹	Monetized Value of Respondent Time ²
DEA-236 Import (Online)	211	30	6,399	15min	1,600	\$67.67	\$108,262
DEA-236 Export (Online)	135	33	4,522	15min	1,131	\$67.67	\$76,56
DEA-236 Import (Paper)	8	4	35	10.2min	6	\$67.67	\$403
DEA-236 Export (Paper)	25	19	479	10.2min	81	\$67.67	\$5,511
Unduplicated Totals	379	30	11,435	14.78424136	2,818	\$67.67	\$190,682

Total number of respondents: 379

Number of responses per respondent per year: 30.17150 (average)

Total annual responses: 11,435

Total annual hour burden: 2,818.63

Average Burden: Per Collection: 0.246404 hour

Per Respondent: 7.43438 hour

Burden dollars:

Estimate hourly wage (\$/hour):³ \$47.39

¹ Median hourly wage, Bureau of Labor Statistics, Occupational and Employment and Wages, May 2023, 11-3071 Transportation, Storage, and Distribution Managers (https://www.bls.gov/oes/current/oes_nat.htm).

² Monetized value is based on the loaded wage multiplied by the total annual burden, in hours. Bureau of Labor Statistics, “Employer Costs for Employee Compensation – March 2023” (ECEC) reports that average benefits for private industry is 29.97% of total compensation. The 29.97% of total compensation equates to 42.8% (29.97% / 70.07%) load on wages and salaries. The median wage of \$47.39 times (1 + 0.428) = \$67.67 per hour for the loaded wage.

³ Median hourly wage, Bureau of Labor Statistics, Occupational and Employment and Wages, May 2019, 11-3071

Load for benefits (percent of labor rate): ⁴	42.8%
Loaded labor rate (\$/hour): ⁵	\$67.67
Total annual burden dollar:	\$190,681.54
Average burden dollars per collection:	\$16.67526

13. There are no start up costs associated with this collection, however respondents are expected to incur shipping costs. These shipping costs are estimated at \$19.50 per paper application, or \$10,023 for 514 paper applications (import and export).⁶ Therefore, the average cost burden is \$0.87651946 per response.

14.

Labor Category	Number	Annual Rate (\$)*	Load	% of Time	Cost (\$)
Import/Export Specialist - GS-13	1	\$126,949.00	1.74146493	100%	\$221,077
Program Analyst – GS-13	1	\$126,949.00	1.74146493	100%	\$221,077
Total	2				\$442,154

*Government salary figures are based on Washington, DC locality pay at step 5 for each grade level.

**Load of 74.15% for benefits based on the ECEC for “State and local government.” The ECEC does not include figures for the Federal Government.

15. Explain the reasons for any program changes or adjustments.

The increase in annual responses and annual burden hours reflects adjustments related to normal business activity. The decrease in the burden dollars is due to the elimination of estimate for shipping cost per paper response and a change in calculation method. There have been no statutory or regulatory changes affecting this information collection. The table below summarizes the changes since the last renewal of this information collection.

Transportation, Storage, and Distribution Managers. https://www.bls.gov/oes/current/oes_nat.htm.

⁴Bureau of Labor Statistics, “Employer Costs for Employee Compensation – December 2019” (ECEC) reports that average benefits for private industry is 29.9% of total compensation. The 29.9% of total compensation equates to 42.7% (29.9% / 70.1%) load on wages and salaries.

⁵ \$45.46 x (1 + 42.7%) = \$64.85.

⁶ 2 x \$9.75 = \$19.50. \$9.75 is based on a major express carrier’s national 3-day flat rate for envelopes.

	2020 Approved Burden	2023 Requested Burden	Difference
Annual responses	8,154	11,435	3,281
Annual burden hours	2,039	2,818	779
Annual cost (\$)	132,258	190,682	58,424

16. DEA will not publish the results of the information collected.

17. DEA does not object to OMB displaying the expiration date.

18. This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.