

## **U.S. Environmental Protection Agency Information Collection Request (ICR)**

---

### **EXECUTIVE SUMMARY**

**Title:** Confidential Financial Disclosure Form for Special Government Employees at the US Environmental Protection Agency (Renewal)

**EPA ICR Number:** 2260.08

**OMB Control Number:** 2090-0029

#### **Abstract:**

The purpose of this information collection request is to assist the United States Environmental Protection Agency (EPA or the Agency) in selecting federal advisory committee members who will be appointed as experts, consultants or as special government employees (SGEs), mostly to EPA's scientific and technical committees and panels. To select SGE members as efficiently and cost effectively as possible, the Agency needs to evaluate potential conflicts of interest before a candidate is hired as an SGE and appointed as a member to a committee or panel.

Agency officials developed the "Confidential Financial Disclosure Form for Environmental Protection Agency Special Government Employees," also referred to as Form 3110-48, for a greater inclusion of information to discover any potential conflicts of interest as recommended by the Government Accountability Office.

### **SUPPORTING STATEMENT A**

#### **1. Need and Authority for the Collection**

In June 2001, the Government Accountability Office (GAO) issued a report entitled "EPA's Science Advisory Board Panels - Improved Policies and Procedures Needed to Ensure Independence and Balance." GAO recommended that EPA develop policies and procedures that better identify and mitigate potential conflicts of interest and support the development of balanced panels. Recommendations included gathering the required conflict of interest information before a member is selected, specifically:

- Determine whether each panel will be reviewing a "particular matter" before selecting the panel in order to identify the financial conflict-of-interest requirements, if any, to which the panelists will be subject.

- Obtain and evaluate relevant background information on peer review panel candidates before appointing panel members. The evaluation should include explicitly discussing with potential panelists: (1) items not adequately reported on the confidential financial disclosure form as well as items reported that could present conflicts of interest; (2) other information relevant to assessing impartiality, such as research conducted and previous public statements or positions on the matter being reviewed, interest of the employer or clients in the matter, participation in legal proceedings, work for chemical companies or other affected industries, and prior or current research grants that could be affected by the matter; and (3) whether they have any potential conflicts of interest related to the specific panel being established. Further, pertinent information obtained from discussions with panelists should be documented.”

As part of that effort to respond to GAO’s recommendations, EPA developed a new and improved form for its scientific and technical committee’s special government employees.

EPA’s designated federal officers (DFOs) who manage EPA federal advisory committees experienced great difficulty trying to use the OGE Form 450 to identify actual or potential conflicts of interest of potential candidates for Federal Advisory Committee membership. The OGE Form 450 was confusing for the proposed members and they did not identify all financial interests of possible concern. In response to the GAO’s recommendations, EPA developed the Form 3110-48 to ensure that all relevant financial interests are identified and considered during the member selection process. It is important for EPA to have this information collection in place because we continuously need to appoint new SGE members as new advisory committees are created or as members’ terms of appointment expire.

The Form 3110-48 is completed by candidates for membership as SGEs on EPA federal advisory committees. The form is completed as part of the member selection process and before they are invited to serve as a member of a federal advisory committee at EPA. The Form 3110-48 is reviewed by the Program Office Deputy Ethics Official (DEO) to determine whether there is a financial conflict of interest between the proposed member’s public responsibilities and private interests/activities and whether there is any appearance of a loss of impartiality. In some cases, the alternate designated agency ethics official also reviews the form. As GAO recommended, it is important to collect this information before the potential member is appointed to the federal advisory committee, because if a conflict of interest is identified after the person is appointed, the agency may have to terminate the person’s membership and identify another person to serve on the committee. This is potentially embarrassing to both the agency and the appointed member. It is also important to know upfront that a candidate could serve if appointed, as the appointment process is time consuming and, as required by the Federal Advisory Committee Act, the agency must ensure that the advisory committee is balanced in the points of view represented. If a conflict is identified after a person is appointed to an advisory committee as an SGE, additional time is needed to select a replacement and the agency loses valuable time and

expertise in receiving the advice it needs. Also important is the fact that finding replacement members creates a burden of additional cost and staff hours. Using the Form 3110-48 benefits EPA by increasing efficiency and saving time and money.

Currently nine of EPA's 23 federal advisory committees appoint members as SGEs and have a need to use the Form 3110-48. This number may increase as new committees are added or decrease as committees are terminated. EPA anticipates averaging approximately 325 SGEs during the next three years.

## **2. Practical Utility/Users of the Data**

Information gathered from Form 3110-48 will continuously help EPA to evaluate relevant background information on SGE candidates before appointing members. Using this form enables DFOs to expedite the process of selecting viable candidates for membership on EPA's federal advisory committees.

## **3. Use of Technology**

In collecting and analyzing the information associated with this ICR, EPA will use personal computers, email and websites from which the respondents can obtain blank forms, as well as using the mail and committee meetings for distribution of the form. Candidates (respondents) may enter their information on the form on-line and submit the completed and signed report to EPA via pdf or by mail or fax. EPA will accept a digital signature.

Although EPA uses internet websites and e-mail to distribute the blank forms, this form is not a survey instrument, and no database is necessary to aggregate results. This information is not available to the public.

## **4. Efforts to Identify Duplication**

Almost all information requested from respondents under this ICR is personal in nature, and in most cases, is not available from other sources.

## **5. Minimizing Burden on Small Entities**

Not applicable.

## **6. Effects of Less Frequent Collection**

The form is required to be updated once a year. The form allows government officials to determine whether there is a statutory conflict between Special Government Employees' public

responsibilities and private interests and activities, or the appearance of a loss of impartiality, as defined by federal laws and regulation.

## **7. General Guidelines**

This ICR complies with OMB's general guidelines for the collection of information.

## **8. Public Comment and Consultations**

### **8(a) Public Comment**

In compliance with the Paperwork Reduction Act of 1995, EPA issued a public notice in the Federal Register on September 1, 2023 (88 FR 60450) and provided a 60-day comment period. No comments were received.

### **8(b) Consultations**

In accordance with OMB's terms of clearance on the previous approval of this ICR, EPA has reviewed the actual number of SGE confidential disclosure forms received over the last three years and consulted with various agency staff to determine trends in expected committee membership over the next three years. While committee membership can vary year to year, EPA anticipates that the number of SGEs completing the form during the period of this ICR will average 325 per year.

The below respondents were contacted for feedback on this ICR. They confirmed that, on average, it takes approximately an hour to fill out the form.

#### **Robert (Bob) Chapin**

Chair of EPA's Federal Insecticide, Fungicide and Rodenticide Act Scientific Advisory Panel (FIFRASAP)

#### **Sheri Blystone**

Member of EPA's TSCA Science Advisory Committee on Chemicals (SACC)

## **9. Payments or Gifts to Respondents**

The Environmental Protection Agency does not provide payments or gifts to respondents.

## **10. Provisions for Protection of Information**

Title I of the Ethics in Government Act of 1978 (the Act), 5 U.S.C. Chapter 131, Executive Order 12674, and 5 C.F.R Part 2634, Subpart I, of the Office of Government Ethics regulations require

the reporting of financial information that is relevant to the administration and application of the criminal financial conflict of interest laws, administrative standards of conduct, and agency-specific statutory and program-related restrictions. The primary use of the information collected on this form is to allow EPA to conduct the conflicts reviews in accordance with applicable Federal laws and regulations. The information reported on the Form 3110-48 is “confidential” and required to be withheld from the public pursuant to § 13109(a)(2) of the Act. Agency personnel shall not publicly release the reports or the information contained therein except that disclosures may be pursuant to: (1) a federal, state or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) a court or party in a court or federal administrative proceeding if the government is a party or in order to comply with a judge-issued subpoena; (3) a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) the National Archives and Records Administration or the General Services Administration in records management inspections; (5) the Office of Management and Budget during legislative coordination on private relief legislation; (6) to the Department of Justice or in certain legal proceedings when the disclosing agency, and employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (7) to reviewing officials in a new office, department or agency when an employee transfers from one covered position to another, (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record, and (9) to contractors and other non-Government employees working for the Federal Government to accomplish a function related to an OGE Government-wide system of records. The confidential report will not be disclosed to any requesting person unless authorized by law.

EPA requires SGEs who are new to a federal advisory committee to complete parts 2-9 of Form 3110-48 before participating in a committee activity. Subsequently, SGEs must file reports annually to report on the previous calendar year. For these annual reports, the SGEs must complete parts 2-8. In addition, they must complete Part 1 (“Statement regarding any change since annual submission of the form”) and Part 9 (“Identification of any other information related to conflicts of interest or appearance of a lack of impartiality”) before participating in any new advisory activity. Filers must provide sufficient information about outside interests and activities so that EPA ethics officials can make an informed judgment regarding any conflict of interest or appearance of loss of impartiality. EPA ethics officials may contact proposed SGEs to obtain additional information, if necessary, to determine whether there is a conflict between an SGE’s public responsibilities and his/her or his/her spouse’s private interests and activities.

## **11. Justification for Sensitive Questions**

See response to question 10.

## **12. Respondent Burden Hours & Labor Costs**

## **12(a) Respondents/NAICS Codes**

A special government employee (SGE) is a person who is retained, designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties for the Federal Government either on a full-time or intermittent basis. SGEs who provide advice to EPA are required to file the Form 3110-48 in lieu of the Office of Government Ethics Form 450 to disclose confidential financial information. Form 3110-48 has been reviewed and approved for use by the Office of Government Ethics.

## **12(b) Information Requested**

The Agency will maintain records of the Form 3110-48. DEOs from offices sponsoring federal advisory committees will retain files of the completed form. The agency does not anticipate any recordkeeping activities on the part of the respondents under this ICR.

## **12(c) Respondent Activities**

After being nominated by an outside party or themselves, respondents will be asked to complete the Form 3110-48. The form will require one hour to complete. Subsequent forms filed annually should take less time to complete as respondents gain familiarity with its information requirements and may only need to make slight changes to information filed previously.

## **12(d) Respondent Hour Burden and Labor Costs**

After being nominated by an outside party or themselves, respondents are asked to complete Form 3110-48 (No schedule – dates are variable). After the initial completion of the form, respondents are asked to update the form annually (generally during January of each year) and, for SGEs serving on federal advisory committees, prior to any new activity respondent's confidential financial information is not made public.

To respond to this ICR, the EPA estimated that each responding SGE candidate will take one hour to complete the Form 3110-48. We anticipate that EPA will pay an estimated labor cost of \$78 (GS-14 Step 6), which including the standard overhead factor of 1.6 produces a loaded wage rate of \$125. We estimate that approximately 325 SGEs will have to respond to this request each year. Multiplying the estimated number of SGE members (325) by the dollar amounts to be paid to EPA's SGEs each successive year and multiplying the subtotal costs of each successive year by 1.6 to allow for respondent overhead costs, we estimate that the total dollar burden estimate for this ICR to be approximately \$40,625 for year one, \$40,625 for year two and \$40,625 for year three. The grand total for all three years is estimated at \$121,875. The

annual average respondent cost over the three years is \$40,625, as indicated in the following annual respondent burden and cost table.

<b>Respondent Activity</b>	<b>Burden Hours/Respondent</b>	<b>Labor Cost/Hour (Loaded)</b>	<b>Number of Respondents</b>	<b>Total Cost/Year</b>
Complete and submit form	1	\$125	325	\$40,625

### 13. Respondent Capital and O&M Costs

Capital/Start-up Operating and Maintenance (O&M) Costs not applicable.

See Bottom Line Burden Hours and Cost under Question 12(d) and Agency Tally under Question 14.

### 14. Agency Costs

To respond to this ICR, we estimated that an Assistant DEO (who may also be the DFO) spends one hour reviewing each Form 3110-48 (sometimes calling and asking for further clarification or to address areas not filled out completely). The Assistant DEO labor cost is estimated to be a GS-14 Step 6, which is \$78.00 per hour according to the Office of Personnel Management's 2024 Salary Table ([https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB_h.pdf))

The EPA Deputy Ethics Official (DEO) labor cost is estimated to be a GS-15 Step 7, which is \$91.95 rounded to \$92 per hour at one hour per form. Both the Assistant DEO and DEO total labor rates below include a factor of 1.6 (60%) for overhead costs.

#### Assistant DEO (who may also be the DFO) Cost

EPA estimates that approximately 325 SGEs will serve on EPA's federal advisory committees over the next three years. By multiplying the three-year average dollar amount paid to EPA's Assistant DEOs (\$78) by 1.6 (60% overhead) to allow for employee overhead costs, then multiplying that loaded wage (\$125) by the number of SGEs (325), we estimate the subtotal to be \$40,625.

Year 1 @ \$78 for 1 hour x 1.6 = \$125 x 325 = \$40,625

Year 2 @ \$78 for 1 hour x 1.6 = \$125 x 325 = \$40,625

Year 3 @ \$78 for 1 hour x 1.6 = \$125 x 325 = \$40,625

#### DEO Cost

By multiplying the dollar amount paid to EPA's DEO with a three-year average cost (\$92) by 1.6 (60% overhead) to allow for employee overhead costs, then multiplying that loaded wage (\$148) by the number of SGEs (325), we estimate the subtotal to be \$48,100.

Year 1 @ \$92 for 1 hour x 1.6 = \$148 x 325 = \$48,100

Year 2 @ \$92 for 1 hour x 1.6 = \$148 x 325 = \$48,100

Year 3 @ \$92 for 1 hour x 1.6 = \$148 x 325 = \$48,100

Total Assistant DEO and DEO Cost Using 3-Year Average

The total three-year average dollar burden estimate for this ICR (for both Assistant DEOs and DEO) is approximately \$88,400 each year.

Assistant DEO three-year average \$40,625 + DEO 3-year average \$48,100= \$88,725

Agency (EPA) activities associated with the collection of information include:

Deputy Ethics Official for each committee with special government employees (SGEs),  
Assistant Deputy Ethics Official:

- Taking actions to review the form, ascertain improvements, and revise periodically (approximately three-year intervals or more if needed)
- Designated federal officers (DFOs) for each committee with special government employees (SGEs):
- Providing copies of the mandatory form
- Answering any respondent questions, follow-up
- Forwarding form to EPA's Deputy Ethics Official for review and analyzing

Deputy Ethics Official:

- Review, analyze, follow-up, and approve or disapprove form

In collecting and analyzing the information associated with this ICR, EPA will use personal computers, email and websites from which the respondents can obtain blank forms, as well as using the mail and committee meetings for distribution of the form. Candidates (respondents) may enter their information on the form on-line and submit the completed and signed report to the EPA via pdf or by mail or fax. EPA will accept a digital signature.

Although EPA uses internet websites and email to distribute the blank forms, this form is not a survey instrument, and no database is necessary to aggregate results. This information is not available to the public.

<b>Agency Activity</b>	<b>Burden Hours/Respondent</b>	<b>Labor Cost/Hour (Loaded)</b>	<b>Number of Respondents</b>	<b>Total Cost/Year</b>
Assistant DEO:	1	\$125	325	\$40,625

Review form and forward to DEO for approval; Maintain record copy				
DEO: Review and approve form	1	\$148	325	\$48,100
<b>Total</b>	<b>1</b>	<b>\$273</b>	<b>325</b>	<b>\$88,725</b>

### 15. Change in Burden

There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

### 16. Publication of Data

Not applicable. This information is not available to the public.

### 17. Display of OMB Control Number Expiration Date on Instruments

Not applicable. The OMB Control Number Expiration Date is included on EPA Form 3110-48.

### 18. Certification Statement

There are no exceptions to the certification statement.