

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: Pesticide Registration Fees Program

EPA ICR No.: 2330.05

OMB Control No.: 2070-0179

Docket ID No.: EPA-HQ-OPP-2024-0054

Abstract

This ICR covers the paperwork burden hours and costs associated with the information collection activities under the pesticide registration fee programs implemented through the Office of Pesticide Programs (OPP), Environmental Protection Agency (EPA). Pesticide registrants are required by statute to pay an annual registration maintenance fee for all products registered under Section 3 and Section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Additionally, Section 33 of FIFRA establishes statutory fees and timeframes for EPA’s review of covered applications. PRIA 5 which was enacted December 2022, did many things including that it extended the authority to collect pesticide maintenance fees through FY2027 and the authority to collect pesticide registration service fees through FY2029. This ICR specifically covers the activities related to the collection of the annual registration maintenance fees, the registration service fees, and the burden associated with the submission of requests for fees to be waived.

Summary Total Burden and Costs

Information Collection	Number of Respondents	Annual Number of Responses	Responses per Respondent	Annual Time Burden (Hours)	Annual Cost Burden (Dollars)
Pesticide Product Registration Maintenance Fee	1,892	1,892	1	2,218	\$244,070
Pesticide Registration Fee Waiver	36	36	1	1,332	\$123,150*

Type A					
Pesticide Registration Fee Waiver Type B	216	216	1	2,592	\$213,293*
Pesticide Registration Fee Waiver Type C	108	108	1	2,916	\$241,498*
Total Respondent	2,252	2,252	4	9,058	\$822,010*
Total Agency				11,459	\$978,948

*Rounding and total costs include non-labor costs.

SUPPORTING STATEMENT

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.

Under FIFRA, EPA must evaluate pesticides thoroughly, before they can be marketed and used in the United States, to ensure that they will not pose unreasonable adverse effects to human health and the environment. Pesticides that meet this test are granted a license or "registration" which permits their distribution, sale and use according to requirements set by EPA to protect human health and the environment. EPA assesses fees on pesticide manufacturers and distributors (both referred to as registrants) for pesticide registrations and pesticide-related applications.

Pesticide Product Registration Maintenance Fees

Section 4(i)(5) of FIFRA requires registration maintenance fees to be applied to all products registered under Section 3 and Section 24(c) of FIFRA. The fees are paid annually for each product registered and payable on January 15 of each year. The authority to collect fees under the 1988 amendments would have terminated on September 30, 1997. However, the Food Quality Protection Act (FQPA) amended FIFRA and extended the authority to collect these fees until September 30, 2001. Congress has issued several subsequent bills to extend EPA's authority to collect fees. PRIA 5, which extended the Agency authority to collect registration maintenance fees became effective on December 29, 2022, increasing increased the average annual collection level and extended the authority to collect maintenance fees through fiscal year 2027. Under PRIA 4 and continued under PRIA 5, there is a new provision that allows qualified small businesses (defined as having ≤ 5 products, $\leq \$10$ M in total, global sales and ≤ 500 employees) to seek a 25% maintenance fee reduction on their first product. PRIA 5 raised

the average annual collection target from \$31M to \$42M. To account for the \$11M increase in fees introduced by PRIA 5 part way through FY23, EPA invoiced companies twice in FY23, the second invoicing for the outstanding balance occurring in January 2023.

Pesticide Registration Service Fee and Waivers

Section 33 of FIFRA requires the collection of fees in order to enhance the review of covered pesticide products.

PRIA 5 pesticide registration service fee categories, fees, and timeframes became effective 60 days from PRIA 5 enactment, or February 27, 2023. Fees collected under this program will help to reduce time frames for registration decisions; provide greater predictability and more accountability for those decisions; ensure that FQPA deadlines are met; and result in more predictable and augmented funding for the pesticide program. Section 33(b)(7) establishes provisions for 50% or 75% small business waivers if the applicant meets certain criteria. Section 33 also established provisions that allow these fees to be exempted entirely in the case of applications submitted by state or federal agencies, or in association with a submission by USDA's Interregional Research Project Number 4 (IR-4) program. The registration service fee system was reauthorized through September 30, 2027. Under the sunset provisions, if PRIA 5 is not reauthorized, the Agency is authorized to collect reduced fees for two additional years – 40% reduced fees in 2028 and 70% reduced fees in 2029 below the level in effect on September 30, 2027.

Under PRIA, the Agency must determine that an IR-4 exemption is in the public interest. In February 2013, the Agency issued the Policy document entitled "Factors for IR-4 Public Interest Finding," which lists the criteria under which an application will be presumed to be in the public interest. Since this policy exempts most, if not all, IR-4 registration activities, the Agency does not anticipate any additional burden will be imposed on IR-4. Finally, the statute exempts agencies of the Federal Government or a State from fees.

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.

Pesticide Product Registration Maintenance Fees

In order to provide an efficient system to bill, collect, and account for registration maintenance fees, the Agency sends an email reminder with the appropriate [weblink](#) to all registrants of currently active products. The information is used by the Agency to ensure that the fees prescribed by FIFRA have been paid by each registrant. The information is also used to adjust OPP's computer files to reflect changes in the status of registrations resulting from registrant responses. In the case where the registrant requests a small business cap and/or a 25% reduction in the first product's fee, the required information is used to ensure that the

registrant qualifies for the fee reduction and is used to assess and report to Congress the impacts of maintenance fees on small businesses as required in PRIA 5.

There are two types of maintenance fee waivers authorized: Minor Agricultural Use or Public Health waivers.

1. The 1990 Farm Bill amended FIFRA to allow the Administrator to reduce or waive maintenance fees for minor agricultural use registrations, when he/she determines that the fee would be likely to cause significant impact on the availability of the pesticide for the use. If a registrant believes one or more of their registrations may qualify for this reduction or waiver they must include a written justification which identifies the product(s) and explains how the product(s) meet the statutory definition of a minor agricultural use.
2. The Food Quality Protection Act (FQPA) allows the Administrator to waive the maintenance fee for public health pesticides if the Administrator determines, based on information supplied by the registrant that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.

To qualify as a public health pesticide, as defined by FQPA, the following conditions must be met:

1. The public health use of the pesticide product must be a minor use. FIFRA defines "minor use" in Section 2(11).
2. The pesticide must be registered for use and used predominantly in public health programs.
3. The use of the pesticide in the public health program must be for vector control or for other recognized public health protection purposes.

Registrants that believe that one or more of their registrations meet all three of these criteria, must include a written justification which identifies the product(s) and explains why the product(s) meet the statutory definition of a public health pesticide and why the fee should be waived.

Pesticide Registration Service Fee and Waivers

EPA is the sole intended user of the information collected. This collection of information is critical for the proper performance of Agency functions because the information collected will allow EPA to properly review a request for a waiver or exemption of fees under the PRIA without delay. The actual usefulness of the information to the Agency is that the information collected will be used to determine if the applicant qualifies for a PRIA registration fee waiver or

exemption. Statutorily, in instances where the applicant requests a fee waiver or exemption, the decision review time period does not begin until either the Agency grants the waiver or exemption or until the registrant has paid the appropriate registration service fee (or, in the case of a partial waiver or fee reduction, the balance of the appropriate registration service fee). Processing of the application, therefore, will be delayed until the Agency can render a decision on the fee waiver or fee reduction or exemption request. With the submission of this data by the registrant, the Agency will be able to meet its statutory obligation to grant or deny a waiver request within 60 days and, usually, earlier than the maximum 60-day period.

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.

For the past 35 years, the Agency has employed nearly the same method of collecting maintenance fees. This method involves using OPP master files of product information to identify the firms to which the billing information is to be sent. Computer generated listings of products and the Maintenance Fee Filing Form are uploaded to the Pesticide Maintenance Fee [webpage](#) along with the instructions (**Attachment A and B**). The registrant is instructed to circle the word PAY, CAN, XFR, WAIV, ERR, next to each Registration Number to indicate if they want to pay for the registration, cancel the registration, indicate if he believes that the registration was transferred, is eligible to be waived, or if the registration is listed in error.

The list of registrations is pre-loaded into an Access database, and only the PAY, CAN, WAIV, XFR, ERR indicator is keyed manually for each product. Company name and address information is also pre-loaded reducing the data entry burden for the maintenance fee filing forms. The total number of products for each company is calculated by computer, and totals entered from the filing form are verified by computer to ensure that all items balance. In addition, data entry for all forms is quality checked visually.

Receipt of payment is entered by the Financial Management Division into COMPASS. This information is then extracted and posted to the maintenance fee Access database to close out each record. Results are made available to OPP staff on request as soon as the information is entered into the Access database.

EPA implemented electronic payment of maintenance fees via <http://www.pay.gov> in the FY08 collection cycle. Beginning on October 1, 2015, the Treasury Department terminated our lockboxes where payments in the form of checks or money orders were sent and directed EPA to collect the fee electronically with few exceptions. As a result, in the 2023 maintenance fee cycle, 99% of maintenance fee payments were received electronically.

Pesticide Registration Service Fee Waivers

Fee payments are made via Pay.gov or the FEDWIRE/Credit Gateway (EFT) and payments are uploaded into the Agency's financial management system, Compass. Payment information is extracted from Compass and loaded into OPP's tracking system (OPPIN). Payment is due at time of application. If additional payment is required, invoices are generated and sent both electronically and in paper. All payments and invoices are generated electronically and tracked in OPPIN. All submissions are received electronically via the CDX portal. Incoming letters, fee waiver and exemption applications, mail receipts, petitions, and other types of correspondence received electronically from registrants will be retained electronically in EPA's data repository system for a period of time according to the National Archives and Records Administration (NARA) records management and then transferred for long term electronic storage.

Procedures for evaluating fee waiver and exemption requests will not change. Information and material submitted to justify a small business waiver are screened for completeness by the Information Services Branch in RD before being shared with a fee waiver workgroup which evaluates the material and makes a determination on the fee waiver request. IR-4 and state/federal exemption requests are forward to the receiving division for consideration. Economic data to support minor use waiver requests are sent to OPP's Biological and Economic Analysis Division (BEAD) for analysis. The Agency will keep applicants informed of the status of the waiver application throughout the process by telephone and by mail.

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.

For pesticide product registration, the specific information required under this ICR (i.e., the number of registrations that a given registrant wishes to maintain and, thus, the fee amount that will be remitted to EPA) does not exist in databases at EPA or any other agency. To determine the amount of maintenance fees accurately, the Agency and the registrant must have a joint understanding concerning the number of products currently registered. Prior to implementing the current process, the Agency considered an alternative approach which was to simply notify registrants that fees were due for each of their products according to a fee schedule. Under this alternative, the registrant would submit payment according to their best information concerning the number of registrations that they wanted to support. However, if a registrant submitted payment that did not correspond to the fee schedule, the Agency would be in a position of either unilaterally determining which registrations to cancel or contacting each registrant to determine that registrant's intentions. This option was considered to be inefficient, and not in the best interest of the Agency or the registrants.

For pesticide registration fee waivers and exemptions, no other federal agency or EPA program is collecting fees for the processing of applications for pesticide registration or information for

the waiver or exemption of such fees. As such, this information collection activity does not duplicate any other collection of information by the federal government.

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

The Agency's filing form for the submission of maintenance fees requires the minimum amount of information needed to provide adequate communication between pesticide product registrants and the Agency. The needs of small businesses were of primary concern in designing the filing form. The respondents are asked to provide only readily available information. To qualify business must: 1) provide the necessary data to demonstrate that the entity qualifies as a small business, 2) identify products that firms wish to continue to support. In 2012 the fee structure was changed to provide a 25% discount on the first product supported. Therefore, qualified small businesses with five or fewer products receive a benefit from the discount.

Small businesses may also request a waiver or exemption form of the registration service fee. A waiver applicant must demonstrate that it meets the criteria as outlined in PRIA. The information that needs to be compiled in order to make this determination is information that companies routinely collect and maintain in the normal course of business.

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.

Annual payment of maintenance fees for all pesticide products is mandated by FIFRA. Thus, there can be no option other than to require a minimum submission of the filing form once a year. Less frequent information collection in this area would violate the statute.

For the payment of PRIA registration application fees, there is no set collection schedule, per se. Rather, the registration service fee is collected each time a registrant submits a registration application. The applicant must either pay a fee or request and be granted a waiver or exemption for each registration application submitted. Therefore, the frequency of collection depends entirely on the frequency with which applicants submit registration applications. EPA cannot grant a waiver or exemption when one has not been requested and documented. Therefore, less frequent collection is not an option.

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

- a) requiring respondents to report information to the agency more often than quarterly;
- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

- c) requiring respondents to submit more than an original and two copies of any document;
- d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- e) 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;
- f) requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g) 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
- h) 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.

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

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.

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.

Pursuant to 5 CFR 1320.8(d), EPA published a notice in the Federal Register on April 29, 2024 (89 FR 33344; FRL-11671-01-OCSP), 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 consulted with the following stakeholders:

- Syngenta,
- Synergy Labs,
- Pyxis Regulatory Consulting, and
- Bengal Products

There were no comments received from stakeholders nor the public, but a copy of the consultation is provided in **Attachment C**.

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. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Product registration maintenance fee information submitted by pesticide registrants under this ICR is considered by OPP to contain no confidential business information (CBI). If, however, registrants submit data that contains CBI or relates to trade secrets or commercial or financial information, such information is protected from disclosure under section 10 of FIFRA.

The information requested to document fee waiver or exemption requests may contain CBI. However, data and/or information submitted to the Agency in conjunction with service fee waiver or exemption requests may be claimed as trade secret or commercial or financial information and will be protected from disclosure under FIFRA section 10 and the associated regulation as contained in 40 CFR Part 2, Subpart B. Information claimed as CBI is protected from public disclosure unless the Administrator determines that disclosure is in the public interest. OPP routinely handles CBI data, and personnel are familiar with security procedures in accordance with provisions of the [FIFRA Confidential Business Security Manual](#) to ensure confidentiality. If any information is submitted that applicants claim as confidential, the Agency will employ the established procedures for handling such material.

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 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) 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.
- b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.
- c) 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 North American Industrial Classification System (NAICS) codes assigned to the parties responding to this information collection are as follows:

<u>NAICS Code</u>	<u>Category</u>	<u>Description</u>
3250A1	Pesticide and other agricultural chemical manufacturing	Individuals or entities engaged in activities related to the registration of a pesticide product
32518	Other Basic Inorganic Chemical Manufacturing	Manufacturers of inorganic chemicals used as inert ingredients in pesticide products

32519	Other Basic Organic Chemical Manufacturing	Manufacturers of organic chemicals used as inert ingredients in pesticide products.
9641	Regulation of Agricultural Marketing and Commodities	Includes government establishments responsible for agricultural pest and weed regulation.

Annually, the Agency provides registrants with a list of their products currently registered with the Agency. Registrants are provided the opportunity to review the list, determine its accuracy, and remit payment of the maintenance fee. The list of products has space identified for marking those products to be supported and those products that are to be canceled. The registrants are also instructed to identify any products on the list which they believe are transferred to another company, and to add to the list any products which the company believes are registered that are not on the Agency-provided list. Respondents complete and submit EPA Form 8570-30 (**Attachment A**) indicating the respondent's liability for the registration maintenance fee. Each affected firm is required to complete the filing form and submit their fee payment by January 15 of each year. The failure to pay the required fee for a product will result in cancellation of that product's registration.

Pesticide Product Registration Maintenance Fees

Data Item A Registrant Identification	Registrant Name and Address are required to be filled in. The registrant must complete this section.
Data Item B EPA Company Numbers	If a firm has been assigned more than one company number, the firm may combine its fee payments under a single number by writing in all of the company numbers for which the firm is paying.
Data Item C Maintenance Fee Calculation	The respondent must fill in the number of registrations for which he is paying the fee, number of registrations which he believes to be transferred, number of registrations to be canceled, number of registrations which he believes to be in error, total fee amount due, and pay.gov tracking number.
Data Item D Authorized Company Representative or Agent	The respondent must print the name and title of the company representative or agent. The respondent must sign and date the form and provide the telephone number of the respondent.
Data Item E Qualified Small Business Discount	A small business seeking the small business cap and/or a 25% discount on their first product's maintenance fee must submit the necessary information to substantiate their claim.

Pesticide Registration Service Fee Waivers

A registration applicant who seeks a small business waiver must submit a waiver request with appropriate documentation demonstrating that they meet the criteria established in PRIA, i.e., that the company has fewer than 500 employees and has no more than \$10 million (75% small business waiver) or \$60 million (50% small business waiver) in annual global gross revenue from pesticides, averaged over the most recent three maintenance fee billing cycles, including any such revenue from affiliates. For this purpose, the applicant may be required to submit documentation regarding numbers of employees and, on behalf of itself and its affiliates, gross revenue figures, and information on revenue from pesticides over a three-year period.

A registration applicant who seeks a minor use waiver or exemption must provide supporting documentation that anticipated revenues from the uses that are the subject of the application would be insufficient to justify imposition of the full registration fee.

A registration applicant seeking an IR-4 exemption must merely request the exemption on EPA Form 8570-1 (Application for Pesticide Registration, approved under OMB Control No. 2070-0226) or in their application cover letter. The Agency will, in turn, determine whether the application is solely associated with a tolerance petition submitted by IR-4 and that the exemption is in the public interest.

A registration applicant seeking a federal or state exemption must request the exemption on EPA Form 8570-1 (Application for Pesticide Registration, approved under OMB Control No. 2070-0226), as well as submit the request in a letter on the federal or state agency's official stationery and signed by an official of the agency. The Agency will, in turn, determine whether the application meets the criteria to be granted the federal or state exemption.

Although there is no record keeping requirement, PRIA provides that an application shall be subject to a registration service fee if, at any time, EPA determines that (i) the documentation supporting the waiver request is not accurate or (ii) based on the documentation or any other information, the waiver or reduction should not have been granted. Therefore, it is anticipated that applicants will retain copies of their submissions as well as documents demonstrating that the applicant is eligible for the waiver or reduction.

Currently no EPA forms are associated with this information collection activity. The Agency will accept information that is submitted in any format that meets the requirements of the statute.

Pesticide Product Registration Maintenance Fees

Activities in which a registrant must engage in order to comply with this collection include the following:

Read instructions	Read accompanying instructions to understand how to fill out form, annotate list of registrations, and calculate fee due.
Plan Activities	Plan the activities necessary to respond to the billing.
Review Information	Review the attached listing of registrations and compare to the firm's records.
Complete Paperwork	Annotate attached listing of registrations to indicate which products the respondent is paying, and which products are to be canceled or transferred.
Document small business claim	Provide required information to substantiate small business cap and/or 25% first product fee reduction claim
File Information	Maintain a copy of the form in company files. Although this is not required, the Agency assumes that most companies will retain this information as a common business practice.

The respondent prints the Maintenance Fee Filing Form and their company's product listing from the [Annual Pesticide Registration Maintenance Fee webpage](#). After completing the filing form, annotating their decisions on their product listing, the firm includes these forms along with the payment receipt from pay.gov/FedWire or Credit Gateway and returns a copy together by emailing the package to maintfee@epa.gov group email mailbox. Information contained on the forms returned to OPP is used to check and ensure that the proper amount of fees have been submitted by each registrant. In the past there has been a need for follow-up with some registrants when the information provided indicates that there has been a misunderstanding of the requirements. For the most part these have been handled by email. There is an email address provided which registrants may use to ask questions and resolve problems regarding their maintenance fee payments. The information provided also serves as an update for pesticide product information files. Updates of the Agency's files are an ongoing process.

Pesticide Registration Service Fee Waivers

Guidance on the content and submission of fee waiver requests is available on EPA's website at <https://www.epa.gov/pria-fees/pria-fee-waivers-small-businesses>. Guidance on IR-4 exemptions and federal and state agency exemptions are found at <https://www.epa.gov/pria-fees/guidance-ir-4-exemptions> and <https://www.epa.gov/pria-fees/exemptions-federal-and-state-governments-under-pria>, respectively. If a registration applicant wishes to request a fee waiver or exemption, at a minimum, it must undertake the following activities:

- Generate and submit the necessary materials to support the request, and
- Indicate that a waiver or exemption is requested and that the appropriate documentation supporting the request is enclosed or has been otherwise submitted to the Agency.

ESTIMATING THE BURDEN AND COST OF THE COLLECTION

Estimating Respondent Burden

Pesticide Product Registration Maintenance Fees

Experience has shown that the average burden per respondent has remained at approximately 1 hour. The agency believes that the number of actual burden hours has remained steady due to the fact that registrants now have 35 years of experience. In 2024 there were 1,892 firms with registrations. A summary of firms and their number of registrations is provided below.

Table 1. Number of Registrations Held by Registrants (Summary)

Number of Products	Number of Registrants	Registrants Cumulative Total	Cumulative %
1 – 5	1,461	1,461	77%
6 – 10	164	1,625	86%
11 – 20	101	1,726	91%
21 – 50	80	1,806	95%
51 - 100	49	1,855	98%
> 100	37	1,892	100%

The average time required to complete the maintenance fee filing form depends upon the number of registrations held by the registrant. Below is the breakdown of the burden associated with the maintenance fee filing based on registrant-supplied information.

Table 2. Respondent Burden, by Number of Registrations Held

Number of Products	Average Hours	Number of Registrants	Total Hours
1 – 5	1.0	1,461	1,461
6 – 10	1.0	164	164

11 – 20	1.0	101	101
21 – 50	2.0	80	160
51 – 100	3.0	49	147
> 100	5.0	37	185
Totals		1,892	2,218

PAPERWORK BURDEN: 2,218 (total hours) / 1,892 (number of respondents) = 1.19 hours per response (rounded to two decimals).

Pesticide Registration Service Fee Waivers

In calculating the potential respondent burden, the Agency estimated between 375 and 400 responses per year for requesting fee waivers or reductions or exemptions, based on the numbers of fee waiver or exemption applications submitted in FY2023.

As described above, the Agency has the authority to collect pesticide registration service fees and under certain situations allow waivers of specific fees. For example, under the PRIA waiver provisions, as amended. IR-4 waiver requests are not accounted for in this burden estimation. To be eligible for the IR-4 exemption under PRIA 5, the application must be solely associated with a tolerance petition submitted by the IR-4 program and the exemption must be in the public interest. To facilitate this request, the applicant may simply include the statement "This application is being submitted with a tolerance petition submitted in connection with IR-4. I request EPA to exempt the registration service fee for this application under the IR-4 waiver provisions of FIFRA Section 33(b)(7)(E)" on Form 8570-1 (Application for Pesticide Registration). Burden hours associated with completing this form are already covered by the ICR entitled "Application for New or Amended Registration" approved under OMB Control Number 2070-0060. EPA is not requiring registrants to submit additional information. The Agency will determine whether the application is solely associated with a tolerance petition submitted by IR-4 and whether the exemption is in the public interest.

Minor use waiver or exemption requests are not considered in estimating respondent burden because since March 23, 2004, only thirteen requests have been received out of several thousand applications.

There are three types of small business waiver applications. The first type, Type A, is a first-time applicant requesting fee waiver or reduction. The second type, Type B, is an application requesting another fee waiver or reduction within the same maintenance fee billing cycle. The third type, Type C, is from an applicant who has applied for a fee waiver in a prior maintenance fee billing cycle but not in the current cycle. EPA assumes that the respondent burden and cost

for the Type B application is the lowest because Type B applicants will only need to certify that there have been no changes to the information previously submitted or, in the alternative, only provide documentation with respect to those elements that have changed. Type C applications, on the other hand, will need to submit all the documentation supporting the waiver request, providing updated financial and employee information. EPA assumes, however, that the cost and burden on most Type C applicants will be less than first time applicants because applicants will already be familiar with the waiver requirements and, in many cases, should have a portion of the supporting financial and business affiliation documentation is readily available. The cost and burden on the Type A applicants will be the same as those for the first-year applicants. Type A applicants have the most burden because EPA assumes that every new applicant seeking a waiver of the registration service fee will want to familiarize him/herself with the criteria from the outset. Thus, this burden is considered a one-time burden that will occur the first time the applicant submits a registration application under the PRIA.

Based on the number of waiver requests EPA actually received during FY 2023, EPA estimates that less than 1,700 requests for registration actions will be received per year, of which 360 will request fee waivers, reductions or exemptions. Of the 360 responses EPA estimates that 10% (36 out of 360) will be the first-time applicants (Type A), 60% (216 out of 360) will be the Type B applications, and 30% (108 out of 360) will be Type C applications each year. The burden per response, number of responses, and total burden for each of the three response types are presented in Tables 4, 5, 6, and 10.

Labor Costs

OPP uses labor cost estimates from the BLS (Bureau of Labor Statistics) with respect to wages, benefits and overhead for all labor categories for affected industries, state government, and EPA employees. This approach provides a transparent and consistent methodology using current publicly available data to provide more accurate estimates and allow easy replication of the estimates.

Methodology: The methodology uses data on each sector and labor type for an *Unloaded wage rate* (hourly wage rate) and calculates the *Loaded wage rate* (unloaded wage rate + benefits), and the *Fully loaded wage rate* (loaded wage rate + overhead). Fully loaded wage rates are used to calculate the paperwork cost.

Unloaded Wage Rate: Wages are estimated for labor types (management, technical, and clerical) within applicable sectors. The Agency uses average wage data for the relevant sectors available in the National Industry-Specific Occupational Employment and Wage Estimates from the Bureau of Labor Statistics (BLS) at <http://www.bls.gov/oes/current/oesrci.htm>

Sectors: The specific NAICS code and website for each sector is included in that sector's wage rate table. Within each sector, the wage data are provided by Standard Occupational

Classification (SOC). The SOC system is used by Federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data (see http://www.bls.gov/oes/current/oes_stru.htm).

Loaded Wage Rate: Unless stated otherwise, all benefits represent 45.2% of unloaded wage rates, based on benefits for all civilian non-farm workers, from <http://www.bls.gov/news.release/ecec.t01.htm>. However, if other sectors are listed for which 45.8% is not applicable; the applicable percentage will be stated.

Fully Loaded Wage Rate: We multiply the loaded wage rate by 50% (EPA guidelines 20-70%) to calculate overhead costs.

To derive the labor rates for this ICR, Agency economists estimated the wages for the management, technical, and clerical labor categories using the methodology cited above. The respondent costs for this ICR submission for managerial, technical, and clerical rates are estimated at \$154, \$83, and \$58 per hour, respectively. These labor rates are fully loaded and include benefits and overhead costs.

EPA expects that approximately 1% of applicants may also incur minor expenses if they choose to submit any paperwork or payments via the postal service (not electronically). These would include but not be limited to the costs of producing photocopies and postage costs. These costs will henceforth be referred to as non-labor costs. EPA estimates that these costs will average about \$10 per applicant and has factored these costs into the estimated total cost figures. Annual respondent burden and costs could vary with such factors as business structure of waiver applicants and types of information submitted. Therefore, the actual respondent burden and costs to a respondent could be higher or lower than the estimated respondent burden and costs reflected in tables 4, 5, and 6. These minor expenses only reflect from 1% of applicants since the remaining 99% submitted payments electronically.

Pesticide Product Registration Maintenance Fees

The upper part of Table 3 describes the average burden and costs for completing one maintenance fee filing form. The average total hourly burden was derived from Table 2 and the allocation of the hours between collection activities and types of labor was derived from consultation with a selected group of respondents. The lower part of the table shows the estimates of the total annual burden and costs for all respondents.

Table 3. Average Respondent Paperwork Burden and Costs (Pesticide Product Registration Maintenance Fees)

Collection Activities	Burden (Hours)			Total	
	Mgmt	Technical	Clerical	Hours	Costs
	\$153.70	\$83.24	\$57.83		
	per hour	per hour	per hour		
Read instructions	0	0.31	0	0.31	\$25.73
Plan activities	0.246	0	0	0.25	\$37.68
Review information	0.246	0	0	0.25	\$37.68
Complete Paperwork	0	0.25	0	0.25	\$20.40
File Information	0	0	0.13	0.13	\$7.40
Total	0.492	0.551	0.129	1.172	\$129.00
Annual Costs	Hours per response	x Responses per year	= Hours per year	x Wage per hour	= Costs per year
Mgmt:	0.492	1,892	931.56	\$153.70	\$143,183
Technical:	0.551	1,892	1,042	\$83.24	\$86,776
Clerical:	0.129	1,892	244	\$57.83	\$14,110
Total	1.172	1,892	2,218		\$244,070

Unloaded wage data sources: Bureau of Labor Statistics (https://www.bls.gov/oes/current/naics4_3250A1.htm). NAICS 3250A1 - Chemical Manufacturing (3251, 3252, 3253, and 3259 only). Standard Occupational Codes (SOC): 11-0000 for management occupations, 19-0000 for technical occupations, and 43-0000 for office and administrative support occupations.

Pesticide Registration Fee Waivers

The upper part of Tables 4, 5, and 6 describes the average burden and costs for completing one registration fee waiver filing form. Based on the number of waiver requests EPA received during FY2023, 360 are expected to request fee waivers or reductions. Of the 360 responses, EPA estimates that 10% (36 out of 360) will be the first-time applicants (Type A), 60% (216 out of 360) will be the Type B applications, and 30% (108 out of 360) will be Type C applications each year. The average total hourly burden was derived from this assumption and the allocation of the hours between collection activities and types of labor was derived from consultation with a selected group of respondents. The lower part of the tables shows the estimates of the total annual burden and costs for all respondents.

Table 4. Annual Respondent Burden and Cost Estimates (Type A)

Collection Activities Type A	Burden (Hours)			Total	
	Mgmt	Technical	Clerical	Hours	Costs
	\$153.7	\$83.24	\$57.83		
	per hour	per hour	per hour		
Read regulation and plan activities	7	0	0	7	\$1,076
Generate materials for waiver request for submission to EPA	0	24	0	24	\$1,998
Store/maintain/submit and produce information	0	0	6	6	\$347
Total	7	24	6	37	\$3,421
Annual Costs	Hours per response	x Responses per year	= Hours per year	x Wage per hour	= Costs per year
Management:	7	36	252	\$153.70	\$38,733
Technical:	24	36	864	\$83.24	\$71,921

Clerical:	6	36	216	\$57.83	\$12,492
Total	37	36	1,332		\$123,146
Unloaded wage data sources: Bureau of Labor Statistics (https://www.bls.gov/oes/current/naics4_3250A1.htm). NAICS 3250A1 - Chemical Manufacturing (3251, 3252, 3253, and 3259 only). Standard Occupational Codes (SOC): 11-0000 for management occupations, 19-0000 for technical occupations, and 43-0000 for office and administrative support occupations.					

NON-PAPERWORK COSTS:

\$10.00 (postage and paper copies) X 0.36 responses = \$3.60

TOTAL ANNUAL RESPONDENT COST (TYPE A):

\$123,146 (labor) + \$3.60 (non-paperwork) = \$123,149.60

Table 5. Annual Respondent Burden and Cost Estimates (Type B)

Collection Activities Type B	Burden (Hours)			Total	
	Mgmt	Technical	Clerical	Hours	Costs
	\$153.70	\$83.24	\$57.83		
	per hour	per hour	per hour		
Read regulation and plan activities	2	0	0	2	\$307
Generate materials for waiver request for submission to EPA	0	4	0	4	\$333
Store/maintain/submit and produce information	0	0	6	6	\$347
Total	2	4	6	12	\$987
Annual Costs	Hours per response	x Responses per year	= Hours per year	x Wage per hour	= Costs per year
Management:	2	216	432	\$153.70	\$66,400
Technical:	4	216	864	\$83.24	\$71,921
Clerical:	6	216	1,296	\$57.83	\$74,950
Total	12	216	2,592		\$213,271

Unloaded wage data sources: Bureau of Labor Statistics (https://www.bls.gov/oes/current/naics4_3250A1.htm). NAICS 3250A1 - Chemical Manufacturing (3251, 3252, 3253, and 3259 only). Standard Occupational Codes (SOC): 11-0000 for management occupations, 19-0000 for technical occupations, and 43-0000 for office and administrative support occupations.

NON-PAPERWORK COSTS:

\$10.00 (postage and paper copies) X 2.16 responses = \$21.60

TOTAL ANNUAL RESPONDENT COST (TYPE B):

\$213,271 (labor) + \$21.60 (non-paperwork) = \$213,292.60

Table 6. Annual Respondent Burden and Cost Estimates (Type C)

Collection Activities Type C	Burden (Hours)			Total	
	Mgmt	Technical	Clerical	Hours	Costs
	\$153.70	\$83.24	\$57.83		
	per hour	per hour	per hour		
Read regulation and plan activities	2	0	0	2	\$307
Generate materials for waiver request for submission to EPA	0	19	0	19	\$1,582
Store/maintain/submit and produce information	0	0	6	6	\$347
Total	2	19	6	27	\$2,236
Annual Costs	Hours per response	x Responses per year	= Hours per year	x Wage per hour	= Costs per year
Management:	2	108	216	\$153.70	\$33,200
Technical:	19	108	2,052	\$83.24	\$170,813
Clerical:	6	108	648	\$57.83	\$37,475
Total	27	108	2,916		\$241,487

Unloaded wage data sources: Bureau of Labor Statistics (https://www.bls.gov/oes/current/naics4_3250A1.htm). NAICS 3250A1 - Chemical Manufacturing (3251, 3252, 3253, and 3259 only). Standard Occupational Codes (SOC): 11-0000 for management occupations, 19-0000 for technical occupations, and 43-0000 for office and administrative support occupations.

NON-PAPERWORK COSTS:

\$10.00 (postage and paper copies) X 1.08 responses = \$10.80

TOTAL ANNUAL RESPONDENT COST (TYPE C):

\$241,487(labor) + \$10.80 (non-paperwork) = \$241,497.80

In total, the total respondent burden for all pesticide registration fees program (i.e. this ICR), as shown in Table 7, is approximately 9,058 hours and \$822,010.

Table 7. Combined Respondent Burden for the Pesticide Registration Fees Program

PROGRAMS	TOTAL ESTIMATES		
	Burden Hours	Labor Costs	Total Costs
Pesticide Product Registration Maintenance Fee	2,218	\$244,070	\$244,070
Pesticide Registration Fee Waivers	6,840	\$577,904	\$577,940
Total	9,058	\$821,974	\$822,010

Sources: Tables 3 through 6. *Numbers are rounded*

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

- a) 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.
- b) 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.

- c) 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.

There are no operational and/or maintenance costs.

14. Provide estimates of annualized cost 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.

Agency labor rates are estimated for the relevant technical and clerical staff based on the National Industry-Specific Occupational Employment and Wage Estimates from the Bureau of Labor Statistics (BLS) using the methodology described in question 12 above. Management, technical and clerical rates are estimated at \$144, \$97, and \$53 per hour, respectively (Table 9). Labor rates are fully loaded and include benefits and overhead costs.

Pesticide Product Registration Maintenance Fees

The cost to the Federal Government for the activities covered by this ICR is estimated to be \$161,895. This estimate has two components. The first is the annual costs of generating listings and website content as well as pre-loading tracking data. The Agency estimates that these activities cost \$1,828 (see Table 8, rows 2 and 3). The second component is the per submission costs totaling \$160,067 (see Table 8, rows 4 through 9). The Agency expends no management time in processing maintenance fee submissions.

Table 8. Agency Burden per Filing Form and Total Cost (Pesticide Product Registration Maintenance Fees)

Collection Activities	Burden (Hours)		Total per Activity		Annual Number of Actions	Total all Activities	
	Technical	Clerical	Burden Hours	Cost		Burden Hours	Cost
	\$95.65	\$53.09					
	per hour	per hour					

Generate Listings/Web Content/Mass E-Mailing	8	16	24	\$1,615	1	24	\$1,479
Pre-load Tracking Data	4		4	\$383	1	4	\$349
Receive/ Review Submissions		0.5	0.5	\$27	1,892	946	\$50,218
Enter Data into Tracking Sys.		0.2	0.2	\$11	1892	378.4	\$20,087
Reconcile Discrepancies	0.5		0.5	\$48	200	100	\$9,565
Respond to Questions	0.5		0.5	\$48	500	250	\$23,913
Verify Payment	0.2		0.2	\$19	1,892	378.4	\$36,195
File Documents		0.2	0.2	\$11	1,892	378.4	\$20,087
Total	NA	NA	NA	NA	NA	2,459.20	\$161,895
Unloaded wage data sources: Bureau of Labor Statistics (http://www.bls.gov/oes/current/naics4_999100.htm). NAICS 999100 – Federal Executive Branch. Standard Occupational Codes (SOC): 11-0000 for management occupations, 19-0000 for technical occupations, and 43-0000 for clerical occupations.							

Pesticide Registration Fee Waivers

The Agency's burden associated with pesticide registration fee waivers consists of reviewing, evaluating, and notifying applicants of the Agency's decision to grant or deny fee waiver requests; entering data into tracking systems; verifying fee payment; and storing/maintaining this information. Based on the number of waiver requests EPA received during FY2019, 360 are expected to request fee waivers or reductions. Table 9 describes EPA's burden for performing these activities.

Table 9. Annual Agency Burden & Cost Estimates (Pesticide Registration Fee Waivers)

Collection Activities	Burden (Hours)			Total	
	Mgmt	Technical	Clerical	Hours	Costs
	\$144.19	\$95.65	\$53.08		
	per hour	per hour	per hour		
Review submitted waiver request and notify requestor of decision	1	20	2	23	\$2,163
Enter data into tracking systems	0	0	0.5	0.5	\$27
Verify payment	0	0	0.5	0.5	\$27
Store/maintain/submit information	0	0	1	1	\$53
Total	1	20	4	25	\$2,270
Annual Costs	Hours per response	x Responses per year	= Hours per year	x Wage per hour	= Costs per year
Management:	1	360	360	\$144.19	\$51,907
Technical:	20	360	7,200	\$95.65	\$688,703
Clerical:	4	360	1,440	\$53.09	\$76,442
Total	25	360	9,000		\$817,053
Unloaded wage data sources: Bureau of Labor Statistics (http://www.bls.gov/oes/current/naics4_999100.htm). NAICS 999100 – Federal Executive Branch. Standard Occupational Codes (SOC): 11-0000 for management occupations, 19-0000 for technical occupations, and 43-0000 for clerical occupations.					

The total Agency burden for the same registration fees program is 11,459 hours and \$978,948 as shown in Table 10.

Table 10. Combined Agency Burden for the Pesticide Registration Fees Program

PROGRAMS	TOTAL ESTIMATES	
	Burden Hours	Total Costs
Pesticide Product Registration Maintenance Fee	2,459	\$161,895
Pesticide Registration Fee Waivers	9,000	\$817,053
Total	11,459	\$978,948

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

There is an increase of 518 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This is a result of an increase in the number of respondents involved by 369. There is an increase in costs for the regulated community by \$134,709. The increase in respondent costs are based on updated BLS wage rates. There is also an increase in Agency costs of \$888,478 because the Agency costs currently approved by OMB not did not incorporate Maintenance Waiver Fees of \$817,053, and there is an increase in Agency costs due to updated BLS wage rates. These changes are adjustments.

16. For collections whose results will be published, outline the 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.

The payment of maintenance fees for all pesticide products is mandated in FIFRA to occur annually. Thus, there can be no option other than to require a minimum submission of the filing form once a year. Less frequent information collection in this area would violate the statute.

The registration service fee is collected each time a registrant submits a registration application. The applicant must either pay a fee or request and be granted a waiver or exemption for each registration application submitted if the application is within the scope of one of the 2012 fee categories.

The Agency does not intend to publish results of this information collection.

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.

Not applicable.

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

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

SUPPLEMENTAL INFORMATION

PRA Burden Statement

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0179). Responses to this collection of information are mandatory for certain persons, as specified at 40 CFR Part 152. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be **1.17 hour per response**. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Information Engagement Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

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-2024-0054, 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.

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.

LIST OF ATTACHMENTS AND REFERENCES

The attachments listed below can also be found in the docket for this ICR. The docket for this ICR is accessible electronically through <https://www.regulations.gov> using Docket ID Number: EPA-HQ-OPP-2024-0054.

Attachment	Description
A	EPA Form 8570-30 - Pesticide Registration Maintenance Fee Filing Form
B	Instructions to Registrants for filing 2024 Pesticide Registration Maintenance Fees
C	Consultation

Reference

[Federal Insecticide, Fungicide, and Rodenticide Act \(FIFRA\) Section 4\(i\)\(5\)](#)

[Guidance on IR-4 Exemptions](#)

[Guidance on How to Request Small Business Fee Waivers](#)

[Pesticide Registration Improvement Extension Act \(PRIA 5\) fees](#)