

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

1. IDENTIFICATION OF THE INFORMATION COLLECTION

(a) TITLE: Application and Summary Report for An Emergency Exemption for Pesticides

OMB NO.: 2070-0032

EPA NO.: 0596.08

(b) Abstract

This Information Collection Request (ICR) is a renewal of an existing ICR that is currently approved by OMB and is due to expire September 30, 2001. Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes the Environmental Protection Agency (EPA) to allow States and Federal Agencies to use a pesticide for an unregistered use for a limited time if EPA determines that emergency conditions exist. This data collection program is designed to provide EPA with necessary data to evaluate an application for a permit for the temporary shipment and use of a pesticide product for an unregistered use to mitigate an emergency situation, and to evaluate the effectiveness of that product in allaying the emergency.

Most requests for emergency exemptions are made by state lead agricultural agencies, although Agencies such as the United States Departments of Agriculture (USDA), Defense (DOD) and Interior (USDI) also request exemptions. This process is generally initiated when growers in particular regions identify a problem situation which registered pesticides will not alleviate. The growers contact their state lead agency (usually the state department of agriculture) and request that the agency apply to EPA for a Section 18 emergency exemption for a particular use. Requests are most often made for pesticides that have other food uses registered. The state agency evaluates the requests and submits requests to EPA for emergency exemptions they believe are warranted. The uses are requested for a limited period of time to address the emergency situation only.

Requests for Section 18 emergency exemptions, i.e., the submission of applications, are at the discretion of a state, U.S. territory, or federal agency. Should one of these entities apply for the emergency, then the information and data identified under Section 3 of this supporting statement are requested by EPA. If the emergency appears valid and the risks are acceptable, EPA typically approves the emergency exemption request. EPA will deny an exemption request if the pesticide use may cause unreasonable adverse effects to health or the environment, or if emergency criteria are not met. As a matter of course, a state may withdraw an exemption request at any point in the process. If a need is immediate, a state agency may issue a crisis exemption which allows the unregistered use for 15 days. The state notifies EPA of this action prior to issuing the crisis, and EPA performs a cursory review of the use to ensure there are no

concerns. If concerns are noted, EPA confers with the state, and under extreme cases may not allow a crisis to be declared. If the state follows up the crisis with, or has already submitted, an emergency exemption request, the use may continue under the crisis until EPA has made a decision on the request. If the state does not also submit an emergency exemption request, EPA must still establish the appropriate tolerance(s) required by FQPA for the crisis use.

There are no forms associated with either the application for, or summary reports on, an emergency exemption.

## 2. NEED FOR AND USE OF THE COLLECTION

### (a) Need/Authority for the Collection

EPA is the principal federal agency charged with the regulation of pesticides. This regulation is conducted under FIFRA, which requires all uses of pesticide products to be registered with EPA prior to marketing. Due to unpredictable circumstances such as climatic conditions, development of resistance, or importation of pests, situations arise that call for the immediate use of an unregistered pesticide for which there is insufficient time to obtain registration.

The Food Quality Protection Act of 1996 (FQPA) requires that EPA establish tolerances to cover all pesticide residues in food, including those resulting from Section 18 emergency uses. Tolerances established for emergency exemptions are time-limited to correspond to the use season or multiple use seasons. In establishing tolerances, EPA must make the finding that there is "reasonable certainty that no harm" will result to human health from aggregate and cumulative exposure to the pesticide, as required by the new FQPA health-based standard. Establishment of these tolerances, with their expiration dates, is published in the Federal Register.

Section 18 of FIFRA states in part that, "The Administrator may, at [his/her] discretion, exempt any federal or state agency from any provision of this Act if [s]he determines that emergency conditions exist that require such exemption" (see attachment A) Under this provision, EPA may temporarily authorize federal or state agencies to ship and use pesticide products under emergency conditions. Detailed regulations regarding the procedures for emergency exemptions are contained in Title 40 Code of Federal Regulations (CFR) Part 166 (see attachment B). Attachment E provides a specific section-by-section listing of each of the requirements under 40 CFR 166 that are related to this ICR.

### (b) Use/Users of the Information

EPA uses the information collected to carry out its statutory responsibilities under FIFRA. The Agency uses the submitted information to appraise the validity of the emergency situation and proposed measures to combat the pest(s). The summary report is essential to weighing the effectiveness and risks of the treatment program as well as any possible adverse effects associated with the treatment program.

3. THE RESPONDENTS AND THE INFORMATION REQUESTED

(a) Respondents/SIC and NAICS Codes

Respondents affected by the collection activities under this ICR are federal and state government agencies which regulate pesticides or pesticide products. The three-digit Standard Industrial Classification (SIC) and five-digit North American Industrial Classification System (NAICS) codes assigned to the states and federal government agencies responding to this information are as follows:

<b>NAICS Code</b>	<b>SIC Code</b>	<b>Examples of Potentially Affected Entities</b>
<b>92614</b> Regulation of agricultural marketing and commodities	<b>9641</b> Regulation of agricultural marketing and commodities	Federal and state pesticide regulatory agencies

(b) Information Requested

To apply for an exemption, an application must be submitted in writing by the head of a federal or state agency, the Governor of the state involved, or their official designee. If a designee has been delegated authority to request exemptions, written authorization of such delegation must accompany the request or be on file with the EPA. In addition, the application must contain the following information:

<b>Information Required for Submission of Emergency Exemption Request Under FIFRA Section 18</b>	
<b>Type of exemption requested</b>	Specific, public health, quarantine, or crisis.
<b>Identity of contact person(s)</b>	Name and telephone number of one or more qualified experts who may be contacted if questions arise concerning the application.
<b>Description of the pesticide</b>	<p>Description of pesticide(s) proposed for the use under the exemption.</p> <p>For a federally registered pesticide:</p> <ul style="list-style-type: none"> <li>• registration number and name of pesticide product (if a specific product is requested), or formulation(s) requested if a specific product is not desired, and</li> <li>• copy of any additional labeling proposed for the emergency exemption.</li> </ul> <p>For an unregistered pesticide product, copy of:</p> <ul style="list-style-type: none"> <li>• Confidential Statement of Formula (or reference to one already submitted to the Agency), and</li> <li>• Complete labeling to be used in connection with proposed use.</li> </ul>
<b>Description of the proposed use</b>	<p>Application must identify all of the following:</p> <ul style="list-style-type: none"> <li>• sites to be treated, including locations within the state,</li> <li>• method of application,</li> <li>• rate of application of active ingredient and product,</li> <li>• total acreage or other appropriate unit proposed to be treated,</li> <li>• total amount of pesticide proposed to be used (active ingredient and product), and</li> <li>• all applicable restrictions and requirements concerning proposed use and qualifications of applicators using the pesticide.</li> </ul>

<p><b>Alternative methods of control</b></p>	<p>Detailed explanation of why the pesticide(s) currently registered for the particular use proposed in the application is not available in adequate supplies and/or effective to the degree needed to control the emergency. If the applicant states that an available registered pesticide is ineffective for the given situation, statement must be supported by field data that demonstrate this, or if such data are unavailable, statements by qualified agricultural experts, extension personnel, university personnel or other persons similarly qualified in the field of pest control. In addition, a detailed explanation must be provided of why alternative practices, if available, either would not provide adequate control or would not be economically or environmentally feasible.</p>
<p><b>Effectiveness of proposed use</b></p>	<p>Application must contain data, discussion of field trials, and other evidence that provide the basis for the conclusion that the proposed pesticide treatment will be effective in dealing with the emergency.</p>
<p><b>Discussion of residues for food uses</b></p>	<p>If proposed use is expected to result in residues of the pesticide in or on food or feed, application must list the food likely to contain such residues and must contain an estimate of the maximum amount of the residue likely to result from the proposed use, together with the information on which such estimates are based.</p>
<p><b>Discussion of risk information</b></p>	<p>Potential risks to human health, endangered species, beneficial organisms, and the environment expected to result from the proposed use, together with references to data and other supporting information.</p>
<p><b>Coordination with other affected state or federal agencies.</b></p>	<p>If the proposed use of to pesticide is likely to be of concern to other federal or state agencies, application must indicate that such agencies have been contacted prior to submission of the application, and any comments received from such agencies must be submitted to EPA.</p>
<p><b>Notification of registrant or basic manufacturer.</b></p>	<p>Statement that the registrants of all pesticide products proposed for use or, if appropriate, the basic manufacturer, have been notified that a request has been made of EPA for the use of the pesticide under a specific, quarantine, or public health exemption.</p>
<p><b>Description of proposed enforcement program.</b></p>	<p>Explanation of the authority of the applicant or related state or federal agency for ensuring that use of the pesticide under the proposed exemption would comply with any special requirements imposed by EPA and a description of the program and procedures for assuring such compliance.</p>

<p><b>Progress toward registration.</b></p>	<p>Prior to submitting an application for a repeat specific or public health exemption, the state or federal agency must contact the registrant regarding the progress being made toward registration of the proposed use and include this information in the section 18 application. This information must also include a summary of study deficiencies and data gaps, and registrant's timetable for completing requirements for registration.</p>
<p><b>Information required for a specific exemption.</b></p>	<p>All of the following, as appropriate, must be provided concerning the nature of the emergency:</p> <ul style="list-style-type: none"> <li>• scientific and common name of the pest or pest complex;</li> <li>• events that brought about the emergency condition;</li> <li>• anticipated risks to endangered or threatened species, beneficial organisms, or the environment that would be remediated by the proposed use of the pesticide; and</li> <li>• anticipated significant economic loss that would occur without the use of the requested registered pesticide, together with data and other supporting information, that addresses the historical net and gross revenues for the site, the estimated net and gross revenues for the site without use of the proposed pesticide, and the estimated net and gross revenues for the site with use of the proposed pesticide.</li> </ul>
<p><b>Information required for a quarantine exemption</b></p>	<p>A quarantine exemption may be authorized in an emergency condition to control the introduction or spread of any pest new to and therefore known to be widely prevalent or distributed within and throughout the United States and its territories. The application for the quarantine exemption must include the following information:</p> <ul style="list-style-type: none"> <li>• scientific and common name of the pest or pest complex;</li> <li>• origin of the introduced pest and the means of its introduction and spread into the area, if known.</li> <li>• economic impact of controlling versus not controlling the pest via the proposed pesticide treatment.</li> </ul>
<p><b>Information required for a public health exemption</b></p>	<ul style="list-style-type: none"> <li>• Scientific and common name of pest or pest complex; if the pest is a vector, a description of the disease it is expected to transmit;</li> <li>• magnitude of the health problems that are expected to occur without the pesticide use; and</li> <li>• availability of medical treatment for the health problem.</li> </ul>

<p><b>Information required for a crisis exemption.</b></p>	<p>The state or federal agency issuing the crisis exemption must provide notification to EPA at least 36 hours before and no later than 24 hours after utilization of the crisis provisions. The state or federal agency issuing the crisis exemption must notify the registrant(s) or, if appropriate, the basic manufacturer(s) of the pesticide(s) being used under the crisis exemption at the same time notice is given to EPA. The notice must include:</p> <ul style="list-style-type: none"><li>• name of active ingredient authorized for the crisis use, including the common name and the Chemical Abstracts Service (CAS) number;</li><li>• crop or site on which the pesticide is to be used;</li><li>• use pattern (method, number, and rate of applications);</li><li>• dates that applications started or will begin and end;</li><li>• an estimate of the level or residues of the pesticide expected to result from use under the crisis exemption (for food crops); and</li><li>• discussion of the emergency situation and any other pertinent information available at the time, including why time was insufficient to request a specific or quarantine exemption, and intentions with respect to requesting a specific exemption for this use.</li></ul>
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(c) Reporting and Record keeping

To comply with the reporting and record keeping requirements for specific, quarantine, and public health exemptions, the exemption holder must provide the following data items to EPA:

<b>Unexpected adverse effects information</b>	Any unexpected adverse effects resulting from the use of a pesticide under a specific, quarantine, or public health exemption must be reported immediately to the Agency.
<b>Final reports</b>	<p>A report summarizing the results of pesticide use under a specific, quarantine, and public health exemption must be submitted to EPA within six months of the expiration of the exemption unless otherwise specified by the Agency. The information in this report must include the following:</p> <ul style="list-style-type: none"> <li>• total acreage, amount of commodity or other unit treated and the total quantity of the pesticide used;</li> <li>• discussion of the effectiveness of the pesticide in dealing with the emergency condition;</li> <li>• description of any unexpected adverse effects that resulted from the use of the pesticide under the exemption;</li> <li>• results of any monitoring required and/or carried out under the exemption;</li> <li>• any enforcement actions taken in connection with the exemption;</li> <li>• method(s) of disposition of food crops, if required to be destroyed; and</li> <li>• any other information requested by the Administrator.</li> </ul>
<b>Records</b>	<p>Records for all treatments involving the first food use of a pesticide will be maintained by the state or federal agency for which an emergency exemption was granted for a minimum of two years following the date of expiration of the exemption. On request by EPA, these records must be made available to the Administrator. Records must include the following:</p> <ul style="list-style-type: none"> <li>• locations where the pesticide was applied;</li> <li>• dates of application (range); and</li> <li>• total quantity of the pesticide used.</li> </ul>

(d) Applicant Activities

To obtain a permit to use an unregistered pesticide product under emergency conditions, an applicant must petition EPA in writing by a letter or telegram containing the data items listed above and commit to the submission of the summary report on the action taken to meet the emergency. Section 18 Emergency Exemption applications are submitted to the Minor Use, Inerts and Emergency Response Branch (Mail Code 7505C), Registration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue., N.W., Washington, D.C., 20460.

In order to participate in the program, the applicant must:

- Read germane FIFRA requirements and CFR regulations.
- Process, compile, and review the requested data for accuracy and appropriateness.
- Generate application correspondence and follow-up summary report.
- Store, file or maintain the information.

4. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

(a) Agency Activities

On October 25, 2000, EPA published a Final Rule in the Federal Register (65 FR 64125) entitled "Time-Limited Tolerances for Pesticide Emergency Exemptions" (see attachment D) This rule, which became effective on November 24, 2000, set into place a process to ensure timely decisions on any tolerance-related issue in response to a request for an emergency exemption for a pesticide to be used on food or feed. Under this rule, time-limited tolerance petitions related to FIFRA Section 18 are evaluated on a case-by-case basis to determine if adequate reliable data are available to make the required safety finding mandated under FFDCFA Section 408 (see attachment C) and FQPA.

Applications for emergency exemptions are submitted by U.S. states and territories, and federal agencies at their discretion. These applications are received by the Office of Pesticide Programs (OPP), Registration Division, Minor Use, Inerts, and Emergency Response Branch, where they are reviewed for completeness. The application package is routed to scientists and economists within OPP to determine whether the proposed emergency exemption is warranted, that there is "reasonable certainty of no harm" to human health resulting from aggregate and cumulative exposure, and that it presents no undue hazard to humans or the environment. Once the determinations are made, the applicant is notified by in writing by FAX and email. The tolerance is published in the Federal Register. EPA has established a 50-day response turnaround as a self-imposed guideline for emergency exemption requests, providing the application package is complete. The Agency response turnaround time for complete applications is less than 50 days for FY 2000.

The Agency conducts the following activities when responding to an emergency exemption application under FIFRA section 18:

- Route the application/report to appropriate scientists and economists for review.
- Review information submitted for scientific accuracy.
- Perform a biological, ecological, and economic analysis and a multi-disciplinary risk assessment of the requested use, then forward a regulatory recommendation on the proposed exemption along with a draft notification to the requestor.
- Make the FQPA finding of "reasonable certainty of no harm" to human health resulting from aggregate and cumulative exposure. Establish a time-limited tolerance if required.
- Conduct an assessment of the progress toward registration for the requested use.
- OPP Director (or designee) makes final decision.
- Notify applicant of decision.
- Prepare and publish Federal Register Notice (for applicable food use requests).
- Record electronic data in Agency's Pesticide Regulatory Action Tracking System (PRATS) and file hard copy in Branch files.

(b) Collection Methodology and Management

When applications for emergency exemptions are received by EPA, they are jacketed and filed by the name of the state, territory or federal agency, by the date, and by the number of the submission for that entity. The application is tracked in PRATS as an active report through the determination process, and subsequent receipt of the summary report, after which the exemption becomes a historical file and the regulatory action is closed.

(c) Small Entity Flexibility

No flexibility for small entities exists under this information collection activity. Section 18 of FIFRA applies directly only to State, territorial, and federal government agencies; it does not apply to other entities. States are not "small entities" as defined by the Regulatory Flexibility Act.

(d) Collection Schedule.

There is no collection schedule associated with this information collection activity, per se. This information collection activity is initiated by the States or by certain federal agencies when they determine that they are confronted with an emergency situation and subsequently submit an emergency exemption application to EPA under FIFRA Section 18.

5. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

(a) Nonduplication.

This information collection activity is unique and is administered by EPA pursuant to

FIFRA. The possibility of duplication does not exist.

(b) Consultations.

Consultation and/or dialogue between states and the Agency during the submission and review of an application are frequent and ongoing. Questions or consultations pertaining to a particular submission are addressed in meetings or telephone conversations with the applicant and do not necessarily occur at specified intervals. In addition to communications regarding specific exemption requests, Agency staff frequently participates in stakeholder meetings with state and federal pesticide regulatory officials and the grower community. These communications permit an exchange of problems and questions on the program in general and other relevant issues. For example, OPP staff members participate extensively in meetings with the State FIFRA Research and Evaluation Group (SFIREG), which meets several times a year.

Agencies are required under 5 CFR 1320(d) to consult with members of the public and affected agencies concerning each proposed collection of information. During the preparation of this ICR renewal, EPA staff surveyed five states (California, Idaho, Mississippi, North Carolina, and North Dakota) that have several years' experience with the Section 18 program. The states were asked for their estimations of processing time for management, clerical, and technical staff in the preparation of emergency exemption requests. The responses received indicated that the applicant burden estimates used to prepare this ICR were realistic.

(c) Public Notice and Opportunity to Comment  
(Revise to include that we will publish an FR notice, etc.)

(d) Effects of Less Frequent Collection.

As discussed above, there is no collection schedule for this information collection activity, per se. State and federal agencies initiate the information collection activity when they prepare an emergency exemption application for submission to EPA. Consequently, there is no way EPA can reduce the frequency of the collection and maintain its responsibilities under FIFRA section 18.

(e) General Guidelines.

EPA requires the states to maintain records of the first food use of a pesticide under an emergency exemption for two years following the date of expiration. Generally, an applicant for an emergency exemption is not required to maintain data beyond the date that the summary report has been received by the Agency. Therefore, the OMB guidelines codified 5 CFR 1320.6 indicating that data, other than health, medical, or tax records need not be retained for more than three years will not be exceeded in this program.

(f) Confidentiality and Sensitive Questions

(i) Confidentiality

Although the EPA urges the submitter to minimize the amount of claimed Confidential Business Information (CBI), all data and/or information brought the Agency in conjunction with this rule may be claimed as trade secret, or commercial or financial information and will be protected from disclosure by the EPA under FIFRA section 10 and the associated regulation as contained in 40 CFR Part 2, Subpart B.

Data submitted to the Agency are handled in accordance with the provisions of the FIFRA Confidential Business Information (CBI) Security Manual which provides procedures for protecting information claimed as confidential in accordance with FIFRA section 10. If the information is not protected under FIFRA section 10, and it is not otherwise protected from release under the Freedom of Information Act, EPA is obligated to make it available to members of the public upon request.

(ii) Sensitive Questions

No information of a sensitive or private nature is requested in conjunction with this collection activity. Further, this information collection activity complies with the provisions of the Privacy Act of 1974 and OMB circular A-108.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

(a) Estimating Applicant Burden (Hours)

The total annual response burden associated with submitting an application for Emergency Exemption (Section 18s) is estimated to be 59,400 hours per year or 178,200 hours over the next three years based upon the average number of Emergency Exemption requests received over the last three years. The number of applications received by EPA has increased from an average of 422 per year for the years 1995-1997 to an average of 600 per year for the years ranging from 1998-2000. The increase in the number of applications received is attributable to:

- ▶ the "El Niño" weather pattern caused major, nationwide weather disruptions, such as heavy rain, that created significant fungal problems on crops;
- ▶ an increase in the number of minor crops produced in the U.S. than in previous years and the fact that a number of the crops aren't included in the directions for use as registered sites of pesticide application;
- ▶ in the past three years there have been several national emergencies where as many as 48 states were granted Section 18 emergency exemptions (e.g., the use of coumaphos in bee hives to control varroa mite);
- ▶ States have started requesting Section 18 emergency exemptions for more than one chemical to deal with some pest problems;

The Agency expects that some of these factors will persist and subsequently expects to receive an average of 600 applications annually for the next three years.

(b) Estimating Applicant Costs

The total cost for all respondents associated with submitting an application for Emergency Exemption is estimated to be \$2,980,800 annually or \$8,942,400 over the next three years.

The hourly wage rates used for this renewal ICR were updated and increased from the estimated rates of \$50, \$42, and \$22 for management, technical, and clerical labor resources (respectively) in the ICR previously approved by OMB in 1998 to \$60, \$50, and \$39 for the respective classes of labor resources. The wage rates for the petitioner/state worker were adjusted for present year using the Consumer Price Index. The wage rates are "fully loaded." This includes the nominal wage, benefits, and overhead. The Applicant hourly rates were based on the US Bureau of Labor Statistics' 1989 Wage Rates of State Government Workers. These labor rates were adjusted for year 2001 dollars using the Consumer Price Index, which decreased in 2000, so the rates are not changed from the previous ICR approval.

<b>ANNUAL APPLICANT BURDEN/COST ESTIMATES</b>					
Collection Activity	Burden Hours (per request)			Total	
	Mgmt. (\$60/hr)	Tech. \$50/hr	Cler. \$ 39/hr	Hours	Costs (\$)
Read FIFRA and FQPA requirements and CFR regulations.	4	4	0	8	440
Process, compile, and review the requested data for accuracy and appropriateness.	0	74	0	74	3,700
Generate application correspondence and follow-up summary report.	0	15	0	15	750
Store, file or maintain the information.	0	0	2	2	78
<b>TOTAL</b>	<b>4</b>	<b>93</b>	<b>2</b>	<b>99</b>	<b>4,968</b>

**ANNUAL BURDEN:**            99 Total Hours x 600 applicants = 59,400 Hours

**ANNUAL COSTS:**

(a) Management:        4 hours x \$60 x 600 applicants        \$ 144,000  
 (b) Technical:            93 hours x \$50 x 600 applicants        \$2,790,000  
 (c) Clerical:             2 hours x \$39 x 600 applicants        \$ 46,800

Total    \$2,980,800

(c)    Estimating Annual Agency Burden and Cost

The estimated cost to the Federal government of the Emergency Exemption program consists of two components. The first is the number of hours and costs incurred by the Agency to complete a standard application. The second component is the costs for other elements that do not fall under the category of collection activities, but are required as part of the program.

The total Agency burden in terms of hours is estimated to be 64,800 hours annually. The associated increase in the number of hours is due to increase in the average number of Emergency Exemption applications. The number of Emergency Exemption applications increased from 422 for the years 1995-1997 to an average of 600 applications for fiscal years 1998-2000 with no expected drop-off over the next three years. The total annual Agency cost for processing

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Emergency Exemption Requests is estimated to be \$4,038,600. The hourly wage rates used for this ICR are based on the ICR for the Proposed Regulations for Plant-Pesticides under FIFRA and FFDCA of 1997 to 2000.

<b>ANNUAL AGENCY BURDEN/COST ESTIMATES (PER APPLICATION)</b>					
	Burden Hours			Total	
Collection Activity	Mgmt. \$84/hr	Tech. \$61/hr	Cler. \$29/hr	Hours	Costs (\$)
Read and review the applications or reports for completeness.	0	8	1	9	517
Route the application/report to appropriate scientists and economists for review.	0	4	0	4	244
Review information submitted for scientific accuracy.	0	16	0	16	976
Perform: - a biological, ecological, and economic analysis - a multi-disciplinary risk assessment - make FQPA finds of "reasonable certain of no harm" to human health - forward a regulatory recommendation on the proposed exemption along with a draft notification to the requestor.	2	40	1	43	2,637
Reach final decision, prepare Final Rule Notice and notify applicant.	5	28	1	34	2,157
Record electronic data in Agency's Pesticide Regulatory Action Tracking System (PRATS), record receipt in branch tracking system and file hard copy in Branch files.	0	1	1	2	90
<b>TOTAL</b>	<b>7</b>	<b>97</b>	<b>4</b>	<b>108</b>	<b>\$6,621</b>

**ANNUAL BURDEN:** 108 Total Hours x 600 Applicants = 64,800 Hours

**ANNUAL COSTS:**

(a) Management:	7 hours x \$84 x 600 applicants	\$ 352,800
(b) Analyst:	97 hours x \$61 x 600 applicants	\$3,550,200
(c) Clerical:	4 hours x \$29 x 600 applicants	\$ 69,600
	Total	\$3,972,600

**OTHER ANNUAL AGENCY COSTS:**

Federal Register publications:		
average of 5 Notices of Receipt @ average \$2,000 each		\$ 10,000
average of 25 Tolerances established @ average \$2,000 each		\$ 50,000
average of 3 Mass Tolerance extension documents @ average \$2,000 each		\$ 6,000
	Total	\$ 66,000

ANNUAL AGENCY COST BURDEN

TOTAL: \$3,972,600 + 66,000 = \$4,038,600

(d) Bottom Line Burden/Master Table

MASTER TABLE		
	Total	
Annual Applicant Burden/Cost Estimates	59,400	\$2,980,800
Annual Agency Burden/Cost Estimates	64,800	\$4,038,600

(e) Reasons for Change in Burden.

The overall respondent burden increased due to the increase from an average of 422 applications requesting a Section 18 Emergency Exemption received annually to 600 applications annually. This increase in the number of requests was determined by a review of the actual number of applications received by the Agency from FY 1998-2000, with no anticipated drop-off over the next three years. The corresponding increase in burden represents an **adjustment** to the Agency's burden estimate. The estimated burden per application, which decreased slightly due to an arithmetic correction to the estimate in the previous ICR, is otherwise unchanged.

(f) Burden Statement

The annual respondent burden for collection of information associated with the rule is estimated to average 99 hours per application. According to the Paperwork Reduction Act, "burden" means the total time, effort, or financial resources expended by persons to generate,

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maintain, retain, or disclose or provide information to or for a Federal agency. For this collection, it is the time reading the regulations, planning the necessary data collection activities, conducting tests, analyzing data, generating reports and completing other required paperwork, and storing, filing, and maintaining the data. The 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 OMB control number for this information collection appear at the beginning and the end of this document. In addition OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9.

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 No. OPP-XXXX-XXXX, which is available for public viewing at the OPP Docket in the Public Information and Records Integrity Branch, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

An electronic version of the public docket for this ICR renewal is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET 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. Once in the system, select "search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID No. OPP-XXXX-XXXX and OMB Control No. 2070-XXXX in any correspondence.

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**ATTACHMENTS TO THE SUPPORTING STATEMENT**

- Attachment A      Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 18 - available electronically at <http://www.epa.gov/pesticides/fifra.htm>
- Attachment B      40 CFR Part 166 - available electronically at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr166\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr166_00.html)
- Attachment C      FFDCa section 408 - available electronically at <http://www4.law.cornell.edu/uscode/21/ch9.html>
- Attachment D      Final Rule; Time-Limited Tolerances for Pesticide Emergency Exemptions (65 FR 65125) - available electronically at <http://www.epa.gov/fedrgstr/EPA-PEST/2000/October/Day-25/p27405.pdf>
- Attachment E      Display Related to OMB Control #2070-0032 - Listings of Related Regulations in 40 CFR 9.1 - available as part of the electronic file for this supporting statement.
- Attachment F      Application and Summary Report for an Emergency Exemption for Pesticides; Renewal of Pesticide Information Collection Activities and Request for Comments (65 FR 79823) - available electronically at <http://www.epa.gov/fedrgstr/EPA-GENERAL/2000/December/Day-20/g32401.htm>

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OMB Control No. 2070-0032; EPA ICR No. 0596.07

**Attachment A**

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 18

This attachment can also be accessed online via Internet at  
<http://www.epa.gov/pesticides/fifra.htm>

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OMB Control No. 2070-0032; EPA ICR No. 0596.07

**Attachment B**

40 CFR Part 166

This attachment can also be accessed online via Internet at  
[http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr166\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr166_00.html)

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OMB Control No. 2070-0032; EPA ICR No. 0596.07

**Attachment C**

Federal Food Drug and Cosmetics Act Section 408 (21 U.S.C. 346a)

This attachment can also be accessed online via Internet at  
<http://www4.law.cornell.edu/uscode/21/ch9.html>

August 22, 2001

OMB Control No. 2070-0032; EPA ICR No. 0596.07

**Attachment D**

Final Rule; Time-Limited Tolerances for Pesticide Emergency Exemptions (65 FR 65125)

This attachment can also be accessed online via Internet at  
<http://www.epa.gov/fedrgstr/EPA-PEST/2000/October/Day-25/p27405.pdf>

**August 22, 2001**

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**Attachment E**

Display Related to OMB Control #2070-0032 - Listings of Related Regulations in 40 CFR 9.1

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**Display Related to OMB Control #2070-0032 - Listings of  
Related Regulations in 40 CFR 9.1**

As of May 10, 1993, the OMB approval numbers for EPA regulations in Chapter I of Title 40 of the Code of Federal Regulations (CFR) appear in a listing in 40 CFR 9.1 (58 FR 27472). This listing fulfills the display requirements in section 3507(f) of the Paperwork Reduction Act (PRA) for EPA regulations. The listing at 40 CFR 9.1 displays this OMB Control number for the following regulations:

<u>Program Title</u>	<u>40 CFR citation</u>
Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions . . . . .	166.20
. . . . .	166.32
. . . . .	166.43
. . . . .	166.50

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OMB Control No. 2070-0054; EPA ICR No. 0586.09

**Attachment F**

Application and Summary Report for an Emergency Exemption for Pesticides; Renewal of  
Pesticide Information Collection Activities and Request for Comments  
(65 FR 79823; December 20, 2000)

This attachment can also be accessed online via Internet at  
<http://www.epa.gov/fedrgstr/EPA-GENERAL/2000/December/Day-20/g32401.htm>