

**ENVIRONMENTAL PROTECTION AGENCY****[OPP-00528; FRL-5778-1]****Renewal of Pesticide Information Collection Activities****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** This notice announces a proposed revision in the burden estimates for the Information Collection Request (ICR) entitled "Certification of Pesticide Applicators," (EPA ICR No. 0155.06, OMB No. 2070-0029). In accordance with the Paperwork Reduction Act, the Office of Management and Budget renewed the approval for the ICR on September 30, 1997, with specific "terms of clearance." The "terms of clearance" specify that EPA should solicit public comments on the revised burden estimates for the collection as described below, in particular the Agency's proposal to consider the information required to be maintained by the pesticide applicator, as information that would be maintained as part of customary business practices even without the requirement. If this information is maintained as part of customary and usual practices, the Agency can deduct the burden from the ICR. The Agency will evaluate comments received on these assumptions regarding this information and will submit changes, if any, to OMB in order to justify revising the ICR.

**DATES:** Comments must be submitted on or before June 1, 1998.

**ADDRESSES:** By mail, submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under Unit III. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not

contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Copies of the complete ICR and accompanying appendices may be obtained from the OPP docket at the above address or by contacting the person whose name appears under FOR FURTHER INFORMATION CONTACT.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Kramer, Policy and Special Projects Staff, Office of Pesticide Programs, Environmental Protection Agency, Mail Code (7501C), 401 M St., SW., Washington, DC 20460, Telephone: (703) 305-6475, e-mail:

kramer.ellen@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:****Electronic Availability:****Internet**

Electronic copies of this document and the ICR are available from the EPA Home Page at the **Federal Register** - Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>).

**Fax-on-Demand**

Using a faxphone call 202-401-0527 and select item 6053 for a copy of the ICR.

**I. Information Collection Requests**

**Request:** EPA is seeking specific comments on the revised burden estimates for the following Information Collection Request (ICR).

**Title:** Certification of Pesticide Applicators (40 CFR part 171).

**ICR numbers:** OMB No. 2070-0029, EPA ICR No. 0155.06.

**Expiration date:** This ICR is scheduled to expire on September 30, 2000. Should EPA amend the burden estimates, this date will not change.

**Affected entities:** Parties affected by this information collection are certified pesticide applicators who require certification to apply restricted use pesticides, and States, Indian tribes, and Federal agencies with EPA-approved certification plans.

**Abstract:** The Federal Insecticide, Fungicide, and Rodenticide Act allows a pesticide to be classified as "restricted use" if the pesticide meets certain criteria, one of which is toxicity. Restricted use pesticides, because of their potential to harm people or the environment, may be applied only by a certified applicator or someone under the direct supervision of a certified

applicator. In order to become a certified applicator, a person must meet certain standards of competency. The primary mechanism for certifying pesticide applicators is through State certification plans that are approved by EPA. 40 CFR part 171 establishes the criteria for State and EPA-administered certification plans. In addition, these regulations establish criteria for certification plans from Federal agencies or Indian tribes who wish to develop their own program in lieu of using State certification programs.

The recordkeeping and reporting requirements in these regulations allow the Agency to ensure that restricted use pesticides are used only by or under the direct supervision of properly trained and certified applicators, and to monitor the application of restricted use pesticides.

**Proposed change:** EPA's requirements for commercial applicators consist mostly of information that is already maintained by these businesses as a part of their ordinary and customary business practices. Specifically, EPA requires commercial applicators to maintain the following information specified in § 171.11(c)(7)(i)(A) through (c)(7)(i)(H): the name and address of the person for whom the pesticide was applied; the location of the application, the target pest(s); the specific crop or commodity, as appropriate, and the site to which the pesticide was applied; the year, month, day, and time of the application; the name and EPA registration number of the pesticide applied; the amount applied and percentage active ingredient per unit of pesticide used; and the type and amount of the left over pesticide disposed of, the method and location of the disposal. The information is to be retained for at least 2 years and is only made available upon request by state or EPA authorized officials.

EPA believes that this information is basic information about the customer and the service provided, which would normally be maintained by a commercial applicator even if there was not a requirement to do so. This information essentially documents the business transaction for the commercial applicator, providing a record that the commercial applicator may use for regular billing and referencing purposes, as well as to respond to basic questions from the customer. Although previous ICRs have included a burden estimate for this recordkeeping requirement and the Agency has always asserted that this information would be maintained anyway, the revised Paperwork Reduction Act regulations at 5 CFR 1320.3(b)(2) allows for this requirement

to be excluded from the "burden" estimates if the Agency can demonstrate that the respondents would maintain this information even if not required to do so. Please note that removing the burden from the ICR does not affect the requirement itself. Certified applicators are still required to maintain this information.

**Burden statement:** The annual respondent burden for this program for certified applicators was originally estimated to average 3.5 hours for recordkeeping and 10 minutes for completing applicator certification forms. The Agency is proposing to eliminate the average annual burden estimate of 3.0 hours and the associated cost of \$36 per certified applicator, which was previously included in this ICR for the estimated 330,000 commercial applicators and firms that are required to maintain these records. Therefore, the revised burden estimate for certified applicators would be 30 minutes for recordkeeping and 10 minutes for certification forms. For a total revised burden of 40 minutes which represents a reduction of 3 hours related to the recordkeeping.

According to the Paperwork Reduction Act, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time needed to review instructions; processing and maintaining information, and disclosing and providing information; complete and review the collection of information; and transmit or otherwise disclose the information. 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 OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9.

## II. Request for Comments

EPA solicits comments to:

1. Evaluate whether the proposed collection of information described above is "usual and customary" information that certified applicators maintain for their business. If not, identify the item(s) that are not part of "usual and customary" information.
2. Evaluate the accuracy of the Agency's revised estimate of the burden of the proposed collection of information for certified applicators, including the validity of the methodology and assumptions.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or permitting electronic submission of responses.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Director, OPPE Regulatory Information Division, Mail Code 2137, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Include the OMB control number in any correspondence, but do not submit the form or report to this address. The actual information or form should be submitted in accordance with the instructions accompanying the information or form, specified in the corresponding regulation.

Send comments regarding these matters, or any other aspect of this information collection, including suggestions for reducing the burdens, to the docket under ADDRESSES listed above.

## III. Public Record and Electronic Submissions

The official record for this document, as well as the public version, has been established for this document under docket control number "OPP-00528" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the Virginia address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:  
[opp-docket@epamail.epa.gov](mailto:opp-docket@epamail.epa.gov)

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "OPP-00528." Electronic comments on this document may be filed online at many Federal Depository Libraries.

## List of Subjects

Environmental protection and Information collection requests.

Dated: March 23, 1998.

**Susan H. Wayland,**

*Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5989-7]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request; New Source Performance Standards, Standards of Performance for Storage Vessels of Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After May 18, 1978 and Prior to July 23, 1984**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, OMB Control Number 2060-0121 expiring on May 31, 1998. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before May 1, 1998.

**FOR FURTHER INFORMATION:** For a copy of the ICR, call Sandy Farmer at EPA, by phone at (202) 260-2740, by E-Mail at [Farmer.Sandy@epamail.epa.gov](mailto:Farmer.Sandy@epamail.epa.gov) or download off the Internet at <http://www.epa.gov/icr/icr.htm>, and refer to EPA ICR No. 1050.06.

### SUPPLEMENTARY INFORMATION:

**Title:** Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984, (OMB Control Number 2060-0121; EPA ICR No. 1050.06) expiring on May 31, 1998. This is a request for an extension of a currently approved collection.