

CHAPTER 9 - INFORMATION COLLECTION

1. PURPOSE. This policy establishes objectives, responsibilities and procedures for preparation, review and clearance of Agency efforts to collect or obtain information from the public in support of Agency missions.
2. SCOPE AND APPLICABILITY. This policy applies to all EPA organizational units and their employees. It also applies to agents of EPA (including State agencies, contractors and grantees) who are involved in information collection activities.
3. BACKGROUND.
 - a. The Paperwork Reduction Act was amended in 1995 (P.L. 104-13) to remedy deficiencies Congress perceived in Federal information related activities, particularly related to the paperwork burden imposed by Government on the public. The Act and resultant OMB regulations intend for the creation or collection of information to be carried out within the context of efficient and economical management.
 - b. EPA can be characterized as an 'information-based' agency in the sense that in developing and implementing its programs, it constantly requires the collection or generation of data. Indeed, in many cases, this information component plays the decisive role determining both the resources that the Agency will need and the substantive direction that its programs will take. Given its importance to the organization, therefore, the decision to collect information ought to reflect the policy interests of the Agency.
 - c. This chapter presents those policy interests with respect to information so that decisions to collect or generate and maintain data can be made in a principled and coordinated manner on an

Agencywide basis.

- d. The Agency's information policy rests on the following two general premises:
 - (1) That justification for an information collection must derive from the role that this information plays in supporting a program mission of the Agency.
 - (2) That, given a number of acceptable options for using information to support a program mission, an information collection ought to represent the most economical alternative in terms of both cost to the Agency and burden on the public.

Sections 5-a through 5-c of this chapter expand on this first premise. Sections 5-d through 5-f expand on the second.

4. AUTHORITIES.

- a. Paperwork Reduction Act of 1995 (Public Law 104-13).
- b. OMB Regulations at 5 CFR Part 1320, Controlling Paperwork Burdens on the Public; Regulatory Changes Reflecting Recodification of the Paperwork Reduction Act (60 FR 44978, 08/29/95).
- c. OMB Circular A-130, Management of Federal Information Resources.

5. POLICY.

- a. The data requirements of the information collection must be clearly dictated by the need to support decisions that serve an identifiable program mission. Data requirements here include:
 - (1) The data elements being collected. Each data element must be clearly relevant to the decisions to be supported.

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- (2) The number of individuals about whom (and from whom) these data elements are being collected. This "quantity" of information must be appropriate to what the decisions at hand require.
 - (3) The requirements for quantifiable levels of precision in survey estimates. The level of precision chosen must reflect the survey's intended role in a decisionmaking process.
 - (4) The choice of individuals about whom (and from whom) data elements are being collected in case studies. The analysis plan for such a study must explain why this approach is being taken and why study of the individuals in question is relevant to the decisions to be made.
- b. The provisions for collecting, storing and managing the data must be appropriate to the decisions the information will be used to support, taking into account:
- (1) The data requirements themselves
 - (2) Who will be providing the data
 - (3) Who will be using the data
 - (4) The time frame within which that use will occur.
- c. The cost of the information collection (in terms both of resources expended by the Agency and of burden imposed on the public) must be commensurate with both the importance of the program mission in question and the contribution that the information makes to decisions that serve this mission. Specifically,
- (1) Taking into account both the use of information and the cost, the information collection should result in a net social

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benefit--that is, whether or not this can be quantified, in some clear sense the information should be worth more than it costs to collect

- (2) The proportion of the Agency's resources (including the amount of burden placed on the public) devoted to the collection and use of the information should reflect the relative priority of the program mission being served.
- d. The information collection must reflect the choice of the least costly alternative that will satisfy the decision-making needs to the given program mission. In this context, "cost" represents the total of Agency and public resources devoted to supplying, collecting, processing, storing and using the information.
 - e. The information collection must not generate a body of data that duplicates information already available to the Federal government--bearing in mind that what counts as "duplicate data" will be relative to the decision-making needs which the data will be used to satisfy.
 - f. The information collection should be designed to maximize its usefulness by ensuring that, so long as costs do not rise disproportionately and program priority needs are not compromised:
 - (1) The collection takes advantage of the opportunities to serve multiple needs, both within and outside the Agency
 - (2) The data are collected and maintained in a form that is compatible with the broadest range of information systems to which they are likely to be relevant.

6. RESPONSIBILITIES.

- a. The Office of Policy, Planning and Evaluation is responsible for:

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- (1) Overseeing Agency compliance with Federal information collection policies and regulations.
- (2) Promulgating and maintaining Agency guidance for compliance with Federal information collection requirements under the Paperwork Reduction Act.
- (3) Reviewing proposed legislation or regulations which involve information collection requirements to assess the costs to the Agency and the paperwork burden imposed on the public.
- (4) Providing training and technical assistance to Agency personnel in the development and clearance of information collection requests.
- (5) Reviewing each information collection request to ensure consistency with Federal policy and the requirements of 5 CFR Part 1320, the regulations implementing the Paperwork Reduction Act, including section 1320.5(d)(1), that the collection of information:
 - (a) Is the least burdensome necessary for the proper performance of the Agency functions to comply with legal requirements and achieve program objectives
 - (b) Is not duplicative of information otherwise accessible to the Agency
 - (c) Has utility and good quality. The agency must seek to minimize the cost to itself of collection, processing, and using the information, but shall not do so by means of shifting disproportionate costs or other burdens onto the public.
- (6) Coordinating OMB clearance of EPA information

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collection requests including responding to inquiries from OMB, maintaining records of transmittals and clearances and notifying program offices of OMB action.

(7) Coordinating the annual submission of an Information Collection Budget for the Agency.

b. The Assistant Administrators, Associate Administrators, General Counsel, Inspector General and Regional Administrators are responsible for:

(1) Following the regulations issued by the Office of Management and Budget under the Paperwork Reduction Act of 1995 within their offices.

(2) Ensuring that their information collection activities within their offices shall have received prior OMB clearance and the appropriate OMB control number.

(3) Reviewing and approving their offices' information collection requests for submission to OMB.

(4) Ensuring that their information collections are not duplicative, require as little burden from respondents as possible and have practical utility.

7. DEFINITIONS. (The words in bold have been added to supplement the definition in the law which is noted below in italics.)

a. "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. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and

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providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

- b. "Collection of Information" means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit.
 - c. "Practical utility" means the actual, not merely the theoretical or potential, usefulness of information to or for agency, taking into account its accuracy, validity, adequacy, and reliability, and the agency's ability to process the information it collects (or a person's ability to receive and process that which is disclosed, in the case of a third-party or public disclosure) in a useful and timely fashion.
 - d. "Recordkeeping Requirement" means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to retain such records, or notify, disclose, or report to third parties, the Federal government, or the public regarding such records.
8. PROCEDURES AND GUIDELINES. Procedures and guidelines will be issued under separate cover.