

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**The National Oil and Hazardous Substances Pollution Contingency Plan Regulation,  
Subpart J (40 CFR 300.900)**

**1. Identification of the Information Collection**

**1(a) Title and Number of the Information Collection**

The National Oil and Hazardous Substances Pollution Contingency Plan Regulation, Subpart J (40 CFR 300.900) (Renewal)

**1(b) Short Characterization/Abstract**

This Information Collection Request (ICR) renewal supports activities to implement the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Subpart J (40 CFR 300.900, “Use of Dispersants and Other Chemicals”).

The use of bioremediation agents, dispersants, surface washing agents, surface collecting agents and miscellaneous agents in response to oil spills in U.S. waters or adjoining shorelines is governed by Subpart J of the NCP regulation (40 CFR 300.900). Subpart J requirements include criteria for listing oil spill mitigating agents on the NCP Product Schedule, hereafter referred to as the Schedule. EPA’s regulation, which is codified at 40 CFR 300.00, requires that EPA prepare a schedule of “dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP.” The Schedule is required by section 311(d)(2)(G) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990. The Schedule is used by federal On-Scene Coordinators (OSCs), Regional Response Teams (RRTs), and Area Planners to identify spill mitigating agents in preparation and response to oil spills.

Under Subpart J, respondents who want to add a product to the Schedule must submit technical product data to the U.S. Environmental Protection Agency (EPA or Agency) as stipulated in 40 CFR 300.915. Specifically, Subpart J requires the manufacturer to conduct specific toxicity and effectiveness tests and submit the corresponding technical product data along with other detailed information to the EPA Oil Program Center in the Office of Emergency Management, Office of Solid Waste and Emergency Response. A dispersant must exceed the 50-percent ( $\pm 5$  percent) threshold in order to be listed on the Schedule. EPA places oil spill mitigating agents on the Schedule if all the required data are submitted and the product satisfies all requirements and meets or exceeds testing thresholds. The Product Schedule is available to federal OSCs, RRTs, and Area Committees for determining the most appropriate products to use in various spill scenarios.

Products currently listed on the Product Schedule are divided into five basic categories: dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents. There are 65 products currently listed on the Schedule (as of December 2006). It is estimated that 14 products per year will be submitted to EPA for listing

on the Schedule. Over the three-year period covered by this ICR, an estimated 42 products will be listed. Additionally, EPA estimates that approximately 10 manufacturers will submit sorbent certifications. The annual public reporting burden will be 390 hours. The total annual cost (including labor and non-labor) to manufacturers under Subpart J is estimated to be \$100,493.

## **2. Need For and Use of the Collection**

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

Section 311(d)(2)(G) of the CWA, requires a product schedule, identifying “dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out” the NCP. The authority of the President to implement the CWA is currently delegated to EPA by Executive Order 12777 (56 FR 54757, October 18, 1991). The use of dispersants, other chemical agents, and biological additives to respond to oil spills in U.S. waters is governed by Subpart J of the NCP (40 CFR 300.900).

The Schedule is available for use by OSCs, RRTs, and Area Committees in determining the most appropriate products to use or prohibit in various spill scenarios. Under 40 CFR 300.910(a), RRTs and Area Committees are required to address the desirability of using the products on the Schedule in their Regional Contingency Plans (RCPs) and Area Contingency Plans (ACPs), respectively. The required information is needed from the respondent so that the OSCs, RRTs, and Area Committees can make informed decisions to safely employ chemical/biological countermeasures to control oil discharges. Correct product use is critical in emergency situations. Subpart J ensures that OSCs, RRTs, and Area Committees have necessary data regarding the toxicity, effectiveness, and other characteristics of different products.

To place a product on the Schedule, Subpart J requires that the manufacturer conduct specific toxicity and effectiveness tests and submit the corresponding technical product data and other required information to the EPA Oil Program Center. EPA has established an effectiveness threshold for listing dispersants (40 CFR 300.920(a)(2)). Only those dispersants that meet or exceed the established threshold will be listed on the Schedule.

At 40 CFR 300.915(d), EPA requires respondents to test bioremediation agents for effectiveness, using the testing protocol contained in Appendix C to part 300. The Bioremediation Agent Effectiveness Test is used to compare the effectiveness of different bioremediation agents. The objective of the effectiveness testing protocol is to provide empirical laboratory evidence that evaluates a bioremediation agent’s ability to enhance biodegradation as compared to the natural population.

### **2(b) Practical Utility/Users of the Data**

EPA places eligible oil spill mitigating agents on the Schedule if all the required data are submitted. The Schedule is available for use by OSCs, RRTs, and Area Committees in determining the most appropriate products to use in various spill scenarios. Under 40 CFR 300.910(a), RRTs and Area Committees are required to address the desirability of using the products on the Schedule in their RCPs and ACPs, respectively. The required information is needed from the respondent so that the OSCs, RRTs, and Area Committees can make informed

decisions to safely employ chemical/biological countermeasures to control oil discharges. Correct product use is critical in emergency situations. Subpart J ensures that OSCs, RRTs, and Area Committees have the necessary data regarding the toxicity, effectiveness, and other characteristics of different products.

### **3. Nonduplication, Consultations, And Other Collection Criteria**

#### **3(a) Nonduplication**

Manufacturers do not report this information to any other federal agency, and this is the only list of its kind on a national level, therefore, there is no duplication.

#### **3(b) Public Notice Required Prior to ICR Submission to OMB**

An announcement of a public comment period for the renewal of this ICR was published in the Federal Register on February 14, 2007 (72 FR 7027). No comments were received on the burden published in the Federal Register.

#### **3(c) Consultations**

In developing this NCP Subpart J renewal ICR, EPA consulted with other federal agencies; federal OSCs; NCP Product Schedule experts; state agencies; technical experts, both international and domestic; and various commercial laboratories and product manufacturers. One toxicity test laboratory (Coastal Bioanalysis Inc., 804-694-8285) responded to requests for feedback. The company noted that the toxicity test cost estimate in the ICR supporting statement was reasonable and that they charge \$2,900. In addition, two manufacturers provided input on EPA's assumptions. A surface washing agent manufacturer (Supercell Products SWA, 281-351-4800) gave burden estimates that are similar to those in the ICR, so no changes to the supporting statement were deemed necessary. A bioremediation agent manufacturer (WMI International Inc., 713-956-4001) confirmed that the effectiveness test costs \$15,000, which reflects EPA's current assumption. EPA has not obtained feedback from this manufacturer on burden hour estimates.

#### **Results of Calls to Manufacturers**

<b><i>Company</i></b>	<b><i>Phone Number</i></b>	<b><i>Comments</i></b>	<b><i>Results</i></b>
Coastal Bioanalysis, Inc.	804-694-8285	This lab only conducts toxicity testing and has stopped performing tests for other oil spill mitigating agent types.	The lab agreed that the toxicity test cost was reasonable, and stated that they charge \$2,900.
Bonner Analytical Testing	601-264-2854	The lab requested they review the test protocol for the effectiveness tests in order to assess the estimated costs.	We sent the lab Appendix C of Subpart J and have not received a response.

NOTE: Other laboratories attempted included Aqua Survey (appropriate person on leave); Aqua Tox Research and SGS US Testing Co. (no longer perform relevant tests); and Environmental Enterprises USA, Inc. (phone number out of service).

Company	Phone Number	Comments	Results
<b>Dispersants</b>			
Petrobiotech	203-966-4573	The appropriate individual will assess the reasonableness of the burden hours.	We faxed the dispersant agent burden hour estimates to the company.
<b>Surface Washing Agents</b>			
Supercell Products SWA	281-351-4800	The appropriate individual will assess the reasonableness of the burden hours.	The manufacturer gave burden hours similar to our estimates.
<b>Bioremediation</b>			
WMI International Inc.	713-956-4001	The appropriate individual will assess the reasonableness of the burden hours.	The company confirmed that an effectiveness test costs \$15,000, in line with EPA estimates. No response on burden hours.

NOTE: We attempted to contact Dispersit SPC 1000 and UNIVAR, but their phone numbers were out of service.

### **3(d) Effects of Less Frequent Collection**

Respondents must submit information only when they apply to list a new product on the Schedule, or when the composition, formulation, application, or contact information of a product currently listed on the Schedule is changed. Because collection is not periodic, less frequent collection is not possible.

### **3(e) General Guidelines**

The information collection activities discussed in this renewal ICR comply with all regulatory guidelines under 5 CFR 1320.5(d)(2).

### **3(f) Confidentiality**

At 40 CFR 300.920(c), respondents are allowed to assert that certain information in the technical product data submissions is confidential business information. EPA will handle such claims pursuant to the provisions in 40 CFR Part 2, Subpart B. Such information must be submitted separately from non-confidential information, clearly identified, and clearly marked "Confidential Business Information." If the applicant fails to make such a claim at the time of submittal, EPA may make the information available to the public without further notice.

### **3(g) Sensitive Questions**

The information collection activities discussed in this document do not involve any sensitive questions.

#### **4. The Respondents and the Information Requested**

##### **4(a) Respondents/SIC and NAICS Codes**

Respondents include, but are not limited to, manufacturers of bioremediation agents, dispersants, surface collecting agents, surface washing agents and other chemical agents and biological additives used as countermeasures against oil spills. Affected private industries can be expected to fall within the following industrial classifications:

- Manufacturers of industrial inorganic chemicals (SIC 281/NAICS 325188),
- Manufacturers of industrial organic chemicals (SIC 286/NAICS 325199), and
- Manufacturers of miscellaneous chemical products (SIC 289/NAICS 325988).

##### **4(b) Information Requested**

###### **(i) Data Items**

Under Subpart J, manufacturers who wish to list a product on the Schedule must report the following data items listed in Exhibit 1. No specific recordkeeping activities are required.

**EXHIBIT 1**  
**Data Items Required Under NCP Subpart J**

RESPONSE FORM ITEMS	RESPONDENT ACTIVITY	BURDEN HOURS	OIL SPILL MITIGATING AGENT				
			BA	D	MA	SCA	SWA
Name, brand, or trademark, if any, under which the product is sold	Simple Information	0 to 0.5	X	X	X	X	X
Name, address, and telephone number of the manufacturer, importer or vendor			X	X	X	X	X
Name, address and telephone number of primary distributors or sales outlets			X	X	X	X	X
Special handling information and worker precautions for storage and field application, including maximum and minimum storage temperatures	Short Answer	0.5 to 1	X	X	X	X	X
Shelf life information	Simple Information	0 to 0.5	X	X	X	X	X
Recommended application procedures, concentrations, and conditions for use	Short Answer	0.5 to 1	X	X	X	X	X
Results of the effectiveness test set forth in Appendix C of the NCP	Narrative Answer	2.0 to 5.0	X	X			
Result of the toxicity test set forth in Appendix C of the NCP	Narrative Answer	2.0 to 5.0		X	X	X	X
Physical properties covered by the American Society for Testing and Materials (ASTM) reference standards	Short Answer	0.5 to 1		X	X	X	X
Test results for distinguishing surface collecting agents from other chemical agents	Short Answer	0.5 to 1				X	
List of product components	Narrative Answer	2.0 to 5.0		X	X	X	X
The concentrations or upper limits of any heavy metals, cyanide, and chlorinated hydrocarbons	Short Answer	0.5 to 1		X	X	X	X
Information on microbiological cultures, enzyme additives, and nutrient additives	Narrative Answer	2.0 to 5.0	X		X		
Identity of laboratory performing tests, the qualifications of the laboratory staff, and laboratory experience with similar tests	Narrative Answer	2.0 to 5.0	X	X	X	X	X

KEY: BA = Bioremediation Agent, D = Dispersant, MA = Miscellaneous Agent, SCA= Surface Collecting Agent, and SWA = Surface Washing Agent

## **(ii) Respondent Activities**

Except for effectiveness and toxicity testing, the data items discussed in section 4(b)(i) should already be available to respondents through customary business practices (i.e., normal research and development activities). Effectiveness and toxicity tests, where applicable, require respondents to send products to a laboratory for testing.

Processing, compiling, and reviewing the information required under Subpart J requires the following respondent activities:

- Inserting simple information;
- Drafting short answers;
- Drafting narrative answers and preparing backup documentation;
- Secretarial/clerical support; and
- Managerial review.

Under Subpart J, the respondent must also notify EPA of any changes in the composition, formulation, or application of the dispersant, surface washing agent, surface collecting agent, bioremediation agent, or miscellaneous oil spill control agent. If the change is likely to alter the effectiveness or toxicity of the product, EPA may require retesting. If EPA decides that retesting is necessary, the respondent must have the product tested in a laboratory and send a summary of the results along with the qualifications of the laboratory staff to EPA.

## **5. Information Collected -- Agency Activities, Collection Methodology, and Information Management**

### **5(a) Agency Activities**

Under Subpart J, EPA will perform activities when a manufacturer applies to have a product listed on the Schedule. Once a manufacturer submits the technical product data required by Subpart J, EPA must perform the following activities:

- Receive and process the data;
- Review the data for completeness and procedural accuracy;
- Notify the respondent of the decision on listing the product on the Schedule; and
- If approved, place the product on the Schedule, store the data, and supply the data upon request.

EPA's decision to place a product on the Schedule is based on the completeness of the information presented. EPA will not evaluate a submitted product beyond the revised effectiveness threshold for the dispersants.

### **5(b) Collection Methodology and Management**

Respondents submit the required data to EPA in hard copy. If the data are accepted by EPA, they are entered electronically on the Schedule. The data are then made available to OSCs through five media: (1) hard copy; (2) an Internet Web page; (3) electronic mail; (4) NOAA

Response LINK; and (5) File Transfer Protocol. The five options ensure that OSCs can obtain the information as efficiently as possible and that the information is useful in practice.

### **5(c) Small Entity Flexibility**

Under Subpart J, small entities must follow the same collection procedures as other respondents. OSCs need the required information to choose products with which they can safely and effectively control oil discharges. The establishment of an acceptability criterion for dispersant effectiveness and the requirement for effectiveness testing for bioremediation agents are not anticipated to result in a significant adverse impact on a substantial number of small businesses.

### **5(d) Collection Schedule**

EPA requires information to be collected whenever a manufacturer wants a product listed on the Schedule, or when a product already on the Schedule changes in composition, formulation, application, or other product information changes.

## **6. Estimating the Burden and Cost of the Collection**

### **6(a) Respondent Burden**

This section presents the three-year total burden as well as annual burden for respondents for information collection activities under Subpart J. Respondents include manufacturers expected to submit products for listing on the Schedule over the three-year period addressed by this renewal ICR.

There are 51 manufacturers and 65 products (15 bioremediation agents, 14 dispersants, 9 miscellaneous agents, and 27 surface washing agents) listed on the December 2006 Schedule.<sup>1</sup> EPA estimates that manufacturers will apply to list 14 products on the Schedule each year, including 3 bioremediation agents, 4 dispersants, 2 miscellaneous agents, and 5 surface washing agents. Over a three-year period, EPA anticipates that manufacturers will apply to list a total of 9 bioremediation agents, 12 dispersants, 6 miscellaneous agents, and 15 surface washing agents on the Schedule.

EPA expects that approximately one-third of the 14 annual product submissions (5 products) will be approved by EPA and listed annually on the Schedule. A respondent's burden for preparing a product for listing on the Schedule is the same whether or not EPA lists the product. Therefore, burden is determined for all manufacturers applying to list a product on the Schedule, rather than just for those that receive approval from EPA.

Exhibit 1 provides estimates of the burden (hours) required to respond to each data item covered by this ICR. EPA estimates that manufacturers applying to list a new product on the Schedule would require approximately 7 to 25 hours of technical labor. The technical labor

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<sup>1</sup> 65 products were listed on the December 2006 Environmental Protection Agency National Contingency Plan Product Schedule, prepared by U.S. EPA Office of Emergency Management Regulation and Policy Division, 1200 Pennsylvania Avenue, NW (5104A), Washington, DC 20460. <http://www.epa.gov/oilspill/pdfs/schedule.pdf>.



estimate includes the time needed to complete each individual response item required by Subpart J, as well as the time to review instructions, search existing data sources, prepare backup documentation, and maintain/record the data. The time required depends on the type of information requested for a given product. Managerial labor burden for preparing and submitting the required technical product data is estimated to be approximately one-fifth of the total technical hours per product type. Clerical labor burden for preparing and submitting the required technical product data is estimated to be 5 to 10 hours per product. Exhibit 2 summarizes the estimated burden to respondents for each type of oil spill mitigation agent.

Sorbents are not listed on the Schedule. However, when determining whether to use a sorbent, OSCs may request that sorbent manufacturers submit a written certification<sup>2</sup> that their product meets the definition in Subpart J. The estimated unit burden for sorbent certification is 3 hours (0.25 managerial, 2.0 technical, and 0.75 clerical). Because sorbents are not listed on the Schedule, the small burden of sorbent certification is not shown in Exhibit 2.

**EXHIBIT 2**  
**Respondent Burden to Prepare and Submit Information to EPA**  
**Under NCP Subpart J**

UNIT BURDEN (hours)	OIL SPILL MITIGATING AGENT				
	Bioremediation Agents	Dispersants	Miscellaneous Agents	Surface Collecting Agents	Surface Washing Agents
Managerial Review	1.4 to 3.6	2.0 to 5.0	2.0 to 5.0	1.7 to 4.2	1.6 to 4.0
Technical Support	7.0 to 18.0	10.0 to 25.0	10.0 to 25.0	8.5 to 21.0	8.0 to 20.0
Clerical Support	5 to 10	5 to 10	5 to 10	5 to 10	5 to 10
<b>Total Unit Burden</b>	13.4 to 31.6	17.0 to 40.0	17.0 to 40.0	15.2 to 35.2	14.6 to 34.0

## **6(b) Estimating Respondent Costs**

### **(i) Estimating Labor Costs**

EPA derived the labor wages from the U.S. Department of Labor's Employment Cost Indexes and Levels.<sup>3</sup> The wage rates, based on September 2006 dollars, include wages and salaries; benefit costs, including paid leave, supplemental pay, insurance, retirement and savings, and legally required benefits; and overhead costs.<sup>4</sup> These wage rates reflect private industry

<sup>2</sup> The following model certification statement suffices: "[SORBENT NAME] is a sorbent material and consists solely of the materials listed in § 300.917(b)(2) of the NCP."

<sup>3</sup> United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, Employment Cost Trends, Table 11 -- Private industry workers, by occupational group and full-time and part-time status, September 2006. (Last Modified December 13, 2006).

<sup>4</sup> Overhead costs were computed separately from BLS data and were assumed to be an additional 17 percent of the total wage rate, which is composed of direct wages and salaries and employee benefits, as reported by BLS. Adjustments to wage rates for overhead costs are based on the results of several earlier Information Collection Requests that adjusted wage rates by an additional 17 percent based on the results of a survey of chemical industries and trade associations. (See, for example, Information Collection Request for the Toxic Chemical Release Report for the Proposed

averages, which were estimated by the Bureau of Labor Statistics based on a survey of 49,000 occupations within 11,000 establishments in the private sector. Following are the estimated hourly wage rates used in this analysis:

Management --	\$59.82
Technical --	\$51.92
Clerical --	\$26.03

## **(ii) Operating and Maintenance (O&M) Costs for Product Manufacturers**

Laboratory costs are incurred when a respondent must test its product for effectiveness and/or toxicity according to the methods outlined in Appendix C of the NCP regulations. Although previous ICRs for the NCP Subpart J regulation have shown laboratory-testing costs as capital or start-up costs, EPA believes these costs are more appropriately characterized as operating and maintenance (O&M) costs. Manufacturers are purchasing services (laboratory testing), rather than physical capital (e.g. computers, machinery, or equipment). Therefore, testing costs are now included as O&M.

In order to provide the necessary test result information to EPA, respondents typically have their product tested at a laboratory.

- The dispersant effectiveness test will cost an estimated \$1,200 for each product using the swirling flask method. A dispersant must exceed the 50-percent ( $\pm 5$  percent) threshold in order to be listed on the Schedule.
- The protocol for effectiveness testing of bioremediation agents under Subpart J is estimated to cost \$15,000.
- EPA estimates that the toxicity test required for dispersants, miscellaneous agents, surface collecting agents, and surface washing agents costs \$3,000 per product.

Respondents are not expected to incur capital/start-up costs for this renewal ICR. The unit costs for each respondent to comply with the information collection requirements are presented in Exhibit 3. The unit cost is the sum of the labor cost and the non-labor O&M laboratory cost. The total unit costs are presented as ranges, reflecting the ranges of burden hour estimates.

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Lead Rule, EPA ICR #1363.08.) EPA has previously contacted several different petroleum trade associations and industries, but has been unable to improve upon this estimate.

**EXHIBIT 3**

Respondent Unit Costs for Activities Required Under NCP Subpart Ja

Information Collection Activity <sup>b</sup>	Burden Hours						Total Burden Hours		Capital/ Startup Costs	O&M Costs	Total Unit Cost	
	Management		Technical		Clerical							
	(\$59.82/hr)		(\$51.92/hr)		(\$26.03/hr)							
	Low	High	Low	High	Low	High	Low	High				
Manufacturers of Bioremediation Agents												
Prepare and Submit Response Form Items	1.4	3.6	7.0	18.0	5.0	10.0	13.4	31.6	\$0	\$0	\$577	\$1,410
Conduct Effectiveness Testing	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0	\$15,000	\$15,000	\$15,000
Subtotal - Manufacturers of Bioremediation Agents	1.4	3.6	7.0	18.0	5.0	10.0	13.4	31.6	\$0	\$15,000	\$15,577	\$16,410
Manufacturers of Dispersants												
Prepare and Submit Response Form Items	2.0	5.0	10.0	25.0	5.0	10.0	17.0	40.0	\$0	\$0	\$769	\$1,858
Conduct Effectiveness Testing	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0	\$1,200	\$1,200	\$1,200
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0	\$3,000	\$3,000	\$3,000
Subtotal - Manufacturers of Dispersants	2.0	5.0	10.0	25.0	5.0	10.0	17.0	40.0	\$0	\$4,200	\$4,969	\$6,058
Manufacturers of Miscellaneous Agents												
Prepare and Submit Response Form Items	2.0	5.0	10.0	25.0	5.0	10.0	17.0	40.0	\$0	\$0	\$769	\$1,858
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0	\$3,000	\$3,000	\$3,000
Subtotal - Manufacturers of Miscellaneous Agents	2.0	5.0	10.0	25.0	5.0	10.0	17.0	40.0	\$0	\$3,000	\$3,769	\$4,858
Manufacturers of Surface Collecting Agents												
Prepare and Submit Response Form Items	1.7	4.2	8.5	21.0	5.0	10.0	15.2	35.2	\$0	\$0	\$673	\$1,602
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0	\$3,000	\$3,000	\$3,000
Subtotal - Manufacturers of Surface Collecting Agents	1.7	4.2	8.5	21.0	5.0	10.0	15.2	35.2	\$0	\$3,000	\$3,673	\$4,602
Manufacturers of Surface Washing Agents												
Prepare and Submit Response Form Items	1.6	4.0	8.0	20.0	5.0	10.0	14.6	34.0	\$0	\$0	\$641	\$1,538
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0	\$3,000	\$3,000	\$3,000
Subtotal - Manufacturers of Surface Washing Agents	1.6	4.0	8.0	20.0	5.0	10.0	14.6	34.0	\$0	\$3,000	\$3,641	\$4,538

<sup>a</sup>The unit cost for sorbent certification is estimated to be \$138 per sorbent. The average annual cost is estimated to be \$1,383 (\$138 x 10 sorbent certifications per year).

<sup>b</sup>Exhibit 1 provides a detailed list of burden hours for each response form item included in the analysis.

### 6(c) Estimating Agency Burden and Costs

This section presents the estimated unit burden and unit cost to EPA for maintaining the Schedule. Burden estimates are based on EPA's experience with placing products on the Schedule under Subpart J. Exhibit 4 shows the labor burdens to EPA for each activity under Subpart J. The agency activities were discussed previously in section 5(a). EPA's burden is 20 hours per listing.

#### EXHIBIT 4

Estimated Unit Burden and Cost to EPA to Implement NCP Subpart J

INFORMATION COLLECTION ACTIVITY	Burden Hours (\$50.39) <sup>1,2</sup>	Cost Per Product
Process submitted data	7	\$353
Review data for approval	6	\$302
Notify respondent of decision	4	\$202
Store data	3	\$151
<b>UNIT BURDEN</b>	<b>20</b>	<b>\$1,008</b>

<sup>1</sup> Based on the 2006 general pay schedule for the federal government, EPA estimates an average hourly wage rate of \$50.39 for management and technical staff to maintain the Product Schedule.

<sup>2</sup> EPA assumes burden hours for each information collection activity will be the same for each oil spill mitigation agent type.

Based on the 2006 general pay schedule for the federal government, EPA estimates an average hourly wage rate of \$50.39 for management and technical staff to maintain the Product Schedule.<sup>5</sup> To derive hourly estimates, the average step 1 to step 10 annual compensation mid-point for a GS-13 (\$76,995) managerial staff and a GS-11 technical staff (\$54,021) was divided by 2,080 (the number of hours in the Federal work-year) and multiplied by the standard government overhead factor (1.6). The adjusted wage rate is multiplied by the hours in Exhibit 4 to obtain EPA labor burden cost. The cost of labor per application is therefore \$1,008.<sup>6</sup>

For dispersants under Subpart J, § 300.920(a)(2) gives EPA the right to verify test results and consider the results of EPA's verification testing in determining whether the dispersant meets the listing criteria. For the purpose of this analysis, EPA estimates all submitted dispersant applications will undergo verification tests at a cost of \$1,200 per test. EPA's intent, as stated in Subpart J, is to verify all dispersants test through EPA's Office of Research and Development. Thus, on average EPA estimates that verification testing will cost approximately \$1,200 per dispersant submission. This results in a total unit cost of \$2,208 per dispersant per application. There are no costs in addition to labor for other types of products under Subpart J.

<sup>5</sup> U.S. Office of Personnel Management. 2006 General Schedule: Effective January 2007. (<http://www.opm.gov/oqa/03tables/html/gs.asp>)

<sup>6</sup> The cost is calculated by multiplying 20 burden hours by the average hourly wage rate of \$50.39.

The annual costs to EPA under Subpart J are presented in Exhibit 5. As mentioned previously, it is estimated that, under Subpart J, applications will be received for 3 bioremediation agents, 4 dispersants, 2 miscellaneous agents, and 5 surface washing agents per year over the course of the three-year renewal ICR period.

**EXHIBIT 5**  
**Estimated Annual Burden and Cost to EPA to Implement NCP Subpart J**

<b>Oil Spill Mitigation Agent</b>	<b>Burden Hours</b>	<b>Cost Per Product<sup>1</sup></b>	<b>Number of Products Per Year</b>	<b>Total Annual Burden Hours</b>	<b>Total Annual Cost</b>
Bioremediation Agents	20	\$1,008	3	60	\$3,023
Dispersants	20	\$2,208	4	80	\$8,831
Miscellaneous Agents	20	\$1,008	2	40	\$2,016
Surface Collecting Agents	20	\$1,008	0	0	\$0
Surface Washing Agents	20	\$1,008	5	100	\$5,039
<b>Total</b>			<b>14</b>	<b>280</b>	<b>\$18,909</b>

<sup>1</sup>EPA estimates all submitted dispersant applications will undergo verification tests at a cost of \$1,200 per test. This cost is added to the cost associated with information collection activities listed in Exhibit 4 (\$1,008).

#### **6(d) Estimating the Respondent Universe and Total Burden and Costs**

##### **Estimated Total Annual Burden and Costs for All Respondents**

The section presents the average annual burden and costs for all respondents. The number of responses expected annually over the three-year renewal ICR period has been estimated based on the average rate of applications for listing on the Schedule over the last three years. It is estimated that manufacturers will apply to list 3 bioremediation agents, 4 dispersants, 2 miscellaneous oil spill control agents, 0 surface collecting agents, and 5 surface washing agents each year of the renewal ICR period; consequently EPA estimates that manufacturers will apply to list an average of 14 total product listings will occur each year of the ICR period.

The average annual burden is arrived at by multiplying the average unit burden (the midpoint of the range) by the estimated frequency of responses per year for each oil spill mitigating agent type, as shown in Exhibit 6.

Based on the average annual burdens shown in Exhibit 6, the total average annual burden under Subpart J will be approximately 360 hours for all 14 respondents. However, it is also expected that 10 sorbent manufacturers per year will have to certify the composition of their

product at an annual burden of 30 hours. Therefore the total annual burden to manufacturers under Subpart J will be approximately 390 hours.

As shown in Exhibit 6, the total annual cost under Subpart J will be \$99,110 for all 14 respondents. However, it is also expected that 10 sorbent manufacturers per year will be have to certify the composition of their product, at an annual cost of \$1,383 (10 products x \$138.33 per product). Therefore the total annual cost to manufactures under Subpart J will be \$100,493.

## EXHIBIT 6

## Estimated Total Average Annual Burden and Costs for All Respondents

Information Collection Activity	Per Product Costs								Number of Products Annually	Total Average Annual Burden Hours	Total Average Labor Costs	Total O&M Costs	Total Average Annual Costs
	Average Burden Hours			Total Average Burden Hours	Total Average Labor Cost	Capital/Startup Costs	O&M Costs	Total Average Costs					
	Management	Technical	Clerical										
	(\$59.82/hr)	(\$51.92/hr)	(\$26.03/hr)										
Manufacturers of Bioremediation Agents													
Prepare and Submit Response Form Items	2.5	12.5	7.5	22.5	\$994	\$0	\$0	\$994	3	67.5	\$2,982	\$0	\$2,982
Conduct Effectiveness Testing	0.0	0.0	0.0	0.0	\$0	\$0	\$15,000	\$15,000	3	0.0	\$0	\$45,000	\$45,000
Subtotal - Manufacturers of Bioremediation Agents	2.5	12.5	7.5	22.5	\$994	\$0	\$15,000	\$15,994	3	67.5	\$2,982	\$45,000	\$47,982
Manufacturers of Dispersants													
Prepare and Submit Response Form Items	3.5	17.5	7.5	28.5	\$1,313	\$0	\$0	\$1,313	4	114.0	\$5,253	\$0	\$5,253
Conduct Effectiveness Testing	0.0	0.0	0.0	0.0	\$0	\$0	\$1,200	\$1,200	4	0.0	\$0	\$4,800	\$4,800
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	\$0	\$0	\$3,000	\$3,000	4	0.0	\$0	\$12,000	\$12,000
Subtotal - Manufacturers of Dispersants	3.5	17.5	7.5	28.5	\$1,313	\$0	\$4,200	\$5,513	4	114.0	\$5,253	\$16,800	\$22,053
Manufacturers of Miscellaneous Agents													
Prepare and Submit Response Form Items	3.5	17.5	7.5	28.5	\$1,313	\$0	\$0	\$1,313	2	57.0	\$2,627	\$0	\$2,627
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	\$0	\$0	\$3,000	\$3,000	2	0.0	\$0	\$6,000	\$6,000
Subtotal - Manufacturers of Miscellaneous Agents	3.5	17.5	7.5	28.5	\$1,313	\$0	\$3,000	\$4,313	2	57.0	\$2,627	\$6,000	\$8,627
Manufacturers of Surface Collecting Agents													
Prepare and Submit Response Form Items	3.0	14.8	7.5	25.2	\$1,138	\$0	\$0	\$1,138	0	0.0	\$0	\$0	\$0
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	\$0	\$0	\$3,000	\$3,000	0	0.0	\$0	\$0	\$0
Subtotal - Manufacturers of Surface Collecting Agents	3.0	14.8	7.5	25.2	\$1,138	\$0	\$3,000	\$4,138	0	0.0	\$0	\$0	\$0
Manufacturers of Surface Washing Agents													
Prepare and Submit Response Form Items	2.8	14.0	7.5	24.3	\$1,090	\$0	\$0	\$1,090	5	121.5	\$5,448	\$0	\$5,448
Conduct Toxicity Testing	0.0	0.0	0.0	0.0	\$0	\$0	\$3,000	\$3,000	5	0.0	\$0	\$15,000	\$15,000
Subtotal - Manufacturers of Surface Washing Agents	2.8	14.0	7.5	24.3	\$1,090	\$0	\$3,000	\$4,090	5	121.5	\$5,448	\$15,000	\$20,448
Subtotal - Oil Spill Mitigation Agents	15.3	76.3	37.5	129.0	\$5,848	\$0	\$28,200	\$34,048	14	360.0	\$16,310	\$82,800	\$99,110
Sorbent Certification	0.3	2.0	0.8	3.0	\$138	\$0	\$0	\$138	10	30.0	\$1,383	\$0	\$1,383
Total	15.5	78.3	38.3	132.0	\$5,986			\$34,186		390.0	\$17,693	\$82,800	\$100,493

### **Estimated Total Annual Burden and Cost to EPA**

The annual burden and costs to EPA under Subpart J are presented at the bottom of the tables in Exhibits 4 and 5, respectively. The annual agency burden is determined by multiplying the unit agency burden by the expected frequency of applications. For example, it is estimated that the average request to list a dispersant would require 20 hours of EPA staff time under Subpart J (as shown in Exhibit 4). It is also estimated that EPA would process 4 applications for dispersants each year, as mentioned above. Therefore, the annual burden to EPA for dispersants under Subpart J would be approximately 80 hours (20 hours/application x 4 applications). The total annual burden to EPA under Subpart J will be approximately 280 hours (20 hours/application x 14 application). The number of future responses has been estimated based on the average rate of applications for listing on the Schedule over the last three years. As mentioned previously, it is estimated that applications will be received for 3 bioremediation agents, 4 dispersants, 2 miscellaneous oil spill control agents, 0 surface collecting agents, and 5 surface washing agents each year of the renewal ICR period.

The annual cost to EPA, as shown in Exhibit 5, is determined by multiplying the unit cost by the frequency of response. For example, it is estimated that the annual cost for listing dispersants will be \$8,831 (\$2,208 per application x 4 dispersants per year). The total annual cost to EPA under Subpart J will be \$18,909.

### **6(e) Bottom Line Burden Hours and Costs**

The total annual burden and costs for each of the three years of the renewal ICR period are illustrated in Exhibit 6. The labor cost represents the average hourly burden weighted by the appropriate wage category (management, technical, or clerical). O&M costs vary depending on product type and the test(s) required. For the renewal ICR period, the burden hours for respondents are 1,170 hours (390 + 390 + 390). Based on Exhibit 6, the annual O&M costs for respondents are \$82,800  $((\$15,000)(3/\text{year}) + (\$1,200 + \$3,000)(4/\text{year}) + (\$3,000)(2/\text{year}) + (\$3,000)(5/\text{year}))$ . Therefore the total O&M costs for respondents for the three-year renewal ICR period are \$248,400.

The annual respondent labor cost for oil spill mitigating agents and substances excluding sorbents is \$16,310, which is based on Exhibit 3 and the following equation:

$$([\{\$577 + \$1,410\}/2] \times 3/\text{year}) + ([\{\$769 + \$1,858\}/2] \times 4/\text{year}) + ([\{\$769 + \$1,858\}/2] \times 2/\text{year}) + ([\{\$673 + \$1,602\}/2] \times 0/\text{year}) + ([\{\$641 + \$1,538\}/2] \times 5/\text{year}) = \$16,310$$

The annual respondent labor cost of sorbent is \$1,383  $(\$138.33 \times 10 \text{ respondents})$ . Therefore, the total annual labor cost for respondents is \$17,693, and the total labor costs for respondents for the three-year ICR period will be \$53,079  $(\$17,693 \times 3 \text{ years})$ . Accordingly, the bottom line cost for respondents for the three-year renewal ICR period is \$301,479  $(\$248,400 + \$53,079)$ . There are no capital/start-up costs associated with this renewal ICR.



**EXHIBIT 7**  
**Total Burden and Cost Estimates Under Subpart J**

Year	RESPONDENTS				EPA			
	Burden (hours)	Labor Costs	O&M Costs	Total Costs	Burden (hours)	Labor Costs	O&M Costs	Total Costs
Year 1	390	\$17,693	\$82,800	\$100,493	280	\$14,109	\$4,800	\$18,909
Year 2	390	\$17,693	\$82,800	\$100,493	280	\$14,109	\$4,800	\$18,909
Year 3	390	\$17,693	\$82,800	\$100,493	280	\$14,109	\$4,800	\$18,909
Total <sup>a</sup>	1,170	53,079	248,400	301,479	840	42,327	14,400	56,727

As shown in Exhibit 4, the Subpart J annual burden for EPA is 280 hours. Therefore, the total burden hours for EPA during the three-year renewal ICR period are 840. The total annual labor costs for EPA are \$14,109, and the total labor costs for EPA over the three-year renewal ICR period are \$42,327 (\$14,109 x 3 years).

**6(f) Reasons for the Change in Burden**

EPA does not anticipate any changes in the annual burden hours or O&M costs under this ICR renewal (see Exhibit 8). The only modifications made to figures in this ICR supporting statement involve updates to the wage rates associated with respondent and EPA personnel activities. Labor costs are not reported in the OMB inventory.

**EXHIBIT 8**  
**Estimated Annualized Burden and Costs Comparison**

	Annualized Burden Hours	Annualized O&M Costs (rounded)
Current OMB Inventory Burden	390	\$83,000
Change in Burden	0	0
Adjustment	0	0
Program Change	0	0
ICR Renewal Burden	390	\$83,000

**6(g) Burden Statement**

The collection of information required to prepare and submit material for listing a product on NCP Product Schedule is estimated to have a public reporting burden of 13 to 40 hours per response in the first year and subsequent years, depending on the type of product to be listed with an average of 26 hours per response. Written certification for sorbents is estimated to

have a public reporting burden of 3 hours per product. There is no recordkeeping burden associated with listing a product on the NCP Product Schedule.

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 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. 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 regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

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-OPA-2007-0042, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0276. An electronic version of the public docket is available at [www.regulations.gov](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. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OPA-2007-0042 and OMB Control Number 2050-0141 in any correspondence.