

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

**ENVIRONMENTAL PROTECTION AGENCY
STRATOSPHERIC OZONE PROTECTION**

1. Identification of Information Collection

a) *Title:* Information on Exposure to n-Propyl Bromide under the Significant New Alternatives Policy (SNAP) Program

b) *Short Characterization*

Title VI of the Clean Air Act Amendments of 1990 (the Act) implements the obligation of the United States under the Montreal Protocol to phase out the use of ozone-depleting substances. Section 612 of Title VI establishes as U.S. policy the requirement that Class I and Class II ozone-depleting substances shall be replaced, to the maximum extent practicable, by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risks to human health and the environment.

EPA developed its Significant New Alternatives Policy (SNAP) program to fulfill the requirements of Section 612. Section 612(c) requires EPA to enact rules making it unlawful to replace any Class I or II substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where an alternative has been identified that (1) reduces the overall risk to human health and the environment, and (2) is currently or potentially available.

Section 612(c) also requires EPA to publish a list of the substitutes prohibited for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses as well.

EPA issued regulations on March 18, 1994, in 59 FR 13043, which are codified at 40 CFR Part 82, Subpart G (Section 82.170 *et seq.*), establishing the SNAP program. Information required to be collected under previous SNAP regulations is currently approved by OMB for use through October 31, 2007 under OMB control number 2060-0266.

In the most recent proposed rule prepared for the SNAP program, EPA does not propose any information collection requirements. The proposal would allow the use of n-propyl bromide without restriction in solvent cleaning, would address its use only in a single facility using coatings with n-propyl bromide, and would prohibit the use of n-propyl bromide in aerosols and adhesives.

The proposal also mentions and takes comment on the rejected option of listing the chemical n-propyl bromide as an acceptable substitute subject to use conditions that users of n-propyl bromide in aerosol solvents and adhesives must (1) meet a workplace exposure limit of no more than 17 ppm on an 8-hour time-weighted average, (2) must monitor workers for exposure initially and periodically, and (3) must keep records of worker exposure for up to three years

from the date of measurement. Periodic monitoring would normally be performed every six months for facilities where all measurements during initial monitoring are at or below the workplace exposure limit of 17 ppm. Periodic monitoring may be eliminated if all measurements during initial testing are at 10 ppm or below. In addition, EPA took comments on provisions that would require new monitoring if major changes occur that could increase exposure. The recordkeeping requirement is for the purpose of demonstrating compliance with the regulatory requirement for exposure. End users would need to keep records to demonstrate that workers are not being exposed in excess of the exposure limit. Because this requirement is not explicitly listed in the currently approved ICR for the entire SNAP program, and in order to give the public an opportunity to comment on the burden of a potential regulatory option, EPA is requesting approval for this additional ICR. The burden estimate only applies to an option for comment, and not to the proposed regulation.

2. Need for and Use of the Collection

a) Authority for the Collection

Information required to be collected under the SNAP program is intended to fulfill the mandate in Section 612(c) of identifying acceptable substitutes that can serve as replacements for ozone--depleting substances being phased out under the Act, as well as unacceptable substances which may not be used as replacements for ozone-depleting substances being phased out under the Act. EPA is proposing to determine that n-propyl bromide may be used without restriction in solvent cleaning, may be used by a single user of coatings, and must not be used in aerosol solvents or adhesives. The Agency also provides for comment an option that would find n-propyl bromide acceptable subject to meeting regulatory use conditions for aerosols and adhesives, because if n-propyl bromide exposures exceed the exposure limit, it is more hazardous to public health than other alternatives available. The proposed regulation for listing of n-propyl bromide is listed in Appendix A. Section 612 (42 U.S.C. 7671k) is attached as Appendix B. EPA's implementing regulations (40 CFR Part 82, Subpart G, Sect. 82.170 et seq.) are attached as Appendix C.

b) Use/Users of the Data

EPA's Regional offices and Office of Enforcement and Compliance Assurance would use the data to determine compliance with the regulatory use condition. In addition, users would benefit from the information because they can determine if further steps are necessary to protect workers.

3. Non-duplication, Consultations, and Other Collection Criteria

a) Non-duplication

The specific information requested by this notice is not currently collected by EPA or any other government agency. In some cases, suppliers of n-propyl bromide assist their customers in obtaining exposure data; these data could be used to meet the requirements of the rule to avoid duplication with information available in the private sector.

b) Consultations

In preparing to prepare this information collection request, EPA reviewed information for a similar requirement under other federal regulations (29 CFR 1910.1052(d)). EPA also consulted with the Occupational Safety and Health Administration (OSHA) for guidance on exposure monitoring.

c) Effects of Less Frequent Collection

If information were collected less frequently, it would not be possible to determine if the end user is in compliance. Further, users of n-propyl bromide will be at greater risk of adverse health effects if they do not know their workplace exposure levels.

EPA mentions two approaches to the use conditions that reduce the total data collection burden. One allows relief from periodic monitoring requirements for a user that demonstrates low exposure at their facility (8.5 ppm or less). The other allows for representative sampling of workers using n-propyl bromide, rather than sampling of every exposed worker.

d) General Guidelines

This rule does not exceed any of the guidelines.

e) Confidentiality and Sensitive Questions

i) Confidentiality

The physical records that end users keep on file are not readily available to the public, but they are considered non-confidential. The records are not commercially sensitive.

ii) Sensitive Questions

This section does not apply because the regulation and the associated information collection request do not seek information of a sensitive nature.

4. The Respondents and the Information Requested

a) Respondents

Respondents for the recordkeeping requirement include users of substitutes for ozone-depleting substances. Principally, these respondents are in the following major categories of industry groups, by NAICS subsector or code:

NAICS code or subsector	Description of regulated entities
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326150	Urethane and other foam product (except polystyrene) manufacturing
334	Computer and Electronic Product Manufacturing
335	Equipment Appliance, and Component Manufacturing
336	Transportation Equipment Manufacturing
337	Furniture and Related Product Manufacturing

b) Information Requested

i) Data Items (for recordkeeping requirements):

EPA has based the estimated respondent burden and cost on typical periods for completing tasks and costs for monitoring equipment for each anticipated user of n-propyl bromide. To the extent that companies choose to comply by switching to another chemical or that chemical suppliers already provide materials and analysis for exposure monitoring to their customers, the estimates contained in this analysis may overestimate the respondent burden and cost.

- Records of worker exposure levels to n-propyl bromide, in parts per million over an 8-hour time-weighted average.
- Method used to measure worker exposure levels.

There is no specific format for these records.

ii) Respondent Activities

There are limited activities required of respondents:

- 1) Obtain exposure monitoring badges or other monitoring equipment.
- 2) Perform initial exposure monitoring with the badges within 90 days of finalization of the rule.
- 3) Send the badges to a laboratory for analysis.
- 4) Ensure that workers use the badges at the prescribed frequency (e.g., once every six or twelve months).
- 5) Keep records of the exposure information.

Some suppliers of n-propyl bromide products already carry out activities 1 and 3 for their customers.

The proposal takes comment on keeping records for up to three years. Under OSHA's requirement for keeping exposure data at 29 CFR 1910.1020(d)(ii), an employer must keep any exposure data for at least 30 years. EPA also takes comment on whether this requirement should be incorporated in EPA's rule, instead of the 3-year period.

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

a) Agency Activities

EPA activities associated with this requirement are:

- to respond to questions from end users about the sufficiency of their records
- to view records during inspections

b) Collection Methodology and Management (including discussion of the items mentioned in OMB's remarks in the 1994 approval of the original ICR)

EPA does not collect the information. However, EPA staff could potentially view records during inspections of facilities or request copies from specific end users.

c) Small Entity Flexibility

Small entities may contract with their suppliers for assistance in exposure monitoring. In addition, EPA is taking comment on ways to reduce the total amount of monitoring required, as described above in section 3.c.

d) Collection Schedule

As with any records kept at a facility to demonstrate compliance, Agency collection is on an As needed basis. End users would need to update their records every three months.

6. Estimating the Burden and Cost of Collection

a) Estimating Respondent Burden

b) Estimating Respondent Costs

Table 6A/B presents estimates of annual respondent burden hours and costs for each of the respondent activities described in section 4(b)(ii), with explanations of the assumptions made in each table.

Exhibit 6A/B: Annual Respondent Burden and Cost (1)

The following table shows estimates of respondent burden hours and costs. They are based on the following assumptions:

- Users will purchase exposure monitoring badges and have them analyzed at \$48 each and will require two badges for each worker using n-propyl bromide during each monitoring event.
- We estimate as many as 4910 companies in the U.S. using n-propyl bromide in the end uses addressed in the proposed regulation. Up to 75,000 exposed workers would need to be monitored for exposure. On average, there are 15 workers to be monitored per respondent.
- Based on current exposure data, we expect that as many as 30,000 workers will need to be monitored every six months. Although we expect as many as 45,000 workers to be at facilities that qualify for relief from periodic monitoring, at some portion of facilities, there may be an event resulting in an increase in exposure levels that requires new monitoring. To account for this possibility in a manner that does not underestimate costs, we assume that up to 45,000 workers need to be monitored once per year.
- Users will need to scan exposure monitoring results to see if they are below the workplace exposure limit. We estimate this will require ten minutes of technical or managerial time for each worker using nPB once every monitoring event, with an average of 1.6 monitoring events per year per worker. This equates to an average of 16 minutes per worker per year and an average of 4.1 hours per year per respondent.
- End users will need to file the records. We estimate this will require two minutes of clerical time for each facility for each monitoring event and worker, with an average of 48 minutes per year per respondent.
- Labor costs representing an average hourly rate of pay, including overhead and benefits, for a private company for labor that would be classified as Atechnical@ time at \$60.00/hr and Aclerical@ time at \$20.00/hr.
- There is no start-up cost associated with this requirement.
- The annual operating and maintenance cost associated with this recordkeeping requirement is based upon the above-mentioned labor costs and the costs of monitoring badges and analysis.

Table 6A/B: Annual Respondent Burden and Cost

Information Collection Activity	A Resp. Hours per Year	B Labor Cost (A)@ \$60/hr, B)@ \$20/hr per year	C Annualized Start-up Cost	D Operating & Maintenance (O&M) Costs per respondent (avg of 49 badges @\$48 each per year)	E No. of Resp	F Tot. Hrs. per year (A*E)	F Total Annualized Cost per year (C*E)	G Total Labor Cost per year (B*E)	H Total O&M Costs per year (D*E)
Recordkeeping requirement									
A) Collect and review exposure data	4.1	\$ 246.00	\$ 0	\$ 2352.00	Maximum of 4910	20,130	\$ 0	\$ 1,202,700	\$ 11,545,000
B) File records	0.8	\$ 16.33	\$ 0	\$0	Maximum of 4910	3,930	\$ 0	\$ 80,000	\$ 0
Subtotals	4.9	\$ 262.33	\$ 0	\$ 2352.00	Maximum of 4910	24,060	\$ 0	\$ 1,282,700	\$ 11,545,000

c) Estimating Agency Burden and Costs

Exhibit 6C-1: Annual Agency Burden and Costs

The following table shows estimates of EPA burden hours and costs for the activities listed in section 5 above. In making these estimates, EPA made the following assumptions:

- The number of occurrences assumes that up to 1% of end users will have sufficient questions about the recordkeeping requirement that they will ask EPA for assistance.
- The number of hours per answer from EPA is 0.20, or 12 minutes.
- Labor cost is based on the annual 2005 salary for a GS 10/ Step 7 employee (\$57,309), which is divided by 2,080 hours, the number of hours in a federal work year (resulting in an hourly rate of \$27.55), then multiplied by 1.6, the standard government benefits multiplication factor (resulting in a final hourly rate of \$44.08.)
- Agency activities such as inspections and enforcement are beyond the scope of this ICR.

Exhibit 6C-1: Annual Agency Burden and Costs

Agency activity	No. of occurrences	No. of hours per occurrence	Total no. of hours per year	Labor cost (@ \$44.08/hr) per year	Cost of contract services per year	Total Cost per year
Answer questions re: recordkeeping requirement	49	0.2	9.8	\$ 432	n/a	\$ 432
Totals	49	0.2	9.8	\$ 432	n/a	\$ 432

d) Estimating the Respondent Universe and Total Burden and Costs

See Table 6A/B in section 6(a) and (b) for these estimates.

e) Bottom Line Burden Hours and Cost Tables

Exhibit 6E-1: Total Estimated Respondent Burden and Cost Summary

Information collection activity	No. of Respondents per year	No. of Activities per year	Total Hours per year	Total Labor Cost per year	Total Annualized Start-up Costs	Total Annualized O&M Costs	Total Annualized Costs
Total: Recordkeeping for use condition	Maximum of 4,910	240,200	24,060	\$ 1,283,000	\$ 0	\$ 11,545,000	\$ 12,828,000

These numbers are from the subtotals of Table 6 A/B. Table 6E-1 counts two activities for each collection of exposure data from each worker.

Exhibit 6E-2: Total Estimated Agency Burden and Cost Summary

Agency activity	No. of Respondents	No. of Activities	Total Hours per year	Total Annual Labor Cost
Answer questions re: recordkeeping requirement	4910	49	9.8	\$ 432
Totals	4910	49	9.8	\$ 432

The total annual burden would remain the same from year to year.

f) Reasons for Change in Burden

The total number of burden hours requested for this information collection has increased from zero to 7400 hours because of the new program requirement.

g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.2 hours per response. 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's 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-OAR-2002-0064, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 Air and Radiation Docket and Information Center is (202) 566-1927. An electronic version of the public docket is available at 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-OAR-2002-0064 and OMB Control Number 2060-NEW in any correspondence.

NOTE: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to visit the Public Reading Room to view documents. Consult EPA's Federal Register notice at 71 FR 38147 (July 5, 2006) or the EPA website at www.epa.gov/epahome/dockets.htm for current information on docket status, locations and telephone numbers.

Appendices

- A- Text of proposed SNAP regulation on n-propyl bromide
- B- Text of Section 612 of the Clean Air Act as amended in 1990
- C- Text of SNAP Regulations, 40 CFR Part 82, Subpart G