

## PART A OF THE SUPPORTING STATEMENT

### 1. Identification of the Information Collection

#### (a) *Title and Number of Information Collection.*

"Information Collection Requirements for the Control of Evaporative Emissions from New and In-Use Portable Gasoline Containers", The Environmental Protection Agency (EPA) tracking number for this information collection request (ICR) is 2213.02. This is a new collection.

#### (b) *Short Characterization.*

##### (i) *Type of collection.*

The information collection covered by this Information Collection Request is a requirement on the manufactures of new portable gasoline containers for their certification for sale in the United States by EPA. The proposed information collection represented by this ICR is included in the notice of proposed rule making, "Control of Hazardous Air Pollutants from Mobile Sources," published in 40 CFR parts 59, 80, 85 and 86, Docket number EPA-HQ-OAR-2005-0036, RIN 2060-AK70. This ICR is specific to the process of certification documented in the proposed rule —CONTROL OF EVAPORATIVE EMISSIONS FROM NEW AND IN-USE PORTABLE GASOLINE CONTAINERS. The requested information includes both reporting and recordkeeping.

##### (ii) *Content of reports.*

All manufacturers of portable gasoline containers subject to the rule mentioned in section (i) must submit applications and reports to EPA to certify them for sale in the United States. The application information required is described in section (iii) (1) of this document and is required preceding sale of new portable gasoline containers. A second mandatory report is warranty and defect information on these products. The information required in that report is described in section (iii) (4). The warranty and defect report is required annually in the July of the year following the model year the portable gasoline container was certified.

##### (iii) *Recordkeeping requirements.*

Respondents must organize and maintain the following records:

- (1) The respondent must organize and maintain all applications, their amendments, and any summary information that is to be sent to EPA. An application is for an emissions family that describes a single or group of portable fuel containers that are expected to have similar emission characteristics. In general fuel containers made with similar materials, processes, emission control strategy, and design are subject to pooling into a single emission family. An emissions family is limited to a single model year. The information required in an application is as follows:

- a. Description of the emission family's specifications, distinguishable configuration, detachable parts, their part numbers, and other basic parameters of the emission controls;
  - b. Explanation emission control technology;
  - c. Description of the products selected for testing and the reasons for selection;
  - d. Description of the test equipment and procedures used;
  - e. Fuel properties of the test fuel used for tests reported in the application and how they compare to the test fuel specifications in the regulation;
  - f. Maintenance, use instructions, and warrantee information provided with product to the ultimate purchaser of each new portable gasoline containers;
  - g. Description and example of the emission control information label;
  - h. A statement that the application's emissions family products were tested as described and met the requirements of the regulation;
  - i. The emission data for the application's emissions family products that indicates that it met the applicable emission standards except in the cases where the products only differ in model year from those that were previously certified;
  - j. Test results from invalid tests or tests that were not conducted as specified in section §59.650 through 59.653 of the rule;
  - k. An unconditional certification by the respondent that all the products in the emissions family comply with the requirements of the rule;
  - l. Estimates of U.S.-directed production volumes; and
  - m. Name of an agent for service of process located in the United States for any action by EPA related to the requirements for the rule.
- (2) The respondent must keep records for each portable gasoline container tested (emission data unit) for the requirements of the rule. For each emission data unit, that would include the following information.
- a. The emission-data unit's construction, including its origin and buildup, steps taken to ensure that it represents production containers, components built specially for it, and all the components you include in the application for certification.
  - b. All emission tests, including documentation on routine and standard tests, as specified the rule. Each test report shall include:
    - i. Test results;
    - ii. Purpose of test;
    - iii. Date and time of the test;
    - iv. Test cell ambient conditions during the test such as temperature, barometric pressure, and relative humidity;
    - v. Diagnostic data indicating test procedure conformance to the rule;
    - vi. Significant events that may affect the products conformance with the rule;
    - vii. Production figures for each emissions family divided by assembly plant;

- viii. Maintenance instructions for the portable fuel containers in the engine family; and
- ix. A running list of portable gasoline container identification numbers for all the containers produced under each certificate of conformity.

All the above information must be kept five years after a certificate of conformity is issued for the emissions family in question. Data covering test cell ambient conditions, however, is required to be kept for one year only after a certificate of conformity is issued for the emissions family in question.

(3) The stored records can be in any format and on any media, as long as it can be promptly delivered to EPA on request.

(4) Annual successful warranty claims, including the reason for the claim and defect report summarizing by emissions family are to be provided to the agency. These reports are due to EPA by July 1 for the preceding calendar year.

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

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

The EPA is required under Section 183(e) of the Clean Air Act (Act) to regulate VOC emissions from the use of consumer and commercial products. Pursuant to Section 183(e)(3), the EPA published a list of consumer and commercial products and a schedule for their regulation on March 23, 1995 (60 FR 15264). Consumer products were included in Group I of the list, and standards were promulgated on September 11, 1998. In the Administrator's judgment, VOC emissions from the use of consumer products contribute to ground-level ozone formation in ozone non-attainment areas.

Statutory authority for the portable gasoline container controls is found in Sections 183(e) and 111, 42 U.S.C. sections 7511b(e) and 7414. This authority was granted to regulate Volatile Organic Compounds emissions (VOCs) from the use of consumer and commercial products. Portable gasoline containers are a consumer product which in and of itself do not emit large amounts of VOCs. However, they have been shown to be deficient in preventing VOCs in the form of gasoline vapors from being emitted into the air. This Information Collection Request (ICR) is part of the certification of new portable gasoline containers that will significantly lower VOC emissions nation wide.

The record keeping in an application for an emissions family of portable gasoline containers is necessary to prove to the agency that the emissions family meets the emission standard in the regulation. The items specified in (iii)(1) for the application are specific enough to provide enough information to allow the agency to issue a certificate of compliance for the emissions family covered in application.

The information in the application is sufficient to allow the manufacture to aggregate containers of like design into one emission family. This saves the manufacturer the expense of testing models of similar but not identical design. The information is also detailed enough to allow recertification for subsequent new model years where the only difference containers of the current and future model years is only the model year itself. The emissions family collection for similar containers and the carry over provisions are seen as a reasonable approach to simplify and lower the cost of gasoline container certification program for the manufacture.

The warranty and defect reports provided by the manufactures to the agency are needed to assure that the containers survive normal use and provides to EPA confidence that they are minimally meeting the emission standards. Cans showing excessive warranty claims or high defect rates could be candidates for in-use testing by EPA. Though EPA does not have the authority to recall portable fuel containers the warranty and defect information along with in-use testing by EPA could be used as grounds to withhold subsequent certification of containers that are not operating as required by the regulation.

*(b) Use/Users of the Information.*

Agency enforcement personnel will use the information collected to:

- Determine if a manufacture’s portable gasoline containers meet the emission standard when new;
- Allow the agency to issue a certificate of compliance to the manufacturer so that they can market the approved containers;
- Allow the agency to issue certificates in successive model years to containers that differ only in model year to manufactures and waiving the testing process required for a new design;
- Allow the agency to issue certificates to the manufacture for containers that are substantially similar to the tested prototype and waive the testing process required for a new design;
- Provide information to the agency to indicate that the portable gasoline containers are meeting the standard in-use; and
- Provide information to the agency that a portable gasoline container design is not meeting the standard in-use and provides a basis on which to reject a manufactures application for that design in subsequent model years.

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

*(a) Non-duplication.*

The information collected pursuant to the regulation is product and manufacturing specifications, testing, successful warranty claims, and defect data concerning portable gasoline containers. Similar information will be collected by the state of California for their Portable Fuel Container regulation<sup>1</sup>. However, the California regulation is different in several key areas that make the information unsuitable for information collection required for Federal rule. These are all due to the following differences in the standards and certification requirements in the two rules.

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<sup>1</sup> “Certification Procedure for Portable Fuel Containers and Spill-Proof Spouts”, California Air Resources Board July 22, 2005

- The test fuel and the temperature cycles used in the Federal program are more in keeping with nation wide ambient temperatures and fuels while those required in the California regulation are more suitable to California fuels and ambient conditions.
- The Federal rule requires the reporting of successful warranty claims and defect reports concerning fuel containers sold as certified under the rule. While the California regulation does require that the manufacturer issue warranties, it does not require them to report on the outcomes of successful claims against them.

These differences make the California data unsuitable for the Federal rule on fuel containers.

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

The proposed information collection represented by this ICR is included in the notice of proposed rule making, “Control of Hazardous Air Pollutants from Mobile Sources,” 40 CFR parts 59, 80, 85 and 86, Docket number EPA-HQ-OAR-2005-0036, RIN 2060-AK70. A copy of the proposed rule is available in this docket and it will be submitted for publication in the Federal Register.

*(c) Consultations*

EPA has had ongoing discussions with the gasoline container manufactures concerning the gasoline container rule and its impact on their business. The dates and method of contact are listed below.

<u>Organization</u>	<u>Consultation</u>
Blitz USA:	Meetings on: 3/23/04, 4/15/04, 9/29/05 Phone discussions on: 2/17/04, 5/5/04, 5/13/04, 9/16/04, 3/22/05
Scepter	Meeting on: 11/9/04 Phone discussions on: 6/3/04, 4/27/05, 8/26/05
Wedco	Phone discussions on: 5/28/04, 4/19/05
Midwest Can Company	Phone discussions on: 6/21/05, 7/28/05
No-Spill Research	Phone discussions on: 7/21/04
Industry wide	Conference call: 11/17/04

*(d) Effects of Less Frequent Collection.*

The requirement of the portable fuel container regulation is that information is submitted on a yearly basis coinciding with the manufacturer’s “model year.” The certificate of conformity is effective until December 31 of the model year for which it was issued. For these reasons, a collection frequency longer than a year is not possible. However, when a fuel container design is “carried over” or a new version of a container that is for all intents and purposes substantially

similar to a current container, the amount of new information required is substantially reduced. The manufactures can modify the terms for certification under §59.621 which could conceivably effect the frequency of data collection. However, changes would have to be approved by EPA and can not lead to less effective emission control.

*(e) General Guidelines.*

This ICR adheres to the guidelines for Federal data requesters, as provided at 5 CFR 1320.5. The regulation requires that records concerning the application for certification be maintained for 5 years and testing data for 1 year. Successfully awarded warranty information and product defect reports are required for the preceding model by July 1st of the following year. There is no requirement to report unsuccessful claims against container warranties and after the reporting of the data to EPA. There is no requirement by EPA for the manufactures to retain that information. These periods of record retention are consistent with other ongoing and similar programs. They are necessary to allow enough record history for the agency to adequately monitor compliance.

*(f) Confidentiality.*

Any information submitted to EPA for which a claim of confidentiality is made will be safeguarded according to EPA regulations at 40 CFR 2.201 et seq.

*(g) Sensitive Questions.*

This section is not applicable because this ICR does not involve matters of a sensitive nature.

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

*(a) Respondents/SIC and NAICS Codes.*

Respondents to this information collection are manufacturers of portable fuel containers. They fall within standard industrial classification (SIC) 3411 and within the North American Industrial Classification System (NAICS) code of 324110.

*(b) Information Requested.*

*(i) Data items.*

Table 2, Source Data and Information Requirements, summarizes the recordkeeping and reporting requirements.

**TABLE 2****SOURCE DATA AND INFORMATION REQUIREMENTS**

Group	Item	Sub Item	Requirement
Application (Report)	Emissions Family Specification	Physical Configurations	§59.623
Application (Report)	Emissions Family Specification	Method of Emission Control	§59.623
Application (Report)	Emissions Family Specification	Container Models	§59.623
Application (Report)	Testing	Test Equipment	§59.623
Application (Report)	Testing	Test Methods	§59.623
Application (Report)	Testing	Test Fuels	§59.623
Application (Report)	Testing	Emission Test Data	§59.623
Application (Report)	Compliance	Statement of Compliance of Tests	§59.623
Application (Report)	Compliance	Maintenance and Use Instructions to Users	§59.623
Application (Report)	Compliance	Description of Emissions Control Label	§59.623
Application (Report)	Compliance	Statement of Compliance of Member Containers to Emissions Family	§59.623
Application (Report)	Compliance	Name of Agent of Process for the Application	§59.623
Application (Report)	Impact	Estimate of US Sales	§59.623
In-Use Report	Awarded Warranty Information	Reasons for Claim	§59.628
In-Use Report	Defect	List and number of defects by emissions family	§59.628
Record Keeping	Application (Report)		§59.628
Record Keeping	Annual In-Use Report		§59.628
Record Keeping	Emission-Data Unit (prototype test container)	Configuration and Components	§59.628
Record Keeping	Emission-Data Unit (prototype test container)	Build Information	§59.628
Record Keeping	Emission-Data Unit (prototype test container)	Representativeness to Production Version	§59.628
Record Keeping	Emission-Data Unit (prototype test container)	All Emission Test Data for Emission-Data Unit	§59.628
Record Keeping	Emission-Data Unit (prototype test container)	Date and Time for	§59.628
Record Keeping	Emission-Data Unit (prototype test container)	Ambient Test Cell Conditions	§59.628
Record Keeping	Production Figures	By Emissions Family and Assembly Plant	§59.628
Record Keeping	Unique Container Serial Numbers	By Certificate of Conformity	§59.628

(ii) *Respondent Activities.*

The respondent will have to document fuel container specifications in detail such as physical size, shapes, materials, quality of component fit, and production methods. The respondent shall have to keep records on testing that was performed to assure compliance with the fuel container regulation. The respondent must collect and keep warranty and defect information for annual reporting on in-use survival of their products in the hands of consumers to EPA. The respondent must also retain records on the units produced, apply serial numbers to individual containers, and track the serial numbers to their certificates of conformance. Many of these activities are performed in the production of any modern consumer product, but clearly some of the information is uniquely required to the fuel container regulation

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

(a) *Agency Activities.*

A significant portion of EPA's activity for the fuel container regulation will be spent reviewing applications to verify that the correct tests have been conducted and the necessary information has been submitted. Running change submissions must also be reviewed for possible impacts and manufacturers' evaluations thereof. A part of this process involves determining if "carry over" of data from a previous model year or addition of a new container model to an existing emissions family is appropriate or if new testing will be required. EPA has the right to select a number of containers for testing to confirm that the cans are indeed meeting the emissions standards.

(b) *Collection Methodology and Management*

As noted in section 2(b) of this ICR, the information collected is a necessary part of compliance determination for model year 2009 therefore, the information collected under this rule will not be collected until calendar year 2008. A database shall be developed to store the information at that time.

(c) *Small Entity Flexibility.*

Under the rule, there are provisions for small entity flexibility. All respondents can apply for extension of deadlines, including new container designs under existing emissions families. They can also apply for exceptions for particular product use for atypical applications and sales. Hardship exceptions are provided when a manufacture is facing issues of solvency due to circumstances beyond their control such as a natural disaster, a part supplier not meeting contractual obligations, or the cost of conformance to the rule.

(d) *Collection Schedule.*

The portable fuel container regulation applies to all fuel containers manufactured on or after January 1, 2009. Containers excluded from the rule are those specified in §59.699. Information collections are on a model year basis. Model years end on December 31 of the model year certified.



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

These estimates represent the average annual burden that will be incurred by the affected industry during the 3-year period beginning in 2008. It is believed that most of the record keeping and reporting costs will shall be done at start up in 2008.

### (a) Estimating Respondent Burden.

The average annual labor burden estimates for reporting and recordkeeping requirements for all manufacturers presented in Table 3.

Table 3 – Estimated Annual Respondent Burden and Costs for labor

	Management Hours Per Emission Family	Technical Hours Per Emission Family ours	Clerical Hours Per Emission Family	Total Hours	Costs
Salaries					
Application	60	80	16	156	\$ 6,967
Record Keeping	40	40	16	96	\$ 4,447
Testing Defect and Warranty	40	250	20	310	\$ 10,261
Reporting	20	40	16	76	\$ 3,011
Annual totals	160	410	68	638	\$ 24,687

### (b) Estimating Respondent Costs.

#### (i) Estimating Labor Costs

Table 3 also presents estimated labor costs for the required recordkeeping and reporting activities. Industry labor rates are based on Bureau of Labor Statistics<sup>2</sup> for a manager product inspector and office and administrative support book keeping clerical. Overhead of 100 percent was added, resulting in the following labor rates: management (\$71.80); technical (\$27.10); and clerical (\$30.70).

#### (ii) Estimating Capital and Operations and Maintenance Costs

EPA estimates there will be ongoing O&M costs associated with the reporting and recordkeeping requirements for the portable gasoline container rule. These costs will be associated with communication of information with EPA. Those costs are found in Table 4. Respondents have indicated that they do not plan on building their own facilities to perform the required testing for the gasoline container regulation. They shall contract out the work to existing testing laboratories.

<sup>2</sup> [http://www.bls.gov/oes/current/naics4\\_326100.htm#b11-0000](http://www.bls.gov/oes/current/naics4_326100.htm#b11-0000)

(iii) *Estimating Start Up Capital and Operations and Maintenance Costs*

Start up capital costs for the respondents are presented in Table 4. These costs are associated with the development of the appropriate information technology to store and report the required information.

Table 4- Capital, Operating and Maintenance Costs

Activity	Average Number per Year per Respondent	Total Costs Per Year
Familiarize with reporting requirements	One-time amortized cost	\$ 300
Update data collection Software	One-time amortized cost	\$ 119
Communication with EPA	3	\$ 100
Totals		\$ 519

(c) *Estimating Agency Burden and Cost.*

Agency burden and costs associated with the data collection are presented in Table 4.

Table 5 - Estimated Agency Burden and Cost

Collection Activity	Burden Hours	Frequency	Annual Burden Hours	Annual Costs
Modify database to manage the collected data, maintenance & computer time [1]	4	1	4	\$ 236.63
Answer Respondent Questions	3	5	15	\$ 907.99
Review and Approve Can Manufacturers Application and Certification Data	20	20	400	\$24,213.12
Enter Data	1	20	20	\$ 1,210.66
Annual Report	16	1	16	\$ 968.52
Totals			455	\$27,536.93

Labor rates and associated costs are based on Office of Personnel Management Table SALARY TABLE 2006-GS<sup>3</sup>. Overhead of 60 per cent was added, resulting in the following labor rates: management (GS15 Step 5 - \$79.50); technical (GS13 Step 5 - \$57.20); and clerical (GS7 Step 5 - \$27.12). The number of management hours is assumed to equal 5 percent of the number of technical hours; the number of clerical hours is assumed to equal 1 percent of the number of technical hours

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

<sup>3</sup> [http://www.opm.gov/oca/06tables/pdf/gs\\_h.pdf](http://www.opm.gov/oca/06tables/pdf/gs_h.pdf)

The following assumptions were used to estimate the respondent universe and total burden and costs for industry to comply with the various requirements of the rule.

- There are ten manufactures of fuel containers for the domestic market.
- The average number of emission families that will be produced per manufacture in the first five years of the rule will be one.
- The majority of the families will be carried over from successive model years.
- Manufactures will produce designs that will meet the standards.

(e) *Bottom Line Burden Hours and Cost Tables.*

(i) *Respondent Tally*

The bottom line respondent burden hours and cost, presented in Table 3, are calculated by summing the person-hours column and by summing the cost column. The annual burden and cost averaged over the 5 years beginning in the year 2008 are 638 hours, \$ 24,791 in wages, capitol, and operating and maintenance costs. The average burden equals the total burden (638 hours) divided by the number of respondents (10 respondents), or about 63.8 hours per respondent.

(ii) *Agency Tally*

The bottom line Agency burden and cost are presented in Table 4. Agency cost for each activity is calculated by summing the technical, management, and clerical costs for each burden item. The estimated annual burden and cost averaged over the 3 years beginning in October 2008 are 455 hours and \$27,536.93.

(iii) *Variations in the annual bottom line.*

The EPA does not anticipate any significant annual variations in the bottom line after the first year the rule is in effect.

(f) *Reasons for Change in Burden.*

The burden reported in this ICR is attributed to a new regulation.

(g) *Burden Statement*

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 63.8 hours respondent. 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 No. EPA-HQ-OAR-2005-0036, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Air and Radiation Docket and Information Center Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC. 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) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). Use this site 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 Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2005-0036 and OMB Control Number 2060-New in any correspondence.

### **Part B of the Supporting Statement**

This section is not applicable to this ICR.