

PART A OF THE SUPPORTING STATEMENT

1. Identification of the Information Collection

(a) Title and Number of Information Collection.

"National Volatile Organic Compound Emission Standards for Consumer Products." The Environmental Protection Agency (EPA) tracking number for this information collection request (ICR) is 1764.04. This is a renewal of a continuing ICR, OMB No. 2060-0348, expiration date October 31, 2007.

(b) Short Characterization.

(i) Type of collection.

The information collection includes initial reports and periodic recordkeeping necessary for the EPA to ensure compliance with the federal standards for consumer products. Respondents are manufacturers and importers of consumer products.

The Office of Management and Budget (OMB) approved the previous ICR 1764.03 without terms of clearance.

(ii) Content of reports.

All manufacturers and importers of consumer products subject to this rule must submit an initial report by the compliance date of the rule. The "Initial Notification Report" must include (1) company name; (2) list of affected product categories; (3) location of corporate headquarters; (4) location where formulation and batch records are maintained; (5) description of any date codes used on product labeling; and (6) name, title, and signature of the certifying company official.

Respondents have no periodic reporting requirements. Another reporting requirement, in addition to the initial report, is to provide an updated description of any date codes that may have been revised subsequent to submittal of the initial report.

Respondents seeking a variance must submit an application which provides information to EPA necessary in determining whether to grant the variance. The application would include the specific grounds on which the variance is sought, proposed date by which the requirements of the rule will be met, and a plan for achieving compliance.

Supporting documentation is required of companies who wish to market a product subject to the "innovative products" provisions of the rule. This documentation includes information on VOC emissions from the use of the product as compared to emissions from a product formulated in compliance with the table of standards.

The rule requires that the labels of all subject consumer products display the date of manufacture. However, there should be no additional burden imposed due to this labeling requirement because manufacturers routinely date-code their products. The date can be in coded form. All manufacturers and importers of subject products must submit an explanation of all date codes used. Date code explanations must be submitted with the initial report. Thereafter, respondents must submit explanations of any new date code within 30 days of its first use.

(iii) Recordkeeping requirements.

All manufacturers and importers of subject consumer products are required to maintain records of formulations and actual batch records for all consumer products covered by the rule. If requested by EPA, the manufacturer or importer must demonstrate to EPA's satisfaction that actual product content adheres to the formulation(s) on record.

All information is routinely kept by companies and consists of formulation data and information on ingredients used in each batch. There is no testing required to create this data, except for one-time emission testing of charcoal lighter materials formulations.

All records required under the rule must be retained for 3 years.

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 nonattainment areas.

The reports and recordkeeping activities required under the rule enable the EPA to determine whether or not consumer products manufactured or imported for use in the U.S. meet the VOC content limits. Minimal reporting is

required. Initial reporting consists of information needed by EPA to (1) identify the universe of manufacturers and importers subject to the rule; (2) determine the date of manufacture of products; (3) ascertain the location of formulation and batch records for purposes of compliance assurance; and (4) have on record a responsible company official as a primary contact. Notification that a regulated entity has revised its date code system will enable EPA to have access to the most current codes.

Respondents seeking a variance are required to submit an application which includes the grounds upon which the variance is being sought, the proposed date for coming into compliance, and a plan for achieving compliance.

Companies desiring to market a product under the "innovative products" provisions are required to submit documentation of the VOC emissions from the use of the product as compared to emissions from a product formulated in compliance with the table of standards.

Recordkeeping, consisting of maintenance of formulation data and batch records, enable EPA to determine whether a product offered for sale was, in fact, manufactured with VOC content in compliance with the limits. There is no required testing except for one-time emission testing of charcoal lighter fluid formulations.

(b) Use/Users of the Information.

Agency enforcement personnel will use the information collected to (1) identify manufacturers and importers subject to the rule; and (2) ensure that consumer products comply with the VOC content standards. These activities are essential to compliance assurance.

3. Nonduplication, Consultations, and Other Collection Criteria

(a) Nonduplication.

The information collected pursuant to the regulation consists primarily of the VOC content for specific categories of consumer products. Several States regulate consumer products and require certain recordkeeping and reporting activities. The rule includes requirements consistent with State rules to the extent practical in order to minimize the cumulative burden to the industry.

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

On August 2, 2007, EPA published a notice in the Federal Register (72 FR 42409) entitled, *Agency Information Collection Activities: Proposed Collection; Comment Request; National Volatile Organic Compound Emission Standards*

for Consumer Products; EPA ICR No. 1764.01; OMB Control No. 2060-0348. The purpose of the notice was to announce that EPA was planning to submit this continuing ICR to OMB for review and approval, and to solicit comments on the proposed continued collection. EPA received no comments during the comment period.

(c) *Consultations*

Significant input and information was received from the affected industry, State and local governments, and environmental groups during development of the rule. In addition, in preparing to submit this ICR to OMB for renewal, EPA contacted parties within the affected industry to obtain information on the universe of affected sources and feedback on accuracy of the burden estimates.

TABLE 1

CONSULTATIONS

Douglas Fratz	Consumer Specialty
Products Association	
Frances Wu	The Cosmetic, Toiletry, and
Fragrance Association	
Douglas Raymond	National Aerosol
Association	
Mark Collatz	The Adhesive and
Sealant Council	
F. H. Brewer	S.C. Johnson & Son
Eileen Moyer	Reckitt-Benckiser

(d) *Effects of Less Frequent Collection.*

This ICR includes one-time initial reports by all manufacturers and importers of subject consumer products. Periodic reporting is not required. Consequently, less frequent reporting is not an issue.

Formulation and batch records are required to be kept on a per-product basis. This information is normally maintained by consumer product manufacturers. Because there is no analytical test method for determining the VOC content of consumer products, maintaining records of each batch is essential for compliance assurance. Accordingly, lesser degrees of recordkeeping would make compliance determination difficult if not impossible.

(e) *General Guidelines.*

This ICR adheres to the guidelines for Federal data requesters, as provided at 5 CFR 1320.6. The regulation requires that records be maintained for 3 years. This period of record retention is consistent with other ongoing similar programs and allows enough record history for inspectors to adequately monitor compliance.

(f) Confidentiality.

(i) Confidentiality.

All information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B--Confidentiality of Business Information (see 40 CFR 2; 41 FR 36092, September 1, 1976; amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

(ii) 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 and importers of consumer products. Manufacturers of consumer products fall within standard industrial classification (SIC) 284, including "Soap, Detergents, Cleaning Preparations" and "Perfumes, Cosmetics, and Other Toilet Preparations;" SIC 287, "Agricultural Chemicals;" and SIC 289, "Miscellaneous Chemical Products." The appropriate North American Industrial Classification System (NAICS) codes are 3256, "Soap, Cleaning Compounds, and Toilet Preparations;" and 3259, "Other Chemical Products and Preparations."

(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

Recordkeeping

- Records of formulations in use 59.209(a)
- Records of composition of each batch of production 59.209(a)
- Records of charcoal lighter materials testing 59.209(c)

Reporting

- Initial report 59.209(d)
- Report of change of date coding system 59.209(e)
- Application for variance 59.206(a)
- Documentation of "innovative products" 59.204(d)

(ii) *Respondent Activities.*

The respondent activities required for all manufacturers and importers of regulated products are listed in Table 3.

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

(a) *Agency Activities.*

A list of activities required of the EPA is provided in Table 4.

(b) *Collection Methodology and Management*

The information collected under this rule will be maintained in a computerized database. As noted in section 2(b) of this ICR, the information collected is a necessary part of compliance determination.

(c) *Small Entity Flexibility.*

Under the rule, there are no specific provisions for small entity flexibility. However, companies subject to the rule can apply for variances in cases where the company, because of extraordinary reasons beyond reasonable control, cannot comply with the rule. While all variance applications will receive close scrutiny, EPA will give full consideration to the special needs of small manufacturers and importers.

(d) *Collection Schedule.*

By December 10, 1998 [December 10, 1999 for consumer products that are also regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)], or within 30 days of becoming subject to the rule, manufacturers and importers of regulated products must submit to EPA an Initial Notification Report. The content of this report is outlined in section 1(b)(ii) of this ICR.

6. Estimating the Burden and Cost of the Collection

Because this is a renewal of an existing ICR, these estimates represent the average annual burden that will be incurred by the affected industry during the 3-year period beginning in November 2007. Consequently, the requirement for each regulated entity to submit an initial notification report during the first year the rule was effective will have already been met and is not considered here.

(a) *Estimating Respondent Burden.*

The average annual burden estimates for reporting and recordkeeping requirements for all manufacturers and importers of subject products are presented in Table 3. These numbers were derived from estimates based on the EPA's experience with other standards, and from information obtained from the industry representatives listed in Table 1. These estimates represent the average annual burden that will be incurred by the affected industry for the 3 years beginning in November 2007. The following assumptions were used to estimate the respondent burden:

- Only incremental burden imposed by this rule was considered. Recordkeeping activities already performed by sources regardless of the existence of this rule are not included in the burden calculation.
- The burden of planning for recordkeeping will be 2 hours per year.
- The burden of maintaining batch records will be 8 hours per month.
- The burden of maintaining records of charcoal lighter material test results will be 1 hour per year

(b) *Estimating Respondent Costs.*

Table 3 also presents estimated costs for the required recordkeeping and reporting activities. Industry labor rates are based on an average of occupational wage rates for the affected NAICS groupings 3256 and 3259 (from the United States Department of Labor, Bureau of Labor Statistics, 2006, http://data.bls.gov/oes/search.jsp?data_tool=OES). Management wages were based on industrial production managers, technical wages were based on health and safety engineers, and clerical rates were based on production, planning, and expediting clerks. The resultant average wage rates were: management (\$41.50); technical (\$32.06); and clerical (\$19.76). To estimate the actual labor costs to be used in Table 3, an overhead of 100 percent was added to the raw labor rates resulting in the following loaded labor rates: management (\$83); technical (\$64); and clerical (\$39). There are no capital costs associated with the ICR.

(c) *Estimating Agency Burden and Cost.*

Because the information collection requirements were estimated as an incidental part of the standard development, no costs can be attributed to the development of the information collection requirements. Because reporting and recordkeeping requirements on the part of respondents are required under section 183(e) of the Act, no operational costs will be incurred by the Federal government. Examination of records to be maintained by the respondents will occur incidentally as a part of the periodic inspection of sources that is part of the EPA's overall compliance and enforcement program and is not attributable to this ICR. The only costs that the Federal government will incur are costs associated with the review of reported information, as presented in Table 4.

Labor rates and associated costs are based on Office of Personnel Management Salary Table 2007-RUS. Salary rates from this table were: management (GS15 - \$50); technical (GS13 - \$36); and clerical (GS7 - \$17). Overhead of 100 per cent was added, resulting in the following loaded labor rates: management (\$100); technical (\$72); and clerical (\$34). 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 (see Table 4).

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

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:

- Total number of affected sources is 3000
- Total number of respondents will be 337
- Number of respondents performing “new” recordkeeping will be 10 percent, or about 300 per year
- Number of “new” respondents submitting the one-time Initial Notification Report will be 1 percent of the total affected sources, or about 30 per year
- Number of respondents submitting variance applications will be 5
- Number of respondents submitting innovative products applications will be 2

(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 3 years beginning in November 2007 are 29,613 hours and \$1,187,537. The average burden equals the total burden (29,613 hours) divided by the number of respondents (732 respondents), or about 40 hours per respondent.

(ii) Agency Tally

The bottom line Agency burden and cost are presented in Table 4. 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. 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 November 2007 are 123 hours and \$7,951.

(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.

TABLE 3

INDUSTRY BURDEN FOR THE CONSUMER PRODUCTS RULE

Burden Item	(A) Person Hours per Occurrence	(B) Number of Occurrences per Respondent per Year	(C) Person Hours per Respondent per Year (C=A*B)	Dollars per Hour	(D) Respondents per Year	(E) Total Hours per Year (E=C*D)	Total Cost per Year (\$)
Reporting							
Read instructions	2	1	2	83	30	60	4980
Gather information	1	1	1	64	30	30	1920
Initial report	1	1	1	39	30	30	1770
Update date code	1	1	1	39	30	30	1770
Variance application	2	1	2	83	5	10	830
Innovative products appl	24	1	24	64	2	48	3072
Recordkeeping							
Read instructions	(above)						
Plan activities	2	1	2	83	300	600	49,800
Implementation	8	12	96	39	300	28,800	1,123,200
Charcoal lighter results	1	1	1	39	5	5	195
Total Industry Burden						29,613	\$ 1,187,537

TABLE 4**AGENCY BURDEN FOR THE CONSUMER PRODUCTS RULE**

Burden Item	(A) Person Hours per Occurrence	(B) Occurren ces per Year	(C) Technical Person Hours @ \$64/hr (C=A*B)	(D) Management Person Hours @ \$83/hr (D=C*0.05)	(E) Clerical Person Hours @ \$39/hr (E=C*0.01)	(F) Total Hours per Year (F=C+D+E)	Total Cost per Year (\$)
Reporting							
Initial report	1	30	30	1.5	0.3	31.8	2056
Update date code	1	30	30	1.5	0.3	31.8	2056
Variance application	8	5	40	2.0	0.4	42.4	2742
Innovative products appl	8	2	16	0.8	0.16	16.96	1097
Total Agency Burden		67	116	5.8	1.16	123	\$ 7951

(f) Reasons for Change in Burden.

This renewal of a continuing ICR includes the following one-time burden and cost items: reading the rule, the initial report, the explanation of date codes, planning activities, and modifying product labels. To develop the estimates of annual average burden, these one-time activities were averaged over 3 years, beginning after the rule has been effective for over a year. Therefore, the EPA assumes that the vast majority of one-time Initial Notification Reports already will have been submitted by October 2007. Consequently, only “new” notifications will be submitted during the period covered by this ICR renewal. The assumptions used as a basis for the burden calculations more fully explain this concept. In addition, EPA’s experience since the effective date of the rule indicates that the anticipated number of variances and innovative product exemptions sought will be lower than originally estimated.

(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 40 hours per 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 docket for this ICR under Docket ID No. EPA-HQ-OAR-2007-0563, which is available for online viewing at www.regulations.gov, or in hard copy at EPA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA/DC Public Reading Room is open from 8 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 Center is 202-566-1742.

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, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2007-0563 in any correspondence.