

**Supporting Statement for a Request for OMB Review under  
The Paperwork Reduction Act**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

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

**Title: TSCA Sections 402 and Section 404 Training, Certification, Accreditation and Standards for Lead-Based Paint Activities**

**EPA ICR No.: 1715.09      OMB Control No: 2070-0155**

**1(b) Short Characterization**

This information collection request (ICR) updates existing ICR 1715.06 covering the reporting and recordkeeping requirements of the final rulemaking addressing lead-based paint activities under the authority of sections 402 and 404 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2682 and 2684; see Attachments 1 and 2, respectively). This includes both the reporting and recordkeeping requirements for lead-based paint professionals conducting lead-based paint activities, and training programs providing lead-based paint activities courses, which were promulgated under the authority of sections 402, 404, and 407 of TSCA, and also the burden associated with notification provisions promulgated under the final rule entitled “Lead: Notification Requirements for Lead-based Paint Activities and Training.”

The Agency requests a three-year renewal approval for the information collection requirements contained in the final rule addressing training, certification, accreditation, standards, and notification for lead-based paint (LBP) activities in target housing and child-occupied facilities (hereafter, the “training rule”). The Agency has promulgated this rule pursuant to sections 402 and 404 of TSCA. Section 404 allows any State that seeks to administer and enforce standards and regulations as protective as those developed under section 402 to submit an application to EPA for authorization of a State program (Indian Tribes and Alaskan Native Villages may also submit such applications).

The final training, certification, accreditation and standards regulation requires reporting and/or recordkeeping from four entities: States/Tribes/Alaskan Native Villages (hereafter, the term “States” includes Tribes and Villages); training providers; and firms and individuals engaged in LBP activities. The following sections provide a general overview of the reporting and recordkeeping requirements for each entity, discussed in more detail in section 4(b).

**States.** Under TSCA section 404, EPA must review and assess State submissions to determine whether to grant authorization to administer a program addressing training, certification, accreditation and standards for LBP activities. A State seeking authorization will need to provide information to EPA so the Agency may determine whether its program is at least as protective of human health and the environment as the Federal program and whether it provides adequate enforcement. Authorized States need to provide a report to EPA on their activities.

**Training providers.** Training programs seeking to offer training in LBP activities must receive EPA/State accreditation. In order for EPA/States to have the information necessary to evaluate and accredit the training programs, training providers need to prepare and submit application packages. Training programs also must retain certain records related to their students and training personnel qualifications. Training programs must notify the Agency 1) prior to providing lead-based paint activities training courses, and 2) following completion of lead-based paint activities training courses. Training programs must apply for re-accreditation every four years. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections.

**Individuals/Firms.** Individuals and firms seeking to engage in LBP activities must receive certification from EPA/States. To gain certification, an individual must complete an accredited training course and receive a course completion certificate, pass a third-party certification exam, meet specific education/experience requirements, and demonstrate this to EPA/States. A firm must submit a letter to EPA/States certifying that it will employ only certified individuals and conduct LBP activities according to the work practice standards. Individuals/firms must apply for re-certification every three years. The rule also requires that individuals/firms develop and retain records of the LBP activities they undertake to demonstrate compliance with standards and provide a written record for future reference. Firms must notify the Agency prior to commencement of lead-based paint abatement activities. These notification requirements are necessary to provide EPA compliance monitoring and enforcement personnel with information necessary to track compliance activity and to prioritize inspections.

## 2. NEED FOR AND USE OF THE COLLECTION

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

Under section 402(a)(1) of TSCA, the Agency must "...promulgate final regulations governing lead-based paint activities to ensure that individuals engaged in such activities are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified. Such regulations shall contain standards for performing lead-based paint activities, taking into account reliability, effectiveness and safety."

Section 402(a)(2) states that "Final regulations promulgated under [section 402(a)] paragraph (1) shall contain specific requirements for the accreditation of ... training programs ... including, but not limited to:

- Minimum requirements for the accreditation of training providers;
- Minimum training curricula requirements;
- Minimum training hour requirements;
- Minimum hands-on training requirements;
- Minimum training competency and proficiency requirements;
- Minimum requirements for training program quality."

Section 404(a) of TSCA states that “[a]ny State which seeks to administer and enforce the standards, regulations, or other requirements established under section 402 may...develop and submit to the Administrator an application, in such form as the Administrator shall require, for authorization of such a State program.” The Agency shall approve such an application, if it finds that “...the State program is at least as protective of human health and the environment as the Federal program under section 402...and such State program provides adequate enforcement.” The statute also requires the Agency to implement the program in States that do not receive authorization within two years after the effective date of the rule.

Section 407 of TSCA states that regulations shall include such recordkeeping and reporting requirements as may be necessary to ensure effective implementation. EPA regulations under Subchapter IV of TSCA include lead-based paint activities regulations, codified at 40 CFR Part 745, subpart L (see Attachment 3) as well as requirements regarding State and Tribal programs (see Attachment 4)

## **2(b) Use/Users of the Data**

### EPA

This information collection will provide EPA with the materials necessary to authorize State programs for the training rule, as TSCA Title IV directs, and to serve as the accrediting and certifying body in States without authorized programs, discussed further below.

### EPA/States

This collection will enable EPA/States to determine compliance with and enforce the requirements for training, certification, accreditation, and work practice standards. Without this collection, there would be no meaningful way of ensuring the implementation of the statutory objective: to ensure that trained individuals perform all LBP activities to minimize harm to occupants of structures and other parties. The work practice standards in the rule rely on reporting and recordkeeping as a check on proper performance of activities; the Agency chose this approach over promulgating prescriptive standards for the conduct of LBP activities. The rulemaking provides flexibility for individuals performing the activities, by relying on guidance and training to help individuals determine the best approaches and on documentation as a “standard of performance.” The Agency believes this is the best method for accommodating a variety of LBP hazards and site-specific conditions.

It is the nature of certification and accreditation that an entity seeking such must provide materials to the certifying or accrediting body. The materials the Agency/State requires for these activities are central to the activity.

It is also important to note that the re-certification and re-accreditation requirements for individuals and training programs are meant to ensure that training programs incorporate new developments and technologies in their courses, and that individuals receive training in them. The Agency believes this ensures that individuals/firms perform LBP activities in the safest and most effective manner possible.

The specific data elements in the reports individuals/firms conducting LBP activities must compile and retain are necessary as a reference for building owners/residents, EPA or authorized entities. The records demonstrate that individuals conducting the activities do so in a safe and effective manner, according to the minimum work practice standards established by the rule. This also assists EPA's enforcement activities.

The notification requirement is necessary to permit the Agency to target its enforcement activities and to ensure compliance within the contracting and training community.

### **3. NON-DUPLICATION, CONSULTATION AND OTHER COLLECTION CRITERIA**

#### **3(a) Non-Duplication**

The Agency's collection pursuant to the TSCA 402/404/407 regulations does not duplicate any other collection. There is no other model program for LBP activities or associated State program approval process, and there are currently no other Federal requirements for the training and certification of individuals engaged in these activities, for the accreditation of LBP training programs, or required standards for the conduct of these activities.

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

In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on September 10, 2007 (72 FR 37766, July 11, 2007). EPA received no comments during the comment period.

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

Under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an ICR to OMB for review and approval. In accordance with this regulation, EPA submitted questions to eight parties via email. The organizations, companies or individuals contacted were:

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EPA received no responses to its solicitation for consultations. A copy of EPA's consultation e-mail to the above potential respondents is included below as Attachment 5.

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

Due to the nature of this regulation and its collection, less frequent collection is not feasible. In particular, each individual and firm must obtain certification and re-certification, each training program must obtain accreditation and re-accreditation as well as specific notification and documentation prior to commencement and upon completion of each lead-based paint activity course, and each LBP activity is a separate and unique event requiring specific notification and documentation. Program approval for States is a one-time activity, although there is ongoing reporting.

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

This ICR is consistent with OMB's general guidelines. The Agency requires that individuals and firms maintain records for three years. Authorized States report once a year for the first three years and biannually thereafter.

Training programs must maintain records for three and one-half years. This is due to the interim certification period of six months following an individual completing training, which allows the individual time to apply to EPA/States to receive official certification. At such time, the individual remains certified for three years (or five years for individuals who have passed a proficiency test as part of their training) before he or she must obtain refresher training and re-certification. EPA wishes training providers to maintain records on a particular student for as long as the individual is certified following training. Therefore, the Agency believes the three and one-half years is an appropriate period for the retention of such records.

### **3(e) Confidentiality**

This information collection does not include questions of a confidential nature.

**3(f) Sensitive Questions**

This information collection does not include questions of a sensitive nature.

**4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

**4(a) Respondents/NAICS Codes**

The respondents to this rule include:

- 1) Training providers for LBP activities;
- 2) Individuals and firms engaged in LBP activities; and
- 3) State agencies.

Specific NAICS codes include:

- 23321 Single Family Housing Construction
- 23331 Manufacturing and Industrial Building Construction
- 23332 Commercial and Institutional Building Construction
- 23521 Painting and Wall Covering Contractors
- 23542 Drywall, Plastering, Acoustical, and Insulation Contractors
- 23551 Carpentry Contractors
- 23561 Roofing, Siding, and Sheet Metal Contractors
- 23594 Wrecking and Demolition Contractors
- 23599 All Other Special Trade Contractors
- 611513 Apprenticeship Training
- 611519 Other Technical and Trade Schools
- 611699 All Other Miscellaneous Schools and Instruction
- 92312 Administration of Public Health Programs
- 92411 Administration of Air and Water Resource and Solid Waste Management Programs
- 92511 Administration of Housing Programs

**4(b) Information Requested**

(i) Data Items

In order to obtain authorization from EPA to administer and enforce a program under section 404, States must prepare:

- a notice of intent to seek authorization, and
- an application for authorization identifying the agencies responsible for implementation, administration, and enforcement of the program, and a description of the authority and responsibilities vested in such agencies.

States authorized for the lead-based paint training rule must submit to EPA a report summarizing implementation and enforcement activities, including a list of enforcement actions taken and any changes in content, administration, or enforcement of the State program.

To gain accreditation, training providers must submit the following documents to EPA/State:

- an accreditation statement that clearly indicates how the training program meets the minimum requirements for accreditation, and
- a quality control plan, which outlines procedures for periodic revision of training materials and exams, annual review of instructors, and adequacy of the training facilities.

To gain certification, individuals engaged in LBP activities are required to submit specific materials to EPA/State:

- Inspectors, Risk Assessors, Supervisors: accredited training course completion certificate, statement certifying the individual meets the education/experience prerequisites, proof of passage of the third-party exam;
- Project Designers: statement certifying individual meets the education/experience requirements, accredited training course completion certificate; and
- Workers: accredited training course completion certificate.

In the performance of LBP activities, the firms and/or individuals must complete and retain a number of reports (contingent on the activity conducted), including:

- an inspection report describing the surfaces sampled for LBP and the sampling results;
- a lead hazard screen report, which includes an accounting of any paint or dust sampling results;
- a risk assessment report, which includes an accounting of paint, dust, or soil sampling results and existing hazards;
- an occupant protection plan identifying the measures that will be taken to protect building occupants from LBP hazards, and
- an abatement report detailing the activities undertaken to eliminate the hazard.

Prior to giving a lead-based paint activity training course, training providers must provide notification to the Agency, using either the sample form entitled “Lead-Based Paint Activities Training Course Schedule” or a similar form containing the required information. Training providers may provide electronic submissions using the Agency’s Central Data Exchange (CDX) (secure internet based electronic submission of data). The initial notice must include the following:

- Notification type (Original, Updated, Cancellation);
- Training program name, EPA accreditation number, address, and phone number;
- Course discipline, type (initial/refresher), and the language in which instruction will be given;
- Date(s) and time(s) of training;
- Training location(s) phone number, and street address;
- Principal instructor’s name; and
- Training manager’s name and signature.

Training providers must update the Agency regarding any changes to training dates, course locations, course cancellations, or other changes made to the original notice.

Following completion of lead-based paint activities courses, training providers must provide notice using either the sample form, entitled “Lead-Based Paint Activities Training Course Follow-Up” or a similar form containing the required information. Training providers may provide electronic submissions using the Agency’s CDX. The notice must include the following:

- Training program name, EPA accreditation number, address, and phone number;
- Course discipline and type (initial/refreshers);
- Date(s) of training;
- The following information for each student who took the course:
  - Name
  - Address
  - Date of birth
  - Course completion certificate number
  - Student test score; and
  - Training manager’s name and signature.

Certified firms must notify EPA prior to beginning lead-based paint abatement activities (except in emergency situations) and provide an updated notice if needed, using either the sample form entitled “Notification of Lead-Based Paint Abatement Activities” or a similar form containing the required information. Certified firms may provide electronic submissions using the Agency’s CDX. Notices should include the following information:

- Notification type (Original, Updated, Cancellation);
- Date when lead-based paint abatement activities will start;
- Date when lead-based paint abatement activities will end (approximation using best professional judgment);
- Firm’s name, EPA certification number, address, and phone number;
- Type of building (e.g. single family dwelling, multi-family dwelling, child-occupied facilities) on/in which abatement work will be performed;
- Property name (if applicable);
- Property address including apartment or unit number (if applicable) for abatement work;
- Documentation showing evidence of an EBL determination or a copy of the Federal/State/Tribal/Local emergency abatement order, if applicable;
- Name and EPA certification number of the project supervisor;
- Approximate square footage/acreage to be abated;
- Brief description of abatement activities to be performed; and
- Name, title, and signature of the representative of the certified firm who prepared the notification.



(ii) Respondent Activities.

The rule specifies reporting and recordkeeping for authorized States, training providers, and individuals/firms undertaking LBP activities. The rule does not require specific forms or applications for submissions.

States seeking authorization for the training rule perform the following activities:

- read the regulations;
- compare any existing State program requirements to the minimum requirements of the Federal regulation;
- develop and adopt new legislation as necessary;
- develop and promulgate new regulations as necessary;
- publish a notice of intent to seek authorization and provide an opportunity for public hearing;
- prepare and submit to EPA an application for program approval;
- maintain program application availability for public inspection for up to one year after submission; and
- submit an annual report to EPA.

Training providers perform the following activities:

- read the regulation;
- prepare and submit an accreditation application to accrediting entity;
- submit an initial and, if needed, amended notification of courses to be given;
- provide notice of completion of all lead-based paint activities courses offered;
- retain records; and
- provide accrediting entity access to records as requested.

Individuals seeking certification perform the following activities:

- read the regulation;
- submit a proof of passage of third-party exam and/or course completion certificate, and statement certifying individual meets education/experience requirements; and
- retain records, if individual is incorporated or acting as a firm.

Firms perform the following activities:

- read the regulation;
- submit an application for certification;
- submit notification of abatement work, and
- retain records.

**5. THE INFORMATION COLLECTED - AGENCY ACTIVITIES, COLLECTION METHODOLOGY AND INFORMATION MANAGEMENT**

**5(a) Agency Activities**

EPA performs the following activities in order to authorize States:

- receives applications;

- reviews applications and compares them with the Federal program at 40 CFR part 745;
- provides applicants with letters of approval/disapproval.

EPA performs the following activities in response to notifications:

- Receives, reviews and files initial notices and updates received from training providers;
- Receives, reviews and files course completion notices received from training providers; and
- Receives, reviews and files notices of abatement activities from lead abatement firms.

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

This section details the data elements for each type of respondent and for each reporting or recordkeeping activity. Note that EPA is cited as the accrediting and certifying body, as State programs may not necessarily adopt a program requiring the submission or retention of exactly the same materials as in the Federal program. For the purposes of estimating burden in Section 6 of this ICR, however, the Agency assumes that States adopt the Federal program requirements for reporting and recordkeeping. In States without authorized programs, EPA is the accrediting and certifying body.

The rule provides general instructions to States seeking EPA authorization under this regulation. A State may submit an application to EPA any time. The elements necessary for application are as follows:

- a public notice of intent to seek authorization, with an opportunity for public hearing;
- a transmittal letter from the Governor or Tribal equivalent requesting program approval;
- an Attorney General or Tribal equivalent statement certifying the adequacy of the State's program authority;
- copies of all applicable State statutes and regulations;
- the name of the primary agency that is or will be responsible for administering and enforcing the program and functions of any other agencies involved in administering the program;
- a description of the program elements and an analysis of how these elements relate to the Federal program elements under section 402; and
- a description of the resources the State intends to devote to the administration and enforcement of the program.

States authorized for this rule will need to provide a report (or separate reports) to EPA describing any significant changes in the programs and enforcement activities.

The rule instructs training programs seeking accreditation for initial training programs to submit a one-time application to EPA covering the following elements:

- the training program's name, address, and telephone number;
- a list of courses for which it is applying for accreditation;
- a statement, signed by the training program manager, that certifies that the training program meets the minimum requirements (e.g., training hours) established in the rule;

- a copy of the test blueprint, which describes the proportion of test questions devoted to each major course topic;
- a detailed description of the facilities and equipment available for lecture and hands-on training;
- a detailed description of the procedures for conducting the assessment of hands-on skills;
- a copy of the program's quality control plan; and
- for programs that do not adopt the EPA model curriculum, the program must submit, in addition to the above materials, a copy of the student manuals and instructor notebooks to be used for each course, and a copy of the course agenda, which includes the time allocated for each course topic.

Training programs must submit the following information to seek accreditation for refresher training courses (note that applications for refresher training may be simultaneously submitted with applications for full-length training programs):

- the training program's name, address, and telephone number;
- a list of refresher courses for which it is seeking accreditation;
- a copy of student manuals and instructor notebooks; and
- a statement signed by the training manager certifying compliance with rule provisions.

Training programs must also seek re-accreditation from EPA every four years. In order to receive re-accreditation, the training program must submit:

- the training program's name, address, and telephone number;
- a list of courses for which it is applying for re-accreditation;
- a description of any changes or updates to the training facility or equipment that would adversely affect a student's ability to learn, since its last application was approved; and
- a statement from the training program manager that the training program complies at all times with all rule requirements.

The rule specifies that training programs must retain the following records for three years and six months and make them available upon EPA request:

- qualifications of training managers and work practice instructors;
- current curriculum/course materials, and documents reflecting any changes made to these materials;
- the course test blueprint;
- information on how the hands-on assessment is conducted;
- the quality control plan;
- results of the students' hands-on skills assessments and course tests, and a copy of each student's course completion certificate; and
- any other material the program submitted to EPA as part of its accreditation application.

The rule provides general instructions to individuals seeking certification to perform LBP activities. Individuals must submit a one-time application to EPA, including the following elements:

- proof of training (for all individuals);
- evidence that the individual meets the education or experience prerequisites (applicable to all but workers and inspectors); and

- proof of completing the standardized certification exam (applicable to all but workers and project designers).

Under the rule's provisions, individuals must seek re-certification every three years (5 years for individuals who have passed a proficiency test as part of their training), submitting to EPA a copy of the refresher course completion certificate.

The rule provides specific requirements for firms seeking certification. A firm must submit to EPA a letter indicating that the firm will employ only certified individuals to conduct LBP activities and follow the work practice standards.

The rule requires that individuals/firms prepare reports during the conduct of LBP activities and maintain the reports for no fewer than three years. The requirements are specific to the disciplines.

Following the conduct of an inspection, the inspector must prepare a report documenting the following:

- date of inspection;
- address of building and units;
- date of construction of building and units;
- unit numbers (if applicable);
- name, address, and telephone number of the owner of building and units;
- name, signature, and certification number of each certified inspector and/or risk assessor conducting testing;
- name, address and telephone of the certified firm employing the individual (if applicable);
- each testing method and device and/or sampling procedure employed, including quality control data, and, if used, the serial number of the XRF device;
- specific locations of each painted component tested for LBP; and
- result of the inspection expressed according to the particular sampling method.

For a risk assessment:

- date of risk assessment;
- address of residences and buildings;
- date of construction of residences and buildings;
- unit numbers (if applicable);
- name, address and telephone number of the owner of residences and buildings;
- name, signature, and certification number of risk assessor conducting the assessment,
- name, address, and telephone number of certified firm employing the risk assessor (if applicable);
- results of visual inspection;
- name, address, and telephone of each recognized laboratory conducting analyses of samples;
- testing methods and sampling procedures for paint analysis employed;
- specific locations of each painted component tested for the presence of LBP;

- all data collected from on-site testing;
- all results of laboratory analyses on samples;
- any other sampling results;
- any background information collected prior to the activity;
- an evaluation of any previous inspections, analyses, or assessments of LBP, if applicable;
- description of the location and type of identified LBP hazards; and
- description of options for addressing any LBP hazards.

For a lead hazard screen:

- first 15 items on the risk assessment list above; and
- recommendations concerning desirability of follow-up risk assessment.

For all abatements, the individual/firm must first submit to EPA prior notification of abatement activities.

Before an abatement, the individual/firm must prepare an occupant protection plan describing the measures that the individual/firm will take during the abatement to protect building occupants from exposure to lead-contaminated dust and debris.

Following the abatement, the individual or supervisor must prepare a report detailing the following:

- start and completion dates;
- name and address of each individual or firm conducting the abatement(s) and each supervisor assigned to the project;
- the occupant protection plan;
- name, address, and signature of each certified risk assessor or inspector conducting sampling and the date of clearance testing;
- results of clearance testing and all soil analyses, and name of laboratory conducting them; and
- a detailed description of the abatement, including method employed, locations of rooms and/or components, reasons for selecting abatement methods for particular components.

The Agency will make use of existing technology to simplify the lead-based paint abatement and training notification process. Therefore, in addition to the more traditional notification methods (mail, commercial delivery service, or hand delivery) the Agency will allow fax, and internet based submission of notifications via the Agency's Central Data Exchange (CDX).

The Environmental Protection Agency is establishing a single portal on the Web for environmental data entering called CDX. The Agency accepts abatement and training program notifications through this system. CDX offers a faster, easier, more secure reporting option. CDX provides built-in data quality checks, web forms, standard file formats, and a user-friendly approach to reporting data.

CDX helps reporting entities by:

- Reducing their reporting burden and associated costs.
- Enabling automated, machine-to-machine transactions eliminating tedious paper forms and redundant data entry.
- Ensuring a secure electronic environment.
- Improving data quality through built-in edit and data quality checks.
  
- Offering faster, easier click-and-send reporting with one consistent point of entry for reporting, one streamlined set of procedures, and one password.
- Confirming EPA's receipt of their data.
- Translating and distributing incoming data to the appropriate data system.

CDX helps EPA by:

- Centralizing receipt, security, user authentication, archiving, translation, distribution and related user support services for incoming data.
- Eliminating redundant infrastructure and its associated cost.
- Enabling the Agency to streamline and simplify compliance reporting for everyone.

The Agency also considered telephone notification and found it inappropriate because it would increase administrative burden, and would be less reliable due to inherent problems associated with transcribing verbal information. Therefore, the Agency does not allow telephone notification.

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

The Agency has attempted to ensure that its regulatory requirements do not unduly burden small business. The certification requirements are very simple. A firm need only certify to the accrediting authority that it is employing certified individuals and that it will comply with the required standards. Individuals must take a refresher training course every three years, or five years for individuals who have passed a proficiency test as part of their training. The Agency also permits flexibility in the way information is prepared and presented (e.g., there are no forms to complete). Post-certification and accreditation, firms and training providers need only notify the Agency that it is commencing lead-based paint abatement activities or providing a lead-based paint activity training course (with relevant information), and that it will comply with the required standards.

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

For authorization, certification and accreditation, collection activities will occur according to the following schedule:

- States/Tribes may submit an application for program authorization at any time;
- training programs may apply to become accredited at any time;
- training programs must seek re-accreditation at four-year intervals following initial accreditation;

- individuals and firms may apply for certification at any time;
- individuals and firms must seek re-certification at three-year intervals (five-year intervals for individuals who have passed a proficiency test as part of their training) following initial certification.

The Agency believes that receipt of notification five and seven business days respectively prior to conducting lead-based paint abatement activities or training courses is necessary to facilitate the inspection of abatement and training locations. The regulation also includes provisions for updating the original notification. The Agency determined that the time periods for initial notification will also apply to a change in course location, or if the course is to be presented earlier than described in the original notification. Other changes, including cancellation of courses or abatement projects, need only be received by the Agency at least two business days before a training course is scheduled to begin, or by the start date of an abatement activity. Such notification periods are appropriate to allow proper allocation of EPA compliance monitoring and enforcement resources, and to prevent the arrival of Agency personnel at the wrong location or time.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

This section estimates the incremental burden and cost associated with the reporting and recordkeeping requirements of sections 402 (a) and 404 of TSCA, and also with the notification requirements promulgated in April 2004. The burden estimates provided in this analysis are primarily based on the cost estimates developed in the 1999 Economic Analysis of the Final TSCA Section 402 (a)(3) Lead-Based Paint Accreditation and Certification Fee Rule (Fees Rule EA), a data summary from a survey of nine State lead accreditation and certification programs (which was conducted to provide information for the 1999 Fees Rule EA), and data on the level of certification and accreditation and renewal activity observed over the most recent years of the program. These burden and cost estimates cover initial accreditations and certifications and also re-accreditation and re-certification, as well as the associated notifications.

Sections 6(a) and 6(b) discuss the respondents' burdens and costs, respectively. Section 6(c) reports EPA burdens and costs, and sections 6(d) through 6(f) provide summaries of the respondents' burdens, and provide the *Federal Register* burden statement. Each of sections 6(a), 6(b), and 6(c) include two parts. The first parts of each section consist of the analysis of the reporting and recordkeeping and training program elements of burden and cost that were previously covered in EPA ICR No. 1715.02. The second parts cover the notification provisions that were previously covered in EPA ICR 1715.05. The first parts will be referred to as Accreditation and Certification. The second parts will be referred to as Notification. The burden and cost calculations in the Notification sections are based on the numbers of entities and events that are developed in the Accreditation and Certification sections, as well as on estimates included in the previous ICR and in the Fees Rule EA. The estimates from both parts of sections 6(a), 6(b), and 6(c) are brought together in the summaries in sections 6(d) through 6(f).

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

#### Accreditation and Certification

## Introduction

Four types of respondents will be affected by this information collection activity: 1) training providers, 2) firms performing lead-based paint activities, 3) individual lead-based paint professionals, and 4) States. The burdens and costs fall into one of the following categories: 1) applying for authorization/certification/accreditation, 2) applying for renewal of certification/accreditation, 3) annual reporting (or reporting during the course of the year), and 4) annual recordkeeping (or recordkeeping during the course of the year). The reporting and recordkeeping burden estimates include the time associated with completing and sending the reports to the appropriate authority, as well as the time required to collect the information needed to complete the report. The recordkeeping burden estimates include the time associated with copying, filing and maintaining the records. In addition, some States and the Federal government will be affected in their role as administrators of the programs.

Sections 402/404 allow training providers, firms, and individuals to apply for accreditation/certification simultaneously in multiple States. Some entities file multi-State applications, but this is unlikely to have a significant effect on the estimate of the burden. To the extent that applicants take advantage of the relatively low cost of applying in additional States, this analysis may have overestimated the burden to these entities.

## Projected Activities

### *Previous Method of Projections*

The previous ICR was based on projections, since data on the rate of activities were not available. Those projections involved the following steps<sup>1</sup>:

- (a) Use a variety of data sources to project the number of housing units with damaged lead-based paint in each of the fifty States and in Tribal areas.
- (b) Collect data on the numbers of accredited training providers and certified firms and individuals in those States that had accreditation and certification programs.
- (c) Use the relationship between (a) and (b) to estimate a general relationship between the number of housing units and the numbers of accredited and certified entities, and use that relationship to project the expected numbers of accredited and certified entities in each State and in Tribal areas.
- (d) Partition the numbers derived in (c) among States that were expected to administer their own programs and those that were expected to be administered by EPA. This generated estimates of the expected steady-state numbers for each type of entity, and produced the number of entities expected to be accredited or certified in the first year of the program. These projections were in two parts: the EPA-administered universe, and the universe of authorized States and Tribal areas.

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<sup>1</sup> U.S. EPA. Economic Analysis of the Final TSCA Section 402(a)(3) Lead-Based Paint Accreditation and Certification Fee Rule. February 26, 1999. (Hereafter referred to as the Fees Rule EA.)



(e) Use estimates of expected turnover rates to project both the numbers of new accreditations and certifications in future years and the number of re-accreditations and re-certifications, for both the EPA-administered universe and for the universe of authorized States and Tribal areas.

### *Revised Method of Projections*

Those earlier procedures were used because the program was young, the pattern of activities had not yet stabilized, and there were insufficient data on actual activities to form a basis for projections. It was expected that there would be a large initial cohort of certified firms and individuals, and a recurring wave in activity as that initial cohort applied for re-certification at three-year intervals. Since then, the pattern of activities has had time to settle down, and the number of states and tribes administering their own programs has been nearly static over the past four years. This analysis will base the estimated number of future activities in areas under EPA administration on the average level of activities over the most recent four years. While the data do show substantial year-to-year variation, there does not appear to be a trend. In the absence of a trend, the average of past activity should be a reasonable predictor of the average of future activity.

The Fees Rule EA estimated that the number of State-approved programs would reach 39 in year five of the program. Based on that number, it was further estimated that the EPA-administered area would constitute about 17 percent of the national universe. As of January 2007, there are 39 authorized State programs and three authorized Tribal programs, as well as authorized programs in Puerto Rico and the District of Columbia. The number of currently authorized state programs is sufficiently close to the earlier estimate that, in the absence of any additional information, this analysis will again assume that the EPA-administered areas constitute about 17 percent of the national universe.

This 17 percent assumption is central to the computations of burden and cost in this analysis. The Agency has no comparable information on the level of activities in areas covered by the authorized State and Tribal programs. There are two prominent simple and easy options for projecting those numbers. One would be to just use the numbers from an earlier analysis. That is the method that was chosen in the most recent previous ICR renewal analysis, which took the number that had been published in 1999 in the Fees Rule EA. But the Agency now has a substantial record of the number of activities in the EPA administered areas, and those data seem to suggest that the number of certified and accredited entities is substantially higher than had been anticipated in that 1999 analysis, by almost a factor of two. The second prominent option would be to assume that the number of such entities in the State and Tribal administered areas is also now substantially higher than was projected in 1999. Projections in those areas could then be based on the available data in the EPA administered areas, using the 17 percent proportionality factor. That is the method that has been adopted in this analysis.

This change of method, in combination with the available data, has resulted in a substantially higher burden estimate, larger by almost a factor of two. This change is directly attributable to this change in estimation methods and to the corrections to earlier projections based on the observed levels of activity, which happen to be greater than was earlier anticipated.

This is not due to any change in the regulation or any change in the burden associated with any of the particular elements of the program and its administration.

The following chart reports the most recent four years of data on certification and accreditation activities in the EPA administered areas. Those data are the central input in the projections of future activities both in those EPA administered areas and, using the 17 percent proportionality factor, in the State and Tribal administered areas.

<b>Data on EPA-Administered Activity</b>					
	<b>EPA-Administered Universe</b>				
	<b>FY2003</b>	<b>FY2004</b>	<b>FY2005</b>	<b>FY2006</b>	<b>Average</b>
Firm initial certification	161	293	408	219	270.25
Firm re-certification	322	136	107	273	209.50
Individual initial certification	1,217	1,098	1,887	1,211	1,353.25
Individual re-certification	347	893	513	543	574.00
Training program initial accreditation	16	12	8	3	9.75
Training program re-accreditation	11	27	11	8	14.25

In this analysis, the average over these four years is used as a projection of the rate of future activity in the EPA-administered areas. These projections in turn were used to produce estimates of activity in the non-EPA-administered universe, based on the assumption (used in earlier analyses) that the EPA-administered part amounts to 17 percent of the national universe, and with the numbers all rounded to integers.

<b>Estimated Annual Rate of Future Activity (all rounded to whole numbers)</b>			
	<b>EPA-Administered</b>	<b>Non-EPA Administered</b>	<b>National Universe Total</b>
Firm initial certification	270	1,320	1,590
Firm re-certification	210	1,022	1,232
Individual initial certification	1,353	6,607	7,960
Individual re-certification	574	2,802	3,376
Training program initial accreditation	10	47	57
Training program re-accreditation	14	70	84

Those numbers are projections of the number of certifications and accreditations. The number of certified or accredited entities at any particular point in time cannot be estimated with certainty from those projections. A rough estimate can be obtained by assuming that each entity remains active for three years (or four years in the case of training programs) and then decides either to renew or to withdraw from the industry. Under that assumption, the total number will consist of three age-class cohorts, and each cohort will consist of the entities that either initiate or renew their enrollment in a given year. This means, for example, that the number of existing

certified firms in EPA-administered areas will be  $(270 + 210) * 3 = (480 * 3) = 1,440$ . Since it is likely that some entities that choose to withdraw from the industry will do so prior to the end of their third year of their certification or accreditation, these numbers will tend to overestimate the population, all else being equal. This assumption also implies that the number of certified firms and individuals is stable, so that the number of new certifications each year is matched by a similar number that choose to allow their existing certifications to lapse. This means, for example, that there are  $(270 + 210) = 480$  firms in EPA-administered areas in their initial year after certification or recertification, 480 in their second year, and 480 in their third year. That is, the age structure is uniform and the number of firms in any given year-cohort can be determined by simply dividing the total number by three. These assumptions are used as simplifications to permit making projections into the future.

<b>Estimated Population of certified or accredited entities (all rounded to whole numbers)</b>			
	<b>EPA-Administered</b>	<b>Non-EPA Administered</b>	<b>National Universe Total</b>
Certified Firms	1,440	7,026	8,466
Certified Individuals	5,781	28,227	34,008
Accredited Training Providers	96	468	564
Totals	7,317	35,721	43,038

It may be useful to compare those projections to the projections that were made earlier for the 1999 Fees Rule EA. That earlier analysis projected the number of entities on a year-by-year basis, for the first five years of the program. The numbers projected for the fifth year are shown in the following table. It is clear that the projections used in this current analysis, based on the available data on observed pattern and level of activities in the EPA administered areas, are roughly twice the size of the estimates that were reported in the 1999 Fees Rule EA.

<b>1999 Fees Rule EA Estimates of certified or accredited entities in the fifth year of the program</b>			
	<b>EPA-Administered</b>	<b>Non-EPA Administered</b>	<b>National Universe Total</b>
Certified Firms	700	3,369	4,069
Certified Individuals	2,969	14,280	17,249
Accredited Training Providers	30	147	177

### *Proportions of Certified Individuals*

The projections above do not distinguish among the five professional classifications for which EPA provides certification. A time-series break down of all the data on activities by discipline comparable to and consistent with the previous projections is not available. However, we do have data on 16,880 certifications and renewals by discipline. We assume for the sake of this analysis that all individual certification and renewal activity within a given discipline is in the same proportions as the overall set. We actually expect that the renewal rate will vary across disciplines, so that the proportion of new certifications to renewals for a particular discipline may not be accurately represented in these numbers. Some disciplines undoubtedly will have above-

average renewal rates, and others will be below average. But since the burden associated with renewal is similar to the burden of a new certification, and since these numbers do reflect the overall averages, the assumption of identical renewal rates across disciplines should not affect the burden estimates

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<b>Numbers and Proportions of Certification Activities by Discipline</b>				
	National Universe of Certified Individuals as Estimated in the Fees Rule EA		Observed Numbers of Certifications and Renewals in the 2003-2006 Data (Under EPA Administration)	
Discipline	Numbers	Proportions	Numbers	Proportions
Inspectors	5,175	30.0 %	1,446	8.6 %
Risk Assessors	4,140	24.0 %	6,627	39.3 %
Supervisors	3,795	22.0 %	3,098	18.3 %
Workers	3,967	23.0 %	5,309	31.4 %
Project Designers	172	1.0 %	400	2.4 %

As seen in that table, the proportions of activities by discipline observed in the data are roughly similar to those predicted in the Fees Rule EA. However, we see a substantially smaller proportion of inspectors and a larger proportion of risk assessors and workers in the data.

The proportions that we obtained from the available data, broken down by discipline, can be combined with previous estimates of individual accreditation activities to give estimates of activities by year and by discipline.

<b>Projected Numbers of Annual Certification Activities by Discipline *</b>			
	EPA-Administered Areas	State and Tribal Areas	National Totals
New inspectors	116	568	684
New risk assessors	532	2,596	3,128
New supervisors	248	1,209	1,457
New abatement workers	425	2,075	2,500
New project designers	32	159	191
<b>Total Initial Certifications</b>	<b>1,353</b>	<b>6,607</b>	<b>7,960</b>
Inspector renewals	49	241	290
Risk Assessor renewals	226	1,101	1,327
Supervisor renewals	105	513	618
Abatement workers renewals	180	880	1,060
Project designer renewals	14	67	81
<b>Total Re-Certifications</b>	<b>574</b>	<b>2,802</b>	<b>3,376</b>

\* All projections rounded to whole numbers and adjusted to reach consistent totals.

### Training Providers

#### *Initial Accreditation*

A training program may seek accreditation to offer courses in any of the following disciplines: inspector, risk assessor, project designer, supervisor, or worker. However, before training providers can apply for accreditation, they must familiarize themselves with the specific requirements of the rule, as well as compare the contents of their current training courses (if any) to the requirements specified in the rule. Included in this burden estimate is the managerial time spent in deciding if the training provider should offer lead-based paint training. Based on estimates provided in the *Regulatory Impact Analysis of the Interim Rule to Revise the Asbestos Model Accreditation Plan (MAP)* (EPA, 1993), this analysis assumes a total burden of 8 hours associated with rule familiarization and determination of applicability.

If the training provider decides to apply for accreditation, an application must be submitted to EPA containing the following information:

- the training provider's name, address, and telephone number,
- a list of courses for which it is applying for accreditation,
- a statement signed by the training program manager that clearly indicates how the training program meets the minimum requirement for accreditation, or a statement that indicates that the training program will use the EPA-developed curriculum if available,
- a copy of the course test blueprint, a description of the activities and procedures for conducting the assessment of hands-on skills, and a description of the facilities and equipment for lecture and hands on training, and

- a quality control plan, which outlines procedures for periodic revision of training materials and exams and annual reviews of instructors.

The burden of completing the accreditation statement varies depending on whether the training provider adopts the EPA-developed curriculum or chooses to use their own training curriculum. The burden associated with implementing a non-EPA curriculum, and providing documentation demonstrating that the curriculum meets certain minimum requirements, is significantly greater than adopting the EPA curriculum. Given the similarity between requirements, data collected to assess the burden of preparing an accreditation statement for training approval under the Asbestos MAP were used to estimate the burden of the training provider approval process required by this rule. Based on the Asbestos MAP, the burden associated with adoption of the EPA curriculum is estimated to be 4 hours, or 40 hours if training providers use their own curriculum. At this time, EPA possesses no information for estimating the proportion of training providers that will adopt the EPA curriculum versus those that will use their own. This analysis assumes that most training providers (90 percent) will adopt the EPA curriculum, resulting in an average burden of 7.6 hours  $((0.90*4 \text{ hours}) + (0.10*40 \text{ hours}))$  of professional time for completion of the accreditation statement. The analysis further assumes 2 hours of clerical time required for completion of the accreditation statement.

The burden associated with developing the quality control plan is the same for all training providers whether they adopt the EPA curriculum or develop their own. Similar data for estimating the quality control plan burden were not available in the Asbestos MAP. Due to data limitations, this analysis assumes that the preparation of the quality control plan will take 8 hours of professional time and 2 hours of clerical time.

#### *Quadrennial Reporting for Re-Accreditation*

Training provider accreditations are valid for a period of four years. Training providers seeking re-accreditation are required to submit an application to the approving authority containing:

- the training provider's name, address, and telephone number,
- a list of courses for which it is applying for re-accreditation,
- a description of any changes or updates to the training facility, equipment, or course materials that would adversely affect the students' ability to learn,
- a statement signed by the program manager certifying that the program complies with all of the requirements of this rule including recordkeeping and reporting requirements.

Limited data are available regarding the burden of re-accreditation. Therefore, this analysis makes the simplifying assumption that it will take one-half of the time it took to apply for initial accreditation (i.e., 4.8 hours). The approving authority to verify the accreditation statement and the contents of the application may also perform an audit. At this time, the proportion of applicants audited is unknown. This analysis assumes that 10 percent of all programs applying for re-accreditation will be audited in a given year. Total burden for a training provider to prepare for and participate in an audit is assumed to be 2 hours professional and 4 hours of clerical time because much of the work will be assembling files for the auditor.

### *Annual Recordkeeping*

There are significant first year and subsequent year recordkeeping requirement burdens for training providers. Sections 402(a) and 404 of TSCA require that training providers keep records on:

- qualifications of the training manager and principal instructors,
- curriculum/course materials, and documents reflecting any changes made to these materials,
- course test blueprint,
- hands-on skills assessment methodology,
- quality control plan,
- student files (including hands-on skills assessments, course test results), and
- any other materials that were submitted to the EPA as part of the program's application for accreditation.

These reports must be held for a minimum period of three and one-half years. Chapter 9 of the *TSCA Title IV Sections 402(a) and 404: Target Housing and Child-Occupied Facilities Final Rule Regulatory Impact Analysis* estimates that, in total, training provider records will be 11 pages plus two pages for each of their students. The filing burden is calculated as a per report/file burden, and is not affected by the number of pages in the report; the number of pages only affects the cost of materials. Therefore, the recordkeeping burden estimates for training providers include labor associated with the filing and maintenance of the records only (one hour of clerical time).

This analysis estimates the annual burden for all training providers to be 2,055 hours for training providers in State-administered programs and 428 hours for training providers in EPA-administered programs. The total annual reporting and recordkeeping burden for all training providers is estimated to be 2,483 hours. These estimates all assume that the burden per entity and per activity is the same in both EPA and State-administered programs, so that the burden in any area for a given year depends only on the estimated numbers of entities and activities in that area for that year. Exhibit 6.1 summarizes the burden of the reporting and annual recordkeeping requirements for training providers.

### Firms Performing Lead-based Paint Activities

#### *Initial Certification*

In order to perform the lead-based paint activities that are regulated under sections 402(a) and 404, firms performing lead-based paint activities, such as inspections and abatements, are required to seek certification from the approving authority. Similar to training providers, these firms must first familiarize themselves with the specific requirements of the rule. They must also determine if it is profitable to enter the market for lead-based paint activities. This analysis assumes that it will take only 6 hours for firms, as opposed to 8 hours for training providers, for rule familiarization because firms do not need to compare and contrast as much information. If a firm decides to enter the market, a certification letter must be sent to the approving authority indicating that the firm will follow the standards set forth in the rule and will employ only

certified employees. The cost of certifying individuals is discussed in a later section. The professional burden estimate of one hour and the clerical burden estimate of 0.5 hours for initial certification are taken from Chapter 9 of *TSCA Title IV Sections 402(a) and 404: Target Housing and Child-Occupied Facilities Final Rule Regulatory Impact Analysis*.

### Exhibit 6.1 Training Providers: Reporting and Recordkeeping Burden Estimates

Burden Element	Professional Hours	Clerical Hours	Burden Hours Per Training Provider	
<i>Accreditation</i>				
Rule Familiarization	8.00	0.00	8.00	
Accreditation Statement	7.60	2.00	9.60	
Quality Control Plan	8.00	2.00	10.00	
<i>Annual Burden</i>				
Recordkeeping	0.00	0.81	0.81	
<i>Reaccreditation Burden (In Addition to the Annual Burden)</i>				
Re-accreditation	3.80	1.00	4.80	
Audit*	0.20	0.40	0.60	
<i>Burden Per Training Provider</i>				
Year of Initial Accreditation			28.41	
Second, Third, and Fourth Year of Operation			0.81	
Year of Accreditation Renewal			6.21	
<i>Training Providers Per Year</i>				
	State-Administered Entities		EPA-Administered Entities	
	Number of entities	Burden hours	Number of entities	Burden hours
New Accreditations	47	1,335	10	284
Second Year Cohort	117	95	24	19
Third Year Cohort	117	95	24	19
Fourth Year Cohort	117	95	24	19
Accreditation renewals	70	435	14	87
Total burden hours		2,055		428

#### *Burden Per Year*

	State-Administered Entities	EPA-Administered Entities	Total burden hours
<b>Burden in Hours</b>	2,055	428	2,483

\* This analysis assumes that 10 percent of all programs applying for re-accreditation will be audited. Estimates of burden hours per event are taken from the Fees Rule EA and previous ICR renewals.

#### *Annual Reporting and Recordkeeping*

While performing lead-based paint activities, firms are required to complete and maintain a number of reports including:

- inspection report describing the areas inspected and the results of the inspection,
- risk assessment/lead hazard screen report, which includes the sampling results and the associated hazards,
- occupant protection plan identifying the areas requiring abatement and the methods that will be employed to remediate the hazard and protect workers, and
- abatement report detailing the activities undertaken to eliminate the hazard.



This analysis adopts the estimates of events per firm developed in the previous ICRs. The total numbers of events are calculated by multiplying those numbers of events per firm by the number of firms estimated in this ICR. The estimates for the burden per event and burden per firm are those developed in the previous ICRs.

The analysis in the *TSCA Title IV Sections 402(a) and 404: Target Housing and Child-Occupied Facilities Final Rule Regulatory Impact Analysis* makes two assumptions about the certification and reporting requirements of firms performing lead-based paint activities. First, because it is current industry practice to report and maintain the records from a lead inspection, there is no incremental reporting/recordkeeping burden associated with this activity. In addition, there are no incremental costs associated with the reporting and recordkeeping of lead hazard screens as defined by this rule. Second, since the inspector, risk assessor, project designer, or supervisor will complete the various reports, no clerical support will be required for the reporting requirements; clerical support will be needed for the recordkeeping requirements.

The burden of completing the reports mentioned above varies by report and is indicated in Exhibit 6.2. The reporting burden estimates include the time associated with collecting the information needed to complete the reports. In the upper portions of that exhibit, the professional burden per firm is the reporting burden per event multiplied by the estimated average number of each particular event per firm. Similarly, the clerical burden per firm is the recordkeeping burden per report multiplied by the number of events per firm. The burden hours per firm are then the sum of the profession and clerical burdens.

The number of events per firm was estimated in previous ICR analyses by dividing earlier estimates of the total number of events by an estimate of the number of firms. Those per-firm estimates were used in the two previous ICR renewal analyses, and for the sake of consistency are used again in this analysis.

This analysis estimates the total reporting and recordkeeping burden to all firms to be 648,581 hours per year. Exhibit 6.2 summarizes the burden of the reporting and annual recordkeeping requirements to firms.

### Individual Abatement Professionals Burden

#### *Initial Certification*

In order to become certified to perform lead abatement activities, individuals must apply to the certifying authority. The reporting requirements for certification are the same for inspectors, risk assessors, and supervisors; and for workers and project designers. Certifications are generally valid for a period of three years. In the fourth year, individuals trained in the first year who are still active will need to take refresher training and become recertified. The time associated with re-certification is less than that associated with initial certification; however, they have been assumed to be equal for purposes of this analysis (leading to possible overestimate of burden).

## Exhibit 6.2 Firms: Reporting and Recordkeeping Burden Estimates

Category	Number of Events per Firm	Reporting Burden per Event	Professional Burden per Firm	Recordkeeping Burden Per Report	Clerical Burden per Firm	Burden Hours Per Firm
<i>Certification</i>						
Rule familiarization	1.00	6.00	6.00	0.000	0.000	6.00
Certification letter	1.00	1.5*	1.50	0.008	0.008	1.51

\* Includes 0.5 hours clerical time.

*Target Housing (including soil abatements)*

Risk assessment and lead hazard screen reports	16.11	1.86	29.96	0.008	0.134	30.09
Pre-abatement notifications	4.51	0.50	2.25	0.008	0.037	2.29
Occupant protection plan	13.97	1.00	13.97	0.008	0.116	14.08
Post-abatement reports	13.97	2.00	27.94	0.008	0.000	27.94

*Child-Occupied Facilities (including soil abatements)*

Risk assessment reports	0.12	1.09	0.14	0.008	0.001	0.14
Pre-abatement notifications	0.12	0.50	0.06	0.008	0.001	0.06
Occupant protection plan	0.12	1.00	0.12	0.008	0.001	0.13
Post-abatement reports	0.12	2.00	0.25	0.008	0.001	0.25

*Burden per Firm*

Firms in year of initial certification	82.49
Firms in year of recertification	76.49
Firms in second-year cohort	74.98
Firms in third-year cohort	74.98

*Firms per Year*

	Number of State-Administered Firms	Number of EPA-Administered Firms	Total US Firms
Firms in year of initial certification	1,320	270	1,590
Firms in year of recertification	1,022	210	1,232
Firms in second-year cohort	2,342	480	2,822
Firms in third-year cohort	2,342	480	2,822

*Burden per Year*

Burden in hours	State-Administered Firms	EPA-Administered Firms	Total US Firms
Firms in year of initial certification	108,887	22,272	131,159
Firms in year of recertification	78,173	16,063	94,236
Firms in second-year cohort	175,603	35,990	211,593
Firms in third-year cohort	175,603	35,990	211,593
Total burden per year	538,266	110,315	648,581

The requirements for certification for inspectors, risk assessors, and supervisors include submitting proof of:

- completion of a training course,
- passing the course test,
- meeting the educational and/or experience requirements (if applicable), and
- passing the third party exam.

It is estimated that it will take one hour to gather and send these documents per individual.

The requirements for project designers and workers include proof of:

- completion of a training course, and
- meeting the educational and/or experience requirement (if applicable).

It is estimated that it will take one-half hour to gather and send this document per individual.

This analysis estimates the total reporting and recordkeeping burden to all certified individuals in each year covered by this ICR to be about 9,420 hours. Exhibit 6.3 details the total reporting and recordkeeping burden to the individual subgroups (e.g. inspectors, risk assessors, and workers) and summarizes the individual burden.

### **Exhibit 6.3 Individual: Reporting and Recordkeeping Burden Estimates**

#### *Burden per Individual*

	Inspectors, Risk Assessors, and Supervisors	Workers and Project Designers
Year of Initial Certification	1.0	0.5
Year of Certification Renewal	1.0	0.5

#### *Individuals per Year*

	State-Administered Areas		EPA-Administered Areas		Total US	
	Entities	Burden hrs	Entities	Burden hrs	Entities	Burden hrs
<i>Inspectors</i>						
Initial certification	568	568	116	116	684	684
Certification renewal	241	241	49	49	290	290
<i>Risk Assessors</i>						
Initial certification	2,596	2,596	532	532	3,128	3,128
Certification renewal	1,101	1,101	226	226	1,327	1,327
<i>Supervisors</i>						
Initial certification	1,209	1,209	248	248	1,457	1,457
Certification renewal	513	513	105	105	618	618
<i>Workers</i>						
Initial certification	2,075	1,037.5	425	212.5	2,500	1,250
Certification renewal	880	440	180	90	1,060	530
<i>Project Designers</i>						
Initial certification	159	79.5	32	16	191	95.5
Certification renewal	67	33.5	14	7	81	40.5
Total burden hours		7,818.5		1,601.5		9,420

## State Burden

### *Initial Authorization*

As of January 2007 there are 39 authorized State programs and three authorized Tribal programs, as well as authorized programs in Puerto Rico and the District of Columbia. This analysis assumes that no additional States or Tribes will request authorization during the period covered by this ICR. Based on this assumption, any burden associated with obtaining authorization has already been incurred. While additional States may seek authorization in the future, information is not available at this time upon which to estimate how many and which States may seek authorization. Thus, the number of entities to be administered in these States is also not known.

### *Reporting and Recordkeeping*

The initial ICR for this data collection estimated the burden to States of program authorization, but did not assume administration of entities to be a burden of this rule. However, the previous ICR renewal as well as this one does include a burden estimate for the State and Federal administration of training providers, firms and individuals. These estimates have been developed using State-level survey data collected for the *Economic Analysis of the Final TSCA Section 402(a)(3) Lead-Based Paint Accreditation and Certification Fee Rule*, as well as using the estimates of the number of activities in State-administered areas reported earlier in this analysis.

The State-level survey data provide burden hours for the following activities for both the certification and re-certification of State-administered training providers, firms, and individuals:

- Application processing and recordkeeping
- Certification exam processing and recordkeeping
- Training course audits
- Fee transactions and waivers
- Issuance of certification documents
- Public assistance/outreach
- Reporting (to overseeing agencies)
- Other management

This analysis multiplied these State-level survey data burden hours by the number of State-administered training providers, firms, and individuals found in the *Economic Analysis of the Final TSCA Section 402(a)(3) Lead-Based Paint Accreditation and Certification Fee Rule* in order to estimate the total burden to all States of administering training providers, firms, and individuals.

The total reporting and recordkeeping burden to all States and Tribes with authorized programs is estimated to be 72,712 hours in each year covered by this analysis. It is likely that the burden will vary from year to year due to the fluctuating pattern of new entries, exits, and renewals. This analysis does not capture that fluctuation, but it does represent our best estimate of the average burden over this period. Exhibit 6.4 details the total reporting and recordkeeping

burden associated with each type of State and Tribal-administered entity (e.g., training provider, firm, and individual) and summarizes the burden to States and Tribes for program administration.

### **Exhibit 6.4 States: Reporting and Recordkeeping Burden Estimates**

#### *State Program Administration Burden per Entity Type*

	Clerical Hours		Technical Hours		Managerial Hours	
	Certify	Re-certify	Certify	Re-certify	Certify	Re-certify
Training Providers	3.36	1.40	28.37	10.13	8.93	7.63
Firms	0.61	0.44	4.73	4.25	2.90	2.90
Individuals	1.56	1.36	3.15	1.80	1.32	0.76

#### *Activities per Year*

Number of Activities in State and Tribal-Administered Areas	
<i>Training Providers</i>	
Accreditations	47
Re-accreditations	70
<i>Firms</i>	
Initial certifications	1,320
Renewals	1,022
<i>Individuals</i>	
Initial certifications	6,607
Renewals	2,802
<i>Total</i>	11,868
<i>Average/State or Tribe</i>	269.7

#### *State Program Administration Burden per Year*

State Burden by Entity Type	
Training Providers	3,252
Firms	18,635
Individuals	50,825
<b>Total State Burden in Hours</b>	<b>72,712</b>

### Notification

#### Introduction

Three types of respondents will be affected by the notification provisions covered by this ICR: 1) training providers, 2) firms performing lead-based paint activities, and 3) States. The burden and cost associated with notification are: 1) reporting during the course of the year and 2) recordkeeping during the course of the year. The reporting and recordkeeping burden estimates include the time associated with completing and sending the notification forms to the appropriate authority, as well as the time required to collect the information needed to complete the form. The recordkeeping burden estimates include the time required for the respondent to copy and file a record of the notification form. In addition some States and the Federal government will be affected in their role as administrators of the notification requirement.

## Training Providers

Under the rule, pre-course notification is required at least seven business days prior to the start of a lead-based paint activities course. Re-notification is required if the course date changes. Within 10 days of course completion, training providers are required to submit a post-course notification. The information training providers are required to submit during pre-course and post-course notification is detailed in section 4 of this document. The following sections discuss how the reporting and recordkeeping burden estimates in this analysis were developed. The estimated number of notifications per training provider is taken from the January 2001 notification rule ICR analysis. Exhibit 6.5 presents the estimation of training provider burden for the proposed notification rule.

### *Reporting*

This analysis assumes that training providers will complete a separate notification form for each lead-based paint activity course conducted. The number of pre-course and post-course notification events was estimated by dividing the total number of students in a given year<sup>2</sup> by an estimated average class size<sup>3</sup> to obtain the estimated number of courses. According to training providers and abatement firms contacted during the data collection phase of this analysis, currently some notification programs require pre-course notification for each individual course, while other programs allow training providers to submit a list of the courses they plan to offer during the coming year. This analysis conservatively assumes one pre-course and one post-course notification for each training course. In addition, some courses may require re-notification. Training providers and State program representatives contacted said that re-notification does occur. However, they were not able to estimate a re-notification rate. Therefore, this analysis has adopted a re-notification rate of 10 percent. An estimate of the amount of time required to complete the pre-course and post-course notification forms, described in section 4 of this document, was determined by calling a sample of training providers distributed across the U.S. The number of training providers and their levels of activity were estimated in the Accreditation and Certification sections of this analysis.

### *Recordkeeping*

The training provider burden estimates described above include the burden associated with filing a one-page record of the notification form sent to the administering agency. An estimate of the amount of time needed to file a record was adopted from *Economic Analysis of the Final TSCA Section 402 (a) (3) Lead-Based Paint Accreditation and Certification Fee Rule*.

### *Annual Burden Hours*

As presented in Exhibit 6.5, this analysis estimates the notification burden for all training providers to be a total of 1,839 hours per year.

## **Exhibit 6.5 Training Providers: Notification Burden Estimates**

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2 <sup>2</sup>Economic Analysis of the Final TSCA Section 402 (a) (3) Lead-Based Paint Accreditation and Certification Fee Rule.

3 <sup>3</sup> Personal communications with Training Providers.

Notification Category	Events per Training Provider	Reporting Hours/Event	Recordkeeping Hours/Event	Total Hours/Event	Burden hours per training provider
Pre-notification	1.90	0.15	0.01	0.16	.30
Re-notification	0.19	0.15	0.01	0.16	.03
Post-notification	1.90	1.54	0.01	1.54	2.93
Total burden hours per training provider:					3.26
<b>Firms</b>					
	State-Administered Areas	EPA-Administered Areas	Total US		
Training Providers	468	96	564		
Burden Hours	1,526	313	1,839		

### Firms

Under the rule, pre-abatement notification is required at least 5 business days prior to the start of lead-based paint abatement activities. Re-notification is required if the start date or end date of the abatement activity changes. Firms are not required to provide notification after the completion of an abatement project. The information firms are required to submit during pre-abatement notification is detailed in section 4 of this document. The following sections discuss how the reporting and recordkeeping burden estimates in this analysis were developed. Exhibit 6.6 presents the estimation of firm burden for the proposed notification rule.

### *Reporting*

This analysis assumes that firms will complete a separate notification form for each lead-based paint abatement activity conducted. The number of pre-abatement notification events per firm was adopted from the *TSCA Title V Sections 402(a) and 404: Target Housing and Child-Occupied Facilities Final Rule Regulatory Impact Analysis*. The number of firms was estimated in the Accreditation and Certification section of this analysis. The number of re-notifications was calculated using a re-notification rate of 9 percent<sup>4</sup>. An estimate of the amount of time required to complete the pre-abatement notification form, described in section 4 of this document, was determined by calling a sample of firms in the State of Massachusetts.

### *Recordkeeping*

The firm burden estimates described above include the burden associated with filing a one-page record of the notification form sent to the administering agency. An estimate of the amount of time needed to file a record was adopted from *Economic Analysis of the Final TSCA Section 402(a)(3) Lead-Based Paint Accreditation and Certification Fee Rule*.

### *Annual Burden Hours*

As presented in Exhibit 6.6, this amendment estimates the notification burden for all firms to be 29,801 hours per year.

### **Exhibit 6.6 Firms: Notification Burden Estimates**

Category	Events per Firm	Reporting Hours/Event	Record keeping Hours/Event	Hours per Firm
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<sup>4</sup> Personal communications with Massachusetts firms.

Pre-notification	14.09	0.22	0.01	3.23
Re-notification	1.27	0.22	0.01	0.29
Annual Total	15.36	0.22	0.01	3.52
	State-Administered Areas	EPA-Administered Areas	Total US	
Certified firms	7,026	1,440	8,466	
Burden hours	24,732	5,069	29,801	

### State Burden

Under the proposed rule, notifications submitted by training providers and abatement firms would be used by States with authorized programs in support of compliance monitoring and enforcement activities, and to prioritize inspections. The administrative management of information collected under this proposed rule is detailed in section 4 of this document. The following sections discuss how the recordkeeping burden estimates were developed. Exhibit 6.7 presents the estimation of State burden for the proposed notification rule.

### *Recordkeeping*

The number of notification events per entity is the sum of pre-course, post-course, and re-notifications submitted by training providers, and the sum of pre-abatement and re-notifications submitted by firms. The sources of this information are discussed in detail in the respective training provider and firm sections of this analysis. The State recordkeeping burden per notification event is estimated at 0.11 hours for training providers and 0.09 hours for abatement firms. Both estimates were obtained by contacting two State agencies, which currently operate similar lead-based paint training programs, and maintain lead-based paint activity notification records in both electronic and hard copy forms.

### *Annual Burden*

As presented in Exhibit 6.7., this analysis estimates the notification recordkeeping burden for all States to be 9,902 hours per year.

### **Exhibit 6.7 States: Notification Burden Estimates**

Category	<i>Notifications per Entity</i>	<i>Hours per Notification</i>	<i>Hours per Entity</i>
Firms	15.36	0.09	1.38
Training Providers	4.00	0.11	0.44
	<i>Entities per Year</i>	<i>Burden Hours per Entity</i>	<i>Total State Burden Hours per Year</i>
Firms	7,026	1.38	9,696
Training Providers	468	0.44	206
<b>Total Annual Burden</b>			9,902



## 6(b) Estimating Respondent Costs

### Introduction

The cost estimates addressed in this section are based on the burden estimates discussed in section 6(a). Wage rates for each category of personnel are derived with methods and from sources either identical to or very similar to those used in the Fees Rule EA and previous TSCA section 402/404 ICR analyses.

The fringe and overhead factors from the Fees Rule EA and the Comprehensive Assessment Information Rule (CAIR) were simplified somewhat for this analysis, and a uniform loading factor of 60 percent was applied to all categories of workers.

Non-governmental wages are drawn from the full time mean hourly earnings data in the Bureau of Labor Statistics (BLS) *National Compensation Survey: Occupational Wages in the United States, June 2005*, Table 2-2 (Private industry, selected occupations, mean hourly earnings). Those hourly wages are adjusted upward by 4.1 percent to account for inflation from June 2005 to January 2007. The BLS Consumer Price Index for June 2005 (1982 to 1984 = 100) was 194.4. The same index was 202.2 in January 2007, for an increase over that period of 4.1 percent. It is assumed that this is a reasonable representation of the inflation adjustment for wages. The BLS occupational categories used here are identical to those used in the most recent ICR renewal analysis, but they may in some cases be somewhat different from the categories used in earlier analyses. An attempt was made to match those categories as closely as possible to the ICR labor categories.

<b>Wage Rate Calculations for Non-Government Workers</b>				
ICR Labor Category	BLS Occupation Category	2002 Wage Rate	Wage Inflated by 4.1%	Wage with Fringe and Overhead
Non-government professional	Professional specialty and technical	\$29.80	\$31.02	\$49.63
Non-government clerical	Administrative support, including clerical	\$14.44	\$15.03	\$24.05
Inspector	Construction inspectors	\$24.11	\$25.10	\$40.16
Risk Assessor	Chemical technicians	\$21.96	\$22.86	\$36.58
Project designer	Designers	\$20.84	\$21.69	\$34.71
Supervisor	Supervisors, painters, paperhangers and plasterers	\$23.54	\$24.51	\$39.21
Abatement worker	Painters, construction and maintenance	\$15.93	\$16.58	\$26.53

The wage rates for State and Federal government employees are taken from the Federal Government's GS Salary Table for hourly wages, effective January 2007. The wages for EPA headquarters workers are taken from the table including locality pay for the Washington-Baltimore area. The wages for all others are taken from table including locality pay for "Rest of US."

<b>Wage Rate Calculations for Government Workers</b>			
Labor Category	Wage Rate Source	Hourly Wage Rate	Wage with Fringe and Overhead
States Managerial	GS 13, step 1	\$36.14	\$57.82
States Technical	GS 11, step 1	\$25.35	\$40.56
States Clerical	GS 6, step 1	\$15.42	\$24.67
EPA Headquarters Managerial	GS 13, step 1; Washington DC area	\$38.04	\$60.86
EPA Headquarters Technical	GS 11, step 1; Washington DC area	\$26.69	\$42.70
EPA Headquarters Clerical	GS 6, step 1; Washington DC area	\$16.23	\$25.97
EPA Regional Managerial	GS 13, step 1; "Rest of US" area	\$36.14	\$57.82
EPA Regional Technical	GS 11, step 1; "Rest of US" area	\$25.35	\$40.56
EPA Regional Clerical	GS 6, step 1; "Rest of US" area	\$15.42	\$24.67

### Accreditation and Certification

#### Training Providers

Based on the burden estimates provided in section 6(a) and the wage rates discussed above, this analysis estimates the cost to training providers at \$83,577 for training providers in State-administered programs and \$17,522 for those in EPA-administered programs. The annual reporting and recordkeeping cost for all training providers is estimated to be \$101,100. Exhibit 6.8 summarizes the cost of the reporting and annual recordkeeping requirements for training providers.

#### Costs for Firms Performing Lead-based Paint Activities

The recordkeeping costs fall under two categories: labor and materials. The cost estimates used in this analysis rely heavily on the burden estimates developed for the analysis of section 406 (USEPA, 1993c). Recordkeeping labor costs consist of the time associated with the actual filing of the records. The analysis of section 406 estimates that the time associated with filing each report, regardless of size, is 0.5 minutes or 0.0083 hours. Copying costs are calculated based on \$0.06 per copy multiplied by the total number of pages to be copied; only one copy is required.

As detailed in section 6(a), the total number of events is based on the prior ICR. The wage rates used to represent professional and clerical labor costs are the same as those detailed above for training providers.

Based on the burden estimates provided in section 6(a) and the professional and clerical wage rates described earlier, this analysis estimates the annual cost at \$20,140,949 for firms in State-administered programs and \$4,127,788 for firms in EPA-administered programs, or a total

of \$24,268,737 for all firms. Exhibit 6.9 summarizes the cost of the reporting and annual recordkeeping requirements for firms.

### Exhibit 6.8 Training Providers: Reporting and Recordkeeping Cost Estimates

Cost Element	Professional (\$49.63/hr)	Clerical (\$24.05/hr)	Burden Hours	Cost (\$) Per Training Provider
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#### Accreditation

Rule Familiarization	8.00	0.00	8.00	\$397.04
Accreditation Statement	7.60	2.00	9.60	\$425.14
Quality Control Plan	8.00	2.00	10.00	\$445.14

#### Annual Cost

Recordkeeping*	0.00	0.81	0.81	\$19.48
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#### Quadrennial Cost (In Addition to Annual Cost)

Re-accreditation	3.80	1.00	4.80	\$212.64
Audit**	0.20	0.40	0.60	\$19.55

#### Cost Per Training Provider

Year of Initial Accreditation	\$1,286.95
Second, Third and Fourth Year of Operation	\$19.48
Year of Re-accreditation	\$232.19

#### Cost Per Year

	State-Administered		EPA-Administered		All US	
	entities	cost	entities	cost	entities	cost
New accreditations	47	\$60,486.65	10	\$12,869.50	57	\$73,356.15
Second year cohort	117	\$2,279.16	24	\$467.52	141	\$2,746.68
Third year cohort	117	\$2,279.16	24	\$467.52	141	\$2,746.68
Fourth year cohort	117	\$2,279.16	24	\$467.52	141	\$2,746.68
Re-accreditations	70	\$16,253.30	14	\$3,250.66	84	\$19,503.96
Totals		\$83,577.43		\$17,522.72		\$101,100.15

\* Recordkeeping burden estimate adopted from the previous ICR.

\*\* This analysis assumes that 10 percent of all programs applying for re-accreditation will be audited.

Based on the cost estimates provided in section 6(a) and the wage rates developed earlier, this analysis estimates the total annual reporting and recordkeeping cost to all individuals to be \$335,383, with \$278,365 of cost to individuals in State and Tribal administered areas, and \$57,018 to individuals in EPA administered areas. Exhibit 6.10 details the total reporting and recordkeeping cost to the individual subgroups (e.g., inspectors, risk assessors, and workers) and summarizes the individual cost.

**Exhibit 6.9 Firms: Reporting and Recordkeeping Cost Estimates**

Category	Discipline (for wage rate determination)	Average Reporting Cost Per Firm	Average Record-keeping Cost Per Firm*	Total Number of Pages Per Firm	Material cost (@ \$0.06per page)	Average Cost Per Firm
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*Certification*

Rule Familiarization (\$49.63/hr)	professional	\$297.78	0		0	\$297.78
Certification letter (\$49.63/hr)	professional	\$74.94	\$0.20	1.39	\$0.08	\$75.22
Certification Subtotal		\$372.72	\$0.20		\$0.80	\$373.00

*Target Housing (including Soil Abatements)*

Risk Assessment and lead hazard screen reports (\$35.58/hr)	risk assessor	\$1,070.61	\$3.22	64.43	\$3.87	\$1,077.70
Pre-Abatement Notifications (\$39.21/hr)	supervisor	\$89.79	\$0.90	9.03	\$0.54	\$91.23
Occupant Protection Plan (\$34.71/hr)	designer	\$488.72	\$2.79	41.86	\$2.51	\$494.02
Post-Abatement Reports (\$39.21/hr)	supervisor	\$1,095.53	\$2.79	41.86	\$2.51	\$1,100.83
Target Housing Per-Firm Cost Subtotal		\$2,744.65	\$9.70		\$9.43	\$2,763.78

*Child-Occupied Facilities (including Soil Abatements)*

Risk Assessment and lead hazard screen reports (\$35.58/hr)	risk assessor	\$4.98	\$0.02	0.49	\$0.03	\$5.03
Pre-Abatement Notifications (\$39.21/hr)	supervisor	\$2.37	\$0.02	0.25	\$0.01	\$2.38
Occupant Protection Plan (\$34.71/hr)	designer	\$4.52	\$0.02	0.25	\$0.01	\$4.54
Post-Abatement Reports (\$39.21/hr)	supervisor	\$9.80	\$0.02	0.25	\$0.01	\$9.83
Child-Occupied Facilities Per-Firm Cost Subtotal		\$21.67	\$0.08		\$0.06	\$21.81

*Cost Per Firm*

Year of Initial Certification	\$3158.59
Second and Third Year of Operation	\$2785.59
Year of Certification Renewal	\$2860.81

*Cost Per Year*

	State and Tribal Administered Firms	EPA-Administered Firms	Total US
Number of Firms	7,026	1,440	8,466
<b>Cost</b>	\$20,140,949	\$4,127,788	\$24,268,737

\* .0083 hours of non-governmental clerical burden per report @ \$24.05/hr = \$0.20

**Exhibit 6.10 Individuals: Reporting and Recordkeeping Cost Estimates/Cost per Year**

	State and Tribal Administered	EPA Administered	Total US
Inspectors (\$40.16/hr.)	\$32,489	\$6,626	\$39,115
Risk Assessors (\$36.58/hr.)	\$135,236	\$27,728	\$162,964
Supervisors (\$39.21/hr.)	\$67,520	\$13,841	\$81,361
Abatement Workers (\$26.53/hr.)	\$39,198	\$8,025	\$47,223
Project Designers (\$34.71/hr.)	\$3,922	\$798	\$4,720
<b>Total Individual Cost</b>	<b>\$278,365</b>	<b>\$57,018</b>	<b>\$335,383</b>

State Costs

The reporting/recordkeeping requirement costs include the wages associated with the burden estimated in Section 6(a). The methods used to establish wage rates are covered earlier in this analysis. Those wage rates are \$57.82 for managerial staff, \$40.56 for technical staff and \$24.67 for clerical staff.

The total reporting and recordkeeping cost to all States with authorized programs in each year of the analysis is estimated to be \$3,021,834. As discussed earlier, each year in State and Tribal- administered areas is assumed to be identical, for ease of modeling. It is likely that the actual costs will vary from year to year. These estimates are intended to represent the average annual costs. Exhibit 6.11 details the total reporting and recordkeeping cost to the State and Tribal administered programs associated with each type of entity (e.g., training provider, firm, and individual).

**Exhibit 6.11 States: Reporting and Recordkeeping Cost Estimates**

Training Providers	\$144,299
Firms	\$853,124
Individuals	\$2,024,416
<b>Total State Cost</b>	<b>\$3,021,834</b>

Notification

The cost estimates addressed in this section are based on the burden estimates discussed in section 6(a).

Training Providers

The fully loaded wage rate used to estimate training providers' notification costs is the non-government clerical rate, \$24.05 per hour. Additionally, training provider costs include a (projected) \$0.41 postage stamp for mailing the notification and \$0.06 for a one page copy of the notification for the firm's records.

Annual Costs

As presented in Exhibit 6.12, based on the burden estimates provided in section 6(a) and the wage rates and materials costs discussed above, this analysis estimates the notification costs for all training providers to be a total of \$45,741 per year.

**Exhibit 6.12 Training Providers: Notification Cost Estimates**

Event category	Reporting Cost/Event	Recordkeeping Cost/Event*	Materials Cost/Event	Total Cost/Event
Pre-notification	\$3.85	\$0.20	\$0.47	\$4.52
Re-notification	\$3.85	\$0.20	\$0.47	\$4.52
Post-notification	\$37.04	\$0.20	\$0.47	\$37.71

*Cost per training provider*

Event category	Cost per Event	Events per Firm	Cost per Firm
Pre-notification	\$4.52	1.90	\$8.59
Re-notification	\$4.52	0.19	\$0.86
Post-notification	\$37.71	1.90	\$71.65
Total Annual Cost per Firm			\$81.10
State and Tribal Administered		EPA Administered	Total US
Number of training providers	468	96	564
Estimated total cost per year	\$37,955	\$7,786	\$45,741

\* .0083 hours of non-governmental clerical burden per record @ \$24.05/hr = \$0.20

**Firms Performing Lead-based Paint Activities Costs**

The fully loaded wage rate used to estimate certified firms' notification costs is the non-government clerical rate, \$24.05 per hour. As noted in exhibit 6.6, this analysis estimates 0.22 hours of reporting burden for each notification event, for a reporting cost of \$5.29 per notification. Additionally, training provider costs include a \$0.41 postage stamp for mailing the notification and \$0.06 for a one-page copy of the notification for the firm's records.

*Annual Costs*

As presented in Exhibit 6.13, based on the burden estimates provided in section 6(a) and the wage rates and materials costs discussed above, this analysis estimates the costs associated with notification for all firms to be \$775,025 per year.

**Exhibit 6.13 Firms: Notification Cost Estimates**

Cost Element	Events per Firm	Reporting Cost/Event	Recordkeeping Cost/Event	Materials Cost/Event	Cost per Event	Cost per Firm
<i>Notification</i>						
Pre-notification	14.09	\$5.29	\$0.20	\$0.47	\$5.96	\$83.98
Re-notification	1.27	\$5.29	\$0.20	\$0.47	\$5.96	\$7.57
Annual Total	15.36					\$91.55
State and Tribal Administered		EPA Administered		All US		
Firms	7,026		1,440			8,466
Cost	\$643,199		\$131,826			\$775,025

**State Costs**

The State costs associated with notification are based on the burden hours estimated and reported in exhibit 6.7. As indicated earlier, the fully loaded hourly cost for State government clerical staff is estimated to be \$24.67. As presented in Exhibit 6.14, this analysis estimates the notification cost for all States combined to be \$244,282 per year over the period of this analysis.

**Exhibit 6.14 States: Notification Cost Estimates for All States Combined**

Category of Notifying Entity	Number of entities	State Burden per Entity	Total Burden Hours	Clerical Cost at \$24.67/hr.
Firms	7,026	1.38	9,696	\$239,200
Training Providers	468	0.44	206	\$5,082
<b>Total Estimated Annual Cost to States</b>			9,902	\$244,282

**6(c) Estimating Agency Burden and Cost**Accreditation and CertificationEPA Burden

Although sections 402(a) and 404 do not require that States develop a lead program, it is encouraged. As discussed in section 6(a) of this ICR, 39 States and three Tribal areas, as well as Puerto Rico and the District of Columbia, have sought and been granted authorization to administer their own programs under TSCA Section 402. This ICR assumes that programs for the remaining States will be administered by EPA. Thus the burden on EPA due to reviewing and approving State applications to administer their own programs has already been incurred. If additional States seek authorization, the cost to EPA of reviewing and approving these applications will be offset by the reduction in EPA hours used to administer the programs.

This analysis estimates the agency burden of administering training providers, firms, and individuals in unauthorized States by using State-level survey data collected for the *Economic Analysis of the Final TSCA Section 402(a)(3) Lead-Based Paint Accreditation and Certification Fee Rule* and assumes that the EPA Regional Offices will play the major role in administering the Section 402 requirements in States without their own programs, while EPA Headquarters will coordinate the regional activities, provide public assistance and perform other activities.

Based on these assumptions and data, the total burden to EPA regions is estimated to be 14,904 hours per year. Exhibit 6.15 details the total reporting and recordkeeping burden to each type of EPA-administered entity (e.g., training provider, firm, and individual). In addition the annual burden to EPA Headquarters is estimated to be 728 hours for each year of the analysis (See Exhibit 6.16). Thus the total EPA burden is estimated to be 15,632 hours per year.

EPA Cost

The burden on EPA associated with the administration of the States and Tribal areas that have not been approved to administer their own programs were estimated above. The labor rates and overhead and fringe loadings were discussed earlier. Based on these estimates, the reporting and recordkeeping costs to EPA regions are projected to be \$619,371 per year. Exhibit 6.17 details the total reporting and recordkeeping cost to each type of EPA-administered entity (e.g., training provider, firm, and individual). The annual cost to EPA Headquarters is estimated to be \$31,384 for each year of the analysis (See Exhibit 6.18). Thus the total EPA annual cost is projected to be \$650,755.

There will be additional costs involved in transitioning from an existing Federal program to an authorized State program in States that receive authorization after the Federal program has

been fully established. Currently, we do not have a way of estimating the additional burden, nor the number of State programs potentially affected. Such changes would also reduce the annual burden on EPA. No such transitions are anticipated during the period of this ICR.

### Exhibit 6.15 EPA Regions: Reporting and Recordkeeping Burden Estimates for Accreditation and Certification Activities

*EPA Region Burden per Entity Type*

	Clerical Hours		Technical Hours		Managerial Hours	
	Certify	Re-certify	Certify	Re-certify	Certify	Re-certify
Training Providers	3.36	1.40	28.37	10.13	8.93	7.63
Firms	0.61	0.44	4.73	4.25	2.90	2.90
Individuals	1.56	1.36	3.15	1.80	1.32	0.76

EPA Region Burden Hours (calculations rounded to even hours)					
Activity	Events per Year	Clerical Hours	Technical Hours	Managerial Hours	Total Hours
Training Provider Accreditation	10	34	284	89	407
Training Provider Re-accreditation	14	20	142	107	269
Firm Certification	270	165	1,277	783	2,225
Firm Re-certification	210	92	893	609	1,594
Individual Certification	1,353	2,111	4,262	1,786	8,159
Individual Re-certification	574	781	1,033	436	2,250
Totals		3,203	7,891	3,810	14,904

### Exhibit 6.16 EPA Headquarters: Reporting and Recordkeeping Burden Estimates for Accreditation and Certification Activities

*Annual EPA Headquarters Burden Hours*

	Clerical Burden	Technical Burden	Managerial Burden
Coordinate with Regions*	0.00	104.00	0.00
Public Assistance*	104.00	104.00	0.00
Other*	104.00	104.00	208.00
<b>Annual Burden to Headquarters</b>			<b>728.00</b>

\* HQ administrative burden from the Fees Rule EA; for all EPA-administered States

### Exhibit 6.17 EPA Regions: Reporting and Recordkeeping Cost Estimates for Accreditation and Certification Activities

Estimated Annual EPA Regions Costs	
Training Providers	\$29,943
Firms	\$174,841
Individuals	\$414,587
<b>Total EPA Regional Cost</b>	<b>\$619,371</b>



### Exhibit 6.18 EPA Headquarters: Reporting and Recordkeeping Cost Estimates for Accreditation and Certification Activities

#### Annual EPA Headquarters Cost

	Clerical (\$25.97/hr.)	Technical (\$42.70/hr.)	Managerial (\$60.86/hr.)	Totals
Coordinate with Regions	\$0.00	\$4,441	\$0.00	\$4,441
Public Assistance	\$2,701	\$4,441	\$0.00	\$7,142
Other	\$2,701	\$4,441	\$12,659	\$19,801
<b>Annual Cost to Headquarters</b>				<b>\$31,384</b>

#### Notification

#### Agency Burden

Under the rule, notifications submitted by training providers and abatement firms will be used by EPA regions in support of compliance monitoring and enforcement activities, and to prioritize inspections. The administrative management of information collected under this proposed rule is detailed in section 4 of this document. The following sections discuss how the recordkeeping burden estimates were developed. Exhibit 6.19 presents the estimation of EPA burden for the notification rule.

#### Recordkeeping

The number of notification events per entity is the sum of pre-course, post-course, and re-notifications submitted by training providers, and the sum of pre-abatement and re-notifications submitted by firms. The sources of this information are discussed in detail in the respective training provider and firm sections of this analysis. The EPA recordkeeping burden per notification event is estimated at 0.11 hours for training providers and 0.09 hours for abatement firms. Both estimates were obtained by contacting two State agencies, which currently operate similar lead-based paint training programs, and maintain lead-based paint activity notification records in both electronic and hard copy forms. The number of entities-administered by the EPA program was estimated in section 6(a) of this analysis.

#### Annual Burden

As presented in Exhibit 6.19, this analysis estimates the notification recordkeeping burden for EPA to be 2,029 hours.

### Exhibit 6.19 EPA: Notification Burden Estimates

Category	Notifications per Entity	Hours per Notification	Hours per Entity
Firms	15.36	0.09	1.38
Training Providers	4.00	0.11	0.44
	Entities per Year	Burden Hours per Entity	Total EPA Notification Burden Hours per Year
Firms	1,440	1.38	1,987
Training Providers	96	0.44	42
<b>Total Annual Burden</b>			<b>2,029</b>

### Agency Cost

The notification costs are based on the burden estimated in Section 6(a) and the EPA Regional clerical wage rate estimated earlier. The final loaded wage rate is \$24.67 for EPA Regional clerical staff.

### *Annual Cost*

As presented below in Exhibit 6.20, this analysis estimates the EPA cost associated with notifications to be \$50,055 per year.

### **Exhibit 6.20 EPA: Notification Cost Estimates**

Category of Notifying Entity	Number of entities	EPA Burden per Entity	Total Burden	Clerical Cost at \$24.67/hr.
Firms	1,440	1.38	1,987	\$49,019
Training Providers	96	0.44	42	\$1,036
<b>Total Estimated Annual EPA Notification Cost</b>				<b>\$50,055</b>

### **6(d) Bottom Line Burden Hours and Cost**

#### **(i) Respondent Tally**

#### **Respondent Burden and Cost**

<b>Accreditation and Certification Burden and Cost</b>		
	Burden Hours	Costs
Training Providers	2,483	\$101,100
Firms Performing Lead-based Paint Activities	648,583	\$24,268,737
Individuals	9,420	\$335,383
States	72,712	\$3,021,834
<b>Total</b>	<b>733,198</b>	<b>\$27,727,054</b>
<b>Notification Burden and Cost</b>		
	Burden Hours	Costs
Training Providers	1,839	\$45,741
Firms Performing Lead-based Paint Activities	29,801	\$775,025
States	9,902	\$244,282
<b>Total</b>	<b>41,542</b>	<b>\$1,065,048</b>
<b>Over-All Total</b>	<b>774,740</b>	<b>\$28,792,102</b>

The respondent burden and cost for the collection of this information is estimated to be 4,322 hours and \$146,841 for the estimated 564 training providers; 678,384 hours and \$25,043,762 for the estimated 8,466 firms performing lead-based paint activities; 9,420 hours and \$335,383 for the 34,008 individual lead abatement personnel; and 82,614 hours and \$3,266,116 for the States and Tribes. That is an average burden of 7.66 hours per training provider, 80.13 hours per certified firm, and 0.28 hours per certified individual. The overall burden and cost per year for all respondents is 774,740 hours and \$28,792,102.

#### **(ii) Agency Tally**

**Agency Burden and Cost**

<b>EPA Accreditation and Certification Burden and Cost</b>		
	Burden Hours	Costs
Regions	14,904	\$619,371
Headquarters	728	\$31,384
<b>Total</b>	15,632	\$650,755
<b>EPA Notification Burden and Cost</b>		
	Burden Hours	Costs
	2,029	\$50,055
<b>Over-All Totals</b>	17,661	\$700,810

The Agency burden and cost for the collection of this information is estimated to be 17,661 hours and \$700,810 per year.

**6(e) Reasons for Change in Burden**

This request reflects an increase in the total estimated burden of 333,927 hours (from 440,813 hours to 774,740 hours) from that currently in the OMB inventory. This increase reflects changes in the estimated number of respondents and/or the number of activities or events for which respondents must provide information, based on EPA's experience since the approval of the most recent ICR. The change is an adjustment.

The previous ICR analyses associated with this data collection were based in large part on assumptions and projections that were made prior to the actual implementation of the regulations covered by this ICR. The most recent ICR analysis (2004) made use of some preliminary information about the rates of activities in the areas under EPA administration. That preliminary information suggested that the observed level of activities was substantially higher than had been projected (as in, e.g., the 1999 Fees Rule EA). The 2004 ICR therefore projected a higher level of activities in the EPA administered areas. However, since those data were still considered preliminary, that increased level of activities in those EPA areas was not used in the projections for areas administered by authorized State and Tribal programs. The 2004 estimates for those areas were still based on the preliminary 1999 projections.

In the subsequent years, the observed data on activities in the EPA administered areas have continued to follow the pattern noted in the 2004 ICR analysis, with events and entities occurring at a level that is very roughly double the rate that had been anticipated in the 1999 Fees Rule EA. As a consequence, the assumption that the Fees Rule analysis had correctly projected the level of activities in the State and Tribal administered areas is no longer tenable. Consequently this analysis has set aside the 1999 projections for those areas and instead used a factor of proportionality that had been proposed earlier. This factor is based on the projection that the EPA administered areas represent 17 percent of the national universe of entities and events covered by these rules, and consequently that 83 percent of the activities and entities reside in the State and Tribal areas. The State and Tribal parameters can be estimated by multiplying the corresponding EPA administered estimates by 4.88 ( $83/17 = 4.88$ ). It was this change in method, in combination with the revised estimates of the counts of entities and activities in the EPA administered areas, that led to the large increase in the burden estimate.

The previous (2004) ICR analysis did adjust upward the estimates of activities in the EPA administered areas, but the estimates for the State and Tribal administered areas had been left more or less at the level set in the 1999 Fees Rule EA. The current analysis extends that process by adjusting the State and Tribal area estimates proportionately with the estimates for the EPA administered areas. Since the authorized State and Tribal programs account for a much greater share of these activities, this adjustment to those estimates has a much larger impact than the corresponding adjustment that was limited to just the EPA administered areas.

These changes in burden estimation relate directly to the changed estimates in the population of certified and accredited entities, rather than to any changes in the estimated number of activities per entity or any changes in the burden per activity. These changing estimates of the population of regulated entities can be seen in the following table, which compares the estimates from the 1999 Fees Rule EA, the 2004 ICR analysis, and this current analysis.

<b>Comparison Table of Estimated Numbers of Certified or Accredited Entities</b>			
	<b>1999 Fees Rule</b>	<b>2004 ICR Analysis</b>	<b>2007 ICR Analysis</b>
<i>Certified Firms</i>			
EPA Administered Areas	700	1,257	1,440
State and Tribal Areas	3,369	3,369	7,026
Totals for Firms	4,069	4,626	8,466
<i>Certified Individuals</i>			
EPA Administered Areas	2,969	3,989	5,781
State and Tribal Areas	14,280	14,280	28,227
Totals for Individuals	17,249	18,269	34,008
<i>Accredited Training Providers</i>			
EPA Administered Areas	30	218	96
State and Tribal Areas	147	147	468
Totals for Training Providers	177	365	564

As shown in this table, this analysis estimates a substantially larger population of regulated entities in comparison to the earlier projections. This is due to two factors. The first is the record of the observed levels of activities in the EPA administered areas. Data are now available over seven full years, and those data suggest that earlier projections had underestimated the numbers of entities who would choose to become certified or accredited under this program. The second factor has to do with the estimates for areas not directly administered by EPA. Data are not currently available to the Agency on activities in the areas administered by authorized State and Tribal programs. But this analysis (in contrast to the previous ICR) is based on the assumption that the level of activity in those non-EPA areas had also been underestimated in earlier analysis, so that those estimates should be increased in proportion to the altered projections in the EPA administered areas. Since the largest share of the activity has always been projected to occur in those State and Tribal administered areas, the increase in the overall

burden estimate is primarily due to the increases in those areas not directly administered by EPA. The reader should therefore bear in mind that this burden increase comes primarily from areas for which the Agency does not have actual data on the population of regulated entities and the level of regulated activities.

These issues are discussed in more detail in section 6(a) of this report.

#### **6(f) Burden Statement**

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0155, is estimated to range between 0.28 hours and 80 hours per respondent, depending on the type of respondent. According to the Paperwork Reduction Act, “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. For this collection it 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 in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2007-0378, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., 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 Pollution Prevention and Toxics Docket is (202) 566-0280. You may submit comments regarding 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.

Submit your comments, referencing Docket ID No. EPA-HQ-OPPT-2007-0378 and OMB Control No. 2070-0155, to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

## ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPPT-2007-0378. These attachments are available for online viewing at [www.regulations.gov](http://www.regulations.gov) or otherwise accessed as described in section 6(f) of the supporting statement.

- Attachment 1:** 15 U.S.C. 2682 - Section 402 of the Toxic Substances Control Act. Also available at online at the US House of Representatives' [US Code website](#)
- Attachment 2:** 15 U.S.C. 2684 - Section 404 of the Toxic Substances Control Act. Also available at online at the US House of Representatives' [US Code website](#)
- Attachment 3:** 40 CFR part 745, Subpart L - Lead-Based Paint Activities. Also available online at the National Archives and Records Administration's [Electronic CFR Website](#)
- Attachment 4:** 40 CFR part 745, Subpart Q - State and Indian Tribal Programs. Also available online at the National Archives and Records Administration's [Electronic CFR Website](#)
- Attachment 5:** Record of Consultations with Potential ICR Respondents
- Attachment 6:** Display Related to OMB Control #2070-0155 -Listings of Related Regulations in 40 CFR 9.1