

**SUPPORTING STATEMENT
FOR PAPERWORK REDUCTION ACTION SUBMISSION
9000-0134, ENVIRONMENTALLY SOUND PRODUCTS**

A. Justification.

1. Administrative requirements. This information collection complies with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). RCRA requires the Environmental Protection Agency (EPA) to designate items, which are or can be produced with recovered materials. RCRA further requires agencies to develop affirmative procurement programs to ensure that items composed of recovered materials will be purchased to the maximum extent practicable. Affirmative procurement programs required under RCRA must contain, as a minimum (1) a recovered materials preference program and an agency promotion program for the preference program; (2) a program for requiring estimates of the total percentage of recovered materials used in the performance of a contract, certification of minimum recovered material content actually used, where appropriate, and reasonable verification procedures for estimates and certifications; and (3) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

In accordance with RCRA, the information collection applies to acquisitions requiring minimum percentages of recovered materials, when the price of the item exceeds \$10,000 or when the aggregate amount paid for the item or functionally equivalent items in the preceding fiscal year was \$10,000 or more.

2. Uses of information. Contracting officers will use the information to verify offeror/contractor compliance with solicitation and contract requirements regarding the use of recovered materials. Additionally, agencies will use the information in the annual review and monitoring of the effectiveness of the affirmative procurement programs required by RCRA.

3. Consideration of information technology. We use improved information technology to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, the contractors may submit this information collection requirement electronically.

4. Efforts to identify duplication. This requirement is being issued under the Federal Acquisition Regulation (FAR) which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication.

5. If the collection of information impacts small businesses or other entities, describe methods used to minimize burden. Section 6002 of RCRA imposes the same information collection requirements on both small and large businesses. The information collection is the minimum needed to comply with statutory requirements.

6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently. Similar information is not already available to the Government.

7. Special circumstances for collection. The information collection is required (1) each time an offeror responds to a solicitation containing a requirement for a designated item, and (2) annually, by November 1 of each year for each contract containing a requirement for an EPA designated item. Section 6002 of RCRA requires the collection of information for each offer and each resulting contract. The FAR rule requires annual reporting for each contract so that agencies can use the information in the annual review and monitoring of the effectiveness of the affirmative procurement programs required by RCRA. Collection is consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency. Under the procedures established for development of the FAR, agency and public comments were solicited. A notice published in the *Federal Register* at 72 FR 56991 on October 5, 2007, made this requirement available to the public and requested comments. No major problems regarding this requirement were reported.

9. Explanation of any decision to provide any payment or gift to respondents, other than reenumeration of contractors or guarantees. Not applicable.

10. Describe assurance of confidentiality provided to respondents. This information is disclosed only to the

extent consistent with prudent business practices and current regulations.

11. Additional justification for questions of a sensitive nature. No sensitive questions are involved.

12 & 13. Estimated total annual public hour and cost burden. It is estimated that only 15.4 percent of responses to solicitations and contract awards will require a response. It is believed that most offerors and contractors are knowledgeable of the composition of the items that they provide. Therefore, compliance with this reporting requirement should not require a significant amount of research. It is estimated that an average of 30 minutes will be required for offerors and contractors to research, prepare, and submit the required information.

Annual Reporting Burden

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|--|---------------|
| Number of respondents..... | 64,350 |
| Number of responses per respondent per year..... | <u>x 1</u> |
| Total annual responses..... | 64,350 |
| Preparation time per response..... | <u>x .325</u> |
| Total response burden hours..... | 20,914 |
| Cost per hour..... | <u>x \$24</u> |
| Estimated cost to public..... | \$501,936 |

14. Estimated cost to the Government. It is estimated that the Government will spend an average of 15 minutes reviewing and analyzing each response.

Annual Recordkeeping Burden and Cost

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|-------------------------------|---------------|
| Total annual responses..... | 64,350 |
| Review time per response..... | <u>X .25</u> |
| Total burden hours..... | 16,087.50 |
| Cost per hour..... | <u>x \$24</u> |
| Total Government cost..... | \$386,100 |

15. Explain reasons for program changes or adjustments reported in Item 13 or 14. This submission requests an extension of OMB approval of an information collection requirement in the FAR. The information collection requirement in the FAR remains unchanged.

16. Outline plan for published results of information collections. Results will not be tabulated or published.

17. **Approval not to display expiration date.** Not applicable.

18. **Explanation of exception to certification statement.** Not applicable.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.