

SUPPORTING STATEMENT FOR THE RENEWAL OF

EPA INFORMATION COLLECTION REQUEST:

**DATA REPORTING REQUIREMENTS FOR STATE AND LOCAL VEHICLE
EMISSION INSPECTION AND MAINTENANCE (I/M) PROGRAMS**

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(SIP), which, in turn, must meet or exceed the minimum requirements for mandatory I/M programs, as promulgated under 40 CFR, Part 51, Subpart S in response to requirements established in section 182 of the Clean Air Act Amendments of 1990 (Act). The information provided by the annual and biennial I/M reports described above are used by the EPA Regional office to determine whether a given I/M program is meeting its obligations under the approved SIP. The information may also be used by EPA Headquarters to assess national trends in the implementation of both basic and enhanced I/M programs, as well as to help determine when anomalous reporting results are due to national versus local causes.

2. Need for and Use of the Collection

2(a) Need and Authority for the Collection

The collection of a wide variety of program operating and summary data is essential to the assessment of an I/M program's overall effectiveness and the degree to which it complies with requirements established in response to sections 182(a)(2)(b)(ii); 182(b)(4); and 182(c)(3) of the Act, under which EPA is authorized to impose these collection and recordkeeping requirements. The specific program data to be collected are listed under the "Data analysis and reporting" section of EPA's I/M rule (40 CFR Part 51, subpart S, section 51.366). A list of the required reporting elements is included in section 4(b) of this Information Collection Request (ICR) renewal.

2(b) Use and Users of the Data

There are, in effect, three users of the information required by this collection – the primary user, represented by the state or local agency or department in charge of managing the I/M program itself (hereafter referred to as "the state" and/or "the respondent"), the secondary user, represented by the EPA Regional office (henceforth referred to as "the Region") to help determine the degree to which the program complies with its approved SIP, and finally, EPA Headquarters, to help identify national trends in the implementation of both basic and enhanced I/M programs, as well as to help determine when anomalous results being observed by a State or Region are due to national versus local causes.

The State

For the purpose of effectively managing its I/M program, the state must gather a wide range of program data, including data from the testing program, quality control and assurance efforts, and the enforcement program. For example, sufficient test data must be gathered to unambiguously link specific test results to a specific vehicle, I/M program registrant, test site, and inspector, to help determine whether or not the correct test parameters were observed for the specific vehicle in question. This programmatic need – which is distinct from any need and/or burden imposed by this ICR – is reflected in the fact that current testing equipment specifications

include extensive data capture requirements to serve just this purpose. In turn, the state can analyze this data and compare it to the registration database (in programs enforced through registration denial, per the Act) or otherwise use it to establish a vehicle's compliance with program requirements. Owners of vehicles found to be out-of-compliance are not allowed to register said vehicle(s) (again, in programs enforced through registration denial) or must be otherwise prevented from operating the non-complying vehicle(s) in the program area. Penalties may also be assessed for non-compliance with program requirements.

Data collected as part of the testing program can also be used to target audits of inspection stations and inspectors, with irregularities such as unusually high pass or fail rates, mismatched vehicle information, etc. acting as flags to possible problems. In addition, the state must gather and analyze quality control data to ensure that motorists are given accurate and consistent measurements. In the interest of effectively managing its enforcement and quality assurance efforts, the program must keep records of such efforts, including the number of investigations conducted (including internal control reviews to detect weaknesses within the program itself, as well as investigations of testing sites and inspectors), the methodology used, and the results of investigations and other enforcement and quality assurance activities.

EPA Regional Office

For the purposes of complying with this information collection, the state must summarize and report the above data to the EPA Regional Office with jurisdiction over the state in question. The state will have maximum flexibility to use pre-existing, internal reporting mechanisms to meet these summary data reporting requirements, and may submit the required reports in whatever format is most convenient for the state, including electronically, via hardcopy, or by directing the EPA Regional Office to web resources which include the required information. The Regional Office will use this information to assess specific state programs and their success in complying with the I/M rulemaking requirements. This assessment will lead to follow-up conversations with the state to discuss possible program improvements or corrective action necessary to address anomalies, and in some instances may lead to site visits and audits of the programs in question.

EPA Headquarters

When anomalies are discovered in the reported summary information and cannot be resolved by the state and Region, EPA Headquarters may be called in to help determine whether a given anomaly is the result of local conditions or is perhaps indicative of a larger, national trend. In such situations, EPA Headquarters will work with the state and the Region to identify and address the causes of the anomaly. Information regarding the resolution of such cases – to the extent it may be relevant outside the program in question – will be made available to other states, Regions, and the public in general through various communication vehicles, including biweekly conference calls with the EPA Regions, a bimonthly stakeholder call with the I/M states, and the I/M Clearinghouse web site, currently managed by Weber State University under

a grant from EPA.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

EPA has made an effort to ensure that the data collection efforts associated with renewal of this ICR are not duplicated. EPA has consulted with State and Local environmental programs, other Federal agencies (such as EPA's Regional Offices). To the best of EPA's knowledge, data currently required by this information collection are not available from any other source.

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

To comply with the 1995 Amendments to the PRA, EPA has solicited public comment on the renewal of this ICR for a 60-day period before the renewal request was submitted to OMB. Specifically, EPA published a notice in the *Federal Register* requesting comment on the continued use of the estimated respondent burden and other aspects of this ICR renewal (73 FR 57095, 10/1/2008). An additional *Federal Register* notice will be published prior to submission of this request for ICR renewal to OMB. The public comment period for this additional notice will be 30 days.

3(c) Consultations

In an effort to address state concerns regarding a wide-range of environmental reporting requirements, EPA and the Environmental Council of the States (ECOS) launched the Burden Reduction Initiative (BRI) in October 2006. As part of this initiative, EPA invited states to identify their top five reporting requirements with potential for streamlining or elimination. A total of 39 states responded to this invitation, identifying more than 200 reporting requirements as candidates for possible burden reduction or elimination.

Although 33 states plus the District of Columbia currently run I/M programs subject to the reporting requirements covered by the information collection currently up for renewal, only 5 of the 39 states responding to the reporting burden reduction initiative – Illinois, Massachusetts, Maryland, New Hampshire, and Virginia – identified some aspect of the I/M reporting requirements as potential candidates for burden reduction. It should be noted, however, that there was no consensus among the 5 states regarding what sort of relief was needed.

In addition to their comments on I/M reporting requirements, 2 of the 5 states identified a need for additional EPA guidance regarding how to conduct program evaluation testing in programs which no longer conduct tailpipe testing, relying instead on periodic scans of the vehicle's onboard diagnostic (OBD) system. EPA has met with ECOS representatives concerning the 5 states commenting on I/M reporting requirements as well as the need for additional program evaluation guidance. Clarification with regard to the existing reporting

requirements satisfied the workgroup and EPA has agreed to pursue a work assignment to develop the additional program evaluation guidance requested as a byproduct of the Burden Reduction Initiative.

Since clarifying the above-discussed I/M reporting-related issues as part of the joint ECOS-EPA BRI, EPA has published the first 60 day notice soliciting comments on its proposed renewal of the I/M ICR on October 1, 2008 (73 FR 57095). The public comment period closed on December 1, 2008. EPA did not receive comments on any portion of its proposal from the states which originally identified I/M reporting requirements as warranting relief under the BRI. In fact, neither EPA's proposal nor its draft supporting statement received any comments at all.

3(d) Effects of Less Frequent Collection

The I/M Rule requires annual and biennial reporting by the I/M programs to ensure that states are achieving the emission reductions claimed by such programs in their approved SIPs. EPA has considered a range of alternatives for data reporting requirement frequency. It is EPA's judgment that collecting the required information less frequently would limit its ability to determine a program's progress toward meeting requirements under 40 CFR, Part 51 and would delay its ability to identify and resolve programmatic deficiencies that may negatively impact a program's ability to achieve the needed emission reductions, thus magnifying the potential shortfall. It may be argued that more frequent reporting would therefore shrink the potential for negative impacts by identifying deficiencies sooner, relative to the current reporting frequency. In setting the current reporting frequency, EPA has attempted to strike a reasonable balance and believes that more frequent reporting would be unduly burdensome. To supplement the current reporting cycle and thus ensure that major program deficiencies do not go undetected for an unreasonable period of time, EPA holds bimonthly conference calls with I/M states as a forum for raising, discussing, and resolving implementation issues as they arise. State participation in these calls is, of course, voluntary.

3(e) General Guidelines

This ICR was prepared in accordance with the November 2005 version of *EPA's Guide to Writing Information Collection Requests Under the Paperwork Reduction Act (PRA) of 1995* (or "ICR Handbook") prepared by EPA's Office of Environmental Information, Office of Information Collection, Collection Strategies Division. The ICR Handbook provides the most current instructions for ICR preparation to ensure compliance with the 1995 PRA amendments and OMB's implementing guidelines.

3(f) Confidentiality

No confidential information will be collected as a result of this ICR.

3(g) Sensitive Questions

No information of a sensitive nature will be collected as a result of this ICR.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) State and Local Respondents

The respondents to this information collection are the state government agencies or departments responsible for oversight and operation of the I/M programs (SIC# 91). As of September 2008, thirty-three states plus the District of Columbia are affected by I/M program requirements. This category of respondent was selected because it represents the entities most comprehensively involved in gathering the information which must be summarized for this collection (i.e., those parties responsible for establishing, maintaining, and analyzing the program's central database, or overseeing contractor personnel responsible for such activities). Although I/M programs can and do vary by type (i.e., basic I/M programs versus enhanced I/M programs), the data elements to be addressed by this information collection remain consistent across program types, and hence the burden does not vary by program type.

4(b) Information Requested

Under current I/M program practice, various internal analyses and reports are routinely generated using the data collected on vehicle tests, as well as quality control, quality assurance, and enforcement efforts. The information requested in this ICR renewal is, in fact, based upon the data items currently collected in and the reports currently generated by many of the better run I/M programs. These reports are used primarily as management tools for internal monitoring and evaluation of the program. Summaries of the information provided in these reports are also currently being used by EPA (primarily the Agency's Regional Offices and, secondarily, EPA Headquarters) to fulfill the Agency's statutory obligation to provide oversight to mandatory I/M programs and to ensure that such programs are achieving the emission reductions claimed in their approved SIPs. The purpose of this current request is to renew a previously approved information collection (OMB Control Number 2060-0252; EPA ICR Number 1613.03) so that EPA can continue to meet its statutory obligation with regard to providing I/M program implementation guidance and oversight.

(i) Data items

A. Recordkeeping Requirements

In fulfilling the requirements of this information collection, respondents gather and maintain records on the following data items per vehicle inspected as part of the I/M program.

As stated previously, similar information is currently collected by existing I/M programs and is written into the data recording requirements of their testing equipment specifications. As stated in the introduction to this section, these records represent information which a program needs to gather and maintain as part of the day-to-day administration and enforcement of the program, and, as such, do not constitute an additional burden triggered by this information collection or its renewal.

- 1) Test record number
- 2) Inspection station and inspector number
- 3) Test system number
- 4) Date of the test
- 5) Emission test start time and the time final emission scores are determined
- 6) Vehicle Identification Number (VIN)
- 7) License plate number
- 8) Test certificate number
- 9) Gross Vehicle Weight Rating (GVWR)
- 10) Vehicle model year, make, and type
- 11) Number of cylinders or displacement
- 12) Transmission type
- 13) Odometer reading
- 14) Type of test performed (i.e., initial test, first retest, or subsequent retest)
- 15) Fuel type of the vehicle (i.e., gas, diesel, or other fuel)
- 16) Type of vehicle preconditioning performed (if any)
- 17) Emission test sequence(s) used
- 18) Hydrocarbon emission scores and standards for each applicable test mode
- 19) Carbon monoxide emission scores and standards for each applicable test mode

- 20) Carbon dioxide emission scores (CO+CO₂) and standards for each applicable test mode
- 21) Nitrogen oxides emission scores and standards for each applicable test mode
- 22) Results (Pass/Fail/Not Applicable) of the applicable visual inspections for the catalytic converter, air system, gas cap, evaporative system, positive crankcase ventilation (PCV) valve, and fuel inlet restrictor
- 23) Results of the evaporative pressure test expressed as a pass or fail (where applicable)
- 24) Results of the evaporative system purge test expressed as a pass or fail along with the total purge flow in liters achieved during the test (where applicable)
- 25) Results of the on-board diagnostic check expressed as pass or fail along with the diagnostic trouble codes revealed (where applicable).

In addition, I/M programs must gather and maintain records on the results of all applicable quality control checks conducted in response to 40 CFR 51, subpart S, section 359, identifying each check by station number, system number, date, and start time. The record shall also contain the concentration values of the calibration gases used to perform the gas characterization portion of the quality control checks (if applicable). Raw test data (both vehicle inspections and quality control checks, if applicable) shall be saved for a minimum of two complete inspection cycles (i.e., two years in annual programs, and four years in biennial programs), and submitted to EPA electronically upon request. Current practice is for states to save data for five to nine years, typically.

B. Reporting Requirements

(1) Annual Report

Internal data analysis and reporting are currently employed in better-run I/M programs as management tools to facilitate the monitoring and evaluation of the program by program management. Under the approved ICR EPA is proposing to renew, summaries of this information are provided to the EPA Regional Office with jurisdiction over the I/M program area submitting the report. To be considered complete, these reports must include information regarding the types of program activities performed and their final outcomes, including summary statistics and effectiveness evaluations of the enforcement mechanism, the quality assurance system, the quality control program, and the testing element. Under the existing ICR, respondents are required to provide their respective EPA Regional Offices with the following data annually. Again, as previously stated, these reporting requirements were originally based upon the reporting practices of better-run I/M programs at the time the original information collection was developed, and, as such, do not constitute an additional respondent burden.

It should be noted that as state programs gradually phase-out tailpipe testing and begin to move toward the exclusive use of onboard diagnostic¹ (OBD) based testing, an added benefit of doing such will be a significant reduction in the number of reporting elements that need to be gathered, summarized, and reported. For example, all the by-pollutant reporting requirements will no longer apply, and neither will any of the reporting elements that presume dual testing of OBD-equipped vehicles. Additionally, because OBD-based testing equipment does not need to be calibrated like tailpipe based systems, the need to perform and record calibration results as part of the overt equipment auditing process is likewise eliminated. Although EPA notes this eventuality, the Agency has not attempted to quantify the impact on respondent burden because

¹ All light-duty vehicles and light-duty trucks, model year 1996 and newer are required to have OBD computers that alert the driver when the vehicle's emission controls are in need of service or replacement. EPA has found that testing vehicles by downloading fault codes from the OBD system is at least as effective as traditional tailpipe testing and EPA has amended the I/M rule to allow for OBD-only testing on MY 1996 and newer vehicles, as opposed to the previous requirement which stipulated that such vehicles were to receive both an OBD inspection as well as a tailpipe test. As given I/M program areas have seen their in-use fleets come to be dominated by MY 1996 and newer vehicles, EPA has encouraged them to consider switching to an OBD-only I/M program design.

individual respondent programs will vary greatly with regard to when such a change to OBD-only testing may be possible and/or desirable. Because most programs will eventually reach the stage described above (varying only with regard to when) EPA is confident that the respondent burden estimates in this proposed information collection renewal reflect a worst-case scenario and can therefore be characterized as conservative.

Test Data Summary

I/M programs are required to submit to their EPA Regional Office by July of each year a report providing basic statistics on the testing program for January through December of the previous year, including:

- (1) The number of vehicles tested by model year and vehicle type;
- (2) By model year and vehicle type, the number and percentage of vehicles:
 - (i) Failing initially, per test type;
 - (ii) Failing the first retest per test type;
 - (iii) Passing the first retest per test type;
 - (iv) Initially failed vehicles passing the second or subsequent retest per test type;
 - (v) Initially failed vehicles receiving a waiver; and
 - (vi) Vehicles with no known final outcome (regardless of reason).
 - (vii)–(x) [Reserved]
 - (xi) Passing the on-board diagnostic check;
 - (xii) Failing the on-board diagnostic check;
 - (xiii) Failing the on-board diagnostic check and passing the tailpipe test (if applicable);
 - (xiv) Failing the on-board diagnostic check and failing the tailpipe test (if applicable);
 - (xv) Passing the on-board diagnostic check and failing the I/M gas cap evaporative system test (if applicable);
 - (xvi) Failing the on-board diagnostic check and passing the I/M gas cap evaporative system test (if applicable);
 - (xvii) Passing both the on-board diagnostic check and I/M gas cap evaporative system test (if applicable);
 - (xviii) Failing both the on-board diagnostic check and I/M gas cap evaporative system test (if applicable);
 - (xix) MIL is commanded on and no codes are stored;
 - (xx) MIL is not commanded on and codes are stored;
 - (xxi) MIL is commanded on and codes are stored;
 - (xxii) MIL is not commanded on and codes are not stored;
 - (xxiii) Readiness status indicates that the evaluation is not complete for any module supported by on-board diagnostic systems;
- (3) The initial test volume by model year and test station;

- (4) The initial test failure rate by model year and test station; and
- (5) The average increase or decrease in tailpipe emission levels for HC, CO, and NO_x (if applicable) after repairs by model year and vehicle type for vehicles receiving a mass emissions test.

Quality Assurance Summary

I/M programs are required to submit to their EPA Regional Office by July of each year a report providing basic statistics on the quality assurance program for January through December of the previous year, including:

- (1) The number of inspection stations and lanes:
 - (i) Operating throughout the year; and
 - (ii) Operating for only part of the year;
- (2) The number of inspection stations and lanes operating throughout the year:
 - (i) Receiving overt performance audits in the year;
 - (ii) Not receiving overt performance audits in the year;
 - (iii) Receiving covert performance audits in the year;
 - (iv) Not receiving covert performance audits in the year; and
 - (v) That have been shut down as a result of overt performance audits;
- (3) The number of covert audits:
 - (i) Conducted with the vehicle set to fail per test type;
 - (ii) Conducted with the vehicle set to fail any combination of two or more test types;
 - (iii) Resulting in a false pass per test type;
 - (iv) Resulting in a false pass for any combination of two or more test types;
 - (v)–(viii) [Reserved]
- (4) The number of inspectors and stations:
 - (i) That were suspended, fired, or otherwise prohibited from testing as a result of covert audits;
 - (ii) That were suspended, fired, or otherwise prohibited from testing for other causes; and
 - (iii) That received fines;
- (5) The number of inspectors licensed or certified to conduct testing;
- (6) The number of hearings:
 - (i) Held to consider adverse actions against inspectors and stations; and
 - (ii) Resulting in adverse actions against inspectors and stations;
- (7) The total amount collected in fines from inspectors and stations by type of violation;
- (8) The total number of covert vehicles available for undercover audits over the year; and
- (9) The number of covert auditors available for undercover audits.

Quality Control Summary

I/M programs are required to submit to their EPA Regional Office by July of each year a report providing basic statistics on the quality assurance program for January through December of the previous year, including:

- (1) The number of emission testing sites and lanes in use in the program;
- (2) The number of equipment audits by station and lane;
- (3) The number and percentage of stations that have failed equipment audits; and
- (4) Number and percentage of stations and lanes shut down as a result of equipment audits.

Enforcement Summary

(1) All varieties of enforcement programs shall, at a minimum, submit to their EPA Regional Office by July of each year a report providing basic statistics on the enforcement program for January through December of the previous year, including:

- (i) An estimate of the number of vehicles subject to the inspection program, including the results of an analysis of the registration data base;
 - (ii) The percentage of motorist compliance based upon a comparison of the number of valid final tests with the number of subject vehicles;
 - (iii) The total number of compliance documents issued to inspection stations;
 - (iv) The number of missing compliance documents;
 - (v) The number of time extensions and other exemptions granted to motorists;
- and

(vi) The number of compliance surveys conducted, number of vehicles surveyed in each, and the compliance rates found.

(2) Registration denial based enforcement programs shall provide the following additional information:

(i) A report of the program's efforts and actions to prevent motorists from falsely registering vehicles out of the program area or falsely changing fuel type or weight class on the vehicle registration, and the results of special studies to investigate the frequency of such activity; and

(ii) The number of registration file audits, number of registrations reviewed, and compliance rates found in such audits.

(3) Computer-matching based enforcement programs shall provide the following additional information:

(i) The number and percentage of subject vehicles that were tested by the initial deadline, and by other milestones in the cycle;

(ii) A report on the program's efforts to detect and enforce against motorists falsely changing vehicle classifications to circumvent program requirements, and the frequency of this type of activity; and

(iii) The number of enforcement system audits, and the error rate found during those audits.

(4) Sticker-based enforcement systems shall provide the following additional information:

(i) A report on the program's efforts to prevent, detect, and enforce against sticker theft and counterfeiting, and the frequency of this type of activity;

(ii) A report on the program's efforts to detect and enforce against motorists falsely changing vehicle classifications to circumvent program requirements, and the frequency of this type of activity; and

(iii) The number of parking lot sticker audits conducted, the number of vehicles surveyed in each, and the noncompliance rate found during those audits.

(2) Biennial Report

In addition to the annual reports identified above, programs shall submit to their EPA Regional Office by July of every other year, biennial reports addressing:

(1) Any changes made in program design, funding, personnel levels, procedures, regulations, and legal authority, with detailed discussion and evaluation of the impact on the program of all such changes; and

(2) Any weaknesses or problems identified in the program within the two-year reporting period, what steps have already been taken to correct those problems, the results of those steps, and any future efforts planned.

(ii) Respondent Activities

When responding programs were originally preparing to submit the first round of the above-listed summary data for this approved information collection, the respondents had to pursue the activities identified below. Several of these activities were essentially one-time efforts (such as pursuing legal authority and constructing testing sites) required to comply with the Act's mandate that such programs be implemented in the first place, while others are activities that are currently conducted in better-run I/M programs for the sake of program implementation, management, and enforcement, and would therefore be pursued regardless of this information collection. Such activities have been identified here as common business practice (CBP), even though, properly speaking, the respondent entities are representatives of state government agencies or departments. Respondent activities have been separated for the annual and biennial reports, and separate burden estimates are provided for each in section 6 of this submittal.

Annual Report

- Read the I/M regulation (CBP)
- Review the regulatory provisions addressing the annual reporting requirement and assess respondent responsibility
- Prepare a State Implementation Plan (SIP) and submit to EPA (CBP)

- Secure necessary legal authority to establish program (CBP)
- Develop regulatory basis for program (CBP)
- Receive appropriate training relative to program operation (CBP)
- Begin program implementation (i.e., establish testing sites, begin testing, etc.) (CBP)
- Gather test and quality control information and review for accuracy (CBP)
- Analyze the test and quality control data (CBP)
- Based upon analysis of data, begin enforcement efforts against motorists, stations, and inspectors (CBP)
- Complete written or electronic “paperwork” associated with enforcement and program oversight efforts (CBP)
- Store, file, and maintain all relevant program records and information (CBP)
- Assemble existing reports in preparation for summarization
- Prepare annual summaries of program operating statistics for the enforcement mechanism, the quality assurance system, the quality control program, and the testing element based upon existing, internal reports
- Review summary information for accuracy
- Prepare and submit annual report to EPA (or otherwise provide EPA access to the required information)

Biennial Report

In addition to the above activities associated with the submittal of the annual information collection, I/M programs must also submit a biennial report that addresses program changes since the last reporting period, including any program weaknesses identified and improvements made. Again, many of these activities, given their importance in the areas of effective program management and helping to ensure that program resources are not wasted or abused, will need to be pursued internally regardless of this external reporting requirement. As such, many of these activities are designated as CBP.

- Track and record all changes made in program design, funding, personnel levels, procedures, regulations, and legal authority
- Conduct an evaluation of the impact on the program of all such changes (CBP)
- Conduct periodic internal investigations to discover and correct weaknesses (CBP)
- Track and record all such weaknesses or problems identified in the program within the two-year reporting period, and the steps taken to correct those problems
- Evaluate the results of those steps (CBP)
- Assemble and report the above required information, including any future efforts planned

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

5(a) Federal Agency Activities

In executing the original information collection, EPA had to (and, in some instances, still needs to) do the following:

- Develop regulations (one-time activity)
- Prepare initial ICR (one-time activity)
- Renew initial ICR (periodic)
- Answer respondent questions
- Review individual annual and biennial reports
- Meet with its Regional Offices to review and discuss collective findings, trends
- Through its Regional Offices, communicate the findings of individual reviews to individual responding states

5(b) Collection Methodology and Management

A portion of this information has been assembled in one form or another since the inception of I/M programs as a result of the Clean Air Act Amendments of 1977 which required urban areas failing to meet the National Air Quality Standards to implement in-use vehicle I/M programs. Historically, the sources of this information have included, among other things, on-site audits by EPA personnel, internal program data reports courtesy-copied to EPA, raw program data submitted to EPA for analysis, and, since it was originally approved, the responses to this existing information collection.

Respondents have the option to supply their data in either hardcopy or electronically, and are free to adopt whatever reporting format results in the least burden for the respondent, while also addressing the data elements listed in this ICR. EPA is aware of at least one Regional Office which has been granted limited, online access to a state's I/M database so the Region itself may generate the required data summary reports when they are due.

The information received from the I/M programs has been used by EPA Regional Offices to assess specific state programs and their success in complying with the I/M rulemaking requirements as well as their approved SIPs. As part of this assessment, EPA's Regional Office conduct follow-up conversations with their states to discuss possible program improvements or corrective actions necessary to address anomalies (if found). When an anomaly discovered in the reported summary information cannot be resolved by the state and/or Region, EPA Headquarters has been called in to help determine whether the anomaly is the result of local conditions or is perhaps indicative of a larger, national trend. In such situations, EPA Headquarters has worked with the state and the Region to identify and address the causes of the anomaly. Information regarding the resolution of such cases – to the extent it may be relevant outside the program in question – are made available to other states, Regions, and the public in general through various communication vehicles, including biweekly conference calls with the

EPA Regions, a bimonthly stakeholder call with the I/M states, and the I/M Clearinghouse web site, currently managed by Weber State University under a grant from EPA. The last of these may be accessed at the following:

<http://www.obdclearinghouse.com/>

5(c) Small Entity Flexibility

This section is not applicable. Our respondents are not small business entities but state governments and their representatives.

5(d) Collection Schedule

Under the original 1992 I/M rulemaking, basic I/M programs were required to begin reporting by July 1995, with the first biennial report coming due in July 1996. Enhanced I/M programs were required to begin reporting by July 1996, with the first biennial report coming due in July 1997. Currently – and for simplicity sake – the reporting schedule is as follows: all required I/M programs must submit their annual I/M summary data reports by July of each year. Basic I/M programs must submit the required biennial report in even numbered years, and enhanced I/M programs must submit the biennial report in odd numbered years. If, for administrative reasons, it is easier for a given program to combine its biennial report with its annual report and submit the combined report annually, EPA will accommodate the state’s preference in this regard.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

In simple terms, EPA calculated the burden and cost estimates for this ICR using the following equation:

$$\begin{array}{l} \text{Number of states} \\ \text{implementing I/M} \end{array} \quad \times \quad \begin{array}{l} \text{Number of burden hours} \\ \text{for each state to comply} \\ \text{with I/M ICR} \end{array} \quad \times \quad \text{Cost per hour}$$

Section 6(a) describes the information used to develop numbers for the first two variables above. Section 6(b) describes how the last variable above – state and local costs per hour – were estimated. Section 6(c) describes federal burden hours and costs for managing this information collection activity.

6(a) Estimating Respondent Burden

The burden estimates for both the recordkeeping and annual reporting requirements were made using professional judgment. Recordkeeping activities are assumed to be routine, automated, and conducted primarily for the effective management of the program. Nonetheless, an hour of burden has been assumed for this category. The estimate of the burden for information gathering by technical staff for the annual report is a conservative one based upon EPA's previous experience working with states as they respond to the I/M reporting requirements.

Estimates of respondent burden for the biennial report are based upon OTAQ program management staff experience with the assemblage and compilation of materials for the office's annual Assurance Letter under the Federal Managers Financial Integrity Act (FMFIA). In many ways, the biennial report most resembles the Assurance Letter in its requirement that program changes and internal control activities be tracked, evaluated, and reported.

6(b) Estimating Respondent Costs

Since the information gathering and recordkeeping requirements costs for the I/M rule are very minor compared with other costs for this rule, no estimates of information collection labor costs were made in the original Regulatory Impact Analysis. Given that the respondents to this ICR are state government employees, in managerial, technical, and clerical positions, the General Schedule was adopted as a yardstick for estimating hourly labor rates. To ensure that our estimates are conservative, only the higher ranges of these categories were used. For the clerical category, GS-8 was used, while GS-13 was selected to represent the technical position, and GS-15 was used as the base for calculating management labor rates. First, EPA is assuming that state and local burden hours would be completed by an experienced staff person being paid hourly rates at a GS-8, step 3, GS-13, Step 3 and GS-15, step 3 of federal government employee salary.² Second, EPA multiplied these hourly rates by the standard government overhead factor of 1.6.³ This calculation results in a state and local cost of \$26.69/burden hour, \$50.83/burden hour, and \$70.67/burden hour, respectively. Calendar year 2004 was chosen as the base year. The resulting labor rates are shown in the table below:

Table 1. Hourly Labor Rates, By Category, Adjusted for Overhead Factor

<u>Hours Rates</u>	<u>Clerical (GS-8.3)</u>	<u>Technical (GS-13.3)</u>	<u>Managerial (GS-15.3)</u>
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² ? January 2004 U.S. Office of Personal Management, Salary Table 2004-GS, 2004 General Schedule, http://www.opm.gov/oca/04tables/html/gs_h.asp

³ ?Insert Labor Department website for this overhead factor.

<u>2004 base year</u>	<u>16.68</u>	<u>31.77</u>	<u>44.17</u>
<u>Adjusted by the overhead factor 1.6</u>	<u>26.69</u>	<u>50.83</u>	<u>70.67</u>

Table 2. Respondent Burden Hours & Cost for Annual Report

<u>Collection Activity</u>	<u>Managerial Hours</u>	<u>Technical Hours</u>	<u>Clerical Hours</u>	<u>Burden Hours</u>	<u>Annual Costs</u>
1. Read regulatory provisions	1	1		2	\$121.50
2. Assess data requirements		8		8	\$406.64
3. Assemble reports & data		16		16	\$813.28
4. Review information for accuracy		8		8	\$406.64
5. Summarize information		4		4	\$203.32

6. Prepare and submit report		4	1	5	\$230.01
7. Record, store, & maintain files		1		1	\$50.83
Total	1	42	1	43	\$2,232

Table 3. Respondent Burden Hours & Cost for Biennial Report

<u>Collection Activity</u>	<u>Managerial Hours</u>	<u>Technical Hours</u>	<u>Clerical Hours</u>	<u>Burden Hours</u>	<u>Annual Costs</u>
1. Track/record program change		16		16	\$813.28
2. Track/record weakness/correction		16		16	\$813.28
3. Assemble/report findings/future plans	16	32	4	52	\$2,864.04
Total	16	64	4	84	\$4,491

Annual burden hours per respondent

$$\begin{aligned}
 &= (\text{Hr. of annual report}) + (\text{Hr of biennial report})/2 \\
 &= 43 + 84/2 \\
 &= 85
 \end{aligned}$$

Annual burden cost per respondent

$$\begin{aligned}
 &= \$2,232 + (\$4,491) / 2 \\
 &= \$4,478
 \end{aligned}$$

Annual total burden hours for all respondents:

$$\begin{aligned} &= (\text{annual burden hours per respondent}) \times (\text{total number of respondents}^4) \\ &= 85 \times 34 \\ &= 2890 \end{aligned}$$

Annual total burden costs for all respondents

$$\begin{aligned} &= (\text{annual burden cost per respondent}) \times (\text{total number of respondent}) \\ &= \$4,478 \times 34 \\ &= \$ 152,252 \end{aligned}$$

6(c) Estimating Agency Burden and Cost

The estimates of each class of hours needed to handle the burdens associated with this ICR are based upon the experience EPA has had in handling similar tasks such as assembling and processing pre-audit information from individual states on an as-needed basis. The labor categories and hourly labor rates are the same as those used for the respondent burden estimates, and are decidedly conservative.

Table 4. Agency Burden for One Time ICR Costs

<u>One- time Activity</u>	<u>Managerial Hours</u>	<u>Technical Hours</u>	<u>Clerical Hours</u>	<u>Burden Hours</u>	<u>Annual Costs</u>
Reg Development	4	20		24	\$1,299.36
ICR development	2	80	1	83	\$4,234.43
Database Set Up	2	40		42	\$2,174.54
Total	8	136	1	149	\$7,708

Table 5. Agency Burden Hours & Cost per Annual & Biennial Report

⁴ ? Page 1-1, "United States Motor vehicle Inspection and Maintenance (I/M) Programs," by Sierra Research, Inc. November 2003.

<u>Collection Activity</u>	<u>Managerial Hours</u>	<u>Technical Hours</u>	<u>Clerical Hours</u>	<u>Burden Hours</u>	<u>Annual Costs</u>
1. Answer questions	4	34		38	\$2010.9
2. Review data submissions		34		34	\$1728.22
3. Record data submission			34	34	\$907.46
4. Analyze data and store		4		4	\$203.32
5. Summarize data & report	8	68	8	84	\$4235.32
Total	12	140	42	194	\$9,085

Annual total burden hours for agency

$$\begin{aligned}
 &= (\text{annual agency burden hours}) + (\text{Average start up hours over 3 years}) \\
 &= 194 + 149/3 \\
 &= 244
 \end{aligned}$$

Annual total burden cost for agency

$$\begin{aligned}
 &= (\text{annual agency burden costs}) + (\text{Average start up cost over 3 years}) \\
 &= \$9,085 + \$7,708/3 \\
 &= \$11,654
 \end{aligned}$$

6(d) Bottom Line Burden Hours and Costs

The bottom line burden hours and costs appear in Table 6. Total annual respondent burden associated with this ICR is estimated to be approximately 2,890 burden hours. The corresponding total annual respondent costs are estimated to be \$152,252. Total national burden, including respondent burden and EPA burden, is estimated to be 3,134 hours annually. The total national cost, for respondents and EPA, is estimated to be \$163,906 annually.

Table 6. Bottom Line Annual Burden and Cost

number of respondents	34	33 states plus D. C. (2008)
total annual responses	34	one response per respondent
hours per respondent	85	table 2 and 3
cost per respondent	\$4478	table 2 and 3
total respondent hours	2890	hours per resp. x 34
total respondent cost	\$152,252	cost per resp. x 34
total agency hours	244	table 5
total agency cost	\$11,654	table 5
total burden hours (resp. + agency)	3134	total respondent hours + total EPA hours
total burden cost (resp. + agency)	\$163,906	total respondent cost + total EPA cost

6(e) Reasons for Change in Burden

The total annual burden estimated in 1992, I/M Program Proposed Rule ICR, approved by OMB, was 2,282 hours. The annual burden hours per respondent was 85 hours. When the original ICR was subsequently renewed – as indicated in Table 6 – the annual burden hours per respondent was retained at 85 hours but the estimate of total respondents’ burden has changed to 2,890 hours. The reason for that change was that the number of states (respondents) implementing the I/M program had increased to 34. Since the last renewal of this ICR was approved, there have been no additional changes.

6(f) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 85 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond

to, a collection of information unless it displays a currently valid OMB control number.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2008-0707, which is available for online viewing at www.regulations.gov, or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air Docket is 202-566-1742.

An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2008-0707 and OMB Control Number 2060-0252 in any correspondence.