

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: Notification of Chemical Exports - TSCA Section 12(b)

EPA ICR No.: 0795.13 OMB Control No.: 2070-0030

1(b) Short Characterization

Section 12(b) of the Toxic Substances Control Act (TSCA) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of data is required under TSCA section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under TSCA section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of EPA's regulatory action with respect to the substance.

On December 16, 1980, EPA promulgated a rule implementing TSCA section 12(b) (45 FR 82844). This final rule requires exporters to submit an annual notice for each country to which a chemical subject to TSCA section 12(b) requirements is exported. To reduce the notification burden on industry and EPA and to facilitate foreign governments' review of export notifications, EPA issued a final rule on July 27, 1993 (58 FR 40238) that amended the December 16, 1980, rule. The amended rule allows exporters of chemicals subject to TSCA section 4 test rules to submit a one-time notice to EPA for the export of a TSCA section 4 chemical to each particular country, instead of providing annual notification. This final rule did not change the export notification requirements for chemical substances that are subject to sections 5, 6 and 7 of TSCA. These rules are codified at 40 CFR Part 707, Subpart D.

The export notice must include five easily ascertainable items: the name and address of the exporter, the name of the chemical, the country of import, the date of export or intended export, and the section of TSCA under which EPA has taken action (section 4, 5, 6 or 7). There are currently over 1,000 substances or categories of substances that have been regulated or proposed to be regulated under the applicable sections of TSCA.

In an effort to further reduce the information collection burden for TSCA section 12(b) export notification, OPPT developed and made available to the public on its website in 2001 a list of chemical substances subject to TSCA section 12(b) export notification requirements (see "Current List of Chemical Substances Subject to TSCA Section 12(b) Export Notification Requirements" at: <http://www.epa.gov/opptintr/chemtest/main12b.htm>). In addition, OPPT made available in 2001 a comprehensive listing of the "sunset" dates for chemical substances subject to TSCA section 4 actions (i.e., the dates on which the TSCA section 4 testing, reimbursement, and reporting requirements and/or TSCA section 4-triggered TSCA section

12(b) export notification requirements have terminated (“sunset”) or have been calculated to sunset) (see “Sunset Date/Status of TSCA Section 4 Testing, Reimbursement, and Reporting Requirements and TSCA Section 4-Triggered TSCA Section 12(b) Export Notification Requirements” at: <http://www.epa.gov/opptintr/chemtest/sunset.htm>). EPA believes that these lists, long recommended by industry, serve as useful tools to assist industry in complying with TSCA and have resulted in an overall reduction of the information collection burden.

Finally, this paragraph identifies EPA actions that are anticipated to occur during the collection period that could affect the information requirements and burden. During the collection period covered by this ICR renewal, a number of actions under TSCA sections 4, 5, and 6 are anticipated that will trigger export notification under TSCA section 12(b). Of course, should any of these anticipated actions impact this ICR, EPA will follow appropriate procedures to amend this ICR, as appropriate.

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

TSCA section 12(b) requires exporters to submit a notice for each country to which a chemical subject to TSCA section 12(b) requirements is exported. Specifically, TSCA section 12(b) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of data is required under TSCA section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under TSCA section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of EPA’s regulatory action with respect to the substance. See Attachment 1 for exact language of TSCA section 12(b), 15 U.S.C. 2611(b).

Regulations implementing the statutory mandate in TSCA section 12(b) appear in 40 CFR Part 707, Subpart D, and include the following additional provisions:

- (a) No notice of export will be required for articles, except PCB articles, unless the Agency so requires in the context of individual TSCA section 5, 6, or 7 actions.
- (b) Any person who exports or intends to export polychlorinated biphenyls (PCBs) or PCB articles, for any purpose other than disposal, shall notify EPA of such intent or exportation under TSCA section 12(b). PCBs and PCB articles have the definitions published in 40 CFR 761.3.
- (c) Any person who would be prohibited by a TSCA section 5 or 6 regulation from exporting a chemical substance or mixture, but who is granted an exemption by EPA to export that chemical substance or mixture, shall notify EPA under TSCA section 12(b) of such intent to export or exportation.
- (d) An exporter will be subject to possible enforcement action (including penalties) for not complying with the applicable provisions of TSCA section 12(b).

The full text of 40 CFR part 707 is provided in Attachment 2.

2(b) Use/Users of the Data

As required by TSCA section 12(b), the Administrator will use the information collected under this ICR to furnish the required notice to the government of the importing country. The importing country typically uses the information provided to ensure that chemicals imported into their country comply with their laws and regulations.

3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

The exporter submits one notice to EPA. There is no duplication of this mandate or collection activity, and no alternate sources for the Agency to obtain the information necessary to satisfy the statutory mandate.

The Agency carefully considered alternatives to imposing a notification requirement on the chemical exporters, but no alternate sources were identified. Prior to promulgating the TSCA section 12(b) rule, EPA considered the possibility of using export data gathered by the Bureau of the Census in lieu of imposing notification requirements in a TSCA section 12(b) rule. However, several problems with the Census data continue to make such an approach impractical. These problems include, among others, the fact that Census data are often not chemical-specific; Census exempts certain shipments and exporters that are not exempt from TSCA section 12(b) notifications; and Census data would not be available for up to eight weeks following export, a delay that would prevent EPA from providing an importing government the timely notice required by TSCA section 12(b).

In addition, the Agency's activities are not duplicative of any other agency's actions. Importing countries do not receive such notifications from any other sources.

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 May 5, 2009 (74 FR 9815, March 6, 2009). EPA received no comments during the comment period.

3(c) Consultations

Prior to proposing the original 1980 guidance for the submission of TSCA section 12(b) notices, EPA held informal meetings with the Manufacturing Chemists Association (now the American Chemistry Council), and with representatives of the Swedish, Canadian and British governments. Comments were also received from exporters, environmental groups and foreign governments during the public comment period for the proposal. Prior to issuance of the final amendments to the export notification requirements in 1993, EPA also met with stakeholders to discuss TSCA section 12(b) requirements and the possible need for some changes to the 1980 rule. EPA also received and considered comments from exporters, environmental groups and foreign governments during the public comment period for the proposed amendments. Finally, EPA considered comments received on an amendment to the TSCA section 12(b) export notification requirements proposed in 2006.

Additionally, 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 nine parties via email. The individuals contacted were:

Martina Cartwright
Texas Southern University
mcartwri@hotmail.com

James Cooper
Synthetic Organic Chemical Manufacturers Association
cooperj@socma.com

Richard Denison
Environmental Defense
rdenison@environmentaldefense.org

Christina Franz
American Chemistry Council
Christina_Franz@americanchemistry.com

Susan Hearn
Dow Chemical Company
shearn@dow.com

Jessine Monaghan
General Electric
jessine.monaghan@ge.com

Thomas Neltner
Improving Kids Environment
neltner@ikecoalition.org

Derek Swick
API
swickd@api.org

John D. Walker
Interagency Testing Committee
U.S. Environmental Protection Agency
walker.johnd@epa.gov

EPA received no responses to its solicitation for consultations. A copy of EPA's consultation e-mail to the above potential respondents or data users appears in Attachment 3.

3(d) Effects of Less Frequent Collection

If the collection of information was conducted less frequently, the regulatory requirements would not be met.

3(e) General Guidelines

This information collection is necessary to implement statutory requirements of section 12(b) of TSCA and is consistent with the requirements of 5 CFR 1320.6.

3(f) Confidentiality

The respondent may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA and 40 CFR Part 2. However, notwithstanding any claim of confidentiality, the foreign government of the importing country will be notified of the export of the substance(s) in question.

3(g) Sensitive Questions

This section is not applicable. The information requested is not sensitive in nature.

4 THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

4(a) Agency Activities

The activities routinely conducted by EPA related to the receipt and processing of TSCA section 12(b) export notices include the following:

- o review export notices for compliance;
- o respond to follow-up inquiries from foreign governments;
- o consult with companies on complying with the TSCA section 12(b) rule;
- o act as liaison between foreign governments and companies to seek additional information on exports;
- o log in notices for tracking/reporting;
- o prepare letters with supporting documents to foreign governments.

4(b) Collection Methodology and Management

The collection methodology is event based, i.e., the respondent's decision to export a chemical subject to TSCA section 12(b). With the exception of TSCA section 4 chemicals, an exporter must submit, on an annual basis, one TSCA section 12(b) notice for each country to which a chemical subject to TSCA section 12(b) is exported. For TSCA section 4 chemicals, an exporter must only submit a TSCA section 12(b) notice for the first export or intended export to a particular country. The TSCA section 12(b) notice must be postmarked within seven days after the respondent accepts a definite contractual obligation or no later than the date of export.

TSCA section 12(b) export notifications are received by EPA's Environmental Assistance Division (EAD) in OPPT. The contractor-run TSCA Assistance and Information Service (TAIS – also known as the TSCA Hotline), processes all of the TSCA section 12(b) export notifications and prepares the letters and related materials used to notify appropriate foreign governments of the export of the specific TSCA-regulated chemicals to their country in accordance with the mandate in TSCA section 12(b) and the regulations at 40 CFR part 707, Subpart D.

The following is a brief overview of the Agency's handling and tracking process for these notices:

- 1) All incoming notices are received in OPPT's Confidential Business Information Center (CBIC), which is managed by OPPT's Information Management Division (IMD).
- 2) The CBIC sends the information to appropriate IMD staff to determine if the information is Confidential Business Information (CBI) or not. IMD then sends the information with the CBI determination back to the CBIC.
- 3) The CBIC sends all notifications (CBI or non-CBI) to TAIS for processing.
- 4) TAIS records the company and chemical information, enters it into the database, and prepares the notification letter and explanatory materials (e.g., Federal Register notice, TSCA section 5(e) consent order). For CBI packages, TAIS sends the CBI packages back to the CBIC and the CBIC then sends the notification and explanatory information to the embassy/foreign authority of the country to which the subject chemical is being exported. For non-CBI packages, TAIS sends the notification and explanatory information to the embassy/foreign authority.
- 5) If the receiving country requests further information, the request comes directly to EAD. EAD sends the request to TAIS. TAIS obtains and/or generates the needed information, and sends the package back to EAD for formal signature and transmittal to the requesting country's embassy or authority.

The Export Notification Tracking System (ENTS), which is maintained by TAIS, currently houses approximately 162,000 records, dating back to 1989. The ENTS database is modified daily with new, incoming records of chemical exports to foreign countries. Updates also incorporate regulatory changes affecting the chemicals that are subject to EPA's TSCA section 12(b) export notification rule at 40 CFR 707.

EPA is continuing to explore the feasibility of developing and implementing an optional electronic data reporting system for the ease of respondents, which could result in a significant burden reduction. The projected reporting system is designed to be a user-friendly interface for parties engaged in reporting under TSCA sections 4, 5, 8, and 12(b). Thus, the submission of information to EPA will be less expensive, faster, and more efficient once this technology is fully applied.

4(c) Small Entity Flexibility

TSCA section 12(b) does not exempt small businesses. However, most reporting has been by large companies, because they do most of the exporting. In any case, the burden on any exporter is minimal, because it should take no more than one-half hour to prepare a TSCA section 12(b) notice and mailing costs are minimal.

4(d) Collection Schedule

In general, there are basically two collection schedules related to the TSCA section 12(b) export notification requirements, i.e., a one-time collection and an annual collection. On an annual basis, excluding TSCA section 4 chemicals, an exporter must submit only one TSCA section 12(b) notice for each country to which a chemical subject to TSCA section 12(b) is exported. For TSCA section 4 chemicals, an exporter must only submit one TSCA section 12(b) notice for the first export or intended export to a particular country.

If the collection of information was conducted less frequently, the statutory requirements would not be met.

5 THE RESPONDENTS AND THE INFORMATION REQUESTED

5(a) Respondents/NAICS Codes

Respondents to this collection are exporters of chemical substances, which are mostly chemicals companies classified under NAICS Codes 325 and 32411.

5(b) Information Requested

(i) Data Items

Respondents are required to include the following information in their export notification:

- the name and address of the exporter;
- the name of the chemical;
- the country of import;
- the date of export or intended export; and
- the TSCA section 4, 5, 6 or 7 action that triggers the notice.

(ii) Respondent Activities

In providing the required TSCA section 12(b) export notification, the respondent (exporter) is likely to engage in the following activities:

- Compile and maintain a list of chemical products manufactured by the company that are also subject to a TSCA section 4, 5, 6 or 7 action (e.g., compare list of their chemicals with EPA's list of TSCA section 12(b) chemicals);
- Check this list against outgoing orders to determine if a product/chemical on the list is expected to be exported to a customer outside of the U.S.;
- If it is, identify whether a TSCA section 12(b) notice is required (e.g., is it the first shipment to that country this year?); and

- If product/chemical is on the list and a TSCA section 12(b) notice is required, complete the required export notice and forward it to EPA within the required time period.

6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

The purpose of this analysis is to determine the incremental cost to industry and to the EPA associated with export reports that are submitted to the Agency under the TSCA section 12(b) reporting requirements.

6(a) Estimating the Respondent Burden

The burden to respondents of this information collection activity comprises the time required to perform the activities outlined in section 5(b) of this document.

For the purpose of this section, a notification is a package received by the EPA by one company. One company may submit more than one notification per year. Each notification may contain several chemicals and/or countries. The average number of chemicals per notification is about 3.

In the past, most companies complied by compiling a list of products exported by the company that are subject to TSCA section 12(b) reporting. Each outgoing order was checked to see if the chemical or product is on the list and, depending on the chemical, whether it was the first shipment to the importing country or the first shipment of the calendar year to that country. However, since a change in reporting requirements published on November 14, 2006, there is a one-time notification requirement for exporters of chemical substances or mixtures. In addition, the change requires the Agency to notify foreign governments once after it receives the first export notification from an exporter. The shift to one-time-only export notification in the amendments will affect almost all notifications received under TSCA section 5 (EPAB 2006). EPA also promulgated *de minimis* concentration levels below which notification will not be required for the export of any chemical for which export notification under TSCA section 12(b) is otherwise required.

For the purposes of this ICR, the EPA used the average number of submitters and notifications from 2007 and 2008 as estimates for the number of submitters and notifications for 2009-2011, since they are the years that reflect the current changes. The majority of the decline in submitters and notifications is assumed to have been realized in these years.

Compile List of Products. Since this information collection activity has been in place for twenty years, most respondents will have already developed a list of their products subject to TSCA section 12(b) reporting. Respondents need only check for new regulations promulgated and any new products exported by the company. Updating the list is estimated to take an average of one hour of technical time (which may also include

some proportion of legal time). This could vary depending on the number of products from two hours per year up to two hours per month of technical time (which may also include some proportion of legal time). This will vary depending on the number of products exported by the company and the number of their products subject to TSCA section 12(b).

The number of submitters per year who report under TSCA section 12(b) has varied over time, rising from around 160 in 1991 to over 460 in 2000, and declining since. EPA estimates that there will be a decrease in the number of submitters to around 300 in the near-future years (average of FY 2007 and 2008). This is a decrease from the previous ICR estimate of 350 submitters. Of these 300 submitters, we estimate that 200 companies are near the lower estimate of 2 hours per year, and 100 companies are near the upper estimate of 24 hours per year. EPA conservatively retains the estimate that 100 exporters are near the upper estimate of 24 hours per year, as it is likely that lower-volume submitters will be the ones exempted by these amendments because they will be filing notices under TSCA section 12(b) for the first time. The previous ICR estimated 250 firms near the 2-hour estimate. Compiling the list for all respondents is estimated to take 2,800 hours (2 hours x 200 firms plus 24 hours x 100 firms), or an average of about 9.3 hours per firm per year.

Write or Revise Export Notification. Companies that export chemicals subject to TSCA section 12(b) reporting must prepare an export notification to send to EPA when export shipments are made. Time for initial preparation of the export notice probably varies depending on whether the company has prior experience with this program, but this step is estimated to take an average of one hour of technical time (which may also include some proportion of legal time) per year for each company subject to TSCA section 12(b) reporting. We estimate a total of 300 hours (1 hour x 300 firms) per year in writing or revising the export notification.

Check Orders and Send Notifications. The 300 companies that export chemicals subject to TSCA section 12(b) reporting must check outgoing shipments against the list of their products described above. A form letter notifying EPA is printed out detailing where the shipment is going for a TSCA section 12(b) chemical if it is the first shipment to the importing country. This whole process is estimated to take an average one half hour of clerical time per notice.

The annual number of submitted notices has varied substantially over time, but without any obvious trend. The number has been consistently in the range of 4,000 to 12,000 submissions, with a peak of over 11,600 in 2000, and with more recent years being slightly lower. EPA therefore estimates that the number of notices in near-future years will average about 3,500 (average of FY 2007 and 2008). This is a decrease from the previous ICR estimate of 8,600 notices. For 300 firms, that indicates an average of roughly 12 notices per year per firm. The previous ICR estimated 25 notices per respondent (8,600/350). Total time for this task will be 1,750 hours (3,500 x 0.5 hours each).

TABLE 1: ANNUAL AVERAGE BURDEN PER RESPONDENT FACILITY			
	BURDEN HOURS		
ACTIVITY	TECHNICAL	CLERICAL	TOTAL
Compile list of products	9.3	-	9.3
Write or revise export notification	1.0	-	1.0
Check orders and send notifications	-	6.0	6.0
Total	10.3	6.0	16.3

TABLE 2: ANNUAL AGGREGATE BURDEN			
	BURDEN HOURS		
ACTIVITY	TECHNICAL	CLERICAL	TOTAL
Compile list of products	2,800	-	2,800
Write or revise export notification	300	-	300
Check orders and send notifications	-	1,750	1,750
Total	3,100	1,750	4,850

It is estimated for 2009-2011 that the annual number of lists of products that respondents will compile will be 300, initial export notifications will total 300, and respondents will submit 3,500 notices, or a total of 4,100 responses of various types. Burden hours total 4,850 or about 1.18 hours per response.

6(b) Estimating the Respondent Cost

The costs to respondents is based on the time needed to complete the tasks listed in section 3, the hourly cost of labor at appropriate levels (labor rates), the number of facilities affected, and the number of reports generated. There are also costs for mailing. There are no specific capital or overhead costs associated directly with this information collection activity.

Loaded labor rates, including fringe costs, are \$69.21 for management time, \$55.42 for technical time, and \$27.59 for clerical time. These labor rates are higher than previous estimates used and result from increased wages indicated in the BLS data.¹

¹ Labor rates are published December 2007 data from BLS for all manufacturing industries. The estimates include fringe benefits and 17% overhead.

Companies will also incur a cost of \$12.62 per export notice to send the letter to EPA via registered mail (\$10 for registered mail, \$2.20 for a return receipt, and \$0.42 postage). Aggregate annual costs for mailing will be \$44,170 (\$12.62 x 3,500).

TABLE 3: ANNUAL COST PER RESPONDENT FACILITY (WITH 12 NOTICES)			
	ANNUAL COST		
ACTIVITY	TECHNICAL	CLERICAL	TOTAL
Compile list of products	\$515.41	-	\$515.41
Write or revise export notification	\$55.42	-	\$55.42
Check orders and send notifications	-	\$165.54	\$165.54
Mailing cost	-	-	\$151.44
Total	\$570.83	\$165.54	\$887.81

TABLE 4: ANNUAL AGGREGATE RESPONDENT COST				
	ANNUAL COST			
ACTIVITY	TECHNICAL \$55.42/hr	CLERICAL \$27.59/hr	TOTAL	PRESENT VALUE*
Compile list of products	\$155,176	-	\$155,176	\$435,737
Write or revise export notification	\$16,626	-	\$16,626	\$46,686
Check orders and send notifications	-	\$48,283	\$48,283	\$135,580
Mailing cost	-	-	\$44,170	\$124,030
Total	\$171,802	\$48,283	\$264,255	\$742,033
* Present value for 3 years at a 7% discount rate.				

6(c) Federal Government Burden and Cost

Agency unit costs are based on past TSCA section 12(b) analyses, including the previous ICR, and on recent contacts with the Environmental Assistance Division (EAD). EPA's cost estimates are based on past experience with these activities. The Agency cost can be divided into three parts: receiving and processing incoming notices, preparing and mailing notifications to importing countries, and responding to requests for information and clarification from companies and importing countries. The allocation of burden hours and costs among these three parts is not exact, but the analysis below is reasonably

accurate in terms of the overall burden estimate and the approximate allocation of that burden among these tasks.

In the first task, notices are received from firms that intend to export a product covered by this rule, the forms are checked for completeness, and the submissions are logged into a document control system. Based on conversations with the workers responsible for this task, about ten notifications can be processed per hour. EPA projects that an average of 3,500 notifications will be received per year over the period covered by this ICR, requiring approximately 350 hours of support. This work was previously done by contractor staff but is currently done by technical EPA staff with a fully-loaded labor rate of \$55.42 per hour and thus is projected to cost \$19,397 per year over the period of this ICR.

In the second task, workers prepare letters of notice that are subsequently reviewed and sent out to importing countries. Not all notifications submitted require that a notice be sent out. This work averages approximately 30 minutes per notice. EPA estimates that the reduction in notices sent to foreign governments will be proportional to the reduction in notifications received under that section. EPA projects a total of 54 notification letters mailed each year (FY 2007 notification letters mailed, which reflects the amendments). This yields a burden of approximately 27 hours annually. This work was previously done by contractor staff but is currently done by technical EPA staff with a fully-loaded labor rate of \$55.42 per hour and thus is projected to cost \$1,496 yearly.

The cost of mailing a notification can vary from \$4.80 to \$22.00, depending on whether it is sent to an embassy in the US or to an overseas destination and depending on whether the notice is registered. Mailing cost was estimated in 1998 to average approximately \$4.50 per notification, but postal rates have subsequently increased. Assuming a generous 50% increase in postal rates for the last ICR, the projected average mailing cost was \$6.75. A 50% increase was applied to the current ICR, projecting the average mailing cost of \$13.50 and a total annual mailing cost of \$729 ($\13.50×54).

The burden described above covers the routine tasks of handing both incoming notices and outgoing notifications. The totals above also include a certain amount of time spent responding to routine requests for information, since data are not available to separate this out from the other tasks. Based on conversations with EAD staff, the work of responding to non-routine requests for information and clarification from industry and importing countries, assisting the contractor staff in handling non-routine issues, and handling other tasks associated with the TSCA section 12(b) program can be expected to require about 20% of the time of a GS-13 Step 5 EPA employee, or roughly 400 hours per year. Following the 2007 federal employee wage scale, and assuming an additional 60% to cover fringe benefits, there is an annual cost of approximately \$28,800 ($\72×400) (OPM 2007).

TABLE 5: ESTIMATED COSTS FOR THE FEDERAL GOVERNMENT		
	ANNUAL COST	PRESENT VALUE *
Process notices from companies	\$19,397	\$54,467
Process notifications to importing countries	\$1,496	\$4,201
EPA staff time, responding to information requests, etc.	\$28,800	\$80,871
Mailing cost of notifications	\$729	\$2,047
Total	\$50,422	\$141,586
* Present value calculated for 3 years at a 7% discount rate.		

6(d) Total Burden and Costs to Industry

The total estimated industry burden associated with this collection, as noted in Table 2, is estimated to be 4,850 hours annually. The associated cost, as noted in Table 4, is estimated to be \$264,255 annually.

6(e) Bottom Line Burden Hours and Cost Tables

(i) Respondent Tally

Annual Respondent Burden: 4,850 hours.

Annual Respondent Costs: \$264,255.

(ii) The Agency Tally

Annual Agency Costs: \$50,422.

6(f) Reasons for Change in Burden

There is a decrease of 2,700 hours (from 7,550 hours to 4,850 hours) in the total estimated respondent burden compared with that identified in the information collection most recently approved by OMB. This decrease represents the net effect of a decrease in the estimated number of notices sent to EPA and a decrease in the number of firms sending notices, based on EPA's recent experience with TSCA section 12(b) notices.

On November 14, 2006, EPA made amendments to the Toxic Substances Control Act section 12(b) export notification rule at Subpart D of 40 CFR Part 707. There was a change to the reporting requirements. The first amendment changed the annual notification requirement for exporters of chemicals for which certain actions have been

taken under TSCA. Previously, the TSCA section 12(b) rule required exporters to notify EPA of the first export or intended export to a particular country in a calendar year for chemical substances subject certain actions under TSCA section 5, 6, or 7. For chemicals subject to a final TSCA section 4 action, exporters were required to submit an export notification only for the first export or intended export to a particular country. The amendments changed the annual notification requirement to a one-time export notification requirement per each destination country for each exporter of a chemical substance subject to TSCA section 5(a)(2), 5(b), 5(e)(1), and 5(e)(2). For exports of chemical substances subject to sections 5(f), 6 or 7 actions, however, the exporter will continue to submit an annual notification for each chemical exported to each country of destination. EPA is also establishing *de minimis* concentration levels below which notification will not be required for the export of any chemical that is the subject of an action under TSCA sections 4, 5, 6, or 7. For these reasons, the number of submitters, number of notifications and notification letters decreased since the last ICR.

With these changes in reporting requirements, the costs are predicted to change as a result of the number of notifications and submitters declining. According to a prior analysis on the 2006 amendments to TSCA section 12(b), it was estimated that the reduction in the number of notifications and submitters due to TSCA section 5 reporting would be 50% in each year after the amendments go into effect (EPAB 2006). Based on average numbers of TSCA section 12(b) notifications from 1996-2004, TSCA section 5 notifications comprised approximately 25% of the total notifications (EPAB 2006). Therefore, the reduction in TSCA section 5 notifications should be about 13% of the total TSCA section 12(b) notifications. In addition, due to the *de minimis* exemption EPA conservatively estimates a 20% reduction for all TSCA sections (EPAB 2006).

Prior to the TSCA section 12(b) amendments, the 2006 data showed about 5,100 notifications and 330 submitters. After applying the reductions outlined in the TSCA section 12(b) economic analysis (EPAB 2006), a 50% reduction in TSCA section 5 notifications and a 20% total reduction in notifications due to the *de minimis* exemption, the estimated number of notifications were 3,550 and 230 submitters. The predictions from this ICR, which were generated from the averages of FY 2007 and 2008 data, were 3,500 notifications and 300 submitters. Therefore, there may be further reductions in the number of submitters in the future.

6(g) Burden Statement

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0030, is estimated to be about 1.18 hours per response. 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 number for this information collection appears above. In addition, the OMB control numbers for EPA's regulation, after initial display in the final rule, are listed in 40 CFR part 9.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a docket for this ICR under Docket ID No. EPA-HQ-OPPT-2008-0504, which is available for public viewing at the Pollution Prevention and Toxics Docket in 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) 566-1544 and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280.

An electronic version of this docket is available at www.regulations.gov. Use the federal government-wide electronic docket and comment system at www.regulations.gov to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "advance search," then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. Docket ID No. EPA-HQ-OPPT-2008-0504 and OMB Control No. 2070-0030 in any correspondence.

Sources

40 CFR Parts 707 and 799. Federal Register: November 14, 2006. Volume 71, Number 219 Rules and Regulations 66234-66245. January 2009 <wais.access.gpo.gov>.

“Employer Costs for Employee Compensation Supplementary Tables: December 2007.” US Bureau of Labor Statistics. January 2009.

“Final Economic Analysis of the Amendments to TSCA Section 12(b) Export Notification Requirements.” Economic and Policy Analysis Branch. August 2006.

“Office of Personnel Management, Salary Table 2007-DCB, Washington-Baltimore-Northern Virginia, DC-MD-PA-VA-WV.” January 2009
<http://www.opm.gov/oca/07tables/html/dcb.asp>