

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

1. Identification of the Information Collection

1(a) Title of the Information Collection

National Volatile Organic Compound Emission Standards for Consumer Products (40 CFR part 59, subpart C) (Renewal), OMB Control Number 2060-0348, EPA ICR Number 1764.05.

1(b) Short Characterization/Abstract

(i) Type of collection

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

The Office of Management and Budget (OMB) approved the previous ICR (EPA ICR number 1764.04) with the following terms of clearance.

Terms of Clearance: When this ICR is resubmitted for renewal, EPA should review the respondent burden and universe to verify these estimates have been updated. EPA should also review the estimates of the annual hour burden and verify they have been updated.

EPA has complied with these Terms of Clearance.

(ii) Content of reports

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

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

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

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

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

(iii) Recordkeeping requirements

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

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

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

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The EPA is required under Section 183(e) of the Clean Air Act (Act) to regulate VOC emissions from the use of consumer and commercial products. Pursuant to Section 183(e)(3), the EPA published a list of consumer and commercial products and a schedule for their regulation on March 23, 1995 (60 FR 15264). Consumer products were included in Group I of the list, and standards were promulgated on September 11, 1998. In the Administrator's

judgment, VOC emissions from the use of consumer products contribute to ground-level ozone formation in ozone nonattainment areas.

The reports and recordkeeping activities required under the rule enable the EPA to determine whether or not consumer products manufactured or imported for use in the U.S. meet the VOC content limits. Minimal reporting is required. Initial reporting consists of information needed by EPA to (1) identify the universe of manufacturers and importers subject to the rule; (2) determine the date of manufacture of products; (3) ascertain the location of formulation and batch records for purposes of compliance assurance; and (4) have on record a responsible company official as a primary contact. Notification that a regulated entity has revised its date code system will enable EPA to have access to the most current codes.

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

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

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

2(b) Practical Utility/Users of the Data

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

3. Nonduplication, Consultations, and Other Collection Criteria

The requested recordkeeping and reporting are required under 40 CFR part 59, subpart C.

3(a) Nonduplication

If the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent directly to the delegated state, or local agency. If a state or local agency has adopted its own similar standards to implement the Federal

standards, a copy of the report submitted to the state, or local agency can be sent to the Administrator in lieu of the report required by the Federal standards. Therefore, no duplication exists.

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

An announcement of a public comment period for the renewal of this ICR was published in the Federal Register on November 9, 2010 (75 FR 68783). No comments were received on the burden published in the Federal Register.

3(c) Consultations

Because the regulations have not changed over the past three years and are not anticipated to change over the next three years, all data and assumptions from the previous ICR renewal were used as the basis for estimating the hourly and cost burdens associated with this renewal.

It is our policy to respond after a thorough review of comments received since the last ICR renewal as well as those submitted in response to the first Federal Register notice. In this case, no comments were received.

3(d) Effects of Less Frequent Collection

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

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

3(e) General Guidelines

These reporting or recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR part 1320, section 1320.5.

3(f) Confidentiality

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B--Confidentiality of Business Information (see 40 CFR 2; 41 FR 36092, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

3(g) Sensitive Questions

The reporting or recordkeeping requirements in the standard do not include sensitive questions.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

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

4(b) Information Requested

(i) Data Items

In this ICR, all the data that is recorded and/or reported is required by National Volatile Organic Compound Emission Standards for Consumer Products. (40 CFR part 59, subpart C).

A source must make the following reports:

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

A source must keep the following records:

Recordkeeping	
Records of formulations in use	59.209(a)
Records of composition of each batch of production	59.209(a)

Electronic Reporting

Some of the respondents are using monitoring equipment that automatically records parameter data. Although personnel at the affected facility must still evaluate the data, internal automation has significantly reduced the burden associated with monitoring and recordkeeping at a plant site.

Also, regulatory agencies in cooperation with the respondents, continue to create reporting systems to transmit data electronically. However, electronic reporting systems are still not widely used. At this time, it is estimated that approximately 10 percent of the respondents use electronic reporting.

(ii) Respondent Activities

Respondent Activities
Read instructions.
Write the notifications and reports listed above.
Enter information required to be recorded above.
Submit the required reports developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information.
Develop, acquire, install, and utilize technology and systems for the purpose of processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for the purpose of disclosing and providing information.
Train personnel to be able to respond to a collection of information.
Transmit, or otherwise disclose the information.

The respondent activities required for all manufacturers and importers of regulated products are listed in Table 1.

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

5(a) Agency Activities

EPA conducts the following activities in connection with the acquisition, analysis, storage, and distribution of the required information.

Agency Activities
Review reports required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the Air Facility System (AFS).

5(b) Collection Methodology and Management

Information contained in the reports is entered into the AFS which is operated and maintained by EPA's Office of Compliance. AFS is EPA's database for the collection, maintenance, and retrieval of compliance data for approximately 125,000 industrial and government-owned facilities. EPA uses the AFS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. EPA and its delegated Authorities can edit, store, retrieve and analyze the data.

The records required by this regulation must be retained by the owner/operator for three years.

5(c) Small Entity Flexibility

The impact on small entities (i.e., small businesses) was taken into consideration during the development of the regulation. In the final rulemaking notice, EPA prepared a regulatory flexibility analysis (FRFA) which examined the impact of the final rule on small entities (See 63 FR 48829, September 11, 1998). EPA determined that almost 80 percent of the affected companies are small entities. This percentage was applied to the total number of consumer products firms affected by this ICR.

Companies subject to the rule can apply for variances in cases where the company, because of extraordinary reasons beyond reasonable control, cannot comply with the rule. While all variance applications will receive close scrutiny, EPA will give full consideration to the special needs of small manufacturers and importers.

5(d) Collection Schedule

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

6. Estimating the Burden and Cost of the Collection

Table 1 documents the computation of individual burdens for the recordkeeping and reporting requirements applicable to the industry for the subpart included in this ICR. The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified. Responses to this information collection are mandatory.

The 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.

6(a) Estimating Respondent Burden

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 29,613 (Total Labor Hours from Table 1). The recordkeeping hours shown in Table 1 are 29,405. The reporting requirement hours shown in Table 1 are 208. These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the National VOC Emissions Standards program, the previously approved ICR, and any comments received.

The following assumptions were used to estimate the respondent burden:

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

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses the following labor rates:

Managerial	\$95.82 (\$45.63 + 110%)
Technical	\$77.03 (\$36.68 + 110%)
Clerical	\$44.82 (\$21.35 + 110%)

Industry labor rates are based on an average of occupational wage rates for the affected NAICS groupings 3256 and 3259. Management wages were based on industrial production managers, technical wages were based on health and safety engineers, and clerical rates were based on production, planning, and expediting clerks. The resultant average wage rates were: management (\$45.63); technical (\$36.68); and clerical (\$21.35). The rates have been increased by 110 percent to account for the benefit packages available to those employed by private industry.

(ii) Estimating Capital and Operations and Maintenance Costs

The only costs to the regulated industry resulting from information collection activities required by the subject standard are labor costs. There are no capital/startup or operation and maintenance costs.

(iii) Capital/Startup vs. Operating and Maintenance (O&M) Costs

The only types of industry cost associated with the information collection activity in the regulations are labor costs. There are no capital/startup or operation and maintenance costs.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. EPA's overall compliance and enforcement program includes activities such as the examination of records maintained by the respondents, periodic inspection of sources of emissions, and the publication and distribution of collected information.

The average annual Agency cost during the three years of the ICR is estimated to be \$8,799.

This cost is based on the average hourly labor rate as follows:

Managerial	\$62.27 (GS-13, Step 5, \$38.92 + 60%)
Technical	\$46.21 (GS-12, Step 1, \$28.88 + 60%)
Clerical	\$25.01 (GS-6, Step 3, \$15.63 + 60%)

These rates are from the Office of Personnel Management (OPM), 2010 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees. These rates can be obtained from the OPM web site, <http://www.opm.gov/oca/payrates/index/htm>. Details upon which this estimate is based appear below in Table 2: Annual Respondent Burden and Cost for National Volatile Organic Compound Emission for Consumer Products (40 CFR part 59, subpart C).

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

The following assumptions were used to estimate the respondent universe and total burden and costs for industry to comply with the various requirements of the rule:

- Total number of affected sources is 3,000
- Total number of respondents will be 732
- Number of respondents performing "new" recordkeeping will be 10 percent, or about 300 per year

- Number of “new” respondents submitting the one-time Initial Notification Report will be 1 percent of the total affected sources, or about 30 per year
- Number of respondents submitting variance applications will be 5
- Number of respondents submitting innovative products applications will be 2

6(e) Bottom Line Burden Hours Burden Hours and Cost Tables

The detailed bottom line burden hours and cost calculations for the respondents and the Agency are shown in Tables 1 and 2 below, respectively, and summarized below.

(i) Respondent Tally

The total annual labor hours are 29,613. Details regarding these estimates may be found in Table 1. Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 40 hours (rounded) per response. There are no capital or O&M costs.

(ii) The Agency Tally

The average annual Agency burden and cost over next three years is estimated to be 123 labor hours at a cost of \$8,799. See Table 2 attached.

6(f) Reasons for Change in Burden

There is no change in the labor hours or capital and O&M costs to the respondents in this ICR compared to the previous ICR because the regulations have not changed over the past three years and are not anticipated to change over the next three years. However, the change in labor costs for industry and EPA is due to the use of more current labor rates.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 40 hours per respondent. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a docket for this ICR under Docket ID No. EPA-HQ-OAR-2007-0563. An electronic version of the public docket is available at <http://www.regulations.gov>, which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the 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 in this document. The documents are also available for public viewing at the Air Docket and Information Center 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) 566-1744, and the telephone number for the Air Docket and Information Center is (202) 566-1742. 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 Number EPA-HQ-OAR-2007-0563 and OMB Control Number 2060-0348 in any correspondence.

Part B of the Supporting Statement

This part is not applicable because no statistical methods were used in collecting this information.