

**Statement Supporting the Renewal of the Information Collection Request
for the Community Right-to-Know Reporting Requirements of the
Emergency Planning and Community Right-to-Know Act**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection Request

Community Right-to-Know Reporting Requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA)(Renewal) – EPA No. 1352.12.

1(b) Short Characterization

This information collection request (ICR) was previously approved as OMB No. 2050-0072 through July 31, 2011, for 3,792,432 hours. The owner or operator of any facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 must submit an MSDS to the state emergency response commission (SERC), the local emergency planning committee (LEPC), and the local fire department for each hazardous chemical stored on-site in a quantity greater than the reporting threshold. Alternatively, a list of subject chemicals, grouped by hazard type, may be submitted. The reporting threshold is 10,000 pounds unless the chemical is specifically listed as an extremely hazardous substance (EHS) under EPCRA section 302, in which case the reporting threshold becomes 500 pounds or the threshold planning quantity (TPQ), whichever is less. The reporting threshold for gasoline (all grades combined) is 75,000 gallons and for diesel fuel (all grades combined) is 100,000 gallons, when stored entirely underground at retail gas stations that are in compliance with UST regulations. Section 311 of EPCRA allows the public the same access to MSDSs that facilities provide to their employees.

The submittal of a list of chemicals or MSDSs was a one-time requirement, to be completed by October 17, 1987. However, facilities must submit updates to the list or MSDSs, within three months, when a hazardous chemical comes on-site above the reporting threshold. If significant new information arises concerning a previously submitted MSDS, a facility must submit a revised MSDS. Additionally, if the SERC or LEPC receives a request, the facility must provide an MSDS, even if the hazardous chemical is stored below the reporting threshold.

Section 312 of EPCRA requires owners and operators of facilities subject to section 311 to annually report the inventories of those chemicals reported under section 311. The Environmental Protection Agency (EPA) is required to publish two emergency and hazardous chemical inventory forms, known as “Tier I” and “Tier II,” for use by these facilities. The Tier I form provides the minimum amount of information necessary to comply with the section. Any facility that is required to submit an MSDS or list of chemicals under section 311 must submit a Tier I form annually on March 1, incorporating the chemicals reported under section 311. Tier I form is submitted to the SERC, LEPC, and local fire department. The Tier II form, which provides chemical-specific information, should be submitted upon request by the SERC or LEPC.

States were always given the flexibility to implement the EPCRA program as appropriate for their State to meet the goals of EPCRA, which is to prepare for and respond to releases of EHSs and to provide the public with information on potential chemical risks in their communities. This flexibility includes

adding more chemicals, setting lower reporting thresholds and creating a reporting form or format that includes more information than is required by the federal reporting requirements. Many States have more stringent requirements, such as additional chemicals and lower reporting thresholds. Some States developed their own inventory reporting form, including electronic reporting format and certification. Other States use the federal inventory reporting form or the federal electronic reporting format, Tier2 Submit.

EPCRA authorized EPA to publish regulations and the forms for hazardous chemical reporting. On October 15, 1987, EPA published the final rule and the emergency and hazardous chemical inventory reporting forms (Tier I and Tier II). The regulations and forms were revised in July 26, 1990.

EPA published a proposed rule on June 8, 1998 to streamline the reporting requirements for hazardous chemical reporting and provided draft guidance on various reporting options that states may implement under EPCRA section 312. Parts of the 1998 proposed rule were finalized in stages, February 11, 1999 and November 3, 2008. EPA finalized the guidance on reporting options for States and locals on July 13, 2010. Other issues that were proposed in 1998 will be finalized in the near future.

EPA estimates that 390,000 manufacturing and non-manufacturing facilities are currently subject to reporting and recordkeeping requirements under EPCRA sections 311 and 312. The total annual burden to all facilities is estimated to be 3,772,292 hours at a cost of \$236,884,010. There are estimated to be 3,552 SERCs and LEPCs. The total annual burden associated with state and local activities is estimated to be 136,840 hours at a cost of \$4,300,484.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The authority for these requirements is EPCRA sections 311 and 312 (42 U.S.C. §11011 and §11012).

Section 311 requires the owner or operator of any facility that is required to prepare or have available an MSDS for a hazardous chemical under OSHA regulations to submit an MSDS for each such chemical, or a list of chemicals, to the SERC, LEPC, and local fire department. This submittal allows local emergency planners/responders and the community to have the same information regarding the hazards of a chemical at the facility.

Section 312 requires the same owners or operators of facilities to annually report the inventories of the chemicals reported under section 311. Section 312(g) requires EPA to publish emergency and hazardous chemical inventory forms for use by facilities subject to this section. In final rules published in the *Federal Register* on October 15, 1987, and July 26, 1990, EPA published the two “formats” required under EPCRA, “Tier I” and “Tier II.” Tier I is the minimum amount of information necessary to comply with the section. Using Tier I, facilities aggregate reportable chemicals by hazard type and provide the quantities and locations of the chemicals. The Tier II Form is chemical-specific information and only needs to be submitted (in lieu of the Tier I Form) if specifically requested by the SERC or LEPC.

Currently some states require facilities to submit the federal Tier II inventory form. Other states developed their own reporting form or format. None of the states accept Tier I inventory form.

2(b) Practical Utility/Users of the Data

The reports required under sections 311 and 312 are submitted to the state and local officials which will be then accessible to the public. The public will have knowledge of the hazards in their community. State and local officials also use the information submitted to them for developing or modifying emergency response plans for their community.

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

3(a) Non-Duplication

Many states have laws that require information similar to that called for by sections 311 and 312 of EPCRA. EPA allows the state program to suffice for reporting provided that the minimum reporting requirements are met. The burden estimate in this ICR also includes burden imposed on facilities that comply with State requirements.

3(b) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Agency has notified the public through the Federal Register notice on the renewal of this ICR on February 14, 2011 (76 FR 8363). EPA received one comment from an environmental consultant. The commenter stated that facilities should notify the state and local officials if there are no more hazardous chemicals present on the site or if ownership changes occur at facilities.

The Tier I and the Tier II inventory forms contain a check box to indicate if the information reported is same as the previous year. The Agency has guidance in a Question and Answer format on the website at www.epa.gov/emergencies under the policy and guidance page that facilities should notify the state and local officials if there is a change in ownership. For facilities that are covered by the emergency planning notification under EPCRA section 302 have to notify the SERC and LEPC within 30 days if any changes occur the facility relevant to emergency planning (40 CFR 355.20(c)). Some states may have more stringent requirement for facilities to notify state and local agencies if any changes occur.

3(c) Effects of Less Frequent Collection

The reporting deadlines for sections 311 and 312 are set by statute. EPA has no authority to allow less frequent collection.

3(d) General Guidelines

The collection activities specified in this renewal ICR adhere to the guidelines specified by OMB.

3(e) Confidentiality

The respondent may claim specific chemical identities as trade secret in reports submitted under Section 312 and in the list of chemicals and material safety data sheets submitted under Section 311.

Such information must be submitted to EPA according to EPCRA sections 322 and 323 (40 CFR Part 350).

All trade secrecy claims submitted to EPA under EPCRA are handled and stored according to procedures set out in the *Manual for Physical Handling, Security, and Protection of Files containing Trade Secret Claims Submitted under Sections 303, 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), March 2010*. These procedures were developed for EPCRA trade secrecy claims with the knowledge that these documents are sensitive. Handling and review of documents containing EPCRA trade secret information is permitted only by persons who have obtained formal clearance to access the information based on a work-related need to engage in these activities. When not being processed or reviewed by authorized individuals, the claim submissions containing trade secret information are stored in restricted access areas. To ensure that appropriate handling procedures are activated and the confidentiality of EPCRA trade secret submissions is maintained, the Agency attaches a cover sheet to the top of each trade secret document and otherwise marks the document to clearly identify the document as “confidential”.

3(f) Sensitive Questions

The information gathering activities under this renewal ICR do not involve any sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents

Sections 311 and 312 are applicable to all facilities that are required to prepare or have available an MSDS for a hazardous chemical as required under OSHA and its implementing regulations.

Section 1910.1200 of the OSHA regulations provides exemptions from the definition of hazardous chemical.

In addition, Section 311(e) of EPCRA excludes the following substances:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
- Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;
- Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;
- Any substance to the extent it is used in a research laboratory, hospital, or other medical facility under the direct supervision of a technically qualified individual; and
- Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Also, reporting thresholds have been established under sections 311 and 312 (codified in 40 CFR part 370). A facility must report those hazardous chemicals that are present at the facility at any time at or above the following levels:

- For hazardous chemicals other than EHSs, the reporting threshold is 10,000 pounds.
- For EHSs, 500 pounds or the threshold planning quantity (TPQ), whichever is less.
- For gasoline, 75,000 gallons (all grades combined) and 100,000 gallons for diesel fuel (all grades combined), when stored entirely underground at retail gas stations that are in compliance with UST regulations.

4(b) Information Requested

4(b)(i) Data Items

Facilities having chemicals subject to section 311 are required to submit MSDSs for these chemicals. These MSDSs are the same as those required under OSHA regulations. A facility can also fulfill its section 311 reporting obligation by submitting a list of chemicals that are subject to the requirements, grouped by the following hazard types: fire, sudden release of pressure, reactivity, immediate health hazard, and acute health hazard.

On or before March 1 of each year, facilities having chemicals that need reporting must submit a Tier I Form. However, the statute requires that the Tier II Form must be submitted upon request by the SERC, LEPC or the fire department with jurisdiction over the facility. Currently all states require facilities to submit federal Tier II inventory form or the state developed inventory reporting form.

The Tier I Form includes the following information as required by the statute:

- An estimate in ranges of the maximum amount of hazardous chemicals in each hazardous category present at the facility at any time during the previous year;
- An estimate in ranges of the average daily amount of hazardous chemicals on-site in each hazard category present at the facility during the preceding calendar year; and
- The general location of hazardous chemicals in each category.

EPA has added the following information on the Tier I form in the final rule published on October 15, 1987 (52 FR 38344) and July 26, 1990 (55 FR 30632).

- NAICS code and Dun and Bradstreet number of the facility
- Emergency contact (added to give SERCs, LEPCs, and local fire departments a contact at the facility who could clarify information at any time, particularly in the event of an emergency); and

- Number of days on-site (added to produce a more accurate estimate of the average daily amount, particularly for those chemicals that are on-site for only a short period of time each year).

The Tier II Form includes the following information as required by statute:

- The chemical name or the common name of the chemical as provided on the material safety data sheet;
- An estimate (in ranges) of the maximum amount of the hazardous chemical present at the facility at any time during the preceding calendar year;
- An estimate (in ranges) of the average daily amount of hazardous chemical present at the facility during the preceding calendar year;
- A brief description of the manner of storage of the hazardous chemical; and
- The location of the hazardous chemical within the facility.

The following data elements were added to the Tier II form in the final rules published on October 15, 1987 and July 26, 1990.

- CAS number to identify more accurately each chemical that is reported;
- The physical state to help identify the type of hazard a chemical represents in an emergency;
- The physical and health hazards associated with the chemical;
- Primary NAICS code and Dun and Bradstreet number of the facility
- Two emergency contacts (added to give SERCs, LEPCs, and local fire departments a contact at the facility who could clarify information at any time, particularly in the event of an emergency); and
- Number of days on-site (added to produce a more accurate estimate of the average daily amount, particularly for those chemicals that are on-site for only a short period of time each year).

4(b)(ii) Respondent Activities

To determine if it is subject to section 311, a facility must look at inventory records for all of its chemicals that are required to have MSDSs. The facility would also have to review the EHS list to determine if any of its chemicals are subject to a lower reporting threshold.

If the facility determines that it has chemicals that must be reported, it must determine the address of the SERC, LEPC, and local fire department. Copies of the MSDSs for these chemicals may be

submitted, or if preferred, the facility may provide a list of the subject chemicals grouped by hazard type. To use the list option, the facility would have to read the MSDS to determine into which of the five hazard types the chemical falls and to identify it on the list.

The same chemicals that a facility would need to report under section 311 would need to be reported under section 312. To complete the Tier II form, the facility would need to monitor its inventory records for the chemical (to determine the inventory information), add the quantities together for chemicals having the same hazards, and determine the correct code for the total quantity.

A site map may be easier to show locations of hazardous chemicals, or the facility may choose to provide the general location.

As mentioned in the previous section of this document, all states now require facilities to submit the federal Tier II inventory form or the state developed inventory reporting format, including electronic submission.

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

5(a) Agency Activities

No information provided under sections 311 and 312 is sent to EPA. All of the information is collected and kept at the state and local agencies.

EPA developed an electronic reporting software, Tier2 Submit, for facilities to submit their hazardous chemical inventory form. Some states use Tier2 Submit and some states have created software using their own resources and require facilities to submit electronically. Eight to ten states request EPA to add state specific fields to the Tier2 Submit.

5(b) Collection Methodology and Management

EPA does not receive the data; therefore, EPA does not have any special data collection methodology and management. .

5(c) Small Entity Flexibility

The burden hours for small businesses are considered to be smaller than those for large facilities because of the reduced number of chemicals present at smaller facilities.

5(d) Collection Schedule

The frequency of collection for these sections of EPCRA is required by statute. The submittal of a list of chemicals or MSDSs under Section 311 is a one-time requirement, unless significant new information arises concerning a previously submitted MSDS, in which case, a facility should submit a revised MSDS. Facilities must submit updates to the list or MSDSs, within three months, when a new hazardous chemical comes on-site above the reporting threshold. The facilities subject to Section 312 is required to submit either Tier II (or state equivalent) on March 1 annually.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

EPA estimated the respondent burden hours and costs associated with all recordkeeping and reporting requirements of EPCRA sections 311 and 312. EPA estimates that there are 390,000 facilities that may be subject to the requirements covered by this ICR. EPA estimates that out of 390,000 facilities, there are 120,000 manufacturers and 270,000 non-manufacturers. There is an increase of 40,000 facilities from the previous ICR based on the number of facilities Tier II data contained on the E-Plan database.

E-Plan is the Nation's Largest Database of Chemical and Facility Hazards Data, containing the most comprehensive list available of facilities subject to the EPCRA requirements. It's operated by DHS & EPA. It contains hazardous chemical storage inventory information (Tier II) under section 312 of EPCRA and risk management plan (RMP) under section 112(r) of the Clean Air Act. The database is developed for first responders and other emergency preparedness personnel with on-site hazardous chemical information around the U.S. Some states require facilities to submit their hazardous chemical inventory information via E-Plan. As of November 2010, E-Plan contains Tier II data from 36 states. EPA used this data to estimate the total number of respondents that may be covered during this ICR period.

According to the Census data in 2006 and 2008, there is a decline in the number of manufacturing facilities. However, EPA estimates that during the period covered by this ICR, there will be a slight increase in the number of manufacturers and non-manufacturers since the Agency used the data from E-plan to estimate the number of facilities covered in this ICR period, which shows an increase from the previous ICR. As in the previous ICR, EPA assumes that there may be 420 (140 annually) new facilities covered by the requirements under sections 311 and 312 during the period of this ICR.

The initial reporting burdens such as reading and understanding regulations and section 311 submission(s) for currently covered facilities under EPCRA sections 311 and 312 are assumed to have occurred and are not included in this ICR. This ICR accounts for reporting updates under section 311, annual reporting and recordkeeping activities under section 312 that apply to all currently regulated facilities, as well as all initial reporting burdens for new facilities that are expected to become subject to the reporting requirements over the three-year ICR-approval period. The estimated burden to complete each reporting and recordkeeping activity is outlined below.

There are estimated to be 3,500 LEPCs and 52 SERCs. These numbers are assumed to remain the same during the period covered by this ICR.

The unit burden estimates associated with this collection for facilities is in Exhibit 1. For State and local agencies the unit burden estimate is in Exhibit 1.

Read and Understand Regulations

EPA estimates that 140 newly regulated facilities will need to read and understand the regulations (40 CFR Part 370). SERCs and LEPCs are assumed to have already completed the rule familiarization activities. EPA assumes that it takes an average of 11.0 hours per facility to read and understand regulations in 40 CFR Part 370.

Section 311: MSDS Reporting for Facilities (40 CFR 370.21)

EPA estimates that 140 newly regulated facilities will need to determine which chemicals exceed the threshold limits. Of this universe, EPA estimates that 30 percent (42 facilities) will submit MSDSs to LEPCs, SERCs, and local fire departments. Alternatively, facilities may submit a list of hazardous chemicals grouped by hazard category or a list of the chemical or common names of each hazardous chemical in lieu of submitting an MSDS. Based on these options, 70 percent (98 facilities) are expected to submit such lists.

Of those facilities submitting lists in lieu of MSDSs, all facilities (91 facilities) are expected to elect the option of submitting a list of hazardous chemicals grouped by hazard category. Facilities may comply with this option by simply copying their Tier II form.

In addition, EPA estimates that 19,500 facilities (five percent of the 390,000 facilities reporting under section 312) will need to submit a revised MSDS(s) and the same number of facilities (19,500 facilities) will need to submit a new MSDS(s) in accordance with 40 CFR 370.21(c)(1) and (2). This activity represents the incremental burden for a facility that has acquired a new chemical or has otherwise changed its inventory. Because little information is required from facilities after the initial submittal, EPA also estimates that only one percent of the total universe (3,900 facilities) may be specifically requested to submit an MSDS in accordance with 40 CFR 370.21(d). Unit burden for each activity under section 311 is in Exhibit 1.

Section 312: Inventory Reporting for Facilities (40 CFR 370.25)

The inventory reporting burden applies to new and currently covered facilities. Although EPA published two inventory forms, Tier I and Tier II, all the States accept only Tier II or form developed by States. Approximately 43 states accept inventory forms electronically, either Tier2 Submit or the state developed electronic reporting format. EPA is not aware of any States that will accept Tier I form. Therefore, EPA did not account any burden for complying with Tier I form. Tier II form or State developed forms are useful for developing emergency response plans since these forms contain detailed information than Tier I.

For this ICR, EPA assumes small facilities are those less than 100 employees, medium facilities are those that have up to 500 employees, and large facilities are those greater than 500 employees. These assumptions are used for both manufacturers and non-manufacturers. The majority of facilities in the non-manufacturing sector store few chemicals in amounts that exceed reporting thresholds in relation to the number stored at manufacturing facilities. The corresponding burden estimates for completing Tier II

inventory forms are lower for non-manufacturing facilities. Small manufacturers and non-manufacturers are assumed to take 1 to 8 hours annually to gather information and submit their inventory form. For this ICR, EPA applied the average of 6 hours for small manufacturers and 4 hours for small non-manufacturers. Facilities that EPA has contacted in prior years have informed us that when the regulations were promulgated in 1987, gathering information and completing the form took longer time. It is now easier since the information is usually same as previous year and also majority of facilities submit their inventory electronically. Medium size facilities are estimated to take 8 to 80 hours annually. These facilities are assumed to have up to 15 chemicals that may exceed reporting thresholds. For this ICR, EPA applied 80 hours for medium manufacturers. Large manufacturers that EPA contacted previously have informed us that it takes 8 hours to 120 hours to gather information and complete the form. These facilities may have up to 25 chemicals that may exceed reporting thresholds. For these facilities, EPA applied 120 hours for large manufacturers. EPA also contacted one small and one large non-manufacturer in prior years. They have informed the Agency that it takes 6 hours for small manufacturer and 40 hours for large non-manufacturer to complete and submit the form under section 312. EPA then used the average, 23 hours to apply for medium size non-manufacturers. Although EPA believes that most of the facilities burden may have reduced since most states require electronic reporting, EPA is using the same estimates from the previous ICRs.

Most of the States require facilities to submit using electronic reporting method that State created or the Tier2 Submit. Therefore, the burden incurred on these facilities is lower than those submitting in paper form. EPA believes that those facilities submitting electronically will have the Tier II or the State form stored which can be revised easily. Most of the information may be the same as previous year. Although the burden incurred may be lower for those submitting electronically, EPA applied the same unit burden for both electronic submitters and paper submitters.

Information Requests for SERCs and LEPCs (40 CFR 370.30)

Information request burdens in 40 CFR 370.61 are incurred by LEPCs and SERCs. These agencies are required to provide public access to the MSDSs and Tier I/II forms submitted by facilities. EPA estimates that the LEPCs or SERCs will be requested to provide MSDSs to the public for one percent of the total universe of facilities reporting Tier I or Tier II inventories annually (3,900 facilities). SERCs and LEPCs are also estimated to provide Tier II information on one percent of the same universe of facilities (3,900 facilities) as a result of requests from the public for such information.

Data Management for SERCs and LEPCs

SERCs and LEPCs receive annual inventory forms from facilities, which they must make available to the public on request. The level of effort needed to manage these forms varies depending on both the number of forms received and the ways the LEPC or SERC uses the data. Smaller LEPCs receive few forms each year; LEPCs in industrialized areas or that cover several counties and SERCs may receive a large number of forms. The degree to which the information is used depends on whether the LEPC or SERC has the resources to actively handle the data. Based on earlier discussions with LEPCs, EPA determined that small LEPCs spend on average five hours a year handling the forms; large LEPCs may spend as much as three months processing the forms. SERCs supported by fees are also likely to spend considerable time on the data. As in the previous ICR, EPA developed a weighted average of 32.5 hours a year, based on the assumption that 120 LEPCs and 27 SERCs would devote considerable effort organizing and checking the data. In addition, a limited number of SERCs and LEPCs have developed

databases and input the 312 data into their CAMEO software systems. Based on discussions with LEPCs that have databases, EPA estimates that this effort would require two months or 320 hours. The number of SERCs and LEPCs with databases is estimated to be 45, a third of the SERCs and large LEPCs. About 43 states have the capability to accept inventory forms electronically.

6(b) Estimating Respondent Costs

The annual costs to respondents were estimated by multiplying the respondent burden estimates for each labor category by the corresponding labor rate for that category. The unit costs for each respondent or activity are then multiplied by the number of respondents or activities performed on an annual basis to yield a total cost for each information collection activity in Section 6(d). These costs are shown in Exhibit 1.

EPA estimates an hourly respondent labor cost for manufacturing facility respondents of \$58.18 for managerial staff, \$58.18 for technical staff and \$27.87 for clerical staff including wages and benefits. Hourly respondent labor costs for non-manufacturing facility respondents are estimated at \$48.36 for managerial staff, \$48.36 for technical staff and \$21.35 for clerical staff including wages and benefits. (*Source: Bureau of Labor and Statistics December 2010*)

EPA estimates an hourly respondent labor cost (including overhead) for LEPCs and SERCs of \$48.93 for managerial staff, \$48.09 for technical staff and \$28.05 for clerical staff. (*Source: Bureau of Labor and Statistics December 2010*)

Capital and O&M Costs

Approximately 40 states require facilities to submit their inventory reports electronically. Therefore, EPA estimates that only the remaining states would be storing these reports in file cabinets. However, EPA assumes that some LEPs and fire departments do not have the capability to store these reports electronically, so these agencies would need to purchase file cabinets. Capital costs include the cost of space required to store information in filing cabinets. Given that the standard-size, five-drawer, lateral file cabinet is expected to hold approximately 36,000 pages of material, EPA estimates that the LEPCs and fire departments would need to purchase approximately 100 file cabinets within the time period of this ICR. (EPA assumed that MSDSs are four pages and inventory forms one page and that the SERC and LEPC or fire department (but not both) would maintain the records.) Facilities are assumed to need only 10 file cabinets to maintain copies of their annual inventory reports; the cost for storing MSDSs for facilities is covered by the OSHA's hazard communication standard (29 CFR 1910.1200). Using an estimated cost of \$600 per filing cabinet, the cost of purchasing the 100 filing cabinets is estimated to be \$60,000. Annualizing the costs over 15 years, a single file cabinet has annual cost of \$40.

State and local governments are assumed to incur capital costs in the form of filing cabinets for the storing new and revised MSDSs, lists of hazardous chemicals, and the annual inventory reports. State and local governments are expected to incur postage costs to provide MSDSs upon written request and to provide Tier II information upon written request. In addition, facilities were assumed to incur postage costs for mailing new and revised MSDSs, lists of hazardous chemicals, and the annual inventory reports. Postage is estimated to cost \$5 per certified package.

Although some facilities covered by these regulations are now submitting 312 reports electronically, EPA kept the estimates derived in the previous ICR for capital and O&M costs for SERCs, LEPCs and facilities.

Estimating Agency Burden and Cost

EPA estimates no annual Agency burden associated with this ICR. Only state and local government entities will incur burden and cost to manage information submitted by facilities.

EPA update the electronic reporting software, Tier2 Submit annually and accommodate state requests by including state required fields.

6(d) Estimating Total Annual Respondent Burden

Exhibit 4 presents the respondent burden for each information collection activity and for the sum of all information collection activities performed by each respondent type. Exhibit 2 and 3 present the hour and cost burden for SERCs and LEPCs for implementing the program. Exhibit 5 and 6 show the capital and O&M costs to facilities over the three-year information collection period. The total average annual respondent burden for facilities is 3,772,292 hours, for a total annualized cost of \$236,884,010. The total average annual respondent burden for state and local governments for the three-year period is 136,840 hours, for a total annualized cost of \$4,300,484. These burden estimates are summarized in Exhibits 5 and 6.

6(e) Bottom Line Burden Hours and Cost

The total burden to facility respondents over three years is 11,316,876 hours at a cost of \$710,652,030. The total burden to LEPC and SERC respondents over three years is 410,520 hours at a cost of \$12,901,453. Exhibits 5 and 6 present a summary of the bottom line burden and cost estimates for section 311 and 312 reporting for facilities and state and local governments, respectively.

6(f) Reasons for Change in Burden

The estimated average annual burden for facilities for reporting and recordkeeping activities under EPCRA sections 311 and 312 is 3,772,292 hours per year. There is an increase of 116,700 hours from the previous ICR for the facilities. Previous ICR estimated that there were 350,000 facilities subject to EPCRA sections 311 and 312. However, as explained in section 6(a) of this document, EPA estimates that there may be 390,000 facilities subject to the requirements based on data derived from E-plan database. Therefore, the increase in the hours is due to the increase in the number of respondents.

6(g) Burden Statement

The average burden for MSDS reporting (basic and additional reporting) is estimated at 6.75 hours for new facilities. Additional reporting, which is to submit revised and new MSDSs for currently covered and new facilities is 2 hours. The average burden for new and currently covered facilities to submit MSDS upon request is 1 hour. The average burden to comply with Tier II inventory reporting for small, medium and large manufacturers is 8, 80 and 120 hours, respectively. The average burden to comply with

Tier II inventory reporting for small, medium and large non-manufacturers is 6, 20, and 40 hours, respectively. There are no recordkeeping requirements for facilities under EPCRA sections 311 and 312 although it is assumed that they will maintain a copy of annual reports to use for future filings. The recordkeeping for MSDSs is mandated under OSHA rules.

The average burden for state and local governments to respond to requests for MSDSs or Tier II information under 40 CFR 370.30 is estimated to be one hour per request. The average burden for managing and maintaining the reports and MSDS files is estimated to be 32.50 hours. The average burden for maintaining and updating a 312 database is estimated to be 320 hours.

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's 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 public docket for this ICR under Docket ID number EPA-HQ-SFUND-2004-0006, which is available for online viewing at www.regulations.gov, or in person viewing at the Superfund 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) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0276. An electronic version of the public docket is available 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, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-SFUND-2004-0006 and OMB Control Number 2050-0072 in any correspondence.

Exhibit 1
Section 311 and 312 Reporting and Recordkeeping Requirements
Estimated Unit Burden and Cost

Facilities

Information Collection Activity	Annual Unit Hours				Total Hours	Annual Unit Cost
	Legal	Management	Technical	Clerical		
RULE FAMILIARIZATION						
Read and understand regulations	1.00	2.50	7.5	0.00	11.00	\$681.80
MSDS REPORTING						
Basic Reporting						
Determine which chemicals meet/exceed the thresholds (new facilities)	0.00	1.00	3.00	0.00	4.00	\$232.72
Submit MSDSs to SERC, LEPC, and fire department (new facilities)	0.00	0.25	1.00	0.50	1.75	\$86.65
Alternative Reporting						
Submit list of hazardous chemicals grouped by hazard category (new facilities)	0.00	0.00	1.00	0.25	1.25	\$65.15
Submit revised MSDSs (new and currently covered facilities)	0.00	0.25	0.50	0.25	1.00	\$50.59
Submit new MSDSs (new and currently covered facilities)	0.00	0.25	0.50	0.25	1.00	\$50.59
Additional Reporting						
Submit MSDS upon request (new and currently covered facilities)	0.00	0.25	0.50	0.25	1.00	\$50.59
INVENTORY REPORTING						
Basic Reporting						
Develop and submit Tier II (new and currently covered facilities)						
Manufacturers						
Small	1.00	1.00	6.00	0.00	8.00	\$507.26
Medium	2.00	4.00	74.00	0.00	80.00	\$4,738.04
Large	4.00	8.00	108.00	0.00	120.00	\$7,148.88
Non-manufacturers						
Small	1.00	1.00	4.00	0.00	6.00	\$390.90
Medium	2.00	2.00	16.00	0.00	20.00	\$1,247.24

Large	4.00	4.00	32.00	0.00	40.00	\$2,669.02
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Exhibit 2
Sections 311 and 312 Reporting and Recordkeeping Requirements
Estimated Unit Burden and Cost

State and Local Governments

	Annual Unit Hours				Total Hours	Annual Unit Cost
	Legal	Management	Technical	Clerical		
INFORMATION REQUESTS						
File and maintain annual inventory forms and data	0.00	0.00	5.0	27.5	32.50	\$1,011.82
Input data and maintain database of 312 data	0.00	0.00	40.0	280.00	320.00	\$9,777.60
Provide MSDSs upon written request	0.00	0.00	0.50	0.50	1.00	\$38.06
Provide Tier II information upon written request	0.00	0.00	0.50	0.50	1.00	\$38.06

Exhibit 3
Sections 311 and 312 Reporting and Recordkeeping Requirements
Estimated Annual Burden

State and Local Governments

	Number of Respondents	Annual Hours Burden				Total Hours Burden	Annual Cost
		Legal	Management	Technical	Clerical		
INFORMATION REQUESTS							
File and maintain annual inventory forms and data	3,552	0.00	0.00	17,760	97,680	115,440	\$3,594,002.40
Input data and maintain database of 312 data	45	0.00	0.00	1,800	12,600	14,400	\$439,992.00
Provide MSDS on written request	3,500	0.00	0.00	1,750	1,750	3,500	\$133,245.00
Provide Tier II information upon written request	3,500	0.00	0.00	1,750	1,750	3,500	\$133,245.00

Total						136,840	\$4,300,484.40
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Exhibit 4
Section 311 and 312 Reporting and Recordkeeping Requirements
Estimated Annual Burden and Cost

Facilities

	Number of Respondents	Legal	Management	Technical	Clerical	Total Hours Burden	Annual Cost
RULE FAMILIARIZATION							
Read and understand regulations	140	140	325	975	0.00	1,440	\$89,634.00
MSDS REPORTING							
Basic Reporting							
Determine which chemicals meet/exceed the thresholds (new facilities)	140	0.00	140	390	0.00	530	\$30,835.40
Submit MSDSs to SERC, LEPC, and fire department (new facilities)	39	0.00	9.75	39	19.50	68.25	\$3,379.74
Alternative Reporting							
Submit list of hazardous chemicals grouped by hazard category (new facilities)	91	0.00	0.00	91.00	22.75	113.75	\$5,928.42
Submit revised MSDSs (new and currently covered facilities)	19,500	0.00	4,875	9,750	4,875	19,500	\$986,748.75
Submit new MSDSs (new and currently covered facilities)	19,500	0.00	4,875	9,750	4,875	19,500	\$986,748.75
Additional Reporting							
Submit MSDS upon request (new and currently covered facilities)	3,900	0.00	975	1,950	975	3,900	\$197,349.75
Subtotal						40,652	\$2,300,624.81
INVENTORY REPORTING							
Basic Reporting							
Develop and submit Tier II (new and currently covered facilities)							
<i>Manufacturers</i>							
Small	107,400	107,400	107,400	644,400	0.00	859,200	\$54,479,724
Medium	9,000	18,000	36,000	666,000	0.00	720,000	\$42,642,360
Large	3,600	14,400	28,800	388,800	0.00	432,000	\$25,735,968
<i>Non-manufacturers</i>							
Small	265,140	265,140	265,140	1,060,560	0.00	1,590,840	\$103,643,230
Medium	3,240	6,480	6,480	51,840	0.00	64,800	\$4,041,057
Large	1,620	6,480	6,480	51,840	0.00	64,800	\$4,041,057

Subtotal						3,731,640	\$ 234,583,386
Total (Facilities)						3,772,292	\$ 236,884,010

**Exhibit 5
Summary of Total Burden and Cost Estimates**

Facilities

	Total Hours Burden (Hours)	Total Cost		
		Labor	Capital	O&M
Annual	3,772,292	\$236,884,010	\$900	\$6,330,300
Three-Year	11,316,876	\$710,652,030	\$2,700	\$18,990,900

**Exhibit 6
Summary of Total Burden and Cost Estimates**

SERCs and LEPCs

	Total Hours Burden (Hours)	Total Cost		
		Labor	Capital	O&M
Annual	136,840	\$4,300,484	\$2,700	\$56,000
Three-Year	410,520	\$12,901,453	\$8,100	\$168,000