

**2013 SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**The National Oil and Hazardous Substances Pollution Contingency Plan Regulation,
Subpart J (40 CFR 300.900)**

1. Identification of the Information Collection

1(a) Title and Number of the Information Collection

National Oil and Hazardous Substances Pollution Contingency Plans (Renewal)
ICR # 1664.09, OMB # 2050-0141

1(b) Short Characterization/Abstract

This Information Collection Request (ICR) renewal supports activities to implement the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), Subpart J (40 CFR 300.900, “Use of Dispersants and Other Chemicals”).

The use of bioremediation agents, dispersants, surface washing agents, surface collecting agents and miscellaneous agents in response to oil spills in U.S. waters or adjoining shorelines is governed by Subpart J of the NCP regulation (40 CFR 300.900). Subpart J requirements include criteria for listing oil spill mitigating agents on the NCP Product Schedule, hereafter referred to as the Schedule. EPA’s regulation, which is codified at 40 CFR 300.00, requires that EPA prepare a schedule of “dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP.” The Schedule is required by section 311(d)(2)(G) of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990. The Schedule is used by federal On-Scene Coordinators (OSCs), Regional Response Teams (RRTs), and Area Planners to identify spill mitigating agents in preparation and response to oil spills.

Under Subpart J, respondents who want to add a product to the Schedule must submit technical product data to the U.S. Environmental Protection Agency (EPA or Agency) as stipulated in 40 CFR 300.915. Specifically, Subpart J requires the manufacturer to conduct specific toxicity and effectiveness tests and submit the corresponding technical product data along with other detailed information to the EPA Oil Program Center in the Office of Emergency Management, Office of Solid Waste and Emergency Response. For example, a dispersant must exceed the 50-percent (± 5 percent) threshold in order to be listed on the Schedule. EPA places oil spill mitigating agents on the Schedule if all the required data are submitted and the product satisfies all requirements and meets or exceeds testing thresholds. The Product Schedule is available to federal OSCs, RRTs, and Area Committees for determining the most appropriate products to use in various spill scenarios.

Products currently listed on the Product Schedule are divided into five basic categories: dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents. There are 112 products currently listed on the Schedule (as of March 2013). It is estimated that 11 products per year will be submitted to EPA for listing on the Schedule. Over the three-year period covered by this ICR, an estimated 33 products may

be listed. Additionally, EPA estimates that approximately 10 manufacturers will submit information to obtain sorbent certifications. The annual public reporting burden will be 315 hours. The total annual cost (including labor and non-labor) to manufacturers under Subpart J is estimated to be \$88,743.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

Section 311(d)(2)(G) of the CWA, requires a product schedule, identifying “dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out” the NCP. The authority of the President to implement the CWA is currently delegated to EPA by Executive Order 12777 (56 FR 54757, October 18, 1991). The use of dispersants, other chemical agents, and biological additives to respond to oil spills in U.S. waters is governed by Subpart J of the NCP (40 CFR 300.900).

The Schedule is available for use by OSCs, RRTs, and Area Committees in determining the most appropriate products to use or prohibit in various spill scenarios. Under 40 CFR 300.910(a), RRTs and Area Committees are required to address the desirability of using the products on the Schedule in their Regional Contingency Plans (RCPs) and Area Contingency Plans (ACPs), respectively. The required information is needed from the respondent so that the OSCs, RRTs, and Area Committees can make informed decisions to safely employ chemical/biological countermeasures to control oil discharges. Correct product use is critical in emergency situations. Subpart J ensures that OSCs, RRTs, and Area Committees have necessary data regarding the toxicity, effectiveness, and other characteristics of different products.

To place a product on the Schedule, Subpart J requires that the manufacturer conduct specific toxicity and effectiveness tests and submit the corresponding technical product data and other required information to the EPA Product Schedule Manager. EPA has established an effectiveness threshold for listing dispersants (40 CFR 300.920(a) (2)). Only those dispersants that meet or exceed the established threshold will be listed on the Schedule.

At 40 CFR 300.915(d), EPA requires respondents to test bioremediation agents for effectiveness, using the testing protocol contained in Appendix C to part 300. The Bioremediation Agent Effectiveness Test is used to compare the effectiveness of different bioremediation agents. The objective of the effectiveness testing protocol is to provide empirical laboratory evidence that evaluates a bioremediation agent’s ability to enhance biodegradation as compared to the natural population.

2(b) Practical Utility/Users of the Data

EPA places eligible oil spill mitigating agents on the Schedule if all the required data are submitted. The Schedule is available for use by OSCs, RRTs, and Area Committees in determining the most appropriate products to use in various spill scenarios. Under 40 CFR 300.910(a), RRTs and Area Committees are required to address the desirability of using the products on the Schedule in their RCPs and ACPs, respectively. The required information is needed from the respondent so that the OSCs, RRTs, and Area Committees can make informed

decisions to safely employ chemical/biological countermeasures to control oil discharges. Correct product use is critical in emergency situations. Subpart J ensures that OSCs, RRTs, and Area Committees have the necessary data regarding the toxicity, effectiveness, and other characteristics of different products.

3. Nonduplication, Consultations, And Other Collection Criteria

3(a) Nonduplication

Manufacturers do not report this information to any other federal agency, and this is the only list of its kind on a national level, therefore, there is no duplication.

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 April 15, 2013 (78 FR 22256).

EPA received two comments from the public. One was not supportive of the use of dispersants as an oil spill response method. One was very supportive of EPA's efforts to revise the current NCP Subpart J regulations. No comments pertained to the specifics of this ICR.

3(c) Consultations

In developing this NCP Subpart J renewal ICR, EPA consulted with other federal agencies; federal OSCs; NCP Product Schedule experts; state agencies; technical experts, both international and domestic; and various commercial laboratories and product manufacturers. A few laboratories responded to requests for feedback. In addition, five manufacturers provided input on EPA's assumptions. A surface washing agent manufacturer, Superall Products LLP, gave burden estimates that are similar to those in the ICR, so no changes to the supporting statement were deemed necessary. A bioremediation agent manufacturer (WMI International, Inc., 713-956-4001) confirmed that the effectiveness test costs \$15,000, which reflects EPA's current assumption.

Results of Calls to Labs

Company	Phone Number	Comments	Results
Coastal Bioanalysts, Inc.	804-694-8285	This lab only conducts toxicity testing. The lab agreed that the toxicity test cost was reasonable	\$3,500.
Bonner Analytical Testing Company	601-264-2854	All testing except toxicity	Bioremediation efficacy \$12-19,000 SFT \$2,500
Pacific EcoRisk	707-207-7760	Lab has more certifications than most so they charge more	LC50 \$4,200 All physical properties such as flash point \$1,200

Results of Calls to Manufacturers

Company	Phone Number	Comments	Results
Dispersants			
AGS Solutions Inc.	713-645-4933	About 40 hours to list dispersant	Tox \$3500 SFT \$2,500
Surface Washing Agents			
Superall Products LLP	281-351-4800	The appropriate individual will assess the reasonableness of the burden hours.	The manufacturer gave burden hours similar to our estimates.
MAG7 Venture Group	855- 255-6247		Tox \$2,200 Analytical \$945 for 2 products
Bioremediation			
WMI International Inc.	713-956-4001	Confirmed that an effectiveness test costs is in line with EPA estimates. No response on burden hours.	\$15,000 for efficacy
Teamwork Distributing	780-968-5367	This is during BP so EPA considers this an anomaly.	\$28,000 for efficacy. 30 hours of burden.

3(d) Effects of Less Frequent Collection

Respondents must submit information only when they apply to list a new product on the Schedule, or when the composition, formulation, application, or contact information of a product currently listed on the Schedule is changed. Because collection is not periodic, less frequent collection is not possible.

3(e) General Guidelines

The information collection activities discussed in this renewal ICR comply with all regulatory guidelines under 5 CFR 1320.5(d)(2).

3(f) Confidentiality

At 40 CFR 300.920(c), respondents are allowed to assert that certain information in the technical product data submissions is confidential business information. EPA will handle such claims pursuant to the provisions in 40 CFR Part 2, Subpart B. Such information must be submitted separately from non-confidential information, clearly identified, and clearly marked "Confidential Business Information." If the applicant fails to make such a claim at the time of submittal, EPA may make the information available to the public without further notice.

3(g) Sensitive Questions

The information collection activities discussed in this document do not involve any sensitive questions.

4. The Respondents and the Information Requested**4(a) Respondents/SIC and NAICS Codes**

Respondents include, but are not limited to, manufacturers of bioremediation agents, dispersants, surface collecting agents, surface washing agents and other chemical agents and biological additives used as countermeasures against oil spills. Affected private industries can be expected to fall within the following industrial classifications:

- Manufacturers of industrial inorganic chemicals (SIC 281/NAICS 325188),
- Manufacturers of industrial organic chemicals (SIC 286/NAICS 325199), and
- Manufacturers of miscellaneous chemical products (SIC 289/NAICS 325988).

4(b) Information Requested**(i) Data Items**

Under Subpart J, manufacturers who wish to list a product on the Schedule must report the following data items listed in Exhibit 1. No specific recordkeeping activities are required.

EXHIBIT 1
Data Items Required Under NCP Subpart J

RESPONSE FORM ITEMS	RESPONDENT ACTIVITY	BURDEN HOURS	OIL SPILL MITIGATING AGENT				
			BA	D	MA	SCA	SWA
Name, brand, or trademark, if any, under which the product is sold	Simple Information	0 to 0.5	X	X	X	X	X
Name, address, and telephone number of the manufacturer, importer or vendor			X	X	X	X	X
Name, address and telephone number of primary distributors or sales outlets			X	X	X	X	X
Special handling information and worker precautions for storage and field application, including maximum and minimum storage temperatures	Short Answer	0.5 to 1	X	X	X	X	X
Shelf life information	Simple Information	0 to 0.5	X	X	X	X	X
Recommended application procedures, concentrations, and conditions for use	Short Answer	0.5 to 1	X	X	X	X	X
Results of the effectiveness test set forth in Appendix C of the NCP	Narrative Answer	2.0 to 5.0	X	X			
Result of the toxicity test set forth in Appendix C of the NCP	Narrative Answer	2.0 to 5.0		X	X	X	X
Physical properties covered by the American Society for Testing and Materials (ASTM) reference standards	Short Answer	0.5 to 1		X	X	X	X
Test results for distinguishing surface collecting agents from other chemical agents	Short Answer	0.5 to 1				X	
List of product components	Narrative Answer	2.0 to 5.0		X	X	X	X
The concentrations or upper limits of any heavy metals, cyanide, and chlorinated hydrocarbons	Short Answer	0.5 to 1		X	X	X	X
Information on microbiological cultures, enzyme additives, and nutrient additives	Narrative Answer	2.0 to 5.0	X		X		
Identity of laboratory performing tests, the qualifications of the laboratory staff, and laboratory experience with similar tests	Narrative Answer	2.0 to 5.0	X	X	X	X	X

KEY: BA = Bioremediation Agent, D = Dispersant, MA = Miscellaneous Agent, SCA= Surface Collecting Agent, and SWA = Surface Washing Agent

(ii) Respondent Activities

Except for effectiveness and toxicity testing, the data items discussed in section 4(b)(i) should already be available to respondents through customary business practices (i.e., normal research and development activities). Effectiveness and toxicity tests, where applicable, require respondents to send products to a laboratory for testing.

Processing, compiling, and reviewing the information required under Subpart J requires the following respondent activities:

- Inserting simple information;
- Drafting short answers;
- Drafting narrative answers and preparing backup documentation;
- Secretarial/clerical and technical support; and
- Managerial review.

Under Subpart J, the respondent must also notify EPA of any changes in the composition, formulation, or application of the dispersant, surface washing agent, surface collecting agent, bioremediation agent, or miscellaneous oil spill control agent. If the change is likely to alter the effectiveness or toxicity of the product, EPA may require retesting. If EPA decides that retesting is necessary, the respondent must have the product tested in a laboratory and send a summary of the results along with the qualifications of the laboratory staff to EPA.

5. Information Collected -- Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

Under Subpart J, EPA will perform activities when a manufacturer applies to have a product listed on the Schedule. Once a manufacturer submits the technical product data required by Subpart J, EPA must perform the following activities:

- Receive and process the data;
- Review the data for completeness and procedural accuracy;
- Notify the respondent of the decision on listing the product on the Schedule; and
- If approved, place the product on the Schedule, store the data, and supply the data upon request.

EPA's decision to place a product on the Schedule is based on the completeness of the information presented. EPA will not evaluate a submitted product beyond the revised effectiveness threshold for the dispersants.

5(b) Collection Methodology and Management

Respondents submit the required data to EPA in hard copy. If the data are accepted by EPA, they are entered electronically on the Schedule. The data are then made available to OSCs through five media: (1) hard copy; (2) an Internet Web page; (3) electronic mail; (4) NOAA

Response LINK; and (5) File Transfer Protocol. The five options ensure that OSCs can obtain the information as efficiently as possible and that the information is useful in practice.

5(c) Small Entity Flexibility

Under Subpart J, small entities must follow the same collection procedures as other respondents. OSCs need the required information to choose products with which they can safely and effectively control oil discharges. The establishment of an acceptability criterion for dispersant effectiveness and the requirement for effectiveness testing for bioremediation agents are not anticipated to result in a significant adverse impact on a substantial number of small businesses.

5(d) Collection Schedule

EPA requires information to be collected whenever a manufacturer wants a product listed on the Schedule, or when a product already on the Schedule changes in composition, formulation, application, or other product information changes.

6. Estimating the Burden and Cost of the Collection

6(a) Respondent Burden

This section presents the three-year total burden as well as annual burden for respondents for information collection activities under Subpart J. Respondents include manufacturers expected to submit products for listing on the Schedule over the three-year period addressed by this renewal ICR.

There are 96 manufacturers and 112 products (26 bioremediation agents, 18 dispersants, 14 miscellaneous agents, and 53 surface washing agents, 2 surface collecting agents) listed on the March, 2013 Schedule.¹ EPA estimates that manufacturers will apply to list 11 products on the Schedule each year, including 2 bioremediation agents, 3 dispersants, 2 miscellaneous agents, 1 surface collecting agent, and 3 surface washing agents. Over a three-year period, EPA anticipates that manufacturers will apply to list a total of 6 bioremediation agents, 9 dispersants, 6 miscellaneous agents, 3 surface collecting agent, and 9 surface washing agents on the Schedule.

EPA expects that approximately one-third of the 11 annual product submissions (3-4 products) will be approved by EPA and listed annually on the Schedule. A respondent's burden for preparing a product for listing on the Schedule is the same whether or not EPA lists the product. Therefore, burden is determined for all manufacturers applying to list a product on the Schedule, rather than just for those that receive approval from EPA.

Exhibit 1 provides estimates of the burden (hours) required to respond to each data item covered by this ICR. EPA estimates that manufacturers applying to list a new product on the

¹ 112 products were listed on the March 2013 U.S. Environmental Protection Agency National Contingency Plan Product Schedule, prepared by U.S. EPA Office of Emergency Management Regulation and Policy Division, 1200 Pennsylvania Avenue, NW (5104A), Washington, DC 20460. <http://www.epa.gov/oem/content/ncp>.

Schedule would require approximately 7 to 25 hours of technical labor. The technical labor estimate includes the time needed to complete each individual response item required by Subpart J, as well as the time to review instructions, search existing data sources, prepare backup documentation, and maintain/record the data. The time required depends on the type of information requested for a given product. Managerial labor burden for preparing and submitting the required technical product data is estimated to be approximately one-fifth of the total technical hours per product type. Clerical labor burden for preparing and submitting the required technical product data is estimated to be 5 to 10 hours per product. Exhibit 2 summarizes the estimated burden to respondents for each type of oil spill mitigation agent.

Sorbents are not listed on the Schedule. However, when determining whether to use a sorbent, OSCs may request that sorbent manufacturers submit a written certification² that their product meets the definition in Subpart J. The estimated unit burden for sorbent certification is 3 hours (0.25 managerial, 2.0 technical, and 0.75 clerical). Because sorbents are not listed on the Schedule, the small burden of sorbent certification is not shown in Exhibit 2.

EXHIBIT 2
Respondent Burden to Prepare and Submit Information to EPA
Under NCP Subpart J

UNIT BURDEN (hours)	OIL SPILL MITIGATING AGENT				
	Bioremediation Agents	Dispersants	Miscellaneous Agents	Surface Collecting Agents	Surface Washing Agents
Managerial Review	1.4 to 3.6	2.0 to 5.0	2.0 to 5.0	1.7 to 4.2	1.6 to 4.0
Technical Support	7.0 to 18.0	10.0 to 25.0	10.0 to 25.0	8.5 to 21.0	8.0 to 20.0
Clerical Support	5 to 10	5 to 10	5 to 10	5 to 10	5 to 10
Total Unit Burden	13.4 to 31.6	17.0 to 40.0	17.0 to 40.0	15.2 to 35.2	14.6 to 34.0

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

EPA derived the labor wages from the U.S. Department of Labor's Employment Cost Indexes and Levels.³ The wage rates, based on September 2012 dollars, include wages and salaries; benefit costs, including paid leave, supplemental pay, insurance, retirement and savings, and legally required benefits; and overhead costs.⁴ These wage rates reflect private industry

² The following model certification statement suffices: “[SORBENT NAME] is a sorbent material and consists solely of the materials listed in § 300.917(b)(2) of the NCP.”

³ United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, Employment Cost Trends, Table 11 -- Private industry workers, by occupational group and full-time and part-time status, September 2012. (Last Modified December 11, 2012).

⁴ Overhead costs were computed separately from BLS data and were assumed to be an additional 17 percent of the total wage rate, which is composed of direct wages and salaries and employee benefits, as reported by BLS. Adjustments to wage rates for overhead costs are based on the results of several earlier Information Collection Requests that adjusted wage rates by an additional 17 percent based on the results of a survey of chemical industries and trade

averages, which were estimated by the Bureau of Labor Statistics based on a survey of 49,000 occupations within 11,000 establishments in the private sector. Following are the estimated hourly wage rates used in this analysis:

Management --	\$69.37
Technical --	\$58.57
Clerical --	\$29.86

(ii) Operating and Maintenance (O&M) Costs for Product Manufacturers

Laboratory costs are incurred when a respondent must test its product for effectiveness and/or toxicity according to the methods outlined in Appendix C of the NCP regulations. Although previous ICRs for the NCP Subpart J regulation have shown laboratory-testing costs as capital or start-up costs, EPA believes these costs are more appropriately characterized as operating and maintenance (O&M) costs. Manufacturers are purchasing services (laboratory testing), rather than physical capital (e.g. computers, machinery, or equipment). Therefore, testing costs are now included as O&M.

In order to provide the necessary test result information to EPA, respondents typically have their product tested at a laboratory.

- The dispersant effectiveness test will cost an estimated \$2,625 for each product using the swirling flask method. A dispersant must exceed the 50-percent (± 5 percent) threshold in order to be listed on the Schedule.
- The protocol for effectiveness testing of bioremediation agents under Subpart J is estimated to cost \$15,750.
- EPA estimates that the toxicity test required for dispersants, miscellaneous agents, surface collecting agents, and surface washing agents costs \$3,675 per product.

Respondents are not expected to incur capital/start-up costs for this renewal ICR. The unit costs for each respondent to comply with the information collection requirements are presented in Exhibit 3. The unit cost is the sum of the labor cost and the non-labor O&M laboratory cost. The total unit costs are presented as ranges, reflecting the ranges of burden hour estimates.

associations. (See, for example, Information Collection Request for the Toxic Chemical Release Report for the Proposed Lead Rule, EPA ICR #1363.08.) EPA has previously contacted several different petroleum trade associations and industries, but has been unable to improve upon this estimate.

EXHIBIT 3
Respondent Unit Costs for Activities Required Under NCP Subpart J^a

Information Collection Activity	Burden Hours						Total Burden Hours	Capital/Startup Costs	O&M Costs	Total Unit Cost				
	Management		Technical		Clerical					Low				
	(\$69.37/hr)		(\$58.57/hr)		(\$29.86/hr)					High				
	Low	High	Low	High	Low	High	Low			Low	High			
Manufacturers of Bioremediation Agents														
Prepare and Submit Response Form Items	1.4	3.6	7	18	5	10	13.4	31.6	\$0	\$0.00	\$656.40			
Conduct Effectiveness Testing	0	0	0	0	0	0	0	0	\$0	\$15,750.00	\$15,750.00			
<i>Subtotal - Manufacturers of Bioremediation Agents</i>	<i>1.4</i>	<i>3.6</i>	<i>7</i>	<i>18</i>	<i>5</i>	<i>10</i>	<i>13.4</i>	<i>31.6</i>	<i>\$0</i>	<i>\$15,750.00</i>	<i>\$16,406.40</i>			
Manufacturers of Dispersants														
Prepare and Submit Response Form Items	2	5	10	25	5	10	17	40	\$0	\$0.00	\$873.73			
Conduct Effectiveness Testing	0	0	0	0	0	0	0	0	\$0	\$2,625.00	\$2,625.00			
Conduct Toxicity Testing	0	0	0	0	0	0	0	0	\$0	\$3,675.00	\$3,675.00			
<i>Subtotal - Manufacturers of Dispersants</i>	<i>2</i>	<i>5</i>	<i>10</i>	<i>25</i>	<i>5</i>	<i>10</i>	<i>17</i>	<i>40</i>	<i>\$0</i>	<i>\$6,300.00</i>	<i>\$7,173.73</i>			
Manufacturers of Miscellaneous Agents														
Prepare and Submit Response Form Items	2	5	10	25	5	10	17	40	\$0	\$0.00	\$873.73			
Conduct Toxicity Testing	0	0	0	0	0	0	0	0	\$0	\$3,675.00	\$3,675.00			
<i>Subtotal - Manufacturers of Miscellaneous Agents</i>	<i>2</i>	<i>5</i>	<i>10</i>	<i>25</i>	<i>5</i>	<i>10</i>	<i>17</i>	<i>40</i>	<i>\$0</i>	<i>\$3,675.00</i>	<i>\$4,548.73</i>			
Manufacturers of Surface Collecting Agents														
Prepare and Submit Response Form Items	1.7	4.2	8.5	21	5	10	15.2	35.2	\$0	\$0.00	\$765.07			
Conduct Toxicity Testing	0	0	0	0	0	0	0	0	\$0	\$3,675.00	\$3,675.00			
<i>Subtotal - Manufacturers of Surface Collecting Agents</i>	<i>1.7</i>	<i>4.2</i>	<i>8.5</i>	<i>21</i>	<i>5</i>	<i>10</i>	<i>15.2</i>	<i>35.2</i>	<i>\$0</i>	<i>\$3,675.00</i>	<i>\$4,440.07</i>			
Manufacturers of Surface Washing Agents														
Prepare and Submit Response Form Items	1.6	4	8	20	5	10	14.6	34	\$0	\$0.00	\$728.84			
Conduct Toxicity Testing	0	0	0	0	0	0	0	0	\$0	\$3,675.00	\$3,675.00			
<i>Subtotal - Manufacturers of Surface Washing Agents</i>	<i>1.6</i>	<i>4</i>	<i>8</i>	<i>20</i>	<i>5</i>	<i>10</i>	<i>14.6</i>	<i>34</i>	<i>\$0</i>	<i>\$3,675.00</i>	<i>\$4,403.84</i>			

^aThe unit cost for sorbent certification is estimated to be \$156.88 per sorbent. The average annual cost is estimated to be \$1,568 (\$156.88 x 10 sorbent certifications per year.

^bExhibit 1 provides a detailed list of burden hours for each response form item included in the analysis.

6(c) Estimating Agency Burden and Costs

This section presents the estimated unit burden and unit cost to EPA for maintaining the Schedule. Burden estimates are based on EPA's experience with placing products on the Schedule under Subpart J. Exhibit 4 shows the labor burdens to EPA for each activity under Subpart J. The agency activities were discussed previously in section 5(a). EPA's burden is 20 hours per listing.

EXHIBIT 4

Estimated Unit Burden and Cost to EPA to Implement NCP Subpart J

INFORMATION COLLECTION ACTIVITY	Burden Hours (\$50.39) ^{1,2}	Cost Per Product
Process submitted data	7	\$353
Review data for approval	6	\$302
Notify respondent of decision	4	\$202
Store data	3	\$151
UNIT BURDEN	20	\$1,008

¹Based on the 2012 general pay schedule for the federal government, EPA estimates an average hourly wage rate of \$50.39 for management and technical staff to maintain the Product Schedule.

²EPA assumes burden hours for each information collection activity will be the same for each oil spill mitigation agent type.

Based on the 2012 general pay schedule for the federal government, EPA estimates an average hourly wage rate of \$50.39 for management and technical staff to maintain the Product Schedule.⁵ To derive hourly estimates, the average step 1 to step 10 annual compensation mid-point for a GS-13 (\$76,995) managerial staff and a GS-11 technical staff (\$54,021) was divided by 2,080 (the number of hours in the Federal work-year) and multiplied by the standard government overhead factor (1.6). The adjusted wage rate is multiplied by the hours in Exhibit 4 to obtain EPA labor burden cost. The cost of labor per application is therefore \$1,008.⁶

For dispersants under Subpart J, § 300.920(a)(2) gives EPA the right to verify test results and consider the results of EPA's verification testing in determining whether the dispersant meets the listing criteria. For the purpose of this analysis, EPA estimates all submitted dispersant applications will undergo verification tests at a cost of \$1,365 per test. EPA's intent, as stated in Subpart J, is to verify all dispersants test through EPA's Office of Research and Development. Thus, on average EPA estimates that verification testing will cost approximately \$1,200 per dispersant submission. This results in a total unit cost of \$2,208 per dispersant per application. There are no costs in addition to labor for other types of products under Subpart J.

⁵ U.S. Office of Personnel Management. 2006 General Schedule: Effective January 2007. (<http://www.opm.gov/oca/03tables/html/gs.asp>)

⁶The cost is calculated by multiplying 20 burden hours by the average hourly wage rate of \$50.39.

The annual costs to EPA under Subpart J are presented in Exhibit 5. As mentioned previously, it is estimated that, under Subpart J, applications will be received for 2 bioremediation agents, 3 dispersants, 2 miscellaneous agents, and 3 surface washing agents per year over the course of the three-year renewal ICR period.

EXHIBIT 5
Estimated Annual Burden and Cost to EPA to Implement NCP Subpart J

Oil Spill Mitigation Agent	Burden Hours	Cost Per Product	Number of Products Per Year	Total Annual Burden Hours	Total Annual Cost
Bioremediation Agents	20	\$1,008	2	40	\$2,016
Dispersants ¹	20	\$2,208	3	60	\$6,624
Miscellaneous Agents	20	\$1,008	2	40	\$2,016
Surface Collecting Agents	20	\$1,008	1	20	\$1,008
Surface Washing Agents	20	\$1,008	3	60	\$3024
Total			11	220	\$14,688

¹EPA estimates all submitted dispersant applications will undergo verification tests at a cost of \$1,200 per test. This cost is added to the cost associated with information collection activities listed in Exhibit 4 (\$1,008).

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

Estimated Total Annual Burden and Costs for All Respondents

The section presents the average annual burden and costs for all respondents. The number of responses expected annually over the three-year renewal ICR period has been estimated based on the average rate of applications for listing on the Schedule over the last three years. It is estimated that manufacturers will apply to list 2 bioremediation agents, 3 dispersants, 2 miscellaneous oil spill control agents, 1 surface collecting agent, and 3 surface washing agents each year of the renewal ICR period; consequently EPA estimates that manufacturers will apply to list an average of 11 total product listings will occur each year of the ICR period.

The average annual burden is arrived at by multiplying the average unit burden (the midpoint of the range) by the estimated frequency of responses per year for each oil spill mitigating agent type, as shown in Exhibit 6.

Based on the average annual burdens shown in Exhibit 6, the total average annual burden under Subpart J will be approximately 285 hours for all 11 respondents. However, it is also expected that 10 sorbent manufacturers per year will have to certify the composition of their product at an annual burden of 30 hours. Therefore the total annual burden to manufacturers under Subpart J will be approximately 315 hours.

As shown in Exhibit 6, the total annual cost under Subpart J will be \$87,174 for all 11 respondents. However, it is also expected that 10 sorbent manufacturers per year will have to certify the composition of their product, at an annual cost of \$1,568 (10 products x \$156.88 per product). Therefore the total annual cost to manufacturers under Subpart J will be \$88,743.

Estimated Total Annual Burden and Cost to EPA

The annual burden and costs to EPA under Subpart J are presented at the bottom of the tables in Exhibits 4 and 5, respectively. The annual agency burden is determined by multiplying the unit agency burden by the expected frequency of applications. For example, it is estimated that the average request to list a dispersant would require 20 hours of EPA staff time under Subpart J (as shown in Exhibit 4). It is also estimated that EPA would process 4 applications for dispersants each year, as mentioned above. Therefore, the annual burden to EPA for dispersants under Subpart J would be approximately 60 hours (20 hours/application x 3 applications). The total annual burden to EPA under Subpart J will be approximately 220 hours (20 hours/application x 11 applications). The number of future responses has been estimated based on the average rate of applications for listing on the Schedule over the last three years.⁶ As mentioned previously, it is estimated that applications will be received for 2 bioremediation agents, 3 dispersants, 2 miscellaneous oil spill control agents, 1 surface collecting agent, and 3 surface washing agents each year of the renewal ICR period.

The annual cost to EPA, as shown in Exhibit 5, is determined by multiplying the unit cost by the frequency of response. For example, it is estimated that the annual cost for listing dispersants will be \$6624 (\$2,208 per application x 3 dispersants per year). The total annual cost to EPA under Subpart J will be \$14,668.

⁶ There was an abnormal amount of applications and product listings during the Deepwater Horizon(BP) oil spill 2010-2012. This does not reflect a normal 3 year ICR period.

EXHIBIT 6
Estimated Total Average Annual Burden and Costs for All Respondents

Information Collection Activity	Per Product Costs							Number of Products Annually	Total Average Annual Burden Hours	Total Average Labor Costs	Total O&M Costs	Total Average Annual Costs					
	Average Burden Hours			Total Average Burden Hours	Total Average Labor Cost	Capital/Startup Costs	O&M Costs										
	Management	Technical	Clerical														
	(\$69.37/hr)	(\$58.57/hr)	(\$29.86/hr)														
Manufacturers of Bioremediation Agents																	
Prepare and Submit Response Form Items	2.5	12.5	7.5	22.5	\$1,129.49	\$0	\$0	\$1,129.49	2	45.0	\$2,258.98	\$0					
Conduct Effectiveness Testing	0	0	0	0	\$0	\$0	\$15,750	\$15,750.00	2	0.0	\$0.00	\$31,500					
<i>Subtotal - Manufacturers of Bioremediation Agents</i>	<i>2.5</i>	<i>12.5</i>	<i>7.5</i>	<i>22.5</i>	<i>\$1,129.49</i>	<i>\$0</i>	<i>\$15,750</i>	<i>\$16,879.49</i>	<i>2</i>	<i>45.0</i>	<i>\$2,258.98</i>	<i>\$31,500</i>					
Manufacturers of Dispersants																	
Prepare and Submit Response Form Items	3.5	17.5	7.5	28.5	\$1,491.71	\$0	\$0	\$1,491.71	3	85.50	\$4,475.13	\$0					
Conduct Effectiveness Testing	0	0	0	0	\$0	\$0	\$2,625	\$2,625.00	3	0.00	\$0.00	\$7,875					
Conduct Toxicity Testing	0	0	0	0	\$0	\$0	\$3,675	\$3,675.00	3	0.00	\$0.00	\$11,025					
<i>Subtotal - Manufacturers of Dispersants</i>	<i>3.5</i>	<i>17.5</i>	<i>7.5</i>	<i>28.5</i>	<i>\$1,491.71</i>	<i>\$0</i>	<i>\$6,300</i>	<i>\$7,791.71</i>	<i>3</i>	<i>85.50</i>	<i>\$4,475.13</i>	<i>\$18,900</i>					
Manufacturers of Miscellaneous Agents																	
Prepare and Submit Response Form Items	3.5	17.5	7.5	28.5	\$1,491.71	\$0	\$0	\$1,491.71	2	57.00	\$2,983.42	\$0					
Conduct Toxicity Testing	0	0	0	0	\$0	\$0	\$3,675	\$3,675.00	2	0.00	\$0.00	\$7,350					
<i>Subtotal - Manufacturers of Miscellaneous Agents</i>	<i>3.5</i>	<i>17.5</i>	<i>7.5</i>	<i>28.5</i>	<i>\$1,491.71</i>	<i>\$0</i>	<i>\$3,675</i>	<i>\$5,166.71</i>	<i>2</i>	<i>57.00</i>	<i>\$2,983.42</i>	<i>\$7,350</i>					
Manufacturers of Surface Collecting Agents																	
Prepare and Submit Response Form Items	2.95	14.75	7.5	25.2	\$1,292.49	\$0	\$0	\$1,292.49	1	25.2	\$1,292	\$0					
Conduct Toxicity Testing	0	0	0	0	\$0	\$0	\$3,675	\$3,675.00	1	0	\$0	\$3,675					
<i>Subtotal - Manufacturers of Surface Collecting Agents</i>	<i>2.95</i>	<i>14.75</i>	<i>7.5</i>	<i>25.2</i>	<i>\$1,292.49</i>	<i>\$0</i>	<i>\$3,675</i>	<i>\$4,967.49</i>	<i>1</i>	<i>25.2</i>	<i>\$1,292</i>	<i>\$3,675</i>					
Manufacturers of Surface Washing Agents																	
Prepare and Submit Response Form Items	2.8	14	7.5	24.3	\$1,238.15	\$0	\$0	\$1,238.15	3	72.9	\$3,714.46	\$0					
Conduct Toxicity Testing	0	0	0	0	\$0	\$0	\$3,675	\$3,675.00	3	0	\$0.00	\$11,025					
<i>Subtotal - Manufacturers of Surface Washing Agents</i>	<i>2.8</i>	<i>14</i>	<i>7.5</i>	<i>24.3</i>	<i>\$1,238.15</i>	<i>\$0</i>	<i>\$3,675</i>	<i>\$4,913.15</i>	<i>3</i>	<i>72.9</i>	<i>\$3,714.46</i>	<i>\$11,025</i>					
Subtotal - Oil Spill Mitigation Agents																	
Sorbent Certification	0.25	2	0.75	3	\$156.88	\$0	\$0	\$156.88	10	30	\$1,568.77	\$0					
Total	15.5	78.25	38.25	132	\$6,800.43				\$39,875		315.6	\$16,293.24	\$72,450				
													\$88,743.24				

6(e) Bottom Line Burden Hours and Costs

The total annual burden and costs for each of the three years of the renewal ICR period are illustrated in Exhibit 6. The labor cost represents the average hourly burden weighted by the appropriate wage category (management, technical, or clerical). O&M costs vary depending on product type and the test(s) required. For the renewal ICR period, the burden hours for respondents are 945 hours (315 + 315 + 315). Based on Exhibit 6, the annual O&M costs for respondents are \$88,743 $(\$15,750)(2/\text{year}) + (\$2,625 + \$3,675)(3/\text{year}) + (\$3,675)(2/\text{year}) + (\$3,675)(1/\text{year}) + (\$3,675)(3/\text{year})$). Therefore the total O&M costs for respondents for the three-year renewal ICR period are \$217,350.

The annual respondent labor cost for oil spill mitigating agents and substances excluding sorbents is \$ 14,724, which is based on Exhibit 3 and the following equation:

$$([\$656 + \$1,602]/2) \times 2/\text{year} + ([\$873 + \$2,109]/2) \times 3/\text{year} + ([\$873 + \$2,109]/2) \times 2/\text{year} + ([\$765 + \$1,819]/2) \times 1/\text{year} + ([\$728 + \$1,747]/2) \times 3/\text{year} = \$14,724$$

The annual respondent labor cost of sorbent is \$1,568 ($\156.88×10 respondents). Therefore, the total annual labor cost for respondents is \$ 16,293, and the total labor costs for respondents for the three-year ICR period will be \$48,879 ($\$16,293 \times 3$ years). Accordingly, the bottom line cost for respondents for the three-year renewal ICR period is \$266,229 ($\$217,350 + \$48,879$) as shown in Exhibit 7. There is no capital/start-up costs associated with this renewal ICR.

EXHIBIT 7 Total Burden and Cost Estimates under Subpart J

Year	RESPONDENTS				EPA			
	Burden (hours)	Labor (hours)	O&M Costs	Total Costs	Burden (hours)	Labor Costs	O&M Costs	Total Costs
Year 1	315	\$16,293	\$72,450	\$88,743	220	\$14,688	\$0	\$14,688
Year 2	315	\$16,293	\$72,450	\$88,743	220	\$14,688	\$0	\$14,688
Year 3	315	\$16,293	\$72,450	\$88,743	220	\$14,688	\$0	\$14,688
Total ^a	945	\$48,293	217,350	\$266,229	660	\$44,064	0	\$44,064

As shown in Exhibit 7, the Subpart J annual burden for EPA is 220 hours. Therefore, the total burden hours for EPA during the three-year renewal ICR period are 660. The total annual labor costs for EPA are \$14,688, and the total labor costs for EPA over the three-year renewal ICR period are \$44,064 ($\$14,688 \times 3$ years).

6(f) Reasons for the Change in Burden

EPA does not anticipate any changes in the annual burden hours or O&M costs under this ICR renewal (see Exhibit 8). The only modifications made to figures in this ICR supporting statement involve updates to the wage rates associated with respondent and EPA personnel activities. Labor costs are not reported in the OMB inventory.

There is a decrease of 75 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to the expectation that the number of manufacturer respondents will decrease from 14 to 11 per year.

EXHIBIT 8

Estimated Annualized Burden and Costs Comparison

	Annualized Burden Hours	Annualized O&M Costs (rounded)
Current OMB Inventory Burden	390	\$83,000
Change in Burden Adjustment Program Change	0 -75 0	0 -\$10,550 0
ICR Renewal Burden	315	\$72,450

6(g) Burden Statement

The collection of information required to prepare and submit material for listing a product on NCP Product Schedule is estimated to have a public reporting burden of 13 to 40 hours per response in the first year and subsequent years, depending on the type of product to be listed with an average of 26 hours per response. Written certification for sorbents is estimated to have a public reporting burden of 3 hours per product. There is no required recordkeeping burden associated with listing a product on the NCP Product Schedule. Overall, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 29 hours per response.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. 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 public docket for this ICR under Docket ID Number EPA-HQ-OPA-2007-0042, 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 Avenue, NW, Washington, D.C. 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 at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OPA-2007-0042 and OMB Control Number 2050-0141 in any correspondence.