

**SUPPORTING STATEMENT  
ENVIRONMENTAL PROTECTION AGENCY**

**Revisions to the National Oil and Hazardous Substances Pollution Contingency Plan,  
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 Plan (Revisions)  
ICR # 1664.10, OMB # 2050-0141

**1(b) Short Characterization/Abstract**

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

The Environmental Protection Agency (EPA or the Agency) regulatory requirements in Subpart J of the NCP govern the use of dispersants, and any other chemical agents or other substances in response to oil spills. Subpart J (40 CFR 300.900) applies to the navigable waters of the United States and adjoining shorelines, the waters of the contiguous zone, and the high seas beyond the contiguous zone in connection with activities under the Outer Continental Shelf Lands Act, activities under the Deepwater Port Act of 1974, or activities that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, including resources under the Magnuson Fishery Conservation and Management Act of 1976 (waters of the US and adjoining shorelines).

Under current Subpart J requirements, respondents who want to add a product to the NCP Product Schedule (the Schedule) must submit technical product data to the EPA as stipulated in 40 CFR 300.915. Specifically, to list a product on the Schedule,<sup>6</sup> Subpart J requires the manufacturer to conduct toxicity and effectiveness testing following protocols set forth in Appendix C of the NCP, and to submit the corresponding technical data along with other product information to the Agency. EPA reviews the submissions and lists products on the Schedule after confirming that the data are complete, that the specified procedures were followed, and that the product meets or exceeds any testing threshold. Products currently listed on the Schedule are divided into five basic categories: dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents. According to our Regulatory Impact Analysis (RIA), there are 99 products currently listed on the Schedule (as of June 28, 2011).

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<sup>6</sup> The listing of a product on the Schedule does not mean that the product is recommended or authorized for use on any specific oil discharge nor does it imply that EPA has in any other way endorsed the product for the use listed or for other uses.

The Agency is proposing to amend the requirements in Subpart J of the NCP. The proposal addresses the efficacy, toxicity, environmental monitoring of dispersants, and other chemical and biological agents, as well as public, state, local, and federal officials' concerns regarding their use. Specifically, the proposal amends the Subpart J regulatory requirements for the Schedule by revising the product categories to include dispersants, surface washing agents, bioremediation agents, solidifiers and herding agents, by adding new listing criteria, revising the efficacy and toxicity testing protocols, and clarifying the evaluation criteria for removing products from the Schedule.

The proposed amendments to Subpart J would require that manufacturers conduct efficacy and toxicity tests for each chemical and biological agent consistent with the analytical test methods and criteria in the revised Appendix C to part 300. The proposal both revises existing analytical tests and criteria and adds new efficacy and toxicity tests in Appendix C to part 300. All manufacturers incur costs on a one-time only basis to list products on the Schedule. The manufacturers with products that are on the current Schedule will be required to retest their products using the new efficacy and toxicity tests. The manufacturers of new products will be required to test their products using the new test methods and meet the new testing criteria.

EPA will make product listing determinations based on a technical evaluation of all data and information submitted, relevant information on impacts or potential impacts of the product or any of its components on human health or the environment, and the intended use of the product.

It is estimated that updated information for the existing 99 products will be submitted to EPA over a two-year transition period to comply with the revised regulations. Additionally, it is estimated that 10 new products per year will be submitted to EPA for listing on the Schedule. Further, EPA estimates that approximately 10 manufacturers will submit information to obtain sorbent certifications. The average annual public reporting burden over the three-year ICR period will be 721 hours. The total annual cost (including labor and non-labor) to manufacturers under Subpart J is estimated to be \$584,504.

## **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 other substances 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 On-Scene Coordinators (OSCs), Regional Response Teams (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 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. 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 currently requires the manufacturer to conduct specific toxicity and effectiveness tests, submit the corresponding technical product data and, submit certain product information to the EPA. The Agency is proposing to revise the product technical and data requirements as follows:

*General Product Information for Schedule Listing.* Revise and establish requirements, including designation of and testing for all product categories under which the listing is requested, Safety Data Sheets, sample product labels, shelf life, collection and recovery, persistence in the environment, storage and use conditions, physical and chemical properties, component identities, concentration limits on National Water Quality Criteria and Standards contaminants, laboratory accreditations, submission of all testing data and calculations, production capabilities, and any other data or certification informing the product's performance capabilities or environmental benefits.

*Dispersant Testing and Listing Requirements.* Revise the efficacy testing methodology using a baffled flask test, establish new developmental and sub-chronic toxicity testing requirements, revise the acute toxicity testing methodologies, revise the listing criteria, and establish use limitations to saltwater environments.

*Surface Washing Agent Testing and Listing Requirements.* Revise the acute toxicity testing methodology and listing requirements, establish efficacy testing requirements and listing criteria, and establish use limitations based on product testing for salt and/or freshwater environments.

*Bioremediation Agent Testing and Listing Requirements.* Revise the efficacy and acute toxicity testing methodologies and listing criteria, establish exceptions for specified non-proprietary products, and establish use limitations based on product testing for salt and/or freshwater environments.

*Solidifier and Herding Agent Testing and Listing Requirements.* Revise the acute toxicity testing methodology and listing criteria, and establish use limitations based on product testing for salt and/or freshwater environments.

*Sorbent Requirements.* Establish a list of known, non-proprietary sorbents to be made publicly available in lieu of listing sorbents on the Schedule, and requirements for data and information for sorbent products with components other than those specifically identified in the rule.

*Addition of a Product to the Schedule.* Revise the submission requirements including the package contents, EPA's review of submission package, request for review of decision, changes

to a product listing, and transitioning of listed products from the current Schedule to the new Schedule.

*Appendix C to part 300.* Revise the requirements for product testing protocols and summary test data including new dispersant baffled flask efficacy and toxicity tests; new standard acute toxicity tests for bioremediation agents, surface washing agents, herding agents, and solidifiers; and revised bioremediation agent efficacy test.

Additionally, the Agency is proposing to establish monitoring requirements for the responsible party when dispersants are used in response to major discharges and/or to certain dispersant use situations.

### **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 at a national level, therefore, there is no duplication.

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

EPA will provide public notice by means of a Federal Register Notice of Final Rulemaking.

### 3(c) Consultations

In developing this 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. Specifically, many of the cost estimates used in the analysis are based on a limited number of consultations with commercial laboratories and manufacturers that provided feedback on EPA’s assumptions. The data provided by these consultations represent, in most cases, anecdotal information and may not capture the full range of costs faced by manufacturers and laboratories. In addition, labor hours and wage rates estimated for each information collection activity may vary across manufacturers. Nevertheless, they represent a reasonable average for the purposes of the analysis.

#### 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
<b>Dispersants</b>			
AGS Solutions Inc.	713-645-4933	About 40 hours to list dispersant	Tox \$3500 SFT \$2,500
<b>Surface Washing Agents</b>			
Supercell 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
<b>Bioremediation</b>			
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

### Results of Calls to Manufacturers

Company	Phone Number	Comments	Results
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 when they apply to list a new product on the Schedule, when the composition, formulation, application, or contact information of a product currently listed on the Schedule is changed, or to update existing product testing data and information to come into compliance with the amended regulatory requirements. Because collection is not periodic, less frequent collection is not possible.

#### **3(e) General Guidelines**

The information collection activities discussed in this 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 is proposing to revise the allowable confidential business information claims and reporting procedures, but will continue to 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 dispersants, surface washing agents, bioremediation agents, solidifiers, herding agents, other chemical agents, and other substances 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**  
**Proposed Data Items Required Under the Revised NCP Subpart J**

Response Form Items	Respondent Activity	Oil Spill Mitigating Agent				
		BA	D	MA*	SCA*	SWA
SDS form review and submission	Simple Information	X	X	X	X	X
Sample product label	Simple Information	X	X	X	X	X
Chemical and biological agent category	Short Answer	X	X	X	X	X
Product use	Narrative Answer	X	X	X	X	X
Information on persistence, bioconcentration, bioaccumulation, and biodegradability	Narrative Answer	X	X	X	X	X
Certification that the product meets the National Ambient Water Quality Criteria and does not contain prohibited agents	Narrative Answer	X	X	X	X	X
Product volume capacity	Simple Information	X	X	X	X	X
Recognition under EPA's Design for the Environment (DfE)	Simple Information	X	X	X	X	X
International product testing, use data or certifications	Short Answer	X	X	X	X	X
Results of new and revised efficacy tests set forth in Appendix C of the NCP: dispersants, surface washing agents, bioremediation agents	Narrative Answer	X	X	X	X	X
Results of revised toxicity tests set forth in Appendix C of the NCP: dispersants, surface washing agents, bioremediation agents, solidifiers, herding agents	Narrative Answer	X	X	X	X	X
<b>Key:</b> BA = Bioremediation Agent, D = Dispersant, MA = Miscellaneous Agent, SCA = Surface Collecting Agent and SWA = Surface washing Agent						
* The definitions for MOSCA and SCA would be removed under the proposed rule. Herders and Solidifiers would be added; the proposed data requirements are the same.						
<b>Note:</b> Manufacturers of sorbents with one or more substances not identified in 300.915(g)(1) would submit information.						

**(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. 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 when the composition, formulation, application, or contact information of a product currently listed on the Schedule. 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 performs the following activities:

- Receive and process the application package for completeness and procedural accuracy;
- Conduct a technical evaluation of the data and information submitted, relevant information on potential impacts on human health and the environment, and the intended use of the product;
- Notify the respondent in writing of the decision of listing the product on the Schedule, or of a rejection decision and supporting rationale; and
- If approved, place the product on the Schedule, store the data, and supply the data upon request.

EPA reserves the right to make a determination on whether the product will be listed, and under which category. If a product is rejected for listing on the Schedule, the respondent may request that the EPA Administrator review the determination. The EPA Administrator may remove a product from the Schedule for reasons including, but not limited to: misleading, inaccurate, or incorrect statements within the product submission; alterations to the chemical components, concentrations, or use conditions of the product without proper notification to EPA; failure to print the required disclaimer on all labels, advertisements, or technical literature; new or previously unknown relevant information concerning the impacts or potential impacts of the product to human health or the environment. The Agency will notify the respondent in writing and the respondent may appeal within 30 days.

## **5(b) Collection Methodology and Management**

Respondents submit the required technical data and product information to EPA in hard copy. If the product is listed by EPA, the product information is entered electronically on the Schedule. This information is made available through the Agency's website and other electronic means to ensure that emergency planners and responders can obtain the information as efficiently as possible.

## **5(c) Small Entity Flexibility**

About 94 percent of the 65 manufacturers with listed products on the June 28, 2011 Schedule and with adequate D&B data are small businesses. 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 toxicity and effectiveness threshold requirements, and the requirements for technical data and use information for listing products on the Schedule 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. The respondent must notify EPA in writing within 30 days of any changes to information submitted under Subpart J for a product on the Schedule.

# **6. Estimating the Burden and Cost of the Collection**

## **6(a) Estimating Respondent Burden**

This section presents the respondent burden and cost for the three-year period of the ICR, including the transition period to comply with the information collection activities under the proposed NCP Subpart J. Respondents are manufacturers expected to submit products for listing on the Schedule.

There are 65 manufacturers and 99 products (22 bioremediation agents, 15 dispersants, 13 miscellaneous agents, and 49 surface washing agents and surface collecting agents) listed on the June 28, 2011 Schedule.<sup>1</sup> Over the two-year transition period, EPA anticipates manufacturers will apply to re-list all 99 products currently on the Schedule. Additionally, EPA estimates that manufacturers will apply to list 10 new products on the Schedule each year, including 2 bioremediation agents, 2 dispersants, 3 solidifiers, 3 herding agent and surface washing agents.

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<sup>1</sup> 99 products were listed on the June 28, 2011 U.S. Environmental Protection Agency National Contingency Plan Product Schedule, prepared by U.S. EPA Office of Emergency Management Regulations Implementation Division, 1200 Pennsylvania Avenue, NW (5104A), Washington, DC 20460. <http://www.epa.gov/oem/content/ncp>.

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 are listed by EPA.

Exhibit 2 and Exhibit 3 provide the respondent hour per-product. The proposed Subpart J rule would require all manufacturers to read and understand the proposed Subpart J rule. While manufacturers that are new to the Schedule may incur more burden than existing manufacturers in order to orient and familiarize themselves with the revised NCP Subpart J as a whole, for this analysis EPA assumes that on average manufacturers of existing and new products would spend 2.5 hours to read and understand the relevant sections of the proposed Subpart J requirements.

Manufacturers of products already on the Schedule would incur the burden of submitting data to EPA associated with the additional proposed general and agent-specific revisions.

Manufacturers that apply to list a new product on the Schedule would incur the burden of preparing and submitting all existing and additional proposed data requirements detailed in Exhibit 1. This ICR only presents the burden for the additional proposed data requirements, or *incremental* burden associated with the proposed NCP Subpart J. Exhibit 2 presents the labor hour estimates for the incremental burden resulting from the proposed rule. The burden estimates are presented by labor type (managerial, technical, clerical) for each product type. In addition, Exhibit 2 distinguishes between existing products already on the Schedule (with the option to submit a package to transition into the new Schedule based on the proposed classification categories) and for new products applying for listing.

**EXHIBIT 2. Per-Unit Respondent Labor Costs for Existing Products**

	Technical			Managerial			Clerical			Total Hours per Product			Total Labor Cost per Respondent per Product		
	Low	High	Avg	Low	High	Avg	Low	High	Avg	Low	High	Avg	Low	High	Avg
<b>Read and understand Subpart Rule</b>															
Bioremediation Agents	1.5	1.5	1.5	0.5	0.5	0.5	0.5	0.5	0.5	2.5	2.5	2.5	\$134	\$134	\$134
Dispersants	1.5	1.5	1.5	0.5	0.5	0.5	0.5	0.5	0.5	2.5	2.5	2.5	\$134	\$134	\$134
Solidifiers, MOSCAs	1.5	1.5	1.5	0.5	0.5	0.5	0.5	0.5	0.5	2.5	2.5	2.5	\$134	\$134	\$134
Surface Washing, Collecting Agents	1.5	1.5	1.5	0.5	0.5	0.5	0.5	0.5	0.5	2.5	2.5	2.5	\$134	\$134	\$134
<b>Prepare and Submit Documentation</b>															
Bioremediation Agents	5	15	10	1	3	2	2	5	3.5	8	23	15.5	\$411	\$1,205	\$808
Dispersants	7	20	13.5	1.4	4	2.7	2	5	3.5	10.4	29	19.7	\$553	\$1,559	\$1,056
Solidifiers, MOSCAs	4	13	8.5	0.8	2.6	1.7	2	5	3.5	6.8	20.6	13.7	\$341	\$1,064	\$702
Surface Washing, Collecting Agents	3	11	7	0.6	2.2	1.4	2	5	3.5	5.6	18.2	11.9	\$270	\$922	\$596

**EXHIBIT 3. Per-Unit Respondent Labor Costs for New Products**

	Technical			Managerial			Clerical			Total Hours per Product			Total Labor Cost Per Respondent Per Product		
	Low	High	Avg	Low	High	Avg	Low	High	Avg	Low	High	Avg	Low	High	Avg
<b>Read and Understand Subpart Rule</b>															
Bioremediation Agents	2	2	2	0.5	0.5	0.5	0	0	0	2.5	2.5	2.5	\$148	\$148	\$148
Dispersants	2	2	2	0.5	0.5	0.5	0	0	0	2.5	2.5	2.5	\$148	\$148	\$148
Solidifiers, etc.	2	2	2	0.5	0.5	0.5	0	0	0	2.5	2.5	2.5	\$148	\$148	\$148
Surface Washing, Herding Agents	2	2	2	0.5	0.5	0.5	0	0	0	2.5	2.5	2.5	\$148	\$148	\$148
<b>Prepare and Submit Documentation</b>															
Bioremediation Agents	12	33	22.5	2.4	6.6	4.5	7	15	11	21.4	54.6	38	\$1,050	\$2,766	\$1,908
Dispersants	14	38	26	2.8	7.6	5.2	7	15	11	23.8	60.6	42.2	\$1,192	\$3,120	\$2,156
Solidifiers, etc.	11	31	21	2.2	6.2	4.2	7	15	11	20.2	52.2	36.2	\$980	\$2,625	\$1,802
Surface Washing, Herding Agents	9.5	28	18.75	1.9	5.6	3.75	7	15	11	18.4	48.6	33.5	\$874	\$2,413	\$1,643
<b>Infrequent Burden Items – NA</b>															

Note: To prepare and submit documentation, the estimates represent the incremental burden resulting from the proposed NCP Subpart J (see RIA Exhibit 5-7B for burden estimates under proposed rule and RIA Exhibit 4-1A for baseline estimates).

NA – not applicable. No change in infrequent item burden from the existing rule.

### *Infrequent Respondent Burden Items*

In addition to the data requirements listed in Exhibit 1, there are a number of infrequent respondent burden items in the existing Subpart J rule that would continue under the proposed rule. The infrequent items are sorbents, review of EPA's decision, and retesting for changes to a listed product. The estimated burden hours for these items are same under the proposed rule and the existing rule. Therefore, the proposed rule does not result in additional burden on the infrequent items.

Sorbents are not listed on the Schedule. However, known sorbent materials and products will be identified on a publicly available Sorbent Product List. No technical data are required for sorbent products that consist solely of the natural organic substances, inorganic/mineral compounds, and/or synthetic compounds specifically identified in Subpart J, or any combination thereof. Products that may meet the definition of a sorbent in Subpart J, but consist of one or more substances or compounds not specifically identified in the regulation, are required to submit technical data and information for consideration for listing it as a sorbent on the Sorbent Product List.

EPA will continue to allow manufacturers to request a review of EPA's decision not to list or re-list a product on the Schedule and to reformulate their product and resubmit information to EPA if a product fails to be listed. EPA will also continue to require manufacturers to re-test and resubmit supporting documentation if information is missing or contains errors.

## **6(b) Estimating Respondent Costs**

### **(i) Estimating Labor Costs**

EPA derived the labor wages from the U.S. Department of Labor, March 2011 Employer Costs for Employee Compensation (ECEC) data in Table 11 – Private industry, by occupational group and full-time and part-time status<sup>3</sup>. ECEC measures the average cost per employee hour worked that a manufacturer pays for in wages, salaries and benefits. Hourly ECEC includes wages, salaries, and benefit costs, including paid leave, supplemental pay, insurance, retirement and savings, and legally required benefits. These wage rates reflect private industry averages, which were estimated by the Bureau of Labor Statistics based on a sample survey of 58,700 occupations within 12,400 establishments in the private sector. EPA applied an overhead rate of 17 percent to hourly ECEC for management, technical, and clerical employees:

Managerial	\$67.67	(\$57.84 + 17%)
Technical	\$57.21	(\$48.90 + 17%)
Clerical	\$28.78	(\$24.60 + 17%)

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<sup>33</sup>United States Department of Labor, Bureau of Labor Statistics, Employer Costs for Employee Compensation, Employment Cost Trends, Table 11 -- Private industry, by occupational group and full-time and part-time status, March 2011, accessed at <http://www.bls.gov/news.release/pdf/ecec.pdf> July 21, 2011 .

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

Respondents are not expected to incur capital/start-up costs for this ICR.

The proposed revisions to Subpart J involve changes to the effectiveness and toxicity tests currently required in part 300.915 and Appendix C to part 300 of the NCP. Because manufacturers are purchasing services (laboratory testing), the laboratory-testing costs are characterized as operating and maintenance (O&M) costs.

- The dispersant effectiveness test will cost an estimated \$2,200 for each product using the baffled flask method.
- The protocol for effectiveness testing of bioremediation agents under Subpart J for both fresh and saltwater is estimated to cost \$10,750.
- EPA estimates that the toxicity test required for dispersants, bioremediation agents, solidifiers, herding agents, and surface washing agents costs \$5,150 per product.
- EPA estimates that the dispersant developmental sea urchin test costs \$3,000 per product.
- EPA estimates that the dispersant sub-chronic test and the dispersant to oil mixture test could \$3,350 and \$4,500 per product, respectively.

### *Monitoring Requirement*

The monitoring provisions of the proposed NCP Subpart J include in-situ oil droplet size distribution and in-situ fluorometry and fluorescence signatures targeted to the type of oil discharged and referenced against the source oil. The National Research Council (NRC) report on oil spill dispersants estimates that a monitoring program cost for a field trial of dispersant effectiveness is about \$500,000. For this ICR, we have estimated that monitoring an oil discharge for dispersants is about \$500,000 annually, the estimated costs for field trial monitoring in NRC, to be conservative. These costs can vary significantly depending upon the frequency, volume, duration and location of oil discharges. Note that the respondents for the monitoring requirements are the oil spill responsible party, different from the product manufacturers that want to list a product on the Schedule.

## **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 the revised NCP Subpart J. These estimates represent incremental costs associated with implementing the proposed regulations. EPA's burden is 26.5 hours per re-listing of existing product and 6.5 hours per listing of new product.

**EXHIBIT 4**  
**Estimated Unit Burden and Cost to EPA to Implement the Proposed NCP Subpart J**

INFORMATION COLLECTION ACTIVITY	Burden Hours (\$50.39) <sup>1,2</sup>	Cost Per Product
<i>Existing Products</i>		
Process submitted data	10.5	\$529.10
Review data for listing	9	\$453.51
Notify respondent of decision	4	\$201.56
Store data	3	\$151.17
<b>UNIT BURDEN for Existing Products</b>	<b>26.5</b>	<b>\$1,335.34</b>
<i>New Products</i>		
Additional time to process and review data	6.5	\$327.54
<b>UNIT BURDEN for New Products</b>	<b>6.5</b>	<b>\$327.54</b>

<sup>1</sup>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.

<sup>2</sup>EPA 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.<sup>5</sup> 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 \$1,335 for existing products and \$328 for new products.

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

**Estimated Total Annual Burden and Costs for All Respondents**

Exhibit 8 through 10 at the end of this document present the total respondent burden and cost associated with the proposed rule for each year of the ICR period. The total annual burden is arrived at by multiplying the average unit burden by the estimated frequency of responses per year for each oil spill mitigating agent type. The average annual burden under the proposed NCP Subpart J will be 721 hours and \$584,504. The respondent burden cost includes \$500,000 per

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

year in oil discharge monitoring cost for dispersants. The proposed rule will not result in additional burden to sorbent manufacturers.

The average number of responses expected annually over the ICR period is estimated to be 43, as shown in Exhibit 5 below. The number of responses is the estimated number of applications for listing on the Schedule over the three-year ICR period. It is estimated that all manufacturers of existing products will submit applications to re-list their products during the initial two-year transition period, and that manufacturers will apply to list an average of 10 new products per year.

**EXHIBIT 5  
Number of Responses**

Compliance Period	Number of Responses		Total Number of Responses
	Existing Products (Re-submission)	New Products	
Year 1	59	10	69
Year 2	40	10	50
Year 3	0	10	10
<b>Average</b>			<b>43</b>

**Estimated Total Annual Burden and Cost to EPA**

The annual costs to EPA under the proposed NCP Subpart J are presented in Exhibit 11 through 13 for each year of the ICR period. The annual agency burden is determined by multiplying the unit agency burden in Exhibit 4 by the expected frequency of applications. The average annual burden to EPA under the proposed NCP Subpart J will be approximately 940 hours per year.

The annual cost to EPA is determined by multiplying the unit cost by the frequency of response. The average annual cost to EPA under the proposed NCP Subpart J will be \$47,341.

**6(e) Bottom Line Burden Hours and Costs**

The total respondent burden and costs for each of the three years of the ICR period are summarized in Exhibit 6. O&M costs vary depending on product type and the test(s) required. For the ICR period, the average annual respondent burdens are 721 hours and \$37,509. The labor costs include the costs across all wage categories (management, technical, or clerical).

There is no capital/start-up costs associated with this ICR. The average annual O&M costs for respondents are \$575,400, which includes an annual oil discharge monitoring program cost of \$500,000 per year. These estimates are the incremental burden and cost imposed by the proposed rule.

**EXHIBIT 6**  
**Summary of Respondent Burden and Cost Estimates under Subpart J Revisions**

<b>Compliance Period</b>	<b>No. of Existing Products (Re-submission)</b>	<b>No. of New Products</b>	<b>Labor Hours</b>	<b>Labor Cost</b>	<b>Capital and O&amp;M</b>	<b>Total Cost</b>
Year 1	59	10	1,153	\$59,920	\$1,053,700	\$1,113,620
Year 2	40	10	836	\$43,503	\$900,350	\$943,853
Year 3	0	10	172	\$9,104	\$575,400	\$584,504
<b>Average</b>			<b>721</b>	<b>\$37,509</b>	<b>\$575,400</b>	<b>\$584,504</b>

As shown in Exhibit 7, the proposed Subpart J average annual burden for EPA is 940 hours. The average annual labor costs for EPA are \$47,341.

**EXHIBIT 7**  
**Summary of EPA Burden and Cost Estimates under Subpart J Revisions**

<b>Compliance Period</b>	<b>EPA Hours</b>	<b>EPA Cost</b>
Year 1	1,629	\$82,060
Year 2	1,125	\$56,689
Year 3	65	\$3,275
<b>Average</b>	<b>940</b>	<b>\$47,341</b>

**6(f) Reasons for the Change in Burden**

The increase in burden estimates in this ICR represent the incremental burden resulting from the proposed Subpart J revisions.

**6(g) Burden Statement**

The collection of information required to prepare and submit material for listing a product under the proposed NCP Subpart J is estimated to have an average public reporting burden of 17 hours per response over the three-year ICR period. The estimate varies depending on the type of product to be listed. The proposed rule does not incur additional burden for sorbent certifications. Further, 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 17 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-2006-0090, which is available for online viewing at [www.regulations.gov](http://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](http://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-2006-0090 and OMB Control Number 2050-0141 in any correspondence.

**EXHIBIT 8**  
**Estimated Total Burden and Costs for All Respondents – Year 1**

Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
<b>Existing Products</b>												
<b>Read and understand Subpart Rule</b>												
Bioremediation Agents	1.5	0.5	0.5	2.5	\$134			13	33	\$1,743		\$1,743
Dispersants	1.5	0.5	0.5	2.5	\$134			9	23	\$1,206		\$1,206
Solidifiers, MOSCAs	1.5	0.5	0.5	2.5	\$134			8	20	\$1,072		\$1,072
Surface Washing, Collecting Agents	1.5	0.5	0.5	2.5	\$134			29	73	\$3,887		\$3,887
<b>Prepare and Submit Documentation</b>									0			\$0
Bioremediation Agents	10	2	3.5	15.5	\$808			13	202	\$10,506		\$10,506
Dispersants	13.5	2.7	3.5	19.7	\$1,056			9	177	\$9,502		\$9,502
Solidifiers, MOSCAs	8.5	1.7	3.5	13.7	\$702			8	110	\$5,616		\$5,616
Surface Washing, Collecting Agents	7	1.4	3.5	11.9	\$596			29	345	\$17,282		\$17,282
<b>Efficacy Tests</b>												\$0
Bioremediation Salt/Freshwater Efficacy *						\$0	\$10,750	13			\$69,875	\$69,875
Revised Dispersant Efficacy						\$0	\$2,200	9			\$19,800	\$19,800
<b>Toxicity Tests</b>												\$0
Bioremediation Agents Salt/Freshwater Toxicity *						\$0	\$5,150	13			\$100,425	\$100,425
Dispersant Developmental Sea Urchin Test						\$0	\$3,000	9			\$27,000	\$27,000
Dispersant Sub-chronic Test						\$0	\$3,350	9			\$30,150	\$30,150
Dispersant to Oil Mixture Test						\$0	\$4,500	9			\$40,500	\$40,500
Solidifiers, MOSCAs Freshwater Toxicity						\$0	\$5,150	8			\$41,200	\$41,200

Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
Surface Washing Agents Freshwater Toxicity						\$0	\$5,150	29			\$149,350	\$149,350
<b><i>SUBTOTAL FOR EXISTING PRODUCTS</i></b>									<b>981</b>	<b>\$50,815</b>	<b>\$478,300</b>	<b>\$529,115</b>
<b><i>New Products</i></b>												
<b>Read and Understand Subpart Rule</b>												
Bioremediation Agents	2	0.5	0	2.5	\$148			2	5	\$297		\$297
Dispersants	2	0.5	0	2.5	\$148			2	5	\$297		\$297
Solidifiers, etc.	2	0.5	0	2.5	\$148			3	8	\$445		\$445
Surface Washing, Herding Agents	2	0.5	0	2.5	\$148			3	8	\$445		\$445
<b>Prepare and Submit Documentation</b>												\$0
Bioremediation Agents	10	2	3.5	15.5	\$808			2	31	\$1,616		\$1,616
Dispersants	13.5	2.7	3.5	19.7	\$1,056			2	39	\$2,112		\$2,112
Solidifiers, etc.	8.5	1.7	3.5	13.7	\$702			3	41	\$2,106		\$2,106
Surface Washing, Herding Agents	7	1.4	3.5	11.9	\$596			3	36	\$1,788		\$1,788
<b>Infrequent Burden Items</b>												\$0
Sorbent Review	0	0	0	0	\$0			10	0	\$0		\$0
Re-test	0	0	0	0	\$0			2	0	\$0		\$0
Request for Review of EPA Decision	0	0	0	0	\$0			2	0	\$0		\$0
Reformulate Product and Re-Submit Required Data	0	0	0	0	\$0			1	0	\$0		\$0
<b>Efficacy Tests</b>												\$0
Bioremediation Salt/Freshwater Efficacy						\$0	\$10,750	2			\$2,250	\$2,250
Revised Dispersant Efficacy						\$0	\$2,200	2			\$5,100	\$5,100
<b>Toxicity Tests</b>												\$0
Bioremediation Agents Salt/Freshwater Toxicity *						\$0	\$5,150	2			\$15,450	\$15,450

Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
Dispersant Saltwater Toxicity **						\$0	\$5,150	2			\$0	\$0
Dispersant Developmental Sea Urchin Test						\$0	\$3,000	2			\$6,000	\$6,000
Dispersant Sub-chronic Test						\$0	\$3,350	2			\$6,700	\$6,700
Dispersant to Oil Mixture Test						\$0	\$4,500	2			\$9,000	\$9,000
Solidifiers, etc. Saltwater & Freshwater Toxicity **						\$0	\$5,150	3			\$15,450	\$15,450
Surface Washing Agents, Herding Agents Saltwater & Freshwater Toxicity **						\$0	\$5,150	3			\$15,450	\$15,450
<b><i>SUBTOTAL FOR NEW PRODUCTS</i></b>									<b>172</b>	<b>\$9,104</b>	<b>\$75,400</b>	<b>\$84,504</b>
RP Monitoring (SONS)											\$500,000	\$500,000
<b>TOTAL BURDEN AND COST</b>									<b>1,153</b>	<b>\$59,920</b>	<b>\$1,053,700</b>	<b>\$1,113,620</b>

\* For these O&M items, the respondents are assumed to have to do multiple tests, so the annual cost is not simply equal to the unit cost times the number of respondents.

\*\* The total O&M costs reflect the incremental cost of the proposed Subpart J rule only, rather than the full testing cost per product.

**EXHIBIT 9**  
**Estimated Total Burden and Costs for All Respondents – Year 2**

Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
<b>Existing Products</b>												
<b>Read and understand Subpart Rule</b>												
Bioremediation Agents	1.5	0.5	0.5	2.5	\$134			9	22.5	\$1,206		\$1,206
Dispersants	1.5	0.5	0.5	2.5	\$134			6	15	\$804		\$804
Solidifiers, MOSCAs	1.5	0.5	0.5	2.5	\$134			5	12.5	\$670		\$670
Surface Washing, Collecting Agents	1.5	0.5	0.5	2.5	\$134			20	50	\$2,681		\$2,681
<b>Prepare and Submit Documentation</b>									0			\$0
Bioremediation Agents	10	2	3.5	15.5	\$808			9	139.5	\$7,274		\$7,274
Dispersants	13.5	2.7	3.5	19.7	\$1,056			6	118.2	\$6,335		\$6,335
Solidifiers, MOSCAs	8.5	1.7	3.5	13.7	\$702			5	68.5	\$3,510		\$3,510
Surface Washing, Collecting Agents	7	1.4	3.5	11.9	\$596			20	238	\$11,919		\$11,919
<b>Efficacy Tests</b>												\$0
Bioremediation Salt/Freshwater Efficacy *						\$0	\$10,750	9			\$48,375	\$48,375
Revised Dispersant Efficacy						\$0	\$2,200	6			\$13,200	\$13,200
<b>Toxicity Tests</b>												\$0
Bioremediation Agents Salt/Freshwater Toxicity *						\$0	\$5,150	9			\$69,525	\$69,525
Dispersant Developmental Sea Urchin Test						\$0	\$3,000	6			\$18,000	\$18,000
Dispersant Sub-chronic Test						\$0	\$3,350	6			\$20,100	\$20,100
Dispersant to Oil Mixture Test						\$0	\$4,500	6			\$27,000	\$27,000
Solidifiers, MOSCAs Freshwater Toxicity						\$0	\$5,150	5			\$25,750	\$25,750
Surface Washing Agents Freshwater Toxicity						\$0	\$5,150	20			\$103,000	\$103,000

Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
<b>SUBTOTAL FOR EXISTING PRODUCTS</b>									664.2	\$34,399	\$324,950	\$359,349
<b>New Products</b>												
<b>Read and Understand Subpart Rule</b>												
Bioremediation Agents	2	0.5	0	2.5	\$148			2	5	\$297		\$297
Dispersants	2	0.5	0	2.5	\$148			2	5	\$297		\$297
Solidifiers, etc.	2	0.5	0	2.5	\$148			3	7.5	\$445		\$445
Surface Washing, Herding Agents	2	0.5	0	2.5	\$148			3	7.5	\$445		\$445
<b>Prepare and Submit Documentation</b>												\$0
Bioremediation Agents	10	2	3.5	15.5	\$808			2	31	\$1,616		\$1,616
Dispersants	13.5	2.7	3.5	19.7	\$1,056			2	39.4	\$2,112		\$2,112
Solidifiers, etc.	8.5	1.7	3.5	13.7	\$702			3	41.1	\$2,106		\$2,106
Surface Washing, Herding Agents	7	1.4	3.5	11.9	\$596			3	35.7	\$1,788		\$1,788
<b>Infrequent Burden Items</b>												\$0
Sorbent Review	0	0	0	0	\$0			10	0	\$0		\$0
Re-test	0	0	0	0	\$0			2	0	\$0		\$0
Request for Review of EPA Decision	0	0	0	0	\$0			2	0	\$0		\$0
Reformulate Product and Re-Submit Required Data	0	0	0	0	\$0			1	0	\$0		\$0
<b>Efficacy Tests</b>												\$0
Bioremediation Salt/Freshwater Efficacy **						\$0	\$10,750	2			\$2,250	\$2,250
Revised Dispersant Efficacy **						\$0	\$2,200	2			\$5,100	\$5,100
<b>Toxicity Tests</b>												\$0
Bioremediation Agents Salt/Freshwater Toxicity *						\$0	\$5,150	2			\$15,450	\$15,450
Dispersant Saltwater Toxicity **						\$0	\$5,150	2			\$0	\$0

Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
Dispersant Developmental Sea Urchin Test						\$0	\$3,000	2			\$6,000	\$6,000
Dispersant Sub-chronic Test						\$0	\$3,350	2			\$6,700	\$6,700
Dispersant to Oil Mixture Test						\$0	\$4,500	2			\$9,000	\$9,000
Solidifiers, etc. Saltwater & Freshwater Toxicity **						\$0	\$5,150	3			\$15,450	\$15,450
Surface Washing Agents, Herding Agents Saltwater & Freshwater Toxicity **						\$0	\$5,150	3			\$15,450	\$15,450
<b><i>SUBTOTAL FOR NEW PRODUCTS</i></b>									<b>172.2</b>	<b>\$9,104</b>	<b>\$75,400</b>	<b>\$84,504</b>
RP Monitoring (SONS)											\$500,000	\$500,000
<b>TOTAL BURDEN AND COST</b>									<b>836</b>	<b>\$43,503</b>	<b>\$900,350</b>	<b>\$943,853</b>

\* For these O&M items, the respondents are assumed to have to do multiple tests, so the annual cost is not simply equal to the unit cost times the number of respondents.

\*\* The total O&M costs reflect the incremental cost of the proposed Subpart J rule only, rather than the full testing cost per product.

**EXHIBIT 10**  
**Estimated Total Burden and Costs for All Respondents – Year 3**

Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
<i>Existing Products</i>												
<b>Read and understand Subpart Rule</b>												
Bioremediation Agents	1.5	0.5	0.5	2.5	\$134			0	0	\$0		\$0
Dispersants	1.5	0.5	0.5	2.5	\$134			0	0	\$0		\$0
Solidifiers, MOSCAs	1.5	0.5	0.5	2.5	\$134			0	0	\$0		\$0
Surface Washing, Collecting Agents	1.5	0.5	0.5	2.5	\$134			0	0	\$0		\$0
<b>Prepare and Submit Documentation</b>									0			\$0
Bioremediation Agents	10	2	3.5	15.5	\$808			0	0	\$0		\$0
Dispersants	13.5	2.7	3.5	19.7	\$1,056			0	0	\$0		\$0
Solidifiers, MOSCAs	8.5	1.7	3.5	13.7	\$702			0	0	\$0		\$0
Surface Washing, Collecting Agents	7	1.4	3.5	11.9	\$596			0	0	\$0		\$0
<b>Efficacy Tests</b>												\$0
Bioremediation Salt/Freshwater Efficacy						\$0	\$10,750	0			\$0	\$0
Revised Dispersant Efficacy						\$0	\$2,200	0			\$0	\$0
<b>Toxicity Tests</b>											\$0	\$0
Bioremediation Agents Salt/Freshwater Toxicity						\$0	\$5,150	0			\$0	\$0
Dispersant Developmental Sea Urchin Test						\$0	\$3,000	0			\$0	\$0
Dispersant Sub-chronic Test						\$0	\$3,350	0			\$0	\$0
Dispersant to Oil Mixture Test						\$0	\$4,500	0			\$0	\$0



Burden Item	Per Product Cost								Total Burden and Cost			
	Technical Hr.	Managerial Hr.	Clerical Hr.	Avg. Labor Hours per Product	Labor Cost per Product	Capital / Startup Cost	O&M Costs	No. of Products	Total Labor Hours	Total Labor Cost	Total O&M Cost	Total Cost
Bioremediation Salt/Freshwater Efficacy **						\$0	\$10,750	2			\$2,250	\$2,250
Revised Dispersant Efficacy **						\$0	\$2,200	2			\$5,100	\$5,100
<b>Toxicity Tests</b>												\$0
Bioremediation Agents Salt/Freshwater Toxicity *						\$0	\$5,150	2			\$15,450	\$15,450
Dispersant Saltwater Toxicity **						\$0	\$5,150	2			\$0	\$0
Dispersant Developmental Sea Urchin Test						\$0	\$3,000	2			\$6,000	\$6,000
Dispersant Sub-chronic Test						\$0	\$3,350	2			\$6,700	\$6,700
Dispersant to Oil Mixture Test						\$0	\$4,500	2			\$9,000	\$9,000
Solidifiers, etc. Saltwater & Freshwater Toxicity **						\$0	\$5,150	3			\$15,450	\$15,450
Surface Washing Agents, Herding Agents Saltwater & Freshwater Toxicity **						\$0	\$5,150	3			\$15,450	\$15,450
<b>SUBTOTAL FOR NEW PRODUCTS</b>									<b>172.2</b>	<b>\$9,104</b>	<b>\$75,400</b>	<b>\$84,504</b>
RP Monitoring (SONS)											\$500,000	\$500,000
<b>TOTAL BURDEN AND COST</b>									<b>172</b>	<b>\$9,104</b>	<b>\$575,400</b>	<b>\$584,504</b>

\* For these O&M items, the respondents are assumed to have to do multiple tests, so the annual cost is not simply equal to the unit cost times the number of respondents.

\*\* The total O&M costs reflect the incremental cost of the proposed Subpart J rule only, rather than the full testing cost per product.

**EXHIBIT 11**  
**Estimated Total EPA Burden and Costs – Year 1**

<b>Burden Item</b>	<b>EPA Hours per Product</b>	<b>EPA Cost per Product</b>	<b>Number of Products</b>	<b>Total EPA Hours</b>	<b>Total Cost</b>
<b><i>Existing Products</i></b>					
Process submitted data	10.5	\$529.10	59	620	\$31,216.61
Review data to make a listing determination	9	\$453.51	59	531	\$26,757.09
Notify respondent of decision	4	\$201.56	59	236	\$11,892.04
Store data	3	\$151.17	59	177	\$8,919.03
<b><i>New Products</i></b>					
Process, review, and store data; notify respondent	6.5	\$327.54	10	65	\$3,275.35
<b>TOTAL EPA BURDEN</b>				1,629	\$82,060.12

**EXHIBIT 12**  
**Estimated Total EPA Burden and Costs – Year 2**

<b>Burden Item</b>	<b>EPA Hours per Product</b>	<b>EPA Cost per Product</b>	<b>Number of Products</b>	<b>Total EPA Hours</b>	<b>Total Cost</b>
<b><i>Existing Products</i></b>					
Process submitted data	10.5	\$529.10	40	420	\$21,163.80
Review data to make a listing determination	9	\$453.51	40	360	\$18,140.40
Notify respondent of decision	4	\$201.56	40	160	\$8,062.40
Store data	3	\$151.17	40	120	\$6,046.80
<b><i>New Products</i></b>					
Process, review, and store data; notify respondent	6.5	\$327.54	10	65	\$3,275.35
<b>TOTAL EPA BURDEN</b>				1,125	\$56,688.75

**EXHIBIT 13**  
**Estimated Total EPA Burden and Costs – Year 3**

<b>Burden Item</b>	<b>EPA Hours per Product</b>	<b>EPA Cost per Product</b>	<b>Number of Products</b>	<b>Total EPA Hours</b>	<b>Total Cost</b>
<b><i>Existing Products</i></b>					
Process submitted data	10.5	\$529.10	0	0	\$0.00
Review data to make a listing determination	9	\$453.51	0	0	\$0.00
Notify respondent of decision	4	\$201.56	0	0	\$0.00
Store data	3	\$151.17	0	0	\$0.00
<b><i>New Products</i></b>					
Process, review, and store data; notify respondent	6.5	\$327.54	10	65	\$3,275.35
<b>TOTAL EPA BURDEN</b>				65	\$3,275.35

**Exhibit 14**  
**Data Requirements for NCP Product Schedule Listing (40 CFR part 300)**

<b>Current Requirement Citations</b>	<b>Proposed Rule Requirement Citations</b>
§300.5 Definitions	§300.5 Definitions
Subpart J – Use of Dispersants and Other Chemicals	Subpart J – Use of Dispersants, and Other Chemical and Biological Agents
§300.915 Data Requirements	§300.915 Data and Information Requirements for Product Schedule Listing
§300.915(a)(1)-(12) Dispersants	§300.915(a)(1)-(21) General Product Information §300.915(b) Dispersant Testing and Listing Requirements
§300.915(b) Surface Washing Agents	§300.915(a)(1)-(21) General Product Information §300.915(c) Surface Washing Agent Testing and Listing Requirements
§300.915(c) Surface Collecting Agents	Deleted
§300.915(d) Bioremediation Agents	§300.915(a)(1)-(21) General Product Information §300.915(d) Bioremediation Agent Testing and Listing Requirements.
§300.915(e) Burning Agents	Deleted
§300.915(f) Miscellaneous Oil Spill Control Agents	Deleted
§300.915(g) Sorbents	§300.915(g) Sorbent Listing Requirements
§300.915(h) Mixed Products	Deleted
	§300.915(e) Solidifier Testing and Listing Requirements, including §300.915(a)(1)-(21) General Product Information
	§300.915(f) Herding Agent Testing and Listing Requirements, including §300.915(a)(1)-(21) General Product Information
§300.920 Addition of Products to Schedule	§300.955 Addition of a Product to the Schedule
§300.920(a)(1) Dispersants	§300.955(a) Submission §300.915(b) Dispersant Testing and Listing Requirements
§300.920(a)(2)	§300.955(c) EPA Review
§300.920(a)(3)	§300.955(d) Request for Review of Decision
	§300.955(b) Package Contents

<b>Current Requirement Citations</b>	<b>Proposed Rule Requirement Citations</b>
§300.920(b)(1) Surface Washing Agents, Surface Collecting Agents, Bioremediation Agents, and Miscellaneous Oil Spill Control Agents	§300.955(a) Submission
§300.920(b)(2)	§300.955(c) EPA Review
§300.920(c)	§300.950 Submission of Confidential Business Information (CBI)
§300.920(d)	§300.955(e) Changes to a Listed Product
	§300.955(f) Transitioning Listed Products from the Current Schedule to the New Schedule
§300.920(e)	§300.965 Mandatory Product Disclaimer
	§300.970 Removal of a Product from the Schedule