

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

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection Request

Community Right-to-Know Reporting Requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (Renewal), EPA ICR Number 1352.13, OMB Control Number 2050-0072.

1(b) Short Characterization

EPCRA authorized EPA to publish regulations and the forms for hazardous chemical reporting. On October 15, 1987, EPA published the final rule and the emergency and hazardous chemical inventory reporting forms (Tier I and Tier II). The regulations and forms were revised in July 26, 1990. EPA published a proposed rule on June 8, 1998 to streamline the reporting requirements for hazardous chemical reporting and provided draft guidance on various reporting options that states may implement under EPCRA section 312. Parts of the 1998 proposed rule were finalized in stages, February 11, 1999 and November 3, 2008. EPA finalized the guidance on reporting options for States and locals on July 13, 2010. Other issues that were proposed in 1998 will be finalized in the near future.

The owner or operator of any facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act (OSHA) of 1970 must submit an MSDS to the state emergency response commission (SERC), the local emergency planning committee (LEPC), and the local fire department for each hazardous chemical stored on-site in a quantity greater than the reporting threshold. Alternatively, a list of subject chemicals grouped by hazard type may be submitted. The reporting threshold is 10,000 pounds unless the chemical is specifically listed as an extremely hazardous substance (EHS) under EPCRA section 302. If listed as EHS, the reporting threshold is either 500 pounds or the threshold planning quantity (TPQ), whichever is less. The reporting threshold for gasoline (all grades combined) is 75,000 gallons and for diesel fuel (all grades combined) is 100,000 gallons. These are the existing thresholds when stored entirely underground at retail gas stations in compliance with UST regulations. Section 311 of EPCRA allows the public the same access to MSDSs that facilities provide their employees.

With the adoption of the Globally Harmonized System (GHS) of classification and labeling of chemicals, OSHA Hazard Communication Standard (HCS), codified in 29 CFR 1910.1200, was revised on March 26, 2012 (77 FR 17574). Among other things, HCS revised certain terms used in GHS, such as Safety Data Sheets (SDSs) (formerly known as “Material Safety Data Sheets” (MSDSs)). The meaning of the terms SDSs and MSDSs are the same. However, EPCRA refers to the term Material Safety Data Sheet (MSDS) in its applicability to Sections 311 and 312 requirements. Therefore, in this ICR, we will continue to use the term MSDS instead of SDS. The Agency may revise the implementing regulations in 40 CFR part 370 to note the revisions in OSHA HCS due to the adoption of GHS in the near future.

The submittal of a list of chemicals or MSDSs was a one-time requirement, to be completed by October 17, 1987. However, facilities must submit updated lists or MSDSs within three months if a

hazardous chemical above the reporting threshold comes on-site. If significant new information arises concerning a previously submitted MSDS, a facility must submit a revised MSDS. Additionally, if the SERC or LEPC receives a request, the facility must provide an MSDS, even if the hazardous chemical is stored below the reporting threshold.

Section 312 of EPCRA requires owners and operators of facilities subject to section 311 to annually report the inventories of those chemicals reported under section 311. The Environmental Protection Agency (EPA) is required to publish two emergency and hazardous chemical inventory forms, known as “Tier I” and “Tier II,” for use by these facilities. The Tier I form provides the minimum amount of information necessary to comply with the section.

EPA estimates that there are 400,000 facilities that may be subject to the requirements covered by this ICR. EPA estimates that out of the facilities, there are 120,000 manufacturers and 280,000 non-manufacturers. Any facility that is required to submit an MSDS or list of chemicals under section 311 must submit a Tier I form annually on March 1, incorporating the chemicals reported under section 311. Tier I form is submitted to the SERC, LEPC, and local fire department. The Tier II form, which provides chemical-specific information, should be submitted upon request by the SERC or LEPC.

The submittal of an inventory form allows local emergency planners/responders and the community to have access to information regarding the hazards of a chemical at the facility.

States were always given the flexibility to implement the EPCRA program as appropriate for their State to meet the goals of EPCRA, which is to prepare for and respond to releases of EHSs and to provide the public with information on potential chemical risks in their communities. This flexibility includes adding more chemicals, setting lower reporting thresholds and creating a reporting form or format that includes more information than is required by the federal reporting requirements. Many States have more stringent requirements, such as additional chemicals and lower reporting thresholds. Some States developed their own inventory reporting form, including electronic reporting format and certification. Other States use the federal inventory reporting form or the federal electronic reporting format, Tier2 Submit.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

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

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

Section 312 requires the same owners or operators of facilities to annually report the inventories of the chemicals reported under section 311. Section 312(g) requires EPA to publish emergency and

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

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

2(b) Practical Utility/Users of the Data

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

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

3(a) Non-Duplication

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

3(b) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Agency has notified the public through the Federal Register notice on the renewal of this ICR on December 3, 2014 (79 FR 71753). EPA did not receive any comments.

3(c) Consultations

EPA contacted a few facilities to compare the burden estimates the Agency developed in the previous ICRs to actual burden incurred by facilities to comply annually with Section 312 of EPCRA (Tier II inventory form). We contacted 7 facilities from various establishments: chemical manufacturing, food manufacturing, cold storage, water treatment plant, chemical warehouse and steel fabrication plant.

Small size facilities that we contacted report up to 15 chemicals informed us that they spent 1 hour to 24 hours to conduct inventory and fill out the Tier II form. Medium size facilities that report up to 80 chemicals informed us that they spent 24 hours to 80 hours. One of the medium size facilities we contacted informed us that they submit hard copy of the Tier II form, so it takes longer to fill out.

The large facility that we contacted reports up to 700 chemicals takes 60 hours to inventory their chemicals and report. Large facilities have a system in place to conduct quarterly inventory of their chemicals which makes it easier for them to report the data. Since most states accept on-line reporting of

Tier II form, the data from the previous reporting year is imported to the next reporting year which makes it easier for facilities that submit on-line using Tier2 Submit (EPA developed software) or State-developed or commercial software that states require facilities to use.

The following facilities were contacted:

Anheuser-Busch, LLC
Baldwinsville NY

Hirsch Industries
Dover DE

DeLong's Inc.
Jefferson City, MO

Bayer-Crop Science
Independence MO

Ventura Water Works
Ventura IA

Mid-Columbia Warehouse
Pasco, WA

Alaska General Foods
Ketchikan AK

3(d) Effects of Less Frequent Collection

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

3(d) General Guidelines

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

3(f) Confidentiality

The respondent may claim specific chemical identities as trade secret in reports submitted under Section 312 and in the list of chemicals and material safety data sheets submitted under Section 311. Such information must be submitted to EPA according to EPCRA sections 322 and 323 (40 CFR Part 350).

All trade secrecy claims submitted to EPA under EPCRA are handled and stored according to procedures set out in the *Manual for Physical Handling, Security, and Protection of Files containing Trade Secret Claims Submitted under Sections 303, 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), December 2014*. These procedures were developed for EPCRA trade secrecy claims with the knowledge that these documents are sensitive. Handling and review of documents containing EPCRA trade secret information is permitted only by persons who have obtained formal clearance to access the information based on a work-related need to engage in these activities. When not being processed or reviewed by authorized individuals, the claim submissions containing trade secret information are stored in restricted access areas. To ensure that appropriate handling procedures are activated and the confidentiality of EPCRA trade secret submissions is maintained, the Agency attaches a cover sheet to the top of each trade secret document and otherwise marks the document to clearly identify the document as "confidential".

3(g) Sensitive Questions

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

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents

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

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

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

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

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

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

4(b) Information Requested

4(b)(i) Data Items

Facilities having chemicals subject to section 311 are required to submit MSDSs for these chemicals. These MSDSs are the same as those required under OSHA regulations. A facility can also fulfill its section 311 reporting obligation by submitting a list of chemicals that are subject to the

requirements, grouped by the following hazard types: fire, sudden release of pressure, reactivity, immediate health hazard, and acute health hazard.

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

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

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

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

- NAICS code and Dun and Bradstreet number of the facility
- Emergency contact (added to give SERCs, LEPCs, and local fire departments a contact at the facility who could clarify information at any time, particularly in the event of an emergency); and
- Number of days on-site (added to produce a more accurate estimate of the average daily amount, particularly for those chemicals that are on-site for only a short period of time each year).

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

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

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

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

On July 13, 2012, EPA added the following data elements to page one of the Tier I and Tier II forms.

- Latitude and Longitude of the facility;
- Maximum number of occupants;
- An indication whether the location of the facility is manned or unmanned;
- Facility identification numbers assigned under the Toxic Chemical Release Inventory and the Risk Management Programs;
- Email address of the owner or operator of the facility;
- Name, title, email address, phone number and 24-hour phone number of the facility emergency coordinator;
- Name, title, email address, phone number of the person knowledgeable of the information reported on the Tier I and Tier II forms;
- Email address of the emergency contact(s);
- An indication whether the facility is subject to EPCRA Section 302; and
- An indication whether the facility is subject to Clean Air Act (CAA) Section 112(r), also known as the Risk Management Program.

The following data elements are added to the forms as optional.

- Name, address, phone number, Dun & Bradstreet number and email address of the parent company; and
- Phone number of the facility.

EPA did not make any significant changes to page two of the Tier II form.

4(b)(ii) Respondent Activities

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

If the facility determines that it has chemicals that must be reported, it must determine the address of the SERC, LEPC, and local fire department. Copies of the MSDSs for these chemicals may be submitted, or if preferred, the facility may provide a list of the subject chemicals grouped by hazard type. To use the list option, the facility would have to read the MSDS to determine into which of the five hazard types the chemical falls and to identify it on the list.

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

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

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

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

5(a) Agency Activities

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

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

Currently, 22 states are using Tier2 Submit software as their reporting system; 21 states using their state-developed or commercial software. These 43 states require facilities to submit electronically, on-line, CD, or diskette. Seven states require their facilities to use E-plan to report the Tier II information. Only two states are accepting only hard copy paper submissions.

Note: E-plan is managed by University of Texas Dallas (UTD). It contains Tier II information under EPCRA section 312 and risk management plan under Section 112(r) of the Clean Air Act. Some states use E-plan as their reporting tool. States that have their own reporting system shares their Tier II data with UTD so it can be shared by emergency planners and responders.

5(b) Collection Methodology and Management

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

5(c) Small Entity Flexibility

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

5(d) Collection Schedule

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

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

EPA estimated the respondent burden hours and costs associated with all reporting requirements of EPCRA sections 311 and 312. EPA estimates that there are 400,000 facilities that may be subject to the requirements covered by this ICR. EPA estimates that out of 400,000 facilities, there are 120,000 manufacturers and 280,000 non-manufacturers. There is an increase of 10,000 facilities from the previous ICR based on a re-count of the number of facilities in the E-Plan database and information provided by EPA Regions.

EPA does not receive Tier II inventory form. So, as in the previous ICR, EPA assumes that there may be 420 (140 annually) new facilities covered by the requirements under sections 311 and 312 during the period of this ICR.

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

There are estimated to be 3,000 LEPCs and 52 SERCs. These numbers are assumed to remain the same during the period covered by this ICR.

The unit burden estimates associated with this collection for facilities is in Exhibit 1. For State and local agencies the unit burden estimate is in Exhibit 2.

Read and Understand Regulations

EPA do not expect any new facilities to become subject to the regulations covered by this ICR period. However, EPA assumes the same as in previous ICRs, that is, 140 newly regulated (manufacturing) facilities will need to read and understand the regulations (40 CFR Part 370). SERCs and LEPCs are assumed to have already completed the rule familiarization activities. EPA assumes that it takes an average of 11.0 hours per facility to read and understand regulations in 40 CFR Part 370.

Section 311: MSDS Reporting for Facilities (40 CFR 370.30)

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

In addition, EPA estimates that 20,000 facilities (five percent of the 400,000 facilities reporting under section 312) will need to submit a revised MSDS(s) and the same number of facilities (20,000 facilities) will need to submit a new MSDS(s) in accordance with 40 CFR 370.31. This activity represents the incremental burden for a facility that has acquired a new chemical or has otherwise changed its inventory. Because little information is required from facilities after the initial submittal, EPA also estimates that only one percent of the total universe (4,000 facilities) may be specifically requested to submit an MSDS to LEPC in accordance with 40 CFR 370.32(b). Unit burden for each activity under section 311 is in Exhibit 1.

Section 312: Inventory Reporting for Facilities (40 CFR 370.40 to 370.42)

The inventory reporting burden applies to new and currently covered facilities. Although EPA published two inventory forms, Tier I and Tier II, all the States accept only Tier II or form developed by States. Fifty states accept inventory forms electronically, either Tier2 Submit, the state developed electronic reporting format or a commercial software. Only two states accept hard copy submissions of Tier II form.

Note: EPA is not aware of any States that will accept Tier I form. Therefore, EPA did not account any burden for complying with Tier I form. Tier II form or State developed forms are useful for developing emergency response plans since these forms contain detailed information than Tier I.

For this ICR, EPA assumes small facilities are those that report from 1 to 15 chemicals, medium facilities are those that report up to 80 chemicals, and large facilities are those that report over 80 chemicals. The majority of facilities in the non-manufacturing sector store few chemicals in amounts that exceed reporting thresholds in relation to the number stored at manufacturing facilities. The corresponding burden estimates for completing Tier II inventory forms are lower for non-manufacturing facilities.

Estimates in the previous ICR is slightly lower than the information the Agency received from our consultations with the facilities. Small size facilities that report from 1 to 15 chemicals take from 1 hour to 24 hours annually to gather information and submit their inventory form. Non-manufacturers have

fewer chemicals to report. For this ICR, EPA applied the average of 14 hours for small manufacturers and 10 hours for small non-manufacturers.

Based on our conversations with the facilities we contacted, medium size facilities are estimated to take from 24 to 80 hours annually. These facilities are assumed to have up to 80 chemicals that may exceed reporting thresholds. For this ICR, EPA applied 80 hours for medium manufacturers and 40 hours for non-manufacturers.

One large size manufacturer that we contacted reports up to 700 chemicals but informed us that it would only take 60 hours to inventory and report. Most large manufacturers may have a system in place to conduct regular inventory of their chemicals which would make it easier for them to file an inventory form. To be conservative, EPA estimate that it would take 120 hours, as in the previous ICR for large manufacturers and 40 hours for non-manufacturers. Although EPA believes that most of the facilities burden may have reduced since most states require electronic reporting, EPA is using the same estimates from the previous ICRs for large manufacturers.

Most of the States require facilities to submit electronically (on-line, CD, or diskette) by using a State developed software, a commercial software or the Tier2 Submit. Therefore, the burden incurred on these facilities is lower than those submitting in paper form. Only two states accept paper submissions of the Tier II form. EPA believes that those facilities submitting electronically will have the Tier II or the State form stored which can be revised easily. Most of the information may be the same as previous year and the information from the previous year is imported to the new reporting year. Although the burden incurred may be lower for those submitting electronically, EPA applied the same unit burden for both electronic submitters and paper submitters.

Information Requests for SERCs and LEPCs (40 CFR 370.30)

Information request burdens in 40 CFR 370.61 are incurred by LEPCs and SERCs. These agencies are required to provide public access to the MSDSs and Tier II forms submitted by facilities. EPA estimates that the LEPCs or SERCs will be requested to provide MSDSs to the public for one percent of the total universe of facilities reporting Tier I or Tier II inventories annually (4,000 facilities). SERCs and LEPCs are also estimated to provide Tier II information on one percent of the same universe of facilities (4,000 facilities) as a result of requests from the public for such information.

Data Management for SERCs and LEPCs

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

databases and input the 312 data into their CAMEO software systems. Based on discussions with LEPCs that have databases, EPA estimates that this effort would require two months or 320 hours. About 43 states have the capability to accept inventory forms electronically.

6(b) Estimating Respondent Costs

The annual costs to respondents were estimated by multiplying the respondent burden estimates for each labor category by the corresponding labor rate for that category. These costs are shown in Exhibit 1.

EPA estimates an hourly respondent labor cost for manufacturing facility respondents of \$62.99 for managerial staff, \$48.53 for technical staff and \$24.03 for clerical staff including wages and benefits. Hourly respondent labor costs for non-manufacturing facility respondents are estimated at \$51.91 for managerial staff, \$32.46 for technical staff and \$23.03 for clerical staff including wages and benefits. (*Source: Table 9, Bureau of Labor and Statistics September 2014*)

EPA estimates an hourly respondent labor cost (including overhead) for LEPCs and SERCs of \$52.88 for managerial staff, \$51.86 for technical staff and \$30.18 for clerical staff. (*Source: Table 4, Bureau of Labor and Statistics September 2014*)

Capital and O&M Costs

Approximately 50 states require facilities to submit their inventory reports (Tier II form) electronically using Tier2 Submit, State-developed or commercial software. Currently, only two states require facilities to submit Tier II form in hard copy. So, only these two states would be storing these reports in file cabinets. These two states have approximately 1,100 facilities that submit Tier II inventory form. However, EPA assumes that some LEPCs and fire departments do not have the capability to store these reports electronically, so these agencies would also need to purchase file cabinets. Capital costs include the cost of space required to store information in filing cabinets. Using an estimated cost of \$800 per filing cabinet and annualizing the costs over 15 years, a single file cabinet has annual cost of approximately \$50. So, for 3,052 SERCs and LEPCs, the total cost for filing cabinets would be \$152,000 annually.

For 1,100 facilities that would be submitting Tier II form in hard copy would need to maintain copies of their annual inventory reports. For these facilities, the total annual capital costs would be \$55,000.

Although most facilities (in 50 states) covered by these regulations are now submitting Tier II forms electronically, EPA kept the estimates derived in the previous ICR for O&M costs for SERCs, LEPCs and facilities.

Estimating Agency Burden and Cost

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

EPA update the electronic reporting software, Tier2 Submit annually and accommodate state requests by including state required fields. EPA estimates \$50,000 per year to update and maintain Tier2 Submit software, including changes requested by states.

6(d) Estimating Total Annual Respondent Burden

EPA estimates that there are approximately 400,000 facilities covered by EPCRA Sections 311 and 312 reporting requirements. There are approximately 3,000 LEPCs and 52 SERCs expected to implement Sections 311 and 312 program. Exhibits 1 and 4 present information collection activity, unit burden and annual burden and costs for facilities.

Exhibit 2 and 3 present the hour and cost burden for SERCs and LEPCs for implementing the program. Exhibit 5 and 6 show the capital and O&M costs to facilities over the three-year information collection period. The total average annual respondent burden for 400,000 facilities is 5,796,252 hours, for a total annualized cost of \$250,388,516. The total average annual respondent burden for 3,052 SERCs and LEPCs is 119,002 hours, for a total annualized cost of \$4,025,210. These burden estimates are summarized in Exhibits 5 and 6.

6(e) Bottom Line Burden Hours and Cost

The total three-year burden of facilities is 17,388,752 hours at a cost of \$751,156,548. The total burden to LEPC and SERC respondents over three years is 357,006 hours at a cost of \$12,075,630. Exhibits 5, 6, and 7 present a summary of the bottom line burden and cost estimates for ICR for facilities and state and local governments, respectively.

6(f) Reasons for Change in Burden

The estimated average annual burden for facilities for reporting and recordkeeping activities under EPCRA sections 311 and 312 is 5,796,252 hours per year. There is an increase of 2,006,122 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. . This increase is due to a revised estimate of facilities subject to EPCRA sections 311 and 312. The previous ICR estimated that there were 390,000 facilities subject to EPCRA sections 311 and 312. However, as explained in section 6(a) of this document, EPA estimates that there may be 400,000 facilities subject to the requirements based on data derived from E-plan database and EPA Regions. EPA also used the estimate provided by facilities that we contacted. Therefore, the increase in the hours is due to the increase in the number of respondents and the burden reported by facilities we contacted.

The estimated average annual burden for state and local agencies for this ICR is 119,002. There is a decrease of 17,838 hours from the previous ICR for State and local agencies. The previous ICR estimated that there are 3,500 LEPCs and 52 state agencies, but EPA now estimate that there may be only

3,000 LEPCs that are active and 52 state agencies. The reduction in the annual burden is due to the decrease in the number of LEPCs.

For this ICR, there is an increase of 2,006,122 hours from the previous ICR for facilities and state and local agencies.

6(g) Burden Statement

The average burden for MSDS reporting (basic and additional reporting) is estimated at 6.75 hours for new facilities. Additional reporting, which is to submit revised and new MSDSs for currently covered and new facilities is 2 hours. The average burden for new and currently covered facilities to submit MSDS upon request is 1 hour.

The average burden to comply with Tier II inventory reporting for small, medium and large manufacturers is 14, 80 and 120 hours, respectively. The average burden to comply with Tier II inventory reporting for small, medium and large non-manufacturers is 10, 40, and 40 hours, respectively. There are no recordkeeping requirements for facilities under EPCRA sections 311 and 312 although it is assumed that they will maintain a copy of annual reports to use for future filings. The recordkeeping for MSDSs is mandated under OSHA HCS.

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

The annual public reporting and recordkeeping burden for this collection of information is estimated to range from 10-120 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's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-SFUND-2004-0006, which is available for online viewing at www.regulations.gov, or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 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 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-SFUND-2004-0006 and OMB Control Number 2050-0072 in any correspondence.

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

Facilities

Information Collection Activity	Management	Technical	Clerical	Total Hours	Annual Unit Cost
RULE FAMILIARIZATION					
Read and understand regulations	2.50	7.5	0.00	10.00	\$521.45
SDS REPORTING					
Basic Reporting					
Determine which chemicals meet/exceed the thresholds (new facilities)	1.00	3.00	0.00	4.00	\$208.58
Submit SDSs to SERC, LEPC, and fire department (new facilities)	0.25	1.00	0.50	1.75	\$76.29
Alternative Reporting					
Submit list of hazardous chemicals grouped by hazard category (new facilities)	0.00	1.00	0.25	1.25	\$54.54
Submit revised SDSs (new and currently covered facilities)	0.25	0.50	0.25	1.00	\$45.99
Submit new SDSs (new and currently covered facilities)	0.25	0.50	0.25	1.00	\$45.99
Additional Reporting					
Submit SDS upon request (new and currently covered facilities)	0.25	0.50	0.25	1.00	\$45.99
INVENTORY REPORTING					
Basic Reporting					
Develop and submit Tier II (new and currently covered facilities)					
<i>Manufacturers</i>					
Small	4.00	10.00	0.00	14.00	\$737.26
Medium	4.00	76.00	0.00	80.00	\$3,940.24
Large	8.00	112.00	0.00	120.00	\$5,939.28
<i>Non-manufacturers</i>					
Small	2.00	8.00	0.00	10.00	\$363.50
Medium	4.00	36.00	0.00	40.00	\$1,376.20
Large	6.00	34.00	0.00	40.00	\$1,415.10

Exhibit 2
Sections 311 and 312 Reporting and Recordkeeping Requirements
Estimated Unit Burden and Cost

State and Local Governments

				Total Hours	Annual Unit Cost
	Management	Technical	Clerical		
INFORMATION REQUESTS					
File and maintain annual inventory forms and data	0.00	5.0	27.5	32.50	\$1,089.25
Input data and maintain database of 312 data	0.00	40.0	280.00	320.00	\$10,524.80
Provide SDSs upon written request	0.00	0.50	0.50	1.00	\$41.02
Provide Tier II information upon written request	0.00	0.50	0.50	1.00	\$41.02

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

State and Local Governments

	Number of Respondents	Management	Technical	Clerical	Total Annual Hours	Annual Cost
INFORMATION REQUESTS						
File and maintain annual inventory forms and data	3,052	0.00	15,260	83,930	99,190	\$3,324,391.00
Input data and maintain database of 312 data	43	0.00	1,720	12,040	13,760	\$452,566.40
LEPCs provide SDS on written request	3,000	0.00	1,500	1,500	3,000	\$123,060.00
SERCs and LEPCs provide Tier II information upon written request	3,052	0.00	1,526	1,526	3,052	\$125,193.04
Total				119,002		\$4,025,210.44

Exhibit 4
Section 311 and 312 Reporting and Recordkeeping Requirements
Estimated Annual Burden and Cost

Facilities

	Number of Respondents	Management	Technical	Clerical	Total Hours Burden	Annual Cost
RULE FAMILIARIZATION						
Read and understand regulations	140	350	975	0.00	1,440	\$89,634.00
SDS REPORTING						
Basic Reporting						
Determine which chemicals meet/exceed the thresholds (new facilities)	140	140	390	0.00	530	\$30,835.40
Submit SDSs to SERC, LEPC, and fire department (new facilities)	39	9.75	39	19.50	68.25	\$3,379.74
Alternative Reporting						
Submit list of hazardous chemicals grouped by hazard category (new facilities)	91	0.00	91.00	22.75	113.75	\$5,928.42
Submit revised SDSs (new and currently covered facilities)	20,000	5,000	9,750	4,875	19,500	\$986,748.75
Submit new SDSs (new and currently covered facilities)	20,000	5,000	9,750	4,875	19,500	\$986,748.75
Additional Reporting						
Submit SDS upon request (new and currently covered facilities)	4,000	1,000	1,950	975	3,900	\$197,349.75
Subtotal					40,652	\$2,300,624.81
INVENTORY REPORTING						
Basic Reporting						
Develop and submit Tier II (new and currently covered facilities)						
Manufacturers						
Small	107,400	429,600	1,074,000	0.00	1,503,600	\$79,181,724
Medium	9,000	36,000	684,000	0.00	720,000	\$35,462,160
Large	3,600	28,800	403,200	0.00	432,000	\$21,381,408
Non-manufacturers						
Small	270,000	540,000	2,160,000	0.00	2,700,000	\$98,145,000
Medium	6,000	24,000	216,000	0.00	240,000	\$8,257,200
Large	4,000	24,000	136,000	0.00	160,000	\$5,660,400
Subtotal					5,755,600	\$ 248,087,892
Total (Facilities)					5,796,252	\$ 250,388,516

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

Facilities

	Total Hours Burden (Hours)	Total Cost		
		Labor	Capital	O&M
Annual	5,796,252	\$250,388,516	\$55,000	\$6,330,300
Three-Year	17,388,756	\$751,165,548	\$165,000	\$18,990,900

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

SERCs and LEPCs

	Total Hours Burden (Hours)	Total Cost		
		Labor	Capital	O&M
Annual	119,002	\$4,025,210	\$152,000	\$56,000
Three-Year	357,006	\$12,075,630	\$456,000	\$168,000

Exhibit 7: Total Public Burden

	Hours	Labor	Capital	O&M	Capital + O&M
Facilities	5,796,252	\$250,388,516	\$55,000	\$6,330,300	\$6,385,300
SERCs and LEPCs	119,002	\$4,025,210	\$152,000	\$56,000	\$208,000
Total	5,915,254	\$254,413,726	\$207,000	\$6,386,300	\$6,593,300
Three-Year	17,745,762	\$763,241,178	\$621,000	\$19,158,900	\$19,779,900