

**SUPPORTING STATEMENT  
FOR INFORMATION COLLECTION SUBMISSION  
9000-0147, POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION**

**A. Justification.**

**1. Circumstances that make the collection of information necessary.** This information collection is required by FAR clause 52.223-5, Pollution Prevention and Right-to-Know Information. The underlying legal authorities for the FAR clause are the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11001-11050) and the Pollution Prevention Act of 1990 (PPA), (42 U.S.C. 13101-13109); and Executive Order 13693, Planning for Federal Sustainability in the Next Decade, dated March 25, 2015, require that Federal facilities maintain reports on hazardous materials and toxic chemicals and pollution prevention efforts. In keeping with this mandate, Federal contractors performing at a Federal facility must provide sufficient information to the Federal Government to ensure that the facility is compliant with the E.O., PPA, and EPCRA.

**2. Uses of information.** The information is used by Federal facilities managers and emergency planning and environmental engineering personnel to prepare emergency response plans, Toxic Release Inventory (TRI) reports, material safety data for hazardous chemicals, hazardous substance release emergency notifications, emergency and hazardous chemical inventory forms, toxic chemical release forms, and toxic chemical source reduction and recycling reports. The information is also used to implement environmental management systems and to complete facility compliance audits. A variety of data must be collected from Federal contractors in order for each facility to comply with PPA and EPCRA reporting requirements. The information to be collected in each case will depend on the chemicals being used in the performance of the contract, and the circumstances of their use.

**3. Consideration of information technology.** The information collection addressed herein is merely the aggregation of already-cleared data under EPA-generated information collection clearances. The burden on contractors described in this supporting statement is, therefore, attributable only to locating and retrieving the required information. Improved information technology is being used to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, the contractors may submit this information collection requirement

electronically. This means the information may be emailed or faxed.

**4. Efforts to identify duplication.** This requirement is issued under the Federal Acquisition Regulation, which has been developed to standardize Federal procurement practices and eliminate unnecessary duplication. Similar information is not readily available from any other source.

**5. If the collection of information impacts small businesses or other entities, describe methods used to minimize burden.** The burden applied to small businesses is the minimum consistent with applicable laws, Executive orders, regulations, and prudent business practices. The collection of information will only impact small businesses that perform under contracts at Federal facilities where compliance with the EPCRA, PPA, or E.O. 13693 reporting and implementation requirements is mandated. The information required to prepare such reports will be collected, as needed, from both large and small businesses. The nature of the reporting requirements precludes reducing the information collection burden for small businesses. Comments are requested from large and small business concerns and other interested parties on this issue.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently.** Failure to collect all relevant information on the production, use, or storage of hazardous substances on Federal facilities, as well as information needed to complete an FCA or to implement an EMS, will result in noncompliance with the requirements imposed on such facilities by EPCRA, PPA and Executive Order 13693. Such noncompliance may result in inadequate emergency planning, incomplete public disclosures, or inadequate emergency responses. This would create the potential to jeopardize public health and safety.

**7. Special circumstances for collection.** Collection of information on a basis other than by individual contractors is not practical. The contractor is the only one that has the records necessary for the collection. There are no special circumstances that require the collection to be conducted in any manner listed in 5 CFR 1320.5(d) (2).

**8. Efforts to consult with persons outside the agency.** A 60-day notice was published in the *Federal Register* at 81 FR 26564, on May 3, 2016. No comments were received. A 30-day notice was

published in the *Federal Register* at 81 FR 52693 on August 9, 2016. No comments were received.

**9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.** No payment or gift will be provided to respondents.

**10. Describe assurance of confidentiality provided to respondents.** The information collected will be disclosed only to the extent consistent with prudent business practices and current regulations. No assurance of confidentiality is provided to respondents.

**11. Additional justification for questions of a sensitive nature.** No sensitive questions are involved.

**12 & 13. Estimated total annual public hour/ cost burden.** The information collection requirements in this submission are addressed in three parts based on the types of reports from which the contractors will obtain the information needed by the Federal facilities manager or emergency planning and environmental engineering personnel responsible for the Federal facility: (A) Toxic Release Inventory and PPA reports; (B) Other reports required by the EPCRA; and (C)(1) Information required for implementation of environmental management systems (EMSs) or (C) (2) completion of facility compliance audits (FCAs) at Federal facilities.

Number of responses/yr.....	4713
Responses per Respondent .....	<u>x 1</u>
Total Annual Responses.....	4713
Average hours per response .....	<u>x 3.7127</u>
Total hours.....	17,498
Total Cost to Public.....	\$804,908

The total annual public cost burden is, therefore, 17,498 hours (4,288 + 555 + 6,130 + 6,525) or \$804,908 (\$197,248 + \$25,530 + \$281,980 + \$300,150).

The total number of annual responses is 4,713 (1,305 + 1,226 + 1,110 + 1,072).

The average hours per response are 3.7127. The estimated cost per response is \$170.78.

(A). EPCRA and PPA reports (sections 313 of EPCRA and 6607 of PPA): The source data for this portion of the information

collection submission is the Environmental Protection Agency's (EPA's) Toxics Release Inventory (TRI), Federal Facility Report. The TRI currently tracks the management of over 650 toxic chemicals that pose a threat to human health and the environment. The most recent TRI dataset, Calendar Year (CY) 2014, was used.

The EPA TRI dataset for CY 2014 indicates that 445 Federal facilities submitted reports in 2014. Of these, it is estimated that approximately 134 Federal facilities use contractors, or approximately 30 percent. Based on the information submitted by the Office of the Federal Environmental Executive in coordination with EPA, on average, we estimate that there are eight contractors per facility that may use substances for which TRI reports are required. Therefore, we estimate a total of 1,072 (134 x 8) responses per year. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is required to maintain under existing law and regulation. We estimate a burden of four hours per response, for a total burden on respondents of 4,288 hours, or \$197,248, as follows:

Number of responses.....	1,072
Average hours per response.....x	4
Total hours.....	4,288
Cost per hour.....x	\$46.00*
Total annual burden.....	\$197,248**

\* Based on the OPM salary table for CY 2016, we estimate an hourly rate equivalent to a GS-12, Step-5, or \$33.72 per hour, plus 36.25 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$46.00.

\*\* The total annual burden has decreased since the last submission due to a reduction in the number of responses. See paragraph 15 for rationale.

(B). Other reports required by the EPCRA (sections 311 and 312, hazardous chemical storage reporting): For any hazardous chemical used or stored in the workplace, facilities must maintain a material safety data sheet (MSDS), and submit the MSDSs (or a list of the chemicals) to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department. Facilities must also report an annual inventory of these chemicals sections 311 and 312 of EPCRA require facilities to submit information on hazardous chemicals at their sites above the threshold quantities. Section 312 may

be used to meet the section 311 reporting requirements for those facilities that become subject to reporting under section 311. The information obtained from the EPA indicates that 370 Federal facilities use toxic or hazardous chemicals subject to EPCRA reporting and emergency planning requirements. On average, we estimate that each of these Federal facilities has three contracts which will be subject to this collection of information for a total of 1,110 (3 x 370) covered contractors. We estimate that each contractor will be required to submit information annually, for a total of 1,110 responses per year. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is required to maintain under existing law and regulation. We estimate a burden of 0.5 hours per response, for a total burden of 555 hours, or \$25,530, as follows

Number of responses.....	1,110
Average hours per response.....	x 0.5
Total hours.....	555
Cost per hour.....	x \$46.00*
Total annual burden.....	\$25,530**

\* Based on the OPM salary table for CY 2016, we estimated an hour rate equivalent to a GS-12, Step-5, or \$33.72 per hour, plus 36.25 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$46.00.

\*\*The total annual burden increased slightly since the last reporting period due to the increase of the cost per hour from \$44.00 to \$46.00. \_\_\_\_\_

(C). Facility Compliance Audits and Environmental Management System (EMS) Self-assessments:

(C).1 The Army Corps of Engineers, Engineer Research and Development Center estimates that 4,086 Federal facilities would be likely to collect information for Facility Compliance Audits (FCA) in accordance with E.O. 13693. Most agencies have a three-year audit cycle; therefore, approximately each year 1,362 audits are performed. We estimate that 90 percent of these Federal facilities have one contract which will be subject to this collection of information, which equates to approximately 1,226 (.90 x 1,362) covered contractors. We estimate that each contractor will be required to submit information annually, for a total of 1,226 responses per year. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is

required to maintain under existing law and regulation. Based on information submitted by the Office of the Federal Environmental Executive in coordination with EPA, we estimate a burden of 5 hours per response, for a total burden on respondents of 6,130 hours, or \$281,980, as follows:

Number of responses.....	1,226
Average hours per response.....	x <u>5</u>
Total hours.....	6,130
Cost per hour.....	x <u>\$46.00*</u>
Total annual burden.....	\$281,980**

\* Based on the OPM salary table for CY 2016, we estimated an hour rate equivalent to a GS-12, Step-5, or \$33.72 per hour, plus 36.25 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$46.00.

\*\*The total annual burden increased slightly since the last reporting period due to the increase of the cost per hour from \$44.00 to \$46.00.—

(C).2. According to the Federal Facilities Environmental Stewardship and Compliance Assistance Center (FedCenter), an estimated 2,373 Federal facilities would be likely to collect information for Environmental Management System (EMS) self-assessments. We estimate that .55% of these Federal facilities have one contract which will be subject to this collection of information (.55 x 2,373 =) 1,305 covered contractors. We estimate that each contractor will be required to submit information annually, for a total of 1,305 responses per year. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is required to maintain under existing law and regulation. Based on information submitted by the Office of the Federal Environmental Executive in coordination with EPA, we estimate a burden of 5 hours per response, for a total burden on respondents of 6,525 hours, or \$300,150, as follows:

Number of responses.....	1,305
Average hours per response.....	x <u>5</u>
Total hours.....	6,525
Cost per hour.....	x <u>\$46.00*</u>
Total annual burden.....	x \$300,150**

\* Based on the OPM salary table for CY 2016, we estimated an hour rate equivalent to a GS-12, Step-5, or \$33.72 per hour, plus

36.25 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$46.00.

\*\*The total annual burden increased slightly since the last reporting period due to the increase of the cost per hour from \$44.00 to \$46.00.

Total capital and start-up costs and total operation and maintenance and purchase cost. There are no capital or start-up costs associated with this information collection. There are no operation and maintenance or purchase costs associated with this information collection.

**14. Estimated Cost to the Government.** The time required for Government review of the information collected varies. For information collected to support preparation of Toxic Release Inventory and PPA reports, we estimate three hours of review by a GS-12 Government employee per submission. For information collected to support preparation of other reports required by EPCRA, we estimate one hour of review by a GS-12 Government employee per submission. For information collected to support E.O. 13693, we estimate one hour of review by a GS-12 Government employee per submission (FCA and EMS per submission). The estimated cost to the Government to review responses to this information is calculated as follows:

Report Type:	A EPCRA/PPA	B Other EPCRA	C.1 FCA	C.2 EMS
No. of Resp.	1,072	1,110	1,226	1,305
Avg. hrs/resp.	X <u>3</u> ****	X <u>1</u> ****	X <u>1</u> ****	X <u>1</u> ****
Total hours	3,216	1,110	1,226	1,305
Cost/hour	<u>\$ 46.00</u> *	<u>\$ 46.00</u> *	<u>\$ 46.00</u> *	<u>\$46.00</u> *
Total An.Cost	\$147,936**	\$ 51,060***	\$ 56,396****	\$60,030****

Total Government Burden:

Hours: 6,857  
 Cost: \$315,422

\* Based on the OPM salary table for calendar year 2016, we estimated an hour rate equivalent to a GS-12, Step-5, or \$33.72 per hour, plus 36.25 percent overhead burden which is the rate mandated by OMB for A-76 public-private competitions, and rounded to the nearest whole dollar, or \$46.00.

\*\* The decrease of the total annual Government burden since the last submission is primarily attributed to the reduction in the number of TRI reports. See paragraph 15 for rationale.—

\*\*\* The increase of the total annual Government burden since the last submission reflects an increase in the cost per hour from \$44.00 to \$46.00 and an adjustment to the estimated time for Government review. The cost per hour was updated based on current OPM hourly labor rates and OMB's overhead burdened rates.

\*\*\*\* The average hours per response is adjusted to reflect the adjustment of the cost per hour from \$44.00 to \$46.00 and an adjustment to the estimated time for the Government review. In the case of the FCA and EMS calculations, the latter adjustment resulted in a decrease of the total annual Government cost burden.

**15. Explain reasons for program changes or adjustment reported**  
The reduction in the number of EPCRA and PPA reports reflected this submission is attributed to the following:

As mentioned, the source data for the EPCRA and PPA reporting calculation is the EPA's CY 2014 TRI dataset. For the previous, 2013 supporting statement and subsequent approval, the CY 2011 TRI dataset was used. TRI reporting is based on whether or not specific toxic chemical thresholds are met or exceeded, which depending on the outcome, can change the number of Federal facilities required to report in a given year. In addition, the EPA makes changes to the TRI chemical list through EPA-initiated reviews and through the chemical petitions process. As a result, the TRI list of reportable toxic chemicals can vary year to year.

**16. Outline plans for published results of information collections.** Results of this information collection will not be published.

**17. Approval not to display expiration date.** Not applicable.

**18. Explanation of exception to certification statement.** Not applicable.

**B. Collections of Information Employing Statistical Methods.** Results will not be tabulated. Statistical methods will not be employed.