

1 Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act

1 IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Title: Notification of Chemical Exports - TSCA Section 12(b)

EPA ICR No.: 0795.15 OMB Control No.: 2070-0030

1(b) Short Characterization

Section 12(b) of the Toxic Substances Control Act (TSCA) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of data is required under TSCA section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under TSCA section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country the notice and of EPA's regulatory action with respect to the substance.

On December 16, 1980, EPA promulgated a rule implementing TSCA section 12(b) (45 FR 82844). This final rule requires exporters to submit an annual notice for each country to which a chemical subject to TSCA section 12(b) requirements is exported. EPA amended the regulations in July 1993 and November 2006 to reduce the overall burden of the statutory mandate on exporters (58 FR 40242, July 27, 1993; 71 FR 66324, Nov. 14, 2006). Among other things, the amendments reduced the notification requirements for exporters of chemicals subject to certain actions under TSCA sections 4 and 5 from an annual notification to a one-time notification for the first export to a particular country. Exports of chemicals subject to TSCA sections 5(f), 6, and 7 actions still require submission of annual export notifications to EPA, however. The 2006 amendments also set *de minimus* concentration levels below which notification would not be required and clarified that a single export notification may refer to more than one section of TSCA where the exported chemical is the subject of multiple TSCA actions. These rules are codified at 40 CFR Part 707, Subpart D.

The export notice must include five easily ascertainable items: the name and address of the exporter, the name of the chemical, the country of import, the date of export or intended export, and the section of TSCA under which EPA has taken action (section 4, 5, 6 or 7). There are currently over 1,000 substances or categories of substances that have been regulated or proposed to be regulated under the applicable sections of TSCA.

In an effort to further reduce the information collection burden for TSCA section 12(b) export notification, EPA's Office of Pollution Prevention and Toxics (OPPT) developed and made available to the public on its website in 2001 a list of chemical substances subject to TSCA section 12(b) export notification requirements (see "Current List of Chemical Substances Subject to TSCA Section 12(b) Export Notification Requirements" at: http://www.epa.gov/oppt/import-export/pubs/12_b_listFinal_08-21-2012.pdf). In addition, OPPT made available in 2001 a comprehensive listing of the "sunset" dates for chemical substances subject to TSCA section 4 actions (i.e., the dates on which the TSCA section 4 testing, reimbursement, and reporting requirements and/or TSCA section 4-triggered TSCA section 12(b) export notification requirements have terminated ("sunset") or have been calculated to sunset) (see "Sunset Date/Status of TSCA Section 4 Testing, Reimbursement, and Reporting Requirements and

TSCA Section 4-Triggered TSCA Section 12(b) Export Notification Requirements” at: <http://www.epa.gov/opptintr/chemtest/pubs/sunsettable.html>). EPA believes that these lists, long recommended by industry, serve as useful tools to assist industry in complying with TSCA and have resulted in an overall reduction of the information collection burden.

Finally, this paragraph identifies EPA actions that are anticipated to occur during the collection period that could affect the information requirements and burden. During the collection period covered by this ICR renewal/reinstatement, a number of actions under TSCA sections 4, 5, and 6 are anticipated that will trigger export notification under TSCA section 12(b). Of course, should any of these anticipated actions impact this ICR, EPA will follow appropriate procedures to amend this ICR, as appropriate.

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

TSCA section 12(b) requires exporters to submit a notice for each country to which a chemical subject to TSCA section 12(b) requirements is exported. Specifically, TSCA section 12(b) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of data is required under TSCA section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under TSCA section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of the notice and of EPA’s regulatory action with respect to the substance. See Attachment 1 for exact language of TSCA section 12(b), 15 U.S.C. 2611(b).

Regulations implementing the statutory mandate in TSCA section 12(b) appear in 40 CFR Part 707, Subpart D, and include the following additional provisions:

No notice of export will be required for articles, except PCB articles, unless the Agency so requires in the context of individual TSCA section 5, 6, or 7 actions.

Any person who exports or intends to export polychlorinated biphenyls (PCBs) or PCB articles, for any purpose other than disposal, shall notify EPA of such intent or exportation under TSCA section 12(b). PCBs and PCB articles have the definitions published in 40 CFR 761.3.

Any person who would be prohibited by a TSCA section 5 or 6 regulation from exporting a chemical substance or mixture, but who is granted an exemption by EPA to export that chemical substance or mixture, shall notify EPA under TSCA section 12(b) of such intent to export or exportation. An exporter will be subject to possible enforcement action (including penalties) for not complying with the applicable provisions of TSCA section 12(b).

The full text of 40 CFR part 707 is provided in Attachment 2.

2(b) Use/Users of the Data

As required by TSCA section 12(b), the Administrator will use the information collected under this ICR to furnish the required notice to the government of the importing country. The importing country typically uses the information provided to ensure that chemicals imported into their country comply with their laws and regulations.

3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

The exporter submits one notice to EPA. There is no duplication of this mandate or collection activity, and there are no viable alternate sources for the Agency to obtain the information necessary to satisfy the statutory mandate.

The Agency carefully considered alternatives to imposing a notification requirement on the chemical exporters, but no viable alternate sources were identified that would accomplish what the statute requires or provide the required information as specified in the statute. Prior to promulgating the TSCA section 12(b) rule, EPA considered the possibility of using export data gathered by the Bureau of the Census in lieu of imposing notification requirements in a TSCA section 12(b) rule. However, several problems with the Census data continue to make such an approach impractical. These problems include, among others, the fact that Census data are often not chemical-specific; Census exempts certain shipments and exporters that are not exempt from TSCA section 12(b) notifications; and Census data would not be available for up to eight weeks following export, a delay that would prevent EPA from providing an importing government the timely notice required by TSCA section 12(b).

In addition, the Agency's activities are not duplicative of any other agency's actions. Importing countries do not receive such notifications from any other sources.

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

1 In proposing to renew/reinstate this ICR, EPA provided a 60-day public notice and comment period that ended on December 28, 2015 (80 FR 66000, October 28, 2015). EPA received one comment, from the American Petroleum Institute (API), during the comment period. A copy of the comment and EPA's response to the comment are included as Attachments 3 and 4, respectively.

3(c) Consultations

Prior to proposing the original 1980 guidance for the submission of TSCA section 12(b) notices, EPA held informal meetings with the Manufacturing Chemists Association (now the American Chemistry Council), and with representatives of the Swedish, Canadian and British governments. Comments were also received from exporters, environmental groups and foreign governments during the public comment period for the proposal. Prior to issuance of the final amendments to the export notification requirements in 1993, EPA also met with stakeholders to discuss TSCA section 12(b) requirements and the possible need for some changes to the 1980 rule. EPA also received and considered comments from exporters, environmental groups and foreign governments during the public comment period for the proposed amendments. Finally, EPA considered comments received on an amendment to the TSCA section 12(b) export notification requirements proposed in 2006.

1 Additionally, under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an ICR to OMB for review and approval. In accordance with this regulation, EPA submitted questions to nine parties via e-mail. The individuals contacted were:

Scott Jensen, Chemical Safety, TSCA, etc.
American Chemistry Council
Email: Scott_Jensen@AmericanChemistry.com

Jenny Gaines, Senior Manager, Communications
SOCMA
Email: gainesj@socma.com

Dan Turner, Corporate Media Contact
DuPont.com
E-mail: Daniel.a.Turner@dupont.com

Eric Wohlschlegel, Director, Media Contacts
American Petroleum Institute
E-mail: wohlschlegele@api.org

Melissa Scanlan
Assoc. Dean of the Env'tl. Law Program
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Stacy Cooks, External Affairs Coordinator
Asthma & Allergy Foundation of America
Email: stacy@aafa.org

Sharyn Stein, General EDF media inquiries
Environmental Defense
Email: sstein@edf.org

Ken Cook, President
Environmental Working Group
E-mail: ken@ewg.org

David Goldston, Director, Government Affairs Program
Natural Resources Defense Council
Email: eheyd@nrdc.org

EPA received no responses to its solicitation for consultations. A copy of EPA's consultation e-mail to the above nine potential respondents is included in Attachment 5.

3(d) Effects of Less Frequent Collection

In 1993 and 2006, EPA amended the regulations to reduce the notification requirement for exporters of chemicals subject to actions under TSCA sections 4 and 5 from an annual notification to a one-time notification for the first export to a particular country. (58 FR 40242, July 27, 1993; 71 FR 66324, Nov. 14, 2006.) If the collection of information was conducted less frequently, the regulatory requirements would not be met.

3(e) General Guidelines

This information collection is necessary to implement statutory requirements of section 12(b) of TSCA and is consistent with the requirements of 5 CFR 1320.6.

3(f) Confidentiality

The respondent may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA and 40 CFR part 2. In 2010, EPA initiated a broad effort to increase transparency and provide more valuable information to the public by identifying data collections under TSCA where information may have been claimed and treated as confidential in the past but is not in fact entitled to confidentiality under TSCA. (75 FR 3462, Jan. 21, 2010; 75 FR 29754, May 27, 2010.) Information submitted under specific reporting requirements of TSCA, or in support of TSCA, is subject to the provisions of section 14 of TSCA and to EPA's Regulations on the Confidentiality of Business Information (see 40 CFR part 2). Failure to follow these procedures fully at the time of document submission to EPA is interpreted by the Agency as a waiver of confidentiality claims. Submitters may claim confidentiality for proprietary information, but should submit a detailed written explanation to substantiate all confidential business information (CBI) claims. Detailed written responses to 14 specific substantiation questions should be provided to substantiate confidentiality claim(s). Responses should be as specific as possible, with examples as appropriate, and should provide substantiation arguments for all types of information (e.g., sales, production/ importation volumes, chemical identity, company identity) claimed as confidential. However, notwithstanding any claim of confidentiality, the foreign government of the importing country will be notified of the export of the substance(s) in question.

3(g) Sensitive Questions

This section is not applicable. The information requested is not sensitive in nature.

4 THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

4(a) Agency Activities

The activities routinely conducted by EPA related to the receipt and processing of TSCA section 12(b) export notices include the following:

- o log in notices for tracking/reporting;
- o review export notices for compliance;
- o prepare letters with supporting documents to foreign governments;

- o respond to follow-up inquiries from industry and foreign governments; and
- o consult with companies on complying with the TSCA section 12(b) rule.

4(b) Collection Methodology and Management

The collection methodology is event-based, i.e., the respondent's decision to export a chemical subject to TSCA section 12(b). With the exception of TSCA section 4 chemicals, an exporter must submit, on an annual basis, one TSCA section 12(b) notice for each country to which a chemical subject to TSCA section 12(b) is exported. For TSCA section 4 chemicals, an exporter must only submit a TSCA section 12(b) notice for the first export or intended export to a particular country. The TSCA section 12(b) notice must be postmarked within seven days after the respondent accepts a definite contractual obligation or no later than the date of export.

TSCA section 12(b) export notifications are received by EPA's Information Management Division (IMD) in OPPT. IMD notifies appropriate foreign governments of the export of the specific TSCA-regulated chemicals to their country in accordance with the mandate in TSCA section 12(b) and the regulations at 40 CFR part 707, Subpart D.

The following is a brief overview of the Agency's handling and tracking process for these notices:

- 1) All incoming notices are received in OPPT's Confidential Business Information Center (CBIC), which is managed by OPPT's Information Management Division (IMD).
- 2) The CBIC enters all hardcopy 12b's, both CBI and NON-CBI records by scanning the company and chemical information, enters it into the database, and prepares the notification letter and explanatory materials (e.g., Federal Register notice, TSCA section 5(e) consent order) via the Export Notification Tracking System (ENTS). For CBI packages, CBIC via IMD/RDMB sends the notification and explanatory information to the embassy/foreign authority of the country to which the subject chemical is being exported.
- 3) If the receiving country requests further information, the request comes directly to either the CBIC or IMD, depending on the communications media, i.e., phone call, email, for hardcopy document, and RDMB and IMD/RDBM obtains and/or generates the needed information, and sends the package back to the requesting country's embassy or authority.

The Export Notification Tracking System (ENTS) is maintained by OPPT/IMD contains approximately 162,000 records dating back to 1989. The ENTS database is modified daily with new incoming records of chemical exports to foreign countries. Updates also incorporate regulatory changes affecting the chemicals that are subject to EPA's TSCA section 12(b) export notification rule at 40 CFR 707.

EPA is continuing to explore the feasibility of developing and implementing an optional electronic data reporting system for the ease of respondents, which could result in a significant burden reduction. The projected reporting system is designed to be a user-friendly interface for parties engaged in reporting under TSCA section 12(b). Thus, the submission of information to EPA will be less expensive, faster, and more efficient once this technology is fully applied.

4(c) Small Entity Flexibility

TSCA section 12(b) does not exempt small businesses. However, most reporting has been by large companies, because they do most of the exporting. In any case, the burden on any exporter is minimal, averaging 16.8 hours per firm with minimal mailing costs, yielding an associated cost of \$1,158.83 per firm (assuming 13 notices per firm).

4(d) Collection Schedule

In general, there are basically two collection schedules related to the TSCA section 12(b) export notification requirements, i.e., a one-time collection and an annual collection. On an annual basis, excluding TSCA section 4 chemicals, an exporter must submit only one TSCA section 12(b) notice for each country to which a chemical subject to TSCA section 12(b) is exported. For TSCA section 4 chemicals, an exporter must only submit one TSCA section 12(b) notice for the first export or intended export to a particular country.

If the collection of information was conducted less frequently, the statutory requirements would not be met.

5 THE RESPONDENTS AND THE INFORMATION REQUESTED

5(a) Respondents/NAICS Codes

Respondents to this collection are exporters of chemical substances, which are mostly chemicals companies classified under NAICS Codes 325 and 324.

5(b) Information Requested

(i) Data Items

Respondents are required to include the following information in their export notification:

- the name and address of the exporter;
- the name of the chemical;
- the country of import;
- the date of export or intended export; and
- the TSCA section 4, 5, 6 or 7 action that triggers the notice.

(ii) Respondent Activities

In providing the required TSCA section 12(b) export notification, the respondent (exporter) is likely to engage in the following activities:

- Compile and maintain a list of chemical products manufactured by the company that are also subject to a TSCA section 4, 5, 6 or 7 action (e.g., compare list of their chemicals with EPA's list of TSCA section 12(b) chemicals);
- Check this list against outgoing orders to determine if a product/chemical on the list is expected to be exported to a customer outside of the U.S.;

- If it is, identify whether a TSCA section 12(b) notice is required (e.g., is it the first shipment to that country this year?); and
- If product/chemical is on the list and a TSCA section 12(b) notice is required, complete the required export notice and forward it to EPA within the required time period.

6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

The purpose of this analysis is to determine the incremental cost to industry and to the EPA associated with export reports that are submitted to the Agency under the TSCA section 12(b) reporting requirements.

6(a) Estimating the Respondent Burden

The burden to respondents of this information collection activity comprises the time required to perform the steps outlined in section 3 of this document.

For the purpose of this section, a notice is a package received by the EPA by one company. One company may submit more than one notice per year. Each notice may contain several chemicals and/or countries. A notice subsequently becomes a letter of notification that EPA issues to a foreign government.

Ever since a change in reporting requirements published on November 14, 2006, there is a one-time notification requirement for exporters of chemical substances or mixtures. In addition, the change required the Agency to notify foreign governments once after it receives the first export notification from an exporter. The shift to one-time-only export notification in the amendments affected almost all notifications received under TSCA section 5 (EPAB 2006). Note that EPA also promulgated *de minimis* concentration levels below which notification will not be required for the export of any chemical for which export notification under TSCA section 12(b) is otherwise required.

For the purposes of this ICR, based on best available information, and given no known factors to change industry burden and cost, EPA assumes that the estimates for average number of submitters and notifications are the same as the estimates used for the last ICR period, and that these estimates are applicable for FY 2015-2018. Tables 1 and 2 present unit burden and aggregate burden estimates, respectively. The activities involved and calculation details are listed below. EPA estimates the total annual burden at 4,032 hours.

Compile List. Since this information collection activity has been in place for twenty years, most respondents will have already developed a list of their products subject to TSCA section 12(b) reporting. Respondents need only check for new regulations promulgated and any new products exported by the company. EPA estimates each of the 240 respondents will carry out this activity only once per year, and therefore the Agency expects this activity to occur 240 times per year in the aggregate. Updating the list is estimated to take an average of one hour of technical time (which may also include some proportion of legal time). This could vary depending on the number of products from two hours per year up to two hours per month of technical time (which may also include some proportion of legal time). This will vary depending on the number of products exported by the company and the number of their products subject to TSCA section 12(b). EPA estimates unit burden for compiling the list estimated at an average of 9.3 hours of technical time per firm per year. Applying this unit burden across the total number of firms yields the aggregate burden (see Tables 1 and 2).

Write or Revise Letter. Companies that export chemicals subject to TSCA section 12(b) reporting must prepare an export notice to send to EPA. EPA estimates each of the 240 respondents will carry out this activity only once per year, and therefore the Agency expects this activity to occur 240 times per year in the aggregate. EPA expects that the time needed for initial preparation of the export notice probably varies depending on whether the company has prior experience with this program, but this step is estimated to take an average of one hour of technical time (which may also include some proportion of legal time) per year for each company subject to TSCA section 12(b) reporting. Applying this unit burden across the total number of firms yields the aggregate burden (see Tables 1 and 2).

Check Orders and Send Notices. The companies that export chemicals subject to TSCA section 12(b) reporting must check outgoing shipments against the list of their products described above. A form letter notifying EPA is printed out detailing where the shipment is going for a TSCA section 12(b) chemical if it is the first shipment of the year to the importing country. This whole process is estimated to take an average one half hour of clerical time per firm. Applying this unit burden across the total number of firms yields the aggregate burden (see Tables 1 and 2). EPA estimates each of the 240 respondents will submit about 13 notices per year, and therefore the agency expects to receive 3,090 notice per year.

SUMMARY TABLE AND INFORMATION COLLECTION LIST					
INFORMATION COLLECTION ACTIVITY	ANNUAL NUMBER OF FIRMS	ANNUAL RESPONSES PER FIRM	TOTAL ANNUAL RESPONSES	BURDEN / RESPONSE	ANNUAL BURDEN HOURS
Compile list of products for export	240	1	240	9.3	2,232
Write or revise export notification	240	1	240	1	240
Check export order and send notification	240	12.875	3,090	0.5	1,560
Total burden requested under this ICR			3,570		4,032

TABLE 1: ANNUAL AVERAGE BURDEN PER RESPONDENT FACILITY			
ACTIVITY	BURDEN HOURS		
	TECHNICAL	CLERICAL	TOTAL
Compile list	9.3	0	9.3
Write letter	1	0	1
Check order and send notice	0	6.5	6.5
Total	10.3	6.5	16.8

TABLE 2: ANNUAL AGGREGATE BURDEN			
ACTIVITY	BURDEN HOURS		
	TECHNICAL	CLERICAL	TOTAL
Compile list	2,232	0	2,232
Write letter	240	0	240
Check order and send notice	0	1,560	1,560
Total	2,472	1,560	4,032

6(b) Estimating the Respondent Cost

The costs to respondents is based on the time needed to complete the tasks listed in section 3 (hours estimated in section 6(a)), the hourly cost of labor at appropriate levels (labor rates), the number of firms affected, and/or the number of notices generated. There are also costs for mailing. There are no specific capital or overhead costs associated directly with this information collection activity. EPA estimates unit costs and aggregate costs in Tables 4, and 5 respectively with the total annual cost at estimated at \$278,118.

Respondent costs include labor and non-labor cost. Loaded labor rates, including fringe costs, are provided in Table 3. For non-labor (mailing) costs, postal rates total \$16.29 per notice sent to EPA (U.S. domestic mail rates - USPS 2015):

- \$13.00 for registered mail
- \$2.80 for a return receipt
- \$0.49 postage

Table 3: Industry Wage Rates								
Labor Category	Data Sources ^a	Date	Wage	Fringe Benefit	Fringes as % Wage	Over-head % wage ^b	Fringe + Overhead Factor ^c	Loaded Wages ^d
			<i>(a)</i>	<i>(b)</i>	<i>(c) = (b)/(a)</i>	<i>(d)</i>	<i>(e) = (c) + (d) + 1</i>	<i>(f) = (a) × (e)</i>
Managerial	BLS ECEC, Private Manufacturing industries, “Mgt, Business, and Financial”	Dec-14	\$47.90	\$24.18	50%	17%	1.67	\$80.22
Professional / Technical	BLS ECEC, Private Manufacturing industries, “Professional and related“	Dec-14	\$42.19	\$22.86	54%	17%	1.71	\$72.22
Clerical	BLS ECEC, Private Manufacturing industries, “Office and Administrative Support”	Dec-14	\$18.68	\$9.40	50%	17%	1.67	\$31.26

Footnotes

^a Source: *Employer Costs for Employee Compensation Supplementary Tables: December 2006 – December 2014* (U.S. Bureau of Labor Statistics, 2015).

^b An overhead rate of 17% is used based on assumptions in *Wage Rates for Economic Analysis of the Toxics Release Inventory Program* (Rice, 2002), and the *Revised Economic Analysis for the Amended Inventory Update Rule: Final Report* (U.S. EPA, 2002).

^c The inflation factor of “1” in the formula for calculating the fringe + overhead factor means wage data are not escalated to reflect inflation.

^d Wage data are rounded to the closest cent in this analysis.

TABLE 4: ANNUAL COST PER RESPONDENT FACILITY				
ACTIVITY	Unit of Analysis	ANNUAL COST		
		TECHNICAL Wage Rate (per hour) \$72.22	CLERICAL Wage Rate (per hour) \$31.26	TOTAL
Compile list	per firm	\$671.65	\$0.00	\$671.65
Write letter	per firm	\$72.22	\$0.00	\$72.22
Check order and send notice	per firm	\$0.00	\$203.19	\$203.19
Mailing cost*	per firm			\$211.77
Total		\$743.87	\$203.19	\$1,158.83
* Postage and postal services for 13 mailings per firm.				

TABLE 5: ANNUAL AGGREGATE RESPONDENT COST			
ACTIVITY	ANNUAL COST		
	TECHNICAL Wage Rate (per hour) \$72.22	CLERICAL Wage Rate (per hour) \$31.26	TOTAL
Compile list	\$161,195	\$0.00	\$161,195
Write letter	\$17,333	\$0.00	\$17,333
Check order and send notice	\$0.00	\$48,766	\$48,766
Mailing cost	-	-	\$50,825
Total	\$178,528	\$48,766	\$278,118

6(c) Estimating Agency Burden and Cost

Agency unit costs are based on past TSCA section 12(b) analyses, including the previous ICR, and on contacts with the Environmental Assistance Division (EAD), which administered the 12(b) notification process before IMD. EPA's cost estimates are based on past experience with these activities. The Agency cost can be divided into three parts: (1) receiving and processing incoming notices, (2) preparing and mailing notifications to importing countries, and (3) responding to requests for information and clarification from companies and importing countries. The allocation of burden hours and costs among these three parts is not exact, but the analysis below is reasonably accurate in terms of the overall burden estimate and the approximate allocation of that burden among these tasks. EPA presents Agency costs Tables 6 with the total annual cost at estimated at \$59,659.

Agency costs include labor and non-labor cost. Labor costs are computed from the burden estimates, using wages from the GS schedule for GS 13 step 5 and a multiplier of 1.6 (per EPA 2009) to reflect federal fringe benefits and overhead, yielding a wage rate of \$78.91 (OPM 2015). Agency non-labor costs entail mailing costs (discussed below). In addition to U.S. domestic rates (presented in the respondent cost section 6(b)), international rates are employed totaling \$19.00 per notification sent from EPA (U.S. international mail rates - USPS 2015):

- \$13.95 for registered mail
- \$3.85 for a return receipt
- \$1.20 postage

Task 1: Receiving and processing incoming notices. In the first task, notices are received from firms that intend to export a product covered by this rule, the forms are checked for completeness, and the submissions are logged into a document control system. Based on conversations with the workers responsible for this task, about ten notices can be processed per hour. EPA projects that an average of 3,090 notices (as estimated in section 6(a)) will be received per year over the period covered by this ICR, requiring approximately 309 hours of support. Applying the wage rate yields the result presented in Table 6.

Task 2: Preparing and mailing notifications to importing countries. In the second task, workers prepare letters of notification which are subsequently reviewed and sent out to importing countries. Not all notifications submitted require that a notice be sent out. This work averages approximately 30 minutes per notice. Based on current experience, EPA estimates an average of 65 notification letters mailed each year. This yields a burden of 32.5 hours annually. Applying the wage rate yields the result presented in Table 6.

The cost of mailing a notification can vary depending on whether it is sent to an embassy in the U.S. or to an overseas destination. Assuming delivery via registered mail with a return receipt, costs for domestic mail total \$16.29 per mailing, and costs for international mail total \$19.00 per mailing. The average mailing cost of \$17.65 is used and applied across the total number of notifications (3,090 as estimated as number of notices in section 6(a)) to yield the result presented in Table 6.

Task 3: Responding to requests for information and clarification from companies and importing countries. The burden described above covers the routine tasks of handing both incoming notices and outgoing notifications. The totals above also include a certain amount of time spent responding to routine requests for information, since data are not available to separate this out from the other tasks. Based on EPA experience, the work of responding to non-routine requests for information and clarification from industry and importing countries, and handling other tasks associated with the TSCA section 12(b) program can be expected to require about 20% an EPA employee’s time, or roughly 400 hours per year. Applying the wage rate yields the result in Table 6.

TABLE 6: ESTIMATED BURDEN AND COSTS FOR THE FEDERAL GOVERNMENT		
ACTIVITY	BURDEN (hours)	COST
Task 1. Processing of notices from companies	309.0	\$24,383
Task 2. Processing of notifications to importing countries	32.5	\$2,565
Task 3. EPA staff time, responding to information requests, etc.	400.0	\$31,564
Mailing cost of notifications from EPA		\$1,147
Total	741.5	\$59,659

6(d) Bottom Line Burden Hours and Cost Tables

Respondent Burden and Costs

Total number of respondents = 240
Total number of responses = 3,570
Total respondent annual burden = 4,032 hours
Total respondent annual costs = \$278,118

Agency Burden and Costs

Agency burden: 741.5 hours
Agency annual costs = \$59,659

6(e) Reasons for Change in Burden

There is an increase of 7 hours in the estimate of respondent burden hours compared with that identified in the information collection most recently approved by OMB (from 4,025 hours to 4,032 hours). This increase reflects the correction of minor arithmetic errors in the previous submission. Given the absence of factors driving change, EPA believes this to be the appropriate estimate, which is based on best available information, and on EPA's most recent experience with TSCA section 12(b) notices.

6(f) Burden Statement

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0030, is estimated to have a per-response burden of 1.3 hours per notice, and a per-respondent burden of 16.8 hours per firm (at 13 notices per firm). Burden is defined in 5 CFR 1320.3(b). 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 number for this information collection appears above. In addition, the OMB control numbers for EPA's regulation, after initial display in the final rule, are listed in 40 CFR part 9.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2015-0435, which is available for online viewing at www.regulations.gov, or in person viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280. You may submit comments regarding 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.

Submit your comments referencing Docket ID No. EPA-HQ-OPPT-2015-0435 and OMB Control No. 2070-0030, to (1) EPA online using www.regulations.gov (our preferred method), or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number **EPA-HQ-OPPT-2015-0435**. These attachments are available for online viewing at www.regulations.gov.

Attachment 1: **Toxic Substances Control Act, Section 12(b) (15 U.S.C. 2611(b)).** Also available online at <http://www.epa.gov/tsca-import-export-requirements>.

Attachment 2: **Chemical Imports and Exports (40 CFR 707, Subpart D).** Also available online at <http://www.epa.gov/tsca-import-export-requirements>.

Attachment 3: **Copy of Public Comment Received by EPA from the American Petroleum Institute (API)**

Attachment 4: **Copy of EPA's Response to Public Comment from API**

Attachment 5: **Copy of Consultations Message Sent by EPA to Potential Respondents**

SOURCES

- 40 CFR Parts 707 and 799. Federal Register: November 14, 2006. Volume 71, Number 219 Rules and Regulations 66234-66245. January 2009 <wais.access.gpo.gov>.
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- U.S. Postal Service (2015). *Postage Price Calculator* (web-based). Domestic and International Rates. Retrieved September 10-11, 2015 from <http://postcalc.usps.com>.