Recordkeeping and Reporting of the Production, Import, Export, Destruction, Transhipment, and Exempted Uses of Ozone-Depleting Substances (ODS)

PART A OF THE SUPPORTING STATEMENT

1. Identification of the Information Collection

(a) Title: Recordkeeping and Reporting of the Production, Import, Export, Destruction, Transhipment, and Exempted Uses of Ozone-Depleting Substances (Renewal)

OMB Control Number: 2060-0170
EPA ICR Number: 1432.34

(b) Short Characterization

The Environmental Protection Agency (EPA) is seeking to combine multiple Information Collection Requests (ICRs) into a single ICR for all for the recordkeeping and reporting related to the production, import, export, transformation, destruction, transhipment, and exempted uses of all ozone depleting substances (ODS), and this merged renewal will allow for the option of electronic reporting and improvements to the electronic forms under Title VI of the Clean Air Act (CAA). Thus, for this ICR, EPA is renewing the existing ICR for class I ODS (ICR No. 1432.33; OMB Control No. 2060-0170) and transferring the burden under the ICR for class II ODS (EPA ICR No. 2014.08; OMB Control No. 2060-0498 *Reporting and Recordkeeping Requirements of the HCFC Allowance System (Renewal)* and Methyl Bromide Critical Use Exemptions (EPA ICR No. 2031.09; OMB Control No. 2060-0482 *Protection of Stratospheric Ozone: Request for Applications from Critical use Exemption for the Phase-out of Methyl Bromide (Renewal)*). Both 2060-0498 and 2060-0482 will be discontinued once this ICR is approved.

This ICR covers provisions under the 1*Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol) and Title VI of the CAA that establish limits on total U.S. production, import, and export of class I and class II controlled ODS (or controlled substances). Production and import of class I controlled substances (chlorofluorocarbons and others) was phased out in the United States. The phaseout excludes exemptions for essential uses, critical uses of methyl bromide, quarantine and pre-shipment uses of methyl bromide, previously used material, and material that will be transformed or destroyed. There are also limits and reduction schedules leading to the eventual phaseout of class II controlled substances, with limited exemptions of previously used material, and material that will be transformed, destroyed, or exported to developing countries.

To implement the CAA and meet commitments under the Montreal Protocol, the ODS phaseout regulations establish control measures for individual companies. EPA monitors compliance through the recordkeeping and reporting requirements established in the regulations at 40 CFR part 82, Subpart A.

Through this ICR renewal, EPA is also removing some reporting elements that are no longer needed[1], revising others to address changes to a new electronic ODS Tracking System, and consolidating forms.

The Government Paperwork Elimination Act (GPEA, Pub. L. 105-277) requires that, when practicable, federal organizations use electronic forms, electronic filings, and electronic signatures to conduct official business with the public. EPA's Cross-Media Electronic Reporting Regulation (CROMERR) (October 13, 2005; 70 FR 59848; FRL-7977-1) provides that any requirement in Title 40 of the Code of Federal Regulations to submit a report directly to EPA can be satisfied with an electronic submission that meets certain conditions once the Agency publishes a notice that electronic document submission is available for that requirement.

In light of GPEA and CROMERR, this action will allow all manufacturers, importers, and processors of class I and class II ODS to use the Internet, through EPA's Central Data Exchange (CDX), to submit ODS reports to the Agency.

Upon receipt of the reports by the Stratospheric Protection Division, the data is currently either entered or electronically imported into the ODS Tracking System. The ODS Tracking System is a secure database that maintains the data submitted to EPA and helps the Agency: (1) maintain oversight over total production and consumption of controlled substances; (2) monitor compliance with limits and restrictions on production, imports, and trades and specific exemptions from the phaseout for individual U.S. companies; (3) enforce against illegal imports; and (4) assess and report on the U.S. phasedown schedules established under the Montreal Protocol.

EPA has implemented an electronic reporting system through CDX that allows regulated entities to prepare and submit data electronically. Coupled with the widespread use of the standardized forms, electronic reporting has improved data quality and made the reporting process efficient for both reporting companies and EPA.

Therefore, this combined ICR covers quarterly, annual, and activity-based reporting requirements related to the production, import, export, transformation, destruction, transshipment, and exempted uses of all ODS. This ICR incorporates the option to report electronically for class I and class II substances. EPA estimates that approximately 106 respondents, and 2064 third-parties (106 for class I and II respondents that report to EPA, 1,000 labs, 14 methyl bromide quarantine and preshipment applicators, 50 methyl bromide commodity owners, and 1,000 methyl bromide end-user self-certification) could incur paperwork-related burden in the first year of this ICR. EPA estimates a total reporting and recordkeeping burden for these respondents and third-parties at approximately 3,763 hours on average in each year of this ICR.

2. Need For, and Use Of, the Collection

(a) Authority for the Collection

[1] EPA is not modifying the Methyl Bromide Critical Use Exemption reporting requirements or the ability to submit critical use nominations.

This information collection is authorized under the Clean Air Act. Section 603(b) of the Clean Air Act mandates that each person who produces, imports, or exports a class I or class II controlled substance file a report stating the amount of the substance that was produced, imported, and exported by that person during the preceding reporting period. Additionally, collection of information for methyl bromide critical uses is authorized under Section 604(d)(6) of the CAA, added by Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law No. 105-277; October 21, 1998).

Article 7 of the Montreal Protocol, titled "Reporting of data," specifies the specific data on production, imports, and exports of each controlled substance that the United States supplies annually.

For methyl bromide**,** because this action involves the controlled use of a pesticide, EPA's Office of Pesticide Programs collaborates in the exemption application process. The regulation of pesticides is conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Food Quality Protection Act (FQPA).

For electronic reporting, the Paperwork Reduction Act (PRA) requires Federal agencies to manage information resources to reduce information collection burdens on the public; increase program efficiency and effectiveness; and improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security (44 USC 3506).

(b) Practical Utility/Users of the Data

The reporting and recordkeeping requirements for class I and class II ODS will enable EPA to:

1. Ensure compliance with the restrictions on production, import, and export of controlled substances;
2. Allow exempted production, import, and export for certain uses and the consequent tracking of that production, import and export;
3. Allow EPA to monitor and approve transfers of class II production and consumption allowances among producers and importers;
4. Allow the import of used ODS through a petition/certification process that is designed to reduce fraudulent imports;
5. Fulfill statutory obligations under Section 603(b) of the CAA for reporting and monitoring;
6. Provide information to report to the U.S. Congress on the production, use, and consumption of class I and class II controlled substances as required in Section 603(d) of the CAA; and
7. Satisfy the United States' commitment to report data under Article 7 of the Montreal Protocol.

Furthermore, applications for methyl bromide critical use exemptions will enable EPA to:

1. Evaluate the technical and economic feasibility of methyl bromide alternatives in the circumstance of the specific use, as presented in an application for a critical use exemption;
2. Ensure that critical use exemptions comply with Section 604(d)(6) of the CAA; and
3. Support critical use nominations to the Parties to the Montreal Protocol, in accordance with paragraph 2 of Decision IX/6 of the Montreal Protocol.

Electronic reporting will enable EPA to better interact with stakeholders:

Companies will be able to register with EPA to submit their data electronically to the Agency via CDX and the Agency in turn will be able to communicate back electronically with submitters. This promotes efficiency in communications and cost savings in submissions and correspondence. The adoption of electronic communications will reduce effort on industry by reducing the time required to review, edit and transmit data to the Agency. All information sent via CDX will be transmitted securely to protect confidential business information (CBI). The Agency will also benefit from receiving electronic submissions. The electronic submission process through CDX will allow for the import of data into the ODS Tracking System, which will reduce the potential for human error that exists when data are entered by hand. Agency personnel will also be able to communicate more efficiently with submitters electronically, compared to using U.S. mail.

3. Non-duplication, Consultation, and Other Collection Criteria

(a) Non-duplication

All information requested from respondents under this ICR is required by statute (CAA Sections 114, 603(b), and 604(d)(6)), and is unavailable from other sources because it is proprietary.

Users who have previously registered with CDX will be able to add the ODS Tracking System to their current registration. This would allow a single authorized company official (or designee(s)) to avoid needing to complete the CDX registration process multiple times and allow a given individual to avoid needing to complete multiple electronic signature agreements.

(b) Public Notice Required Prior to ICR submission to OMB

EPA provided public notice and a request for comment regarding this ICR with the publication of a notice in the Federal Register 83 FR 2775 on January 19, 2018. EPA received three substantive comments from the U.S. Department of Agriculture (USDA), the Crop Protection Coalition, and the California Strawberry Commission requesting that the Agency confirm that the Methyl Bromide Critical Use Exemption ICR (EPA ICR No. 2031.08; OMB Control No. 2060-0482) last announced for renewal in a December 30, 2014, Federal Register notice (79 FR 78425), will not expire. EPA confirms that the content of ICR 2060-0482 will continue with its merging into EPA ICR No. 1432.34 (OMB Control No. 2060-0170) and the approval of this renewal by the Office of Management and Budget (OMB). The USDA requested that EPA remove a reference to USDA in the application regarding how the EPA estimates costs. EPA acknowledges the comment and has revised this sentence for submission to OMB. USDA further requested EPA to consider pursuing a rulemaking for the emergency use of methyl bromide so that the United States growers can have the same competitive advantage as other countries that have implemented and used the provision. EPA understands USDA is asking for the Agency to pursue a rulemaking to address the emergency use provision in Decision IX/7 under the Montreal Protocol. While this comment is beyond the scope of this ICR renewal, EPA recognizes that there is flexibility under existing Montreal Protocol mechanisms to address changes in national circumstance that affect the transition to alternatives.

(c) Consultations

Several improvements to the forms related to this ICR were identified through ongoing implementation of the ODS phaseout under Title VI of the CAA. EPA also conducted outreach and pilot testing with ODS stakeholders, including Albermarle, Chemours, Honeywell, National Refrigerants, Sigma-Aldrich, and Trical on the revised electronic reporting forms (three additional stakeholders—Kivlan, Daikin, and Veolia—were contacted but did not provide feedback). Stakeholders commented on the new streamlined format of the reports and their increased user-friendliness. Stakeholders also clarified that certain data fields such as the recipient contact information and shipment EIN and importer numbers are sometimes difficult to complete. Feedback from the reviewers was incorporated into the forms under review. The Agency believes that the overall benefits of using the reporting tool and submission through CDX exceed those associated with maintaining a paper-based reporting approach. The Agency also recognizes that there is the potential for costs and burdens associated with unanticipated technical difficulties in electronic filing or with conversion to an electronic format. Since the use of CDX has been in existence for a number of years and has undergone a number of enhancements, EPA expects the potential for difficulty to be minimal. In addition, EPA expects that reduced reporting costs to submitters will ultimately exceed the transition costs.

(d) Effects of Less Frequent Collection

Less frequent collection of data would compromise EPA's ability to meet statutory requirements under Section 603 of the CAA to monitor production, import, and export of ODS and hinder EPA's ability to identify violations of the existing regulations. The quarterly reporting requirements provide EPA the ability to resolve in discrepancies a timely manner in the data reported to us.

Less frequent collection of data could also potentially place the United States in a non-compliance status under the Montreal Protocol. Quarterly reporting provides EPA with the necessary time to take action if an individual reporter or the United States as a whole were to exceed the Montreal Protocol's production, import, or export limits or the limits established in Sections 604 and 605 of the CAA.

EPA's timing for information collection for methyl bromide critical uses is motivated by provisions under the Montreal Protocol. The timeline for applications coincides with the critical use nomination process established by the Parties to the Montreal Protocol. Any deviation from that timeline would result in a forfeiture from inclusion in the U.S. nomination package and subsequent consideration by the Parties.

Finally, the U.S. government satisfies the commitment to report data to the Ozone Secretariat under Article 7 of the Montreal Protocol on an annual basis.

For electronic reporting, the information collected is the minimum data needed to help organize and upload files in CDX, so they can be automatically processed. The CDX application and electronic reporting forms are designed to avoid repetitive entry of data, and where possible, key data such as submitter will reuse information already provided to CDX or the EPA registry systems (Facility Registry and Substance Registry). Similarly, the information collected through CDX registration and the electronic signature agreement will be collected once and reused across all submissions for that registrant—including for other EPA reporting requirements. Reducing the frequency of collection of registration and Electronic Signature Agreement (ESA) information would not be possible, as EPA- and federal-wide security requirements mandate users must provide identity and access information in order to gain access and file reports electronically through CDX.

(e) General Guidelines

This ICR does not exceed any of the OMB guidelines found at 5 CFR 1320.5(d)(2).

(f) Confidentiality

EPA informs the respondents that they may assert claims of business confidentiality for any of the information they submit. Information claimed as confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR part 2, Subpart B, and will be disclosed to the extent, and by means of procedures, set forth in Subpart B. If no claim of confidentiality is asserted when the information is received by EPA, it may be made available to the public without further notice to the respondents (40 CFR 2.203).

All information sent by the submitter via CDX is transmitted securely to protect CBI. The reporting tool guides the user through the process of submitting CBI. Documents containing information claimed as CBI must be submitted in an electronic format, in accordance with the recordkeeping requirements.

EPA also allows respondents to report CBI by fax and through courier.

(g) Sensitive Questions

This section is not applicable because this ICR does not involve matters of sensitive nature.

4. The Respondents and the Information Request

(a) Respondents' NAICS Codes

The appropriate North American Industry Classification System (NAICS) for potentially affected entities are listed below in Table I.

Table I. NAICS Classification of Regulated Entities

Category	NAICS code	Example of Regulated Entities
Chemical Producers, Importers, and Exporters	3251	Basic Chemical Manufacturing
	325120	Fluorocarbon Gas Manufacturing
	325320	Pesticide and Other Agricultural Chemical Manufacturing
Research and Development Laboratories	541712	Research and Development in the Physical, Engineering, and Life Sciences
Methyl Bromide Distributors and Applicators	115112	Soil Preparation, Planting, and Cultivating
	424910	Farm Supplies and Merchant Wholesalers
Agricultural production (methyl bromide)	1112	Vegetable and Melon farming
	1113	Fruit and Nut Tree Farming
	1114	Greenhouse, Nursery, and Floriculture Production
	1119	Other Crop Farming
Commodity Storage (methyl bromide)	115114	Postharvest Crop activities (except Cotton Ginning)
	311211	Flour Milling
	311212	Rice Milling
	493110	General Warehousing and Storage
	493130	Farm Product Warehousing and Storage

(b) Information Requested

(i) Data items

All producers, importers, exporters, distributors, applicators, and others identified in 40 CFR 82.13 and 82.24 (as well as others identified in §82.16, §82.18, §82.20, §82.23) must record and/or report the following either on a quarterly or annual basis as applicable. One-time and transactional reports are noted where applicable as well as the option to use the appropriate electronic reporting forms.

1**Producers reporting and recordkeeping requirements:**
Information may be reported electronically through Class I Producer Quarterly Report (EPA Form 5900-151; OMB Control No. 2060-0710) or the Class II Producer Quarterly Report (EPA Form 5900-202; OMB Control No. 2060-0498) or by paper for the following:

- The gross quantity of each class II controlled substance produced. The quantity of production of each controlled substance produced using production and consumption allowances will be auto populated through the electronic forms;
- The quantity of production of each class II controlled substance produced using Article 5 allowances for export to an Article 5 country;
- The quantity of production of each controlled substance under the exemptions for global laboratory and other essential uses;
- The quantity of production of each controlled substance used in processes resulting in their transformation by the producer and the quantity intended for transformation by a second party;
- The quantity of production of each controlled substance used in processes resulting in their destruction by the producer and the quantity intended for destruction by a second party;
- The quantity of controlled substance sold or transferred to a person other than the producer for use in processes resulting in its transformation or eventual destruction and the name(s) of the recipient(s);
- For controlled substances provided to another entity for transformation, a copy of an IRS certification or intent to transform the same controlled substance for a particular transformer;
- For controlled substances provided to another entity for destruction, a copy of a destruction verification from that entity;
- The quantity of class II controlled substances sold or transferred to a person for export to Article 5 of the Montreal Protocol countries in cases when Article 5 allowances were expended during production;
- A list of the essential use allowance holders, distributors of laboratory supplies, and laboratory customers from whom orders were placed and the quantity of specific essential use controlled substance ordered;
- Certifications from essential use recipients stating that the controlled substances were purchased solely for specified essential uses and will not be resold or used in any other manufacturing process; and
- In the case of laboratory essential uses, certification from distributors of laboratory supplies that controlled substances were purchased for sale to laboratory customers who certify that the substances will only be used for essential laboratory and analytical uses, and will not be resold or used in manufacturing; or, if sales are made directly to laboratories that the controlled substances will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing.

In the case of methyl bromide, the electronic reporting form Methyl Bromide Producer Quarterly Report (EPA Form 5900-141; OMB Control No. 2060-0482) may be used or by paper to report the following:

- The quantity of methyl bromide produced for quarantine and preshipment applications

and critical use;
- The amount produced and then exported by the producer or by other U.S. companies for critical use;
- The quantity of methyl bromide produced under the exemptions for global laboratory and emergency use;
- The quantity of production of methyl bromide used in processes resulting in its transformation by the producer and the quantity intended for transformation by a second party;
- The quantity of production of methyl bromide used in processes resulting in its destruction by the producer and the quantity intended for destruction by a second party;
- The quantity of methyl bromide sold or transferred to a person other than the producer for use in processes resulting in its transformation or eventual destruction and the name(s) of the recipient(s);
- The quantity of methyl bromide sold or transferred to a person other than the producer for quarantine and preshipment applications and the name(s) of the recipient(s);
- One copy of a certification from each recipient that the material will be used only for quarantine and preshipment applications;
- The total amount and type of critical use methyl bromide held in inventory for themselves or on behalf of a third party; and
- Information that the Administrator may reasonably require in carrying out the critical use exemption program under Section 604(d)(6) of the CAA including management and composition of pre-phaseout inventory, price of methyl bromide and its alternatives, and fumigant emissions reductions practices.

The following are recordkeeping requirements for producers of class I and II substances:

- Dated records of the quantity of each controlled substance produced at each facility;
- Dated records of the quantity of controlled substances produced for use in processes that result in their transformation or for use in processes that result in their destruction and quantity sold for use in processes that result in their transformation or for use in processes that result in their destruction;
- Dated records of the quantity of controlled substances produced with Article 5 allowances;
- Copies of invoices or receipts documenting sale of controlled substance for use in processes resulting in their transformation or for use in processes resulting in destruction;
- Dated records of the quantity of each controlled substance used at each facility as feedstocks or destroyed in the manufacture of a controlled substance or in the manufacture of any other substance, and any controlled substance introduced into the production process of the same controlled substance at each facility;
- Dated records identifying the quantity of each chemical not a controlled substance produced within each facility also producing one or more controlled substances;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of controlled substances;
- Dated records of the shipments of each controlled substance produced at each plant;
- The quantity of controlled substances, the date received, and names and addresses of the source of used materials containing controlled substances which are recycled or reclaimed at each plant;

- Records of the date, the controlled substance, and the estimated quantity of any spill or release of a controlled substance that equals or exceeds 100 pounds;
- Internal Revenue Service Certificates in the case of transformation, or the destruction verification in the case of destruction showing that the purchaser or recipient of a controlled substance, in the United States or in another country that is a Party to the Montreal Protocol, certifies the intent to either transform or destroy the controlled substance, or sell the controlled substance for transformation or destruction in cases when production and consumption allowances were not expended;
- Written certifications that quantities of controlled substances, meeting the purity criteria in appendix G of 40 CFR 82 Subpart A, were purchased by distributors of laboratory supplies or by laboratory customers to be used only in essential laboratory and analytical uses as defined by appendix G, and not to be resold or used in manufacturing.
- Transformation verification in the case of transformation, or destruction verification, in the case of destruction, in the U.S. or in another country that is a Party to the Montreal Protocol, certifies the intent to either transform or destroy the controlled substance, or sell the controlled substance for transformation or destruction in cases when allowances were not expended; and
- Written verifications from a U.S. purchaser that the controlled substance was exported to an Article 5 of the Montreal Protocol country in cases when Article 5 allowances were expended during production; and

Importers reporting and recordkeeping requirements:
Information may be reported electronically through Class I Importer Quarterly Report (EPA Form 5900-150; OMB Control No. 2060-0170) and Class II Importer Quarterly Report (EPA Form 5900-200; OMB Control No. 2060-0498) or by paper to report the following:

- The quantity of each class II controlled substance imported alone and the quantity imported of each mixture that consists of a class II controlled substance;
- The quantity of controlled substances imported for global laboratory and other essential uses, and the servicing of halon aircraft bottles;
- The quantity of each controlled substance imported for use in processes that result in their transformation or destruction by the importer and the quantity intended for transformation or destruction by a second party,
- The quantity of each controlled substance sold for use in processes that result in their destruction or transformation and the name(s) of the recipient(s);
- For each import transaction: the date on which the controlled substance was imported; the port through which it passed; the country from which it was imported; the commodity code of the shipment; the importer number for the shipment; and the Customs Entry Summary Number;
- For each quantity of a used controlled substance imported for destruction: the date of the acknowledgement letter confirming the receipt of a certification for the intent to import the material for destruction;
- For each quantity of a used controlled substance imported for reuse: the date of the non-objection notice to import the material for reuse;
- The total quantity of each class II controlled substance imported during the quarter will be auto populated through the electronic form;

- Transformation verifications or destruction verifications showing that the purchaser or recipient of imported controlled substances intends to transform or destroy the controlled substances;
- A list of the essential uses, distributors of laboratory supplies, and laboratory customers from whom orders were placed, and the quantity of each controlled substance ordered;
- Certifications from essential use recipients stating that the controlled substances were purchased solely for specified essential uses and will not be resold or used in manufacturing;
- Certifications from distributors of laboratory supplies that the controlled substances were purchased solely for eventual sale to laboratories that certify the controlled substances are for essential laboratory and analytical uses, or if sales are made directly to laboratories, verifications from laboratories that the controlled substances will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing;
- For imports of used controlled substances, a copy of the petition submitted, the EPA non-objection notice and the bill of lading for the import; and
- For imported containers with a heel: the amount brought into the United States with a certification that the residual amount in each shipment is less than 10 percent of the volume of the container; the fate of the container; and a report indicating the final disposition of each shipment

In the case of methyl bromide, the electronic form Methyl Bromide Importer Quarterly Report (EPA Form 5900-144; OMB Control No. 2060-0482) may be used or by paper to report the following:

- For each import transaction: the date on which the controlled substance was imported; the port through which it passed; the country from which it was imported; the importer number of the shipment; and the International Trade Data System entry number;
- The quantities of methyl bromide imported for global laboratory, quarantine and preshipment applications, critical use, and emergency uses;
- The quantity of methyl bromide imported for use in processes that result in their transformation or destruction by the importer and the quantity intended for transformation or destruction by a second party;
- The quantity of methyl bromide sold for use in processes that result in their destruction or transformation and the name(s) of the recipient(s);
- The quantity of methyl bromide sold or transferred to a person other than the importer for quarantine and preshipment applications;
- One copy of a certification from each recipient that the material will be used only for quarantine and preshipment applications;
- A list of the distributors of laboratory supplies and laboratory customers from whom orders were placed, and the quantity of methyl bromide ordered;
- Certifications from essential use recipients stating that the methyl bromide was purchased solely for specified essential uses and will not be resold or used in any other manufacturing process;
- In the case of laboratory essential uses, certification from distributors of laboratory supplies that the methyl bromide was purchased for sale to laboratory customers who certify that the substances will only be used for essential laboratory and analytical uses, and will not be resold or used in manufacturing; or, if sales are made directly to

laboratories that the methyl bromide will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing;
- The total amount and type of critical use methyl bromide held in inventory for themselves or on behalf of a third party;
- Information that the Administrator may reasonably require in carrying out the critical use exemption program under Section 604(d)(6) of the CAA including management and composition of pre-phaseout inventory, price of methyl bromide and its alternatives, and fumigant emissions reductions practices; and
- For imported containers with a heel: the amount brought into the United States with a certification that the residual amount in each shipment is less than 10 percent of the volume of the container; the fate of the container; and a report indicating the final disposition of each shipment

The following are recordkeeping requirements for class I and II importers:

- The quantity of each controlled substance imported, either alone or in mixtures, including the percentage of each mixture which consists of a controlled substance;
- The quantity of those controlled substances imported that are used (including recycled or reclaimed) and, where applicable, the information provided with the petition;
- The quantity of controlled substances other than transhipments or used, recycled or reclaimed substances imported for use in processes resulting in their transformation or destruction and quantity sold for use in processes that result in their destruction or transformation;
- For the quantity of the controlled substance imported: The date on which the controlled substances were imported; The port of entry through which the controlled substances passed; The country from which the imported controlled substances were imported; The commodity code for the controlled substances shipped, which must be one of those listed in Appendix K of 40 CFR part 82 Subpart A; The importer number for the shipment; A copy of the bill of lading for the import; The invoice for the import; The quantity of imports of used, recycled or reclaimed class I controlled substances and class II controlled substances; The U.S. Customs entry form;
- Dated records documenting the sale or transfer of controlled substances for use in processes resulting in transformation or destruction;
- Copies of IRS certifications that the controlled substance will be transformed or destruction verifications that it will be destroyed;
- Copies of certifications that imported controlled substances are being purchased for essential laboratory and analytical uses or being purchased for eventual sale to laboratories that certify that controlled substances are for essential laboratory and analytical uses; and
- For transhipments, records of where the controlled substance shipment originated in a foreign country, is destined for another foreign country, and will not enter interstate commerce within the U.S.

Importers of used controlled substance reporting and recordkeeping:
The following information may be submitted via email, paper, or electronically through CDX drop downs in the petition process for EPA approval prior to importing used ODS for class I substances:

- The name, quantity in kilograms, and commodity code of the used controlled substance to be imported;
- Name and address of the importer, the importer ID number, the contact person, and the phone number;
- Contact information of all previous source facilities from which the used controlled substance was recovered including: name, address, contact person, email address, and phone number;
- Contact information of the exporter and of all persons to whom the material was transferred or sold after it was recovered from the source facility including: name, address, contact person, email address, and phone number;
- A detailed description of the previous use of the controlled substance at each source facility and a best estimate of when the specific controlled substance was put into the equipment at each source facility, and, when possible, documents indicating the date the material was put into the equipment or a certification from a government;
- A list of the name, make and model number of the equipment from which the material was recovered at each source facility;
- If someone at the source facility recovered the controlled substance from the equipment, the name and phone of that person;
- The U.S. port of entry for the import, the expected date of shipment, and the vessel transporting the chemical. If at the time of submitting a petition the importer does not know the U.S. port of entry, the expected date of shipment and the vessel transporting the chemical, and the importer receives a non-objection notice for the individual shipment in the petition, the importer is required to notify the Administrator of this information prior to the actual U.S. Customs entry of the individual shipment;
- A description of the intended of the used controlled substance, and, when possible, the name, address, contact person, phone number of the ultimate purchaser in the United States;
- The name, address, contact person, email address, and phone number of the U.S. reclamation facility, where applicable.
- If the imported controlled substance was reclaimed in a foreign Party, the name, address, contact person, email address, and phone of any or all foreign reclamation facility(ies) responsible for reclaiming the shipment;
- An export license from the appropriate government agency in the country of export and, if recovered in a country other than the country of export, the export license from the appropriate government agency in that country; and
- If the imported used controlled substance is intended to be sold as a refrigerant in the U.S., the name and address of the U.S. reclaimer who will bring the material to the standard required under 40 CFR part 82 Subpart F, if not already reclaimed to those specifications.

The following information may be submitted via email, paper, or electronically through CDX drop downs in the petition process for EPA approval prior to importing used ODS for class II Substances:

- The name and quantity of the used controlled substance to be imported;
- Contact information of the importer including: company name, address, importer ID number, contact person name, email, and phones;

- Contact information of all previous source facilities from which the used controlled substance was recovered including: name, address, contact person, email address, and phone number;
- Contact information of the exporter and of all persons to whom the material was transferred or sold after it was recovered from the source facility including: name, address, contact person, email address, and phone number;
- A detailed description of the previous use of the controlled substance at each source facility and a best estimate of when the specific controlled substance was put into the equipment at each source facility, and, when possible, documents indicating the date the material was put into the equipment;
- A list of the name, make and model number of the equipment from which the material was recovered at each source facility;
- If someone at the source facility recovered the controlled substance from the equipment, the name and phone of that person;
- The U.S. port of entry for the import, the expected date of shipment, and the vessel transporting the chemical. If at the time of submitting a petition the importer does not know the U.S. port of entry, the expected date of shipment and the vessel transporting the chemical, and the importer receives a non-objection notice for the individual shipment in the petition, the importer is required to notify the Administrator of this information prior to the actual U.S. Customs entry of the individual shipment;
- A description of the intended of the used controlled substance, and, when possible, the name, address, contact person, and phone number of the ultimate purchaser in the United States;
- The name, address, contact person, email address, phone number and fax number of the U.S. reclamation facility, where applicable.
- If the imported controlled substance was reclaimed in a foreign Party, the name, address, contact person, email address, and phone and fax number of any or all foreign reclamation facility(ies) responsible for reclaiming the shipment;
- An export license from the appropriate government agency in the country of export and, if recovered in a country other than the country of export, the export license from the appropriate government agency in that country; and
- If the imported used controlled substance is intended to be sold as a refrigerant in the U.S., the name and address of the U.S. reclaimer who will bring the material to the standard required under 40 CFR part 82 Subpart F, if not already reclaimed to those specifications.

The following information may also be submitted through CDX drop downs for class I and II substances to supplement the required items for EPA approval prior to importing used ODS for class I or II substances:

- a photo of each unit that contained the used ODS - with serial numbers visible;
- links to websites showing brochures, photographs, and/or descriptions of each different unit from which the used ODS originates;
- copies of the paperwork showing that the company completed the work;
- post-dated descriptions of the work performed;
- copies of business licenses from the government authorizing collection companies to do this type of work; and

- information on how transport will occur within the foreign country to the United States.

A person receiving an objection notice on the basis of "insufficient information" may re-petition within ten working days.

A person receiving a non-objection notice must maintain the following records:

- A copy of the petition, the EPA non-objection notice, copy of the bill of lading for the import, and U.S. Customs entry documents for the import that must include one of the commodity codes Appendix K 40 CFR part 82 Subpart A.

Exporters reporting requirements:
The information may be reported electronically using the Class I Exporter Annual Report (EPA Form 5900-149; OMB Control No. 2060-0170), Class II Exporter Quarterly Report (EPA Form 5900-199; OMB Control No. 2060-0498), and Methyl Bromide Exporter Quarterly Report (EPA 5900-140; OMB Control No. 2060-0482) or by paper for the following:

- The exporter's Employer Identification Number;
- For each export: the type, quantity, and commodity code of each controlled substance exported and if the controlled substance is used, recycled or reclaimed; the date on which, and the port from which, the controlled substances were exported from the United States or its territories; the country to which the controlled substances were exported; the quantity exported to each Article 5 Montreal Protocol country; and the recipient company name, contact person, phone number and address;
- For exports of class II substances produced using Article 5 Montreal Protocol country allowances, the additional information must be reported: the Employer Identification Number of either the shipper or their agent;
- Persons who export used controlled substances (including recycled or reclaimed) must label their bill of lading or invoice indicating that the controlled substance is used, recycled, or reclaimed.
- For persons reporting exports for transformation or destruction, the invoice or sales agreement containing language similar to the transformation or destruction verifications that the purchaser or recipient of the controlled substance intends to transform or destroy those substances; and
- For exports of methyl bromide for quarantine and preshipment applications, the certification that the purchaser or recipient and the eventual applicator will only use the material for quarantine and preshipment applications;

Reporting and recordkeeping requirements for destruction and transformation:

Reporting for persons that destroy controlled substances reporting requirements:

- A one-time report stating: the destruction unit's efficiency; the methods used to record the volume destroyed and those used to determine destruction efficiency; and the name of other relevant federal or state regulations that may apply to the destruction process.
- The names and quantities of the controlled substances destroyed annually may be reported electronically or by paper through the Second-Party Destruction Annual Report (EPA Form 5900-148; OMB Control No. 2060-0170)

Reporting for persons that purchase controlled substances that were originally produced without expending allowances for the purposes of destruction (Second party destruction):

- A destruction verification (to the producer or importer) containing the following:
  - The identity and address of the person intending to destroy the controlled substances;
  - Information about whether those controlled substances will be completely destroyed, or less than completely destroyed, in which case the destruction efficiency at which such substances will be destroyed must be included;
  - The period of time over which the person intends to destroy controlled substances; and
  - The signature of the verifying person.

Reporting for persons that transform controlled substances:

- The name and quantities of the controlled substances transformed annually may be reported through the electronic reporting form Second-Party Transformation Annual Report (EPA Form 5900-147; OMB Control No. 2060-0170) or by paper.

Reporting for persons that purchase controlled substances that were originally produced without expending allowances for the purposes of transformation:

- For class I controlled substances, the person who transforms the substances is to provide the producer or importer with an IRS certification that the controlled substances are to be used in processes resulting in their transformation.
- For class II controlled substances, the person who transforms the substances is to provide the producer or importer with a transformation verification that includes the following:
  - Identity and address of the person intending to transform the class II controlled substances;
  - The quantity of class II controlled substances intended for transformation;
  - Identity of shipments by purchase order number(s), purchaser account number(s), by location(s), or other means of identification;
  - Period of time over which the person intends to transform the class II controlled substances; and
  - The signature of the verifying person.

The following are recordkeeping requirements for Transformers and Destroyers:

- Copies of the invoices or receipts documenting the sale or transfer of the controlled substances to the person;
- Records identifying the producer or importer of the controlled substances received by the person;
- Dated records of inventories of controlled substances at each plant on the first day of each quarter;
- Dated records of the quantity (in kilograms) of each controlled substance transformed or destroyed;
- In the case where controlled substances were purchased or transferred for transformation or destruction purposes, a copy of the person's transformation and/or destruction verification;
- Dated records of the names, commercial use, and quantities (in kilograms) of the resulting chemical(s) when the controlled substances are transformed or destroyed;

- Dated records of shipments to purchasers of the resulting chemical(s) when the controlled substances are transformed or destroyed; and
- For persons reporting exports for transformation or destruction, the invoice or sales agreement containing language similar to the transformation or destruction verifications that the purchaser or recipient of the controlled substance intends to transform or destroy those substances.

Reporting for persons allocated essential use allowances and persons distributing class I controlled substances under the laboratory essential use exemption:
The information may be reported electronically using the Class I Laboratory Supplier (EPA Form 5900-153; OMB Control No. 2060-0170) or by paper for the following,

- Type and quantities of each controlled substance received from each producer and/or each importer during that quarter and the address of the source company; and
- Type and quantities of each controlled substance supplied to laboratories as well as the name and address of each laboratory company;
- A list of the distributors of laboratory supplies and laboratory customers from whom orders were placed, and the quantity of methyl bromide ordered;
- Certifications from essential use recipients stating that the essential uses and will not be resold or used in any other manufacturing process; and
- In the case of laboratory essential uses, certification from distributors of laboratory supplies that the substance was purchased for sale to laboratory customers who certify that the substances will only be used for essential laboratory and analytical uses, and will not be resold or used in manufacturing; or, if sales are made directly to laboratories that the substance will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing.

Reporting for persons purchasing class I controlled substances under the laboratory essential use exemption:

- Must provide the producer, importer, or distributor with a one-time-per-year certification for each controlled substance that the substance will only be used for essential laboratory and analytical uses (EPA Form 5900-152; OMB Control No. 2060-0170) by paper.

Reporting and recordkeeping requirements for methyl bromide:

<u>Reporting for persons holding pre-2005 stocks of methyl bromide</u>

- The total amount of methyl bromide that was produced/imported prior to January 1, 2005, that is held in inventory for themselves or on behalf of a third party may be sent electronically through the Methyl Bromide Pre-2005 Stocks Annual Report (EPA Form 5900-142; OMB Control No. 2060-0482) or by paper.

<u>Reporting for persons distributing quarantine and preshipment (QPS) methyl bromide:</u>

- Certifications provided to the producer, importer, or distributor from whom they purchased the controlled substance that quantities received that were produced or imported solely for QPS applications under the exemptions will be sold only for quarantine applications or preshipment applications;

- Certifications from applicators, prior to delivery of the quantity, that the quantity of methyl bromide ordered will be used solely for QPS applications; and
- The total quantity delivered to applicators in which certifications were received that state the methyl bromide would be used solely for QPS applications as well as the name(s) of the producer(s) or importer(s) to whom a certification was provided may be sent electronically through the Distributor of QPS Methyl Bromide Quarterly Report (EPA Form 5900-155; OMB Control No. 2060-0170) or by paper.

Reporting for persons applying quarantine and preshipment methyl bromide:

- A document from the commodity owner, shipper, or their agent requesting the use of methyl bromide and citing the regulatory requirement that justifies its use; and
- A copy of the certification of order (EPA Form 5900-154; OMB Control No. 2060-0170) provided to the distributor before a shipment that the quantity of controlled substances will be used only for QPS applications.

Reporting for QPS commodity owners, shippers, or their agents:

- Records for each request certifying knowledge of the requirements associated with the exemption for QPS applications. The record must include the certifying language from the regulation.

Reporting for persons submitting applications for critical use exemptions of methyl bromide for pre-plant and post-harvest (EPA Forms 5900-136 and 5900-137; OMB Control No. 2060-0482):

- Identity of contact person;
- A description of the proposed use (crop/pest combination), the amount of methyl bromide to be used, the location of use, the method of application, and any other use information requested by the Administrator;
- A description of past use (crop/pest combination), acreage, the amount of methyl bromide used, the method of application, and other historical use data requested by the Administrator;
- An explanation of, and data relating to, the technical feasibility of currently available alternatives for their proposed use and any other information required by the Administrator to determine whether technically feasible alternatives are available for the proposed use;
- A description of steps that have been, and will be, taken to find and implement alternatives;
- Information on historical revenue and available economic measures, such as operating costs and any other information required by the Administrator to determine whether economically feasible alternatives are available for the proposed use; and
- Additional information required of applicants may include, but is not limited to, agricultural statistics, fumigation conditions and timeline, research proposals and funding levels, and transition plans.

Reporting for distributors or applicators of critical use methyl bromide

- The total quantity and type of methyl bromide purchased; sold directly to critical uses; and held in inventory for themselves or on behalf of a third party;
- The total quantity of methyl bromide that was produced/imported prior to January 1,

2005, that is held in inventory for themselves or on behalf of a third party;
- Certification for each sale that indicates the buyer will only sell or use methyl bromide for approved critical uses (EPA Form 5900-139; OMB Control No. 2060-0482) and order forms and invoices; and
- Information that the Administrator may reasonably require in carrying out the critical use exemption program under Section 604(d)(6) of the CAA including management and composition of pre-phaseout inventory, price of methyl bromide and its alternatives, and fumigant emissions reductions practices may be sent by paper Sales of Critical Use of Methyl Bromide to End Users Annual Report (EPA Form 5900-138; OMB Control No. 2060-0482).

Reporting requirements for persons transferring methyl bromide allowances:
Persons may submit the following information for *inter-company* transfers Methyl Bromide Trades Report (EPA Form 5900-146; OMB Control No. 2060-0482) by paper:
- The identities and addresses of the transferor;
- The name and telephone numbers of contact persons for the transferor;
- The type of allowances being transferred, including the name of the controlled substance for which allowances are to be transferred;
- The quantity of allowances being transferred;
- The control period(s) for which the allowances are being transferred; and
- The quantity of expended allowances for the control period being transferred.

The following are recordkeeping requirements for methyl bromide:
- Producers, importers, and exporters
    - Self-certification form for each sale that indicates the buyer will only sell or use methyl bromide for approved critical uses; and
    - Order forms and invoices for methyl bromide.
    - For exports of critical use methyl bromide, certification for each sale that indicates the buyer will only sell or use methyl bromide for approved critical uses and order forms and invoices.
- Distributors and Applicators
    - Self-certification form for each sale that indicates the buyer will only sell/use the methyl bromide for approved critical uses; and
    - Order forms and invoices for methyl bromide.

Reporting requirements for persons requesting additional class II consumption allowances (§82.20)
The following information may be included in a request for additional allowances electronically through the Class II Request for Additional Consumption Allowances (EPA Form 5900-201; OMB Control No. 2060-0498) or by paper:
- The identities and addresses of the exporter and the recipient of the exports;
- The exporter's Employer Identification Number;
- The names and telephone numbers of contact persons for the exporter and the recipient;
- The quantity and type of class II controlled substances reported;
- The source of the class II controlled substances and the date purchased;
- The date on which, and the port from which, the class II controlled substances were

exported from the U.S. or its territories;
- The country to which the class II controlled substances were exported;
- A copy of the bill of lading and the invoice indicating the net quantity shipped and documenting the sale;
- The commodity codes of the class II controlled substances reported; and
- A written statement from the producer that the class II controlled substances were produced with expended allowances.

Reporting requirements for trades of class II consumption allowances (§82.20)
Reporting for persons requesting a trade *from a Party to the Montreal Protocol* must provide a signed document from that nation's embassy in the U.S. stating that the nation will establish or revise production limits to reflect the trade.

Reporting for persons may submit the information for *inter-company* and *inter-pollutant* transfers electronically though Class II Trades Report (EPA Form 5900-205; OMB Control No. 2060-0498) or by paper for the following:
- The identity and address of the transferee;
- The name and telephone number of a contact person for the transferee;
- The type of allowances being converted, including the names of the class II controlled substances for which allowances are to be converted;
- The quantity and type of allowances to be converted;
- The control period(s) for which the allowances are being converted; and
- The quantity of expended allowances of the type and for the control period being converted will be automatically generated though the electronic form.

In addition, all entities may be required to provide other such information that the Administrator may reasonably require to comply with requests from the Ozone Secretariat seeking information required by decisions taken by the Parties to the Montreal Protocol. EPA may also use the information gathering authority under Section 114 of the Clean Air Act to ensure compliance with existing stratospheric protection regulations.

In addition to these data items, respondents who wish to report electronically will need to register with CDX and complete the electronic signature agreement.

Registering with CDX.

Registration enables CDX to perform two important functions: (i) Authentication of identity, and (ii) Verification of authorization. To submit electronically to EPA via CDX, individuals must first register with that system at, *http://cdx.epa.gov/epa_home.asp*.

To register in CDX, the CDX registrant (also referred to as "Electronic Signature Holder" or "Public/Private Key Holder") agrees to the Terms and Conditions, provides information about the submitter and organization, selects a user name and password, and follows the procedures outlined in the guidance document for CDX available at https://www.epa.gov/ods-phaseout/guidelines-electronic-reporting-ozone-depleting-substances.

Preparing the submission.

The electronic reporting forms, which were created in Microsoft Excel, are designed to allow submitters to paste transaction-level data into the form from other Excel spreadsheets. They have built-in validations, drop-down lists, and auto-populated cells to help reduce errors during the data entry process. Once the form is complete, users generate a comma separated value (CSV) file electronic form and submit the Excel report, CSV file, and any required supporting attachments via CDX. Refer to EPA's website for additional information on electronic form submission: https://www.epa.gov/ods-phaseout/ods-recordkeeping-and-reporting.

Completing the submission to EPA.

The web-based tool, as appropriate, also allows the user to choose "Print," "Save," or "Transmit through CDX." When "Transmission through CDX" is selected, the user is asked to provide the user name and password that was created during the CDX registration process. The reporting tool encrypts the file and submits it via CDX.

Correspondence through CDX.

The user will login to the application and check the status of their submissions. Upon successful receipt of the submission by EPA, the status of the submissions will be flagged as Completed. The CDX inbox is currently used to notify the users of any correspondence related to user registration. Information on accessing the CDX user inbox is provided in the guidance document for CDX.

(ii) Respondent Activities

Producers must submit quarterly reports and keep records.

Importers must:

- Submit quarterly reports electronically and keep records;
- For imports of used controlled substances for reuse, submit information in a petition and re-petition and keep records of petitions;
- Indicate specified information of an import of heels on bill of lading; and
- Report quarterly on a container with heels and include the final disposition of each shipment of a container with heels.

Exporters must submit quarterly reports and ensure bill of lading or invoice indicates that the controlled substance is used, as applicable.

Transformers and destroyers must:

- Submit annual reports within each control period, and keep records, if applicable;
- Submit a transformation verification (transformers only) to the producer or importer, if applicable;
- Submit a one-time destruction efficiency report to EPA (destroyers only), as applicable; and
- Submit a destruction verification (destroyers only) to the producer or importer, as applicable.

Persons requesting additional consumption allowances must submit a report on a transactional basis.

Persons requesting international transfers of allowances must submit information requirements on a transactional basis.

Persons wanting to domestically transfer allowances of class II controlled substances must:

- Submit a report for inter-company transfers and/or inter-pollutant transfers on a transactional basis, as required by §82.23(a) and (b), respectively; and
- File a notice of appeal, as applicable.

Persons wanting to increase or decrease production allowances or Article 5 allowances, for a specified control period through trades with another Party to the Montreal Protocol must submit a request on a trade from a Party and a trade to a Party, on a transactional basis, as applicable.

All records and reports must comply with requirements for class I and class II controlled substances in 40 CFR part 82, Subpart A. Reports and records associated with the reports listed above must be kept for three years. All amounts must be reported in kilograms. These recordkeeping requirements pertain to original documents that are held by companies in the normal course of conducting business, accounts of daily production runs, sales invoices, and bills of lading. Information from these recordkeeping documents is summarized in reports. Recordkeeping requirements are designed to aid EPA in compliance monitoring, site inspection, and enforcement actions.

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

(a) Agency Activities

As a result of combing ICRs 2060-0170, 2060-0498, 2060-0482, the following sections describe the agency activities related to the review of reports and applications for the use methyl bromide for critical use.

(i) Review of Reported Data for Reports on Class I and II Controlled Substances:

- Review data for completeness and accuracy, potentially through follow-up with the reporting entity;
- Enter, maintain, and manage information submitted from companies in the ODS Tracking System;
- Respond to companies submitting tracking/monitored information to confirm transactions and provide allowance balances;
- Notify producers/importers/exporters of baseline allowances;
- Respond to companies submitting tracked/monitored information, such as trade requests;
- Review and respond to petitions requesting import of used controlled substances;
- Review data on actual use of critical use methyl bromide and amounts in inventory to

adjust future nomination and allocation amounts;

- Review information and conduct compliance monitoring activities related to restrictions on production, import, export, transformation, and destruction of controlled substances for individual companies by comparing data with other sources of information;
- Review information in the Tracking System to ensure that the United States is not exceeding its commitments under the Montreal Protocol which limits production and consumption of controlled ODS;
- Review information in the Tracking System to ensure exempted production and imports do not exceed limits statutorily set in Sections 604 and 605 of the CAA; and
- Compile reports mandated by United States satisfying commitments under the Montreal Protocol and the CAA, including reports to Congress and the Ozone Secretariat.

(ii) Methyl Bromide Critical Use Applications

Submitted critical use exemption applications are received by the Stratospheric Protection Division of the Office of Atmospheric Programs (OAP). The Biological and Economic Assessment Division (BEAD) of the Office of Pesticide Programs (OPP) conducts a technical review of the applications. Both a biologist and an economist review each application, and the applications are grouped according to agricultural sector. The review determines whether or not there is sufficient information to support the contention that "no technically or economically feasible alternatives exist" for the requested methyl bromide use. The review also determines if a lack of methyl bromide availability would cause a significant market disruption. These requirements for critical use exemptions were agreed to by the Parties to the Montreal Protocol in Decision IX/6, as well as Section 604(d) of the Clean Air Act (CAA). This review may require additional consultation with the applicants if further clarification is needed.

- EPA, in consultation with the U.S. Department of Agriculture and the Department of State, compiles a nomination package containing all the critical uses to be nominated by the United States. This package is submitted to the Montreal Protocol's Ozone Secretariat, reviewed by technical bodies, and later consider by the Parties for authorization at the annual Meeting of the Parties. Typically, EPA must respond to one or two rounds of questions from the technical bodies as they review any submitted U.S. Nomination.

(b) Collection Methodology and Management

EPA requires the use of reporting forms for regulated participants to report the required information. Reporting forms for controlled substances are available on EPA's website at https://www.epa.gov/ods-phaseout/ozone-depleting-substances-ods-recordkeeping-and-reporting and paper forms may be requested. Online instruction documents titled, *"What reporting forms should I complete?"* and *"Helpful Hints for Completing EPA's Reporting Forms"* are also available to assist participants in completing the forms.

Reporting forms must be sent to EPA electronically, by mail, private courier, or fax. EPA has implemented an electronic reporting system through CDX that allows regulated entities to prepare and submit data electronically. Coupled with the widespread use of the standardized

forms, electronic reporting has improved data quality and made the reporting process efficient for both reporting companies and EPA.

EPA stores the data in the ODS Tracking System. Modernizing the ODS Tracking System to allow for the electronic submission of all reports will increase efficiency and reduce potential errors in interpreting and transcribing written reports. The ODS Tracking System is a secure database that maintains all of the data that is submitted to EPA and allows the Agency to: (1) track total production and consumption of controlled substances to satisfy conditions of the CAA and fulfill the United States commitments under the Montreal Protocol; (2) monitor compliance with limits and restrictions on production, imports, exports, and specific exemptions from the phaseout for individual U.S. companies; and (3) enforce against illegal imports and violations related to the control of class I and class II substances. Additionally, reporting on the exemptions allows an entity to retain the benefit of being able to produce or import a controlled class I ODS beyond the date of complete phaseout.

The major difference between the old and new methods of data entry is the user interface. Data now will be entered through a series of pages or screens on the computer. A submission sent to the Agency over the Internet will necessitate an electronic signature. GPEA gives the Agency the authority to accept such signatures. Respondents submitting notices will only need to register once per user for all future submissions.

(c) Small Entity Flexibility

Much of this information collection is required by statute. Additional information collection is undertaken to support the United States' reporting commitments under the Montreal Protocol. The information collection is required to 1) ensure exempted material is available to stakeholders, 2) develop these nationally and internationally mandated reports, and 3) maintain compliance with Sections 604 and 605 of the CAA.

In general, EPA designed the recordkeeping and reporting elements to place the burden instead on chemical manufacturers, distributors, and applicators who are not small entities. The burden on small entities has been reduced to every extent possible. Small entities include laboratories and end users of critical use methyl bromide. Laboratories are required to certify purchases of exempted class I controlled substances once per year, indicating that they will only be used for laboratory or analytical purposes and not be resold, and identifying the specific use to which the substances will be put. The critical use exemption program requires end users to sign a short form (1 page in length) certifying that they are buying the exempted material for an allowable use and will use it accordingly. The form is kept by the supplier, not the end user. Participation in this exemption program is voluntary and constitutes a benefit.

(d) Collection Schedule

- Producers, importers, exporters report to EPA quarterly (45 days after the end of each quarter for class I controlled substances and 30 days for class II controlled substances);

- Persons who destroy or transform class I and class II controlled substances report to EPA annually (45 days after the end of each quarter for class I controlled substances and 30 days for class II controlled substances);
- Persons that import used controlled substances for destruction in the United States submit to EPA on a transactional basis, a certification to import used ODS for destruction;
- Persons that import used controlled substances for reuse in the United States submit to EPA on a transactional basis, a petition;
- Persons requesting critical use methyl bromide submit their applications annually (due September 15, three years prior to the year in which the material is to be used);
- Persons transferring consumption allowances to another company or to another chemical; requesting additional consumption allowances; requesting international transfer of allowances; requesting a trade from or to a Party to the Montreal Protocol to increase or decrease production allowances; exporting production allowances or Article 5 Montreal Protocol countries allowances; or importing used class I or class II controlled substances (via petition) must submit reports to EPA on a transactional basis;
- All entities may be required to provide other such information that the Administrator may reasonably require. The Agency anticipates this to occur less than annually per prospective respondent; and
- There will also be infrequent requests from EPA to implement the program or address compliance issues.

(e) Changes to the Information Collection Request

EPA is using this ICR renewal as an opportunity to clarify language, eliminate unnecessary reporting items, consolidate reports, and allow for electronic reporting. These changes will result in a reduced respondent and agency effort.

The changes the Agency is making to clarify language, eliminate unnecessary reporting items, and consolidate reports include the following:

- Removing data fields related to essential use allowances in the Essential Use Allowance Holders & Laboratory Supplier Quarterly Report and Essential Use Allowance Holder Annual Report
- Adding data fields to collect information on shipment and sales data for select intended uses in the Producer and Importer forms. This information was previously required as an attachment.
- Adding a field for the shipment importer number in all Importer forms.
- Adding a field for the shipment EIN in all exporter forms.
- Adding a field for commodity code in the Request for Additional Consumption Allowances, Exporter and Importer forms.
- Replacing the fields related to the current allowance balance with auto-populated fields on the quantity of allowances expended in the Trade forms and methyl bromide and class II Producer and Importer forms.
- Auto-populating the import summary in all Importer forms.
- Auto-populating the export summary in all Exporter forms.
- Auto-populating the number of allowances subtracted from the transferors allowance balance and the number of allowances being received in the Trades forms.

- Removing the field for HCFC-141b in the class II Producer and Importer forms.
- Removing the port of exit from source country data field from the Methyl Bromide Importer Quarterly Report.
- Removing the data field for contact person fax number from all forms.
- Consolidating the three Second Party Transformation and Second Party Destruction forms into one Second Party Transformation and Second Party Destruction form for all chemical classes.
- Second party transformation and destruction forms will no longer be separated by chemical type (i.e., class I, class II, and methyl bromide)
- Laboratory suppliers of methyl bromide will use the Class I Laboratory Supplier Quarterly Report to report the amount of methyl bromide purchased from producers and/or importers and sold to laboratory customers.
- Allowing for the submission for petitions to be electronic with built-in validation procedures to reduce errors.

The transition to electronic reporting will increase efficiencies for both respondents and the Agency based on the following:

- The new forms allow submitters to copy-and-paste transaction-level data (which can consist of hundreds of entries) directly into the form from other spreadsheets in a streamlined format.
- Built-in validations, drop-down lists, and auto-populated cells in the Excel-based forms minimize opportunity for data entry errors and thus the need to resubmit data.
- Use of CDX to transmit data eliminates the need to use U.S. mail for data submissions.
- The import of data directly into the ODSTS reduces the time requirements to process the data by the Agency and reduces the potential for human error that exists when data are entered into the ODSTS by hand.
- Limited need for document storage and retrieval.
- Use of CDX by the Agency to communicate with stakeholders eliminates the need to use U.S. mail for report-specific correspondences.

6. Estimating the Burden and Cost of Collection

(a) Estimating Respondent Burden

This ICR Supporting Statement presents the total paperwork burden and costs associated with improvements to the electronic reporting forms and providing the option of reporting electronically.

Estimates from previous ICRs were updated to reflect the current reporting universe, the burden associated with electronic reporting, and the one-time cost incurred due to CDX activities.

The basis of the analysis is the identification of the principal steps involved in complying with EPA recordkeeping and reporting requirements and the estimated burden associated with each step. EPA identified 27 reporting activities (including third-party disclosures) which contain all information mandated by EPA's regulations (see Table II for details). EPA estimated the number of respondents per reporting activity based on the quantity of respondents that submitted reports

over the last several years. The number of reports submitted per year is either four (quarterly), one (annually), or other (per transaction). EPA estimated the amount of time for data compilation and report preparation by analyzing past reporting practices and consultation with the regulated communities.

EPA estimates that respondents will incur minimal additional effort if they choose to report electronically through CDX. This includes the burden associated with activities that facilitate submission of an electronic report: CDX registration and CDX electronic signature. These activities occur only once during the first year of the analysis.

EPA estimated that companies submitting reports and reporting requirements will realize the following burden reduction:

- Elimination of material costs including paper and postage costs

One-time CDX Burden

EPA estimated that technical staff at companies submitting ODS reports who have not yet registered in CDX incur a one-time burden associated with registering with CDX. Many of the submitters have previously registered with CDX voluntarily to submit electronic ODSTS forms and through other EPA regulatory programs. As of May 2018, 36 of the 106 respondents that report to EPA under the ODS Program had registered in CDX. Therefore, 60 respondents will need to incur the one-time CDX burden. Based on the CROMERR ICR number 2002.06; OMB Control No. 2025-0003, it is assumed that companies will spend fifteen minutes per employee to register with CDX and complete Lexis Nexis identify proofing. Furthermore, EPA assumes that an average of two technical staff members will need to register for each company, resulting in 20 minutes of burden per company.

Recordkeeping and Reporting Requirements

Companies will incur recurring burden associated with the time it takes to submit either paper or electronic reports. EPA assumes that the respondent burden for submitting reports across the three years of this ICR will vary based on the number of paper and electronic reports submitted. Assumptions regarding electronic reporting are as follows:

- In Year 1, approximately 0% of the respondents that submitted paper reports in 2018 will transition to electronic reports. In addition, approximately 90% of the respondents that were not registered with CDX in 2018 will register with CDX.
- In Year 2, approximately 50% of the respondents that submitted paper reports in Year 1, who have the opportunity to convert to electronic reporting, will make the transition to electronic reporting.
- In Year 3 approximately 90% electronic reporting for all report types for which an electronic report is available.

EPA estimated the number of respondents per reporting activity based on the number of respondents that submitted reports over the last several years. Table II below shows the total number of respondents per year, as well as the total number of responses per year, which is calculated by multiplying the number of respondents per year by the number of responses per report type per year.

Table II. Respondent Burden - Total Number of Responses per Year

Collection Activity	EPA Form Number	Submission Type	Number of Responses per Type per Year	Number of Respondents per Year			Total Number of Responses per Year		
				Y1	Y2	Y3	Y1	Y2	Y3
Reports Submitted to EPA									
Class I Producer	5900-151	Paper	4	5	2	1	20	8	4
		Electronic	4	4	7	8	16	28	32
Class II Producer	5900-202	Paper	4	4	2	1	16	8	4
		Electronic	4	3	5	6	12	20	24
MeBr Producer	5900-141	Paper	4	2	1	1	8	4	4
		Electronic	4	0	1	1	0	4	4
Class I Imports	5900-150	Paper	4	7	3	1	28	12	4
		Electronic	4	4	8	10	16	32	40
Class II Imports	5900-200	Paper	4	17	8	2	68	32	8
		Electronic	4	9	18	24	36	72	96
MeBr Importer	5900-144	Paper	4	2	1	1	8	4	4
		Electronic	4	0	1	1	0	4	4
Class I Exports	5900-149	Paper	1	8	4	1	8	4	1
		Electronic	1	5	9	12	5	9	12
Class II Exports	5900-199	Paper	4	4	2	1	16	8	4
		Electronic	4	5	7	8	20	28	32
MeBr Exporter	5900-140	Paper	4	6	3	1	24	12	4
		Electronic	4	0	3	5	0	12	20
Second-Party Destruction	5900-148	Paper	1	9	4	1	9	4	1
		Electronic	1	0	5	8	0	5	8
Second-Party Transformation	5900-147	Paper	1	28	14	3	28	14	3
		Electronic	1	0	14	25	0	14	25
Class I Laboratory Supplier	5900-153	Paper	4	4	2	1	16	8	4

Collection Activity	EPA Form Number	Submission Type	Number of Responses per Type per Year	Number of Respondents per Year			Total Number of Responses per Year		
				Y1	Y2	Y3	Y1	Y2	Y3
		Electronic	4	5	7	8	20	28	32
Class II Request for Additional Consumption Allowances	5900-201	Paper	3	2	1	1	6	3	3
		Electronic	3	4	5	5	12	15	15
Class II Trades	5900-205	Paper	4	12	6	1	48	24	4
		Electronic	4	0	6	11	0	24	44
MeBr Trades	5900-146	Paper	2	3	1	1	6	2	2
		Electronic	2	0	2	2	0	4	4
MeBr Distributor of QPS	5900-155	Paper	4	14	7	1	56	28	4
		Electronic	4	0	7	13	0	28	52
MeBr Sales of Critical Use	5900-137	Paper	1	2	1	0	2	1	0
		Electronic	1	0	1	0	0	1	0
MeBr Pre-2005 Stock	5900-142	Paper	1	2	1	1	2	1	1
		Electronic	1	0	1	1	0	1	1
Petition to Import	NA	Paper	5	10	4	1	50	20	5
		Electronic	5	0	6	9	0	30	45
Destruction Efficiency Report	NA	Paper	1	1	1	1	1	1	1
MeBr Applications	NA	Paper	1	2	2	2	2	2	2
Third Party Disclosures									
Transformation Verification	NA	Paper	1	28	28	28	28	28	28
Destruction Verification	NA	Paper	1	9	9	9	9	9	9
Lab Certification	5900-152	Paper	1	1,000	1,000	1,000	1,000	1,000	1,000
MeBr QPS Applicator Certification	5900-154	Paper	6	14	14	14	84	84	84
MeBr Commodity Owner, Shipper or Agent Recordkeeping	NA	Paper	5	50	50	50	250	250	250
MeBr End User Self-Certification	NA	Paper	1	1,000	1,000	1,000	1,000	1,000	1,000
Total							**2,930**	**2,930**	**2,928**

This analysis assumes that all respondent burden hours are incurred by technical staff at companies that submit reports. Table III below summarizes the total respondent burden, which is calculated by multiplying the assumed technical hours per response by the total number of responses per year (as summarized in Table II).

Table III. Respondent Burden - Total Burden Hours per Year

Collection Activity	Submission Type	Technical Hours per Activity/ Response	Total Technical Hours per Year		
			Y1	Y2	Y3
CDX Registration	NA	0.5	27.0	0.0	0.0
Subtotal (CDX One-Time Burden)			**27.0**	**0.0**	**0.0**
Class I Producer	Paper	2.5	50.0	20.0	10.0
	Electronic	2.0	32.0	56.0	64.0
Class II Producer	Paper	2.5	40.0	20.0	10.0
	Electronic	2.0	24.0	40.0	48.0
MeBr Producer	Paper	1.5	12.0	6.0	6.0
	Electronic	1.0	0.0	4.0	4.0
Class I Imports	Paper	4.5	126.0	54.0	18.0
	Electronic	4.0	64.0	128.0	160.0
Class II Imports	Paper	4.5	306.0	144.0	36.0
	Electronic	4.0	144.0	288.0	384.0
MeBr Importer	Paper	2.5	20.0	10.0	10.0
	Electronic	2.0	0.0	8.0	8.0
Class I Exports	Paper	4.5	36.0	18.0	4.5
	Electronic	4.0	20.0	36.0	48.0
Class II Exports	Paper	4.5	72.0	36.0	18.0
	Electronic	4.0	80.0	112.0	128.0
MeBr Exporter	Paper	2.5	60.0	30.0	10.0
	Electronic	2.0	0.0	24.0	40.0
Second-Party Destruction	Paper	2.5	22.5	10.0	2.5
	Electronic	2.0	0.0	10.0	16.0
Second-Party Transformation	Paper	2.5	70.0	35.0	7.5
	Electronic	2.0	0.0	28.0	50.0
Class I Laboratory Supplier	Paper	4.5	72.0	36.0	18.0
	Electronic	4.0	80.0	112.0	128.0
Class II Request for Additional Consumption Allowances	Paper	4.5	27.0	13.5	13.5
	Electronic	4.0	48.0	60.0	60.0
Class II Trades	Paper	4.5	216.0	108.0	18.0
	Electronic	4.0	0.0	96.0	176.0
MeBr Trades	Paper	4.5	27.0	9.0	9.0
	Electronic	4.0	0.0	16.0	16.0
MeBr Distributor of QPS	Paper	2.5	140.0	70.0	10.0
	Electronic	2.0	0.0	56.0	104.0
MeBr Sales of Critical Use	Paper	1.5	3.0	1.5	0.0

Collection Activity	Submission Type	Technical Hours per Activity/ Response	Total Technical Hours per Year		
			Y1	Y2	Y3
	Electronic	1.0	0.0	1.0	0.0
MeBr Pre-2005 Stock	Paper	1.5	3.0	1.5	1.5
	Electronic	1.0	0.0	1.0	1.0
Petition to Import	Paper	4.5	225.0	90.0	22.5
	Electronic	4.0	0.0	120.0	180.0
Destruction Efficiency Report	Paper	4.5	0.0	0.0	0.0
MeBr Applications	Paper	38.0	0.0	0.0	0.0
Subtotal (Reporting to EPA)			**2,100.0**	**1,989.0**	**1,920.5**
Transformation Verification	Paper	4.5	126.0	126.0	126.0
Destruction Verification	Paper	4.5	40.5	40.5	40.5
Lab Certification	Paper	1.0	1,000.0	1,000.0	1,000.0
MeBr QPS Applicator Certification	Paper	1.0	84.0	84.0	84.0
MeBr Commodity Owner, Shipper or Agent Recordkeeping	Paper	1.0	250.0	250.0	250.0
MeBr End User Self-Certification	Paper	0.3	250.0	250.0	250.0
Subtotal (Third-Party Disclosures)			**1,750.5**	**1,750.5**	**1,750.5**
Total			**3,877.5**	**3,739.5**	**3,671.0**

(b) Estimating Respondent Costs

To determine respondent costs, an average hourly wage rate of $54.41 per hour for technical staff, the hourly wage rate for professional and related persons, was derived from the Bureau of Labor Statistics Employer Cost and Employee Compensation, Table 2. (“civilian workers, by occupational and industry group”), September 2017. A 110 percent increase was added to reflect the estimated additional costs for overhead and fringe, which increased the wage rate to $114.26 per hour. Burden hours were multiplied by the labor rate to determine respondent costs.

In addition, operations and maintenance (O&M) costs, including photocopying, packaging, and postage, were estimated for all respondents submitting paper reports. These costs were estimated at $5.00 per report.

Table IV below summarizes total labor and O&M costs, which are calculated by multiplying total burden hours (as provided in Table III) by the assumed hourly wage rate of technical staff as well as multiplying the total number of responses (as provided in Table II) by the assumed O&M cost per report.

Table IV. Respondent Burden - Total Costs

Activity	Submission Type	Total Labor Costs			Total O&M Costs			Total Costs		
		Y1	Y2	Y3	Y1	Y2	Y3	Y1	Y2	Y3
CDX Registration	NA	$3,085	$0	$0	$0	$0	$0	$3,085	$0	$0
Subtotal (CDX One-Time Burden)		**$3,085**	**0**	**0**	**$0**	**$0**	**$0**	**$3,085**	**$0**	**$0**
Class I Producer	Paper	$5,713	$2,285	$1,143	$100	$40	$20	$5,813	$2,325	$1,163
	Electronic	$3,656	$6,399	$7,313	$0	$0	$0	$3,656	$6,399	$7,313
Class II Producer	Paper	$4,570	$2,285	$1,143	$80	$40	$20	$4,650	$2,325	$1,163
	Electronic	$2,742	$4,570	$5,484	$0	$0	$0	$2,742	$4,570	$5,484
MeBr Producer	Paper	$1,371	$686	$686	$40	$20	$20	$1,411	$706	$706
	Electronic	$0	$457	$457	$0	$0	$0	$0	$457	$457
Class I Imports	Paper	$14,397	$6,170	$2,057	$140	$60	$20	$14,537	$6,230	$2,077
	Electronic	$7,313	$14,625	$18,282	$0	$0	$0	$7,313	$14,625	$18,282
Class II Imports	Paper	$34,964	$16,453	$4,113	$340	$160	$40	$35,304	$16,613	$4,153
	Electronic	$16,453	$32,907	$43,876	$0	$0	$0	$16,453	$32,907	$43,876
MeBr Importer	Paper	$2,285	$1,143	$1,143	$40	$20	$20	$2,325	$1,163	$1,163
	Electronic	$0	$914	$914	$0	$0	$0	$0	$914	$914
Class I Exports	Paper	$4,113	$2,057	$514	$40	$20	$5	$4,153	$2,077	$519
	Electronic	$2,285	$4,113	$5,484	$0	$0	$0	$2,285	$4,113	$5,484
Class II Exports	Paper	$8,227	$4,113	$2,057	$80	$40	$20	$8,307	$4,153	$2,077
	Electronic	$9,141	$12,797	$14,625	$0	$0	$0	$9,141	$12,797	$14,625
MeBr Exporter	Paper	$6,856	$3,428	$1,143	$120	$60	$20	$6,976	$3,488	$1,163
	Electronic	$0	$2,742	$4,570	$0	$0	$0	$0	$2,742	$4,570
Second-Party Destruction	Paper	$2,571	$1,143	$286	$45	$20	$5	$2,616	$1,163	$291
	Electronic	$0	$1,143	$1,828	$0	$0	$0	$0	$1,143	$1,828
Second-Party Transformation	Paper	$7,998	$3,999	$857	$140	$70	$15	$8,138	$4,069	$872
	Electronic	$0	$3,199	$5,713	$0	$0	$0	$0	$3,199	$5,713
Class I Laboratory Supplier	Paper	$8,227	$4,113	$2,057	$80	$40	$20	$8,307	$4,153	$2,077
	Electronic	$9,141	$12,797	$14,625	$0	$0	$0	$9,141	$12,797	$14,625
Class II Request for Additional Consumption Allowances	Paper	$3,085	$1,543	$1,543	$30	$15	$15	$3,115	$1,558	$1,558
	Electronic	$5,484	$6,856	$6,856	$0	$0	$0	$5,484	$6,856	$6,856
Class II Trades	Paper	$24,680	$12,340	$2,057	$240	$120	$20	$24,920	$12,460	$2,077

Activity	Submission Type	Total Labor Costs			Total O&M Costs			Total Costs		
		Y1	Y2	Y3	Y1	Y2	Y3	Y1	Y2	Y3
	Electronic	$0	$10,969	$20,110	$0	$0	$0	$0	$10,969	$20,110
MeBr Trades	Paper	$3,085	$1,028	$1,028	$30	$10	$10	$3,115	$1,038	$1,038
	Electronic	$0	$1,828	$1,828	$0	$0	$0	$0	$1,828	$1,828
MeBr Distributor of QPS	Paper	$15,996	$7,998	$1,143	$280	$140	$20	$16,276	$8,138	$1,163
	Electronic	$0	$6,399	$11,883	$0	$0	$0	$0	$6,399	$11,883
MeBr Sales of Critical Use	Paper	$343	$171	$0	$10	$5	$0	$353	$176	$0
	Electronic	$0	$114	$0	$0	$0	$0	$0	$114	$0
MeBr Pre-2005 Stock	Paper	$343	$171	$171	$10	$5	$5	$353	$176	$176
	Electronic	$0	$114	$114	$0	$0	$0	$0	$114	$114
Petition to Import	Paper	$25,709	$10,283	$2,571	$250	$100	$25	$25,959	$10,383	$2,596
	Electronic	$0	$13,711	$20,567	$0	$0	$0	$0	$13,711	$20,567
Destruction Efficiency Report	Paper	$514	$514	$514	$5	$5	$5	$519	$519	$519
MeBr Applications	Paper	$8,684	$8,684	$8,684	$10	$10	$10	$8,694	$8,694	$8,694
Subtotal (Reporting to EPA)		**$239,946**	**$227,263**	**$219,436**	**$2,110**	**$1,000**	**$335**	**$242,056**	**$228,263**	**$219,771**
Transformation Verification	Paper	$14,397	$14,397	$14,397	$140	$140	$140	$14,537	$14,537	$14,537
Destruction Verification	Paper	$4,628	$4,628	$4,628	$45	$45	$45	$4,673	$4,673	$4,673
Lab Certification	Paper	$114,260	$114,260	$114,260	$5,000	$5,000	$5,000	$119,260	$119,260	$119,260
MeBr QPS Applicator Certification	Paper	$9,598	$9,598	$9,598	$420	$420	$420	$10,018	$10,018	$10,018
MeBr Commodity Owner, Shipper or Agent Recordkeeping	Paper	$28,565	$28,565	$28,565	$1,250	$1,250	$1,250	$29,815	$29,815	$29,815
MeBr End User Self-Certification	Paper	$28,565	$28,565	$28,565	$5,000	$5,000	$5,000	$33,565	$33,565	$33,565
Subtotal (Third-Party Disclosures)		**$200,012**	**$200,012**	**$200,012**	**$11,855**	**$11,855**	**$11,855**	**$211,867**	**$211,867**	**$211,867**
Total		**$443,043**	**$427,275**	**$419,448**	**$14,202**	**$12,855**	**$12,190**	**$457,008**	**$440,130**	**$431,638**

(c) Estimating Agency Burden and Costs

The conversion to an electronic reporting system as well as the adoption of CDX to facilitate form submission and processing are expected to create long term burden reductions and increased efficiencies for EPA. Because the current electronic reporting system via CDX is voluntary and only allows for the electronic submission of select reports, the Agency first will need to make some adjustment to convert to a mandatory electronic reporting system. EPA estimates incurring a one-time cost of $200,000 to upgrade CDX to accept additional electronic ODS report. In addition, annual costs will be associated with the operation and maintenance (O&M) of CDX for the data flow. EPA developed an estimate of CDX O&M costs attributable to chemical reporting program by apportioning the overall CDX maintenance cost estimated in the CROMERR ICR to individual programs. This approach yields an estimate of $57,353 per year. Note that although the data flow for this ICR will be smaller than the data flows included in the CROMERR analysis, the CROMERR analysis does not include costs associated with operations and, therefore, the $57,353 might be considered a lower bound estimate of total O&M.

Agency burden savings are expected to result from the reduction of the need to process paper forms and from the use of more automated quality assurance/quality control (QA/QC), as noted in the description of "Changes to this Information Collection Request."

The overarching assumption used in the analysis of the respondent burden and cost is that the respondent burden and cost for the three years of this ICR will vary each year based on the number of paper and electronic reports submitted. Specifically:

- After Year 1 the burden of entering data into the ODS tracking system is assumed to decrease as reporters transition from paper to electronic reports;
- After Year 1 the burden of preparing, reviewing, and processing company balance statements is assumed to decrease as more communications are sent electronically; and
- After Year 2 the burden of providing reporting guidance is assumed to decrease.

Costs are subdivided into Agency and contractor costs. The average hourly rates for EPA technical and managerial staff of $45.42 and $63.14, respectively, are derived from the 2017 annual base pay table, which was retrieved from the Office of Personnel Management website. The rate for technical staff is based on a GS-13 step 1 salary and the rate for managerial staff is based on a GS-15 step 1 salary. These rates were then multiplied hourly rates by the standard government benefits multiplication factor of 1.6 to get hour rates of $72.67 for technical staff and $101.02 for managerial staff. The cost of contractor time is valued at $105.00 per hour on average, including overhead and fringe. This rate takes into account a weighted average of managerial and technical staff hours, based on rates for Consultant III and Researcher II under GSA Schedule 899-1 Environmental Consulting Services. The number of occurrences of each activity is based on the reporting requirements and EPA's experience with reporting under both the CFC and HCFC allowance systems.

Table V below summarizes total burden hours of each activity for by year. Total burden hours are calculated by multiplying the number of activities by staff hours per activity.

Table V. Agency Burden – Total Burden Hours

Activity	Managerial Hours per Activity	Technical Hours per Activity	Contractor Hours per Activity	Number of Activities			Total Hours		
				Y1	Y2	Y3	Y1	Y2	Y3
Collect and Process MeBr Applications	1.0	2.0	0.0	2.0	2.0	2.0	6.0	6.0	6.0
Notify Submitters of Baseline Allowances	0.5	1.0	0.0	28.0	28.0	28.0	42.0	42.0	42.0
Enter Data in the ODS Tracking System	0.0	1.0	0.0	419.0	197.0	64.0	419.0	197.0	64.0
Review Data for Reporting Compliance	0.2	1.0	1.0	455.0	455.0	453.0	1,001.0	1,001.0	996.6
Prepare and Process Paper Company Balance Statements	0.2	0.5	0.5	208.0	97.0	37.0	249.6	116.4	44.4
Process Transfer Requests	0.0	1.0	0.0	54.0	54.0	54.0	54.0	54.0	54.0
Review Petitions Submitted to Import Used ODS	2.0	4.0	0.0	50.0	50.0	50.0	300.0	300.0	300.0
Provide Reporting Guidance	0.3	1.0	0.0	30.0	30.0	15.0	37.5	37.5	18.8
Conduct Stakeholder Outreach Efforts	4.0	10.0	40.0	3.0	2.0	1.0	162.0	108.0	54.0
Maintain the ODS Tracking System	30.0	175.0	300.0	1.0	1.0	1.0	505.0	505.0	505.0
Ensure Non-Exceedance of Montreal Protocol Caps	2.0	8.0	40.0	2.0	2.0	2.0	100.0	100.0	100.0
Ensure Non-Exceedance of CAAA Limits	2.0	8.0	40.0	1.0	1.0	1.0	50.0	50.0	50.0
Report to the Ozone Secretariat	4.0	30.0	40.0	1.0	1.0	1.0	74.0	74.0	74.0
Seek Information on MeBr CUE Program and Fumigation Industry	0.25	.25	.0.0	75.0	75.0	75.0	37.5	37.5	37.5
Total							**3,037.6**	**2,628.4**	**2,346.3**

Table VI. summarizes total costs of each activity by year. Total costs are calculated by multiplying total burden hours by the assumed hourly wage rate of staff and adding these costs to non-labor costs associated with CDX updates and maintenance.

Table VI. Agency Burden – Total Costs

Activity	Total Costs		
	Y1	Y2	Y3
Collect and Process MeBr Applications	$493	$493	$493
Notify Submitters of Baseline Allowances	$3,449	$3,449	$3,449
Enter Data in the ODS Tracking System	$30,449	$14,316	$4,651
Review Data for Reporting Compliance	$90,033	$90,033	$89,637
Prepare and Process Paper Company Balance Statements	$22,680	$10,577	$4,034
Process Trade Reports	$3,924	$3,924	$3,924
Review Petitions to Import Used ODS	$24,636	$24,636	$24,636
Provide Reporting Guidance	$2,938	$2,938	$1,469
Conduct Stakeholder Outreach Efforts	$15,992	$10,662	$5,331
Maintain the ODS Tracking System	$47,248	$47,248	$47,248
Ensure Non-Exceedance of Montreal Protocol Caps	$9,967	$9,967	$9,967
Ensure Non-Exceedance of CAAA Limits	$4,983	$4,983	$4,983
Report to the Ozone Secretariat	$6,784	$6,784	$6,784
Seek Information on MeBr CUE Program and Fumigation Industry	$3,257	$3,257	$3,257
Subtotal (Labor Costs)	**$266,832**	**$233,266**	**$209,863**
CDX Upgrade	$200,000	$0	$0
CDX Maintenance	$57,353	$57,353	$57,353
Subtotal (Non-Labor Costs)	**$257,353**	**$57,353**	**$57,353**
Total	**$524,185**	**$290,619**	**$267,216**

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

The values for respondent universe and total burden and costs are based on estimates of the number of respondents and hours to compile data and prepare reports. In total, 2,929 responses are estimated on average each year (including both reports submitted to EPA and third-party disclosures), which was calculated by multiplying the number of responses per report type per year (see Table II) by the number of respondents by report type per year (see Table II). Historical data from reports submitted over the last several years and consultations with stakeholders were used to develop estimates. Costs associated with compliance for EPA and respondents are averages and were estimated from publicly available data sources.

(e) Bottom Line Burden Hours and Cost Tables

(i) Respondent Tally

As shown in Table VII, EPA estimates the total annual hour and cost burden to all respondents to average 3,763 hours and $442,926. Therefore, over the three-year span of this ICR, the total burden estimated for compliance for respondents is estimated to be 11,288 hours (3,763 x 3 years) and $1,289,767 ($442,926 x 3 years).

Table VII. Respondent Burden Summary Table

	Total Hours Per Year	Total Labor Cost Per Year	Total O&M Cost per Year	Total Cost Per Year
Year 1	3,878	$443,043	$13,965	$457,008
Year 2	3,740	$427,275	$12,855	$440,130
Year 3	3,671	$419,448	$12,190	$431,638
Annual Average	**3,763**	**$429,922**	**$13,003**	**$442,929**

(ii) The Agency Tally

As shown in Table VIII, EPA estimates the total annual hour and cost burden to the Agency to average 2,671 hours and $360,673. Therefore, over the three-year span of this ICR, the total burden estimated for the Agency is estimated to be 8,012 hours (2,671 x 3 years) and $1,082,020 ($360,673 x 3 years).

Table VIII. Agency Burden Summary Table

	Total Hours Per Year	Total Labor Cost Per Year	Total O&M Cost per Year	Total Cost Per Year
Year 1	3,038	$266,832	$257,353	$524,185
Year 2	2,628	$233,266	$57,353	$290,619
Year 3	2,346	$209,863	$57,353	$267,216
Annual Average	**2,671**	**$236,654**	**$124,020**	**$360,673**

(f) Reasons for Change in Burden

This ICR consolidates three existing ICRs: Class I, Class II, and Methyl Bromide. A comparison of the estimated burden hours and costs as presented in this ICR relative to the existing Class I, Class II, and Methyl Bromide ICRs are summarized in the tables below. For all report types, the number of respondents and responses have also decreased as a result of the ODS phase-out and the consolidation of reports. This has contributed to an overall reduction in respondent burden. The other key contributor to the overall reduction in respondent burden is the increase in electronic reporting, which allows for efficiencies in the preparation, submission, transmission, processing, review, and storage of reports.

For class I reports, the overall changes from the previous ICR to this ICR are shown in Table IX. Since most class I reporting activities have already been phased down, the decrease in burden hours is largely due to the adoption of electronic reporting as well as the consolidation of reports.

Table IX. Respondent Burden Changes Summary Table Class I

	Total Hours Per Year	Total Labor Cost Per Year	Total O&M Cost per Year	Total Cost Per Year
New Class I Average	2,306	$263,449	$7,317	$270,766
Class I ICR (1432.31)	2,439	$259,213	$5,535	$264,748
Difference	**(133)**	**$4,236**	**$1,782**	**$6,018**

Due to Electronic Reporting	*(80)*	*$(9,185)*	*$(804)*	*$(9,989)*
Due to Other (e.g., change in reporting activity)	*(52)*	*$13,421*	*$2,586*	*$16,007*

For class II reports, the overall decrease in respondent burden is largely attributed to the decrease in reporting activities. The reduction from electronic reporting is relatively small because many class II respondents have already transitioned to electronic reporting. Anticipated reductions in class II reporting activities including the reduction in submission of quarterly class II import reports from 124 to 104 responses per year and of quarterly export reports from 48 to 36 responses per year. Likewise, the number of requests for additional consumption allowances is expected to decrease from 23 to 18 responses per year and the number of trade reports is expected to decrease from 66 to 48 responses per year. Table X below provides an overview of the changes from the previous ICR to this ICR for class II reports.

Table X. Respondent Burden Changes Summary Table Class II

	Total Hours Per Year	**Total Labor Cost Per Year**	**Total O&M Cost per Year**	**Total Cost Per Year**
New Class II Average	1,011	$115,482	$517	$115,999
Class II ICR (2014.05)	1,434	$152,109	$1,155	$153,264
Difference	**(423)**	**($36,627)**	**($638)**	**($37,265)**
Due to Electronic Reporting	*(38)*	*($4,329)*	*($379)*	*($4,708)*
Due to Other (e.g., change in reporting activity)	*(385)*	*($32,298)*	*($259)*	*($32,557)*

For methyl bromide critical users, there was a decrease in the total estimated respondent burden compared with the burden currently approved by OMB. The primary reason for the decrease in burden hours was a decrease in the number of applicants, end users, and distributors of methyl bromide since the last ICR for CUEs. EPA estimates there to be a 75 percent decrease in respondent activities for this ICR. Specifically, the following reductions are anticipated: reduction in CUE applications from 15 to 2 per year, reduction in the number of annual reports from 50 to 4 per year, retiring of the methyl bromide trade report, and elimination of the hours associated with rule familiarization and responding to questions on the CUE program. An overview of the changes from the previous ICR to this ICR for methyl bromide reports is shown below in Table XI.

Table XI. Respondent Burden Changes Summary Table Methyl Bromide CUE

	Total Hours Per Year	**Total Labor Cost Per Year**	**Total O&M Cost per Year**	**Total Cost Per Year**
New Class II Average	446	$50,992	$5,169	$56,161
MeBr ICR	1,582	$191,886	$0	$191,886
Difference	**(1,136)**	**($140,894)**	**$5,169**	**($135,725)**
Due to Electronic Reporting	*(6)*	*($692)*	*($61)*	*($752)*
Due to Other (e.g., change in reporting activity)	*(1,130)*	*($140,202)*	*$5,230*	*($134,972)*

Table XII provides a comparison of the total estimated burden hours and costs as presented in this ICR relative to the existing ICRs. Even accounting for the one-time burden associated with the transition to electronic reporting (i.e., CDX registration and CDX electronic signature), this

ICR results in an overall burden reduction for respondents. Similarly, the estimated Agency burden hours and labor costs have also decreased overall across the three years of this ICR even when the one-time CDX update and annual CDX O&M costs are taken into account.

Table XII. Comparison with Existing ICRs

Annual Average	Total Hours Per Year	Total Labor Cost Per Year	Total O&M Cost per Year	Total Cost Per Year
Respondent Burden				
Class I ICR (1432.31)	2,439	$259,213	$5,535	$264,748
Class II ICR (2014.05)	1,434	$152,109	$1,155	$153,264
MeBr ICR (2031.09)	1,616	$191,886	$0	$191,886
Subtotal	5,489	$603,207	$6,690	$609,897
This ICR	3,763	$429,922	$13,003	$442,929
Difference	**(1,726)**	**($173,285)**	**$6,313**	**($166,972)**
Agency Burden				
Class I ICR (1432.31)	1,128	$88,595	$0	$88,595
Class II ICR (2014.05)	2,470	$200,614	$0	$200,614
MeBr ICR (2031.08)	2,225	$136,160	$0	$136,160
Subtotal	5,823	$425,369	$0	$425,369
This ICR	2,671	$236,654	$124,020	$360,673
Difference	**(3,153)**	**($188,716)**	**$124,020**	**($64,696)**

(h) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average two 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-OAR-2017-0639, which is available for online viewing at www.regulations.gov, or in person viewing at the Office of Air and Radiation docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-

1744. 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-OAR-2017-0639 and OMB Control Number 2060-0170 in any correspondence.