

**Emergency ICR for OMB Control Number 2050-NEW
(EPA ICR Number 2589.01)**

Emergency Information Collection Request for *Safe Management of Recalled Airbags Interim Final Rule* (Docket# EPA-HQ -OLEM-2018-0646)

Statutory Authority

Sections 2002, 3001, 3002, 3003, 3004, 3006, 3010, and 3017 of the Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Justification and background for this emergency ICR

EPA is planning to publish an interim final rule conditionally exempting airbag waste collected from airbag handlers (including automobile dealers, salvage yards, and other entities that remove hazardous waste airbags from vehicles) from certain RCRA hazardous waste requirements. This interim final rule is being promulgated under the good cause provision found in Section 553(b) (B) of the Administrative Procedure Act allowing EPA to waive public notice and comment, and will be effective immediately upon publication in the Federal Register.

EPA has determined that this interim final rule is necessary to protect human health and the environment by facilitating the urgent removal of dangerously defective Takata airbag inflators from vehicles, and by preventing defective Takata airbag inflators in scrap vehicles from being reused, while maintaining protection of human health and the environment during airbag collection, storage and disposal.

The Takata airbag recall is the largest automotive recall in U.S. history, with 19 vehicle manufacturers affected and approximately 65-70 million airbag inflators scheduled to be recalled by December 2019. Of these affected airbag inflators, 46 million in 34 million vehicles were recalled as of November 2017 and the remaining inflators will be recalled by December 2019. To date, 15 people in the U.S. have died from injuries inflicted by defective Takata airbag inflators, and hundreds more have been seriously injured.

The National Highway Traffic Safety Administration has found that it is imperative to accelerate the rate of the Takata recall because “each air bag inflator with the capacity to rupture, as the recalled Takata inflators do, presents an unreasonable risk of serious injury or death. . . Since the propensity for rupture increases with the age of the inflator, and increases even more when the vehicle has been exposed to consistent long-term HAH [high absolute humidity] conditions, *the risk for injurious or lethal rupture increases with each passing day.*” (emphasis added)

Because this interim final rule will be effective immediately upon publication in the Federal Register, an approved emergency ICR is needed prior to publication in order to allow collection of information as required under the interim final rule.

Burden Changes

The recordkeeping requirements for the interim final rule consist of maintaining at the airbag handler for no less than three years records of (1) all off-site shipments and (2) confirmations of receipt of airbag waste. The recordkeeping requirements may be fulfilled by ordinary business records, such as bills of lading, and are intended to allow the Agency to verify that the airbag waste reaches its intended destination and is not diverted back into vehicles. These requirements are expected to affect a total of 15,256 facilities, resulting in a total burden of 4,200 hours and \$130,791.42 per year.

This burden is expected to be offset by a burden reduction under the Hazardous Waste Generator ICR (OMB Number 2050-0213), due to the removal of hazardous waste generator requirements under the rule, resulting in a potential net burden reduction. Any burden reduction will be captured in the next renewal of the Hazardous Waste Generator ICR.