

**Supporting Statement for an Information Collection Request (ICR)  
Under the Paperwork Reduction Act (PRA)**

## **1. EXECUTIVE SUMMARY**

### **1(a). Identification of the Information Collection – Title and Numbers**

**Title:** User Fees for the Administration of the Toxic Substances Control Act (TSCA)

**ICR Numbers:** EPA ICR No.: 2569.01; OMB Control No.: 2070-0208.

**EPA Form Numbers:** EPA Form No. 9600-008: Notice of TSCA Fee Action Participation (will be incorporated into online reporting tool).

**Docket ID Number:** [EPA-HQ-OPPT-2016-0401](http://www.regulations.gov/docket/EPA-HQ-OPPT-2016-0401).

### **1(b). Docket Information**

This information collection request (ICR), which explains the information collection activities contained in a final rule and the related burden and cost estimates, as well as other supporting documents related to the ICR are available in the docket established for the rulemaking. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave., NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

### **1(c). ICR Status**

This is a new ICR that addresses the information collection activities that are contained in a final rule (RIN 2070-AK27) issued by the Environmental Protection Agency (EPA) on September 27, 2018 (See Attachment 1). Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, 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 control number issued by the Office of Management and Budget (OMB). The OMB control numbers are displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

### **1(d). Abstract**

The Frank R. Lautenberg Chemical Safety for the 21st Century Act of 2016 made transformative changes to the Toxic Substances Control Act (TSCA), including an amendment that provides EPA with authority to collect fees to defray 25% of the costs associated with administering sections 4, 5, and 6 of TSCA, as well as the costs of collecting, processing, reviewing and providing access to and protecting CBI from disclosure as appropriate under TSCA section 14. The final rule requires payment from manufactures (defined by statute to include importers) of a chemical substance who: are required to submit information to EPA under TSCA section 4, who submit certain notices and exemption requests to EPA under TSCA section 5, who manufacture a chemical substance that is subject to a risk evaluation under TSCA section 6(b)(4), and who process a chemical substance that is the subject of a Significant New Use Notice (SNUN) or Test Market Exemption (TME) under TSCA section 5 and who are required to submit information to EPA under TSCA section 4 related to a SNUN submission. These fees are intended to achieve the goals articulated by Congress to provide a

sustainable source of funds for EPA to fulfill its legal obligations to conduct the activities required under TSCA sections 4, 5 and 6 (such as risk-based screenings, designation of applicable substances as High- and Low-Priority, conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, requiring testing of chemical substances and mixtures, and evaluating and reviewing manufacturing and processing notices), as well as the activities under TSCA section 14 (i.e., collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate).

## **2. NECESSITY OF THE INFORMATION COLLECTION**

### **2(a). Related Legal and/or Administrative Requirements**

As amended in 2016, TSCA section 26(b) provides EPA with authority to establish fees to defray 25% the costs associated with administering TSCA sections 4, 5, 6 and of collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14.

The final rule requires fee payments from chemical manufactures (including importers) who make submissions under TSCA section 5, are required to submit information under TSCA section 4 or are subject to a risk evaluation under TSCA section 6. EPA is not collecting a fee for submissions of Confidential Business Information (CBI) submitted under TSCA section 14.

Under the final rule, persons subject to fees are required to make fee payments electronically using the Department of Treasury's [Pay.gov](https://www.pay.gov/) electronic collection payment services. Once the payment is made, Federal agencies may access the payment and associated information. The information submitted to EPA during the payment process includes company contact information, information about the payment amount and method. Once submitted via Pay.gov, the payment information is sent to EPA.

The final rule also makes several minor changes to existing regulations. The rule requires certain manufactures (including importers) to make a submission to EPA's Central Data Exchange (CDX) and to inform EPA if they choose to associate as a consortium. Notification must be provided to EPA via the CDX when a consortium is formed. This includes the name, address, telephone number and signature of the principle sponsor and the names and contact information for each manufacturer and/or processor associating with the consortium. Under TSCA, a consortium is an association of manufacturers (including importers) and/or processors who have made an agreement to jointly split the cost of applicable fees. Manufacturers (including importers) and processors are also required to certify if they qualify as a small business and are subject to reduced fees.

All manufacturers (and importers) who have manufactured or imported the chemical substance in the 5 years prior to a TSCA section 4 Test Rules and TSCA section 6 EPA-initiated risk evaluations must submit notice to EPA electronically via EPA's (CDX), the Agency's electronic reporting portal, using the Chemical Information Submission System (CISS) reporting tool. EPA is amending the related modules in CDX to incorporate the elements presented in EPA Form 9600-008. Screen shots of the revised modules for section 5 and section 6 submissions are provided in Attachment 3. Screen shots of the revised CDX module for section 4 submissions will be provided to OMB when they are available. As indicated in the final rule, manufactures are required to provide the following information:

Contact Information. The name and address of the submitting company, the name and address of the authorized official for the submitting company, and the name and telephone number of a person who will serve as technical contact for the submitting company and who will be able to answer questions about the information submitted by the company to EPA.

Certification of Cessation. If a manufacturer has manufactured in the five-year period preceding publication of the preliminary list, but has ceased manufacturer prior to the certification cutoff dates identified and will not manufacture the substance again in the successive five years, the manufacturer may submit a certification statement attesting to these facts. If EPA receives such a certification statement from a manufacturer, the manufacturer will not be obligated to pay the fee.

Certification of No Manufacture. If a manufacturer is identified on the preliminary list, but has not manufactured the chemical in the five-year period preceding publication of the preliminary list, the manufacturer may submit a certification statement attesting to these facts. If EPA receives such a certification statement from a manufacturer, the manufacturer will not be obligated to pay the fee.

## **2(b). Necessity of the Information Collection**

The information collection activities covered by this ICR are necessary to collect and process fees as required by TSCA section 26(b). The fees collected are designed to defray a portion of the costs of administering TSCA sections 4, 5, 6 and of collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14.

## **2(c). Uses, Users, and Purpose of the Information Collection**

When manufactures (including importers) and importers pay a fee, they must submit information that includes company contact information, and payment information. The information will be used by the Agency to calculate the revenue generated by the TSCA fee programs and ensure that the required fees have been paid by each respondent.

Manufactures, importers and processors are required to inform EPA if they choose to associate as a consortium for submissions under TSCA sections 4 and 6. EPA will use this information to determine the fee assessed to the consortium based on a formula established in the regulation. Once the fee is assessed by the Agency, the consortium can determine how the fees will be split among its members. However, if the consortium is unable to come to terms on how the fees will be split among its members, EPA will determine the portion of the fee to be paid by each member.

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

### **3(a). Non-Duplication**

EPA's collection under this ICR does not duplicate any other collection. There is no other Federal program that require the information collection activities related to the fees collected under TSCA section 26(b).

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

Pursuant to PRA section 3507(d) and [5 CFR 1320.11](#), the notice of proposed rulemaking served as the public notice for this ICR (83 FR 8212, February 26, 2018) (FRL-9974-31). Comments were submitted to EPA in Docket ID No. EPA-HQ-OPPT-2016-0401 during the public comment period for the proposed rule which occurred from February 27, 2018 to May 24, 2018. Comments on the proposed rule were taken into account in developing the final rulemaking and are discussed in detail, along with the Agency's response, in a Response to Comment document.<sup>1</sup> The following summary highlights comments related to this ICR.

To identify entities that qualified for a reduced fee, EPA proposed to adjust the small business size standard from a current revenue threshold of \$40 million to \$91 million. The Agency received mixed responses in support of this revenue-based definition as compared to SBA's employee-based definition. After reviewing these comments and through discussions with SBA, EPA decided to finalize an employee-based small business definition modeled after SBA's size standards, by adopting SBA's varying size thresholds for the 33 six-digit NAICS codes identified in the final rule and a 500-employee threshold for all other industry sectors. This resulted in changes to the number of entities affected, as well as the unit burden estimate for the burden activity of determining whether an entity is eligible for a reduced fee.

Another commenter noted that the economic analysis of the proposed rule did not include the cost to form and manage a consortium. EPA has subsequently included these burden and cost estimates in supporting materials for the final rule, including the ICR.

Lastly, and also a result of public comments, the final rule detailed the process by which manufacturers subject to certain fee payments will self-identify and certify their fee responsibility. The ICR supporting statement for the final rule was updated to reflect this burden.

### **3(c). Consultations**

EPA engaged with the members of the public (or their representatives) potentially subject to the fees. EPA consulted and met with stakeholders that were potentially subject to fees in August 2016, held an industry-specific consultation meeting and webinar in September 2016, participated in a Small Business Roundtable discussion in March 2018, and had several meetings with individual stakeholders through the development of the final rule in accordance with TSCA section 26(b)(4)(E) requirement that EPA consult with parties potentially subject to fees. The Agency sought comments from industry on various aspects of the proposed rulemaking, including the amendment of existing TSCA section 5 fees, the establishment of new fees for TSCA sections 4 and 6 activities, and the small business considerations. As part of EPA's efforts to consult with industry on the proposed fees and the methodology for establishing the fees, the Agency also opened a docket and collected written comments from stakeholders. To view the comments and EPA's detailed summary and response to public comments, go to <http://www.regulation.gov> and search for docket number: EPA-HQ-OPPT-2016-0401.

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<sup>1</sup> The Response to Comments document is available in Docket ID No. EPA-HQ-OPPT-2016-0401 at <http://www.regulations.gov>.

### **3(d). Effects of Less Frequent Collection**

Due to the nature of the triggering events that initiate information collection activities under the final rule, less frequent collection is not feasible. There is no set collection schedule for the payment information associated with fee payments (e.g. payment method). CDX Submission and payment information is collected each time a fee payment is made via Pay.gov with the frequency of collection depending entirely on the frequency with which applicants submit information to EPA and that EPA initiates activities under TSCA sections 4, 5 and 6. Therefore, less frequent collection is not an option.

### **3(e). Small Entity Flexibility**

EPA believes that the regulatory requirements do not unduly burden small businesses. Although small businesses are required to submit the same information, they pay a reduced fee. As stated in the preamble to the final rule, EPA estimates that, of the 298 small businesses paying fees every year, all firms may have annual cost-revenue impacts of less than 1%.

### **3(f). General PRA Related Guidelines**

This ICR is consistent with OMB's general guidelines do not exceed any of the Paperwork Reduction Act guidelines at 5 CFR 1320.5.

### **3(g). Confidentiality**

Since the information collected under this ICR involves only information related to payments, EPA does not believe that respondents will submit any confidential information collected under this ICR. However, to the extent information submitted by respondents is business confidential, procedures are in place to protect the information from improper disclosure consistent with section 14 of TSCA.

### **3(h). Sensitive Questions**

The information collection activities do not include questions of a sensitive nature.

## **4. AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

### **4(a). Agency Activities**

Agency activities include data management of the fee information.

#### **4(b). Estimated Agency Costs**

EPA estimates that managing the information that is submitted at the time of the fee payment would require one 80-hour week of labor per year for a GS-13, Step 5 employee in the Washington D.C. area, which will amount to an annual Agency cost associated with the final rule of \$6,740.48 ( $\$84.26 \times 80 = \$6,740.48$ ). To calculate the loaded wage rate, EPA uses the wage rate for a GS-13, Step 5 employee in the Washington D.C. area, loaded with a combined fringe and overhead factor of 60% to obtain a loaded wage rate of \$175,252 per year. Dividing this wage rate over 2,080 hours – the annual labor hours of a full-time employee – results in an hourly wage rate of \$84.26.

#### **4(b)(i). Collection Schedule**

This information collection activity does not have a calendar-based schedule. Fee payments are generally required when a manufacturer (including importer) makes a submission under TSCA section 5, is required to submit information under TSCA section 4 or is subject to a risk evaluation under TSCA section 6(b)(4). EPA is required to have 20 EPA-initiated risk evaluations under way at all times starting in December 2019 and each risk evaluation is expected to conclude in 3 years with the option for an up to 6-month extension. Therefore, TSCA section 6 fees for EPA-initiated risk evaluations will generally be predictable. TSCA section 6 manufacturer-requested risk evaluations timing and frequency will depend on requests received. EPA is required to have between 5-10 manufacturer-requested risk evaluations underway if sufficient applications have been received. However, EPA is unsure how many such requests will be received. Section 5 actions are entirely reliant on industry submissions. Historical data is used for cost estimation purposes with and adjustment made for the impact of increased fees. TSCA section 4 activities will be primarily driven by EPA's data needs as the new statutory requirements continue to be implemented. Because these activities occur on an as-needed, on-occasion basis, often initiated by the respondents, considerations for less frequent collection are not relevant.

#### **4(b)(ii). Use of Technology to Facilitate Collection Activities**

EPA will make use of existing technology to collect the information subject to this ICR. Fee payments will be made electronically via Pay.gov. The collection of the identifying number and payment identity number will be made through CDX, EPA's portal for submitting information electronically. Since electronic reporting through CDX is already required for TSCA submissions under sections 4, 5 and 6, EPA is amending those submission modules to incorporate the reporting elements that are presented in Attachment 2, and registered as EPA Form Number 9600-008: Certification of Attempt to Enter into an Agreement with Manufacturers/Processors to Share in TSCA Fees. See Attachment 3 for screen shots of the CDX modules for submissions under section 5 and 6. Similarly, the CDX module for section 4 submissions will be revised to incorporate those elements. As soon as the screen shots for the section 4 submissions are available, EPA will submit a revised ICR for a non-substantive change collection to provide the relevant screen shots to OIRA for review and approval.

### **5. The RESPONDENTS AND INFORMATION COLLECTION (IC) ACTIVITIES**

For each respondent category, this section of the ICR describes the respondents, the information collection activities and related estimates for burden and costs associated with those activities.

## 5(a). Methodology for Estimating Respondent Burden and Costs

The collection specifies fee payment requirements that apply to manufacturers (including importers) who are required to submit information under TSCA section 4, who submit certain notices and exemption requests to EPA under TSCA section 5, who manufacture a chemical substance that is subject to a risk evaluation under TSCA section 6(b)(4), and who process a chemical substance that is the subject of a Significant New Use Notice (SNUN) or Test Market Exemption (TME) under TSCA section 5 and who are required to submit information under TSCA section 4 related to a SNUN submission. The following list of NAICS codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include companies found in major NAICS code groups:

- 324 Petroleum and Coal Products
- 325 Chemical Manufacturing
- 424 Chemical, Petroleum and Merchant Wholesalers

Each firm subject to a fee is required to pay the fee via Pay.gov. Firms also need to determine if they qualify as an eligible small business for reduced fees and indicate if they plan to be or are already part of a consortium. Reduced fees apply to small business with a number of employees below the thresholds list in section §700.43 “Definitions applicable to this subpart” of the final rule or fewer than 500 employees if the firm is not in an industry sector that appears in the table.

Firms subject to fees under TSCA section 4 and fees for Risk Evaluations under TSCA section 6 may form a consortium for paying the specified fees and are required to notify EPA through a principal sponsor that the consortium was formed, detailing the members of the consortium and their contact information. This notification must be submitted to EPA electronically via CDX.

Firms subject to Test Rules under TSCA section 4 and EPA-initiated Risk Evaluations under TSCA section 6 also need to review a preliminary list published by EPA of companies to which the action applies so that they can determine whether their company is listed and certify via CDX accordingly.

### Number of Entities Affected

EPA relied on past experience with Test Rules for HPV chemicals under TSCA section 4, submitter data for new chemical notices under TSCA section 5, and work to date on the first 10 chemicals currently undergoing Risk Evaluation under TSCA section 6 to inform its estimates of average number of firms impacted per action. Each TSCA section 4 action is expected to cover an average of seven chemicals and an average of four manufacturers per chemical, resulting in an estimate of 28 firms impacted per TSCA section 4 action. TSCA section 5 actions are expected to impact one firm per action. Risk Evaluations initiated by EPA under TSCA section 6 are expected to impact an average of one chemical and seven manufacturers per Risk Evaluation. Manufacturer requests for Risk Evaluations submitted to EPA are difficult to predict, but EPA expects that a single manufacturer will submit each request.

The total number of firms affected per year is the product of the number of firms affected per action and the estimated number of actions per year. EPA estimates the number of TSCA section 4 actions based on previous experience and expected work under TSCA as amended, for a total of twelve actions per year. TSCA section 5 actions are estimated to total 1,022

submissions per year, and this estimate is based on a 20% reduction in the number of PMNs received by EPA in FY16, to account for the impact of higher fees, plus the number of Exemption notices received by EPA in FY16. The Agency expects to have between 20 and 30 Risk Evaluations ongoing in any given year at different stages in the review process, including manufacturer-requested evaluations, for an average of 10 Risk Evaluations initiated per year. Combined with the number of firms affected per action, the total number of firms impacted per year is 1,418 firms; 336 firms from TSCA section 4 actions, 1,022 firms from TSCA section 5 actions, and 60 firms from TSCA section 6 actions.

#### Rule Familiarization

EPA assumes that each firm subject to a fee will spend 0.5 hours becoming familiar with the requirements and developing an understanding of what actions are necessary to comply with the fee payment requirements. This is estimated as a one-time burden. The burden is estimated to occur the first time a firm is affected by the requirements. For analytical purposes, EPA assumes that no firm will be subject to any of the fee-triggering actions under TSCA sections 4, 5, or 6 more than once over the three-year period of this ICR. Therefore, the average burden per respondent for each of the three years of analysis is calculated as  $0.5/3 = 0.167$  hours/year.

#### Reduced Fee Eligibility Determination

The regulation establishes reduced fees for firms with a number of employees below the thresholds listed in 40 CFR 700.43 “Definitions applicable to this subpart” or fewer than 500 employees if the firm is not in an industry sector that appears in that table. EPA estimates 0.5 hours of managerial burden to review the employee-based threshold established for firms eligible for a reduced fee and compare that threshold to the firm’s number of employees to determine eligibility for the reduced fee. EPA assumes that the proportion of firms that will incur this burden is roughly equivalent to the proportion of affected firms that are small businesses, as defined by the Small Business Administration (SBA). EPA estimates that SBA-defined small businesses account for one in four firms for TSCA section 4 actions, 18.6% of affected firms for TSCA section 5 actions, and 24 of the 60 total firms for TSCA section 6 actions. This may be an overestimate as some small businesses will already know their size status under SBA size standards and will, therefore, not spend the time to confirm eligibility for the reduced fee. This burden is assumed to occur once for each affected firm over the three-year period of this ICR. Since EPA assumes that no firm will be subject to any of the TSCA section 4, 5, or 6 actions more than once over the three-year period of this ICR, the average burden per respondent is calculated as  $0.5/3 = 0.167$  hours/year.

#### CDX Registration

Firms subject to fee payments are required to submit information to EPA using CDX. Since companies submitting new chemical notices under TSCA section 5 are already required through existing regulations to submit these notices using CDX, burden associated with new CDX registrants under TSCA section 5 is already accounted for elsewhere in an existing ICR.<sup>2</sup> Similarly, firms subject to fee-triggering activities under TSCA section 4 are already required to submit testing and other related information to EPA using CDX, so burden associated with new CDX registrants under TSCA section 4 is already accounted for elsewhere in an existing ICR.<sup>3</sup> Manufacturers requesting Risk Evaluations are required to provide the submission package to EPA via CDX, so burden associated with new CDX registrants requesting Risk Evaluations is

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<sup>2</sup> See TSCA section 5 PMN ICR [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201806-2070-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201806-2070-001).

<sup>3</sup> See TSCA section 4 ICR [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201712-2070-004](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201712-2070-004)



also already accounted for elsewhere in an existing ICR.<sup>4</sup> While some manufacturers subject to Risk Evaluations initiated by EPA under TSCA section 6 may already be familiar with the CDX system and may be registered CDX users from prior experience with TSCA submissions, there is no way to estimate which manufacturers are familiar with CDX and which are new to the system. Therefore, EPA assumes that all 58 manufacturers subject to EPA-initiated Risk Evaluations under TSCA section 6 each year are new CDX users and, therefore, are experiencing this burden for the first time. This burden is assumed to occur once for each affected firm over the three-year period of this ICR. Since EPA assumes that no firm will be subject to any action more than once over the three-year period of this ICR, the average burden per respondent is calculated as  $0.5/3 = 0.167$  hours/year.

#### Notification of Participation in Consortium

The principal sponsor for the firms subject to TSCA section 4 or 6 actions who decide to join consortium, must notify EPA via CDX of the formation about the consortium and provide the following information: the name, address, telephone number and signature of the principle sponsor and the names and contact information for each manufacturer and/or processor associating with the consortium. For analytical purposes, EPA assumes that all firms will opt to join a consortium when possible, such that only one firm per TSCA section 4 and TSCA section 6 action will identify themselves as the principal sponsor of the consortium and experience this burden. EPA estimates that this will require 0.25 hours per year of technical burden to submit the information to EPA. EPA estimates this burden to occur once over the three-year period of this ICR. Thus, the average annual burden is calculated as  $0.25/3 = 0.083$  hours/year.

#### Self-identification and Certification

Firms that are either subject to fees or have been identified by EPA as being subject to fees under TSCA section 4 Test Rules and TSCA section 6 EPA-initiated Risk Evaluations must submit notice to EPA, identifying whether they (1) manufacture the identified chemical, (2) have already ceased manufacturing prior to the defined cutoff dates and will not manufacture for five years into the future, or (3) have not ever manufactured the chemical substance. Firms are required to provide certain basic contact information and certify their statements of Cessation and/or No Manufacture. EPA estimates that 28 firms will report this information to EPA as a result of one Test Rule per year. Similarly, 58 firms are expected to report this information to EPA as a result of approximately eight EPA-initiated Risk Evaluations per year. EPA estimates this burden to occur once per respondent over the three-year period of this ICR. Thus, the average annual burden is calculated as  $2.5/3 = 0.833$  hours/year.

#### Fee Payment via Pay.gov

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<sup>4</sup> See TSCA section 6 Risk Evaluations rule ICR [https://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201707-2070-001](https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201707-2070-001)

Firms are required to make fee payments electronically using the secure, web-based collection portal, Pay.gov. Firms are expected to create payment accounts in Pay.gov and use one of the electronic payment methods currently supported by Pay.gov (e.g., Automated Clearing House debits (ACH) from bank accounts, credit card payments, debit card payments, PayPal or Dwolla). EPA estimates a burden of 0.5 hours per year of technical burden to collect the required information, create a Pay.gov account, and submit the fee payment. In cases where a consortium is formed, EPA expects that the principal sponsor for the consortium to be the one responsible for submitting the fee payment. For each firm submitting a fee payment through Pay.gov, the burden is estimated to occur once over the three-year period of this ICR. Since EPA assumes that no firm will be subject to any of the TSCA section 4, 5, or 6 actions more than once over the three-year period of this ICR, the average burden per respondent is calculated as  $0.5/3 = 0.167$  hours/year.

### Reporting Costs

Labor costs are based on fully loaded wage rates. EPA obtained wage rates from the Employer Costs for Employee Compensation (ECEC) Supplementary Tables (BLS, 2018). EPA used the wage rate for Professional/Technical workers, Managers, and Office and Administrative Support in private chemical manufacturing industries. Fringe benefits are calculated based on the ratio of benefits to total compensation from the 2018 BLS Employer Costs for Employee Compensation data series (BLS, 2018). An overhead rate of 17 percent is used based on assumptions in Wage Rates for Economic Analysis of the Toxics Release Inventory Program (Rice, 2002) and the Revised Economic Analysis for the Amended Inventory Update Rule: Final Report (EPA, 2001). The estimated fully loaded hourly wage rate for a technical worker in this industry is \$78.54. The estimated fully loaded hourly wage rate for a manager in this industry is \$77.83. The estimated fully loaded hourly wage rate for clerical staff in this industry is \$35.20.

**Table 1: Industry Wage Rates**

| Labor Type               | Wage    | Fringes as % Wage | Over-head % wage <sup>a</sup> | Fringe + Overhead Factor <sup>b</sup> | Loaded Wages <sup>c</sup> |
|--------------------------|---------|-------------------|-------------------------------|---------------------------------------|---------------------------|
|                          | (a)     | (b)               | (c)                           | (d)=(b)+(c)+1                         | (a)×(d)                   |
| Professional / Technical | \$46.08 | 53%               | 17%                           | 1.70                                  | \$78.54                   |
| Managerial               | \$47.19 | 48%               | 17%                           | 1.65                                  | \$77.83                   |
| Clerical                 | \$20.55 | 54%               | 17%                           | 1.71                                  | \$35.20                   |

**Footnotes:**

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

<sup>b</sup> The inflation factor of “1” in the formula for calculating the fringe + overhead factor means wage data are not escalated to reflect inflation.

<sup>c</sup> Wage data are rounded to the closest cent in this analysis.

### Consortia Non-Reporting Administrative Costs

The regulation allows the formation of, and payment by, consortia for firms subject to actions under TSCA sections 4 and 6. Administrative costs associated with managing a testing consortia are estimated to total 15 percent of the total laboratory costs, which could be as high as approximately \$1.7 million for a “standard” testing battery.<sup>5</sup> While EPA recognizes that there may be significant administrative costs associated with forming and managing consortia, for firms subject to testing requirements under TSCA section 4 actions, EPA expects that testing

<sup>5</sup> See section 4 ICR [https://www.reginfo.gov/public/do/PRAICList?ref\\_nbr=201712-2070-004](https://www.reginfo.gov/public/do/PRAICList?ref_nbr=201712-2070-004)

consortia will be formed for purposes of coordinating the required testing and will, therefore, not incur significant additional costs for coordination of the fee payment.

For firms subject to Risk Evaluations initiated by EPA under TSCA section 6, however, the ability to form consortia for coordination of fee payment is new under TSCA and the estimated administrative costs associated with forming consortia are, therefore, accounted for in this ICR. EPA estimates the cost per consortium to form and coordinate the fee payment for an EPA-initiated Risk Evaluation as five percent of the fee for EPA-initiated Risk Evaluations (5% x \$1.3 million fee/3), for a total of \$22,500 in administrative costs per TSCA section 6 consortium per year. EPA estimates that one consortium will form for each Risk Evaluation initiated by EPA each year, for a total of approximately eight consortia and approximately \$187,000 in non-reporting administrative consortium costs each year.

### 5(b). Information Collections

Respondent NAICS codes associated with industries most likely affected by the paperwork requirements are listed in section 5(a) of this ICR.

#### Information Collection (IC) Activities

Table 2 presents the estimated average annual burden for each IC activity described in section 5(a) of this ICR.

**Table 2: Total Average Annual Burden and Costs<sup>1</sup>**

| Activity/Respondent                                     | Number of Respondents | Burden per Response (hours) | Total Burden (hours) | Cost per Respondent | Total Cost |
|---|-----------------------|-----------------------------|----------------------|---------------------|------------|
| <b>IC 1: Rule Familiarization</b>                       |                       |                             |                      |                     |            |
| Section 4 Actions                                       | 336                   | 0.167                       | 56                   | \$13.09             | \$4,398    |
| Section 5 Actions                                       | 1,022                 | 0.167                       | 170                  | \$13.09             | \$13,378   |
| Section 6 Actions                                       | 60                    | 0.167                       | 10                   | \$13.09             | \$785      |
| <b>IC 2: Notification of Participation in Consortia</b> |                       |                             |                      |                     |            |
| Section 4 Actions                                       | 12                    | 0.083                       | 1.00                 | \$6.55              | \$79       |
| Section 6 Actions                                       | 8                     | 0.083                       | 0.69                 | \$6.55              | \$55       |
| <b>IC 3: CDX Registration</b>                           |                       |                             |                      |                     |            |
| Section 6 Actions                                       | 58                    | 0.17                        | 9.67                 | \$13.09             | \$759      |
| <b>IC 4: Reduced Fee Eligibility Determination</b>      |                       |                             |                      |                     |            |
| Section 4 Actions                                       | 84                    | 0.167                       | 14                   | \$12.97             | \$1,090    |
| Section 5 Actions                                       | 164                   | 0.167                       | 27                   | \$12.97             | \$2,127    |
| Section 6 Actions                                       | 24                    | 0.167                       | 4                    | \$12.97             | \$311      |
| <b>ICS 5: Fee Payment through Pay.gov</b>               |                       |                             |                      |                     |            |
| Section 4 Actions                                       | 12                    | 0.167                       | 2                    | \$13.09             | \$157      |
| Section 5 Actions                                       | 1,022                 | 0.167                       | 170                  | \$13.09             | \$13,378   |
| Section 6 Actions                                       | 10                    | 0.167                       | 2                    | \$13.09             | \$131      |
| <b>IC 6: Self-Identification and Certification</b>      |                       |                             |                      |                     |            |
| Section 4 Actions                                       | 28                    | 0.833                       | 23                   | \$58.23             | \$1,630    |
| Section 6 Actions                                       | 58                    | 0.833                       | 48                   | \$58.23             | \$3,377    |
| <b>Total Burden for all Activities</b>                  |                       |                             |                      |                     |            |

|   |              |            |                |                  |
|---|--------------|------------|----------------|------------------|
| <b>Section 4 Actions</b>  | <b>336</b>   | <b>96</b>  | <b>\$21.89</b> | <b>\$7,354</b>   |
| <b>Section 5 Actions</b>  | <b>1,022</b> | <b>368</b> | <b>\$28.26</b> | <b>\$28,883</b>  |
| <b>Section 6 Actions</b>  | <b>60</b>    | <b>74</b>  | <b>\$90.31</b> | <b>\$5,419</b>   |
| <b>Total PRA</b>  | <b>1,418</b> | <b>539</b> |                | <b>\$43,182</b>  |
| <b>Included in IC 2: Consortia Non-Reporting Costs</b>  |              |            |                |                  |
| Section 6 Actions   | 8            |            | \$22,500       | \$187,425        |
| <b>Total Costs</b>  | <b>1,418</b> | <b>539</b> |                | <b>\$230,607</b> |
| <sup>1</sup> Values may not calculate exactly due to rounding. Total burden and cost may be overestimated due to assumptions on the number of firms in consortia and first-time users of CDX. |              |            |                |                  |

## 6. PRA Burden Statement

Under the PRA, burden is defined at [5 CFR 1320.3\(b\)](#). This is a new, rule-related information collection. The total burden requested for this ICR is 539 hours per year, with a total of 1,418 respondents, and is estimated to average 0.38 hours per respondent. The total estimated annual reporting burden cost is \$230,607, which includes \$0 annualized capital or operation and maintenance costs.

You may submit comments regarding the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques. Comments, referencing Docket ID No. EPA-HQ-OPPT-2016-0401 and OMB Control No. 2070-0208 (EPA ICR No. 2569.01), may be submitted to EPA electronically through <http://www.regulations.gov> and to OMB, addressed to “OMB Desk Officer for EPA” and referencing OMB Control No. 2070-0208 (EPA ICR No. 2569.01), via email to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov).

## 7. References

Rice, C. (2002). Wage Rates for Economic Analysis of The Toxics Release Inventory Program. Office of Environmental Information: U.S. Environmental Protection Agency.

U.S. Bureau of Labor Statistics (2018). Employer Costs for Employee Compensation (ECEC) Supplementary Tables: December 2006 – March 2018. 2018.

U.S. Environmental Protection Agency (EPA). (2001) “Revised Economic Analysis for the Amended Inventory Update Rule (IUR).” Research Triangle Park.

U.S. Environmental Protection Agency (EPA). (2016) Information Collection Request: Lead Training, Certification, Accreditation and Authorization Activities. EPA ICR No: 2507.01. OMB Control No: 2070-0195. Docket ID: EPA-HQ-OPPT-2014-0486.

## 8. Attachments

All of the attachments listed below can be found in the docket for this ICR or using the hyperlink that is provided for the source documentation. The docket for this ICR is accessible electronically through <http://www.regulations.gov> using Docket ID Number: EPA-HQ-OPPT-2016-0401.

Attachments:

1. Prepublication Copy; Final Rule; User Fees for the Administration of the Toxic Substances Control Act (RIN 2070-AK27). FRL-9984-41. 83 FR 52694, (October 17, 2018). [Although publication was pending at the time that the ICR was submitted, the published final rule can also be accessed at <https://www.gpo.gov/fdsys/pkg/FR-2018-10-17/pdf/2018-22252.pdf>].
2. EPA Form No. 9600-008: Notice of TSCA Fee Action Participation.
3. CDX Screen Shots. Revised Modules for TSCA Section 5 and Section 6 Submissions.