

Supporting Statement for
OMB Control No. 9000-0107, Federal Acquisition Regulation Part 23 Requirements

FAR Section Affected: 52.223-2, 52.223-5, 52.223-6, 52.223-7, 52.223-9, 52.223-11, 52.223-12, and 52.223-22

A. Justification.

1. Administrative requirements. The Federal Acquisition Regulatory Council is in the process of combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry’s ability to easily and efficiently identify all burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on the public. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with reviewing, processing, or commenting on multiple information collections.

This justification supports revision and extension of the expiration date of OMB Control No. 9000-0107 and combines it with the previously approved information collections OMB Control Nos. 9000-0101, 9000-0191, 9000-0194, 9000-0147, 9000-0134, and 9000-0180, with the new title “Federal Acquisition Regulation Part 23 Requirements,” because they are all derived from the same FAR part. Upon approval of this consolidated information collection, OMB Control Nos. 9000-0101, 9000-0191, 9000-0194, 9000-0147, 9000-0134, and 9000-0180 will be discontinued. The burden requirements previously approved under the discontinued Numbers will be covered under OMB Control No. 9000-0107.

OMB Control#	Title	Expiration
9000-0107	Notice of Radioactive Materials	02/28/2019
9000-0101	Drug-Free Workplace	04/30/2019
9000-0191	High Global Warming Potential Hydrofluorocarbons	05/31/2019
9000-0194	Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation	11/30/2019

9000-0147	Pollution Prevention and Right-to-Know Information	01/31/2020
9000-0134	Environmentally Sound Products	10/31/2020
9000-0180	Affirmative Procurement of Biobased Products Under Service and Construction Contracts	01/31/2021

This clearance covers the information that a contractor must submit to comply with the various requirements in FAR part 23 as follows:

a. Notice of Radioactive Materials. The Atomic Energy Act of 1954, (42 U.S.C. 2011), as amended, establishes requirements for protecting radioactive materials. The requirements of this Act are implemented in the FAR at clause 52.223-7, Notice of Radioactive Materials. This clause requires contractors to notify the Government prior to delivery of items containing radioactive materials.

b. Drug-Free Workplace. As mandated in Public Law 100-690, the Drug-Free Workplace Act of 1988, and as enacted in Public Law 111-350, which recodifies Title 41 – Public Contracts of the United States Code: (1) Government contractor employees are required to notify their employer of any criminal drug statute conviction for a violation occurring in the workplace; and (2) Government contractors, after receiving notice of such conviction, must notify the Government contracting officer. FAR clause 52.223-6, Drug-Free Workplace, implements the Act.

c. High Global Warming Potential Hydrofluorocarbons. FAR clauses 52.223-11, Ozone-Depleting Substances, and 52.223-12, Refrigeration Equipment and Air Conditioners, address high global warming potential (GWP) hydrofluorocarbons (HFCs). For equipment and appliances that normally contain 50 or more pounds of HFCs or HFC blends, the clauses include requirements to track by type, equipment/application, contract, agency, and location, the amount in pounds of HFCs or HFC blends—

- i. Contained in such equipment and appliances delivered to the Government; or
- ii. Added or taken out of such equipment and appliances that will be maintained, repaired, or disposed under the contract.

The contractor is required to report the HFC information annually to a centralized Government web-site.

d. Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation. FAR provision 52.223-22 contains an annual representation for

vendors to indicate if and where they publicly disclose greenhouse gas emissions and greenhouse gas reduction goals or targets. Public disclosure of greenhouse gas emission management is increasingly becoming standard practice in many industries, because an inventory of this information provides insight into operations, spurs innovation, and helps identify opportunities for efficiency and savings, outcomes which can translate into both environmental and financial benefits. Executive Order (EO) 13693, Planning for Federal Sustainability in the Next Decade, March 25, 2015, serves as the legal underpinning for this collection of information, as it prescribes the continuation of the Federal policy that agencies shall increase their efficiency and improve their environmental performance, including the reduction of greenhouse gas emissions across Federal operations and the Federal supply chain (e.g. Federal contractors).

e. Pollution Prevention and Right-to-Know Information. The Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11001-11050) and the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13101-13109), require that Federal facilities maintain reports on hazardous materials and toxic chemicals and pollution prevention efforts. In keeping with these mandates, FAR clause 52.223-5, Pollution Prevention and Right-to-Know Information, requires Federal contractors performing at a Federal facility to provide sufficient information to the Government to ensure that the facility is compliant with the EO, PPA, and EPCRA.

f. Environmentally Sound Products. Section 6002 of the Resource Conservation and Recovery Act (RCRA), Pub. L. 94-580, (42 U.S.C.6962), requires Federal agencies to develop affirmative procurement programs to ensure that items composed of recovered materials will be purchased to the maximum extent practicable. Each agency's affirmative procurement program must provide estimates of the total percentage of recovered materials used in the performance of a contract, certification of minimum recovered material content actually used, where appropriate, and reasonable verification procedures for estimates and certifications. The minimum recovered material content standards are designated by the Environmental Protection Agency (EPA). These standards are grouped into eight categories—

- (1) Construction products;
- (2) Landscaping products;
- (3) Non-paper paper office supplies;
- (4) Paper and paper products;
- (5) Park and recreation products;
- (6) Transportation products;
- (7) Vehicular products; and
- (8) Miscellaneous products.

FAR clause 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items, was created to assist agencies with compliance with section 6002. Clause 52.223-9 requires a contractor, on completion of the contract that is for or specifies the use of EPA-designated items containing recovered materials, to (a) estimate the percentage of the total recovered material content delivered or used in performance of the contract, including, if applicable, the percentage of post-consumer material content and (b) submit an estimate to the contracting agency.

Although section 6002 requires that agencies develop these estimates whenever an acquisition sets forth minimum percentages of recovered materials, when the price of the item exceeds \$10,000, or when the aggregate amount paid for the item or functionally equivalent items in the preceding fiscal year was \$10,000 or more, the clause at 52.223-9 is only used in solicitations and contracts exceeding \$150,000. Acquisitions of commercially available off-the-shelf (COTS) items are excluded from this requirement.

g. Affirmative Procurement of Biobased Products Under Service and Construction Contracts. FAR clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, requires prime contractors to report annually the product types and dollar values of U.S. Department of Agriculture (USDA)-designated biobased products purchased. The information reported by prime contractors enables Federal agencies to report annually to the Office of Federal Procurement Policy (OFPP) concerning actions taken to implement and measure progress in carrying out the preference for biobased products required under section 9002 of the Farm Security and Rural Investment Act of 2002, codified at 7 U.S.C. 8102.

2. Uses of information. The notification required by clause 52.223-7 assures that required licenses are obtained and appropriate personnel are notified to institute any necessary safety and health precautions. The notice shall specify the part or parts of the items which contain radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the contractor which will put users of the items on notice as to the hazards involved.

The information provided to the Government pursuant to clause 52.223-6 is used to determine contractor compliance with the statutory requirements to maintain a drug-free workplace.

The GWP HFC information provided to the Government pursuant to clauses 52.223-11 and 52.223-12 is used to assist in tracking and implementing the President's Climate

Action Plan and to better comply with the greenhouse gas reporting requirements of E.O. 13693.

The representation made by contractors pursuant to provision 52.223-22 is used to help the Government assess supplier greenhouse gas management practices and assist agencies in developing strategies to engage with contractors to reduce supply chain emissions, as also directed by E.O. 13693.

The information provided pursuant to clause 52.223-5 is used by Government facilities managers and emergency planning and environmental engineering personnel to prepare emergency response plans, Toxic Release Inventory (TRI) reports, material safety data for hazardous chemicals, hazardous substance release emergency notifications, emergency and hazardous chemical inventory forms, toxic chemical release forms, and toxic chemical source reduction and recycling reports. The information is also used to implement environmental management systems (EMS) and to complete facility compliance audits (FCA). A variety of data must be collected from contractors in order for each facility to comply with PPA and EPCRA reporting requirements; the information to be collected in each case will depend on the chemicals being used in the performance of the contract, and the circumstances of their use. The information

The information provided pursuant to clause 52.223-9 is used by contracting officers to verify contractor compliance with contract requirements regarding the use of recovered materials. Additionally, agencies will use the information in the annual review and monitoring of the effectiveness of the affirmative procurement programs required by RCRA.

The information provided pursuant to clause 52.223-2 is used to meet the statutory requirements to report to OFPP and make the information publicly available, as well as using the information to assess compliance, and measure progress, in carrying out the preference for USDA-designated biobased products.

3. Consideration of information technology. We use improved information technology to the maximum extent practicable. Where both the Government agency and contractors are capable of electronic interchange, whether through e-mail or through a centralized Government website, the contractors may submit this information collection requirement electronically.

4. Efforts to identify duplication. These requirements are issued under the FAR which has been developed to standardize Federal procurement practices and eliminate

unnecessary duplication.

5. If the collection of information impacts small businesses or other entities, describe methods used to minimize burden. The burden applied to small businesses is the minimum consistent with applicable laws, executive orders, regulations, and prudent business practices.

6. Describe consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently. With regards to clauses 52.223-7 and 52.223-6, collection of information is made only when a contractor is delivering items containing radioactive materials or when an employee is convicted of a criminal drug charge for a violation occurring in the workplace.

With regards to the GWP HFCs, the information is required annually to enable agencies to better meet the greenhouse gas emission reduction goals and annual reporting requirements of E.O. 13693; to provide the information less frequently would mean that the agencies would not have timely access to the information required for the agency reports.

With regards to the representation made on a company's greenhouse gas emissions, the information collected is dynamic in nature, and can vary from year-to-year, as the desire for this public disclosure becomes more prevalent in both the domestic and global marketplace. Without this information from its industry partners, the Government would be unable to fully assess the efficacy of greenhouse gas management practices in the Federal supply chain. However, the information is entered into the System for Award Management (SAM) representations and certifications, so it only needs to be provided annually or when the information changes; this is the minimum frequency required to keep the information up-to-date.

With regards to the information provided regarding a Federal facility, failure to collect the relevant information on the production, use, or storage of hazardous substances on Federal facilities, as well as information needed to complete an FCA or to implement an EMS, will result in noncompliance with the requirements imposed on such facilities by EPCRA, PPA and E.O. 13693. Such noncompliance may result in inadequate emergency planning, incomplete public disclosures, or inadequate emergency responses; this would create the potential to jeopardize public health and safety.

With regards to information related to total recovered material content, the estimate is only required upon completion of a contract, and without it agencies could not comply with the requirements of RCRA.

With regards to information related to bio-based products, collecting it less than annually would not meet the statutory requirement that agencies annually provide, and OFPP will annually collect the information provided by the agencies, and make the information publicly available.

Therefore, these collections are conducted as infrequently as possible.

7. Special circumstances for collection. Collection is consistent with guidelines in 5 CFR 1320.6.

8. Efforts to consult with persons outside the agency. A notice was published in the *Federal Register* at 83 FR 51462 on October 11, 2018. Two comments were received.

Comment 1: The commenter is concerned with potential changes to regulations concerning HFCs.

Comment 2: The commenter asked the General Services Administration to implement a rule requiring all federal facilities under their management to procure 100% of their electricity needs from carbon-neutral sources by 2035. The commenter stated this request is a public right to petition for the issuance, amendment, or repeal of a rule under the Administrative Procedures Act, codified in 5 U.S.C. 553(e).

Response: These comments are out of scope because they did not express an opinion on whether the stated number of burden hours is accurate for what they believe to be the actual number of hours an offeror/contractor expend to comply with the FAR part 23 requirements.

9. Explanation of any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees. Not applicable.

10. Describe assurance of confidentiality provided to respondents. This information is disclosed only to the extent consistent with prudent business practices, current regulations, and statutory requirements.

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

12 & 13. Estimated total annual public hour and cost burden.

a. Notice of Radioactive Materials. The estimated number of respondents per year is based on the total number of government contracts awarded in fiscal year 2017 dealing with radioactive materials, using the following NAICS codes: 325188, 325412, 424210, 484230, 541360, 562112, 562211. Using data derived from the Federal Procurement Data System (FPDS), during this time period, the Government awarded 5,002 contracts. It is estimated that 10% of the contracts require reporting. Therefore, the estimated respondents per year are 500.

It is estimated that 5 responses would be reported annually per respondent. This is based on estimates where some contractors will have only a single delivery requiring notification and others will have multiple deliveries requiring notification.

The amount of time required to read and prepare this information is estimated at 1 hour per response. This is based on the estimated time it would take to review the delivery and determine notification is necessary, prepare necessary paperwork, convey this information to the correct company point of contact and provide the written notice to the contracting officer.

There is no requirement in the clause for recordkeeping, only a reporting burden.

Estimated number of respondents	500
Number of responses per respondent per year	x 5
Total annual responses	2,500
Review time per response (hours)	x 1
Total burden hours	2,500
Average wages and overhead*	x \$37
Total estimated annual cost to the public	\$92,500

*Based on the OPM GS-9/step 5 salary (\$27.48 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$37 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov .

b. Drug-Free Workplace. FAR clause 52.223-6 is not applicable to commercial items, contracts at or below the simplified acquisition threshold (unless awarded to an individual), contracts performed outside the United States and its outlying areas, or by law enforcement agencies. Based on Fiscal Year 2017 (FY17) data from the Federal Procurement Data System (FPDS), this clause only applies to 14,626 contract awards, representing 6,718 unique entities.

Statistically, only a small number of contractor employees, approximately 3.4% would be illicit drug users, according to U.S. Department of Justice Drug and Crime Facts.

Using the 3.4% as a baseline, we estimate of the 6,718 unique contractors 228 (6,718 X 3.4%) would have contractor employees that would fall under this statistic.

Of this pool of unique contractors, we estimate 90% would have employees convicted of a criminal drug statute violation occurring in the workplace, which requires reporting in accordance with the clause. Therefore, the total estimated number of respondents per year is 205 (228 X 90%).

It is estimated that only one (1) response would be reported annually per respondent. The amount of time required to read and prepare this information is estimated at .5 hours per response. This is based on the estimated time it would take to obtain the report of the conviction from the employee, convey this information to the correct company point of contact and then provide the written notice of the conviction and the position title of the employee to the contracting officer.

There is no requirement in the clause for recordkeeping, only a reporting burden.

Estimated number of respondents	205
Number of responses per respondent per year	x 1
Total annual responses	205
Review time per response (hours)	x 0.5
Total burden hours	102.50
Average wages and overhead*	x \$37
Total estimated annual cost to the public	\$3,792.50

*Based on the OPM GS-9/step 5 salary (\$27.48 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$37 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov .

c. High Global Warming Potential Hydrofluorocarbons.

- i. **52.223-11(c).** To estimate the number of respondents, the Government reviewed the number of contracts awarded or orders issued for the following Federal Supply Code Categories, which are the ones that would most commonly be used for the bulk materials, products used for maintenance, and equipment containing HFCs:

FSC:	Title:	HFCs/Products:
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4110	Refrigerating Equipment	Small appliances, refrigerators/refrigeration systems (refrigerants and foam blowing agents in equipment), cold storage, commissary refrigeration equipment, etc.
4120	Air-Conditioning Equipment	Room AC, Split AC Systems, Building Chillers, etc.
4210	Firefighting Equipment	Clean Agent Fire Suppression Systems/Equipment (installed room flooding systems, portable fire extinguishers, aircraft/tactical vehicle fire/explosion suppression systems, etc.)
6830	Gases: Compressed and Liquefied	Bulk refrigerants and fire suppressants
6850	Miscellaneous Chemical Specialties	Solvents, dusters, freezing compounds, mold release agents, etc.
8030	Preservatives and Sealing Compounds	Corrosion Prevention Compounds, foam sealants, aerosol mold release agents, etc.
9150	Oils and Greases	Fluorocarbon lubricants (primarily aerosols)

Based on FPDS data for FY 2017 for acquisition of supplies in the above FSCs, there were 6,927 contracts awarded to 1,850 unique vendors.

The Government estimates that these 1,850 unique vendors will receive contracts that require reporting of HFCs, 1 response per year per vendor since reporting is required in SAM.gov, with an average of 8 hours per response.

ii. **52.223-12(d)**. To estimate the number of respondents, the Government reviewed the number of contracts awarded or orders issued for Federal Supply Code (FSC) Categories J041 (Maintenance and Repair of Refrigeration, Air Conditioning Equipment) and K041 (Modification of Refrigeration, Air Conditioning Equipment), which are the ones that would most commonly be used for repair, maintenance, and disposal of air conditioning and refrigerating equipment.

Based on FPDS data for FY 2017 for acquisition of services in the above FSCs, there were 654 contracts awarded to 487 unique vendors.

The Government estimates that these 487 unique vendors will receive contracts that require reporting of HFCs, 1 response per year per vendor since reporting is required in SAM.gov, with an average of 8 hours per response.

iii. **Total of 52.223-11(c) and 52.223-12(d).**

Estimated number of respondents	2,337
Estimated number of responses per respondent per year	x 1
Total annual responses	2,337
Estimated preparation time per response (hours)	x 8
Total burden hours	18,696
Average wages and overhead*	x \$54
Total estimated annual cost to the public	\$1,009,584

*Based on a GS-12, Step 5 or \$39.85/hour (from the OPM GS Salary Table 2018-RUS), added overhead at 36.25 percent, and rounded the average wage to the nearest whole dollar, or \$54/hour.

d. Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—

Representation. The representation in provision 52.223-22 is required for potential Federal contractors who, during the previous Federal fiscal year, received \$7.5 million or more in total contract awards. The representation is voluntary for contractors that received less than this amount during the previous Federal fiscal year.

Based on examination of SAM registrants in September 2018, there are approximately 7,740 respondents that will most likely complete the representation.

The estimated number of responses per respondent is one, based on the fact that the reporting of this information is done one time as part of the SAM representations and certifications. The Government estimates the hourly labor effort to be fifteen minutes (.25 hours) per response for contractors that are either required or voluntarily complete the representation.

Estimated number of respondents	7,740
Number of responses per respondent per year	x 1
Total annual responses	7,740
Review time per response (hours)	x 0.25
Total burden hours	1,935
Average wages and overhead*	x \$54
Total estimated annual cost to the public	\$104,490

*Based on the OPM GS-12/step 5 salary (\$39.85 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$54 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

e. Pollution Prevention and Right-to-Know Information (FAR clause 52.223-5).

i. **EPCRA and PPA reports (sections 313 of EPCRA and 6607 of PPA).** The source data for this portion of the information collection submission is the Environmental Protection Agency's (EPA's) Toxics Release Inventory (TRI), Federal Facility Report. The TRI currently tracks the management of over 595 toxic chemicals¹ that pose a threat to human health and the environment. The most recent TRI dataset, Calendar Year (CY) 2016, was used.

The EPA TRI dataset for CY 2016 indicates that 442 Federal facilities submitted reports.² Of these, it is estimated that approximately 132 Federal facilities use contractors, or approximately 30 percent. On average, we estimate that there are eight contractors per facility that may use substances for which TRI reports are required. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is required to maintain under existing law and regulation. We estimate a burden of four hours per response.

Estimated number of respondents	132
Estimated number of responses per respondent per year	x 8
Total annual responses	1,056
Estimated preparation time per response (hours)	x 4
Total burden hours	4,224
Average wages and overhead*	x \$54
Total estimated annual cost to the public	\$228,096

*Based on a GS-12, Step 5 or \$39.85/hour (from the OPM GS Salary Table 2018-RUS), added overhead at 36.25 percent, and rounded the average wage to the nearest whole dollar, or \$54/hour.

ii. **Other reports required by the EPCRA (sections 311 and 312, hazardous chemical storage reporting).** For any hazardous chemical used or stored in the workplace, facilities must maintain a material safety data sheet (MSDS), and submit the MSDSs (or a list of the chemicals) to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department. Facilities must also report an annual inventory of these chemicals sections 311 and 312 of EPCRA require facilities to submit information on hazardous chemicals at their sites above the threshold quantities. Section 312 may be used to meet the section 311 reporting requirements for those facilities that become subject to reporting under section 311. The information obtained from the EPA indicates that 180 Federal facilities use

1 <https://www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals>

2 <https://www.epa.gov/trinationalanalysis/federal-facilities-industry-2016-tri-national-analysis>

toxic or hazardous chemicals subject to EPCRA reporting and emergency planning requirements³. On average, we estimate that each of these Federal facilities has three contracts which will be subject to this collection of information annually. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is required to maintain under existing law and regulation. We estimate a burden of 0.5 hours per response.

Number of respondents	180
Estimated number of responses per respondent per year	x 3
Total annual responses	540
Estimated preparation time per response (hours)	x 0.5
Total burden hours	270
Average wages and overhead*	x \$54
Total estimated annual cost to the public	\$14,580

*Based on a GS-12, Step 5 or \$39.85/hour (from the OPM GS Salary Table 2018-RUS), added overhead at 36.25 percent, and rounded the average wage to the nearest whole dollar, or \$54/hour.

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

A. FCAs: The Army Corps of Engineers, Engineer Research and Development Center estimates that 6,123 Federal facilities would be likely to collect information for Facility Compliance Audits (FCA). Most agencies have a three-year audit cycle; therefore, approximately each year 2,041 audits are performed. We estimate that 75 percent of these Federal facilities have one contract which will be subject to this collection of information, which equates to approximately 1,531 (.75 x 2,041) responses in a year. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is required to maintain under existing law and regulation. We estimate a burden of 5 hours per response.

Estimated number of respondents	1,531
Estimated number of responses per respondent per year	X 1
Total annual responses	1,531
Estimated preparation time per response (hours)	x 5
Total burden hours	7,655

³ <https://www.epa.gov/fedfac/federal-facilities-national-priorities-list-npl-your-area>

Average wages and overhead*	x \$54
Total estimated annual cost to the public	\$413,370

*Based on a GS-12, Step 5 or \$39.85/hour (from the OPM GS Salary Table 2018-RUS), added overhead at 36.25 percent, and rounded the average wage to the nearest whole dollar, or \$54/hour.

- B. EMS: There is an estimated 2,373 Federal facilities would be likely to collect information for EMS self-assessments⁴. We estimate that .55% of these Federal facilities have one contract which will be subject to this collection of information (.55 x 2,373 =) 1,305 covered contractors. We estimate that each contractor will be required to submit information annually. The information collection would be accomplished by contractor employees' equivalent to a GS-12 Federal employee using records that the contractor is required to maintain under existing law and regulation. We estimate a burden of 5 hours per response.

Estimated number of respondents	1,305
Estimated number of responses per respondent per year	X 1
Total annual responses	1,305
Estimated preparation time per response (hours)	x 5
Total burden hours	6,525
Average wages and overhead*	x \$54
Total estimated annual cost to the public	\$352,350

*Based on a GS-12, Step 5 or \$39.85/hour (from the OPM GS Salary Table 2018-RUS), added overhead at 36.25 percent, and rounded the average wage to the nearest whole dollar, or \$54/hour.

Total for Pollution Prevention and Right-to-Know Information: The information collection requirements in this submission are addressed in three parts based on the types of report from which the contractor will obtain the information needed by the Federal facilities manager or emergency planning and environmental engineering personnel responsible for the Federal facility: (i) Toxic Release Inventory and PPA reports; (ii) Other reports required by the EPCRA; and (iii)(A) Information required for implementation of EMS or (iii)(B) completion of FCAs.

⁴ Estimate was provided by Federal Facilities Environmental Stewardship and Compliance Assistance Center (FedCenter) for the prior renewal (in 2016). No data was available for this revision/consolidation effort.

Total number of respondents	3,148
Total annual responses	4,713
Review time per response (hours)	<u>x 3.9622</u>
Total burden hours	18,674
Average wages and overhead*	X \$54
Total annual cost to the public	\$1,008,396

The total number of respondents is 3,148 (132 + 180 + 1,531 + 1,305)
The total number of annual responses is 4,713 (1,056 + 540 + 1,531 + 1,305)
The total annual public cost burden is, therefore, 18,674 hours (4,224 + 270 + 7,655 + 6,525) or \$1,008,396 (\$228,096 + \$14,580+ \$413,370 + \$352,350).
The average hours per response are 3.9622.

f. Environmentally Sound Products. Clause 52.223-9 is required for contracts exceeding \$150,000 that are for, or specify the use of, EPA-designated items containing recovered materials. Based on information obtained from FPDS, there were approximately 585 new contracts awarded during fiscal year 2017 that contained the clause at 52.223-9. Each contract with the clause will require a response, so 1 response per respondent.

It is estimated that an average of 30 minutes will be required for offerors and contractors to research, prepare, and submit the required information.

Number of respondents	585
Number of responses per respondent per year	<u>x 1</u>
Total annual responses	585
Preparation time per response (hours)	<u>x .50</u>
Total burden hours	292.50
Average wages and overhead*	<u>x 65</u>
Total estimated annual cost to the public	\$19,012.50

*Based on the OPM GS-13/step 5 salary (\$47.38 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$65 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

g. Affirmative Procurement of Biobased Products Under Service and Construction Contracts (FAR clause 52.223-2). To determine the number of contractors performing construction and service contracts that may involve the purchase of USDA-designated biobased products, information was generated from FPDS using FY 2017 data. The

estimate is based on contract actions from the following selected Product Services Codes:

- A-Research and Development;
- F-Natural Resources Management;
- J-Maintenance, Repair, and Rebuilding of Equipment;
- M-Operation of Government-Owned Facility;
- S-Utilities and Housekeeping Services;
- T-Photographic, Mapping, Printing, and Publication Services;
- Y-Construction of Structures and Facilities; and
- Z-Maintenance, Repair or Alteration of Real Property.

The clause will apply to the majority of the contract awards in the selected PSCs. Based on the FY17 FPDS there were 70,344 contract awards under those PSCs, representing 29,612 unique DUNS numbers.

It is estimated that each respondent will submit, on average, five responses per year.

It is estimated that it will take five hours per response to collect, and report, the information required by the clause. The estimate includes time required by contractors who will need to develop and/or implement a system to track the product types and dollar value of the purchased USDA-designated biobased products.

Number of respondents	29,612
Number of responses per respondent per year	<u>x 5</u>
Total annual responses	148,060
Preparation time per response (hours)	<u>x 5</u>
Total burden hours	740,300
Average wages and overhead*	<u>x 65</u>
Total estimated annual cost to the public	\$48,119,500

*Based on the OPM GS-13/step 5 salary (\$47.38 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$65 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

h. Summary.

Estimated total number of respondents	44,127
Total annual responses	166,140
Estimated total burden hours	782,520

Total estimated annual cost to public \$50,357,275

14. Estimated cost to the Government.

a. Notice of Radioactive Materials.

Total annual responses	2,500
Review time per response (hours)	x 1
Total burden hours	2,500
Average wages and overhead*	x \$65
Total estimated annual cost to the Government	\$162,500

*Based on the OPM GS-13/step 5 salary (\$47.38 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$65 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

b. Drug-Free Workplace.

Total annual responses	205
Review time per response (hours)	x 0.5
Total burden hours	102.5
Average wages and overhead*	x \$65
Total estimated annual cost to the Government	\$6,662.50

*Based on the OPM GS-13/step 5 salary (\$47.38 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$65 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

c. High Global Warming Potential Hydrofluorocarbons.

Total annual responses	2,337
Review time per response (hours)	x 1
Total burden hours	2,337
Average wages and overhead*	x \$54
Total estimated annual cost to the Government	\$126,198

*We used a rate of \$39.85 an hour based on the OPM 2018-RUS Salary Table for a GS-12, Step 5 rate plus 36.25 percent burden, and rounded the average wages and overhead to the nearest dollar, or \$54 an hour.

d. Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.

Total annual responses	7,740
Review time per response (hours)	x 1
Total burden hours	7,740
Average wages and overhead*	x \$54
Total estimated annual cost to the Government	\$417,960

*Based on the OPM GS-12/step 5 salary (\$39.85 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$54 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

e. Pollution Prevention and Right-to-Know Information.

Report Type:	i <u>EPCRA/PPA</u>	ii <u>Other EPCRA</u>	iii.A <u>FCA</u>	iii.B <u>EMS</u>
No. of Resp.	1,056	540	1,531	1,305
Avg. hrs/resp.	<u>x 3</u>	<u>x 1</u>	<u>x 1</u>	<u>x 1</u>
Total hours	3,168	540	1,531	1,305
Cost/hour*	<u>\$ 54</u>	<u>\$ 54</u>	<u>\$ 54</u>	<u>\$54</u>
Total An.Cost	\$171,072	\$29,160	\$82,674	\$70,470

Total Government Burden:

Hours: 6,544
Cost: \$353,376

*Based on the OPM GS-12/step 5 salary (\$39.85 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$54 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

f. Environmentally Sound Products.

Total annual responses	585
Review time per response (hours)	<u>x .25</u>
Total burden hours	146.25
Average wages and overhead*	<u>x 65</u>
Total estimated annual cost to the Government	9,506.25

*Based on the OPM GS-13/step 5 salary (\$47.38 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$65 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

g. Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

Total annual responses	148,060
Review time per response (hours)	x 1.5
Total burden hours	222,090
Average wages and overhead*	x 65
Total estimated annual cost to the Government	\$14,435,850

*Based on the OPM GS-13/step 5 salary (\$47.38 an hour) plus 36.25% burden, rounded to the nearest dollar, or \$65 an hour. Reference Salary Table 2018-RUS, Effective January 2018, found at www.opm.gov.

h. Summary.

Total annual responses	166,140
Total burden hours	241,459.75
Total estimated annual cost to the Government	\$15,512,052.75

15. Explain reasons for program changes or adjustments reported in Item 13 or

14. The FAR requirement remains the same for all of these information collections.

However, there were adjustments to each based on the following:

- a) Notice of Radioactive Materials - The total annual burden decreased by 175 hours (from 2,675 hours to 2,500 hours), due to use of more current year data than the prior renewal.
- b) Drug-Free Workplace - The total annual burden decreased by 398 hours (from 598 hours to 205) due to use of new methodology in calculating burden, which resulted in a lower number of estimated respondents. The renewal in 2016 included task and delivery order awards as well as modifications to contracts in the number of respondents; however, since the clause requires reporting once at the contract-level, not order-level, the inclusion of orders and modifications was not appropriate.
- c) High Global Warming Potential Hydrofluorocarbons - The total annual burden decreased by 835 hours (from 3,172 hours to 2,337 hours) due to use of new methodology in calculating burden. With regards to both 52.223-11(c) and 52.223-12(d), the last renewal in 2016 accounted for individual task and delivery

orders in estimating the number of respondents; however, since the reporting requirements are applied at the contract-level, orders were not included in estimating the number of respondents for this effort. In addition, this effort uses data from fiscal year 2017 whereas the prior renewal utilized data from fiscal year 2014.

- d) Public Disclosure of Greenhouse Gas Emissions and Reduction Goals— Representation - The total annual burden increased by 560 hours (from 1,375 hours to 1,935 hours) due to use of more current data.
- e) Pollution Prevention and Right-to-Know Information - The total annual burden increased by 1,176 hours (from 17,498 hours to 18,674 hours) due to use of more current data than the prior renewal: the number of Federal facilities that submitted TRI reports for CY 2016 is slightly less and the number of Federal facilities using toxic or hazardous chemicals subject to EPCRA reporting and emergency planning requirements is estimated to be lower; but, the number of Federal facilities that are estimated to collect information for FCAs is higher.
- f) Environmentally Sound Products - The total annual burden decreased by 986 hours (from 1,571 hours to 585 hours) due to use of more current fiscal year data. While this effort uses a new methodology in calculating burden, it is anticipated that using the methodology from the prior renewal in 2017 would have resulted in an even greater decreased burden. The prior renewal used the number of unique entities in estimating the number of respondents whereas this effort uses the number of contracts awarded, even if an entity may have multiple contracts with the same information collection requirement.
- g) Affirmative Procurement of Biobased Products Under Service and Construction Contracts - The total annual burden decreased by 546,125 (from 1,286,425 hours to 740,300 hours) due to use of more current fiscal year data, which resulted in a smaller number of respondents than the prior renewal.

16. Outline plans for published results of information collections. Results will not be tabulated or published.

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

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

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.