

**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: Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA §6(a) (Final Rule; RIN 2070-AK07)

ICR Numbers: EPA ICR No.: 2556.02; OMB Control No.: 2070-0204.

EPA Form Numbers: No required forms for ICR activities

Docket ID Number: EPA-HQ-OPPT-2016-0231.

1(b). Docket Information

The information collection request (ICR) that explains the information collection activities and 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., N.W., 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. 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. For this rule, the notice of final rulemaking serves as the public notice for this ICR.

1(d). Abstract

The Environmental Protection Agency (EPA) is finalizing a rule under section 6 of the Toxic Substances Control Act (TSCA) to prohibit the manufacture, processing, and distribution in commerce of methylene chloride for consumer paint and coating removal. The final rule requires each person who manufactures, processes, or distributes in commerce methylene chloride for non-prohibited uses to notify companies to whom methylene chloride is shipped of the prohibitions under the rule through the Safety Data Sheet (SDS). The final rule also requires each person who manufactures, processes, or distributes (except for retailers) in commerce any methylene chloride to retain in one location at the headquarters of the company, or at the facility for which the records were generated, documentation showing: (i) the name, address, contact, and telephone number of companies to whom methylene chloride was shipped; (ii) a copy of the notification provided to companies to whom the methylene

chloride was shipped; and (iii) the amount of methylene chloride shipped. This information must be retained for 3 years from the date of shipment.

EPA is finalizing this rule under section 6(a) of TSCA in response to a final determination that the consumer use of methylene chloride in paint and coating removal presents an unreasonable risk of injury to health due to acute human lethality. A final determination regarding unreasonable risk for commercial methylene chloride in paint and coating removal, including commercial furniture refinishing, will be made in the future. The portions of the final rule that trigger this Information Collection Request (ICR) consist of the downstream notification of the prohibitions in the final rule and the recordkeeping requirement.

Legal authority: The Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2605(a) and 2625(l)(4).

Respondents/affected entities: Methylene chloride manufacturers, processors, and distributors.

Respondent's obligation to respond: Respondents are not obligated to respond or report to EPA but must notify downstream users and maintain required records.

Confidentiality of responses: Not applicable. 11

Estimated total number of potential respondents: 138

Frequency of response: On occasion to third parties as needed.

Estimated total annual burden: 69 hours. Burden is defined at 5 CFR 1320.3(b).

Estimated total annual costs: \$3,712

Changes in the estimates: Not applicable. This is a request for a new OMB Control Number.

2. NECESSITY OF THE INFORMATION COLLECTION

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

TSCA – Under section 6(a) of TSCA (15 U.S.C. § 2605(a)), if EPA determines that a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant, under the conditions of use, EPA must by rule apply one or more requirements to the extent necessary so that the chemical substance no longer presents such risk.

With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which a completed risk assessment was published prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, TSCA section 26(l)(4) (15 U.S.C. 2625(l)(4)) provides that EPA “may publish proposed and final rules under [TSCA section 6(a)] that are consistent with the scope of the completed risk assessment

for the chemical substance and consistent with the other applicable requirements of [TSCA section 6]". Methylene chloride is such a chemical substance.

Section 6(a) authorizes EPA to:

- (1) Prohibit or restrict manufacture, processing, or distribution in commerce of a chemical substance, or limit the amount of a chemical substance which may be manufactured, processed, or distributed in commerce;
- (2) Prohibit or restrict the manufacture, processing, or distribution in commerce of the chemical substance for a particular use, or for a particular use above a specified concentration, or limit the amount of a chemical substance which may be manufactured, processed, or distributed in commerce for a particular use, or of for a particular use above a specified concentration;
- (3) Require minimum warnings or instructions with respect to a chemical substance's use, distribution, or disposal;
- (4) Require manufacturers or processors to make and retain certain records, or monitor or conduct certain tests;
- (5) Prohibit or regulate any manner of commercial use;
- (6) Prohibit or regulate any manner of disposal by a chemical substance's manufacturer or processor or any other person who uses or disposes of it for commercial purposes; and/or
- (7) Require manufacturers or processors to give notice of the unreasonable risk of injury to distributors and, to the extent reasonably ascertainable, other persons in possession of a chemical substance; to give public notice of the unreasonable risk determination; and to replace or repurchase the chemical substance.

For methylene chloride, this final rule:

- 1) Prohibits all persons from manufacturing, processing, and distributing in commerce methylene chloride for all consumer paint and coating removal
- 2) Prohibits the distribution in commerce of methylene chloride in paint and coating removal products to and by retailers
- 3) Requires downstream notification of these prohibitions
- 4) Requires limited recordkeeping

As there are currently no prohibitions under section 6 of TSCA regarding paint and coating removal uses of methylene chloride, there are currently no requirements for downstream notification in the methylene chloride supply chain related to such a prohibition. Likewise, there is currently no requirement for the specific recordkeeping mandated under this final rule for methylene chloride.

The downstream notification requirement under the final rule mandates that each person, (excluding retailers of products to consumer end users) who manufactures, processes, or distributes in commerce methylene chloride for any use must notify companies to whom methylene chloride was shipped of the prohibitions under this rule through specific changes to the SDS.

The recordkeeping requirement under this final rule mandate that each person (excluding retailers of products to consumer end users) who manufactures, processes, or distributes in

commerce any methylene chloride must retain in one location at the headquarters of the company, or at the facility for which the records were generated, documentation showing: the name, address, contact, and telephone number of companies to whom methylene chloride was shipped; a copy of the notification provided to companies to whom the methylene chloride was shipped; and the amount of methylene chloride shipped. This information must be retained for 3 years from the date of shipment.

EPA proposed an unreasonable risk determination for methylene chloride in commercial paint removal uses; and to regulate under TSCA section 6(a) manufacture (including import), processing, distribution in commerce and use of methylene chloride in paint and coating removal for certain commercial uses. As noted previously, EPA is not finalizing the proposed unreasonable risk determination and the proposed regulation for commercial uses of methylene chloride in paint and coating removal in this final action. The Agency will address commercial uses of methylene chloride in paint and coating removal, including furniture refinishing, in the future. Similarly, in the proposed rule for methylene chloride in paint and coating removal, EPA proposed to regulate under TSCA section 6(a) N-methylpyrrolidone (NMP) in paint and coating removal. EPA is not finalizing the proposed regulations on NMP at this time. NMP use in paint and coating removal will be addressed during the risk evaluation being conducted under TSCA section 6(b). Depending on the outcome of that risk evaluation, EPA may finalize some or all of the proposed restrictions on NMP.

2(b). Necessity of the Information Collection

The information collection activities covered by this ICR are necessary to enhance the mitigation of unreasonable risks identified for the consumer use of methylene chloride for paint and coating removal. EPA is finalizing a rule that involves information collection activities that mitigate the health risks identified and do not present unreasonable burdens to the regulated entities.

Without the downstream notification requirement, there is a greater likelihood that non-prohibited uses of methylene chloride could be diverted to prohibited uses, or that users would buy or use materials that they do not realize are subject to the restrictions in the final rule. This would result in continuation of the risks that EPA has determined to be unreasonable. Some companies may manufacture and process methylene chloride for uses that are not prohibited by this final rule or some companies may only be engaged in the distribution of methylene chloride to customers for uses that are not regulated by the final rule. In order to ensure awareness of the prohibitions and improve the likelihood methylene chloride products will not be used in applications where their use is prohibited under the final rule, the manufacturers, importers, processors, and distributors (not including consumer retailers) of methylene chloride or products that contain methylene chloride for any use will be required to notify downstream purchasers about the restrictions in the final rule. Downstream notification will also be necessary for effective enforcement of the rule as it provides a record of notification on use restrictions down the supply chain. The Occupational Safety and Health Administration (OSHA) already requires SDSs, and the final rule requires specific modifications to an SDS to convey the restrictions. Therefore, this additional information should not substantially increase the burden on these companies.

EPA also has authority under section 6 of TSCA to require recordkeeping related to the regulatory requirements imposed by EPA. This is especially important where, as here, such records are necessary for effective enforcement of the section 6 rule and the recordkeeping requirements apply to persons who are not covered by section 8(a) of TSCA, i.e., those who are not manufacturers or processors.

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

EPA. This information collection will provide EPA with information only upon inspection of such materials. There are no reporting requirements to submit information to EPA under the information collection activities.

Downstream Companies. Under the final rule, manufacturers, processors, and distributors in commerce of methylene chloride must notify companies downstream upon shipment of methylene chloride about the prohibitions or requirements under the final rule. Under the final rule, retailers are specifically excluded from the definition of *distribute in commerce*. The information submitted to downstream companies through the SDS would provide knowledge and awareness of the rule's restrictions to these companies.

The regulated entities will compile and retain records that are necessary as a reference for EPA. These records will help ensure that entities throughout the methylene chloride supply chain are aware of the prohibitions in the final rule and that companies upstream can show that entities they supply were notified of the restrictions. These recordkeeping requirements are also necessary to permit EPA to conduct enforcement activities and to ensure compliance within the regulated community.

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

3(a). Non-Duplication

EPA's collection pursuant to the TSCA section 6(a) regulation does not duplicate any other collection. There is no other Federal program that requires the information collection activities related to the prohibitions under this final rule.

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

The notice of proposed rulemaking (82 FR 7464, January 19, 2017) served as the public notice for this ICR. Interested parties were able to submit comments referencing Docket ID No. EPA-HQ-OPPT-2016-0231 to the address listed at the end of this document. EPA received 1 public comment addressing the ICR that supported the proposed rule.

The American Chemistry Council commented that that EPA must consistently publish accurate burden estimates in the ICR. The commenter asserted that EPA's assumption that an update to the MSDS will require 1 hour likely underestimated the costs by at least an order of magnitude, since EPA did not account for reading and understanding the rule, consultation with expert toxicologist, legal review, internal clearance procedures, and final distribution of the revised MSDS (IT and hardcopies in website, to warehouse staff, for packing, etc.). EPA disagreed with the commenter. EPA separately estimated the burden for rule familiarization in the ICR and does not include that time in the burden estimate for performing downstream

notification. EPA anticipates that compliance with the requirement for downstream notification would be easiest through addition of information to the SDS. The required information that should be added to the SDS will convey the prohibitions and requirements described in the final rule. EPA does not believe that review of this kind of information by an expert toxicologist would be warranted. EPA estimates that this type of minor SDS change will likely require less than 1 hour.

3(c). Consultations

EPA consulted with state and local officials early in the process of developing this action to permit them to have meaningful and timely input into its development. EPA invited the following national organizations representing state and local elected officials to a meeting on May 13, 2015, in Washington DC: National Governors Association; National Conference of State Legislatures, Council of State Governments, National League of Cities, U.S. Conference of Mayors, National Association of Counties, International City/County Management Association, National Association of Towns and Townships, County Executives of America, and Environmental Council of States. A summary of the meeting with these organizations, including the views that they expressed, is available in the docket. Although EPA provided these organizations an opportunity to provide follow-up comments in writing, no written follow-up was received by the Agency.

EPA met with tribal officials in a national informational webinar held on May 12, 2015 concerning the prospective regulation of methylene chloride and NMP under TSCA section 6, and in another teleconference with tribal officials on May 27, 2015. EPA also met with the National Tribal Toxics Council (NTTC) in Washington, D.C. and via teleconference on April 22, 2015. In those meetings, EPA provided background information on the proposed rule and a summary of issues being explored by the Agency. These officials expressed concern about methylene chloride contamination on tribal lands and supported additional regulation of methylene chloride.

On May 27, 2015, EPA held an Environmental Justice public consultation webinar to gather stakeholder input about reducing risks from use of methylene chloride. The webinar shared information about the proposed methylene chloride rulemaking and focused on discussing concerns of environmental justice communities.

After publication of the proposed rule, EPA continued discussions with the public to follow up on comments received on the proposed rule. A summary of those comments, and EPA's response, can be found in the docket for the rule. Additional meetings included meetings requested by W. M. Barr, Breast Cancer Prevention Partners, Natural Resources Defense Council, and Safer Chemicals Healthy Families, to discuss their comments and by families who have lost relatives using methylene chloride in paint removal. EPA staff also attended a demonstration hosted by W. M. Barr of various paint and coating removal products. EPA also consulted with state officials to discuss methylene chloride deaths reported since the proposal. Lastly, EPA received more than 14,000 emails following the death in October 2017 of a small business owner who died while removing paint from the floor of his business with methylene chloride. Summaries of these meetings and correspondences are in the docket.

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. The final rule only includes reporting information to third parties and does not require reporting information to EPA.

3(e). Small Entity Flexibility

EPA believes that the downstream notification and recordkeeping requirements do not unduly burden small businesses. EPA concludes that the information collection request has no significant impacts on any of the entities subject to downstream notification as firms subject to this requirement have a cost-revenue impact of less than 1 percent.

3(f). General PRA Related Guidelines

This ICR is consistent with OMB's general guidelines. Companies that ship methylene chloride are required to maintain records for three years. Therefore, this ICR does not exceed the Paperwork Reduction Act guidelines at 5 CFR 1320.5.

3(g). Confidentiality

EPA will not be collecting any information. Therefore, confidential information will not be submitted to EPA.

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

There will be no agency collection activities under the final rule. There will only be third party notification and recordkeeping requirements.

4(b). Estimated Agency Costs

This collection requires third party notification and recordkeeping. EPA will not receive or process any information as a result of the collection. Therefore, EPA estimates that it costs the Agency approximately \$0 to carry out the activities associated with the information collection activities covered by this ICR.

4(b)(i). Collection Schedule

There is no collection of information by EPA included under the final rule. Therefore, collections occur only by third parties and will occur via SDSs.

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

There will be no information collection by EPA. Therefore, there is no need for any technology facilitation under the final rule related to information collection activities. The recordkeeping requirement does not specify a particular technology or method of retaining the required information. The collection of information by third parties will occur via SDSs.

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 third party notification and recordkeeping requirements on persons who manufacturer, process, or distribute methylene chloride. The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements are described below:

213112	Support Activities for Oil and Gas Operations
314999	All Other Miscellaneous Textile Product Mills
324110	Petroleum Refineries
324191	Petroleum Lubricating Oil and Grease Manufacturing
325110	Petrochemical Manufacturing
325120	Industrial Gas Manufacturing
325180	Other Basic Inorganic Chemical Manufacturing
325199	All Other Basic Organic Chemical Manufacturing
325211	Plastics Material and Resin Manufacturing
325212	Synthetic Rubber Manufacturing
325510	Paint and Coating Manufacturing
325520	Adhesive Manufacturing
325611	Soap and Other Detergent Manufacturing
325612	Polish and Other Sanitation Good Manufacturing
325613	Surface Active Agent Manufacturing
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing
326199	All Other Plastics Product Manufacturing
326220	Rubber and Plastics Hoses and Belting Manufacturing
326299	All Other Rubber Product Manufacturing
327310	Cement Manufacturing
327992	Ground or Treated Mineral and Earth Manufacturing
332117	Powder Metallurgy Part Manufacturing
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)
332216	Saw Blade and Hand Tool Manufacturing
332321	Metal Window and Door Manufacturing
332410	Power Boiler and Heat Exchanger Manufacturing
332618	Other Fabricated Wire Product Manufacturing
332710	Machine Shops

332721	Precision Turned Product Manufacturing
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing
332811	Metal Heat Treating
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
333132	Oil and Gas Field Machinery and Equipment Manufacturing
333515	Cutting Tool and Machine Tool Accessory Manufacturing
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing
333996	Fluid Power Pump and Motor Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333515	Cutting Tool and Machine Tool Accessory Manufacturing
333911	Pump and Pumping Equipment Manufacturing
333996	Fluid Power Pump and Motor Manufacturing
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use
334516	Analytical Laboratory Instrument Manufacturing
335312	Motor and Generator Manufacturing
335911	Storage Battery Manufacturing
335912	Primary Battery Manufacturing
335921	Fiber Optic Cable Manufacturing
335991	Carbon and Graphite Product Manufacturing
336340	Motor Vehicle Brake System Manufacturing
336411	Aircraft Manufacturing
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing
336414	Guided Missile and Space Vehicle Manufacturing
336611	Ship Building and Repairing
339114	Dental Equipment and Supplies Manufacturing
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers
424690	Other Chemical and Allied Products Merchant Wholesalers
424710	Petroleum Bulk Stations and Terminals
562211	Hazardous Waste Treatment and Disposal
562213	Solid Waste Combustors and Incinerators

The final rule for methylene chloride contains the following requirements: (1) All persons are prohibited from manufacturing, processing, and distributing in commerce methylene chloride for consumer paint and coating removal; (2) Each person who manufactures, processes, or distributes (not including consumer retailers) methylene chloride for any use is required to notify companies to whom methylene chloride is shipped of the prohibitions via the SDS, prior to or concurrent with the shipment; and (3) Each person who manufactures, processes, or distributes (not including consumer retailers) methylene chloride for any use is required to retain records for 3 years showing: (a) The name, address, contact, and telephone number of companies to whom methylene chloride or products containing methylene chloride was shipped, (b) a copy of the downstream notification provided, and (c) the amount of methylene chloride shipped.

Number of Entities Affected

EPA developed estimates for number of manufacturers, processors, and distributors affected. Based on EPA's (EPA 2014) Public 2012 Chemical Data Reporting (CDR) data. There are an estimated 9 sites manufacturing or importing methylene chloride and 10 sites processing or using the chemical for a total of 19 manufacturers and processors.

To estimate the number of wholesaler firms distributing products containing methylene chloride, the ratio of the number of Chemical and Allied Products Merchant Wholesaler firms (NAICS 4246) to Basic Chemical Manufacturing firms (NAICS 3251) is applied to the number of manufacturers and processors of methylene chloride:

$$\text{Ratio} = \frac{8,846 \text{ Chemical \& Allied Products Merchant Wholesaler firms}}{1,412 \text{ Basic Chemical Manufacturing firms}} = 6.26$$

$$\text{Wholesaler Firms of Products Containing MC} = 19 \text{ Manufacturers \& Processors of MC} \times 6.26 \text{ Ratio} = 119$$

The number of Chemical and Allied Products Merchant Wholesaler firms and the number of Basic Chemical Manufacturing firms are from the 2012 Statistics of U.S. Businesses (SUSB) data series for employer firms (U.S. Census Bureau 2012a,b). This estimate is conservative in that it includes all wholesalers of products containing methylene chloride. Wholesalers that only distribute methylene chloride-containing paint or coating removers for consumer uses would no longer be permitted to distribute those products, and thus would not have recordkeeping costs under this final rule.

The total number of entities affected by the recordkeeping and reporting requirements of the final rule, therefore, is estimated to be 138 (19 manufacturers and processors and 119 distributors). EPA was unable to estimate the potential for new firms to enter the market, which could affect this estimate over the time period of the ICR.

Rule Familiarization Burden

EPA assumes that each manufacturer (including importers), processor, and distributor of products that contain methylene chloride will spend a half an hour (0.5 hours) becoming familiar with the requirements of the rule and developing an understanding of what actions are necessary to comply with the downstream notification and recordkeeping requirements. This is estimated as a one-time burden. The burden is estimated to occur during the first year of the ICR only. To develop an estimate of average annual burden across the time period of the ICR, EPA divided the burden per response equally across the three years. Therefore, average burden per respondent for each year is calculated as 0.5 hour/3 years = 0.167 hours/year.

Downstream Notification Burden

Downstream notification is considered a third-party notification. EPA expects that downstream notification will be accomplished through a specific modification to already existing chemical SDSs that each manufacturer, distributor, or processor provides to downstream purchasers or users under the Hazard Communication Standard (HCS) (29 CFR 1910.1200). EPA estimates that it will require 1 hour of technical labor for each affected manufacturer, importer, and

processor of methylene chloride and methylene chloride-containing products to make the required changes to the SDSs. Once an SDS is annotated, the action would not need to be repeated, therefore, EPA estimates this as a one-time burden. However, this is a continuing requirement of the rule. Therefore, should new manufacturers, processors, or distributors of methylene chloride or methylene chloride-containing products or new methylene chloride-containing products enter the market, respondents may realize future burden. EPA has no information to estimate the potential for new methylene chloride-containing products or new respondents subject to the rule to enter the market over the time period of the ICR so the estimate is limited to a one-time burden for manufacturers, distributors, and processors.

The burden is estimated to occur during the first year of the ICR only. To develop an estimate of average annual burden across the time period of the ICR, EPA divided the burden per response equally across the three years. Therefore, average burden per respondent for each year is calculated as $1 \text{ hour}/3 \text{ years} = 0.33 \text{ hours/year}$.

Recordkeeping Burden

Manufactures (including importers), processors, and distributors (not including consumer retailers) of methylene chloride will also be required to retain for three years documentation showing: (i) The name, address, contact, and telephone number of companies to whom methylene chloride was shipped; (ii) a copy of the notification provided to companies to whom the methylene chloride was shipped; and (iii) the amount of methylene chloride shipped. EPA expects that this information would already be included in manufacturer and processor invoices that already are retained for tax purposes (IRS, 2016a, IRS 2016b). However, distributors of products containing methylene chloride may not know how much methylene chloride is in each product they ship and may incur some additional time burden associated with determining this. While only certain of these distributors are expected to have incremental recordkeeping costs under this final rule, EPA makes the simplifying assumption that each wholesaler firm will spend one hour researching and recording the methylene chloride concentration of the products they distribute.

Once a wholesaler becomes familiar with the amount of methylene chloride in each product shipped, the action would not need to be repeated; therefore, EPA estimates this as a one-time burden. However, this is a continuing requirement of the rule. Therefore, should new distributors of methylene chloride-containing products or new methylene chloride-containing products enter the market, respondents may realize future burden. EPA has no information to estimate the potential for new methylene chloride-containing products or new respondents subject to the rule to enter the market over the time period of the ICR so the estimate is limited to a one-time burden for distributors.

The burden is estimated to occur during the first year of the ICR only. To develop an estimate of average annual burden across the time period of the ICR, EPA divided the burden per response equally across the three years. Therefore, average burden per respondent for each year is calculated as $1 \text{ hour}/3 \text{ years} = 0.33 \text{ hours/year}$.

Costs

EPA assumes no direct costs are associated with this collection. Labor costs are based on fully loaded wage rates. The estimated wage for manufacturers and processors is \$77.94. The estimated wage for distributors is \$49.95. More detail on the calculation of wage rates is presented in Appendix 1.

5(b). Information Collections

IC #1: Methylene chloride downstream notification and recordkeeping activities

This Information Collection would be required for the final rule for methylene chloride. Respondent NAICS Codes associated with industries most likely affected by the paperwork requirements are listed in section 5(a).

213112	Support Activities for Oil and Gas Operations
314999	All Other Miscellaneous Textile Product Mills
324110	Petroleum Refineries
324191	Petroleum Lubricating Oil and Grease Manufacturing
325110	Petrochemical Manufacturing
325120	Industrial Gas Manufacturing
325180	Other Basic Inorganic Chemical Manufacturing
325199	All Other Basic Organic Chemical Manufacturing
325211	Plastics Material and Resin Manufacturing
325212	Synthetic Rubber Manufacturing
325510	Paint and Coating Manufacturing
325520	Adhesive Manufacturing
325611	Soap and Other Detergent Manufacturing
325612	Polish and Other Sanitation Good Manufacturing
325613	Surface Active Agent Manufacturing
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing
326199	All Other Plastics Product Manufacturing
326220	Rubber and Plastics Hoses and Belting Manufacturing
326299	All Other Rubber Product Manufacturing
327310	Cement Manufacturing
327992	Ground or Treated Mineral and Earth Manufacturing
332117	Powder Metallurgy Part Manufacturing
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)
332216	Saw Blade and Hand Tool Manufacturing
332321	Metal Window and Door Manufacturing
332410	Power Boiler and Heat Exchanger Manufacturing
332618	Other Fabricated Wire Product Manufacturing
332710	Machine Shops
332721	Precision Turned Product Manufacturing
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing
332811	Metal Heat Treating
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
333132	Oil and Gas Field Machinery and Equipment Manufacturing
333515	Cutting Tool and Machine Tool Accessory Manufacturing

332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing
333996	Fluid Power Pump and Motor Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333515	Cutting Tool and Machine Tool Accessory Manufacturing
333911	Pump and Pumping Equipment Manufacturing
333996	Fluid Power Pump and Motor Manufacturing
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use
334516	Analytical Laboratory Instrument Manufacturing
335312	Motor and Generator Manufacturing
335911	Storage Battery Manufacturing
335912	Primary Battery Manufacturing
335921	Fiber Optic Cable Manufacturing
335991	Carbon and Graphite Product Manufacturing
336340	Motor Vehicle Brake System Manufacturing
336411	Aircraft Manufacturing
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing
336414	Guided Missile and Space Vehicle Manufacturing
336611	Ship Building and Repairing
339114	Dental Equipment and Supplies Manufacturing
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers
424690	Other Chemical and Allied Products Merchant Wholesalers
424710	Petroleum Bulk Stations and Terminals
562211	Hazardous Waste Treatment and Disposal
562213	Solid Waste Combustors and Incinerators

Information Collection Activities

Under the final rule for methylene chloride, the rule imposes downstream notification requirements and limited recordkeeping requirements on persons who manufacture, process or distribute in commerce any methylene chloride. Each person who manufactures, processes, or distributes in commerce methylene chloride for any use must notify companies to whom methylene chloride is shipped of the prohibitions in the final rule via the SDS. Additionally, each person who manufactures, processes, or distributes methylene chloride for any use would be required to retain records for 3 years showing: (1) the name, address, contact, and telephone number of companies to whom methylene chloride was shipped, (2) a copy of the notification provided to companies to whom the methylene chloride was shipped, and (3) the amount of methylene chloride shipped.

In addition to the requirements, EPA also expects that each manufacturer (including importers), processor, and distributor of methylene chloride will incur burden becoming familiar with the requirements of the rule and developing an understanding of what actions are necessary to comply with the downstream notification and recordkeeping requirements. Details on the burden estimate calculations per activity are presented in section 5(a). The table below presents the estimated average annual burden for each activity and each respondent type.

Note: The total number of respondents includes an entity who is counted twice as a processor and distributor.

IC# 1. Methylene chloride Manufacturers, Processors, Distributors Downstream Notification and Recordkeeping activities¹						
Activity/Respondent	Number of Respondents	Responses per Respondent	Total Responses	Burden per Response (hours)	Total Burden (hours)	Cost
Rule Familiarization						
Methylene Chloride manufacturers	9	1	9	.167	1.5	\$117
Methylene Chloride processors	10	1	10	.167	1.7	\$132
Methylene Chloride distributors	119	1	119	.167	20	\$999
Downstream Notification						
Methylene Chloride manufacturers	9	1	9	.33	3.0	\$234
Methylene Chloride processors	10	1	10	.33	3.3	\$257
Recordkeeping						
Methylene Chloride distributors	119	1	119	.33	39.5	\$1,973
Total Burden for all Activities by Respondent						
Methylene Chloride Manufacturers	9	1	9	.5	4.5	\$351
Methylene Chloride Processors	10	1	10	.5	5	\$390
Methylene Chloride Distributors	119	1	119	.5	59.5	\$2,972
Total	138		138		69	\$3,712

6. PRA Burden Statement

Under the PRA, burden is defined at [5 CFR 1320.3\(b\)](#).

This is a new, rule-related information collection. Under the final rule for methylene chloride, the total burden requested for this ICR is 69 hours per year. The total annual cost burden requested for this ICR is \$3,712. According to the Paperwork Reduction Act, “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. For this collection it includes such activities as annual familiarization with requirements, recordkeeping, and notification requirements. 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 in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a docket for this rulemaking, which includes this rule related ICR, under Docket ID No. EPA-HQ-OPPT-2016-0231, which is available for online viewing at <http://www.regulations.gov>, or in-person viewing at the EPA Docket Center (EPA/DC), EPA William Jefferson Clinton West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280.

You may submit comments regarding the 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-2016-0231 and OMB Control No. 2070-0204 (EPA ICR No. 2556.02), may be submitted to the OPPT Docket, Environmental Protection Agency Docket Center (EPA/DC), Mail code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460 and to OMB, addressed to "OMB Desk Officer for EPA" and referencing OMB Control No. 2070-0204 (EPA ICR No. 2556.02), via email to oir_submission@omb.eop.gov.

References

U.S. Census Bureau (2012a). 2012 Statistics of U.S. Businesses- Number of Firms, Number of Establishments, Employment, Annual Payroll, and Estimated Receipts by Enterprise Employment Size for the United States, All Industries: 2012.

U.S. Census Bureau (2012b). Geographic Areas Series: U.S. Nonemployer Statistics 2012.

U.S. Environmental Protection Agency (EPA) (2014a). Downloadable of the Non-Confidential Chemical Data Reporting (CDR) Database. Office of Pollution Prevention and Toxics.

U.S. Internal Revenue Service (IRS) (2016a). <https://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/What-kind-of-records-should-I-keep>, accessed April 22, 2016.

U.S. Internal Revenue service (IRS) (2015). Publication 583. Starting a Business and Keeping Records. January 2015.

7. ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the ICR supporting statement are in the public docket established for the rulemaking under docket identification number **EPA-HQ-OPPT-2016-0231**. These attachments are available for online viewing at www.regulations.gov or otherwise accessed as described in the following listing.

Attachment 1: Wage Rates for Economic Analysis of The Toxics Release Inventory Program (EPA-HQ-OPPT-2016-0231-0122)