

Supporting Statement
for
Information Collection Request

Waiver from Tier 4 Emission Standards for Marine Diesel Engines

EPA ICR Number 2602.01 OMB Control Number 2060-NEW

August 2019

Office of Transportation and Air Quality
Office of Air and Radiation
U.S. Environmental Protection Agency

1. Identification of the Information Collection

1(a) Title and Number of the Information Collection

Waiver from Tier 4 Emission Standards for Marine Diesel Engines; EPA ICR Number 2602.01; OMB Control Number 2060-NEW.

1(b) Short Characterization

EPA is amending its regulations at 40 CFR part 1042 to allow qualified boat builders to install engines that meet EPA's Tier 3 emission standards instead of the Tier 4 emission standards. EPA adopted the Tier 4 standards June 30, 2008 under the authority of the Clean Air Act (73 FR 37096). The relevant standards took effect January 1, 2017 for engines above 1,000 kW, and October 1, 2017 for 600-1,000 kW engines. The proposed rule specifies that boat builders must submit information describing their need for regulatory relief and demonstrate that they meet the qualifying conditions.

1 EPA is proposing to create a new exemption process to allow boat builders to apply for relief from Tier 4 emission standards under 40 CFR part 1042. This exemption process is proposed to start in 2024. With this supporting statement, EPA requests approval for a new information collection related to that exemption process.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The Clean Air Act directs EPA to set emission standards for nonroad engines, including diesel engines installed in marine vessels. Engine manufacturers generally design their engines to meet those standards and apply for a certificate of conformity to document their commitment to meet emission standards for engines they produce. The proposed rule delays the implementation date for the Tier 4 standards for qualifying engines and vessels. This is intended to address the concerns about the feasibility of engine manufacturers meeting standards and the availability of those engines for boat builders. Starting in 2024, the Tier 4 standards will again apply for all vessels. As a contingency, EPA is proposing a waiver process to allow boat builders to qualify for a continued exemption from the Tier 4 standards if they are unable to find suitable engines for their high-speed vessels. Since the exemption requires EPA to make a judgment regarding the availability of suitable engines for a given vessel design, the exemption depends on boat builders submitting information to show that they qualify for further relief.

2(b) Practical Utility/Users of the Data

EPA will use the information requested to determine if a boat builder qualifies for Tier 3 emission standards instead of Tier 4.

3. Nonduplication, Consultations and Other Collection Criteria

3(a) Nonduplication

This information is not available from any other source.

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

EPA will request comment on the information collection in the *Federal Register* notice announcing the proposed rule to adopt the waiver provisions.

3(c) Consultations

EPA staff traveled to Washington, Louisiana, and Maine to visit with boat builders affected by Tier 4 standards. EPA staff also interacted with a wide range of industry participants at the WorkBoat Show in November 2018. These interactions have helped to gain an understanding of the technical and business dynamics for boat builders trying to build boats that comply with current regulatory requirements. We expect to continue those discussions in the rulemaking context.

3(d) Effects of Less Frequent Collection

The information collection does not involve repeat submissions.

3(e) General Guidelines

This collection of information is consistent with all OMB guidelines under 5 CFR 1320.6. EPA's minimizes recordkeeping burden by allowing a variety of electronic and hard copy formats for records; facilities have flexibility to use a system that meets their needs and is consistent with other facility records maintenance practices.

3(f) Confidentiality

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in 40 CFR part 2.

3(g) Sensitive Questions

No sensitive questions are asked in this information collection.

4. Respondents and Information Requested

4(a) Respondents/NAICS Codes

Respondents are boat builders. Boat builders may rely on information from engine manufacturers when submitting a request for an exemption. Respondents fall in the following categories under the North American Industry Classification System (NAICS):

333618	Other Engine Equipment Manufacturing
336611	Manufacturers of Marine Vessels;

4(b) Information Requested

Boat builders must submit a written request for approval for an exemption from the Tier 4 emission standards. Boat builders must describe efforts taken to identify available engines certified to the Tier 4 standards and design efforts for installing engines in the subject vessels. The request must also identify the number of vessels needing exempt engines.

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

5(a) Agency Activities

EPA will review the information and evaluate (1) whether the boat builder described efforts taken to identify available engines certified to the Tier 4 standards and design efforts for installing engines in the subject vessels, and (2) whether the boat builder identified the number of vessels needing exempt engines. EPA will inform the boat builder whether the request is approved.

5(b) Collection Methodology and Management

Manufacturers must submit requests to EPA's Compliance Division by e-mail. The EPA will maintain paper and electronic records of these files for at least five years after the exemption no longer applies for a given boat builder.

5(c) Small Entity Flexibility

The intent of the waiver provisions is to provide regulatory relief for small businesses.

5(d) Collection Schedule

There is no collection schedule.

6. Estimating the Burden and Cost of the Collection

6(a) Estimating Respondent Burden

The proposed rule delays the standards through model year 2023 to allow engine manufacturers and boat builders to meet the Tier 4 standards. The waiver provisions proposed at 40 CFR 1042.145(m) apply starting in 2024. The waiver provisions are intended as a precaution to allow boat builders to continue making new boats if technological and market developments don't allow boat builders to fully comply with Tier 4 standards for all vessels. For purposes of this information collection request, we anticipate that boat builders will not need regulatory relief in addition to delaying the implementation of Tier 4 standards until 2024 for qualifying vessels.

6(b) Estimating Respondent Costs

Costs to respondents associated with this information collection include labor costs. Boat builders will incur no non-labor costs (e.g., the cost of purchasing and installing equipment or contractor costs associated with providing the required information).

To calculate labor costs, EPA can estimate technical, managerial, clerical, and legal loaded labor rates using labor rates from the Bureau of Labor Statistics¹ and applying a 60% loading factor.² The labor rates are: \$71.03 for managers; \$55.20 for Engineers/technicians; \$29.65 for clerical staff, and \$101.00 for legal staff.

Since the waiver provisions are intended only as a precaution, we don't expect anyone to use them.

6(c) Estimating Agency Burden and Cost

This section describes the burden and cost to the Federal government associated with this information collection. Federal activities under this information collection include EPA oversight of the reporting program.

EPA burden and cost

As described above, we don't expect anyone to use the Tier 4 waiver provisions. There is accordingly no EPA burden or cost.

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

As described above, we don't expect anyone to use the Tier 4 waiver provisions. There is accordingly no respondent burden or cost.

6(e) Bottom Line Burden Hours and Costs

As described above, we don't expect anyone to use the Tier 4 waiver provisions. There is accordingly no agency or respondent burden or cost.

¹ These rates reflect adjustments of the manufacturing sector's average productivity increase of 3.7% per year for 6 quarters between 2006 Q2 and 2007 Q4, based on the estimate released by the Bureau of Labor Statistics in March 2008.

² The ICR Handbook (November 2005) recommends using a multiplier of 1.6 to account for benefits and overhead related to government wages; this is considered a conservative estimate (potentially high) for the private sector.

6(f) Reason for Change in Burden

This is a new collection.

6(g) Burden Statement

The respondent reporting burden for this collection of information is estimated to be an average of 0 hours and \$0 per year. The average annual burden to EPA for this period is estimated to be 0 hours. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this rule under Docket ID Number EPA-HQ-OAR-2011-0928, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air and Radiation docket in the EPA Docket Center (EPA/DC), EPA West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation docket is (202) 566-1742. This website can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Include the EPA Docket ID Number EPA-HQ-OAR-2018-0638 and OMB Control Number 2060-NEW on any correspondence.