

Recordkeeping and Reporting of the Production, Import, Export, Destruction, Transshipment, and Exempted Uses of Ozone-Depleting Substances

PART A OF THE SUPPORTING STATEMENT

1. Identification of the Information Collection

- (a) **Title:** Recordkeeping and Reporting of the Production, Import, Export, Destruction, Transshipment, and Exempted Uses of Ozone-depleting Substances

OMB Number: 2060-0170

EPA ICR Number: 1432.34

- (b) **Short Characterization**

This rule-related ICR incorporates requirements for electronic reporting under Title VI of the Clean Air Act (CAA). Thus, for this ICR, the EPA is renewing the existing ICR for ozone-depleting substances (EPA ICR No. 1432.34; OMB Control No. 2060-0170).

This ICR covers provisions under the *1Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol) and Title VI of the CAA that establish limits on total U.S. production, import, and export of class I and class II ODS (or controlled substances). Production and import of class I controlled substances (chlorofluorocarbons and others) was phased out in the United States. The phaseout excludes exemptions for essential uses, critical uses of methyl bromide, quarantine and pre-shipment uses of methyl bromide, previously used material, and material that will be transformed or destroyed. There are also use restrictions and reduction schedules leading to the eventual phaseout of class II controlled substances, with exemptions for previously used material and material that will be transformed or destroyed.

To implement the CAA and meet commitments under the Montreal Protocol, the ozone-depleting substances (ODS) phaseout regulations establish control measures for individual companies. The EPA monitors compliance through the recordkeeping and reporting requirements established in the regulations at 40 CFR part 82, Subpart A.

The EPA is requiring electronic reporting, removing reporting elements that are no longer needed,¹ and revising others to address changes to the upgraded electronic ODS Tracking System (ODSTS). The EPA is also closing a gap in the certification for the purchase of methyl bromide under the quarantine and preshipment exemption.

The Government Paperwork Elimination Act (GPEA, Pub. L. 105-277) requires that, when practicable, federal organizations use electronic forms, electronic filings, and electronic signatures to conduct official business with the public. The EPA's Cross-Media Electronic Reporting Regulation (CROMERR) (See 70 FR 59848, October 13, 2005) provides that any requirement in Title 40 of the Code of Federal Regulations to submit a report directly to the EPA

¹ The EPA is not modifying the Methyl Bromide Critical Use Exemption reporting requirements or the ability to submit critical use nominations.

can be satisfied with an electronic submission that meets certain conditions once the Agency publishes a notice that electronic document submission is available for that requirement.

In light of GPEA and CROMERR, the EPA issued a final rule entitled, “Protection of the Stratospheric Ozone; Adjustments to the Allowance System for Controlling HCFC Production and Import, 2020-2029; and Other Updates” to amend the respective CAA regulations and related provisions to phase-out paper-based submissions. This action requires all manufacturers, importers, and processors of class I and class II ODS to use the Internet, through the EPA’s Central Data Exchange (CDX), to submit ODS reports to the Agency. Paper submissions will no longer be accepted after [30 days after the effective date of the rule], and submitters are required to submit electronically via CDX using the electronic reporting system.

Currently, upon receipt of the reports by the Stratospheric Protection Division, the data are either manually entered or electronically imported into the ODSTS. The ODSTS is a secure database that maintains the data submitted to the EPA and helps the Agency: (1) maintain oversight over total production and consumption of controlled substances; (2) monitor compliance with limits and restrictions on production, imports, and trades and specific exemptions from the phaseout for individual U.S. companies; (3) enforce against illegal imports; and (4) assess and report on compliance with the U.S. phasedown caps established under the Montreal Protocol.

The EPA upgraded the ODSTS in July 2018. The upgraded ODSTS is synchronized with CDX to allow regulated entities to prepare and submit data electronically. Coupled with the widespread use of the standardized forms, electronic reporting has improved data quality and made the reporting process more efficient for both reporting companies and the EPA.

This ICR is also associated with amendments to the previously existing recordkeeping and reporting requirements governing the petition to import used controlled substances for reuse or destruction in the United States. Persons that import controlled substances for destruction in the United States and persons that destroy controlled substances in the United States are required to abide by the recordkeeping and reporting requirements. In this final action, the EPA also modified the petition process to import used ODS to explicitly note that the Agency may need to follow up for additional information to verify that the ODS is in fact used.

Therefore, this rule-related ICR covers reporting requirements related to the production, import, export, transformation, destruction, transshipment, and exempted uses of all ODS, and incorporates final requirements for electronic reporting for class I and class II substances. The EPA estimates that approximately 98 respondents and 1,102 third-parties (1,000 labs, 27 methyl bromide quarantine and preshipment applicators and distributors, 55 methyl bromide commodity owners, and 20 methyl bromide end-users) could incur paperwork-related burden in this ICR. The EPA estimates a total annual reporting and recordkeeping burden for these respondents and third-parties at approximately 2,940 hours.

2. Need For, and Use Of, the Collection

(a) Authority for the Collection

This information collection is authorized under the CAA. CAA Section 603(b) mandates that each person who produces, imports, or exports a class I or class II controlled substance file a report stating the amount of the substance that was produced, imported, and exported by that person during the preceding reporting period. CAA Section 606(b) authorizes the import for petition process. Additionally, collection of information for methyl bromide critical uses is authorized under CAA Section 604(d)(6), added by Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law No. 105-277; October 21, 1998). CAA Section 114 authorizes the EPA Administrator to require recordkeeping and reporting in carrying out any provision of the CAA (with certain exceptions that do not apply here).

Article 7 of the Montreal Protocol, titled “Reporting of data,” specifies the specific data on production, imports, and exports of each controlled substance that the United States supplies annually.

For methyl bromide, the EPA’s Office of Pesticide Programs collaborates in the exemption application process. The regulation of pesticides is conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Food Quality Protection Act (FQPA).

For electronic reporting, the Paperwork Reduction Act (PRA) requires Federal agencies to manage information resources to reduce information collection burdens on the public; increase program efficiency and effectiveness; and improve the integrity, quality, and utility of information to all users within and outside the Agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security (44 USC 3506).

(b) Practical Utility/Users of the Data

The reporting and recordkeeping requirements for class I and class II ODS enables the EPA to:

1. Ensure compliance with the restrictions on production, import, and export of controlled substances;
2. Allow exempted production, import, and export for certain uses and the consequent tracking of that production, import and export;
3. Allow the EPA to monitor and approve transfers of class II production and consumption allowances among producers and importers;
4. Allow the import of used ODS through a petition/certification process that is designed to reduce fraudulent imports;
5. Fulfill statutory obligations under CAA Section 603(b) for reporting and monitoring;

6. Provide information to report to the U.S. Congress on the production, use, and consumption of class I and class II controlled substances as required in CAA Section 603(d); and
7. Satisfy the United States' commitment to report data under Article 7 of the Montreal Protocol.

Furthermore, applications for methyl bromide critical use exemptions enables the EPA to:

1. Evaluate the technical and economic feasibility of methyl bromide alternatives in the circumstance of the specific use, as presented in an application for a critical use exemption;
2. Ensure that critical use exemptions comply with CAA Section 604(d)(6); and
3. Support critical use nominations to the Parties to the Montreal Protocol, in accordance with paragraph 2 of Decision IX/6 of the Montreal Protocol.

Electronic reporting enables the EPA to better interact with stakeholders. Companies register with the EPA to submit their data electronically to the Agency via CDX and the Agency in turn communicates back electronically with submitters. This promotes efficiency in communications and cost savings in submissions and correspondence. The adoption of electronic communications reduces effort on industry by reducing the time required to review, edit and transmit data to the Agency. All information sent via CDX is transmitted securely to protect confidential business information (CBI). The Agency also benefits from receiving electronic submissions. The electronic submission process through CDX allows for the direct import of data into the ODSTS, which reduces the potential for human error that exists when data are entered by hand. Agency personnel also communicate more efficiently with submitters electronically, compared to using U.S. mail.

3. Non-duplication, Consultation, and Other Collection Criteria

(a) Non-duplication

All information requested from respondents under this ICR is required by statute (CAA Sections 114, 603(b), and 604(d)(6)), and is unavailable from other sources because it is proprietary.

Users who have previously registered with CDX can add the ODSTS to their current registration. A single authorized company official (or designee(s)) does not need to complete the CDX registration process multiple times and a given individual need not complete multiple electronic signature agreements.

(b) Public Notice Required Prior to ICR submission to OMB

The notice of proposed rulemaking entitled "Protection of the Stratospheric Ozone; Adjustments to the Allowance System for Controlling HCFC Production and Import, 2020-2029; and Other Updates" served as the public notice for this ICR, pursuant to 44 USC 3504 and 5 CFR 1320. The EPA received generally supportive comments on the rulemaking effort, from industry, industry trade associations, and non-governmental organizations that expressed general support

with the additional reporting and recordkeeping provisions as well as requiring electronic reporting. The public comments are available in rulemaking docket online at Regulations.gov (Docket ID No. EPA-HQ-OAR-2016-0271) and are addressed in the final rule preamble.

(c) Consultations

The EPA received supportive comments from industry in requiring the use of electronic reporting since the launch of the upgraded system on July 1, 2018. The overall benefits of using the reporting tool and submission through CDX exceed those associated with maintaining a paper-based reporting approach. The Agency also recognizes that there is the potential for costs and burdens associated with unanticipated technical difficulties in electronic filing or with conversion to an electronic format. Since the use of CDX has been in existence since 2008 and has undergone a number of enhancements, the EPA expects the potential for difficulty to be minimal. In addition, the EPA expects that reduced reporting costs to submitters will ultimately exceed the transition costs.

The Agency offered numerous training webinars and informational documents to the public for users to gain access to the reporting tool in July 2018 to introduce users to the upgraded system. The webinar recordings and documents are available at: <https://www.epa.gov/ods-phaseout/ozone-depleting-substances-ods-recordkeeping-and-reporting>. In total 40 stakeholders attended the training sessions, and 70 stakeholders were registered with CDX to submit reports for the second quarter. The Agency also performed pilot testing for the electronic reporting option for the import petitions process in October 2018 with four stakeholders participating. Since the release of the upgraded system, over 100 stakeholders have registered with CDX.

(d) Effects of Less Frequent Collection

Less frequent collection of data would compromise the EPA's ability to meet statutory requirements under CAA Section 603 to monitor production, import, and export of ODS and hinder the EPA's ability to identify violations of the existing regulations. The quarterly reporting requirements provide the EPA the ability to resolve in a timely manner discrepancies in the data reported to us.

Less frequent collection of data could also potentially place the United States in a non-compliance status under the Montreal Protocol. Quarterly reporting provides the EPA with the necessary time to take action if an individual reporter or the United States as a whole were to exceed the Montreal Protocol's production, import, or export limits or the limits established in CAA Sections 604 and 605.

The EPA's timing for information collection for methyl bromide critical uses is motivated by the U.S. Government's requirements under the Montreal Protocol. The timeline for applications coincides with the critical use nomination process established by the Parties to the Montreal Protocol. Any deviation from that timeline would result in a forfeiture from inclusion in a potential U.S. nomination package and subsequent consideration by the Parties.

Finally, the U.S. government is required to report data to the Ozone Secretariat under Article 7 of the Montreal Protocol on an annual basis.

For electronic reporting, the information collected is the minimum data needed to help organize and upload files in CDX, so they can be automatically processed. The CDX application and electronic reporting forms are designed to avoid repetitive entry of data, and where possible reuse information already provided to CDX or the EPA registry systems (Facility Registry and Substance Registry). Similarly, the information collected through CDX registration and the electronic signature agreement will be collected once and reused across all submissions for that registrant—including for other the EPA reporting requirements. Reducing the frequency of collection of registration and Electronic Signature Agreement (ESA) information would not be possible, as the EPA- and federal-wide security requirements mandate users must provide identity and access information in order to gain access and file reports electronically through CDX.

(e) General Guidelines

This rule does not exceed any of the OMB guidelines found at 5 CFR 1320.5(d)(2).

(f) Confidentiality

The EPA informs the respondents that they may assert claims of business confidentiality for any of the information they submit. Information claimed as confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR part 2, Subpart B, and will be disclosed to the extent, and by means of procedures, set forth in Subpart B. If no claim of confidentiality is asserted when the information is received by the EPA, it may be made available to the public without further notice to the respondents (40 CFR 2.203).

All information sent by the submitter via CDX is transmitted securely to protect CBI. The reporting tool guides the user through the process of submitting CBI. Documents containing information claimed as CBI must be submitted in an electronic format, in accordance with the recordkeeping requirements.

The EPA also allows respondents to report CBI by fax and through courier.

(g) Sensitive Questions

This section is not applicable because this ICR does not involve matters of sensitive nature.

4. The Respondents and the Information Request

(a) Respondents' NAICS Codes

The appropriate North American Industry Classification System (NAICS) for potentially affected entities are listed below in Table I.

Table I. NAICS Classification of Regulated Entities

Category	NAICS code	Example of Regulated Entities
Chemical Producers, Importers, and Exporters	3251	Basic Chemical Manufacturing
	325120	Fluorocarbon Gas Manufacturing
	325320	Pesticide and Other Agricultural Chemical Manufacturing
Research and Development Laboratories	541712	Research and Development in the Physical, Engineering, and Life Sciences
Methyl Bromide Distributors and Applicators	115112	Soil Preparation, Planting, and Cultivating
	424910	Farm Supplies and Merchant Wholesalers
Agricultural production (methyl bromide)	1112	Vegetable and Melon farming
	1113	Fruit and Nut Tree Farming
	1114	Greenhouse, Nursery, and Floriculture Production
	1119	Other Crop Farming
Commodity Storage (methyl bromide)	115114	Postharvest Crop activities (except Cotton Ginning)
	311211	Flour Milling
	311212	Rice Milling
	493110	General Warehousing and Storage
	493130	Farm Product Warehousing and Storage
Waste Collection	562211	Hazardous Waste Treatment and Disposal, Incinerator, Hazardous Waste
	327310	Hazardous Waste Treatment and Disposal, Cement Manufacturing, Clinker
Heating and Air-Conditioning Equipment Distributors	423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers
Recovery and Reclamation	562920	Materials Recovery Facilities

(b) Information Requested**(i) Data items**

All producers, importers, exporters, distributors, applicators, and others identified in 40 CFR 82.13 and 82.24 (as well as others identified in §82.16, §82.18, §82.20, §82.23) must record and/or report the following either on a quarterly or annual basis as applicable. One-time and transactional reports are noted where applicable as well as use of the electronic reporting forms.

1 Producers reporting and recordkeeping requirements:

The following information must be reported electronically through Class I Producer Quarterly Report (EPA Form 5900-151) (OMB Control No. 2060-0710) or the Class II Producer Quarterly Report (EPA Form 5900-202) (OMB Control No. 2060-0710):

- The gross quantity of each class II controlled substance produced. The quantity of production of each controlled substance produced using production and consumption allowances will be auto populated through the electronic forms;
- The quantity of production of each controlled substance under the exemptions for global laboratory and other essential uses;
- The quantity of production of each controlled substance used in processes resulting in their transformation by the producer and the quantity intended for transformation by a second party;
- The quantity of production of each controlled substance used in processes resulting in their destruction by the producer and the quantity intended for destruction by a second party;
- The quantity of controlled substance sold or transferred to a person other than the producer for use in processes resulting in its transformation or eventual destruction and the name(s) of the recipient(s);
- For controlled substances provided to another entity for transformation, a copy of an IRS certification or intent to transform the same controlled substance for a particular transformer;
- For controlled substances provided to another entity for destruction, a copy of a destruction verification from that entity;
- A list of the essential use allowance holders, distributors of laboratory supplies, and laboratory customers from whom orders were placed and the quantity of specific essential use controlled substance ordered;
- Certifications from essential use recipients stating that the controlled substances were purchased solely for specified essential uses and will not be resold or used in any other manufacturing process;
- In the case of laboratory essential uses, certification from distributors of laboratory supplies that controlled substances were purchased for sale to laboratory customers who certify that the substances will only be used for essential laboratory and analytical uses, and will not be resold or used in manufacturing; or, if sales are made directly to laboratories that the controlled substances will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing.

In the case of methyl bromide, the electronic reporting form Methyl Bromide Producer Quarterly Report (EPA Form 5900-141) (OMB Control No. 2060-0710) must be used to report the following:

- The quantity of methyl bromide produced for quarantine and preshipment applications and critical uses;
- The amount produced and then exported by the producer or by other U.S. companies for critical uses;
- The quantity of methyl bromide produced under the exemptions for global laboratory and emergency use;
- The quantity of production of methyl bromide used in processes resulting in its

transformation by the producer and the quantity intended for transformation by a second party;

- The quantity of production of methyl bromide used in processes resulting in its destruction by the producer and the quantity intended for destruction by a second party;
- The quantity of methyl bromide sold or transferred to a person other than the producer for use in processes resulting in its transformation or eventual destruction and the name(s) of the recipient(s);
- The quantity of methyl bromide sold or transferred to a person other than the producer for quarantine and preshipment applications and the name(s) of the recipient(s);
- One copy of a certification from each recipient that the material will be used only for quarantine and preshipment applications;
- The total amount and type of critical use methyl bromide held in inventory for themselves or on behalf of a third party; and
- Information that the Administrator may reasonably require in carrying out the critical use exemption program under CAA Section 604(d)(6) including management and composition of pre-phaseout inventory, price of methyl bromide and its alternatives, and fumigant emissions reductions practices.

The following are recordkeeping requirements for producers of class I and II substances:

- Dated records of the quantity of each controlled substance produced at each facility;
- Dated records of the quantity of controlled substances produced for use in processes that result in their transformation or for use in processes that result in their destruction and quantity sold for use in processes that result in their transformation or for use in processes that result in their destruction;
- Copies of invoices or receipts documenting sale of controlled substance for use in processes resulting in their transformation or for use in processes resulting in destruction;
- Dated records of the quantity of each controlled substance used at each facility as feedstocks or destroyed in the manufacture of a controlled substance or in the manufacture of any other substance, and any controlled substance introduced into the production process of the same controlled substance at each facility;
- Dated records identifying the quantity of each chemical not a controlled substance produced within each facility also producing one or more controlled substances;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of controlled substances;
- Dated records of the shipments of each controlled substance produced at each plant;
- The quantity of controlled substances, the date received, and names and addresses of the source of used materials containing controlled substances which are recycled or reclaimed at each plant;
- Records of the date, the controlled substance, and the estimated quantity of any spill or release of a controlled substance that equals or exceeds 100 pounds;
- Internal Revenue Service Certificates in the case of transformation, or the destruction verification in the case of destruction showing that the purchaser or recipient of a controlled substance, in the United States or in another country that is a Party, certifies the intent to either transform or destroy the controlled substance, or sell the controlled substance for transformation or destruction in cases when production and consumption allowances were not expended;

- Written certifications that quantities of controlled substances, meeting the purity criteria in appendix G of this subpart, were purchased by distributors of laboratory supplies or by laboratory customers to be used only in essential laboratory and analytical uses as defined by appendix G, and not to be resold or used in manufacturing;
- Transformation verification in the case of transformation, or destruction verification, in the case of destruction, in the U.S. or in another country that is a Party, certifies the intent to either transform or destroy the controlled substance, or sell the controlled substance for transformation or destruction in cases when allowances were not expended; and

Importers reporting and recordkeeping requirements:

The following information must be reported electronically through Class I Importer Quarterly Report (EPA Form 5900-150) (OMB Control No. 2060-0170) and Class II Importer Quarterly Report (EPA Form 5900-200) (OMB Control No. 2060-0170):

- The quantity of each class II controlled substance imported alone and the quantity imported of each mixture that consists of a class II controlled substance;
- The quantity of controlled substances imported for global laboratory and other essential uses, and the servicing of halon aircraft bottles;
- The quantity of each controlled substance imported for use in processes that result in their transformation or destruction by the importer and the quantity intended for transformation or destruction by a second party;
- The quantity of each controlled substance sold for use in processes that result in their destruction or transformation and the name(s) of the recipient(s);
- For each import transaction: the date on which the controlled substance was imported; the port through which it passed; the country from which it was imported; the commodity code of the shipment; the importer number for the shipment; and the Customs Entry Summary Number;
- For each quantity of a used controlled substance imported for destruction: the date of the acknowledgement letter confirming the receipt of a certification for the intent to import the material for destruction;
- For each quantity of a used controlled substance imported for reuse: the date of the non-objection notice to import the material for reuse;
- The total quantity of each class II controlled substance imported during the quarter will be auto populated through the electronic form;
- Transformation verifications or destruction verifications showing that the purchaser or recipient of imported controlled substances intends to transform or destroy the controlled substances;
- A list of the essential uses, distributors of laboratory supplies, and laboratory customers from whom orders were placed, and the quantity of each controlled substance ordered;
- Certifications from essential use recipients stating that the controlled substances were purchased solely for specified essential uses and will not be resold or used in manufacturing;
- Certifications from distributors of laboratory supplies that the controlled substances were purchased solely for eventual sale to laboratories that certify the controlled substances are for essential laboratory and analytical uses, or if sales are made directly to laboratories, verifications from laboratories that the controlled substances will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing;

- For imports of used controlled substances, a copy of the petition submitted, the EPA non-objection notice and the bill of lading for the import; and
- For imported containers with a heel: the amount brought into the United States with a certification that the residual amount in each shipment is less than 10 percent of the volume of the container; the fate of the container; and a report indicating the final disposition of each shipment.

In the case of methyl bromide, the electronic form Methyl bromide Importer Quarterly Report (EPA Form 5900-144) (OMB Control No 2060-0710) must be used to report the following:

- For each import transaction: the date on which the controlled substance was imported; the port through which it passed; the country from which it was imported; the importer number of the shipment; and the International Trade Data System entry number;
- The quantities of methyl bromide imported for global laboratory, quarantine and preshipment applications, critical use, and emergency uses;
- The quantity of methyl bromide imported for use in processes that result in their transformation or destruction by the importer and the quantity intended for transformation or destruction by a second party;
- The quantity of methyl bromide sold for use in processes that result in their destruction or transformation and the name(s) of the recipient(s);
- The quantity of methyl bromide sold or transferred to a person other than the importer for quarantine and preshipment applications;
- One copy of a certification from each recipient that the material will be used only for quarantine and preshipment applications;
- A list of the distributors of laboratory supplies and laboratory customers from whom orders were placed, and the quantity of methyl bromide ordered;
- Certifications from essential use recipients stating that the methyl bromide was purchased solely for specified essential uses and will not be resold or used in any other manufacturing process;
- In the case of laboratory essential uses, certification from distributors of laboratory supplies that the methyl bromide was purchased for sale to laboratory customers who certify that the substances will only be used for essential laboratory and analytical uses, and will not be resold or used in manufacturing; or, if sales are made directly to laboratories that the methyl bromide will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing;
- The total amount and type of critical use methyl bromide held in inventory for themselves or on behalf of a third party;
- Information that the Administrator may reasonably require in carrying out the critical use exemption program under CAA Section 604(d)(6) including management and composition of pre-phaseout inventory, price of methyl bromide and its alternatives, and fumigant emissions reductions practices; and
- For imported containers with a heel: the amount brought into the United States with a certification that the residual amount in each shipment is less than 10 percent of the volume of the container; the fate of the container; and a report indicating the final disposition of each shipment.

The following are recordkeeping requirements for class I and II importers:

- The quantity of each controlled substance imported, either alone or in mixtures, including the percentage of each mixture which consists of a controlled substance;
- The quantity of those controlled substances imported that are used (including recycled or reclaimed) and, where applicable, the information provided with the petition;
- The quantity of controlled substances other than transshipments or used, recycled or reclaimed substances imported for use in processes resulting in their transformation or destruction and quantity sold for use in processes that result in their destruction or transformation;
- For the quantity of the controlled substance imported: The date on which the controlled substances were imported; The port of entry through which the controlled substances passed; The country from which the imported controlled substances were imported; The commodity code for the controlled substances shipped, which must be one of those listed in Appendix K to this subpart; The importer number for the shipment; A copy of the bill of lading for the import; The invoice for the import; The quantity of imports of used, recycled or reclaimed class I controlled substances and class II controlled substances; The U.S. Customs entry form;
- Dated records documenting the sale or transfer of controlled substances for use in processes resulting in transformation or destruction;
- Copies of IRS certifications that the controlled substance will be transformed or destruction verifications that it will be destroyed;
- Copies of certifications that imported controlled substances are being purchased for essential laboratory and analytical uses or being purchased for eventual sale to laboratories that certify that controlled substances are for essential laboratory and analytical uses; and
- For transshipments, records of where the controlled substance shipment originated in a foreign country, is destined for another foreign country, and will not enter interstate commerce within the United States.

Importers of used controlled substance reporting and recordkeeping:

The following information must be submitted electronically through CDX in a petition for the EPA's approval prior to importing used ODS for class I and class II substances:

- The name, quantity in kilograms, and commodity code of the used controlled substance to be imported;
- Contact information for the importer, name, address of the importer, the importer ID number, the contact person, and the phone number;
- Contact information of all previous source facilities from which the used controlled substance was recovered including: name, address, contact person, email address, and phone number;
- Contact information of the exporter and of all persons to whom the material was transferred or sold after it was recovered from the source facility including: name, address, contact person, email address, and phone number or a certification from a government or private institution with a bank of class I controlled substances;
- A detailed description of the previous use of the controlled substance at each source facility and a best estimate of when the specific controlled substance was put into the equipment at each source facility, and, when possible, documents indicating the date the

material was put into the equipment or for class I substances, a certification from a government;

- A list of the name, make and model number of the equipment from which the material was recovered at each source facility;
- If from a halon bank, a letter from the appropriate foreign national government overseeing or authorizing the bank;
- If someone at the source facility recovered the controlled substance from the equipment, the name, phone, and email address of that person;
- The U.S. port of entry for the import, the expected date of shipment, and the vessel transporting the chemical. If at the time of submitting a petition the importer does not know the U.S. port of entry, the expected date of shipment or the vessel transporting the chemical, and the importer receives a non-objection notice for the individual shipment in the petition, the importer is required to notify the Administrator of this information prior to the actual U.S. Customs entry of the individual shipment;
- A description of the intended use of the controlled substance, and, when possible, the name, address, contact person, and phone number of the ultimate purchaser in the United States;
- The name, address, contact person, email address, phone number and email address of the U.S. reclamation facility, where applicable.
- If the imported controlled substance was reclaimed in a foreign country, the name, address, contact person, email address, and phone of any or all foreign reclamation facility(ies) responsible for reclaiming the shipment;
- An export license (or application for an export license or official letter) from the appropriate government agency in the country of export and, if recovered in a country other than the country of export, the export license, application for an export license, or official letter from the appropriate government agency in that country; and
- An English translation of the export license, application for an export license; or official letter from the appropriate government agency in the country of export.

The following information may be requested by the EPA following receipt of a petition for class I or class II substances for additional clarification and to verify the substance is used:

- A photo of each unit that contained the used ODS, with serial numbers visible;
- Photos of a representative sample of the cylinders, with serial numbers visible;
- A description of the facility from which the used ODS originates, which includes what is produced at the facility, the location of the facility, and how long the facility has been in the location;
- A description of each unit from which the used ODS originates; links to websites showing brochures, photographs, and/or descriptions of each different unit from which the used ODS originates;
- Copies of the original, signed work orders authorizing collecting of the used ODS;
- Copies of the paperwork showing that the company completed the work;
- Copies of payment to the company that collected the used ODS for their services, with redactions for confidential or sensitive information such as bank account numbers;
- Copies of business licenses from the government authorizing collection companies to do this type of work;

- Information on how transport will occur within the exporting country and to the United States;
- A screenshot of the European Commission export license; the name and contact information for the European Commission official who signed the Export License; and copies of all paperwork required for movement within the European Union, such as the “Notification document for transboundary movement/shipments of waste.”
- Purity samples for bulk cylinders;
- A description of the government-authorized halon bank or government owned halon bank;
- A description of stockpiles of class I controlled substances; and
- A description of feedstock processes for countries with feedstock production of class I controlled substances.

A person receiving an objection notice on the basis of “insufficient information” may re-petition within ten working days.

A person receiving a non-objection notice must maintain the following records:

- A copy of the petition, the EPA non-objection notice, copy of the bill of lading for the import, and U.S. Customs entry documents for the import that must include one of the commodity codes Appendix K to this subpart.

Persons that import controlled substances for destruction:

The following information must be reported electronically through CDX for a Certification of Intent to Import for Destruction for imports of controlled substances intended for destruction in the United States. This requirement applies to each individual shipment of a controlled substances and must be submitted to the EPA at least 30 working days before the shipment is to arrive at the U.S. port of entry:

- Name and quantity in kilograms of each controlled substance to be imported,
- The commodity code for each controlled substance to be imported, which must be one of those listed in Appendix K of this subpart;
- An export license (or application for an export license or official letter) from the appropriate government agency in the country of export and, if recovered in a country other than the country of export, the export license or application for an export license or official letter from the appropriate government agency in that country and quantity in kilograms authorized on the license(s);
- English translation of the export license, application for an export license, or letter from the appropriate government agency in that country;
- The U.S. port of entry for the import and the expected date of arrival. If at the time of submitting the certification of intent to import for destruction, the importer does not know the U.S. port of entry, the importer is required to notify the Administrator in writing of this information prior to the U.S. entry of the individual shipment;
- Name, address, contact person, phone, and email address of the importer, and the importer ID;
- Name, address, contact person, phone, and email address of the person who will receive and destroy the controlled substance(s). This person must be the same person identified on the destruction verification;

- Name, address, contact person, phone, and email address of the person who aggregates a controlled substance(s) before it is sent to the destruction facility; and
- Copy of the destruction verification indicating that the person will “completely destroy” the imported controlled substance(s) submitted through CDX within 30 days of destruction.

The following are recordkeeping requirements for persons that import controlled substances for destruction:

- A copy of the certificate of intent to import for destruction;
- A copy of the non-objection notice;
- A copy of the export license, export license application, or official communication from the appropriate government Agency;
- Customs and Border Protection (CBP) entry documents for the import that must include the commodity codes;
- Records of that date, amount, and type of controlled substance sent for destruction per shipment;
- An invoice from the destruction facility verifying shipment was received; and
- A copy of the destruction verification.

The following are recordkeeping requirements for persons that aggregate controlled substances to be sent for destruction:

- Transactional records that include the name and address of the entity from whom they received the ODS and to whom they sent the ODS;
- Records that include the date and quantity of controlled substances received and sent for destruction; and
- A copy of the destruction verification if they are the final aggregator.

Exporters reporting requirements:

The following information must be reported electronically using the Class I Exporter Annual Report (EPA Form 5900-149) (OMB Control No. 2060-0170), Class II Exporter Quarterly Report (5900-199) (OMB Control No. 2060-0170), and Methyl Bromide Exporter Quarterly Report (EPA 5900-140) (OMB Control No. 2060-0170) for the following:

- The exporter’s Employer Identification Number;
- For each export: the type, quantity, and commodity code of each controlled substance exported and if the controlled substance is used, recycled or reclaimed; the date on which, and the port from which, the controlled substances were exported from the United States or its territories; the country to which the controlled substances were exported; the quantity exported to each Article 5 country; and the recipient company name, contact person, phone number and address;
- Persons who export used controlled substances (including recycled or reclaimed) must label their bill of lading or invoice indicating that the controlled substance is used, recycled, or reclaimed.
- For persons reporting exports for transformation or destruction, the invoice or sales agreement containing language similar to the transformation or destruction verifications that the purchaser or recipient of the controlled substance intends to transform or destroy those substances; and

- For exports of methyl bromide for quarantine and preshipment applications, the certification that the purchaser or recipient and the eventual applicator will only use the material for quarantine and preshipment applications.

Reporting and recordkeeping requirements for destruction and transformation:

Reporting for persons that destroy controlled substances reporting requirements:

- A one-time report that can be submitted either electronically or by paper stating: the destruction unit's efficiency; the methods used to record the volume destroyed and those used to determine destruction efficiency; and the name of other relevant federal or state regulations that may apply to the destruction process.
- The names and quantities of the controlled substances destroyed annually must be reported electronically through the Second-Party Destruction Annual Report (EPA Form 5900-148) (OMB Control No. 2060-0170).

Reporting for persons that purchase controlled substances that were originally produced without expending allowances for the purposes of destruction (Second party destruction):

- A destruction verification (to the producer or importer) containing the following:
 - The identity and address of the person intending to destroy the controlled substances;
 - Information about whether those controlled substances will be completely destroyed, or less than completely destroyed, in which case the destruction efficiency at which such substances will be destroyed must be included;
 - The period of time over which the person intends to destroy controlled substances;
 - The signature of the verifying person.

Reporting for persons that transform controlled substances:

- The name and quantities of the controlled substances transformed annually must be reported through the electronic reporting form Second-Party Transformation Annual Report (EPA Form 5900- 147) (OMB Control No. 2060-0170).

Reporting for persons that purchase controlled substances that were originally produced without expending allowances for the purposes of transformation:

- For class I controlled substances, the person who transforms the substances is to provide the producer or importer with an IRS certification that the controlled substances are to be used in processes resulting in their transformation.
- For class II controlled substances, the person who transforms the substances is to provide the producer or importer with a transformation verification that includes the following:
 - Identity and address of the person intending to transform the class II controlled substances;
 - The quantity of class II controlled substances intended for transformation;
 - Identity of shipments by purchase order number(s), purchaser account number(s), by location(s), or other means of identification;
 - Period of time over which the person intends to transform the class II controlled substances; and
 - The signature of the verifying person.

The following are recordkeeping requirements for Transformers and Destroyers:

- Copies of the invoices or receipts documenting the sale or transfer of the controlled substances to the person;
- Records identifying the producer or importer of the controlled substances received by the person;
- Dated records of inventories of controlled substances at each plant on the first day of each quarter;
- Dated records of the quantity (in kilograms) of each controlled substance transformed or destroyed;
- In the case where controlled substances were purchased or transferred for transformation purposes, a copy of the person's transformation verification as provided under paragraph (e)(3) of this section;
- Dated records of the names, commercial use, and quantities (in kilograms) of the resulting chemical(s) when the controlled substances are transformed; and
- Dated records of shipments to purchasers of the resulting chemical(s) when the controlled substances are transformed;
- For persons reporting exports for transformation or destruction, the invoice or sales agreement containing language similar to the transformation or destruction verifications that the purchaser or recipient of the controlled substance intends to transform or destroy those substances; and
- In the case where controlled substances were purchased or transferred for destruction purposes, a copy of the person's destruction verification.

Reporting for persons allocated essential use allowances and persons distributing class I controlled substances under the laboratory essential use exemption:

The following information must be reported electronically using the Class I Laboratory Supplier (EPA Form 5900-153) (OMB Control No. 2060-0170),

- Type and quantities of each controlled substance received from each producer and/or each importer during that quarter and the address of the source company; and
- Type and quantities of each controlled substance supplied to laboratories as well as the name and address of each laboratory company;
- A list of the distributors of laboratory supplies and laboratory customers from whom orders were placed;
- Certifications from essential use recipients stating that the essential uses and that they will not be resold or used in any other manufacturing process; and
- In the case of laboratory essential uses, certification from distributors of laboratory supplies that the substance was purchased for sale to laboratory customers who certify that the substances will only be used for essential laboratory and analytical uses, and will not be resold or used in manufacturing; or, if sales are made directly to laboratories that the substance will only be used for essential laboratory and analytical uses and will not be resold or used in manufacturing.

Reporting for persons purchasing class I controlled substances under the laboratory essential use exemption:

- Must provide the producer, importer, or distributor with a one-time-per-year certification for each controlled substance that the substance will only be used for essential laboratory and analytical uses (EPA Form 5900-152; OMB Control No. 2060-0170).

Reporting and recordkeeping requirements for distributors and end users of methyl bromide:

Reporting for persons distributing quarantine and preshipment (QPS) methyl bromide:

- Certifications provided to the producer, importer, or distributor from whom they purchased the controlled substance that quantities received that were produced or imported solely for QPS applications will be sold only for quarantine applications or preshipment applications;
- Certifications from applicators, prior to delivery of the quantity, that the quantity of methyl bromide ordered will be used solely for QPS applications;
- The total quantity delivered to applicators in which certifications were received that state the methyl bromide would be used solely for QPS applications as well as the name(s) of the producer(s) or importer(s) to whom a certification was provided must be sent electronically through the Distributor of QPS Methyl Bromide Quarterly Report (EPA Form 5900-155) (OMB Control No 2060-0170).

Reporting for persons applying quarantine and preshipment methyl bromide:

- A document from the commodity owner, shipper, or their agent requesting the use of methyl bromide and citing the requirement that justifies its use; and
- A copy of the certification of order (EPA Form 5900-154; OMB Control No. 2060-0170) provided to the distributor before a shipment that the quantity of controlled substances will be used only for QPS applications.

Reporting for QPS commodity owners, shippers, or their agents:

- Records for each request certifying knowledge of the requirements associated with the exemption for QPS applications. The record must include the certifying language from the regulation.

Reporting for persons submitting applications for critical use exemptions of methyl bromide for pre-plant and post-harvest (EPA Forms 5900-136 and 5900-137; OMB Control No. 2060-0170):

- Identity of contact person;
- A description of the proposed use (crop/pest combination), the amount of methyl bromide to be used, the location of use, the method of application, and any other use information requested by the Administrator;
- A description of past use (crop/pest combination), acreage, the amount of methyl bromide used, the method of application, and other historical use data requested by the Administrator;
- An explanation of, and data relating to, the technical feasibility of currently available alternatives for their proposed use and any other information required by the Administrator to determine whether technically feasible alternatives are available for the proposed use;
- A description of steps that have been, and will be, taken to find and implement

alternatives;

- Information on historical revenue and available economic measures, such as operating costs and any other information required by the Administrator to determine whether economically feasible alternatives are available for the proposed use; and
- Additional information required of applicants may include, but is not limited to, agricultural statistics, fumigation conditions and timeline, research proposals and funding levels, and transition plans.

Reporting for distributors or applicators of critical use methyl bromide

- The total quantity and type of methyl bromide purchased; sold directly to critical uses; and held in inventory for themselves or on behalf of a third party;
- The total quantity of methyl bromide that was produced/imported prior to January 1, 2005, that is held in inventory for themselves or on behalf of a third party;
- Certification for each sale that indicates the buyer will only sell or use methyl bromide for approved critical uses (EPA Form 5900-139; OMB Control No. 2060-0170) and order forms and invoices; and
- Information that the Administrator may reasonably require in carrying out the critical use exemption program under CAA Section 604(d)(6) including management and composition of pre-phaseout inventory, price of methyl bromide and its alternatives, and fumigant emissions reductions practices may be sent by paper Sales of Critical Use of Methyl Bromide to End Users Annual Report (EPA Form 5900-138; OMB Control No. 2060-0170).

Reporting requirements for persons transferring methyl bromide allowances:

Persons may submit the following information for *inter-company* transfers Methyl Bromide Trades Report (EPA Form 5900-146; OMB Control No. 2060-0170) by paper:

- The identities and addresses of the transferor;
- The name and telephone numbers of contact persons for the transferor;
- The type of allowances being transferred, including the name of the controlled substance for which allowances are to be transferred;
- The quantity of allowances being transferred;
- The control period(s) for which the allowances are being transferred; and
- The quantity of expended allowances for the control period being transferred.

The following are recordkeeping requirements for methyl bromide:

- Producers, importers, and exporters
 - Self-certification form for each sale that indicates the buyer will only sell or use methyl bromide for approved critical uses; and
 - Order forms and invoices for methyl bromide.
 - For exports of critical use methyl bromide, certification for each sale that indicates the buyer will only sell or use methyl bromide for approved critical uses and order forms and invoices.
- Distributors and Applicators
 - Self-certification form for each sale that indicates the buyer will only sell/use the methyl bromide for approved critical uses; and
 - Order forms and invoices for methyl bromide.

Reporting requirements for persons requesting additional class II consumption allowances (§82.20)

The following information must be included in a request for additional allowances electronically through the Class II Request for Additional Consumption Allowances (EPA Form 5900-201) (OMB Control No. 2060-0170):

- The identities and addresses of the exporter and the recipient of the exports;
- The exporter's Employer Identification Number;
- The names and telephone numbers of contact persons for the exporter and the recipient;
- The quantity and type of class II controlled substances reported;
- The source of the class II controlled substances and the date purchased;
- The date on which, and the port from which, the class II controlled substances were exported from the U.S. or its territories;
- The country to which the class II controlled substances were exported;
- A copy of the bill of lading and the invoice indicating the net quantity shipped and documenting the sale;
- The commodity codes of the class II controlled substances reported; and
- A written statement from the producer that the class II controlled substances were produced with expended allowances.

Reporting requirements for trades of class II consumption allowances (§82.20)

Reporting for persons requesting a trade *from a Party to the Montreal Protocol* must provide a signed document from that nation's embassy in the U.S. stating that the nation will establish or revise production limits to reflect the trade.

Reporting for persons must submit the following information for *inter-company* and *inter-pollutant* transfers electronically through Class II Trades Report (EPA Form 5900-205) (OMB Control No. 2060-0170):

- The identity and address of the transferee;
- The name and telephone number of a contact person for the transferee;
- The type of allowances being converted, including the names of the class II controlled substances for which allowances are to be converted;
- The quantity and type of allowances to be converted;
- The control period(s) for which the allowances are being converted; and
- The quantity of expended allowances of the type and for the control period being converted will be automatically generated through the electronic form.

In addition, all entities may be required to provide other such information that the Administrator may reasonably require to comply with requests from the Ozone Secretariat seeking information required by decisions taken by the Parties to the Montreal Protocol. The EPA may also use the information gathering authority under CAA Section 114 to ensure compliance with existing stratospheric protection regulations.

In addition to these data items, respondents are required to register with CDX and complete the electronic signature agreement.

(ii) Respondent Activities

Producers must submit quarterly reports electronically and keep records.

Importers must:

- Submit quarterly reports electronically and keep records;
- For imports of used controlled substances for reuse, submit information in a petition electronically and re-petition and keep records of petitions;
- For imports of controlled substances for destruction, submit information electronically to obtain a Certification of Intent to Import for Destruction and maintain records of certifications;
- Indicate specified information of an import of heels on the bill of lading; and
- Report quarterly on a container with heels and include the final disposition of each shipment of a container with heels.

Exporters must submit quarterly reports electronically and ensure the bill of lading or invoice indicates that the controlled substance is used, as applicable.

Transformers and destroyers must:

- Submit annual reports electronically within each control period, and keep records, if applicable;
- Submit a transformation verification (transformers only) to the producer or importer, if applicable;
- Submit a one-time destruction efficiency report either electronically or by paper to the EPA (destroyers only), as applicable; and
- Submit a destruction verification (destroyers only) to the producer, importer, and final aggregator, as applicable.

Persons requesting additional consumption allowances must submit a report electronically on a transactional basis.

Persons requesting international transfers of allowances must submit electronically information requirements on a transactional basis.

Persons wanting to domestically transfer allowances of class II controlled substances must:

- Submit a report electronically for inter-company transfers and/or inter-pollutant transfers on a transactional basis, as required by §82.23(a) and §82.23(b), respectively; and
- File a notice of appeal, as applicable.

All records and reports must comply with requirements for class I and class II controlled substances in 40 CFR part 82, subpart A. Reports and records associated with the reports listed above must be kept for three years. All amounts must be reported in kilograms. These recordkeeping requirements pertain to original documents that are held by companies in the normal course of conducting business, accounts of daily production runs, sales invoices, and bills of lading. Information from these recordkeeping documents is summarized in reports.

Recordkeeping requirements are designed to aid the EPA in compliance monitoring, site inspection, and enforcement actions.

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

(a) Agency Activities

(i) Reported Data

- Review data for completeness and accuracy, potentially through follow-up with the reporting entity;
- Maintain and manage information submitted from companies in the ODSTS;
- Respond to companies submitting tracking/monitored information to confirm transactions and provide allowance balances;
- Notify producers/importers/exporters of baseline allowances;
- Respond to companies submitting tracked/monitored information, such as trade requests;
- Review and respond to petitions requesting import of used controlled substances;
- Review Certification of Intent to Import for Destruction;
- Review data on actual use of critical use methyl bromide and amounts in inventory to adjust future nomination and allocation amounts;
- Review information and conduct compliance monitoring activities related to restrictions on production, import, export, transformation, and destruction of controlled substances for individual companies by comparing data with other sources of information;
- Review information in the ODSTS to ensure that the United States is not exceeding its commitments under the Montreal Protocol which limits production and consumption of controlled ODS;
- Review information in the ODSTS to ensure exempted production and imports do not exceed limits statutorily set in CAA Sections 604 and 605;
- Compile reports mandated by United States commitments under the Montreal Protocol and the CAA and in response to decisions taken by the Parties, including reports to Congress and the Ozone Secretariat.

(ii) Methyl Bromide Critical Use Applications

Submitted critical use exemption applications are received by the Stratospheric Protection Division of the Office of Atmospheric Programs (OAP). The Biological and Economic Assessment Division (BEAD) of the Office of Pesticide Programs (OPP) conducts a technical review of the applications. Both a biologist and an economist review each application, and the applications are grouped according to agricultural sector. The review determines whether or not there is sufficient information to support the contention that “no technically or economically feasible alternatives exist” for the requested methyl bromide use. The review also determines if a lack of methyl bromide availability would cause a significant market disruption. These requirements for critical use exemptions were agreed to by the Parties to the Montreal Protocol in Decision IX/6, as well as CAA Section 604(d). This review may require additional consultation with the applicants if further clarification is needed.

The EPA, in consultation with the U.S. Department of Agriculture and the Department of State, compiles a nomination package containing all the critical uses to be nominated by the United States. This package is submitted to the Montreal Protocol's Ozone Secretariat, reviewed by technical bodies, and later considered by the Parties for authorization at the annual Meeting of the Parties. Typically, the EPA must respond to one or two rounds of questions from the technical bodies as they review any submitted U.S. Nomination.

(b) Collection Methods

The EPA requires the use of reporting forms for regulated participants to report the required information. Reporting forms for controlled substances and instructions are available on the EPA's website at <https://www.epa.gov/ods-phaseout/ozone-depleting-substances-ods-recordkeeping-and-reporting>.

The EPA stores the data in the ODSTS. The ODSTS was modernized in 2018 to allow for the electronic submission of all reports, which allows for increased efficiency and a reduction in potential errors in interpreting and transcribing written reports. The ODSTS is a secure database that maintains all of the data that is submitted to the EPA and allows the Agency to: (1) track total production and consumption of controlled substances to satisfy conditions of the CAA and fulfill the United States commitments under the Montreal Protocol; (2) monitor compliance with limits and restrictions on production, imports, exports, and specific exemptions from the phaseout for individual U.S. companies; and (3) enforce against illegal imports; and (4) assess and report on compliance with the U.S. phasedown caps established under the Montreal Protocol. violations related to the control of class I and class II substances.

Reporting forms and other reported data must generally be sent to the EPA electronically. The EPA has implemented an electronic reporting system through CDX that allows regulated entities to prepare and submit data electronically. Coupled with the widespread use of the standardized forms, electronic reporting has improved data quality and made the reporting process efficient for both reporting companies and the EPA.

The final rule establishes standards and requirements for the use of the EPA's electronic CDX system that allows submissions of reports electronically in place of hard copy submissions.

(c) Small Entity Flexibility

Much of this information collection is required by statute. Any additional information required is collected in response to Congressional requests for reports and U.S. reporting obligations under the Montreal Protocol. The information collection is required to 1) ensure essential-use material is available to stakeholders, 2) develop these nationally and internationally mandated reports, and 3) maintain compliance with CAA Sections 603, 604, 605, and 606.

The burden on small entities has been reduced to every extent possible. Small entities include laboratories and end users of critical use methyl bromide. Laboratories are required to certify purchases of exempted class I controlled substances once per year, indicating that they will only be used for laboratory or analytical purposes and not be resold, and identifying the specific use to

which the substances will be put. The critical use exemption program requires end users to sign a short form (1 page in length) certifying that they are buying the exempted material for an allowable use and will use it accordingly. The form is kept by the supplier, not the end user. Participation in this exemption program is voluntary and constitutes a benefit.

For electronic reporting, the final rule streamlines the submission process by establishing standards and requirements for the use of the EPA's electronic CDX system. As a result, the rule reduces the burden of submissions for industry, including small businesses.

(d) Collection Schedule

- Producers, importers, exporters report to the EPA quarterly (45 days after the end of each quarter);
- Persons who destroy or transform class I and class II controlled substances report to the EPA annually (45 days after the end of each quarter);
- Persons that import used controlled substances for destruction in the United States submit to the EPA on a transactional basis, a certification to import used ODS for destruction;
- Persons that import used controlled substances for reuse in the United States submit a petition to the EPA on a transactional basis;
- Persons requesting critical use methyl bromide submit their applications annually (due September 15, three years prior to the year in which the material is to be used);
- Persons transferring consumption allowances to another company or to another chemical; requesting additional consumption allowances; requesting international transfer of allowances; requesting a trade from or to a Party to increase or decrease production allowances; or importing used class I or class II controlled substances (via petition) must submit reports to the EPA on a transactional basis;
- All entities may be required to provide other such information that the Administrator may reasonably require. The Agency anticipates this to occur less than annually per prospective respondent.
- There will also be generally infrequent requests from the EPA to implement the program or address compliance issues.

(e) Changes to the Information Collection Request

The EPA is using this ICR as an opportunity to clarify language, eliminate unnecessary reporting items, and require electronic reporting. These changes reduce respondent and Agency burden.

The Agency is clarifying language and eliminating unnecessary reporting items which include the following:

- Removing data fields related to essential use allowances in the Essential Use Allowance Holders & Laboratory Supplier Quarterly Report and Essential Use Allowance Holder Annual Report.
- Adding data fields to collect information on shipment and sales data for select intended uses in the Producer and Importer forms. This information was previously required as an attachment.
- Adding a field for the shipment importer number in all Importer forms.

- Adding a field for the shipment EIN in all Exporter forms.
- Adding a field for commodity code in the Request for Additional Consumption Allowances, Exporter and Importer forms.
- Replacing the fields related to the current allowance balance with auto-populated fields on the quantity of allowances expended in the Trade forms and methyl bromide and class II Producer and Importer forms.
- Auto-populating the import summary in all Importer forms.
- Auto-populating the export summary in all Exporter forms.
- Auto-populating the number of allowances subtracted from the transferors' allowance balance and the number of allowances being received in the Trades forms.
- Removing the field for HCFC-141b in the class II Producer and Importer forms.
- Removing the port of exit from source country data field from the Methyl Bromide Importer Quarterly Report.
- Removing the data field for contact person fax number from all forms.
- Consolidating the three Second Party Transformation and Second Party Destruction forms into one Second Party Transformation and Second Party Destruction form.
- Consolidating the new second party transformation and destruction form for all chemical classes (i.e., class I, class II, and methyl bromide).
- Laboratory suppliers of methyl bromide will use the Class I Laboratory Supplier Quarterly Report to report the amount of methyl bromide purchased from producers and/or importers and sold to laboratory customers.

The transition to electronic reporting increases efficiencies for both respondents and the Agency based on the following:

- The forms allow submitters to copy-and-paste transaction-level data (which can consist of hundreds of entries) directly into the form from other spreadsheets in a streamlined format.
- Built-in validations, drop-down lists, and auto-populated cells in the Excel-based forms minimize opportunity for data entry errors and thus the need to resubmit data.
- Auto-populating forms such as the import summary in all importer forms; export summary in all exporter forms; the number of allowances subtracted from the transferors' allowance balance; and the number of allowances being received in the Trades.
- Use of CDX to transmit data eliminates the need to use U.S. mail for data submissions.
- The import of data directly into the ODSTS reduces the time required to process the data by the Agency and also reduces the potential for human error that exists when data are entered into the ODSTS by hand.
- Limited need for document storage and retrieval.
- Use of CDX by the Agency to communicate with stakeholders eliminates the need to use U.S. mail for report-specific correspondences.

6. Estimating the Burden and Cost of Collection

(a) Estimating Respondent Burden

This section presents the total burden and cost estimates associated with the final rule that requires electronic submission of ODS data. The EPA estimates that there are approximately 148 class I and II respondents reporting to the EPA while there is self-certification by 1,000 labs, 27 methyl bromide quarantine and preshipment applicators and distributors, 55 methyl bromide commodity owners, and 20 methyl bromide end-users. The EPA estimates a total reporting and recordkeeping burden for these respondents and third-parties at approximately 2,940 hours on average in each year of this ICR.

Estimates from the previous ICR were updated to reflect the current reporting universe and the burden associated with electronic reporting, including the one-time cost incurred due to CDX activities.

The basis of the analysis is the identification of the principal steps involved in complying with the EPA recordkeeping and reporting requirements and the estimated burden associated with each step. The EPA identified 28 reporting activities (including third-party disclosures) which contain all information mandated by the EPA's regulations (see Table II for details). The EPA estimated the number of respondents per reporting activity based on the quantity of respondents that submitted reports over the last several years. The number of reports submitted per year is either four (quarterly), one (annually), or other (per transaction). The EPA estimated the amount of time for data compilation and report preparation by analyzing past reporting practices and consultation with the regulated communities.

The EPA estimates that respondents incur burden associated with CDX registration, which facilitates submission of electronic reports. This activity occurs only once.

The EPA estimates that companies submitting reports and reporting requirements will realize the burden reduction associated with eliminating material costs including paper and postage costs, transitioning to a more efficient and centralized process for transferring reports to the EPA, and adopting user-friendly, streamlined electronic reporting forms that contain data validation to guard against incorrect entries.

One-time CDX Burden

The EPA estimated that technical staff at companies submitting ODS reports who have not yet registered in CDX incur a one-time burden associated with registering with CDX. Many of the submitters have previously registered with CDX voluntarily to submit electronic ODSTS forms and through other EPA regulatory programs. As of October 2019, all respondents that currently report to the EPA under the ODS Program had registered in CDX. Since the EPA announced the availability of the migration to the new reporting forms in July 2018, all companies were highly encouraged to transition to electronic reporting using the improved forms. Based on the CROMERR ICR number 2002.07; OMB Control No. 2025-0003, it is assumed that companies will spend roughly fifty-five minutes per employee to register with CDX and complete Lexis Nexis identify proofing. Furthermore, the EPA assumes that an average of two technical staff members who may need to register for each company, resulting in 110 minutes of one-time burden per company.

Recordkeeping and Reporting Requirements

Companies will incur recurring burden associated with the time it takes to submit either paper or electronic reports. The EPA estimated the number of respondents per reporting activity based on the changes to the reporting requirements for used imports for destruction that makes it easier to report on this activity, the number of respondents that submitted reports over the last several years, and the anticipated reduction in reporting of activities on class II substances due to the 2020 phaseout of select chemicals. Table II below shows the total number of respondents per year, as well as the total number of responses per year, which is calculated by multiplying the number of respondents per year by the number of responses per report type per year.

Table II. Respondent Burden – Total Number of Responses per Year

Collection Activity	EPA Form Number	Submission Type	Number of Responses per Type per Year	Number of Respondents per Year	Total Number of Responses per Year
Reports Submitted to EPA					
Class I Production	5900-151	Electronic	4	10	40
Class II Production	5900-202	Electronic	4	6	24
MeBr Production	5900-141	Electronic	4	2	8
Class I Imports	5900-150	Electronic	4	17	68
Class II Imports	5900-200	Electronic	4	10	40
MeBr Imports	5900-144	Electronic	4	4	16
Class I Exports	5900-149	Electronic	1	14	14
Class II Exports	5900-199	Electronic	4	6	24
MeBr Exports	5900-140	Electronic	4	6	24
Destruction	5900-148	Electronic	1	11	11
Transformation	5900-147	Electronic	1	26	26
Class I Laboratory Supplier	5900-153	Electronic	4	10	40
Class II Request for Additional Consumption Allowances	5900-201	Electronic	3	2	6
Class II Trades	5900-205	Electronic	4	2	8
MeBr Distributor of QPS	5900-155	Electronic	4	11	44
MeBr Pre-2005 Stock	5900-142	Electronic	1	1	1
Petition to Import	NA	Electronic	6	3	18
Import for Destruction	NA	Electronic	4	4	16
Destruction Efficiency Report	NA	Electronic/Paper	1	1	1
MeBr Applications	5900-136/137	Paper	1	2	2
Transformation Verification	NA	Paper	1	26	26
Destruction Verification	NA	Paper	1	11	11
Lab Certification	5900-152	Paper	1	1,000	1,000
MeBr QPS Distributor Certification	NA	Paper	4	11	44
MeBr QPS Applicator Certification	5900-154	Paper	6	16	96
MeBr Commodity Owner, Shipper or Agent Recordkeeping	NA	Paper	5	55	275
MeBr End User Self-Certification	5900-139	Paper	1	20	20
Total					1,903

This analysis assumes that all respondent burden hours are incurred by technical staff at companies that submit reports. Table III below summarizes the number of respondents per reporting activity and total burden hours, which is calculated by multiplying the number of respondents by the total hours per respondent per control period (as provided in Table II).

Table III. Respondent Burden – Total Burden Hours per Year

Collection Activity	Submission Type	Hours per Activity/ Response	Total Hours per Year
Class I Production	Electronic	2.0	80
Class II Production	Electronic	2.0	48
MeBr Production	Electronic	1.0	8
Class I Imports	Electronic	4.0	272
Class II Imports	Electronic	4.0	160
MeBr Imports	Electronic	2.0	32
Class I Exports	Electronic	4.0	56
Class II Exports	Electronic	4.0	96
MeBr Exports	Electronic	2.0	48
Destruction	Electronic	2.0	22
Transformation	Electronic	2.0	52
Class I Laboratory Supplier	Electronic	4.0	160
Class II Request for Additional Consumption Allowances	Electronic	4.0	24
Class II Trades	Electronic	4.0	32
MeBr Distributor of QPS	Electronic	2.0	88
MeBr Pre-2005 Stock	Electronic	1.0	1
Petition to Import	Electronic	4.0	72
Import for Destruction	Electronic	1.0	16
Destruction Efficiency Report	Electronic/Paper	4.5	4.5
MeBr Applications	Paper	38.0	76
Subtotal (Reporting to EPA)			1,347.5
Transformation Verification	Paper	4.5	117
Destruction Verification	Paper	4.5	49.5
Lab Certification	Paper	1.0	1,000
MeBr QPS Distributor Certification	Paper	1.0	44
MeBr QPS Applicator Certification	Paper	1.0	96
MeBr Commodity Owner, Shipper or Agent Recordkeeping	Paper	1.0	275
MeBr End User Self-Certification	Paper	0.25	5
Intermediaries (Imports for Destruction)	Paper	1.00	5
Subtotal (Third-Party Disclosures)			1,591.5
Total			2,939.0

(b) Estimating Respondent Costs

To determine respondent costs, an average hourly wage rate of \$57.37 per hour for technical staff, the hourly wage rate for professional and related persons, was derived from the Bureau of Labor Statistics Employer Cost and Employee Compensation, Table 2. (“civilian workers, by occupational and industry group”), June 2019. A 110 percent increase was added to reflect the estimated additional costs for overhead and fringe, which increased the wage rate to \$120.48 per hour. Burden hours were multiplied by the labor rate to determine respondent costs.

In addition, operations and maintenance (O&M) costs, including photocopying, packaging, and postage, were estimated for all respondents submitting paper reports. These costs were estimated at \$5.00 per report.

Table IV below summarizes total labor and O&M costs, which are calculated by multiplying total burden hours (as provided in Table III) by the assumed hourly wage rate of technical staff as well as multiplying the total number of responses (as provided in Table II) by the assumed O&M cost per report.

Table IV. Respondent Burden - Total Costs

Activity	Total Labor Costs	Total O&M Costs	Total Costs per Year
CDX Registration (applicable to Year 1 only)	\$2,193	\$0	\$2,193
Subtotal (CDX One-Time Burden)	\$2,193	\$0	\$2,193
Class I Production	\$9,638	\$0	\$9,638
Class II Production	\$5,783	\$0	\$5,783
MeBr Production	\$964	\$0	\$964
Class I Imports	\$32,771	\$0	\$32,771
Class II Imports	\$19,277	\$0	\$19,277
MeBr Imports	\$3,855	\$0	\$3,855
Class I Exports	\$6,747	\$0	\$6,747
Class II Exports	\$11,566	\$0	\$11,566
MeBr Exports	\$5,783	\$0	\$5,783
Destruction	\$2,651	\$0	\$2,651
Transformation	\$6,265	\$0	\$6,265
Class I Laboratory Supplier	\$19,277	\$0	\$19,277
Class II Request for Additional Consumption Allowances	\$2,892	\$0	\$2,892
Class II Trades	\$3,855	\$0	\$3,855
MeBr Distributor of QPS	\$10,602	\$0	\$10,602
MeBr Pre-2005 Stock	\$120	\$0	\$120
Petition to Import	\$8,675	\$0	\$8,675
Import for Destruction	\$1,928	\$0	\$1,928
Destruction Efficiency Report	\$542	\$5	\$547
MeBr Applications	\$9,156	\$10	\$9,166
Subtotal (Reporting to EPA)	\$162,347	\$15	\$162,362
Transformation Verification	\$14,096	\$130	\$14,226
Destruction Verification	\$5,964	\$55	\$6,019
Lab Certification	\$120,480	\$5,000	\$125,480
MeBr QPS Distributor Certification	\$5,301	\$220	\$5,521
MeBr QPS Applicator Certification	\$11,566	\$480	\$12,046
MeBr Commodity Owner, Shipper or Agent Recordkeeping	\$33,132	\$1,375	\$34,507
MeBr End User Self-Certification	\$602	\$100	\$702
Intermediaries (Imports for Destruction)	\$602	\$25	\$627
Subtotal (Third-Party Disclosures)	\$191,744	\$7,385	\$199,129
Total (Year 1)	\$356,283	\$7,400	\$363,683
Total (Year 2-3)	\$354,091	\$7,400	\$361,491

(c) Estimating Agency Burden and Costs

The conversion to an electronic reporting system as well as the adoption of CDX to facilitate form submission and processing are expected to create long-term burden reductions and increased efficiencies for the EPA. There are annual costs associated with the operation and maintenance (O&M) of CDX for the data flow. The EPA developed an estimate of CDX O&M costs attributable to chemical reporting program by apportioning the overall CDX maintenance cost estimated in the CROMERR ICR to individual programs. This approach yields an estimate of \$57,353 per year. Note that although the data flow for this ICR is smaller than the data flows included in the CROMERR analysis, the CROMERR analysis does not include costs associated with operations and, therefore, the \$57,353 might be considered a lower bound estimate of total O&M.

Agency burden savings are expected to result from the reduction of the need to process paper forms and from the use of more automated quality assurance/quality control (QA/QC), as noted in the description of “Changes to this Information Collection Request.”

The overarching assumption used in the analysis of the respondent burden and cost is that the respondent burden and cost associated with requiring electronic submission will result in a decrease in burden for the Agency.

Costs are subdivided into Agency and contractor costs. The average hourly rates for the EPA technical and managerial staff of \$47.52 and \$66.05, respectively, are derived from the 2019 annual base pay table, which was retrieved from the Office of Personnel Management website. The rate for technical staff is based on a GS-13 step 1 salary and the rate for managerial staff is based on a GS-15 step 1 salary. These rates were then multiplied hourly rates by the standard government benefits multiplication factor of 1.6 to get hour rates of \$76.03 for technical staff and \$105.68 for managerial staff. The cost of contractor time is valued at \$105.00 per hour on average, including overhead and fringe. This rate takes into account a weighted average of managerial and technical staff hours, based on rates for Consultant III and Researcher II under GSA Schedule 899-1 Environmental Consulting Services. The number of occurrences of each activity is based on the reporting requirements and the EPA’s experience with reporting under both the CFC and HCFC allowance systems.

Table V below summarizes total burden hours of each activity for by year. Total burden hours are calculated by multiplying the number of activities by staff hours per activity.

Table V. Agency Burden – Total Burden Hours

Activity	Managerial Hours per activity	Technical Hours per activity	Contractor Hours per activity	Number of Activities per Year	Total Hours per Year
Collect and Process MeBr Applications	1.0	2.0	0.0	2	6.0
Notify Submitters of Baseline Allowances	0.5	1.0	1.0	8	20.0
Enter Data in the ODSTS	0.0	1.0	0.0	0	0.0
Review Data for Reporting Compliance	0.2	1.0	1.0	405	891
Prepare and Process Paper Company Balance Statements	0.2	0.5	0.5	0	0.0
Process Trade Reports	0.0	1.0	0.0	8	8.0
Review Petitions to Import Used ODS	2.0	4.0	0.0	18	108
Provide Reporting Guidance	0.0	0.5	0.5	40	40.0
Conduct Stakeholder Outreach Efforts	4.0	10.0	40.0	0	0.0
Maintain the ODSTS	30.0	175.0	300.0	1	505.0
Ensure Non-Exceedance of Montreal Protocol Caps	2.0	8.0	40.0	1	50.0
Ensure Non-Exceedance of CAAA Limits	2.0	8.0	40.0	1	50.0
Report to the Ozone Secretariat	4.0	30.0	40.0	1	74.0
Seek Information on MeBr CUE Program and Fumigation Industry	0.25	0.25	0.0	0	0.0
TOTAL					1,752.0

Table VI summarizes total costs of each activity per year. Total costs are calculated by multiplying total burden hours by the assumed hourly wage rate of staff and adding these costs to non-labor costs associated with CDX maintenance.

Table VI. Agency Burden – Total Costs

Activity	Total Costs per Year
Collect and Process MeBr Applications	\$515
Notify Submitters of Baseline Allowances	\$1,871
Enter Data in the ODSTS	\$0
Review Data for Reporting Compliance	\$81,877
Prepare and Process Paper Company Balance Statements	\$0
Process Trade Reports	\$608
Review Petitions to Import Used ODS	\$9,279
Provide Reporting Guidance	\$3,621
Conduct Stakeholder Outreach Efforts	\$0
Maintain the ODSTS	\$47,976
Ensure Non-Exceedance of Montreal Protocol Caps	\$5,020
Ensure Non-Exceedance of CAAA Limits	\$5,020
Report to the Ozone Secretariat	\$6,904
Seek Information on MeBr CUE Program and Fumigation Industry	\$0
Subtotal (Labor Costs)	\$162,690
CDX Maintenance	\$57,353
Subtotal (Non-Labor Costs)	\$57,353
Total	\$220,043

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

The values for respondent universe and total burden and costs are based on estimates of the number of respondents and hours to compile data and prepare reports. In total, 1,903 responses are estimated on average each year (including both reports submitted to the EPA and third-party disclosures), which was calculated by multiplying the number of responses per report type per year by the number of respondents by report type per year (see Table II). Historical data from reports submitted over the last several years, anticipated changes due to the phaseout of select class II chemicals and rule-related changes, and consultations with stakeholders were used to develop estimates. Costs associated with compliance for the EPA and respondents are averages and were estimated from publicly available data sources.

(e) Bottom Line Burden Hours and Cost Tables

(i) Respondent Tally

As shown in Table VII, the EPA estimates the total annual hour and cost burden to all respondents to average 2,940 hours and \$354,822. Therefore, over the three-year span of this ICR, the total burden estimated for compliance for respondents is estimated to be 8,820 hours (2,940 x 3 years) and \$1,086,665 (\$354,822 x 3 years).

Table VII. Respondent Burden Summary Table

Year	Total Hours Per Year	Total Labor Cost Per Year	Total O&M Cost per Year	Total Cost Per Year
This ICR	2,940	\$354,822	\$7,400	\$362,222
Previous ICR	3,763	\$429,922	\$13,003	\$442,926
Difference	(823)	(\$75,101)	(\$5,603)	(80,704)

(ii) The Agency Tally

As shown in Table VIII, the EPA estimates the total annual hour and cost burden to the Agency to average 1,752 hours and \$220,043. Therefore, over the three-year span of this ICR, the total burden estimated for the Agency is estimated to be 5,256 hours (1,752 x 3 years) and \$660,129 (\$220,043 x 3 years).

Table VIII. Agency Burden Summary Table

Year	Total Hours Per Year	Total Labor Cost Per Year	Total O&M Cost per Year	Total Cost Per Year
This ICR	1,752	\$162,690	\$57,353	\$220,043
Previous ICR	2,671	\$236,654	\$124,020	\$360,673
Difference	(919)	(\$73,964)	(\$66,667)	(\$140,631)

(f) Reasons for Change in Burden

This ICR requires the use of electronic reporting for certain reporting forms. In addition to the quantifiable cost savings, the EPA believes that this rule results in other benefits. For example, electronic reporting allows for faster review and transmission of submissions to the EPA. For reports containing CBI, electronic reporting also improves security and transmission of CBI data

to the EPA. Additionally, all information submitted electronically is linked to the ODSTS, which facilitates document management efforts. This allows companies to manage past and future submissions easier. Even accounting for the one-time burden associated with the transition to electronic reporting (i.e., CDX registration), the electronic reporting results in overall burden reduction for respondents. Similarly, the estimated Agency burden hours and labor costs have also decreased even when the annual CDX O&M costs are taken into account.

For the production, import, and export of HCFCs, there was a decrease in the total estimated respondent burden compared with the burden currently approved by OMB. The reason for the decrease in burden hours is the prohibition of production and import of HCFC-22 and HCFC-142b by 2020, and the prohibition of exports of HCFCs to Article 5 countries as per 40 CFR 82.16 to phase out HCFCs in a stepwise reduction consistent with the CAA. The EPA estimates there to be a 27 percent decrease in respondent activities for imports, exports, trades, and requests for additional consumption allowances as a result of these prohibitions in 2020.

For methyl bromide critical users, there was a decrease in the total estimated respondent burden hours compared with the burden currently approved by OMB primarily due to a decrease in the number of applicants, end users, and distributors of methyl bromide since the last ICR for CUE.

For the petitions process and for the new certification to import for destruction there was a decrease in the total estimated respondent burden. This reduction is a result of the reduction in reporting requirements for imports for destruction relative to the petition process. Specifically, the number of reporting elements for importers for destruction has been reduced from 13 to 8. The EPA assumes this will result in a reduction in burden hours per response. In addition, the EPA assumes that the number of responses per respondent will decrease by one as a result of the exemption of halon 1211 used in aircraft bottles from the petition process. Similarly, the estimated Agency burden hours and labor costs have also decreased as a result of the reduction in reporting requirements for petitions.

(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average two hours per response. 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 and 48 CFR Chapter 15.

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, the EPA has established a public docket for this rule under

Docket ID No. EPA-HQ-OAR-2016-0271. The docket is available for public viewing at the EPA/DC Public Reading Room is located in the EPA West Building, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA/DC 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 EPA/DC Public Reading Room is (202) 566-1744. An electronic version of the public docket is available through the Federal Docket Management System (FDMS) at www.regulations.gov. Use FDMS 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. Once in the system, select “search,” then key in the docket ID number identified above. Also, comments can be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2016-0271 and OMB control number 2060-0170 in any correspondence.