

# Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act

## 1. EXECUTIVE SUMMARY

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

**Title:** Formaldehyde Standards for Composite Wood Products Act

**ICR Numbers:** EPA ICR No.: 2446.03; OMB Control No.: 2070-0185.

**EPA Form Numbers:** None.

**Docket ID Number:** EPA-HQ-OPPT-2019-0456

### 1(b). Docket Information

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

### 1(c). ICR Status

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid control number issued by the Office of Management and Budget (OMB). The OMB control numbers are displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Before submitting an ICR to OMB for review and approval under the PRA, an agency must solicit comments pursuant to PRA §3506(c)(2)(A) and [5 CFR 1320.8\(d\)\(1\)](#). After considering comments received on the draft ICR, the agency must submit the ICR to OMB for review and approval according to the procedures prescribed in [5 CFR 1320.12](#). In announcing the submission of the final ICR to OMB for review and approval, the agency must provide another opportunity for public review and comments on the revised ICR pursuant to 5 CFR 1320.12(c).

This is a renewal of an existing, approved ICR.

### 1(d). Abstract

This ICR renewal covers the recordkeeping and reporting requirements for all aspects of the TSCA Title VI implementing regulations and regulations relating to accreditation bodies (ABs) and third party certifiers (TPCs) that wish to participate in this third-party certification program.

*Legal authority:* The Toxic Substances Control Act (TSCA) Title VI, 15 U.S.C. 2697.

*Respondents/affected entities:* Entities potentially affected by this ICR include third party certifiers, accrediting bodies, manufacturers, distributors, importers, and retailers of regulated composite wood products and finished goods containing regulated composite wood products.

*Respondent's obligation to respond:* Responses are mandatory under TSCA (see 40 CFR part 770).

*Confidentiality of responses:* Regulated entities may claim some of the information given to EPA as CBI. EPA handles claims of confidentiality pursuant to established CBI procedures, as found at Section 14 of TSCA, 40 CFR Part 2, and the Agency's TSCA CBI Manual. CBI is also protected under the Freedom of Information Act (5 USC Section 525). Much of the information requested in the reporting requirements of these collections is not of a confidential nature. For example, information on the names and contact information for TPCs and ABs is publicly available. Likewise the address of their domestic agents, and their status as participants in the program. EPA will nonetheless allow this information to be substantiated contemporaneously. A panel producer's quarterly test results are not eligible for treatment as CBI.

TSCA Section 14(c) requires a supporting statement and certification for confidentiality claims asserted after June 22, 2016. Thus, EPA is requiring a statement and certification consistent with the section 14(c)(1)(B) statement (and with a related certification requirement in section 14(c)(5) of the revised statute) to meet the new statutory requirements. 11

*Estimated total number of potential respondents:* 990,269.

*Frequency of response:* On occasion.

*Estimated total annual burden:* 84,793 hours. Burden is defined at 5 CFR 1320.3(b).

*Estimated total annual costs:* \$19,638,018, includes no annualized capital investment or maintenance and operational costs.

*Changes in the estimates:* There is an overall decrease of 1,396,732 hours in the total estimated combined respondent burden that is currently approved by OMB in the ICR for this program (EPA ICR #2446.02). The difference between the current burden request and the previously approved request are due to adjustments in EPA's estimates of the burden. Several adjustments to the estimates were made, including:

- Revisions to the estimated burden reflecting activities that only had one-time burdens associated with the initial implementation of the rule; and
- Revisions to the estimated number of respondents based on the actual number of participants in the TSCA Title VI program.

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

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

The reporting and recordkeeping requirements described in this ICR are implemented under the authority of TSCA Title VI. TSCA Title VI directed EPA to promulgate regulations to ensure compliance with the emissions standards, including provisions on testing requirements, laminated products, products made with no-added formaldehyde (NAF)-based resins or ultra

low-emitting formaldehyde (ULEF) resins, product labeling requirements, chain of custody for product compliance documentation, recordkeeping, product inventory sell-through dates, a product stockpiling prohibition, and product certification by a TPC. The reported information allows EPA to ensure compliance with the emissions standards; moreover, a reasonable amount of reporting encourages regulated entities to fulfill their obligations under the statute and regulations.

To meet its statutory obligations, EPA must obtain sufficient information to establish and oversee a credible third-party certification program for composite wood products. This information helps EPA ensure that all program participants are carrying out their responsibilities diligently, impartially, and uniformly. The regulations aim to ensure consistent application of the requirements of TSCA Title VI by using voluntary consensus standards as requirements, and by leveraging the expertise of international ABs.

High quality TPCs are essential in ensuring that domestic and foreign composite wood panel producers that are supplying products to the U.S. have adequate quality assurance and quality control procedures, are adequately testing their products to determine that they are compliant, and are otherwise acting in manner that is consistent with the requirements of TSCA Title VI. The reporting and record maintenance requirements described in this ICR help ensure that all program participants remain qualified and are held accountable for their activities and allow panel producers to obtain credible TSCA Title VI certifications for their regulated composite wood products.

The following provides a general overview for requirements covered in this ICR for each entity:

The recordkeeping requirements and reporting requirements include:

**Composite Wood Product Producers:**

**(A) Notifications/Reports.** Respondents are required to submit information to EPA to accomplish the following reporting tasks:

- Imports of regulated composite wood products and finished goods containing regulated composite wood products must be accompanied by a TSCA § 13 import certification. EPA considers these to be certifications, and not an “information” collection within the meaning of the Paperwork Reduction Act.
- Panel producers who lose their EPA-recognized TPC and are not able to obtain a new EPA-recognized TPC within 90 calendar days must submit an extension request to EPA for a 90 calendar day extension.

**(B) Third-Party Notifications/Reports.** Respondents are required to submit information to entities other than EPA as follows:

- Composite wood product panel producers must apply for product certification from a third-party certifier. The application must include the panel producer’s name, address, telephone number, and other contact information, including name and contact information for the panel producer’s quality control manager, and an identification of the specific products for which certification is requested, the chemical formulation of the resins, including base resins, catalysts, and other additives used in panel production,

and testing results. A copy of the panel producer's quality control manual must also be provided to the third-party certifier with the application. Manuals must include information on the organizational structure of the quality control department, a description of the sampling procedures and frequency of testing, a description of procedures used to identify significant production changes, a description of the resin and press time for each product type, and a description of recordkeeping procedures. Changes in manuals must be submitted to and approved by an EPA-recognized TPC.

- Composite wood product panel producers must provide information on the qualifications of their quality control manager and quality control employees to the EPA-recognized TPC.
- Composite wood product panel producers must provide their EPA-recognized TPC with monthly product data reports that include production information and quality control test results for each production facility, production line, and product type.
- Composite wood product panel producers must notify their EPA-recognized TPC if they change quality control managers. This notification must occur within 10 calendar days of the change.
- Composite wood product panel producers wishing to take advantage of reduced testing and third-party certification requirements for products made with NAF-based or ULEF resins must apply to an EPA-recognized TPC or the California Air Resources Board (CARB). The application must include the panel producer's name and contact information as well as an identification of the specific product and resin system. Testing results must also be part of the application. If the application is granted, every two years thereafter, the panel producer must have one test performed by an EPA-recognized TPC that demonstrates continued compliance with the reduced formaldehyde emission standards for each product type.
- Panels or bundles of regulated composite wood products must be labeled with the producer's name (or number), lot or batch number, the number of the EPA-recognized TPC, and markings indicating that the product complies with the TSCA Title VI emission standards. Products that qualify for reduced testing and third-party certification requirements based on the use of NAF-based or ULEF resins may also be marked with indications that they were produced using NAF-based or ULEF resins. Boards that are shipped into the United States for testing purposes must also be labeled as such.
- Fabricators of finished goods containing composite wood products are required to label every finished good they produce, or every box containing finished goods. The label can be applied as a stamp, tag, sticker, and must include the fabricator's name (or other responsible party), the date the finished good was produced and a marking to denote that the product was made in compliance with TSCA Title VI.

**(C) Records.** All records must be kept for three years, unless otherwise indicated. Respondents are required to maintain records as follows:

- Panel producers must maintain the following records for at least three years and make them available upon request to EPA, their TPCs, and to purchasers of their composite

wood products:

- o Records of all quarterly emission testing and all ongoing quality control testing that identify the TPC conducting or overseeing the testing and the laboratory or quality control facility actually performing the testing. These records must also include the date, the product type tested, the lot or batch number that the tested material represents, the test method used, and the test results.
  - o Production records, including a description of the composite wood product(s), the date of manufacture, lot or batch numbers, and tracking information allowing each product to be traced to a specific lot number or batch produced.
  - o Records of changes in production, including changes of more than 10% in the resin use percentage, changes in resin composition that result in a higher ratio of formaldehyde to other resin components, and changes in the process, such as changes in press time by more than 20 percent.
  - o Purchaser information for each composite wood product, if applicable, including the name, contact person, address, phone number, e-mail address if available, purchase order or invoice number, and amount purchased.
  - o Transporter information for each composite wood product, if applicable, including name, contact person, address, phone number, e-mail address if available, and shipping invoice number.
  - o Information on the disposition of non-complying lots, including product type and amount of composite wood products affected, lot or batch numbers, mitigation measures used, results of retesting, and final disposition.
  - o Copies of labels used.
- Records demonstrating initial and continued eligibility for the reduced testing or third-party certification provisions in 40 CFR § 770.17 and 40 CFR § 770.18, if applicable. These records must be kept for as long as the panel producer is producing composite wood products with reduced testing or under a third-party certification exemption.
  - Panel producers are required to maintain an up-to-date quality control manual on their premises.
  - Panel producers are required to maintain the credentials of their quality control managers and quality control employees for as long as employees are serving in a quality control capacity.
  - Producers of exempt laminated products are required to maintain records demonstrating that they are using compliant platforms and phenol-formaldehyde resins or resins formulated with no-added formaldehyde as part of the resin cross-linking structure. These records include records of purchases of phenol-formaldehyde resins or resins formulated with no-added formaldehyde as part of the resin cross-linking structure and of compliant, certified platforms, or, if the resins or platforms are made in-house, records demonstrating that the platforms have been certified by an EPA-recognized TPC and records demonstrating the production of phenol-formaldehyde resins or resins formulated with no-added formaldehyde as part of the resin cross-linking structure.
  - Importers, fabricators of finished goods that incorporate composite wood products, and laminated product producers whose products are exempt from the definition of

hardwood plywood must maintain bills of lading, invoices, or comparable documents that include a written affirmation from the supplier that the composite wood products are compliant or were produced before a date one year after publication of the final rule.

- Importers must also provide additional records if requested by EPA within 30 days of request. Additional records may include identification of the panel producer, the date the composite wood products were produced, identification of the supplier if different, and the date the composite wood products, component parts, or finished goods were purchased.
- Non-importing distributors and retailers must retain invoices and bills of lading and copies of labels used.

### **EPA-recognized ABs:**

**(A) Notifications/Reports.** The reporting requirements for EPA-recognized ABs to EPA include:

- Product ABs that wish to participate in the program must submit an application to become recognized by EPA via a recognition agreement. The application must include: 1) The name, address, telephone number, and email address of the organization or primary contact; 2) Documentation of its International Accreditation Forum Inc. Multilateral Recognition Arrangement (IAF MRA) signatory status, or membership in an equivalent organization as determined by EPA; 3) A description of any other qualifications related to its experience in performing product accreditation of TPCs for manufactured products including an affirmation that assessors will be technically competent to assess a TPC's ability to perform their activities; and 4) If not a domestic entity, name and address of an agent for service located in the United States. CBI claims for items 1, 2, and 4 may be substantiated contemporaneously.
- Laboratory ABs that wish to participate in the program must submit an application to become recognized by EPA via a recognition agreement. The application must include: 1) The name, address, telephone number, and email address of the organization or primary contact; 2) Documentation of International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (ILAC MRA) signatory status, membership in one of the ILAC recognized regional accreditation cooperations, or an equivalent organization as determined by EPA; 3) A description of any other qualifications related to the laboratory AB's experience in performing laboratory accreditation including an affirmation that assessors will be technically competent to assess TPCs ability to perform their activities required under the rule.; and 4) If not a domestic entity, the name and address of an agent for service located in the United States. CBI claims for items 1, 2 and 4 may be substantiated contemporaneously.
- EPA-recognized product ABs are required to submit an annual report to EPA on or before March 1st of each year for the AB services performed during the previous calendar year including the number and locations of assessment, reassessment, and surveillance on-site assessments performed for each EPA-recognized TPC.
- EPA-recognized laboratory ABs are required to submit an annual report to EPA on or

before March 1st of each year for AB services performed during the previous calendar year including the number and locations of assessment, reassessment, and surveillance on-site assessments performed for each TPC laboratory.

- EPA-recognized product ABs are required to submit notice to EPA if it loses its status as a signatory to the IAF MLA, or loss of membership in one of the IAF recognized regional accreditation cooperations, or an equivalent organization as determined by EPA within five calendar days of the date that the body receives notification of the loss of its signatory or membership status. CBI claims for this information may be substantiated contemporaneously.
- EPA-recognized laboratory ABs are required to submit notice to EPA if it loses its status as a signatory to the ILAC MRA, or loss of membership in one of the ILAC recognized regional accreditation cooperations, or an equivalent organization as determined by EPA within five calendar days of the date that the body receives notice of the loss of its signatory or membership status. CBI claims for this information may be substantiated contemporaneously.
- EPA-recognized ABs are required to submit notice to EPA that an EPA-recognized TPC has failed to comply with any provision of the regulation within 72 hours of the time the AB identifies the deficiency. The notice must include a description of the steps taken to address the deficiency.
- EPA-recognized ABs are required to submit notice to EPA of suspension, reduction or withdrawal of an EPA-recognized TPC's accreditation within 72 hours of the time that the suspension, reduction or withdrawal takes effect.
- EPA-recognized ABs are required to submit notice to EPA of a change in a non-domestic AB's agent for service within five calendar days. CBI claims for this information may be substantiated contemporaneously.

**(C) Records.** All records must be kept for three years, unless otherwise indicated.

- Each EPA-recognized product AB must maintain, in electronic form, checklists and other records documenting compliance with the requirements for assessment, reassessment, and surveillance on-site assessments of EPA-recognized TPCs for 3 years.
- Each EPA-recognized laboratory AB must maintain, in electronic form, the checklists and other records documenting compliance with the requirements for assessment, reassessment, and surveillance on-site assessments of TPC laboratories for 3 years.

#### **EPA-recognized TPCs:**

**(A) Notifications/Reports.** The reporting requirements for EPA-recognized TPCs to EPA include:

- TPCs that wish to participate in the program must submit an application to EPA. The application must include: 1) Email address of the organization or primary contact,

organization name, organization telephone number, and organization address; 2) Type of composite wood products that the applicant intends to certify; 3) A copy of the TPC's certificate of accreditation from an EPA-recognized product AB to ISO/IEC 17065:2012(E) with a scope of accreditation that includes composite wood products and 40 CFR Part 770—Formaldehyde Standards for Composite Wood Products; 4) A copy of the TPC laboratory's certificate of accreditation from an EPA-recognized laboratory AB to ISO/IEC 17025:2005(E) with a scope of accreditation to include 40 CFR Part 770-- Formaldehyde Standards for Composite Wood Products and the formaldehyde test methods ASTM E1333-10 and ASTM D6007-02, if used; 5) An affirmation of the TPC's ability to conduct inspections of composite wood products and properly train and supervise inspectors to inspect composite wood products in conformance with ISO/IEC 17020:2012(E) as required under ISO/IEC 17065:2012(E) Section 6.2.1; 6) A description of the TPC's experience in the composite wood product industry with at least one type of composite wood product and indicate the specific product(s) the applicant intends to certify; 7) A description of the TPC's experience in performing or verifying formaldehyde emissions testing on composite wood products; 8) A description of the TPC's experience with test method ASTM E1333-10 and/or ASTM D6007-02, if used, and experience evaluating correlation between test methods; 9) If not a domestic entity, the name and address of an agent for service located in the United States. CBI claims for items 1-4 and 9 may be substantiated contemporaneously.

- If an EPA-recognized TPC receives an application for NAF or ULEF third-party certification exemption or ULEF reduced testing, it must notify EPA of an approved or rejected application, including a renewal application, must be provided within five calendar days of the approval or rejection and copies of all approved applications must be forwarded to EPA within 30 calendar days of approval.
- If an EPA-recognized TPC receives an application for reduced testing, it must notify EPA of an approved or rejected application, including a renewal application, for reduced testing for medium-density fiberboard or particleboard must be provided within five calendar days of the approval or rejection and copies of all approved applications must be forwarded to EPA within 30 calendar days of approval.
- EPA-recognized TPCs must notify EPA of a failed quarterly test in writing within 72 hours.
- EPA-recognized TPCs must notify EPA of a panel producer exceeding its established Quality Control Limit (QCL) for more than two consecutive quality control within 72 hours of the time that the TPC is made aware of the second exceedance.
- EPA-recognized TPCs must notify EPA of a change in a non-domestic TPC's agent for service within five calendar days. CBI claims for this information may be substantiated contemporaneously.
- EPA-recognized TPCs must notify EPA of a loss of accreditation or notification that the TPC has discontinued its participation in the EPA TSCA Title VI Third-Party Certification Program within 72 hours. CBI claims for this information may be substantiated contemporaneously.



- EPA-recognized TPCs must submit an annual report on or before March 1<sup>st</sup> of each year for the TPC services performed during the previous calendar year to EPA that includes the following elements, which align with the annual report requirements under the California Air Resources Board (CARB) Air Toxics Control Measure (ATCM) to Reduce Formaldehyde Emissions from Composite Wood Products, as applicable: For each panel producer making composite wood products certified by the TPC, the EPA-recognized TPC must provide the following information: 1) Composite wood products that the EPA-recognized TPC has certified during the previous calendar year; 2) Types of resin systems used for the composite wood products certified; 3) Dates of quarterly inspections; 4) For each quarterly test, the date, result, test method, and whether a contract laboratory was used; 5) For each failed quarterly test, the volume of product affected, the results of recertification testing, and a description of the final disposition of the affected product, including how the non-complying lot was addressed; 6) For each non-complying lot resulting from a failed quality control test, the test date, method, product type, volume of product affected, lot numbers, the results of retesting, and a description of the final disposition of the affected product, including how the non-complying lot was addressed; 7) Any corrective actions that resulted from quarterly tests and inspections; and 8) A list of laboratories and test methods used by the TPC, number and volume (cubic meters) of large and small chambers, date of equivalence determination and equivalence data; 9) Any non-conformities identified by its EPA-recognized AB(s) and how they were addressed; and 10) The results compared with the mean of the interlaboratory comparison for all formaldehyde emissions interlaboratory comparison tests outside of the CARB interlaboratory comparison or, if available, the results of an EPA-recognized proficiency testing program.

**(B) Third-Party Notifications/Reports.** The third-party notifications/reports for TPCs include:

- EPA-recognized TPCs must provide their TPC numbers to any panel producers receiving their TSCA Title VI certification services.
- EPA-recognized TPCs must notify their panel producer of a failed quarterly test in writing within 72 hours.
- EPA-recognized TPCs must provide any changes in personnel qualifications, procedures, or laboratories used to their TPC's EPA-recognized ABs within 30 calendar days.
- Should an EPA-recognized TPC withdraw from the program or lose its accreditation, it will be required to notify all panel producers that receive its services within 72 hours.
- EPA-recognized TPCs that receive applications from panel producers for reduced testing or third-party certification exemptions for ULEF or NAF-based resins must act on those applications within 90 calendar days.

**(C) Records.** All records must be kept for three years, unless otherwise indicated.

- EPA-recognized TPCs are required to supply the following records to EPA within 30 days of request: 1) A list of panel producers that it has certified and their respective product types, including resin systems used; 2) The results of inspections and emission

tests conducted for and linked to each panel producer and product type; 3) A list of laboratories it uses, test methods, including test conditions and conditioning time and quarterly test results; 4) The methods and results for establishing test method correlations and equivalence; 5) Documentation for NAF or ULEF third-party certification exemptions or ULEF reduced testing approvals, including the name of the panel producer, facility, products approved, type of resin systems used and dates of approval; 6) Documentation of reduced testing approval for panel producers of medium-density fiberboard or particleboard, including the name of the panel producer, products approved and dates of approval; and 7) A copy of the most recent assessment, reassessment, and/or surveillance on-site assessment report provided by its EPA-recognized ABs. These records must be maintained for 3 years.

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

The reporting and recordkeeping requirements of this ICR are implemented under the authority of TSCA Title VI. TSCA Title VI directs EPA to promulgate regulations to ensure compliance with the emissions standards, including provisions on testing requirements, laminated products, products made with NAF-based resins or ULEF resins, product labeling requirements, chain of custody for product compliance documentation, recordkeeping, product inventory sell-through dates, a product stockpiling prohibition, and product certification by a TPC. The reported information allows EPA to ensure compliance with the emissions standards; moreover, a reasonable amount of reporting encourages regulated entities to fulfill their obligations under the statute and regulations.

To meet its statutory obligations, EPA must obtain sufficient information to establish and oversee a credible third-party certification program for composite wood products. This information will help EPA ensure that all program participants are carrying out their responsibilities diligently, impartially, and uniformly. The regulations aim to ensure consistent application of the requirements of TSCA Title VI by using voluntary consensus standards as requirements, and by leveraging the expertise of international ABs.

High quality TPCs are essential in ensuring that domestic and foreign composite wood panel producers that are supplying products to the U.S. have adequate quality assurance and quality control procedures, are adequately testing their products to determine that they are compliant, and are otherwise acting in manner that is consistent with the requirements of TSCA Title VI. The reporting and record maintenance requirements described in this ICR help ensure that all program participants remain qualified and are held accountable for their activities, and allow panel producers to obtain credible TSCA Title VI certifications for their regulated composite wood products.

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

EPA uses the information collected to evaluate compliance with the emissions standards. The information that is collected and required to be reported to TPCs is necessary to ensure that producers of composite wood products maintain proper quality assurance and control measures. TPCs require access to this information so that they can certify that products are produced in accordance with TSCA Title VI requirements. TSCA Title VI also directs EPA to include labeling provisions and chain of custody provisions. The information contained in the labels accompanying composite wood panels and finished goods containing such panels allows downstream purchasers of these products to determine whether the merchandise is

compliant; non-compliant merchandise may not be legally sold supplied or offered for sale in the United States.

EPA uses information collected from TPCs and ABs to evaluate the credentials of entities that wish to participate in the EPA TSCA Title VI Third-Party Certification Program, oversee compliance with the program requirements, monitor issues as they arise, and inform interested parties where they can obtain EPA TSCA Title VI certification services.

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

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

TSCA Title VI assigns to the EPA Administrator the responsibility for promulgating regulations that ensure compliance with the statutory emissions standards for formaldehyde from composite wood products. The information collection requirements addressed in this ICR are not duplicative of any other Federal requirement. There are no federal regulations on formaldehyde emissions from composite wood products other than those of the Department of Housing and Urban Development (HUD) that are applicable to particleboard and plywood used in manufactured housing. In contrast with the HUD emissions standards which are only applicable to particleboard and plywood used in manufactured housing, the emissions standards in TSCA Title VI apply to hardwood plywood, medium-density fiberboard, and particleboard sold, supplied, offered for sale, or manufactured (defined by statute to include import) in the United States.

Because the regulatory requirements are necessarily tailored to the unique TSCA Title VI requirements, these records and reports are the sole source of information for EPA to rely on in order to ensure compliance with the emissions standards. Similarly, the third-party certification program is necessarily tailored to the unique TSCA Title VI requirements. The records and reports from TPCs and ABs are the sole source of information for EPA to rely on in determining the number of program participants, evaluating their credentials, monitoring their compliance with the program, determining the number of panel producers receiving certification services, and evaluating a panel producer's compliance history.

#### **3(b). Consultations and Public Comments**

EPA opened a public comment period for 60 days upon posting the proposed ICR on January 28, 2020 and received two public comments. Neither of those comments were germane to the ICR and are not being considered in this final ICR. As well, EPA sent an email message to nine entities that have been active in communications on previous TSCA Title VI actions to solicit feedback on the ICR. These entities included Capital Testing and Certification Services (previously Hardwood Plywood and Veneer Association Laboratories), the Composite Panel Association, Benchmark International, the California Air Resources Board, A2LA, American National Standards Institute, the Kitchen Cabinet Manufacturers Association, the American Home Furnishings Alliance, and Georgia Pacific. The Agency received one germane response to its consultation questionnaire requesting an update to the annual report and failure to comply reporting functions in the CDX system to reflect a date range rather than simply a date. The Agency intends to update the TSCA Title VI function in the CDX system in the near future and will take this into consideration during those updates. The consultation response did not have an impact on this supporting statement.

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

EPA has judged that the reporting and recordkeeping requirements of the ICR are the minimum amount necessary to fulfill its statutory mandate to promulgate regulations that ensure compliance with the emissions standards. The reports and records described in this ICR allow EPA carry out its statutorily-delegated roles in program design, enforcement, and oversight. EPA believes that less frequent reporting and failure to require notice of significant events could result in uncertified and noncompliant products being distributed in commerce in violation of the statute. For example, panel producers must provide their EPA TSCA Title VI TPC with monthly product data reports for each production facility, production line, and product type. These reports include production information and quality control test results and allow the EPA TSCA Title VI TPC to monitor quality control testing and ensure that production at the facility remains in compliance with the statutory emission standards.

Although the third-party certification program is critical to the implementation of TSCA Title VI, EPA cannot subdelegate its statutory duty to ensure compliance with TSCA Title VI to TPCs. Likewise, it cannot subdelegate its oversight duties to ABs. EPA believes that requiring applications, annual reports, and certain one-time notifications from the ABs and TPCs that wish to be recognized as program participants allows EPA to effectively monitor the program. Annual reports and notifications that are triggered by specific occurrences allows EPA to ensure compliance with the emission standards, as required by the statute. EPA believes that less frequent reporting and failure to require notice of significant events could result in uncertified and noncompliant products being distributed in commerce.

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

Small businesses are not exempt from the requirements of TSCA Title VI. The information collections apply to all entities that manufacture (including import), sell, supply, or offer for sale regulated composite wood products in the United States regardless of size. They also apply to entities that manufacture regulated composite products, including finished goods, for import into the U.S. and to TPCs and ABs that wish to participate in the program. EPA has elected to require equal disclosure by all participating ABs and TPCs because the third-party certification program is essential to ensuring compliance with the highly technical requirements of TSCA Title VI. During the Small Business Advocacy Review Panel process, the Panel recommended regulatory flexibility alternatives to alleviate burden on small business that EPA implemented in the final rule. For example, EPA allows labeling by bundle, as opposed to individual boards. Also, the frequency of quality control tests for hardwood plywood is based on production volume, allowing low volume producers to conduct fewer tests. EPA has developed and posted several small entity compliance guides on its formaldehyde webpage to support regulatory comprehension.

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

In general, this information collection complies with the guidelines at 5 CFR 1320.5(d)(2). The exceptions to OMB's Paperwork Reduction Act Guidelines, and the explanation of why such characteristics are needed to fulfill the statutory requirements, are described below:

Record retention for 3 years is especially critical because these regulated products (composite wood panels, component parts, and finished goods) may be in commerce for 3 years or even longer. Composite wood products are regulated beginning with the manufacture (including

import) of panels through their incorporation into component parts and finished goods, the distribution of those products, and the retail sale of those products. This is a lengthy process and the amount of time composite wood panels are held in inventory and the amount of time before they are incorporated into a finished good are variable. This point was illustrated by the fact that the State of California had to twice extend its “sell-through date” when it enacted the ATCM establishing formaldehyde emissions standards for composite wood products. CARB found that these extensions were necessary because the recession increased the amount of time manufacturers needed to clear preexisting inventory. (See, e.g., Composite Wood Products Regulation Advisory: 11-01, Extension of Sell-Through Dates for: Distributors, Importers, Fabricators, and Retailers of Finished Goods Containing Phase 1 Hardwood Plywood- Veneer Core and Distributors of Phase 1 Particleboard and Medium Density Fiberboard Panels, available at [http://www.arb.ca.gov/toxics/compwood/outreach/11\\_01\\_advisory.pdf](http://www.arb.ca.gov/toxics/compwood/outreach/11_01_advisory.pdf)). It is essential that regular business records and panel producer, importer, and laminator records be retained for this entire period of time so that both EPA and interested downstream consumers can be assured that a finished good containing regulated composite wood product was made from compliant composite wood panels.

A number of provisions require reporting only upon the occurrence of a specific event. For example, a panel producer must notify its EPA TSCA Title VI TPC within 72 hours if it makes production changes that are likely to have an impact on formaldehyde emissions from its products. These reporting requirements are not triggered by the calendar (*i.e.*, they are not required quarterly or at more frequent intervals). Therefore, the Agency does not believe that these provisions need special justification. Moreover, EPA believes that unless these notifications are provided within the intervals prescribed in the rule, a change in circumstances could result in noncompliant products being distributed in commerce. Not only is this a violation of the statute, but it greatly increases the costs associated of segregating, treating and retesting these products.

### **3(f). Confidentiality**

Regulated entities may claim some of the information given to EPA as confidential business information (CBI). EPA handles claims of confidentiality pursuant to established CBI procedures, as found at Section 14 of TSCA, 40 CFR Part 2, and the Agency’s TSCA CBI Manual. CBI is also protected under the Freedom of Information Act (5 USC Section 525). Much of the information requested in the reporting requirements of these collections is not of a confidential nature. For example, information on the names and contact information for TPCs and ABs is publicly available. Likewise the address of their domestic agents, and their status as participants in the program. EPA will nonetheless allow this information to be substantiated contemporaneously. A panel producer’s quarterly test results are not eligible for treatment as CBI.

TSCA Section 14(c) now requires a supporting statement and certification for confidentiality claims asserted after June 22, 2016. Thus, EPA is requiring a statement and certification consistent with the section 14(c)(1)(B) statement (and with a related certification requirement in section 14(c)(5) of the revised statute) to meet the new statutory requirements.

Most of the information requested in the reporting requirements of these collections is not of a confidential nature. Nonetheless, the electronic reporting application is designed to support TSCA Confidential Business Information needs by providing a secure environment that meets

Federal standards. Users are able to claim CBI for appropriate data fields. The electronic reporting application would use Transportation Layer Security (TLS) with 256-bit digital encryption, and the data would be encrypted at rest using a key that only a user knows. All data remains encrypted until it is behind several EPA firewalls and within the EPA CBI LAN, and all encryption modules are Federal Information Processing Standard (FIPS) 140-2 compliant. Also, users are required to have valid CDX credentials (username and password combination) to access the application, and they are required to know the answers to the 20-5-1 series of questions associated with a CDX account in order to submit data to the EPA.

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

This information collection does not include questions of a sensitive nature.

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

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

EPA resources are devoted to reviewing and analyzing import certifications, auditing and inspecting facilities, producing audit and inspection reports, reviewing and analyzing data submissions, maintaining files of submitted data, responding to public inquiries, providing regulatory interpretations and developing rulemakings. EPA publishes certain information on the Internet, including lists of EPA-recognized ABs and TPCs. EPA plans to continue its use of the Internet to facilitate the transfer of information from EPA to the public. More specific Agency activities are as follows:

- Receive and evaluate applications from ABs and TPCs that wish to participate in the program.
- Develop and enter into recognition agreements with qualified ABs.
- Supply a point of contact for each recognition agreement for ABs to consult with on implementation of the recognition agreement.
- Maintain a current and publicly available list of EPA-recognized ABs and TPCs.
- Evaluate the annual reports from EPA-recognized ABs and TPCs.
- Evaluate all notices received from EPA-recognized ABs and TPCs to determine whether further agency action is warranted.
- Review 90 calendar day extension requests from panel producers who lose their EPA-recognized TPC and are not able to obtain a new EPA-recognized TPC within the initial 90 calendar days.

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

EPA resources are devoted to reviewing and analyzing data submissions, compiling and recording data, maintaining hard-copy files of submitted data, auditing and inspecting facilities, producing audit and inspection reports, responding to public inquiries, and providing regulatory interpretations. EPA anticipates that these activities will require the equivalent of one full-time

employee (FTE) at Headquarters. Using the 2019 Washington/Baltimore area annual salary rate for a GS-13, Step 5 employee (\$112,393), and multiplying by a loading factor of 1.6 to reflect overhead and fringe benefits results in an estimated EPA cost of \$179,829 per year.

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

Panel producers must provide their EPA-recognized TPCs with monthly product data reports. Reporting activities for ABs and TPCs are mostly triggered by specific events or on an as needed basis rather than by specific dates, as shown in **Exhibit 1**.

<b>Exhibit 1: Collection Requirements and Schedule for ABs and TPCs</b>		
<b>Ref. #</b>	<b>Collection Requirement</b>	<b>Collection Schedule</b>
1	Application to EPA from a product AB	When product AB wishes to participate in the program and every three years thereafter for as long as it wishes to continue to participate
2	Application to EPA from a laboratory AB	When laboratory AB wishes to participate in the program and every three years thereafter for as long as it wishes to continue to participate
3	Annual report to EPA from an EPA-recognized product AB	Annually, on or before March 1 <sup>st</sup> each year
4	Annual report to EPA from an EPA-recognized laboratory AB	Annually, on or before March 1 <sup>st</sup> each year
5	EPA-recognized product ABs must provide notification of the loss of its status as a signatory to the ILAC MRA, or loss of membership in one of the ILAC recognized regional accreditation cooperations, or an equivalent organization as determined by EPA	Within 5 calendar days of being informed of loss of status
6	EPA-recognized laboratory AB must provide notification of the loss of its status as a signatory to the IAF MLA, or loss of membership in one of the IAF recognized regional accreditation cooperations, or an equivalent organization as determined by EPA	Within 5 calendar days of being informed of loss of status
7	An EPA-recognized AB must submit notice that a EPA-recognized TPC has failed to comply with any provision of the regulation	Within 72 hours of the time the AB identifies the deficiency
8	An EPA-recognized AB must submit notice when it suspends, reduces or withdraws a TPC's accreditation	Within 72 hours of the time that the suspension, reduction or withdrawal takes effect
9	A TPC that wishes to participate in the program must submit an application for EPA recognition	When it desires to become recognized to perform TSCA Title VI certification services, and every two years thereafter for as long as it desires to continue providing TSCA Title VI certification services
10	An EPA-recognized TPC must supply the following	Within 30 calendar days of

**Exhibit 1: Collection Requirements and Schedule for ABs and TPCs**

Ref. #	Collection Requirement	Collection Schedule
	<p>records to EPA: 1)A list of panel producers and their respective products and product types, including type of resin systems used, that the EPA-recognized TPC has certified; 2) Results of inspections and formaldehyde emissions tests conducted for and linked to each panel producer and product type; 3) A list of laboratories used by the EPA-recognized TPC, as well as all test methods used, including test conditions and conditioning time, and quarterly test results; 4) Methods and results for establishing test method correlations and equivalence; 5) Documentation for NAF or ULEF third-party certification exemptions or ULEF reduced testing approvals, including the name of the panel producer, facility, products approved, type of resin systems used and dates of approval; 6) Documentation of reduced testing approval for panel producers of medium-density fiberboard or particleboard, including the name of the panel producer, products approved and dates of approval; and 7) A copy of the most recent assessment, reassessment, and/or surveillance on-site assessment report provided by its EPA-recognized ABs</p>	<p>request by EPA</p>
11	<p>An EPA-recognized TPC must provide its TPC number to any panel producer receiving its TSCA Title VI certification services</p>	<p>When a panel producer begins receiving its services</p>
12	<p>An EPA-recognized TPC must submit an annual report to EPA on its TSCA Title VI certification activities</p>	<p>Annual, the 1<sup>st</sup> of March every year.</p>
13	<p>Should an EPA-recognized TPC withdraw from the program or lose its accreditation, it must notify all panel producers that receive its TSCA Title VI certification services</p>	<p>Within 72 hours</p>
14	<p>A TSCA Title VI TPC will notify EPA of an application approval for reduced testing and forward copies of all approved applications for reduced testing to EPA.</p>	<p>Notification within 5 calendar days of approval. Forward copy of application within 30 calendar days of receipt</p>
15	<p>EPA-recognized TPCs must act on applications for reduced testing</p>	<p>Within 90 calendar days of receipt of a complete application</p>
16	<p>In the event of a failed quarterly test, the EPA-recognized TPC that conducted the test must notify the panel producer and EPA</p>	<p>Within 72 hours of the failed test result</p>
17	<p>A Panel Producer that wishes to apply for reduced testing or third-party certification for products made with NAF or ULEF resins must submit an application to their EPA-recognized TPC or CARB and then the EPA-recognized TPC or CARB will send a copy to EPA</p>	<p>When they wish to receive the exemption and renewal applications every two years thereafter.</p>



<b>Exhibit 1: Collection Requirements and Schedule for ABs and TPCs</b>		
<b>Ref. #</b>	<b>Collection Requirement</b>	<b>Collection Schedule</b>
18	Panel Producers must submit product data reports to their EPA-recognized TPC	Monthly
19	Panel Producers must notify their EPA-recognized TPC of changes in quality control manager	Within 10 calendar days
20	Panel Producers must inform their EPA-recognized TPC of any significant changes in production that could affect formaldehyde emissions	Within 72 hours of making those changes.
21	Should a non-complying lot be distributed the Panel Producer is responsible for notifying the recipients	Within 72 hours
22	Panel producers who are not able to obtain a new TSCA Title VI TPC within 90 calendar days must submit an extension request to EPA for a 90 calendar day extension, for good cause	Prior to 90 calendar days following loss of their TSCA Title VI TPC

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

The information to comply with the reporting requirements for EPA-recognized ABs and TPCs is required to be submitted via the Internet through EPA's Central Data Exchange (CDX). The required use of CDX for submission of TSCA Title VI notices and reports is consistent with the Government Paperwork Elimination Act (GPEA, Pub. L. 105-277), which requires that, when practicable, federal organizations use electronic forms, electronic filings, and electronic signatures to conduct official business with the public. EPA's Cross-Media Electronic Reporting Regulation (CROMERR) (October 13, 2005; 70 FR 59848; FRL-7977-1) provides that any requirement in Title 40 of the Code of Federal Regulations to submit a report directly to EPA 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.

The adoption of electronic communications reduces the reporting burden on industry by reducing both the cost and the time required to review, edit and transmit data to the Agency. All information sent via CDX is transmitted securely to protect CBI. Furthermore, if anything in the submission has been claimed CBI, a sanitized copy of the notice must be provided by the submitter. With electronic reporting, this can be done automatically during the submission process, eliminating the need for the submitter to do this manually. Electronic reporting also allows submitters to share a draft notice within their company during the creation of a notice and to save a copy of the final file for future use.

EPA also benefits from receiving electronic submissions. Data systems are populated electronically, as oppose to manual data entry, reducing the potential for human error that exists when data are entered by hand. Agency personnel are also able to communicate more efficiently with submitters electronically, compared to using mail.

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

For each respondent category, this section of the ICR describes the respondents, the information collection activities and related estimates for burden and costs associated with those activities. Not all firms subject to the TSCA Title VI rule will incur additional burden or costs for compliance. Many of the provisions in this rule are identical to those in the 2008

CARB ATCM. Firms that were already complying with the CARB ATCM incur little to no additional burden or costs due to the TSCA Title VI rule. In other cases, the ordinary business practices at firms subject to the TSCA Title VI rule are sufficient to comply with the rule's requirements.

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

The primary respondents are producers, fabricators, distributors, importers, retailers of regulated composite wood products and finished goods containing regulated composite wood products, as well as accreditation bodies and third-party certifiers.

The following NAICS codes may be affected:

- Hardwood Veneer and Plywood Manufacturing (NAICS code 321211);
- Reconstituted Wood Product Manufacturing (NAICS code 321219);
- All Other Miscellaneous Wood Product Manufacturing (NAICS code 321999);
- Furniture and Related Product Manufacturing (NAICS code 337);
- Miscellaneous Manufacturing (NAICS code 339);
- Merchant Wholesalers, Durable Goods (NAICS code 423);
- Merchant Wholesalers, Nondurable Goods (NAICS code 424);
- Retail Trade (NAICS Sector 44 and 45);
- Engineering services (NAICS code 541330);
- Testing laboratories (NAICS code 541380);
- Administrative management and general management consulting services (NAICS code 541611);
- All other professional, scientific, and technical services (NAICS code 541990);
- All other support services (NAICS code 561990);
- Business associations (NAICS code 813910); and
- Professional organizations (NAICS code 813920).

### **5(b). Burden and Cost Estimates**

#### **IC #1: Producers**

Based on data from the TSCA Title VI program there are currently 1,204 panel producers, many of which were compliant with the CARB ATCM prior to the promulgation of the TSCA Title VI rule. Therefore only a fraction of the producers incur incremental burdens and costs due to the TSCA rule.

#### Respondent NAICS Codes

321211	Hardwood Veneer and Plywood Manufacturing
321219	Reconstituted Wood Product Manufacturing
321999	All Other Miscellaneous Wood Product Manufacturing

#### Information Collection Activities

The incremental labor burden and costs from the required information collection activities for composite wood product producers are attributable to the following activities shown in the IC #1 table below:

**Testing and Certification (data elements A-L):** Composite panel producers that do not qualify for an exemption will need to perform formaldehyde emission testing on their composite wood products and attain certification from an EPA-recognized TPC. These entities must undergo qualifying tests at a TPC lab, obtain an on-site audit from a TPC, implement quality control systems, and train quality control employees in order to receive initial certification. These activities are assumed to have already occurred prior to the time period covered by this ICR. In order to maintain its certified status, a mill is required to conduct on-going quality control testing, submit monthly reports to the certifying TPC, have their certified products tested quarterly by their TPC, and participate in quarterly on-site audits by their TPC. Mills that produce products made with ULEF or NAF resins that meet more stringent emissions limits may apply for exemptions from some of the on-going testing and certification requirements. The incremental costs incurred by panel producers include the following:

- o An annual fee charged by the TPC (Data Element: A)
- o On-site quarterly audits performed by the TPC (Data Elements: B, C)
- o Desk audits performed by the TPC (Data Element: D)
- o Quarterly testing performed by the TPC (Data Elements: E, F, G, H)
- o Quality control testing (Data Elements: I, J, K, L)

**Recordkeeping (Data Element: M):** Panel producers must maintain various records including emissions testing results, product and production records, and representative copies of labels used.

See Attachment 3 for a detailed description of the assumptions used to estimate the burden and cost estimates presented in the IC# 1 table below.

<b>IC# 1. Recordkeeping and Reporting Activities for Producers</b>						
<b>Citation: 40 CFR 770</b>						
<b>Data Element</b>	<b>Respondents</b>	<b>Responses</b>	<b>Total Burden (Hours)</b>	<b>Total Labor Cost</b>	<b>Total Non-Labor Cost</b>	<b>Total Cost</b>
A. Third Party Certifier Fee	204	204	0	\$0	\$1,366,392	\$1,366,392
B. Recurring On-site Audit by TPC	204	816	3,264	\$290,496	\$409,632	\$700,128
C. On-site Audit Travel	204	204	0	\$0	\$341,700	\$341,700
D. Desk Audits	204	1,632	1,632	\$145,248	\$455,328	\$600,576
E. HWPW Quarterly Testing Fee	204	816	816	\$72,624	\$1,137,178	\$1,209,802
F. Particleboard Quarterly Testing Fee	33	132	0	\$0	\$155,654	\$155,654
G. HWPW Quarterly Testing Shipment	204	816	0	\$0	\$118,810	\$118,810
H. Particleboard Quarterly Testing Shipment	33	132	0	\$0	\$16,262	\$16,262
I. Quality Control Testing	204	10,608	15,912	\$1,416,168	\$7,308,912	\$8,725,080
J. Quality Control Testing Shipping	204	10,608	0	\$0	\$248,227	\$248,227
K. Lost HWPW Product	204	11,424	0	\$0	\$534,643	\$534,643
L. Lost Particleboard Product	33	132	0	\$0	\$3,992	\$3,992
M. Producer Recurring Recordkeeping	1,204	1,204	62,608	\$5,572,112	\$0	\$5,572,112
<b>Total</b>	<b>1,204</b>	<b>38,728</b>	<b>84,232</b>	<b>\$7,496,648</b>	<b>\$12,096,730</b>	<b>\$19,593,378</b>

## **IC #2: Fabricators and Laminators**

### Respondent NAICS Codes

- 337 Furniture and Related Product Manufacturing
- 339 Miscellaneous Manufacturing

The previously approved ICR (EPA ICR #2446.02) estimated that there were 79,978 domestic and 31,183 foreign fabricators and laminators subject to the TSCA Title VI rule, for a total of 111,161 firms. This analysis retains those estimates.

Under the TSCA Title VI rule, all fabricators and laminators are required to label their products with their name, the date the finished good was produced, and a statement of compliance. The previously approved ICR (EPA ICR #2446.02) estimated that many fabricators and laminators would not incur an incremental cost to comply with the TSCA labeling requirements because they were already complying with similar requirements in the CARB ATCM or because their existing labeling systems were sufficient to meet the rule's requirements without any significant modification. While some firms were estimated to incur a one-time burden to change their labels to comply with the rule's requirements, such firms have already incurred those one-time costs so they do not incur additional burden in the period covered by this ICR. Therefore, no incremental labeling costs are estimated in this ICR for fabricators and laminators.

Fabricators and laminators that do not import composite wood panels or component parts are only required to maintain invoices, bills of lading, or other similar documents from their suppliers that include a statement that the composite wood products or component parts are TSCA Title VI compliant or were produced before a date one year after the publication of the final rule. These documents are assumed to be kept as ordinary business records and therefore no recordkeeping burden is estimated.

Firms that import composite wood panels or component parts must be able to provide EPA with additional records identifying the panel producer, supplier, date of manufacture, and date of purchase within 30 days of request. These records are assumed to be kept as ordinary business records and therefore no recordkeeping burden is estimated.

Laminated product producers whose products are exempt from the definition of hardwood plywood will have to keep records demonstrating eligibility for the exemption once that requirement takes effect seven years after the promulgation of the final rule. Since that occurs in the next ICR cycle, there is no burden for this activity during the time period covered by this ICR.

As shown in the IC #2 table below, there is no incremental burden or cost for fabricators and laminators.

<b>IC# 2. Recordkeeping and Reporting Activities for Fabricators and Laminators</b>						
<b>Citation: 40 CFR 770</b>						
<b>Data Element</b>	<b>Respondents</b>	<b>Responses</b>	<b>Total Burden (Hours)</b>	<b>Total Labor Cost</b>	<b>Total Non-Labor Cost</b>	<b>Total Cost</b>
A. Labeling	111,161	111,161	0	0	0	0
B. Recordkeeping	111,161	111,161	0	0	0	0
<b>Total</b>	<b>111,161</b>	<b>111,161</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

### IC #3: Distributors and Importers

#### Respondent NAICS Codes

- 423 Merchant Wholesalers, Durable Goods
- 424 Merchant Wholesalers, Nondurable Goods

The previously approved ICR (EPA ICR #2446.02) estimated that there were 85,559 domestic distributors and importers and 33,249 foreign distributors subject to the TSCA Title VI rule, for a total of 118,808 firms. This analysis retains those estimates.

Distributors that do not import composite wood panels, component parts, or finished goods are only required to maintain invoices, bills of lading, or other similar documents from their suppliers that include a statement that the composite wood products, component parts, or finished goods are TSCA Title VI compliant or were produced before a date one year after the publication of the final rule. These documents are assumed to be kept as ordinary business records and therefore no recordkeeping burden is estimated.

Firms that import composite wood panels, component parts, or finished goods must be able to provide EPA with additional records identifying the panel producer, supplier, date of manufacture, and date of purchase within 30 days of request. These documents are assumed to be kept as ordinary business records and therefore no recordkeeping burden is estimated.

If a finished good (including component parts sold separately) is not individually labeled, the importer or distributor must retain a copy of the label, be able to identify the products associated with that label and make the label information available to potential customers upon request. Following the assumptions in the final rule's economic analysis, compliance is assumed to be achieved through implementing a labeling system with initial, but no recurring incremental costs.

As shown in the IC #3 table below, there is no incremental burden or cost for distributors and importers.

<b>IC# 3. Recordkeeping and Reporting Activities for Distributors and Importers</b>						
<b>Citation: 40 CFR 770</b>						
<b>Data Element</b>	<b>Respondents</b>	<b>Responses</b>	<b>Total Burden (Hours)</b>	<b>Total Labor Cost</b>	<b>Total Non-Labor Cost</b>	<b>Total Cost</b>
A. Recordkeeping	118,808	118,808	0	0	0	0
<b>Total</b>	<b>118,808</b>	<b>118,808</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## IC #4: Retailers

### Respondent NAICS Codes

Sectors 44 and 45 Retail Trade

The previously approved ICR (EPA ICR #2446.02) estimated that there were 759,046 domestic retailers subject to the TSCA Title VI rule. This analysis retains that estimate.

Retailers that do not import composite wood panels, component parts, or finished goods are only required to maintain invoices, bills of lading, or other similar documents from their suppliers that include a statement that the composite wood products, component parts, or finished goods are TSCA Title VI compliant or were produced before a date one year after the publication of the final rule. These documents are assumed to be kept as ordinary business records and therefore no recordkeeping burden is estimated.

If a finished good (including component parts sold separately) is not individually labeled, the retailer must retain a copy of the label, be able to identify the products associated with that label and make the label information available to potential customers upon request. Following the assumptions in the final rule's economic analysis, compliance is assumed to be achieved through implementing a labeling system with initial, but no recurring incremental costs.

As shown in the IC #4 table below, there is no incremental burden or cost for retailers.

<b>IC# 4. Recordkeeping and Reporting Activities for Retailers</b>						
<b>Citation: 40 CFR 770</b>						
<b>Data Element</b>	<b>Respondents</b>	<b>Responses</b>	<b>Total Burden (Hours)</b>	<b>Total Labor Cost</b>	<b>Total Non-Labor Cost</b>	<b>Total Cost</b>
Recordkeeping	759,046	759,046	0	0	0	0
<b>Total</b>	<b>759,046</b>	<b>759,046</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## IC #5: Accrediting Bodies

Based on data from the TSCA Title VI program there are currently 4 domestic and 10 foreign accrediting bodies participating in the program.

### Respondent NAICS Codes

813920 Professional organizations

### Information Collection Activities

**CDX Electronic Reporting (data elements A & B):** All accreditation bodies spent time in the first year of the TSCA Title VI program completing a CDX subscriber agreement and registering with CDX. Some accreditation bodies will repeat these activities in subsequent years due to employee turnover or compromised electronic signatures.

**Application Submission (data element C):** All accreditation bodies need to apply to EPA every three years in order to continue participating in the TSCA Title VI program.

**Notifications to EPA (data elements D & E):** Accreditation bodies are required to notify EPA if they lose signatory status with their one of their oversight organizations; if they suspend, reduce or withdraw a TPC's accreditation; or if a TPC fails to comply with its requirements;

**Notification to TPC (data element F):** Accreditation bodies are required to notify the TPCs they accredit if the AB withdraws or is removed from the TSCA Title VI program;

**Recordkeeping (data element G):** Each EPA-recognized product AB must maintain for 3 years, in electronic form, checklists and other records documenting compliance with the requirements for assessment, reassessment, and surveillance on-site assessments of EPA-recognized TPCs. Each EPA-recognized laboratory AB must maintain for 3 years, in electronic form, the checklists and other records documenting compliance with the requirements for assessment, reassessment, and surveillance on-site assessments of TPC laboratories.

**Annual Report to EPA (data element H):** EPA-recognized product ABs are required to submit an annual report to EPA on or before March 1st of each year for the AB services performed during the previous calendar year including the number and locations of assessment, reassessment, and surveillance on-site assessments performed for each EPA-recognized TPC

**Assign a Registered Agent (data element I):** Foreign ABs are required to designate an agent for service in the United States in their applications. The agent needs to be capable of accepting service of notices and processes made in administrative and judicial proceedings.

See Attachment 3 for a detailed description of the assumptions used to estimate the burden and cost estimates presented in the IC# 5 table below.

<b>IC# 5. Recordkeeping and Reporting Activities for Accrediting Bodies</b>						
<b>Citation: 40 CFR 770</b>						
<b>Data Element</b>	<b>Respondents</b>	<b>Responses</b>	<b>Total Burden (Hours)</b>	<b>Total Labor Cost</b>	<b>Total Non-Labor Cost</b>	<b>Total Cost</b>
A. CDX Registration Electronically (domestic ABs)	4	1	0.588	\$41.44		\$41.44
B. CDX Registration by Paper (foreign ABs)	10	3	1.55	\$109.85		\$109.85
C. Application Submission (all ABs)	14	5	6.7452	\$476.68		\$476.68
D. Notifications to EPA (domestic ABs)	4	28	3.3168	\$232.67		\$232.67
E. Notifications to EPA (foreign ABs)	10	74	8.892	\$623.77		\$623.77
F. Third Party Certifier Notifications (all ABs)	14	4	0.21	\$14.73		\$14.73
G. Recordkeeping (all ABs)	14	28	42	\$2,946.30		\$2,946.30
H. Annual Report to EPA (all ABs)	14	14	52.5	\$3,682.88		\$3,682.88
I. Assign registered agent (foreign ABs)	10	10	-	-	\$1,500.00	\$1,500.00
<b>Total</b>	<b>14</b>	<b>167</b>	<b>115.802</b>	<b>\$8,128.32</b>	<b>\$1,500.00</b>	<b>\$9,628.32</b>

### **IC #6: Third Party Certifiers**

Based on data from the TSCA Title VI program there are currently 11 domestic and 25 foreign third party certifiers participating in the program.

#### Respondent NAICS Codes

541380 Testing Laboratories  
541990 All other professional, scientific, and technical services  
813910 Business Associations

#### Information Collection Activities

**CDX Electronic Reporting (data elements A & B):** All TPCs spent time in the first year of the TSCA Title VI program completing a CDX subscriber agreement and registering with CDX. Some of these respondents will repeat these activities in subsequent years due to employee turnover or compromised electronic signatures.



**Notifications to manufacturers (data element C):** EPA-recognized TPCs must provide their TPC numbers to any panel producers receiving their TSCA Title VI certification services. EPA-recognized TPCs must notify their panel producer of a failed quarterly test in writing within 72 hours. Should an EPA-recognized TPC withdraw from the TSCA Title VI program or lose its accreditation, it will be required to notify all panel producers that receive its services within 72 hours.

**Recordkeeping (data element D):** EPA-recognized TPCs are required to supply the following records to EPA within 30 days of request: 1) A list of panel producers that it has certified and their respective product types, including resin systems used; 2) The results of inspections and emission tests conducted for and linked to each panel producer and product type; 3) A list of laboratories it uses, test methods, including test conditions and conditioning time and quarterly test results; 4) The methods and results for establishing test method correlations and equivalence; 5) Documentation for NAF or ULEF third-party certification exemptions or ULEF reduced testing approvals, including the name of the panel producer, facility, products approved, type of resin systems used and dates of approval; 6) Documentation of reduced testing approval for panel producers of medium-density fiberboard or particleboard, including the name of the panel producer, products approved and dates of approval; and 7) A copy of the most recent assessment, reassessment, and/or surveillance on-site assessment report provided by its EPA-recognized ABs. These records must be maintained for 3 years.

**Annual Report to EPA (data element E):** EPA-recognized product TPCs are required to submit an annual report to EPA. The report must include: 1) A list of panel producers that the certifier has certified during the previous year and their products, including resins used and the average and range of formaldehyde emissions by panel producer, resin, and product type; 2) A list of any noncomplying products or events by a panel producer; 3) A list of laboratories and test methods used by the certifier; and 4) the results of inter-laboratory comparison or proficiency testing for the laboratories used by the certifier.

**Notifications to Accrediting Bodies (data element F):** EPA-recognized TPCs must provide any changes in personnel qualifications, procedures, or laboratories used to their EPA-recognized ABs within 30 calendar days.

**Notifications to EPA (data element G):** Third party certifiers are required to provide checklists and other records documenting compliance with the requirements for systems audits and on-site assessments of third-party certifiers to EPA within 30 days of request. If a third-party certifier approves an application for reduced testing, it must notify and forward copies of the application for reduced testing to EPA within 30 days.

**Assign a Registered Agent (data element H):** Foreign TPCs are required to designate an agent for service in the United States in their applications. The agent must be capable of accepting service of notices and processes made in administrative and judicial proceedings.

See Attachment 3 for a detailed description of the assumptions used to estimate the burden and cost estimates presented in the IC# 6 table below.

<b>IC# 6. Recordkeeping and Reporting Activities for Third Party Certifiers</b>						
<b>Citation: 40 CFR 770</b>						
<b>Data Element</b>	<b>Respondents</b>	<b>Responses</b>	<b>Total Burden (Hours)</b>	<b>Total Labor Cost</b>	<b>Total Non-Labor Cost</b>	<b>Total Cost</b>
A. CDX Registration Electronically (domestic TPCs)	11	3	1.6	\$113.96	-	\$113.96
B. CDX Registration on Paper (foreign TPCs)	25	8	3.9	\$274.62	-	\$274.62
C. Notifications to manufacturers (all TPCs)	36	36	2.7	\$189.41	-	\$189.41
D. Recordkeeping (all TPCs)	36	36	324	\$22,728.60	-	\$22,728.60
E. Annual report to EPA (all TPCs)	36	36	108	\$7,576.20	-	\$7,576.20
F. Notifications to Accrediting Bodies (all TPCs)	36	54	3.2	\$227.29	-	\$227.29
G. Notifications to EPA (all TPCs)	36	36	2.2	\$151.52	-	\$151.52
H. Assign registered agent (foreign TPCs)	25	25	-	-	\$3,750.00	\$3,750.00
<b>Total</b>	<b>36</b>	<b>234</b>	<b>445.6</b>	<b>\$31,261.60</b>	<b>\$3,750.00</b>	<b>\$35,011.60</b>

## 6. ESTIMATING BURDEN AND COST OF THIS COLLECTION

This section of the ICR provides the total burden estimates, changes in the burden estimates from what is currently approved by OMB, and the paperwork burden statement. A detailed description of the information collection activities and related estimates for burden and costs associated with those activities for each respondent category is provided in section 5 of this ICR.

### 6(a) Total Estimated Respondent Burden and Costs

The estimated total number of respondents and responses, burden, and cost are shown in Exhibit 2 for each category of respondent. Some respondents would not incur an incremental burden or cost to comply with the TSCA rule because they were already complying with similar requirements in the CARB ATCM; their existing systems were sufficient to meet the rule's requirements without any significant modification; they incurred one-time costs after the rule was promulgated in 2016; or they keep the necessary records as part of ordinary business practices.

<b>Exhibit 2: IC Summary Table</b>				
<b>IC Category</b>	<b>Respondents</b>	<b>Responses</b>	<b>Burden (Hours)</b>	<b>Cost</b>
IC 1: Producers	1,204	38,728	84,232	\$19,593,378
IC 2: Fabricators and Laminators	111,161	111,161	0	0
IC 3: Distributors and Importers	118,808	118,808	0	0
IC 4: Retailers	759,046	759,046	0	0
IC 5: Accrediting Bodies	14	167	116	\$9,628
IC 6: Third Party Certifiers	36	234	446	\$35,012
<b>Total</b>	<b>990,269</b>	<b>1,028,144</b>	<b>84,793</b>	<b>\$19,638,018</b>

## 6(b) Changes in the Estimates

There is an overall decrease of 1,396,732 hours in the total estimated combined respondent burden that is currently approved by OMB in the ICR for this program (EPA ICR #2446.02). The difference between the current burden request and the previously approved request are due to adjustments in EPA's estimates of the burden. Several adjustments to the estimates were made, including:

- Revisions to the estimated burden reflecting activities that only had one-time burdens associated with the initial implementation of the rule; and
- Revisions to the estimated number of respondents based on the actual number of participants in the TSCA Title VI program.

## 6(c) PRA Burden Statement

The total annual respondent burden for this collection of information (identified under EPA ICR No. 2446.03, and OMB Control No. 2070-0185) is estimated to be 84,793 hours, which includes an annual burden of 84,232 hours for producers (IC 1), 116 hours for accrediting bodies (IC 5), and 446 hours for third party certifiers (IC 6).

Burden is defined at [5 CFR 1320.3\(b\)](#), and the activities associated with this collection of information are described in more detail in the information collection request (ICR). Under the PRA, the 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 regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

EPA has established a docket for this ICR that is available for online viewing at <http://www.regulations.gov>. See section 1(b) in this ICR for information about the docket.

You may submit comments regarding 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. Submit your comments, referencing the EPA Docket ID No. EPA-HQ-OPPT-2019-0456 and OMB Control No. 2070-0195, to both EPA and OMB as follows:

- (1) For EPA, submit online using <http://www.regulations.gov>, and
- (2) For OMB, submit via email to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov), addressed to "OMB Desk Officer for EPA."

## 7. ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the docket established for this ICR under docket identification number EPA-HQ-OPPT-2019-0456. These attachments are available for online viewing at <http://www.regulations.gov>, or are otherwise accessed as described in the following listing.

- Attachment 1:** Toxic Substances Control Act (TSCA) Title VI, 15 U.S.C. 26097
- Attachment 2:** 40 CFR 770
- Attachment 3:** Documentation of Labor Burden and Cost Assumptions and Estimates