

**SUPPORTING STATEMENT FOR  
AN INFORMATION COLLECTION REQUEST (ICR)  
Under the Paperwork Reduction Act (PRA)**

**1. IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title and Number of the Information Collection**

**Notification of Chemical Exports - TSCA Section 12(b)**

**OMB Control No.: 2070-0030**

**EPA ICR No.: 0795.16**

**Docket ID No.: EPA-HQ-OPPT-2015-0435**

**1(b) Short Characterization**

Section 12(b) of the Toxic Substances Control Act (TSCA) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of information is required under TSCA section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under TSCA section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of the notice and of EPA's regulatory action with respect to the substance.

In several regulations implementing section 12(b), EPA described the notification requirements applicable to persons exporting chemicals, including frequency of notification, covered chemicals, and content of the notification. (45 FR 82844, December 16, 1980; 58 FR 40242, July 27, 1993; 71 FR 66234, Nov. 14, 2006). These rules are codified at 40 CFR Part 707, Subpart D.

This information request is therefore considered mandatory when TSCA section 12(b) export notification requirements are prompted. The export notice must include five easily ascertainable items: the name and address of the exporter, the name of the chemical, the country of import, the date of export or intended export, and the section of TSCA under which EPA has taken action (section 4, 5, 6 or 7). There are currently over 1,000 substances or categories of substances that have been regulated or proposed to be regulated under the applicable sections of TSCA.

In an effort to reduce the information collection burden for TSCA section 12(b) export notification, EPA's Office of Pollution Prevention and Toxics (OPPT) makes available to the public on its website a list of chemical substances subject to TSCA section 12(b) export notification requirements (see "Chemicals Subject to TSCA Section 12(b) Export Notification Requirements" at: <http://www.epa.gov/tsca-import-export-requirements>). In addition, OPPT also makes available a comprehensive listing of the "sunset" dates for chemicals subject to TSCA section 4 actions (i.e., the dates on which the TSCA section 4 testing, reimbursement, and reporting requirements and/or TSCA section 4-triggered TSCA section 12(b) export notification requirements have terminated ("sunset") or have been calculated to sunset) (see "Sunset Dates of Chemicals Subject to Final TSCA Section 4 and Related 12(b) Actions" at: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/sunset-dates-chemicals-subject-final-tsca-section-4-test>). Also, to improve chemical safety and provide more streamlined access to information on chemicals, EPA continues to expand its internet accessible database, [ChemView](#), which greatly improves access to health and safety data on chemicals regulated

under TSCA. Among other things, ChemView includes the list of chemicals subject to TSCA section 12(b) export notification requirements. The 12(b) list in ChemView is routinely updated as new actions require additions to the list and as chemicals are removed from the list when the regulatory action that triggered the section 12(b) requirement expires (sunsets).

EPA believes that the 12(b) list and sunset table serve as useful tools to assist industry in complying with TSCA and have resulted in an overall reduction of the information collection burden.

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

TSCA section 12(b) requires exporters to submit a notice to EPA for each country to which a chemical subject to TSCA section 12(b) requirements is exported. Specifically, TSCA section 12(b) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which submission of information is required under TSCA section 4 or 5(b), or for which a rule, action or order has been proposed or promulgated under TSCA section 5, 6, or 7, shall notify the EPA Administrator of such export or intent to export. The Administrator in turn will notify the government of the importing country of the notice and of EPA's regulatory action with respect to the substance. See Attachment 1 for exact language of TSCA section 12(b), 15 U.S.C. 2611(b).

Regulations implementing the statutory mandate in TSCA section 12(b) appear in 40 CFR Part 707, Subpart D, and include the following additional provisions:

- (a) No notice of export will be required for articles, except polychlorinated biphenyl (PCB) articles, unless the Agency so requires in the context of individual TSCA section 5, 6, or 7 actions.
- (b) Any person who exports or intends to export PCBs or PCB articles, for any purpose other than disposal, shall notify EPA of such intent or exportation under TSCA section 12(b). PCBs and PCB articles are defined at 40 CFR 761.3.
- (c) Any person who would be prohibited by a TSCA section 5 or 6 regulation from exporting a chemical substance or mixture, but who is granted an exemption by EPA to export that chemical substance or mixture, shall notify EPA under TSCA section 12(b) of such intent to export or exportation.
- (d) An exporter will be subject to possible enforcement action (including penalties) for not complying with the applicable provisions of TSCA section 12(b).

The full text of 40 CFR part 707 is provided in Attachment 2.

### **2(b) Use/Users of the Data**

As required by TSCA section 12(b), the Administrator will use the information collected under this ICR to furnish the required notice to the government of the importing country. The importing country typically uses the information provided to ensure that chemicals imported into their country comply with their applicable laws and regulations.

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

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

The exporter submits one notice to EPA. There is no duplication of this mandate or collection activity, and there are no viable alternate sources for the Agency to obtain the information necessary to satisfy the statutory mandate.

The Agency carefully considered alternatives to imposing a notification requirement on the chemical exporters, but no viable alternate sources were identified that would accomplish what the statute requires or provide the required information as specified in the statute. Prior to promulgating the TSCA section 12(b) rule, EPA considered the possibility of using export data gathered by the U.S. Census Bureau in lieu of imposing notification requirements in a TSCA section 12(b) rule. However, several problems with the Census export data continue to make such an approach impractical. These problems include, among others, the fact that Census data are often not chemical-specific; Census exempts certain shipments and exporters that are not exempt from TSCA section 12(b) notifications; and Census data would not be available for up to eight weeks following export, a delay that would prevent EPA from providing an importing government the timely notice required by TSCA section 12(b).

In addition, the Agency's activities are not duplicative of any other agency's actions. Importing countries do not receive such notifications from any other sources.

### **3(b) Public Notice Required Prior to ICR Submission to the Office of Management and Budget (OMB)**

EPA received one comment in response to the previously provided 60-day public review opportunity (85 FR 14478, March 12, 2020) (FRL-10004-99), and has addressed that comment in this ICR. The comments received are provided as Attachment 3 and are available in the docket. EPA's responses to those comments are provided in Attachment 4. With this submission, EPA is providing an additional 30-days for public review.

### **3(c) Consultations**

1Additionally, under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an ICR to OMB for review and approval. In accordance with this regulation, EPA submitted questions to several interested parties via e-mail (See Attachment 5). The individuals contacted were:

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EPA received one response to its solicitation for consultations from Derek Swick (API), consisting of a copy of the comments provided in response to the public solicitation for comment mentioned previously. A copy of EPA's consultation e-mail to the above potential respondents and the response received are in Attachment 5 and are available in the docket. The comment is in Attachment 3 and the EPA responses are in Attachment 4.

### **3(d) Effects of Less Frequent Collection**

In 1993 and 2006, EPA amended the regulations to reduce the notification requirement for exporters of chemicals subject to certain actions under TSCA sections 4 and 5 from an annual notification to a one-time notification for the first export to a particular country. (58 FR 40242, July 27, 1993; 71 FR 66324, Nov. 14, 2006.) If the collection of information was conducted less frequently, the TSCA section 12(b) statutory and regulatory requirements would not be met.

### **3(e) General Guidelines**

This information collection is necessary to implement statutory requirements of export notification pursuant to section 12(b) of TSCA and is consistent with the requirements of 5 CFR 1320.6.

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

The exporter may claim all or part of a TSCA section 12(b) export notice confidential. The Frank R. Lautenberg Chemical Safety for the 21st Century Act amended section 14 of TSCA and requires the exporter to substantiate and certify claims of confidentiality unless the information claimed confidential is exempt from the substantiation requirements under TSCA section 14(c). A sample TSCA section 12(b) substantiation template is available at <https://www.epa.gov/tsca-cbi/what-include-cbi-substantiations#substantiationtemplates>.

EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA and 40 CFR part 2. Information submitted under specific reporting requirements of TSCA, or in support of TSCA, is subject to the provisions of section 14 of TSCA and to EPA's Regulations on the Confidentiality of Business Information (see 40 CFR part 2). Failure to follow these procedures fully at the time of document submission to EPA is interpreted by the Agency as a waiver of confidentiality claims. Submitters may claim confidentiality for proprietary information. However, notwithstanding any claim of confidentiality, the foreign government of the importing country will be notified of the export of the substance(s) in question.

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

This section is not applicable. The information requested is not sensitive in nature.

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

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

The activities routinely conducted by EPA related to the receipt and processing of TSCA section 12(b) export notices include the following:

- o Log in notices for tracking/reporting;
- o Review export notices for compliance;
- o Prepare letters with supporting documents to foreign governments;
- o Respond to follow-up inquiries from industry and foreign governments; and
- o Consult with companies on complying with the TSCA section 12(b) rule.

##### **4(b) Collection Methodology and Management**

The collection methodology is event-based, i.e., the exporter's decision to export a chemical subject to TSCA section 12(b). With the exception of TSCA section 4 chemicals, and certain TSCA section 5 chemicals, an exporter must submit, on an annual basis, one TSCA section 12(b) notice for each country to which a chemical subject to TSCA section 12(b) is exported. For TSCA section 4 chemicals, and certain TSCA section 5 chemicals, an exporter must only submit a TSCA section 12(b) notice for the first export or intended export to a particular country. The TSCA section 12(b) notice may be submitted to EPA within seven days after the exporter accepts a definite contractual obligation or no later than the date of export.

TSCA section 12(b) export notifications are received by EPA's Information Management Division (IMD) in OPPT. IMD notifies appropriate foreign governments of the export of the specific TSCA-regulated chemicals to their country in accordance with the requirement in TSCA section 12(b) and the regulations at 40 CFR part 707, Subpart D.

This ICR renewal introduces EPA's optional electronic information reporting system designed to be a user-friendly interface for parties engaged in reporting under TSCA section 12(b). The modernization of the TSCA section 12(b) export notification process enables electronic reporting for TSCA section 12(b) for both incoming and outgoing information, which greatly reduces the burden on industry to submit the paper section 12(b) notifications and on OPPT in the processing of paper submissions.

Currently section 12(b) export notifications can only be submitted to the Agency in hardcopy, by mail or in person, requiring the Agency to manually scan and process submissions. The modernization of the section 12(b) export notification process will allow the option for users to prepare and submit their notifications to the Agency electronically using a web-based application. To file electronically, submitters must use the EPA provided application. To access the application, users must register with EPA's Central Data Exchange (CDX). CDX is the Agency's portal for submitting information to EPA in a secure manner. When registering, a user will need to ensure they are registering for the Chemical Safety and Pesticide Programs (CSPP) data flow which will provide them access to the Chemical Information Submission System (CISS) where the TSCA section 12(b) can be accessed. (Note: Users who have previously registered with CDX are able to add "Submission for Chemical Safety and Pesticide Program (CSPP)" to their current registration.) This reporting tool is compatible with

Windows, Mac, Linux, and UNIX based computers, and uses "Extensible Markup Language" (XML) specifications for efficient data transmission across the Internet.

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. EPA's Cross-Media Electronic Reporting Regulation (CROMERR) (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 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 following is a brief overview of the Agency's handling and tracking process for these notices:

- 1) All electronic filings are to be received via the Internet through EPA's CDX, the Agency's electronic reporting site, and routed to IMD. All incoming notices through the U.S. Mail are received in OPPT's Confidential Business Information Center (CBIC), which is managed by OPPT's IMD.
- 2) The CBIC enters all hardcopy section 12(b) export notices, both CBI and non-CBI records, by scanning the submission and entering the information into a database, which then generates the notification letter to the receiving country and relevant explanatory materials (e.g., **Federal Register** notice of the applicable TSCA action). Electronic notices received through CDX will be captured within the same database and processed in a similar fashion. For all submission packages, IMD sends the export notification and explanatory information to the embassy/foreign authority of the country to which the subject chemical is being exported with appropriate safeguards for confidential business information.
- 3) If the receiving country requests further information, IMD obtains and/or generates the needed information, and sends the package back to the requesting country's embassy or authority.

#### **4(c) Small Entity Flexibility**

TSCA section 12(b) does not exempt small businesses. However, most reporting has been by large companies which do most of the exporting. The burden on any exporter is relatively minimal, estimated at 14.82 hours per firm, yielding an associated cost of \$1,162.61 per firm (assuming 24 notices per firm).

#### **4(d) Collection Schedule**

In general, there are basically two collection schedules related to the TSCA section 12(b) export notification requirements, i.e., a one-time collection and an annual collection. On an annual basis, excluding TSCA section 4 chemicals, and certain TSCA section 5 chemicals, an exporter must submit only one TSCA section 12(b) notice for each country to which a chemical subject to TSCA section 12(b) is exported. For TSCA section 4 chemicals, and certain TSCA section 5 chemicals, an exporter must only submit one TSCA section 12(b) notice for the first export or intended export of a subject chemical to a particular country.

If the collection of information was conducted less frequently, the statutory requirements would not be met.

## **5. THE RESPONDENTS AND THE INFORMATION REQUESTED**

## **5(a) Respondents/NAICS Codes**

Respondents to this collection are exporters of chemical substances, which are mostly chemical companies classified under NAICS Codes 325 and 324.

## **5(b) Information Requested**

### **(i) Data Items**

Exporters are required to include the following information in their export notification:

- the name and address of the exporter;
- the name of the chemical;
- the country of import;
- the date of export or intended export; and
- the TSCA section 4, 5, 6 or 7 action that triggers the notice.

### **(ii) Respondent Activities**

In providing the required TSCA section 12(b) export notification, the respondent (exporter) is likely to engage in the following activities:

- Compile and maintain a list of chemical products manufactured by the company that are also subject to a TSCA section 4, 5, 6 or 7 action (e.g., compare the list of their chemicals to be exported with EPA's list of TSCA section 12(b) chemicals subject to export notification);
- Check this list against outgoing orders to determine if a product/chemical on the list is expected to be exported to a customer outside of the U.S.;
- If it is, identify whether a TSCA section 12(b) notice is required (e.g., is it the first shipment to that country this year?); and
- If product/chemical is on the list and a TSCA section 12(b) notice is required, complete the required export notice and forward it to EPA by U.S. Mail or EPA's CDX system within the required time period.

## **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

The purpose of this analysis is to determine the incremental cost to industry and to the EPA associated with export reports that are submitted to the Agency under the TSCA section 12(b) reporting requirements.

### **6(a) Estimating the Respondent Burden**

The burden to exporters of this information collection activity comprises the time required to perform the steps outlined in section 3 of this document.

For the purpose of this section, a notice is a package received by the EPA by one firm. In the near future, EPA will be implementing voluntary e-reporting for submission of notices. A firm may submit more than one notice per year. Each notice may contain several chemicals and/or countries. A notice subsequently becomes a letter of notification that EPA issues to a foreign government.

Ever since a change in reporting requirements published on November 14, 2006, there is a one-time notification requirement for exporters of chemicals. In addition, the change required the Agency to notify foreign governments once after it receives the first export notification from an exporter. The shift



to one-time-only export notification in the amendments affected almost all notifications received under TSCA section 5 (EPAB, 2006). Note that EPA also promulgated *de minimis* concentration levels below which notification will not be required for the export of any chemical for which export notification under TSCA section 12(b) is otherwise required.

For the purposes of this ICR, based on best available information, and given no known factors to change industry burden and cost, EPA assumes that the level of reporting will be consistent with that of the last ICR period. Table 1 presents the level of reporting over the last ICR period. Based on the reporting over the last ICR period, EPA estimates that 198 firms will respond per year. As firms are given the opportunity to voluntarily submit reports electronically rather than by paper, burden estimates are based on the expectation that 63% of reports will be submitted electronically. This expectation is based on the trend witnessed for TSCA section 8(e) electronic submissions in which firms can volunteer to submit by paper or electronically. Table 2 presents the unit burden by activity for paper-based reporting and e-reporting. The activities involved and calculation details are listed below. EPA estimates the total annual burden at 2,934 hours.

Compile List. Since this information collection activity has been in place for 20 years, most exporters will have already developed a list of their products subject to TSCA section 12(b) reporting. Exporters need only check for new regulations promulgated and any new products exported by the firm. EPA estimates that exporters will carry out this activity only once per year. Updating the list is estimated to take an average of one hour of technical time (which may also include some proportion of legal time). This could vary depending on the number of products from two hours per year up to two hours per month of technical time (which may also include some proportion of legal time). This will vary depending on the number of products exported by the firm and the number of their products subject to TSCA section 12(b). EPA estimates unit burden for compiling the list estimated at an average of 9.3 hours of technical time per firm per year.

Write or Revise Letter. Firms that export chemicals subject to TSCA section 12(b) reporting must prepare an export notice to send to EPA. EPA estimates that exporters will carry out this activity once per year. EPA expects that the time needed for initial preparation of the export notice probably varies depending on whether the firm has prior experience with this program, but this step is estimated to take an average of one hour of technical time (which may also include some proportion of legal time) per year for each firm subject to TSCA section 12(b) reporting.

CBI Substantiation. Firms are required to provide CBI substantiation for any claims of data confidentiality. When estimating this burden, EPA accounts for the burden associated with the substantiation of ChemID and non-ChemID claims. CBI substantiation for ChemID elements involves providing answers to questions concerning reasons that CBI status of chemical substance is to be maintained. CBI substantiation for ChemID claim is estimated to take 1.15 hours per report, including both technical and managerial time (EPA, 2017; EPA, 2019). A firm will claim CBI for ChemID elements when submitting a chemical that is not included in the 12(b) list. Approximately one percent of submissions include chemicals that are not listed, and as a result, include ChemID claims. Therefore, when estimating the burden per firm associated with ChemID claims, the burden of 1.15 hours is scaled by one percent. Firms are required to provide CBI substantiation for non-ChemID data elements, which is estimated to take 0.96 hours per report, including both technical and managerial time (EPA, 2017). Based on the previous ICR period, approximately eight percent of submissions claimed CBI for non-ChemID elements. Therefore, when estimating the burden per firm associated with non-ChemID claims, the burden of 0.96 hours is scaled by eight percent. Taking into account the expectation that each firm

will submit 24 reports per year, the total burden associated with CBI substantiation is estimated to be 2.11 hours per year per firm.

Check Orders and Send Notices. The firms that export chemicals subject to TSCA section 12(b) reporting must check outgoing shipments against the list of their products described above. A form letter notifying EPA is either printed out or electronically prepared detailing where the shipment is going for a TSCA section 12(b) chemical if it is the first shipment of the year to the importing country. This process is estimated to take an estimated zero hours for the 63% of submissions received electronically, as opposed to the 6.5 hours of clerical time per firm for the remaining 37% of submissions by paper.<sup>1</sup> EPA estimates each firm will submit approximately 24 reports per year. Therefore, the Agency expects to receive a total of 4,743 notices per year.

**TABLE 1: REPORTING IN PREVIOUS ICR PERIOD BY YEAR**

Year	Number of Firms	Reports	Report per Firm	Number of Reports Claiming CBI	Percent of Reports Claiming CBI
2016	212	4,767	22.49	452	9.5%
2017	195	5,601	28.72	506	9.0%
2018	187	3,862	20.65	201	5.2%
<b>Average</b>	<b>198</b>	<b>4,743</b>	<b>23.95</b>	<b>386</b>	<b>7.9%</b>

**TABLE 2: UNIT BURDEN PER ACTIVITY**

Activity	Paper-based Reporting (hours)			E-reporting (hours)		
	Technical	Managerial	Clerical	Technical	Managerial	Clerical
Compile list	9.3	0	0	9.3	0	0
Write letter	1	0	0	1	0	0
Check order and send notice	0	0	6.5	0	0	0

Table 2 provides the estimated unit burden per activity for paper-based reporting and e-reporting. Firms are required to provide CBI substantiation for any claims of data confidentiality. The burden associated with CBI substantiation is comprised of the time required to substantiate ChemID and non-ChemID claims. This estimate takes into account the expectation that each firm will submit 24 reports per year. It also accounts for the expectation that approximately one percent of reports will include ChemID claims and approximately eight percent of reports submitted will include non-ChemID claims. Therefore, the annual burden per firm associated with CBI substantiation is estimated by:

$$CBI\ Substantiation\ Burden = 24 \times \left[ \left( \frac{\text{Number of Reports}}{24} \times \frac{\text{ChemID Element}}{1.15} \right) + \left( \frac{\text{Non-ChemID Element}}{0.96} \right) \right] = 2.11\ \text{hours. (per firm)}$$

Given a 63 percent e-reporting rate, the annual burden per firm is estimated by:

<sup>1</sup> In accord with methodology for e-reporting the activities outside of electronic reporting are considered to be absorbed in the efficiencies of e-reporting overall.

$$\text{Annual burden} = 9.3 + 1 + \left[ 0.37(6.5) + 0.63(0) \right] + 2.11 = 14.82 \text{ hours.}$$

Therefore, the annual aggregate burden across all 198 firms is estimated by:

$$\text{Annual Aggregate Burden} = 198 \times 14.82 = 2,934 \text{ hours.}$$

The annual burden per firm is estimated to be 14.82 hours and the annual aggregate burden is estimated to be approximately 2,934 hours.

### 6(b) Estimating the Respondent Cost

The costs to exporters are based on the time needed to complete the tasks listed in section 3 (hours estimated in section 6(a)), the hourly cost of labor at appropriate levels (labor rates), the number of firms affected, and/or the number of notices generated. There are also costs for mailing. There are no specific capital or overhead costs associated directly with this information collection activity. Respondent costs include labor and non-labor costs. Loaded labor rates, including fringe costs, are provided in Table 3. For non-labor (mailing) costs, the postal rate total \$15.85 per notice sent to EPA (U.S. domestic mail rate USPS 2018):

- \$12.60 for registered mail
- \$2.75 for a return receipt
- \$0.50 postage

EPA estimates annual cost for paper-based and e-reporting in Tables 4 and 5, respectively. Based on an expected e-reporting rate of 63 percent, the annual aggregate cost estimated to be approximately \$230,198.

**TABLE 3: INDUSTRY WAGE RATES (2018\$)**

Labor Category	Data Series <sup>1</sup>	Date	Wage	Fringe Benefit	Fringes as % Wage	Over-head % wage <sup>2</sup>	Fringe + Overhead Factor <sup>3</sup>	Hourly Loaded Wages <sup>4</sup>
			(a)	(b)	(c) =(b)/(a)	(d)	(e)=(c)+(d) +1	(f)=(a)×(e)
Managerial	BLS ECEC, Private Manufacturing industries, "Mgt, Business, and Financial"	Dec-18	\$48.73	\$23.08	47%	17%	1.64	\$80.09
Professional / Technical	BLS ECEC, Private Manufacturing industries, "Professional and related"	Dec-18	\$44.35	\$24.43	55%	17%	1.72	\$75.32
Clerical	BLS ECEC, Private Manufacturing industries, "Office and Administrative Support"	Dec-18	\$20.77	\$10.20	49%	17%	1.66	\$34.50

<sup>1</sup> Source: *Employer Costs for Employee Compensation Supplementary Tables: December 2006 – March 2019* (U.S. BLS, 2019).

<sup>2</sup> An overhead rate of 17% is used based on assumptions in *Wage Rates for Economic Analysis of the Toxics Release Inventory Program* (Rice, 2002), and the *Revised Economic Analysis for the Amended Inventory Update Rule: Final Report* (U.S. EPA, 2002).

<sup>3</sup> The inflation factor of "1" in the formula for calculating the fringe + overhead factor means wage data are not escalated to reflect inflation

<sup>4</sup> Wage data are rounded to the closest cent in this analysis.

**TABLE 4: ANNUAL COST PER FIRM FOR PAPER-BASED REPORTING (2018\$)**

Activity	Number of Hours per Firm	Percentage of Submissions	Cost
Compile list	9.3 (technical)	100%	\$700.48
Write letter	1 (technical)	100%	\$75.32
Check order and send notice (paper-based reporting)	6.5 (clerical)	100%	\$224.25 + Mailing cost <sup>1</sup> = \$380.40
CBI Substantiation (ChemID) <sup>2</sup>	18.5 (technical) + 9.1(managerial)	1%	\$21.22
CBI Substantiation (non-ChemID) <sup>3</sup>	15.4 (technical) + 7.7 (managerial)	8%	\$141.76
<b>Total Annual Cost Per firm</b>			<b>\$1543.43</b>

Values may not sum due to rounding.

<sup>1</sup>Mailing cost is estimated based on an average of 24 notices per firm and a postal rate per service of \$15.85.

<sup>2</sup>The estimated burden associated with CBI substantiation for ChemID claims consists of 0.77 hours of technical time and 0.38 hours of managerial time. Burden estimates are based on the expectation that each firm will submit 24 reports per year and that 1% of reports will claim CBI for a ChemID element.

<sup>3</sup>The estimated burden associated with CBI substantiation for non-ChemID claims consists of 0.64 hours of technical time and 0.32 hours of managerial time. Burden estimates are based on the expectation that each firm will submit 24 reports per year and that 8% of reports will claim CBI for non-ChemID elements.

**TABLE 5: ANNUAL COST PER FIRM FOR E-REPORTING (2018\$)**

Activity	Number of Hours	Percentage of Submissions	Cost
Compile list	9.3 (technical)	100%	\$700.48
Write letter	1 (technical)	100%	\$75.32
Check order and send notice (e-reporting)	0	100%	\$0
CBI Substantiation (ChemID) <sup>1</sup>	18.5 (technical) + 9.1(managerial)	1%	\$21.22
CBI Substantiation (non-ChemID) <sup>2</sup>	15.4 (technical) + 7.7(managerial)	8%	\$141.76
<b>Total Annual Cost Per firm</b>			<b>\$938.96</b>

Values may not sum due to rounding.

<sup>1</sup>The estimated burden associated with CBI substantiation for ChemID claims consists of 0.77 hours of technical time and 0.38 hours of managerial time. Burden estimates are based on the expectation that each firm will submit 24 reports per year and that 1% of reports will claim CBI for a ChemID element.

<sup>2</sup>The estimated burden associated with CBI substantiation for non-ChemID claims consists of 0.64 hours of technical time and 0.32 hours of managerial time. Burden estimates are based on the expectation that each firm will submit 24 reports per year and that 8% of reports will claim CBI for non-ChemID elements

Given a 63 percent e-reporting rate, the annual cost per firm is estimated by:

<b>Paper-based Submissions</b>	<b>Electronic Submissions</b>
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$$\text{Annual Cost} = [0.37(\$1,543.43) + 0.63(\$938.96)] = \$1,162.61.$$

Therefore, the annual aggregate cost across all 198 firms is estimated by:

$$\text{Annual Aggregate Cost} = 198 \times \$1,162.61 = \$230,198.$$

### 6(c) Estimating Agency Burden and Cost

Agency unit costs are based on past TSCA section 12(b) analyses, including the previous ICR, and on contacts with the OPPT’s Environmental Assistance Division (EAD), which administered the 12(b) export notification process before IMD. EPA’s cost estimates are based on past experience with these activities. The Agency cost can be divided into four parts: (1) receiving and processing incoming notices, (2) preparing and mailing notifications to importing countries, (3) responding to requests for information and clarification from firms and importing countries, and (4) reviewing CBI claim substantiation. The allocation of burden hours and costs among these four parts is not exact, but the analysis below is reasonably accurate in terms of the overall burden estimate and the approximate allocation of that burden among these tasks. EPA presents activity descriptions followed by a summary of Agency costs in Table 8. The total annual Agency cost estimated at \$74,195.

**TABLE 6: AGENCY WAGE RATE (2018\$)**

Labor Category	Data Source for Wage Information	Wage (\$/hour)	Fringe Benefit	Fringes as % wage	Overhead as % wage	Fringe + Overhead Factor	Loaded Wage (\$/hr)
		(a)	(b)	(c) = (b) / (a)	(d)	(e) = (c) + (d) + 1	(f) = (a) * (e)
EPA staff	Annual federal staff cost: OPM Washington-Baltimore-Northern Virginia, DC-MD-PA-VA-WV area, GS-13 Step 5 pay rates <sup>1</sup>	\$53.85	Included in 60% overhead	N/A	60% <sup>2</sup>	1.6	\$86.16

<sup>1</sup> Source: U.S. Office of Personnel Management. (2019). Salary Table 2019-DCB. Retrieved June 20, 2019 from Pay & Leave: Salaries & Wages: [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/DCB_h.aspx).

<sup>2</sup>The 60 percent fringes-and-overhead rate is from an EPA guide, *Instructions for Preparing ICRs* (U.S. EPA, 2009).

**Task 1: Receiving and processing incoming notices.** In the first task, notices are received from firms that intend to export a product covered by this rule, the forms are checked for completeness, and the submissions are logged into a document control system. Based on conversations with the workers responsible for this task, about 100 notices can be processed per hour. EPA projects that an average of 4,743 notices (as estimated in section 6(a)) will be received per year over the period covered by this ICR, requiring 47.43 hours of support per year.

**Task 2: Preparing and mailing notifications to importing countries.** In the second task, workers prepare letters of notification which are subsequently reviewed and sent out to importing countries. Not all notifications submitted require that a notice be sent out. This work averages approximately 30 minutes per notice. Based on updated information, EPA estimates an average of 91 notification letters mailed each year. This yields a burden of 45.5 hours per year.

**Task 3: Responding to requests for information and clarification from firms and importing countries.** The burden described above covers the routine tasks of handling both incoming notices and outgoing notifications. The totals above also include a certain amount of time spent responding to

routine requests for information, since data are not available to separate this out from the other tasks. Based on updated information, the work of responding to non-routine requests for information and clarification from industry and importing countries, and handling other tasks associated with the TSCA section 12(b) program can be expected to require about 560 hours per year.

**Task 4: Review of CBI Claim Substantiation.** In the fourth task, any submissions that claim CBI must be reviewed. Electronic submissions are completed by filling out a form. Review of the form for a non-ChemID claim requires 0.25 hours per report. Paper submissions are sent to the Agency as a letter. As submission via letter can contain additional information that must be reviewed, the review of a paper-based submission with a non-ChemID claim requires 0.75 hours per report. It is expected to take 1.25 hours per report to review CBI claim substantiation that includes a ChemID claim. The estimated Agency burden to review CBI claim substantiation takes into account the expectation that each firm will submit 24 reports per year and that approximately one percent of submissions will include ChemID claims and approximately eight percent of reports submitted will include non-ChemID claims.

**TABLE 7: AGENCY CBI SUBSTANTIATION REVIEW BURDEN PER REPORT**

Type of Claim	Agency Burden per Report	
	Paper-based Reporting (hours)	E-reporting (hours)
ChemID	1.25	1.25
Non-ChemID	0.75	0.25

Table 7 displays the Agency burden associated with reviewing ChemID and non-ChemID claims in both the paper-based and reporting cases, which are used to calculate the average burden per report. The Agency burden associated with reviewing CBI claim substantiation for a paper-based report is estimated by:

$$\text{Review of CBI Substantiation Burden} = (0.01 \times 1.25) + (0.08 \times 0.75) = 0.07 \text{ hours. (per paper-based report)}$$

The Agency burden associated with reviewing CBI claim substantiation for an electronically submitted report is estimated by:

$$\text{Review of CBI Substantiation Burden} = (0.01 \times 1.25) + (0.08 \times 0.25) = 0.03 \text{ hours. (per electronically submitted report)}$$

Therefore, given an expected e-reporting rate of 63 percent, the average Agency burden per report associated with reviewing CBI claim substantiation is estimated by:

$$\text{Review of CBI Substantiation Burden} = 0.37(0.07) + 0.63(0.03) = 0.04 \text{ hours. (per report)}$$

**TABLE 8: AGENCY ACTIVITIES, ANNUAL BURDEN AND COST (2018\$)**

Agency Activity	Unit Burden	Count	Burden Hours	Cost	
				Labor	Non-labor
Receiving and Processing Incoming Notices	0.01 hour per notice processing rate	4,743	47.43	\$4,087	-
Mailing Notifications to Importing Countries	0.50 hour per letter mailed	91	45.5	\$3,920	-
	\$17.50 Mailing cost per notification <sup>1</sup>	91	N/A	-	\$1,593
Responding to Requests for Information and Clarification from Firms	N/A	560 hours of staff time per year	560.0	\$48,250	-
Review of CBI Claim Substantiation	0.04 hour per notice reviewing rate	4,743	190	\$16,346	-
<b>Total Burden and Cost</b>			<b>843 hours</b>	<b>\$74,195</b>	

Values may not sum due to rounding.

<sup>1</sup>Mailing cost estimate includes: \$14.20 (average of \$12.40 and \$16.00) for registered mail, \$2.75 for a return receipt and \$0.55 for postage (U.S. Postal Service (2018)).

## Bottom Line Burden Hours and Cost Tables

### Respondent Burden and Costs

Total number of respondents = 198

Total number of responses = 4,743

Total respondent annual burden = 2,934 hours

Total respondent annual costs = \$230,198 includes \$13,793.30 in non-labor costs

### Agency Burden and Costs

Agency burden = 843 hours

Agency annual cost = \$74,195

## 6(d) Reasons for Change in Burden

This ICR renewal's estimate reflects a decrease of 1,098 hours from 4,032 to 2,934 hours. This is a net change with a large decrease in burden due to voluntary e-reporting and a small increase in burden due to a greater number of submissions (decrease in number of firms responding, but increase in number of reports per firm), CBI substantiation, and an administrative adjustment (+7 hours). Based on 63 percent of exporters reporting electronically, there is a decrease in burden of approximately 811 hours relative to the case in which all submissions were paper-based.

## 6(e) Burden Statement

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0030, is estimated to have a per-response burden of 0.62 hours per notice, and an average per-respondent burden of 14.82 hours per firm (at 24 notices per firm).

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, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OPPT-2015-0435, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OPPT-2015-0435 and OMB Control Number 2070-0030 in any correspondence.



## References

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## **ATTACHMENTS TO THE SUPPORTING STATEMENT**

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number **EPA-HQ-OPPT-2015-0435**. These attachments are available for online viewing at [www.regulations.gov](http://www.regulations.gov).

- Attachment 1: Toxic Substances Control Act, Section 12(b) (15 U.S.C. 2611(b)).** Also available at online at <http://uscode.house.gov/view.xhtml?path=/prelim@title15/chapter53&edition=prelim>.
- Attachment 2: Chemical Imports and Exports (40 CFR 707, Subpart D).** Also available through the EPA website at <http://www.epa.gov/oppt/import-export/pubs/sec12.html>.
- Attachment 3: Public Comment**
- Attachment 4: EPA Response to Public Comment**
- Attachment 5: PRA Consultation Documentation**
- Attachment 6: Electronic Reporting Guide - Initial Draft of OPPT Section 12(b) Export Notification Application User Guide – Primary Authorized Official**