

ICR SUPPORTING STATEMENT

1. Identification of the Information Collection

1 (a) Title: Use of Lead Free Pipes, Fittings, Fixtures, Solder, and Flux for Drinking Water
OMB NO. 2040-NEW
EPA ICR NO. 2563.02

1 (b) Short Characterization/Abstract

The Reduction of Lead in Drinking Water Act of 2011 (RLDWA, the Act) modified the technical definition of “lead free” by lowering the maximum lead content of pipes, fittings, and fixtures from 8% to 0.25% and introduced greater complexity to calculating lead free by requiring that level be met based on a weighted average of wetted surfaces. The Act also created exemptions for certain plumbing products from pre-existing lead free requirements. The final rule establishes product certification requirements for products intended for potable use applications in public water systems and residential or non-residential facilities to demonstrate compliance with the lead free requirements. EPA expects that these requirements for lead content in plumbing materials used in new installations and repairs will result in fewer sources of lead in drinking water and, consequently, will reduce adverse health effects associated with exposure to lead in drinking water. Manufacturers with 10 or more employees or importers entering products purchased from or manufactured by manufacturers with 10 or more employees must demonstrate compliance with the lead free definition by obtaining third party certification by an American National Standards Institute (ANSI) accredited, third party certification body. Firms with fewer than 10 employees can use a third party certification body or self-certify that their products conform to the Safe Drinking Water Act’s (SDWA) lead free requirements. This self-certification option also extends to custom fabricated products regardless of a manufacturer’s number of employees.

2. Need for and Use of the Collection

2 (a) Need/Authority for the Collection

EPA is making changes to existing regulations to protect the public from lead in plumbing materials used in public water systems or residential or non-residential facilities providing water for human consumption based on the Reduction of Lead in Drinking Water Act of 2011 (RLDWA) and the Community Fire Safety Act of 2013 (CFSA). Section 1417 of the Safe Drinking Water Act (SDWA) prohibits the use and introduction into commerce of certain plumbing products that are not lead free. The RLDWA amended Section 1417 of the SDWA to revise the definition of “lead-free” to: (1) lower the allowable maximum lead content from 8.0 percent to a weighted average of 0.25 percent of the wetted surfaces of pipes, fittings, and fixtures; and (2) specify a required method for calculating lead content. In addition, the RLDWA created exemptions from the prohibitions in Section 1417 (also referred to as “lead-free

requirements”) for plumbing products that are used exclusively for nonpotable services as well as for other specified products. The CFSA further amended Section 1417 to exempt fire hydrants from these requirements.

EPA is establishing new requirements for manufacturers to certify compliance with the lead free requirements in Section 1417 of the SDWA. These certification requirements are intended to help ensure that only lead free plumbing products are used in repairs and new installations of potable use applications and, consequently, will reduce adverse health effects associated with exposure to lead in drinking water. EPA is also identifying specific products that are exempt from the lead free requirements based on EPA’s interpretation of the statutory exemptions. This clarification of the exemptions will decrease potential burden for manufacturers of certain products.

The final rule contains a provision allowing the Administrator or his or her authorized representative to request and be provided with information deemed necessary to determine whether a person has acted or is acting in compliance with Section 1417 of SDWA or the rule. This includes information related to product certification. For costing purposes, for the rule’s economic analysis, EPA has assumed an average of 10 such requests per year. However, this activity is not anticipated to occur in the first three years following the effective date of the rule since product certification requirements are not effective until three years following promulgation of the final rule.

2 (b) Practical Utility/Users of the Data

The general public as well as plumbers and persons (who build or repair public water systems) will be the primary users of the data, to identify safe, lead free plumbing products used for conveying drinking water. In finalizing the rule requirements, EPA considered feedback from stakeholders, who expressed confusion over which plumbing products are safe for use with drinking water. The rule includes a requirement that manufacturers obtain a third party certification for products subject to the lead free requirements. The intent of the certification is not only to ensure that the lead content of these potable use products comply with the RLDWA lead free standard but to ensure that the public has access to reliable information. This will allow the public to make informed decisions on the products they use for drinking water applications.

All manufacturers taking advantage of the self-certification are required to at a minimum, post a certificate of conformity online or distribute it by other means with the product. Manufacturers that are required to obtain third party certification are likely to identify a product’s certification status directly on the product and/or on the package labeling. Both options will provide the public and professional installers with information necessary to determine that the products they are purchasing or installing are safe for potable use application and comply with the use prohibition in statute for the installation of products that are not lead free in drinking water supply systems and plumbing.

3. Non Duplication, Consultations, and Other Collection Criteria

3(a) Non duplication

There are currently no federal requirements to make information on lead content of plumbing products available to the public, including plumbers, installers, and do-it-yourselfers. The rule relies heavily on current, voluntary certification standards that already have a significant level of adoption among manufacturers of plumbing materials and water system components. Using this approach, duplication is avoided and rule costs on the regulated community are contained. Primary rule costs and burden are associated with the firms that are not currently utilizing the voluntary standard.

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

EPA proposed the rule “Use of Pipes, Fittings, Fixtures, Solder, and Flux for Drinking Water” on January 17, 2017, in *the Federal Register* (82 FR 4805). The final rule’s preamble provides a summary of the estimated impacts of the regulation, consistent with the Paperwork Reduction Act and referenced the ICR information contained in the docket for the proposed rule. EPA requested comment on the ICR information presented in the proposal.

Public Comments and Agency Response:

EPA received 25,858 comment submissions concerning the proposed rule, of which 25,751 were identical or nearly identical because they were submitted as part of a mass mailing public comment campaign (5,212 of the 25,751 comments included unique statements in addition to the identical comment). A detailed listing of public comments received and EPA’s responses to comments are available in Docket ID EPA-HQ-OW-2015-0680 at <https://www.regulations.gov/>.

EPA received many comments concerning the proposed labeling and marking of products that are lead free, with some commenters supporting the proposed requirements or requesting more stringent requirements, and some opposing the requirements. Some commenters indicated that such labeling was unnecessary and burdensome if product certification would also be required. For the final rule, EPA removed the language that would have required labeling and marking of lead free pipes, fittings, and fixtures. This change resulted in a significant reduction in estimated rule cost as compared to the estimated cost of the proposed rule.

EPA received numerous comments on the Agency’s proposed definition of products that are “used exclusively for nonpotable services,” which would have required labeling such products as not for use with water for human consumption, or a similar phrase, unless the products were physically not compatible with potable use products. Due to the numerous and widely differing perspectives and reasons expressed by commenters, EPA decided not to include a regulatory definition of “used exclusively for nonpotable services” in the final rule. Based on comments, it became clear that the definition could be interpreted to be both over-inclusive and under-inclusive. Therefore, EPA will continue to rely on manufacturers and importers to determine which products are “used exclusively for nonpotable services.”

EPA received many comments concerning the certification provisions in the Agency's proposed rule.

- Many commenters supported a requirement for third-party certification and some commenters opposed EPA's proposed provision allowing self-certification for firms having fewer than 100 employees.
- Some commenters stated that third party certification should not be required and should remain voluntary.
- Some commenters requested that all products should be third-party certified and that self-certification, if allowed at all, should be more limited or based on other criteria than what EPA proposed.
- One comment stated that third-party certification should be required of all manufacturers, except for all cases of custom fabrication, and that custom fabrication should be defined to determine acceptance for self-certification.
- Other commenters indicated that the RLDWA recognizes the concept of area weighted average lead content and that any third-party certification requirements should be limited to entire final-end-use product assembly and not individual sub-components, including any repair parts or kits. Some commenters stated that individual parts that are themselves pipes, fittings, or fixtures should be required to be lead free even if they are part of a larger assembly and that any interpretation otherwise is contrary to the statutory language.

Based on comments received, EPA modified the requirements for product certification in the final rule as follows:

- The final rule requires third party certification but allows self-certification of products for manufacturers having fewer than 10 employees or for any custom fabricated products.
- The final rule excludes from certification requirements: (1) product components of assembled pipes, fittings, or fixtures if the entire product in its final assembled form is lead free certified; and (2) direct replacement parts for previously installed lead free certified products if the weighted average lead content of wetted surface area for the part does not exceed such lead content of the original part.

Based on public comment, the final rule also specifies that manufacturers or importers maintain documentation to substantiate product certification for at least five years from the date of the last sale of the product by the manufacturer or importer, whereas the proposed rule had not specified a time limit to maintain such documentation.

3(c) Consultations

EPA conducted several outreach activities to seek input on the rule and associated collection activities. A brief description of these outreach and consultation activities is included below. More information concerning how the input from these activities was used in developing the rule is contained in the Technical Support Document of the Final Rule: Use of Lead Free Pipes,

Fittings, Fixtures, Solder, and Flux for Drinking Water (available in the Docket folder for the final rule at www.regulations.gov, document number EPA-HQ-OW-2015-0680-0417).

In April 2015, EPA met with the American Foundry Society (AFS), which is the largest U.S.-based metalcasting society, and manufacturers from the metalcasting industry. EPA convened the meeting to obtain needed input to refine costs estimates for the Agency's proposed regulation related to plumbing products such as metal pipes, fitting, valves, and faucets. EPA provided an overview of the Agency's rulemaking process related to the RLDWA and solicited input on questions designed to better characterize the industry (e.g., typical company size), determine product identification methods and associated costs, and obtain estimated costs for third party certification. A summary of this meeting along with other materials provided by AFS is available in the public docket in folders EPA-HQ-OW-2015-0680-0252, -0253, -0254, and -0256.

In May 2015, EPA met with Plumbing Manufacturers International (PMI), the major international trade association of plumbing products manufacturers. Similar to the April meeting with AFS, the purpose was to obtain input to help EPA refine costs estimates for its proposed regulation related to plumbing product types that are manufactured by PMI members. Examples of these products include faucets, water filtration products, valves, and hoses. EPA and PMI members discussed product identification methods, as well as the estimated percentage of products that currently include lead free identification, and associated costs. A summary of this meeting is available in the docket in folder EPA-HQ-OW-2015-0680-0255.

EPA contacted the Association of State Drinking Water Administrators (ASDWA) for a list of representatives from states who could provide valuable input during the development of the proposed rule. Based on ASDWA's recommendations and availability of its members, EPA consulted with representatives from drinking water programs within the States of Maine, Michigan, and Washington to help the Agency develop goals for the proposed rule.

EPA held a webinar and meeting on April 14, 2015, to solicit public input for the Agency's consideration in developing regulatory options for the proposed rule. The meeting provided the opportunity for state, utility, industry, and environmental/consumer stakeholders to share their perspectives on the successes and challenges of implementing the RLDWA. More than 150 people attended the online webinar and 12 people attended in person.

EPA contacted the eight firms currently accredited to certify plumbing components for compliance with the NSF/ANSI Standard 372 for information on the cost of certification and the technical process for testing and certifying products as meeting the standard. Four of the firms provided EPA with information that was used in developing the economic analysis for the rule.

EPA consulted with the National Drinking Water Advisory Council (NDWAC) on potential changes to the regulations pertaining to lead under the SDWA and asked the Council to consider sources of lead throughout water distribution systems, including through components used to reroute drinking water during distribution system repairs. In December 2013, EPA presented information to the NDWAC on the RLDWA and the Agency's plans to develop a regulation to clarify the requirements of this Act.

EPA received a comment during the public comment period for the proposed rule, stating that self-certification should be allowed for custom fabricated products and that custom fabrication should be defined. To evaluate the comment on this issue, EPA conducted calls during March and April 2018 with representatives of four manufacturing companies and two ANSI accredited, third party certification bodies to obtain information concerning how the custom fabrication industry functions and how the industry would characterize custom fabrication pertaining to lead free pipes, fittings, and fixtures for plumbing and public water systems. A list of the questions EPA asked during these calls and a summary of the individual responses is contained in the docket in folder EPA-HQ-OW-2015-0680-0375.

3(d) Effects of Less Frequent Collection

EPA considered alternative frequencies of record retention for certified products, and ultimately chose to utilize a frequency that considers the maximum length of time a product certification is considered valid by third party certification bodies (already voluntarily used by some firms). EPA may request case-specific information from regulated firms in future years following the effective date for certification requirements (which is not within the timeframe of this initial ICR). EPA projected future costs based on 10 such case-by-case requests per year. EPA estimates there are 2,193 manufacturing firms impacted by the rule, and information to be submitted to EPA in any single year is expected to average less than 0.5% of the total number of firms.

3(e) General Guidelines

With one exception, this information collection complies with the conditions set out in 5 CFR 1320.5(d)(2). The one provision requiring special justification (concerning a five-year records retention requirement) is discussed in section 3d above.

3(f) Confidentiality

Information related to a product's certification status will be held by the individual domestic manufacturing firm or by the importer entering products purchased from or manufactured by a manufacturer. Since this information will not be provided to EPA except on a case-by-case basis upon request, there will be no need for measures to provide for confidentiality except as follows: If compliance with the statute or rule provisions requires investigation, the rule contains a provision allowing the Administrator or his or her authorized representative to request and be provided with information deemed necessary to determine whether a person has acted or is acting in compliance with Section 1417 of SDWA or the final rule. This includes information related to product certification. The frequency and need for requesting such case-specific information cannot be known in advance. For costing purposes, EPA has assumed an average of 10 such requests per year. The handling of such information requested will be consistent with EPA's confidentiality regulations (at 40 CFR 2.201 et. seq.). However, as stated earlier, since the final rule certification provisions are not effective until three years after final regulation

publication, EPA does not anticipate any case-specific requests during the period of this initial ICR.

3(g) Sensitive Questions

This information collection activity does not involve any sensitive questions.

4. Respondents and Information Requested

4(a) Respondents/SIC Codes

The following North American Industry Classification System (NAICS) Codes are impacted by this ICR during the 3-year period.

NAICS Code	Description
326122	Plastics Pipe and Pipe Fitting Manufacturing
332911	Industrial Valve Manufacturing
332913	Plumbing Fixture Fitting and Trim Manufacturing
332919	Other Metal Valve and Pipe Fitting Manufacturing
332996	Fabricated Pipe and Pipe Fitting Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333318	Other Commercial and Service Industry Machinery Manufacturing
333415	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing
333911	Pump and Pumping Equipment Manufacturing
333999	All Other Miscellaneous General Purpose Machinery Manufacturing
334514	Totalizing Fluid Meter and Counting Device Manufacturing
335222	Household Refrigerator and Home Freezer Manufacturing
335228	Other Major Household Appliance Manufacturing
339991	Gasket, Packing, and Sealing Device Manufacturing

4(b) Information Requested

(i) Data items, including record keeping requirements

The final rule requires manufacturers or importers to maintain documentation to substantiate product certification for at least five years from the date of the last sale of the product by the manufacturer or importer. Specific to third party certification, the manufacturer or importer must keep records for all products certified by an accredited third party certification body that include, at a minimum, documentation of certification and dates of certification and expiration. This documentation must be provided upon request to the Administrator as specified in § 143.20(b).

For self-certified products, manufacturers or importers must maintain, at a primary place of business within the United States, certificates of conformity and sufficient documentation to confirm that products meet the lead free requirements of the final rule. Sufficient documentation

may include: detailed schematic drawings of the products indicating dimensions, calculations of the weighted average lead content of the product, lead content of materials used in manufacture, and other documentation used in verifying the lead content of a plumbing device. This documentation and certificates of conformity must be provided upon request to the Administrator as specified in § 143.20(b) and must be maintained for at least five years after the last sale of the product by the manufacturer or importer.

While the final rule does not require products to be certified until the date three years following promulgation of the final rule, firms will be obtaining product certification and initiating record keeping during the three years of this ICR.

(ii) Respondent Activities

For the period covered by this ICR (the three years following promulgation of the final rule), manufacturers will incur burden to conduct the following rule compliance activities:

- Obtaining certification of products from an accredited third party certification body to document compliance with the lead free requirements as set forth in the SDWA.
- Maintaining records associated with the initial certification (conducted by an accredited third party certification body) that potable use products meet the requirements of NSF/ANSI Standard 372.
- Preparing the initial certificate of conformity and maintaining records for potable use products that are self-certified by the manufacturer as being lead free.

5. Agency Activities, Methods, and Information Management

5(a) Agency Activities

EPA does not anticipate any activities associated with case-specific information requests to individual entities during the 3-year period of this ICR, since product certification requirements will not be effective until three years following promulgation of the final rule.

5(b) Collection Methodology and Management

Any individual entity's submittal of case-specific information, in response to EPA's request, will be maintained in files of the Agency's Office of Compliance and Enforcement, consistent with Federal record retention requirements.

5(c) Small Entity Flexibility

EPA has determined that 1,976 out of 2,193 plumbing product manufacturers potentially subject to this final rule meet the small business definitions. EPA's analysis of projected impacts on small entities is described in detail in section VII (Economic Impacts) of the final rule *Federal Register* notice. EPA projects that none of the 1,976 affected small entities would experience an impact of costs exceeding 1 percent of revenue and no small entities would incur compliance

costs exceeding 3 percent of revenue. Details of this analysis are presented in Chapter 6 of the Final Rule Technical Support Document, available in the docket, for the final rule.

5(d) Collection Schedule

During the period covered by this ICR, no collection activities by EPA are anticipated.

6. Estimating Burden and Cost

6(a) Estimating Respondent Burden

Read and Understand the Rule

For the first three years after publication of the final regulation: “Use of Lead Free Pipes, Fittings, Fixtures, Solder, and Flux for Drinking Water” in the *Federal Register*, all respondents will need to read and understand the rule. EPA estimated the burden of this activity at 8 hours per firm.

Table 1: Read and Understand the Rule Total and Average Annual Burden Hours to Respondents for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)
Respondents	2,193	17,544	5,848

Source: Technical Support Document for the Final Rule, Exhibit 4-4.

Product Certification

In developing estimates of burden and costs, EPA estimated the number of entities impacted to be 2,193 manufacturers of products (intended for potable water use), who must comply with the final rule’s regulatory requirements.

To develop rule compliance costs for third party certification, EPA determined the regulatory baseline. This baseline represents the current industry practice with regard to third party certification. EPA obtained information on third party use by plumbing manufacturers by reviewing current state laws requiring certification for NSF/ANSI Standard 61 and 372; reviewing the International and Uniform Plumbing Codes; contacting the two primary industry trade groups, PMI and AFS; and acquiring information from industry third party certifiers (e.g. NSF International, CSA Group, UL, etc.). Based on the above information, EPA estimated that 90 percent of manufacturers with 100 or greater employees already use an accredited third party agency to certify that their products are lead free. To account for uncertainty in the proportion of smaller manufacturers that currently use third party certification bodies, EPA chose to develop lower and upper bound cost scenarios based on baseline compliance assumptions for firms having fewer than 100 employees. Fifty to 75 percent of manufacturers having fewer the 100 employees are assumed to use third party certifiers. Table 2 summarizes the third party

certification baseline assumptions EPA used in the development of regulatory and ICR costs. Under the final rule, certification costs would only be attributable to those manufacturers that do not already use these third party certification bodies. Many state and local plumbing codes currently require plumbers to use third party certified pipes, fittings, and fixtures in potable water supply systems and plumbing. Therefore, many manufacturers that produce the products currently have them certified so that plumbers will purchase their products and know they will be in compliance with these codes when they make the installations.

Table 2: Estimated Percentage of Respondents by Size that Do Not Already Use Third Party Certification Bodies

Respondent Firm Size (no. of employees)	Percentage of Respondent Firms that Currently Do Not Use Third Party Certification Bodies and to which Certification Costs Would Apply	
	Lower Bound	Upper Bound
< 10	25%	50%
10-99	25%	50%
100-499	10%	10%
≥ 500	10%	10%

Source: Technical Support Document for the Final Rule, Exhibit 4-6.

For the first three years after publication of the final regulation: “Use of Lead Free Pipes, Fittings, Fixtures, Solder, and Flux for Drinking Water” in the *Federal Register*, manufacturers with 10 or more employees will incur burden to conduct the following rule compliance activities:

- Obtaining certification of products from an accredited, third-party certification body to document compliance with the lead-free requirements as set forth in the Safe Drinking Water Act,
- Maintaining documentation associated with the initial certification (conducted by an independent third party certifying agency) that potable use products (those supplying water for human consumption) meet requirements such as the NSF/ANSI Standard 372.

Under the final rule analysis, all firms are assumed to come into compliance with the third party or self-certification requirements within three years of the rule’s publication date. EPA assumes that firms will come into compliance with these certification requirements evenly over this initial 3-year period (one-third of firms incur initial certification costs each year). In the analysis, firms will incur certification renewal costs in years following this 3-year ICR period. For example, in year 2, the one-third of firms that initially had their products certified the first year will incur certification renewal costs. In year 3, two-thirds of firms will incur certification renewal costs. In future years (year 4 and beyond), all firms will incur certification renewal costs.

Firms with fewer than 10 employees and those manufacturing custom-fabricated products will be allowed to choose between third party certification and self-certifying compliance with the final rule’s lead free requirements. EPA assumes in this ICR that these manufacturers will select the lower cost self-certification option and incur the burden of:

- Preparing the initial certificate of conformity and maintaining documentation for potable use products that are self-certified by the manufacturer as being lead free.

The rule requirement to respond to EPA requests for information is on an ad hoc basis (however, this information collection is not anticipated to occur during the 3-year period covered by this ICR).

Third party initial certification and renewal are applied to firms with 10 or more employees. Table 3 presents the total and average annual labor burden and labor cost to manufacturers with 10 or more employees for this ICR. Values in this table are ranges based on EPA lower and upper bound estimated percentages of manufacturers with fewer than 100 employees that are currently not already compliant with the final rule requirements (see Table 2). EPA estimates burden to respondents to be 8 hours per product family to be third party certified for initial certification and an average of 8 hours per year afterwards to maintain the certification.

Table 3: Product Certification Total and Average Annual Burden Hours to Respondents with 10 or Greater Employees for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)
Respondents with 10 or greater employees	1,338	27,281 – 47,681	9,094 – 15,894

Source: Lead Free Rule Cost Model_Final Rule, ICR Analysis worksheets.

The final rule also allows firms with fewer than 10 employees and those manufacturing custom-fabricated products the choice between third party certification or self-certifying compliance with lead free requirements. EPA estimated that each manufacturer would require 40 hours of labor to initially develop the certificate of conformity, which certifies a product family as being compliant with the lead free requirements. The labor burden for the annual renewal of the self-certification per product family is estimated to be 16 hours. These hours are used in the updating of the certificate of conformity and recordkeeping activities.

In the analysis of the final rule, EPA assumed that all firms with fewer than 10 employees would elect to self-certify. Table 4 shows the estimated total and average annual labor burden hours and costs for firms with fewer than 10 employees. Values in this table are ranges based on EPA lower and upper bound estimated percentages of manufacturers with fewer than 100 employees that are currently not already compliant with the final rule requirements (see Table 1).

Table 4: Product Certification Total and Average Annual Burden Hours to Respondents with Fewer than 10 Employees for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)
Respondents with fewer than 10 employees	855	84,144 – 168,288	28,048 – 56,096

Source: Lead Free Rule Cost Model_Final Rule, ICR Analysis worksheets.

Table 5 provides the total and average burden hours and labor costs for firms of all employee size categories. Again, ranges are based on lower and upper bound estimated percentages of manufacturers with fewer than 100 employees.

Table 5: Total and Average Annual Burden Hours to Respondents Across All Employee Size Categories for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)
Respondents – All size categories	2,193	128,969 – 233,513	42,990 – 77,838

Source: Lead Free Rule Cost Model_Final Rule, ICR Analysis worksheets.

Total labor burden to manufacturers of all sized ranges from 128,969 to 233,513 hours over the three-year ICR period. Estimated average annual burden varies between 42,990 and 77,838 hours.

6(b) Estimating Respondent Costs

(i) Labor Costs

Read and Understand the Rule

The labor costs to read and understand the rule are based on an 8 hour per firm labor burden times a \$71.72 per hour loaded (added overhead) labor rate. The unloaded (base) hourly labor rate of \$46.76 was obtained from the Bureau of Labor Statistics (BLS) Occupational Employment Survey, May 2014. The rate is based on the base wage rate for Industrial Production Managers in NAICS 332900 - Other Fabricated Metal Product Manufacturing, which was selected because it represents several product categories impacted by the proposed rulemaking, including potable use and use-exempted products (e.g., pipe, pipe fittings, valves, and plumbing fixture fittings, and trim, such as sinks). This base rate was adjusted to include the additional non-wage labor costs to firms using a loading rate of 1.53. This loading rate was derived using the BLS Employer Costs for Employee Compensation report (Table 10, December 2014), and represents the percent of total compensation for all workers in the goods-producing

industries that are specific to manufacturing. Table 6 summarizes the labor costs to read and understand the rule.

Table 6: Read and Understand the Rule Total and Average Annual Burden Hours and Labor Costs to Respondents for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)	Total Labor Costs (in millions)	Average Annual Labor Costs (in millions)
Respondents	2,193	17,544	5,848	\$1.26	\$0.42

Source: Technical Support Document for the Final Rule, Exhibit 4-4.

Product Certification

The recordkeeping costs for third party certification are based on an 8 hour per product family labor burden times a \$28.05 per hour loaded (added overhead) labor rate. The unloaded (base) hourly labor rate of \$18.29 was obtained from the Bureau of Labor Statistics (BLS) Occupational Employment Survey (May 2014). The rate is based on the highest base wage rate across the technical labor categories, Computer Control Programmers and Operators, in NAICS 332900 - Other Fabricated Metal Product Manufacturing, which was selected because it represents several product categories impacted by the proposed rulemaking, including potable use and use-exempted products (e.g., pipe, pipe fittings, valves, and plumbing fixture fittings, and trim, such as sinks). This base rate was adjusted to include the additional non-wage labor costs to firms using a loading rate of 1.53. This loading rate was derived using the BLS Employer Costs for Employee Compensation report (Table 10, December 2014) and represents the percent of total compensation for all workers in the goods-producing industries that are specific to manufacturing. Table 7 summarizes the labor costs for product certification for firms anticipated to use third party certification. Values in this table are ranges based on EPA lower and upper bound estimated percentages of manufacturers with fewer than 100 employees that are currently not already compliant with the final rule requirements (see Table 1).

Table 7: Product Certification Total and Average Annual Burden Hours and Labor Costs to Respondents with 10 or Greater Employees for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)	Total Labor Costs (in millions)	Average Annual Labor Costs (in millions)
Respondents with 10 or greater employees	1,338	27,281 – 47,681	9,094 – 15,894	\$0.77 - \$1.34	\$0.26 - \$0.45

Source: Lead Free Rule Cost Model_Final Rule, ICR Analysis worksheets.

In the analysis of the final rule, EPA assumed that all firms with fewer than 10 employees would elect to self-certify. Table 8 shows the estimated total and average annual labor burden hours and

costs for firms expected to use self-certification for products. Values in this table are ranges based on EPA lower and upper bound estimated percentages of manufacturers with fewer than 100 employees that are currently not already compliant with the final rule requirements (see Table 1).

Table 8: Product Certification Total and Average Annual Burden Hours and Labor Costs to Respondents with Fewer than 10 Employees for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)	Total Labor Costs (in millions)	Average Annual Labor Costs (in millions)
Respondents with fewer than 10 employees	855	84,144 – 168,288	28,048 – 56,096	\$2.36 - -\$4.72	\$0.79 - \$1.57

Source: Lead Free Rule Cost Model_Final Rule, ICR Analysis worksheets.

Table 9 provides the total and average burden hours and labor costs for firms of all employee size categories. Again, ranges are based on lower and upper bound estimated percentages of manufacturers with fewer than 100 employees.

Table 9: Total and Average Annual Burden Hours and Labor Costs to Respondents Across All Employee Size Categories for the Information Collection Request

	Number of Respondents	Total Burden (Hours)	Average Annual Burden (Hours)	Total Labor Costs (in millions)	Average Annual Labor Costs (in millions)
Respondents – All size categories	2,193	128,969 – 233,513	42,990 – 77,838	\$4.39 - \$7.32	\$1.46 - \$2.44

Source: Lead Free Rule Cost Model_Final Rule, ICR Analysis worksheets.

(ii) Operations and Maintenance Costs

Third party certifying firms usually conduct the certification process for a plumbing manufacturer’s specific plumbing product families. For NSF/ANSI Standard 372, products of the same material formulation and similar configuration are considered one product family. So, certifying costs were developed based on a product family basis. EPA estimated that each firm produces an average of three product families for each broad type of potable use products produced by a given firm. This estimate was based on an assessment of firm website data for manufacturers across all potable plumbing product subcategories.

Certification costs can be broken into initial assessment and testing costs and annual renewal costs. Most of the accredited, third party certification bodies offer an annual renewal based on an audit process for a set number of years after the initial certification year (the number of years

between audits varies among the eight certification bodies and is described below, so EPA computed an annual average certification renewal cost). To derive initial and renewal certification unit cost, EPA contacted the eight ANSI accredited, third party certification bodies to obtain estimated costs for certifying products to NSF/ANSI Standard 372. The certifiers were asked to provide estimates for four representative product categories (faucets, fittings, valves, and pipes), which are intended to represent the range in complexity of plumbing products.

Four certification bodies provided quotes of sufficient specificity or comparable scope that could be used in estimating initial certification costs. None of the firms provided quotes for all four product lines. Costs varied based on the product type and certifying agency. EPA used the average (rounded), across firms and product types, as the estimated costs (of \$6,000) for an initial certification of a single product family. Five of the eight certification bodies provided estimates for annually renewing the third party certification to Standard 372. Costs varied based on the product type and certifying agency. One of the responding certifiers requires re-certification every year. The other four certification bodies varied in the length of time required for renewal from annual to every five years. EPA determined a 5-year cost stream for each of the third party certifiers and computed a per product family average annual renewal cost of \$3,200.

There are no O&M costs related to self-certification since all ICR related costs are represented by labor burden related costs.

Under the final rule analysis, all firms are assumed to come into compliance with the third party or self-certification requirements of the rule in the first three years after the publication date of the final rule as required by the regulation. EPA assumes that firms will come into compliance with these certification requirements evenly over this initial 3-year period (one-third of firms incur initial certification costs each year). In the analysis, firms will incur certification renewal costs in the years following this 3-year ICR period. Table 10 summarizes the O&M cost estimates.

Table 10: Total and Average Annual O&M Costs to Respondents for the Information Collection Request

	Number of Respondents	Initial Certification Costs (O&M)		Renewal Certification Costs (O&M)	
		Total Initial Cert. Costs (in millions)	Average Initial Cert. Costs (in millions)	Total Renewal Costs (in millions)	Average Renewal Costs (in millions)
Third Party Certification	1,338	\$10.23 - \$17.88	\$3.41 - \$5.96	\$5.46 - \$9.54	\$1.82 - \$3.18
Self-Certification	855	\$0	\$0	\$0	\$0
Total	2,193	\$10.23 - \$17.88	\$3.41 - \$5.96	\$5.46 - \$9.54	\$1.82 - \$3.18

Source: Lead Free Rule Cost Model_Final Rule, ICR Analysis worksheets.

(iii) Capital/Start-up Costs

There are no capital start-up costs related to this ICR.

6(c) Estimating Agency Burden and Cost

Product certification requirements will not be effective until after the three-year implementation period for this final rule. Until then, the Agency will not have a role to play in this regulatory regime and will therefore, have no associated burden or costs.

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

Respondents for this ICR include 2,193 manufacturers producing potable water pipes, fittings, or fixtures or sourcing such products from foreign manufacturers. Total labor burden to manufacturers of all sizes ranges from 128,969 to 233,513 hours over the three-year ICR period. Estimated average annual burden varies between 42,990 and 77,838 hours. Three-year total cost is between \$20.1 and \$34.7 million.

6(e) Bottom Line Burden Hours and Cost Tables

Table 11: Summary of Burden for 3 Year ICR Period (Range of Lower Bound to Upper Bound) Total Burden Hours and Labor and Non-Labor Costs to Respondents Across All Employee Size Categories for the Information Collection Request

	Total Burden (Hours)	Total Labor Costs (in millions)	Total Initial Certification Costs (O&M, in millions)	Total Renewal Costs (O&M, in millions)	Total Costs (in millions)
Respondents – All	128,969 – 233,513	\$4.39 - \$7.32	\$10.23 - \$17.88	\$5.46 - \$9.54	\$20.08 - \$34.74

size categories					
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6(f) Reasons for Change in Burden

This is a new information collection activity, and therefore, there is no prior rule or related burden that is modified as a result of this ICR.

6(g) Burden Statement

The estimated average annual burden per-response for this ICR is 19.5 hours. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information; processing and maintaining information; 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-OW-2015-0680, which is available for online viewing at www.regulations.gov, or in person viewing at the Water Docket in 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, and the telephone number for the Water Docket is (202) 566-2426. An electronic version of the public docket is available at 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-OW-2015-0680 and OMB Control Number 2040-New in any correspondence.