

**Supporting Statement for an Information Collection Request (ICR)
Under the Paperwork Reduction Act (PRA)**

1. EXECUTIVE SUMMARY

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

Title: Fees for the Administration of the Toxic Substances Control Act (TSCA) Proposed Rule; RIN 2070-AK64)

ICR Numbers: EPA ICR No.: 2569.03; OMB Control No.: 2070-0208

EPA Form Numbers: EPA Form No. 9600-008: Notice of TSCA Fee Action Participation

Docket ID Number: EPA-HQ-OPPT-2020-0493

1(b). Docket Information

This ICR revision explains the information collection activities and related burden and cost estimates contained in a proposed rule amending the TSCA Fees established in 2018. Supporting documents related to the ICR renewal are available in the docket established for the rulemaking. 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

This is an ICR revision that addresses changes to a currently approved ICR (OMB Control No. 2070-0208) that are contained in a proposed rule. 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 revision of an existing ICR approved by OMB identified by OMB Control No. 2070-0208; EPA ICR 2569.02; entitled "User Fees for the Administration of the Toxic Substances Control Act (TSCA)."

1(d). Abstract

In accordance with section 26(b) of the Toxic Substances Control Act (TSCA or the Act), EPA is proposing updates and adjustments to the fees established under that section. EPA is required under TSCA section 26(b)(4)(F) to review and, if necessary, adjust the fees every three years, after consultation with parties potentially subject to fees and their representatives. This proposed rulemaking describes the proposed modifications to TSCA fees and fee categories for fiscal years 2022, 2023, and 2024, and explains the methodology by which these TSCA fees were determined. EPA is proposing updates and changes to the fee requirements established in a rule entitled “Fees for Administration of the Toxic Substance Control Act” (2018 Fee Rule) (83 FR 52694, October 17, 2018), including the addition of three new fee categories – a Bona Fide Intent to Manufacture or Import Notice fee, a Notice of Commencement of Manufacture or Import fee, and an additional fee associated with test orders – as well as changes to refunds currently afforded for fees related to TSCA section 5 activities. In addition, EPA is proposing exemptions for entities subject to certain fee triggering activities; including exemptions for the entities discussed in the March 25, 2020 EPA No Action Assurance memorandum, an exemption for research and development activities, and an exemption for entities manufacturing less than 2,500 lbs. of a chemical subject to an EPA-initiated risk evaluation fee. EPA is updating its cost estimates for administering TSCA sections 4, 5, and 6 and individual fee calculation methodology (including associated administrative costs for confidential business information activities under section 14), as well as proposing a volume-based fee allocation for EPA-initiated risk evaluation fees in any scenario where a consortium is not formed, and proposing to require export-only manufacturers to pay fees for EPA-initiated risk evaluations. EPA is also proposing various changes to the timing of certain activities required throughout the fee payment process.

The information collection activities associated with the proposed rule include familiarization with the regulation; reduced fee eligibility determination; CDX registration; formation, management and notification to EPA of participation in consortia; self-identification and certification; and electronic payment of fees through *Pay.gov*.

2. NECESSITY OF THE INFORMATION COLLECTION

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

TSCA section 26(b) provides EPA with authority to establish fees to defray 25% the costs associated with administering TSCA sections 4, 5, 6 and of collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14.

Fee payments are required from chemical manufactures (including importers) and processors who make submissions under TSCA section 5, and manufacturers required to submit information under TSCA section 4 or are subject to a risk evaluation under TSCA section 6. EPA is not collecting a fee for submissions of Confidential Business Information (CBI) submitted under TSCA section 14.

Persons subject to fees are required to make fee payments electronically using the Department of Treasury’s [Pay.gov](https://www.pay.gov) electronic collection payment services. Once the payment is

made, Federal agencies may access the payment and associated information. The information submitted to EPA during the payment process includes company contact information, information about the payment amount and method. Once submitted via Pay.gov, the payment information is sent to EPA.

Certain manufactures (including importers) are required to make a submission to EPA's Central Data Exchange (CDX) and to inform EPA if they choose to associate as a consortium. Notification must be provided to EPA via the CDX when a consortium is formed. This includes the name, address, telephone number and signature of the principle sponsor and the names and contact information for each manufacturer and/or processor associating with the consortium. Under TSCA, a consortium is an association of manufacturers (including importers) and/or processors who have made an agreement to jointly split the cost of applicable fees. Manufacturers (including importers) and processors are also required to certify if they qualify as a small business and are subject to reduced fees.

All manufacturers (including importers) who have manufactured or imported the chemical substance in the 5 years prior to a TSCA section 4 Test Rules and TSCA section 6 EPA-initiated risk evaluations must submit notice to EPA electronically via EPA's (CDX), the Agency's electronic reporting portal, using the Chemical Information Submission System (CISS) reporting tool

Contact Information. The name and address of the submitting company, the name and address of the authorized official for the submitting company, and the name and telephone number of a person who will serve as technical contact for the submitting company and who will be able to answer questions about the information submitted by the company to EPA.

Production Volume. Manufacturers subject to fees under section 6 must submit their average production volume over the previous four years for the chemical undergoing risk evaluation. EPA will use this information to allocate the fees in proportion to the manufacturers share of the total production of the chemical for all manufacturers subject to the fee. These manufacturers must also keep records for five years

Certification of Cessation. If a manufacturer has manufactured in the five-year period preceding publication of the preliminary list, but has ceased manufacturer prior to the certification cutoff dates identified and will not manufacture the substance again in the successive five years, the manufacturer may submit a certification statement attesting to these facts. If EPA receives such a certification statement from a manufacturer, the manufacturer will not be obligated to pay the fee.

Certification of No Manufacture. If a manufacturer is identified on the preliminary list but has not manufactured the chemical in the five-year period preceding publication of the preliminary list, the manufacturer may submit a certification statement attesting to these facts. If EPA receives such a certification statement from a manufacturer, the manufacturer will not be obligated to pay the fee.

The proposed rule provides exemptions from fee payments for manufacturers of chemicals undergoing risk evaluation if they manufacturer under 2,500 lbs of the chemical annually or they manufacturer small quantities for research and development purposes. Under the proposal, these manufacturers are required the keep records demonstrating compliance with

the exemptions. These records will be a critical part of the EPA's compliance monitoring and enforcement activities.

2(b). Necessity of the Information Collection

The information collection activities covered by this ICR are necessary to collect and process fees as required by TSCA section 26(b). The fees collected are designed to defray a portion of the costs of administering TSCA sections 4, 5, 6 and of collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14.

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

When manufactures (including importers) pay a fee, they must submit information that includes company contact information, and payment information. The information will be used by the Agency to calculate the revenue generated by the TSCA fee programs and ensure that the required fees have been paid by each respondent.

Manufactures, importers and processors are required to inform EPA if they choose to associate as a consortium for submissions under TSCA sections 4 and 6. EPA will use this information to determine the fee assessed to the consortium based on a formula established in the regulation. Once the fee is assessed by the Agency, the consortium can determine how the fees will be split among its members. However, if the consortium is unable to come to terms on how the fees will be split among its members, EPA will determine the portion of the fee to be paid by each member.

Manufacturers subject to fees under section 6 must submit their average production volume over the previous four years for the chemical undergoing risk evaluation. EPA will use this information to allocate the fees in proportion to the manufacturers share of the total production of the chemical for all manufacturers subject to the fee.

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

3(a). Non-Duplication

EPA's collection under this ICR does not duplicate any other collection. There is no other Federal program that require the information collection activities related to the fees collected under TSCA section 26(b).

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

Pursuant to PRA section 3507(d) and [5 CFR 1320.11](#), the notice of proposed rulemaking entitled "Fees for the Administration of the Toxic Substances Control Act" serves at the public notice for this ICR renewal. Comments can be submitted to EPA in Docket ID No. EPA-HQ-OPPT-2020-0493.

3(c). Consultations

Since the 2018 TSCA Fees Rule that established the initial TSCA, EPA has held several outreach meetings with industry stakeholders on implementation issues. All of these outreach

meetings are summarized at <https://www.epa.gov/tsca-fees/outreach-materials-tsca-administration-fees-rule>. In fall and winter 2019, EPA held a series of webinars with industry to explain changes to EPA's Central Data Exchange (CDX) and how to pay fees through the system. In December 2019, EPA hosted a conference call to give a brief overview of the fees associated with an EPA-initiated risk evaluation, the creation of the preliminary list that identifies manufacturers and importers subject to fees, and how fees would be divided among the identified businesses. On February 24, 2020, EPA hosted a conference call to review certain provisions of the 2018 Fee Rule. On April 16, 2020, EPA hosted a call to discuss a decision to reduce burden for certain stakeholders subject to TSCA Fee Rule requirements for EPA-initiated risk evaluations via a No Action Assurance for enforcement of certain provisions of the 2018 TSCA Fees Rule.

3(d). Effects of Less Frequent Collection

Due to the nature of the triggering events that initiate information collection activities under the proposed rule, less frequent collection is not feasible. There is no set collection schedule for the payment information associated with fee payments (e.g. payment method). CDX Submission and payment information is collected each time a fee payment is made via Pay.gov with the frequency of collection depending entirely on the frequency with which applicants submit information to EPA and that EPA initiates activities under TSCA sections 4, 5 and 6. Therefore, less frequent collection is not an option.

3(e). Small Entity Flexibility

EPA believes that the regulatory requirements do not unduly burden small businesses. Although small businesses are required to submit the same information, they pay a reduced fee. As stated in the preamble to the proposed rule, EPA estimates that, of the 429 small businesses paying fees every year, all firms may have annual cost-revenue impacts of less than 1%.

3(f). General PRA Related Guidelines

This ICR is consistent with OMB's general guidelines do not exceed any of the Paperwork Reduction Act guidelines at 5 CFR 1320.5.

3(g). Confidentiality

The proposed rule requires manufacturers that pay fees under section 6 to submit their average production volume for the previous four years which some manufacturers may consider confidential. To the extent information submitted by respondents is business confidential, procedures are in place to protect the information from improper disclosure consistent with section 14 of TSCA.

3(h). Sensitive Questions

The information collection activities do not include questions of a sensitive nature.

4. AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

4(a). Agency Activities

Agency activities include data management of the fee information.

4(b). Estimated Agency Costs

EPA estimates that managing the information that is submitted at the time of the fee payment would require one 80-hour week of labor per year for a GS-13, Step 5 employee in the Washington D.C. area, which will amount to an annual Agency cost associated with the final rule of \$6,740.48 ($\$84.26 \times 80 = \$6,740.48$). To calculate the loaded wage rate, EPA uses the wage rate for a GS-13, Step 5 employee in the Washington D.C. area, loaded with a combined fringe and overhead factor of 60% to obtain a loaded wage rate of \$175,252 per year. Dividing this wage rate over 2,080 hours – the annual labor hours of a full-time employee – results in an hourly wage rate of \$84.26.

4(b)(i). Collection Schedule

This information collection activity does not have a calendar-based schedule. Fee payments are generally required when a manufacturer (including importer) makes a submission under TSCA section 5, is required to submit information under TSCA section 4 or is subject to a risk evaluation under TSCA section 6(b)(4). EPA is required to have 20 EPA-initiated risk evaluations under way at all times starting in December 2019 and each risk evaluation is expected to conclude in 3 years with the option for an up to 6-month extension. Therefore, TSCA section 6 fees for EPA-initiated risk evaluations will generally be predictable. TSCA section 6 manufacturer-requested risk evaluations timing and frequency will depend on requests received. EPA is required to have between 5-10 manufacturer-requested risk evaluations underway if sufficient applications have been received. However, EPA is unsure how many such requests will be received. Section 5 actions are entirely reliant on industry submissions. Historical data is used for cost estimation purposes with an adjustment made for the impact of increased fees. TSCA section 4 activities will be primarily driven by EPA's data needs as the new statutory requirements continue to be implemented. Because these activities occur on an as-needed, on-occasion basis, often initiated by the respondents, considerations for less frequent collection are not relevant.

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

EPA makes use of existing technology to collect the information subject to this ICR. Fee payments will be made electronically via Pay.gov. The collection of the identifying number and payment identity number are made through CDX, EPA's portal for submitting information electronically.

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.

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

The collection specifies fee payment requirements that apply to manufacturers (including importers) who are required to submit information under TSCA section 4, who submit certain notices and exemption requests to EPA under TSCA section 5, who manufacture a chemical substance that is subject to a risk evaluation under TSCA section 6(b)(4), and who process a chemical substance that is the subject of a Significant New Use Notice (SNUN) or Test Market Exemption (TME) under TSCA section 5 and who are required to submit information under TSCA section 4 related to a SNUN submission. The following list of NAICS codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include companies found in major NAICS code groups:

- 324 Petroleum and Coal Products
- 325 Chemical Manufacturing
- 424 Chemical, Petroleum and Merchant Wholesalers

Each firm subject to a fee is required to pay the fee via Pay.gov. Firms also need to determine if they qualify as an eligible small business for reduced fees and indicate if they plan to be or are already part of a consortium. Reduced fees apply to small business with a number of employees below the thresholds list in section §700.43 “Definitions applicable to this subpart” or fewer than 500 employees if the firm is not in an industry sector that appears in the table.

Firms subject to fees under TSCA section 4 and fees for Risk Evaluations under TSCA section 6 may form a consortium for paying the specified fees and are required to notify EPA through a principal sponsor that the consortium was formed, detailing the members of the consortium and their contact information. This notification must be submitted to EPA electronically via CDX.

Firms subject to Test Rules under TSCA section 4 and EPA-initiated Risk Evaluations under TSCA section 6 also need to review a preliminary list published by EPA of companies to which the action applies so that they can determine whether their company is listed and certify via CDX accordingly.

Number of Entities Affected

EPA relied on past experience with 20 Test Cost actions under TSCA section 4, submitter data for new chemical notices under TSCA section 5, and work to date on the 20 high priority chemicals currently undergoing Risk Evaluation under TSCA section 6 to inform its estimates of average number of firms impacted per action. Each TSCA section 4 action is expected to cover an average of one chemical and an average of 15 manufacturers per chemical, resulting in an estimate of 15 firms impacted per TSCA section 4 action. TSCA section 5 actions are expected to impact one firm per action. Risk Evaluations initiated by EPA under TSCA section 6 are expected to impact an average of one chemical and 15 manufacturers per Risk Evaluation. Manufacturer requests for Risk Evaluations submitted to EPA are difficult to predict, but EPA expects that a single manufacturer will submit each request.

The total number of firms affected per year is the product of the number of firms affected per action and the estimated number of actions per year. EPA estimates the number of TSCA section 4 actions based on previous experience and expected work under the Frank R.

Lautenberg Chemical Safety for the 21st Century Act of 2016, for a total of 13 actions per year.¹ TSCA section 5 actions are estimated to total 1,003 submissions per year, and this estimate is based on the average number of section 5 notice submissions and exemption requests received by EPA in 2018, 2019, and 2020. The Agency expects to have between 20 and 30 Risk Evaluations ongoing in any given year at different stages in the review process, including manufacturer-requested evaluations, for an average of 10 Risk Evaluations initiated per year. Combined with the number of firms affected per action, the total number of firms impacted per year is 1,348 firms; 195 firms from TSCA section 4 actions, 1,003 firms from TSCA section 5 actions, and 150 firms from TSCA section 6 actions.

Rule Familiarization

EPA assumes that each firm subject to a fee will spend 0.5 hours becoming familiar with the requirements and developing an understanding of what actions are necessary to comply with the fee payment requirements. This is estimated as a one-time burden. The burden is estimated to occur the first time a firm is affected by the requirements. For analytical purposes, EPA assumes that no firm will be subject to any of the fee-triggering actions under TSCA sections 4, 5, or 6 more than once over the three-year period of this ICR. Therefore, the average burden per respondent for each of the three years of analysis is calculated as $0.5/3 = 0.167$ hours/year.

Reduced Fee Eligibility Determination

The regulation establishes reduced fees for firms with a number of employees below the thresholds listed in 40 CFR 700.43 “Definitions applicable to this subpart” or fewer than 500 employees if the firm is not in an industry sector that appears in that table. EPA estimates 0.5 hours of managerial burden to review the employee-based threshold established for firms eligible for a reduced fee and compare that threshold to the firm’s number of employees to determine eligibility for the reduced fee. EPA assumes that the proportion of firms that will incur this burden is roughly equivalent to the proportion of affected firms that are small businesses, as defined by the Small Business Administration (SBA). EPA estimates that SBA-defined small businesses account for four in 15 firms for TSCA section 4 actions, about 35% of affected firms for TSCA section 5 actions, and 27 of the 150 total firms for TSCA section 6 actions. This may be an overestimate as some small businesses will already know their size status under SBA size standards and will, therefore, not spend the time to confirm eligibility for the reduced fee. This burden is assumed to occur once for each affected firm over the three-year period of this ICR. Since EPA assumes that no firm will be subject to any of the TSCA section 4, 5, or 6 actions more than once over the three-year period of this ICR, the average burden per respondent is calculated as $0.5/3 = 0.167$ hours/year.

CDX Registration

Firms subject to fee payments are required to submit information to EPA using CDX. Since companies submitting new chemical notices under TSCA section 5 are already required through existing regulations to submit these notices using CDX, burden associated with new CDX registrants under TSCA section 5 is already accounted for elsewhere in an existing ICR.² Similarly, firms subject to fee-triggering activities under TSCA section 4 are already required to submit testing and other related information to EPA using CDX, so burden associated with new

¹ EPA expects a section 4 Test Rule and Enforceable Consent Agreement action to take two years. As a result, EPA expects to initiate two of each over the three years of this ICR. To simplify this analysis, EPA includes one of each of these actions each year. EPA expects this to be an overestimate of the total burden.

² See TSCA section 5 PMN ICR https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201806-2070-001.

CDX registrants under TSCA section 4 is already accounted for elsewhere in an existing ICR.³ Manufacturers requesting Risk Evaluations are required to provide the submission package to EPA via CDX, so burden associated with new CDX registrants requesting Risk Evaluations is also already accounted for elsewhere in an existing ICR.⁴ While some manufacturers subject to Risk Evaluations initiated by EPA under TSCA section 6 may already be familiar with the CDX system and may be registered CDX users from prior experience with TSCA submissions, there is no way to estimate which manufacturers are familiar with CDX and which are new to the system. Therefore, EPA assumes that all 100 manufacturers subject to EPA-initiated Risk Evaluations under TSCA section 6 each year are new CDX users and, therefore, are experiencing this burden for the first time. This burden is assumed to occur once for each affected firm over the three-year period of this ICR. Since EPA assumes that no firm will be subject to any action more than once over the three-year period of this ICR, the average burden per respondent is calculated as $0.5/3 = 0.167$ hours/year.

Notification of Participation in Consortium

The principal sponsor for the firms subject to TSCA section 4 or 6 actions who decide to join consortium, must notify EPA via CDX of the formation about the consortium and provide the following information: the name, address, telephone number and signature of the principle sponsor and the names and contact information for each manufacturer and/or processor associating with the consortium. For analytical purposes, EPA assumes that all firms will opt to join a consortium when possible, such that only one firm per TSCA section 4 and TSCA section 6 action will identify themselves as the principal sponsor of the consortium and experience this burden. EPA estimates that this will require 0.25 hours per year of technical burden to submit the information to EPA. EPA estimates this burden to occur once over the three-year period of this ICR. Thus, the average annual burden is calculated as $0.25/3 = 0.083$ hours/year.

Self-identification and Certification

Firms that are either subject to fees or have been identified by EPA as being subject to fees under TSCA section 4 Test Rules and TSCA section 6 EPA-initiated Risk Evaluations must submit notice to EPA, identifying whether they (1) manufacture the identified chemical, (2) have already ceased manufacturing prior to the defined cutoff dates and will not manufacture for five years into the future, or (3) have not ever manufactured the chemical substance. Firms are required to provide certain basic contact information and certify their statements of Cessation and/or No Manufacture. EPA estimates that 15 firms will report this information to EPA as a result of one Test Rule per year. Similarly, 100 firms are expected to report this information to EPA as a result of approximately seven EPA-initiated Risk Evaluations per year. EPA estimates this burden to occur once per respondent over the three-year period of this ICR. Thus, the average annual burden is calculated as $2.5/3 = 0.833$ hours/year.

Fee Payment via Pay.gov

³ See TSCA section 4 ICR https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201712-2070-004

⁴ See TSCA section 6 Risk Evaluations rule ICR https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201707-2070-001

Firms are required to make fee payments electronically using the secure, web-based collection portal, Pay.gov. Firms are expected to create payment accounts in Pay.gov and use one of the electronic payment methods currently supported by Pay.gov (e.g., Automated Clearing House debits (ACH) from bank accounts, credit card payments, debit card payments, PayPal or Dwolla). EPA estimates a burden of 0.5 hours per year of technical burden to collect the required information, create a Pay.gov account, and submit the fee payment. In cases where a consortium is formed, EPA expects that the principal sponsor for the consortium to be the one responsible for submitting the fee payment. For each firm submitting a fee payment through Pay.gov, the burden is estimated to occur once over the three-year period of this ICR. Since EPA assumes that no firm will be subject to any of the TSCA section 4, 5, or 6 actions more than once over the three-year period of this ICR, the average burden per respondent is calculated as $0.5/3 = 0.167$ hours/year.

Reporting Costs

Labor costs are based on fully loaded wage rates. EPA obtained wage rates from the Employer Costs for Employee Compensation (ECEC) Supplementary Tables (BLS, 2020). EPA used the wage rate for Professional/Technical workers, Managers, and Office and Administrative Support in private manufacturing industries. Fringe benefits are calculated based on the ratio of benefits to total compensation from the 2020 BLS Employer Costs for Employee Compensation data series (BLS, 2020). An overhead rate of 17 percent 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 (EPA, 2001). The estimated fully loaded hourly wage rate for a technical worker in this industry is \$77.78. The estimated fully loaded hourly wage rate for a manager in this industry is \$83.28. The estimated fully loaded hourly wage rate for clerical staff in this industry is \$33.57.

Table 1: Industry Wage Rates

Labor Type	Wage	Fringes as % Wage	Over-head % wage ^a	Fringe + Overhead Factor ^b	Loaded Wages ^c
	(a)	(b)	(c)	(d)=(b)+(c)+1	(a)×(d)
Professional / Technical	\$46.65	50%	17%	1.67	\$77.78
Managerial	\$51.65	44%	17%	1.61	\$83.28
Clerical	\$20.54	46%	17%	1.63	\$33.57

Footnotes:

^a 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, 2001).

^b The inflation factor of “1” in the formula for calculating the fringe + overhead factor means wage data are not escalated to reflect inflation.

^c Wage data are rounded to the closest cent in this analysis.

Consortia Non-Reporting Administrative Costs

The regulation allows the formation of, and payment by, consortia for firms subject to actions under TSCA sections 4 and 6. Administrative costs associated with managing a testing consortia are estimated to total 15 percent of the total laboratory costs, which could be as high

as approximately \$1.7 million for a “standard” testing battery.⁵ While EPA recognizes that there may be significant administrative costs associated with forming and managing consortia, for firms subject to testing requirements under TSCA section 4 actions, EPA expects that testing consortia will be formed for purposes of coordinating the required testing and will, therefore, not incur significant additional costs for coordination of the fee payment.

For firms subject to Risk Evaluations initiated by EPA under TSCA section 6, however, the ability to form consortia for coordination of fee payment is new under TSCA and the estimated administrative costs associated with forming consortia are, therefore, accounted for in this ICR. EPA estimates the cost per consortium to form and coordinate the fee payment for an EPA-initiated Risk Evaluation as five percent of the fee for EPA-initiated Risk Evaluations (5% x \$2.05 million fee/3), for a total of \$34,167 in administrative costs per TSCA section 6 consortium per year. EPA estimates that one consortium will form for each Risk Evaluation initiated by EPA each year, for a total of approximately seven consortia and approximately \$228,000 in non-reporting administrative consortium costs each year.

5(b). Information Collections

Respondent NAICS codes associated with industries most likely affected by the paperwork requirements are listed in section 5(a) of this ICR.

Information Collection (IC) Activities

Table 2 presents the estimated average annual burden for each IC activity described in section 5(a) of this ICR.

⁵ See section 4 ICR https://www.reginfo.gov/public/do/PRAICList?ref_nbr=201712-2070-004

Table 2: Total Average Annual Burden and Costs¹

Activity/ Respondent	Number of Respondents	Burden per Response (hours)	Total Burden (hours)	Cost per Respondent	Total Cost
IC 1: Rule Familiarization					
Section 4 Actions	195	0.167	33	\$12.96	\$2,528
Section 5 Actions	1,003	0.167	167	\$12.96	\$13,002
Section 6 Actions	150	0.167	25	\$12.96	\$1,945
IC 2: Notification of Participation in Consortia					
Section 4 Actions	13	0.083	1	\$6.48	\$84
Section 6 Actions	7	0.083	0.58	\$6.48	\$45
IC 3: CDX Registration					
Section 6 Actions	100	0.167	16.67	\$12.96	\$1,296
IC 4: Reduced Fee Eligibility Determination					
Section 4 Actions	52	0.167	9	\$13.88	\$722
Section 5 Actions	350	0.167	58	\$13.88	\$4,858
Section 6 Actions	27	0.167	5	\$13.88	\$375
ICS 5: Fee Payment through Pay.gov					
Section 4 Actions	13	0.167	2	\$12.96	\$169
Section 5 Actions	1,003	0.167	167	\$12.96	\$13,002
Section 6 Actions	10	0.167	2	\$12.96	\$130
IC 6: Self-Identification and Certification					
Section 4 Actions	15	0.833	13	\$64.82	\$972
Section 6 Actions	100	0.833	83	\$64.82	\$6,482
Total Burden for all Activities					
Section 4 Actions	195		57	\$22.95	\$4,475
Section 5 Actions	1003		393	\$30.77	\$30,863
Section 6 Actions	150		132	\$68.48	\$10,272
Total PRA	1,348		581		\$45,610
Included in IC 2: Consortia Non-Reporting Costs					
Section 6 Actions	7			\$34,167	\$227,778
Total Costs	1,348		581		\$273,388
¹ Values may not calculate exactly due to rounding. Total burden and cost may be overestimated due to assumptions on the number of firms in consortia and first-time users of CDX.					

6. PRA Burden Statement

Under the PRA, burden is defined at [5 CFR 1320.3\(b\)](#). This is a revised, rule-related information collection. The total burden requested for this ICR is 581 hours per year, with a total of 1,348 respondents, and is estimated to average 0.43 hours per respondent. The total estimated annual reporting burden cost is \$273,388, which includes \$0 annualized capital or operation and maintenance costs.

You may submit comments regarding the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques. Comments, referencing Docket ID No. EPA-HQ-OPPT-2020-0493 and OMB Control No. 2070-0208 (EPA ICR No. 2569.03), may be submitted to EPA electronically through <http://www.regulations.gov> and to OMB, addressed to “OMB Desk Officer for EPA” and referencing OMB Control No. 2070-0208 (EPA ICR No. 2569.03, via email to oir_submission@omb.eop.gov.

7. References

Rice, C. (2002). Wage Rates for Economic Analysis of The Toxics Release Inventory Program. Office of Environmental Information: U.S. Environmental Protection Agency.

U.S. Bureau of Labor Statistics (2020). Employer Costs for Employee Compensation (ECEC) Supplementary Tables: June 2020. 2020.

U.S. Environmental Protection Agency (EPA). (2001) “Revised Economic Analysis for the Amended Inventory Update Rule (IUR).” Research Triangle Park.