

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

EXECUTIVE SUMMARY

Identification of the Information Collection – Title and Numbers

Title: User Fees for the Administration of the Toxic Substances Control Act (TSCA)

EPA ICR No.: 2569.04

OMB Control No.: 2070-0208

Docket ID No.: EPA-HQ-OPPT-2020-0616

Abstract

The Frank R. Lautenberg Chemical Safety for the 21st Century Act of 2016 made transformative changes to the Toxic Substances Control Act (TSCA), including an amendment that provides EPA with authority to collect fees to defray 25% of the costs associated with administering sections 4, 5, and 6 of TSCA, as well as the costs of collecting, processing, reviewing and providing access to and protecting CBI from disclosure as appropriate under TSCA section 14. Payments are required from manufacturers (defined by statute to include importers) of a chemical substance who are required to submit information to EPA 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 are required to submit information to EPA under TSCA section 4 related to a SNUN submission. EPA is not collecting a fee for submissions of Confidential Business Information (CBI) submitted under TSCA section 14. These fees are intended to achieve the goals articulated by Congress to provide a sustainable source of funds for EPA to fulfill its legal obligations to conduct the activities required under TSCA sections 4, 5 and 6 (such as risk-based screenings, designation of applicable substances as High- and Low-Priority, conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, requiring testing of chemical substances and mixtures, and evaluating and reviewing manufacturing and processing notices), as well as the activities under TSCA section 14 (i.e., collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate).

Summary of Average Annual Burden and Costs

	Number of Respondents	Burden per Response (hours)	Total Burden (hours)	Cost per Respondent	Total Costs
Agency			8		\$691.65
Respondents	1,348	0.443	598		\$274,684

SUPPORTING STATEMENT

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Persons subject to fees are required to make fee payments electronically using the Department of Treasury's Pay.gov electronic collection payment services. Once the payment is made, Federal agencies may access the payment and associated information. After TSCA fees are submitted to Pay.gov, payment information is submitted to EPA. The payment information includes company contact information, and information about the payment amount and method.

Certain manufactures (including importers) are also 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. The notification should include the name, address, telephone number and signature of the principal sponsor and the names and contact information for each manufacturer (including importer) 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 (and importers) who have manufactured or imported the chemical substance in the 5 years prior to TSCA section 4 Test Rules and TSCA section 6 EPA-initiated risk evaluations must submit notice to EPA electronically via CDX, the Agency's electronic reporting portal, using the Chemical Information Submission System (CISS) reporting tool. Manufacturers are required to provide the following information:

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 will be able to answer questions about the information submitted by the company to EPA.

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.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current 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.

When manufacturers (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.

Manufacturers, 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 (EPA, 2018). 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.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

EPA will make 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 will be made through CDX, EPA's portal for submitting information electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

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).

5. If the collection of information impacts small businesses or other small entities, describe the methods used to minimize burden.

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. EPA estimates that, of the 429 small businesses paying fees every year, all firms may have annual cost-revenue impacts of less than 1%.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Due to the nature of the triggering events that initiate information collection activities, 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.

7. Explain any special circumstances that require the collection to be conducted in a manner:

- a) requiring respondents to report information to the agency more often than quarterly;
- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- c) requiring respondents to submit more than an original and two copies of any document;
- d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;

- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- f) requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Not applicable.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside EPA to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

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 (86 FR 14904). In accordance with this regulation, EPA submitted questions to several interested parties via e-mail **Attachment 1**. The individual entities contacted were:

- Tedia
- Buckman Laboratories Inc
- Univar Solutions

A copy of EPA's consultation to the above potential respondents are in **Attachment 3** and are available in the docket. EPA did not receive any responses on its solicitations for consultations.

EPA received two public comments. One comment was from the Environmental Defense Fund (EDF) asserting that EPA is misreading TSCA as it relates to fees. EPA believes the comment is not within the scope of this ICR renewal and will not address it under this ICR. EDF has submitted a similar comment on the proposed 2021 Fee Rule, where EPA will address the comment.

The Alliance for Automotive Innovation (Auto Innovators) submitted an extensive comment claiming that EPA has significantly underestimated the burden imposed by this rule, specifically related to TSCA section 6 activities. EPA's detailed response to the Auto Innovators comment is in Attachment 4 and available in the docket.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Since the information collected under this ICR involves only information related to payments, EPA does not believe that respondents will submit any confidential information collected under this ICR. However, 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.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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

12. Provide estimates of the hour burden of the collection of information. The statement should:

- a) **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden,**

and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- c) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under ‘Annual Cost to Federal Government’.**

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

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” 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 substances 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 substance and an average of 15 manufacturers per chemical substance, 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 substance 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 $1/3 = 0.333$ 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

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.

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 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 principal 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

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

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 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 substance, (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

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. 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, 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.

Table 2. Summary of Total Costs

Activity/Respondent	Number of Respondents	Burden per Response (hours)	Total Burden (hours)	Cost per Respondent	Total Cost
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
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
CDX Registration					
Section 6 Actions	100	0.333	33.3	\$25.92	\$2,592
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
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
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	148	\$68.48	\$11,568
Total PRA	1,348	598		\$46,906
Consortia Non-Reporting Costs				
Section 6 Actions	7		\$34,167	\$227,778
Total Costs	1,348	598		\$274,684
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.				

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- a) The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- b) If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- c) Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no operational or maintenance costs associated with this ICR.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

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 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.

- 15. Explain the reasons for any program changes or adjustments reported in hour or cost burden.**

There is an increase in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB due to the increase in the number of entities potentially affected by this ICR and an increase in the number of information collection activities. The change in potentially affected entities reflects the number of submissions received under TSCA sections 5 and 6. EPA's burden estimates for this collection based upon historical information on the number of chemicals per premanufacture notices (PMNs), significant new use notifications (SNUNs), microbial commercial activity notices (MCANs), and exemption notices and applications including low-volume exemptions (LVEs), test-marketing exemptions (TMEs), low exposure/low release exemptions (LoREXs), TSCA experimental release applications (TERAs), certain new microorganism (Tier II) exemptions, and film article exemptions, and actions under TSCA section 6. This change is an adjustment.

Under the PRA, burden is defined at 5 CFR 1320.3(b). There is an increase in the number of entities (from 1,118 to 1,348) compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's estimate of actions under TSCA sections 4, 5, and 6. This change is an adjustment.

- 16. For collections whose results will be published, outline the plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

Not applicable.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not applicable.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

EPA does not request an exception to the certification of this information collection.

SUPPLEMENTAL INFORMATION

The annual public burden for this collection of information is estimated to average approximately 598 hours annually per respondent over the three-year period. According to the Paperwork Reduction Act, “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. For this collection it includes the time needed to review and understand instructions; prepare and submit reports (including searching data sources); complete and review the collection of information; transmit the information; and keep records.

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-2020-0616, which is available at <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.

You can also provide comments to the Office of Information and Regulatory Affairs, Office of Management and Budget via <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

All comments received by EPA will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

Notice: Due to public health concerns related to COVID-19, the EPA Docket Center and Reading Room are open to the public *by appointment only*. [Read more about the operating status.](#)

LIST OF ATTACHMENTS

The attachments listed below can be found in the docket for this ICR or by using the hyperlink that is provided in the list below. The docket for this ICR is accessible electronically through <http://www.regulations.gov> using Docket ID Number: EPA-HQ-OPPT-2020-0616.

Ref.	Title
1.	EPA Form No. 9600-008: Notice of TSCA Fee Action Participation. (Form is available to respondents in CDX for online submissions in CDX.)
2.	CDX Screen Shots & Instructions. Revised Modules for TSCA Section 5 and Section 6 Submissions. A. Section 5 Notices and Supports User Guide – Primary Authorized Official B. Risk Evaluation Rule User Guide – Primary Authorized Official
3.	Consultation Email
4.	Responses to Comments Received on Proposed Renewal of the Information Collection Request (ICR) for the User Fees for the Administration of the Toxic Substances Control Act (TSCA)

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 (BLS). (2018). Employer Costs for Employee Compensation (ECEC) Supplementary Tables: December 2006 – March 2018. 2018.

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

EPA. (2018) Final Rule; Fees for the Administration of the Toxic Substances Control Act. Federal Register. 83 FR 52694, October 17, 2018 (FRL-9984-41).