

Information Collection Request (ICR) for Protection of Stratospheric Ozone: Standards Related to the Manufacture of Class II Ozone-Depleting Substances for Feedstock

PART A OF THE SUPPORTING STATEMENT

1. Identification of the Information Collection

- (a) Title: Information Collection Request (ICR) for Protection of Stratospheric Ozone: Standards Related the Manufacture of Class II Ozone-Depleting Substances for Feedstock

OMB Number: 2060-0170

EPA ICR Number: 1432.37

(b) **Short Characterization**

This rule-related information collection request (ICR) is being proposed in accordance with the proposed rulemaking, “Protection of Stratospheric Ozone: Standards Related to the Manufacture of Class II Ozone-Depleting Substances for Feedstock.” In the proposed rule, EPA is proposing to limit emissions of hydrofluorocarbon-23 (HFC-23) from plants that manufacture class II ozone-depleting substances (i.e., hydrochlorofluorocarbons (HCFCs)), regulated under current Clean Air Act (CAA) regulations. Under the proposal, the HFC-23 must be captured and employed for a commercial use or destroyed using a technology approved by the Environmental Protection Agency (EPA), thereby ensuring it is not directly emitted. Reporters subject to the proposed rule, if finalized, would be required to report data on HFC-23 generated from the manufacture of HCFCs using the Ozone-Depleting Substances Tracking System (ODSTS).

2. Need For, and Use Of, the Collection

(a) **Authority for the Collection**

This information collection is authorized under the CAA (42 U.S.C. 7414, 7601, 7671-7671q).

For electronic reporting, the Paperwork Reduction Act (PRA) requires Federal agencies to manage information resources to reduce information collection burdens on the public; increase program efficiency and effectiveness; and improve the integrity, quality, and utility of information to all users within and outside the Agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security (44 USC 3506).

(b) **Practical Utility/Users of the Data**

The reporting and recordkeeping requirements for HFC-23 enable the EPA to ensure compliance with the proposed limits relating to the generation of HFC-23 emissions from the manufacture of HCFCs.

3. Non-duplication, Consultation, and Other Collection Criteria

(a) Non-duplication

The Greenhouse Gas Reporting Program (GHGRP) was established in 2009 and requires various facilities and suppliers to annually report data related to GHGs to EPA (see 40 CFR part 98). The relevant subpart that relates to reporting on HFC-23 emissions is subpart O, “HCFC-22 Production and HFC-23 Destruction.” Subpart O of the GHGRP requires reporting and recordkeeping of emissions from owners or operators of facilities that contain HCFC-22 production or HFC-23 destruction processes. While there is some overlap in GHGRP reporting with this ICR, EPA is largely requesting information not already required to be submitted by the GHGRP.

In a separate rulemaking, under the AIM Act, “Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act,”¹ EPA proposed HFC-23 emissions-related reporting and recordkeeping requirements. If that proposed approach under the AIM Act were to be finalized, all generation of HFC-23 would be regulated, including HFC-23 generated as a byproduct during production of HCFCs for feedstock use. Under such a scenario, EPA anticipates that it likely would not finalize this proposal, but is soliciting comments on whether this CAA-specific rulemaking would still be beneficial.

Therefore, duplication in reporting requirements is not anticipated.

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

The proposed rulemaking “Protection of Stratospheric Ozone: Standards Related to the Manufacture of Class II Ozone-Depleting Substances for Feedstock” will serve as the public notice for this ICR. EPA is requesting comment on this ICR in that proposed rulemaking.

(c) Consultations

The burden calculations were developed based on EPA’s experience collecting data on HFCs under GHGRP. EPA will collect comments on the proposed rulemaking “Protection of Stratospheric Ozone: Standards Related to the Manufacture of Class II Ozone-Depleting Substances for Feedstock” and will adjust this ICR as needed.

(d) Effects of Less Frequent Collection

Less frequent than quarterly collection of data would hinder EPA’s ability to identify violations of the regulations limiting emissions of HFC-23. The quarterly reporting requirement provides EPA the ability to resolve, in a timely manner, discrepancies in the data reported to us.

¹ The proposed rule, “Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act,” was published in the Federal Register on May 19, 2021 (86 FR 27150).

(e) General Guidelines

This collection of information has a five-year requirement for record and report retention, which exceeds the three-year requirement for record retention specified in the general information collection guidelines in 5 CFR 1320.5(f) of the OMB regulations implementing the Paperwork Reduction Act. The EPA has determined that five years is a reasonable time period given the statute of limitations for enforcing violations of the regulations issued under the CAA is five years. This collection of information request is consistent with all other OMB guidelines found at 5 CFR 1320.5(d)(2).

(f) Confidentiality

EPA informs the respondents that they may assert claims of business confidentiality for any of the information they submit. Information claimed as confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR part 2, Subpart B, and will be disclosed to the extent, and by means of procedures, set forth in Subpart B. If no claim of confidentiality is asserted when the information is received by the EPA, it may be made available to the public without further notice to the respondents (40 CFR 2.203).

(g) Sensitive Questions

This section is not applicable because this ICR does not involve matters of sensitive nature.

4. The Respondents and the Information Request

(a) Respondents' NAICS Codes

The appropriate North American Industry Classification System (NAICS) for potentially affected entities are listed below in Table I.

Table I. NAICS Classification of Regulated Entities

Category	NAICS code	Example of Regulated Entities
Chemical Producers	325120	Chlorodifluoromethane manufacturing facilities

(b) Information Requested

(i) Data items

All manufacturers identified in 40 CFR 82.15(a)(3) must record and/or report the following one time, on a quarterly basis and/or as needed.

Request for Extension Requirements (to be submitted no later than August 1, 2022 for a first-time extension or February 1, 2023 for a second extension):

- The name of the plant submitting the request, the contact information of the person at the plant, and the address of the plant; and
- A description of the specific actions the plant has taken to improve HFC-23 control, capture, and destruction; the plans to meet the 0.1% HFC-23 limit including the expected

date by which the equipment will be installed and operating; and verification that the plant has met all applicable reporting requirements under 40 CFR parts 82, 84, and 98.

Manufacturers that Generate HFC-23 One-Time Reporting Requirements:

- Information on the capacity to manufacture the intended chemical on the line(s) on which HFC-23 is generated;
- Description of actions taken at the plant to control the generation and emissions of HFC-23;
- Identification of approved destruction technology and its location intended for use for HFC-23 destruction; and
- A copy of the destruction removal efficiency report associated with the destruction technology.

Manufacturers that Generate HFC-23 Quarterly Reporting Requirements:

- Production line data on HFC-23 in kilograms: emissions; generated; generated and captured; generated and captured for feedstock use in the United States; generated and captured for destruction; used for feedstock without prior capture; and destroyed without prior capture.

Manufacturers that Generate HFC-23 (to be submitted within 45 days after destruction occurs):

- If captured HFC-23 is destroyed in a subsequent control period, information that the HFC-23 has been destroyed.
- If captured HFC-23 is destroyed at a different plant than where it is generated, information that the HFC-23 has been destroyed. Such report must include the date on which the HFC-23 was generated and the date on which the HFC-23 was destroyed.

Manufacturers that Generate HFC-23 Recordkeeping Requirements:

- Reports provided to the Administrator for five years.

(ii) Respondent Activities

A summary of respondent activities is provided in Table II below.

Table II. Respondent Activities

Activity	Reporting Frequency
Submit request for extension	As Needed
Submit one-time HFC-23 emissions report	One-Time
Submit quarterly HFC-23 emissions report	Quarterly
Submit HFC-23 proof of destruction	As Needed

5. The Information Collected - Agency Activities, Collection Methodology, and Information Management

(a) Agency Activities

(i) Reported Data

- Review data for completeness and accuracy, potentially through follow-up with the reporting entity; and
- Review and respond to requests for extensions.

(b) Collection Methods

Information required under this ICR will be reported electronically to EPA through the Central Data Exchange (CDX). Quarterly data will be reported using an updated version of the Class II Producer reporting form (EPA Form #5900-202). EPA will use the ozone-depleting substance tracking system (ODSTS) to collect and track data submitted through CDX. The ODSTS is used by EPA to collect and track data on ozone-depleting substances that are reported in accordance with 40 CFR part 82. The system is designed to collect and store CBI.

(c) Small Entity Flexibility

Small entities are not expected to be affected by the proposed rule and this ICR.

(d) Collection Schedule

- Requests for an extension must be submitted to EPA no later than August 1, 2022 for a first-time extension or February 1, 2023 for a second extension;
- Manufacturers that generate HFC-23 must submit a one-time report;
- Manufacturers that generate HFC-23 must report to EPA quarterly (45 days after the end of each quarter);
- Persons who destroy HFC-23 in a subsequent control period or destroy HFC-23 at a different plant than where it is generated report to EPA as needed (within 45 days after destruction occurs).

6. Estimating the Burden and Cost of Collection

This section presents EPA’s estimates of the burden and costs to respondents associated with the activities described in Section 4 of this document as well as the federal burden hours and costs associated with the activities described in Section 5 of this document.

(a) Estimating Respondent Burden

EPA identified 4 information collection activities that are mandated by EPA’s proposed rulemaking. EPA estimated the amount of time associated with each activity based on EPA’s experience collecting similar activity data on HFCs and ozone-depleting substances (ODS) under GHGRP (74 FR 56260; October 30, 2009) and 40 CFR part 82, respectively. This analysis assumes that all respondent burden hours are incurred by technical staff at companies that submit reports. [Table III](#) below summarizes the number of burden hours incurred by each respondent for each information collection activity.

(b) Estimating Respondent Costs

To determine respondent costs, an average hourly wage rate of \$58.41 per hour for technical staff, the hourly wage rate for professional and related persons, was derived from the Bureau of

Labor Statistics Employer Cost and Employee Compensation, Table 2. (“civilian workers, by occupational and industry group”), September 2020. A 110 percent increase was added to reflect the estimated additional costs for overhead and fringe, which increased the wage rate to \$122.66 per hour. Burden hours were multiplied by the labor rate to determine respondent costs. Given the reporting and recordkeeping requirements, no operation and maintenance (O&M) costs or capital/startup costs are assumed to be associated with this information collection request.

Table III below summarizes labor costs for each respondent by information collection activity. Costs are calculated by multiplying technical burden hours per response by the number of responses per year and the assumed hourly wage rate of technical staff.

Table III. Hours and Costs per Respondent Activity

Activity	Responses per Respondent per Year	Technical Burden Hours per Response	Total Hours per Respondent per Year	Technical Labor Cost per Respondent per Year
Submit request for extension	1	2.00	2.0	\$245
Submit one-time HFC-23 emissions report	1	100.00	100.0	\$12,266
Submit quarterly HFC-23 emissions report	4	12.00	48.0	\$5,888
Submit HFC-23 proof of destruction	2	0.25	0.5	\$61

(c) Estimating Agency Burden and Costs

EPA identified two activities incurred by the federal government associated with this data collection request. Burden associated with each activity is based on EPA’s past experience with reporting and data collection of HFCs and ODS. The number of occurrences of each activity is based on the estimated number of responses per year for each year of this ICR (as discussed further in section (d) below).

Costs are subdivided into Agency and contractor costs. The average hourly rates for the EPA technical and managerial staff of \$49.68 and \$69.06, respectively, are derived from the 2021 annual base pay table, which was retrieved from the Office of Personnel Management website. The rate for technical staff is based on a GS-13 step 1 salary and the rate for managerial staff is based on a GS-15 step 1 salary. These rates were then multiplied by the standard government benefits multiplication factor of 1.6 to get hourly rates of \$79.49 for technical staff and \$110.50 for managerial staff. The cost of contractor time is valued at \$108.37 per hour on average, including overhead and fringe. This rate takes into account a weighted average of managerial and technical staff hours, based on rates for Consultant III and Researcher II under GSA Schedule 899-1 Environmental Consulting Services.

Table IV summarizes total agency burden and costs by activity.

Table IV. Agency Burden and Cost Table

Activity	Hours per Activity			Number of Activities			Total Hours			Total Costs		
	Man.	Tech.	Cont.	Y1	Y2	Y3	Y1	Y2	Y3	Y1	Y2	Y3
Review Data for Reporting Completeness and Compliance	0.0	0.5	0.5	14	12	12	14.0	12.0	12.0	\$1,315	\$1,127	\$1,127
Review and Respond to Requests for Extension	0.5	0.5	0.0	1	-	-	1.0	-	-	\$95	\$0	\$0

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

The respondent universe for this ICR is based on a review of data available in the ODSTS and from GHGRP Subpart O. In total, EPA estimates two unique respondents are subject to the information collection requirements outlined in this ICR. This estimate takes into account the fact that the respondent types are not mutually exclusive, meaning a given respondent may be subject to more than one information collection activity.

Table V summarizes the total number of respondents per activity per year as well as total burden hours and costs per year. The number of respondents per activity per year varies across the three years covered by this ICR due to the one-time reporting requirement and anticipated requests for extension. Total respondent burden hours and costs are derived by multiplying the number of respondents per activity by total hours and total costs per respondent per year (see Error: Reference source not found). EPA has not deducted any respondent burden that is already covered under the GHGRP's ICR (2060-0629).

Table V. Respondent Burden and Cost Table

Activity	Respondents per Activity per Year			Total Hours per Year			Total Cost per Year		
	Y1	Y2	Y3	Y1	Y2	Y3	Y1	Y2	Y3
Submit request for extension	1	0	0	2	0	0	\$245	\$0	\$0
Submit one-time HFC-23 report	2	0	0	200	0	0	\$24,532	\$0	\$0
Submit quarterly HFC-23 report	2	2	2	96	96	96	\$11,775	\$11,775	\$11,775
Submit HFC-23 proof of destruction	2	2	2	1	1	1	\$123	\$123	\$123

(e) Bottom Line Burden Hours and Cost Tables

(i) Respondent Tally

As shown in Table VI. Respondent Burden Summary Table, EPA estimates the total annual hour and cost burden to all respondents to average 164 hours and \$20,157.

Table VI. Respondent Burden Summary Table

Year	Total Responses	Total Hours	Total Costs
Year 1	15	299	\$36,675
Year 2	12	97	\$11,898
Year 3	12	97	\$11,898
Annual Average	13	164	\$20,157

(ii) The Agency Tally

As shown in Table VII, EPA estimates the total annual hour and cost burden to the Agency to average 13 hours and \$1,221.

Table VII. Agency Burden Summary Table.

Year	Total Hours	Total Costs
Year 1	15	\$1,410
Year 2	12	\$1,127

Year 3	12	\$1,127
Annual Average	13	\$1,221

(f) Reasons for Change in Burden

This information collection request is a continuation of an existing information collection request approved by OMB, “Production, Import, Export, Recycling, Destruction, Transshipment, and Feedstock Use of Ozone-Depleting Substances (Final Rule),” ICR number 1432.36, OMB Control Number 2060-0170. The proposed requirements, if finalized, would increase the burden (hours and cost) by the quantities included in this draft ICR.

(g) Burden Statement

The public reporting burden for this collection of information is estimated to average 12.6 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.