

**Statement Supporting the
Renewal of the Information Collection Request
for the Community Right-to-Know Reporting Requirements of the
Emergency Planning and Community Right-to-Know Act**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection Request

Community Right-to-Know Reporting Requirements under sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (Renewal), EPA ICR Number 1352.16, OMB Control Number 2050-0072.

1(b) Short Characterization

EPCRA section 311 requires the owner or operator of any facility that is required to prepare or have available a Safety Data Sheet (SDS)¹ for a hazardous chemical under the Occupational Safety and Health Act (OSHA) of 1970, to submit an SDS for each hazardous chemical stored on-site in a quantity greater than the reporting threshold to their state emergency response commission (SERC) (or Tribal Emergency Response Commission (TERC)), local emergency planning committee (LEPC) (or Tribal Emergency Planning Committee (TEPC)), and local fire department. Alternatively, a list of subject chemicals grouped by hazard type may be submitted. The reporting threshold is 10,000 pounds unless the chemical is an extremely hazardous substance (EHS) under EPCRA section 302, in which case it is the lower of either 500 pounds or the threshold planning quantity (TPQ). The reporting thresholds, all grades combined, are 75,000 gallons for gasoline and 100,000 gallons for diesel fuel. These thresholds apply to chemicals stored entirely underground at retail gas stations in compliance with Underground Storage Tank (UST) regulations.² Section 311 of EPCRA allows the public the same access to SDSs that facilities provide their employees. State, tribal and local agencies may have lower reporting thresholds or require facilities to report additional chemicals.

¹ While both Material Safety Data Sheet (MSDS) and SDS terms are used in 40 CFR 370, only SDS will be used in this Supporting Statement for ease of reference.

² From 40 CFR 370.10: (ii) For gasoline at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.), the threshold level is 75,000 gallons (approximately 283,900 liters) (all grades combined). This threshold is only applicable for gasoline that was in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

(iii) For diesel fuel at a retail gas station (For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.), the threshold level is 100,000 gallons (approximately 378,500 liters) (all grades combined). This threshold is only applicable for diesel fuel that was in tank(s) entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281.

The deadline for a one-time submittal of a list of chemicals or SDSs under section 311 was October 17, 1987. Afterwards, if a facility becomes subject to the reporting requirements, it has three months to come into compliance. In addition, facilities must submit updated lists or SDSs within three months when a hazardous chemical above the reporting threshold is brought on-site, and a revised SDS if significant new information becomes available. A facility must provide an SDS if the SERC (or TERC), or LEPC (or TEPC) receives a request, even if the quantity of the hazardous chemical stored is below the reporting threshold.

Section 312 of EPCRA requires owners and operators of facilities subject to section 311 to report annually the inventories of chemicals reported under section 311. The Environmental Protection Agency (EPA or Agency) is required to publish two emergency and hazardous chemical inventory forms, known as “Tier I” and “Tier II,” for use by these facilities. The Tier I form provides the minimum amount of information necessary to comply with the section and the Tier II form provides chemical-specific information. The submittal of an inventory form provides local emergency planners/responders and the community access to information regarding the hazards of a chemical at a facility. Facilities do not submit either form to EPA.

Pursuant to EPCRA section 311, any facility that is required to submit an SDS or list of chemicals under section 311 must submit a Tier I form annually on or before March 1, incorporating the chemicals reported under section 311. The facility submits the Tier I form to the SERC (or TERC), LEPC (or TEPC), and local fire department. The Tier II form, which provides chemical-specific information, must be submitted upon request by the SERC (or TERC) or LEPC (or TEPC). Currently, all states require facilities to submit the federal Tier II form or the state-equivalent, including electronic submission.

OSHA regulations (29 CFR 1910.1200) provide a list of exemptions from the definition of hazardous chemicals. In addition, EPCRA section 311(e) further exempts certain substances from the definition of hazardous chemicals. See Appendix A for the list of exemptions provided under OSHA and EPCRA section 311(e).

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The authority for these requirements is EPCRA sections 311 and 312 (42 U.S.C. §11011 and §11012). EPCRA sections 311 and 312 require covered facilities to submit an inventory of hazardous chemicals stored on-site at or above reporting thresholds established in the regulations at 40 CFR 370.10.

Currently, some states require facilities to submit the federal Tier II inventory form. Other states developed their own reporting form or format. None of the states accept the Tier I inventory form.

2(b) Practical Utility/Users of the Data

The reports required under sections 311 and 312 are submitted to the state and local officials who use the information to develop or modify emergency response plans for their community. The information also will be accessible to the public. EPA does not collect either Tier I or Tier II forms, nor maintain a national database of facility or chemical inventory information facilities included on the Tier II form.

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

3(a) Non-Duplication

Many states have laws that require information submittals similar to EPCRA sections 311 and 312. EPA considers state programs that meet EPCRA's minimum reporting requirements to comply with EPCRA. The burden estimate in this ICR also includes burden imposed on facilities that comply with state requirements.

States have the flexibility to implement the EPCRA program, as appropriate, for their state to meet EPCRA's goals to prepare for and respond to releases of EHSs and to provide the public with information on potential chemical risks in their communities. Many states have used the flexibilities to require reporting of additional chemicals, set lower reporting thresholds and create a reporting form or format, (including electronic reporting formats and certification) which requires more information compared to EPA. Other states use the EPA-developed inventory reporting form or electronic reporting software, Tier2 Submit.

3(b) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Agency notified the public through the Federal Register notice on the renewal of this ICR on August 20, 2021 (86 FR 46847). EPA received one comment from a private individual, which was supportive of the regulation.

3(c) Consultations

EPA contacted eight facilities in the following manufacturing industries: chemicals, paper products, agriculture inputs and pharmaceutical ingredients, and one non-manufacturing facility engaged in the marine services industry to obtain estimates on how much time they spent gathering information on hazardous chemicals they have on-site and submitting the form electronically. Facilities of different sizes were selected. All the facilities that were contacted report electronically. Because most states accept on-line reporting of the Tier II form, this reduces the burden for facilities that submit on-line using Tier2 Submit or state-developed or commercial software, which states require facilities to use.

Two small facilities informed the Agency that they spend between two to four hours to conduct inventory and complete the Tier II form for between two to four chemicals (e.g., between 35 minutes to 80 minutes (1.3 hours) per chemical). Three medium-size facilities that

spend between two and 40 hours on Tier II reporting for between 25 to 30 chemicals (e.g., between 5 minutes to 80 minutes (1.3 hours) per chemical). Three large facilities that report more than 80 chemicals reported spending between 15 to 80 hours on their reporting (e.g., between 15 minutes to 3 hours per chemical).

EPA compared the burden estimates the Agency developed in the previous ICRs to the burden reported in the consultations and decided to maintain the conservative burden assumptions described in this section.

EPA consulted with the following facilities:

Large Facilities

W. R. Grace	
Curtis Bay Works	Baltimore MD
Shintech Freeport Plant	Freeport, TX
Neenah Paper Michigan Inc.	Munising, MI

Medium Facilities

Genesee Polymers Corporation	Burton, MI
Nutrien Ag Solutions	Wall Lake, IA
American Pacific	Cedar City, UT

Small Facilities

Billings Diesel & Marine Service	Stonington, ME
Gerdau Wilton Steel Mill	Wilton, IA

3(d) Effects of Less Frequent Collection

The reporting deadlines for sections 311 and 312 are set by statute. EPA has no authority to allow less frequent collection.

3(e) General Guidelines

The collection activities specified in this renewal ICR adhere to the guidelines specified by OMB.

3(f) Confidentiality

The respondent may claim specific chemical identities as a trade secret under EPCRA sections 322 and 323 (40 CFR Part 350) in reports submitted under section 312 and in the list of chemicals and SDS's submitted under section 311.

All information submitted under an EPCRA trade secret claim is handled and stored in restricted access areas according to procedures set out in the *Manual for Physical Handling, Security, and Protection of Files containing Trade Secret Claims Submitted under Sections 303, 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA)*, December 2014. Handling and review of documents containing EPCRA trade secret information is permitted only by persons who have obtained formal clearance to access the information based on a work-related need to engage in these activities. EPA attaches a cover sheet to each trade secret document and otherwise marks the document to clearly identify the document as “confidential.”

3(g) Sensitive Questions

The information gathering activities under this renewal ICR do not involve any sensitive questions.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents

Sections 311 and 312 are applicable to all facilities that are required to prepare or have available an SDS for a hazardous chemical as required under OSHA and its implementing regulations.

4(b) Information Requested

(i) Data Items

Facilities that have chemicals subject to section 311 are required to submit either SDSs or a list of regulated chemicals grouped by their hazards. Refer to Table 1 of the Tier II Form Instructions on EPA’s website for the list of hazards:
https://www.epa.gov/sites/production/files/2017-06/documents/tier_ii_inventory_form_instructions_2017.pdf

Annually on or before March 1, facilities that have reportable chemicals must submit a Tier I Form; however, EPA is unaware of any states that utilize the Tier I Form. Currently, all states require facilities to submit the federal Tier II form or the state equivalent, including electronic formats, annually by March 1, to the SERC (or TERC), LEPC (or TEPC) or fire department. See Appendix A for the list of mandatory and optional data elements on the Tier II Form. See <https://www.govinfo.gov/app/details/CFR-2013-title40-vol29/CFR-2013-title40-vol29-sec370-42> for information on CFR 40 CFR 370.42 - What is Tier II inventory information?

(ii) Respondent Activities

Facilities determine whether they are subject to section 311 by reviewing inventory records for all chemicals on-site that are required to have an SDS. The facility also must review the EHS list to determine whether any of its chemicals are subject to a lower reporting threshold and obtain the address of the SERC (or TERC), LEPC (or TEPC) and local fire department. A facility may submit copies of the SDSs for these chemicals or provide a list of the subject chemicals grouped by hazard type.

To complete the Tier II form, the facility must monitor its inventory records for the chemical, sum the quantities for chemicals with the same hazards, and determine the correct code for the total quantity. A site map may be a convenient way to show locations of hazardous chemicals, or the facility may choose to provide the general location.

All states now require facilities to submit the federal Tier II or the state-developed inventory reporting format, including electronic submission.

5. THE INFORMATION COLLECTED: AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

The information provided under sections 311 and 312 is submitted to state and local agencies. EPA does not receive any information and incurs no collection burden under this ICR.

5(b) Collection Methodology and Management

The states are responsible for collecting Tier II data. According to the most up-to-date, state-by-state information on the EPA website (www.epa.gov/EPCRA), currently 16 states use Tier2 Submit software as their reporting system, 11 states require their facilities to use E-plan³, 21 states use their own software, including some which are coupled with Tier2 Submit, 10 states use Tier2 Manage, and five states allow paper submissions. Three states allow the user to choose between two submission methods (e.g., E-Plan and a state software system).

5(c) Small Entity Flexibility

EPCRA sections 311 and 312 do not include any specific small entity flexibilities. EPA considers the relative burden for small facilities to be similar to that for large facilities because of the reduced number of chemicals on-site at smaller facilities.

³ E-plan is managed by the University of Texas at Dallas (UTD) and contains Tier II information under EPCRA section 312 and risk management plan information under section 112(r) of the Clean Air Act. States that have their own reporting system share their Tier II data with UTD so it can be shared by emergency planners and responders.

5(d) Collection Schedule

The collection frequency for EPCRA sections 311 and 312 is required by statute. The submittal of a list of chemicals or SDSs under section 311 is a one-time requirement unless significant new information arises concerning a previously submitted SDS or chemical list. A facility must submit a revised SDS or list within three months of having a new hazardous chemical on-site in a quantity above the reporting threshold. The facilities subject to section 312 are required to submit either the Tier II form (or state equivalent) on or before March 1 annually.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

EPA estimated the respondent burden hours and costs associated with all reporting requirements of EPCRA sections 311 and 312. This ICR renewal accounts for reporting updates required under section 311, annual reporting and recordkeeping activities under section 312 which apply to all currently regulated facilities, as well as all initial reporting burdens for new facilities that are expected to become subject to the reporting requirements during the three-year ICR renewal period. The estimated burden to complete each reporting and recordkeeping activity is outlined below.

The unit burden estimates associated with this collection for facilities are presented in Exhibit 1. For state and local agencies, the unit burden estimates per government agency are presented in Exhibit 2.

Read and Understand Regulations

EPA assumes that the initial reporting activity of reading and understanding regulations for currently covered facilities under EPCRA sections 311 and 312 has occurred and therefore, is not included in this ICR renewal. EPA does not receive the information under sections 311 and 312 directly but is maintaining the conservative assumption from the previous ICR renewals that 140 newly regulated manufacturing facilities will need to read and understand the regulations (40 CFR Part 370) annually. SERCs (or TERCs) and LEPCs (or TEPCs) are assumed to have completed the rule familiarization activities. EPA assumes that facilities spend an average of 10 hours to read and understand the regulations in 40 CFR Part 370.

Section 311: SDS Reporting for Facilities (40 CFR 370.30)

EPA assumes that the initial reporting activity of section 311 submission(s) for currently covered facilities under EPCRA sections 311 and 312 has occurred and therefore, is not included in this ICR renewal. EPA estimates that 140 newly regulated manufacturing facilities will need to determine which chemicals exceed the threshold limits. Of this universe, EPA estimates that 30 percent (42 facilities) will submit SDSs to LEPCs (or TEPCs), SERCs (or TERCs), and local fire departments. Facilities may submit a list of hazardous chemicals grouped by hazard category

or a list of the chemical or common names of each hazardous chemical in lieu of submitting an SDS. EPA estimates that 70 percent (98 facilities) will submit such lists. See Exhibit 4.

In addition, EPA estimates that 23,132 facilities (five percent of the 462,640 facilities reporting under section 312) will need to submit a revised SDS(s) and that the same number of facilities will need to submit a new SDS(s) in accordance with 40 CFR 370.31. This activity represents the incremental burden for a facility that has acquired a new chemical or has otherwise changed its inventory. Because little information is required from facilities after the initial submittal, EPA also estimates that only one percent of the total universe (4,626 facilities) may be requested to submit an SDS to an LEPC (or TEPC) in accordance with 40 CFR 370.32(b). Facility unit burden for each activity under section 311 is in Exhibit 1.

Section 312: Inventory Reporting for Facilities (40 CFR 370.40 to 370.42)

The inventory reporting burden applies to new and currently covered facilities. Although EPA published two inventory forms, Tier I and Tier II, all 50 states accept only the Tier II form, or a form developed by the state. All 50 states accept inventory forms electronically, using either Tier2 Submit, the state-developed electronic reporting format or commercial software. Five states accept hard copy submissions of Tier II forms; however, that does not necessarily mean that many facilities submit paper forms.

Because EPA is not aware of any states that accept the Tier I form, this ICR renewal includes no burden for completing that form.

EPA assumes small facilities report between one to 15 chemicals, medium facilities report up to 80 chemicals, and large facilities report more than 80 chemicals. Most non-manufacturing sector facilities store few chemicals in amounts that exceed reporting thresholds compared to manufacturing facilities. Therefore, the corresponding burden estimates for completing Tier II inventory forms are lower for non-manufacturing facilities. EPA is maintaining the estimates from the previous ICR renewal for small, medium and large manufacturers and non-manufacturers. Those unit burden estimates are presented in Exhibit 1.

Most states require facilities to submit electronically (online, CD, or diskette) by using state-developed software, a commercial software or Tier2 Submit. The burden for electronic submission is lower than the burden for submitting in paper form. Five states accept paper submissions of the Tier II form. EPA assumes that those facilities submitting electronically will maintain an electronic copy of their form, which can be revised easily. Most of the information may be unchanged from the previous year and is imported to the new reporting year. Although the burden incurred may be lower for those submitting electronically, EPA applied the same unit burden for both electronic submitters and paper submitters.

Information Requests for SERCs (or TERCs) and LEPCs (or TEPCs) (40 CFR 370.30)

SERCs (or TERCs) and LEPCs (or TEPCs) incur a burden from information requests in 40 CFR 370.61. These agencies are required to provide public access to the SDSs and Tier II forms submitted by facilities. EPA estimates that the SERCs (or TERCs) and LEPCs (or TEPCs)

will receive requests to provide SDSs to the public for one percent of the total universe of facilities annually (4,626 facilities). SERCs (or TERCs) and LEPCs (or TEPCs) provide Tier II information on an estimated one percent of the same universe of facilities (4,626 facilities) resulting from requests from the public for such information. See Exhibit 3.

Data Management for SERCs (or TERCs) and LEPCs (or TEPCs)

SERCs (or TERCs) and LEPCs (or TEPCs) receive annual inventory forms from facilities and must make the forms available to the public on request. The burden hours to manage these forms vary depending on both the number of forms received and how the SERCs (or TERCs) and LEPCs (or TEPCs) uses the data. Smaller LEPCs (or TEPCs) receive few forms each year; SERCs (or TERCs) and LEPCs (or TEPCs) in industrialized areas or areas that cover several counties, may receive many forms. The degree to which the information is used depends on whether the SERCs (or TERCs) and LEPCs (or TEPCs) have the resources to actively handle the data. Based on earlier discussions with LEPCs, EPA determined that small LEPCs (or TEPCs) spend on average five hours a year, updated to 5.8 hours, handling the forms; large LEPCs (or TEPCs) may spend as much as three months processing the forms. SERCs (or TERCs) supported by fees are also likely to spend considerable time on the data. As in the previous ICR renewal, EPA developed a weighted average of 37.6 hours each year, based on the assumption that 120 LEPCs (or TEPCs) and 27 SERCs (or TERCs) devote considerable effort to organizing and checking the data. In addition, a limited number of SERCs (or TERCs) and LEPCs (or TEPCs) have developed databases and input the section 312 data into their CAMEO software systems. Based on previous discussions with LEPCs (or TEPCs) that have databases, EPA estimates that this effort requires two months or 370 hours. See Exhibit 2.

6(b) Estimating Respondent Costs

(i) Labor Costs

EPA estimates costs to respondents by multiplying the respondent burden estimates for each labor category by the corresponding labor rate for that category. EPA updated labor rates from the previous ICR using the most recent data available for employer costs for employee compensation tables from the Bureau of Labor Statistics (BLS), Dec. 2020. EPA then multiplied unit costs for each respondent or activity by the number of respondents or activities performed on an annual basis to yield a total cost for each information collection activity in section 6(d). These costs are shown in Exhibit 1.

Updated hourly respondent labor costs for manufacturing facility respondents are \$73.50 for managerial staff, \$58.08 for technical staff, and \$27.28 for clerical staff, including wages and benefits.⁴ Updated hourly respondent labor costs for non-manufacturing facility respondents are \$62.46 for managerial staff, \$33.84 for technical staff, and \$26.37 for clerical staff.

EPA then calculated weighted average labor rates for each labor category. Manufacturing

⁴ Bureau of Labor Statistics. Economic News Release, Dec. 2020. Table 9. Employment Cost Index for wages and salaries, for private industry workers, by occupational group and industry [Not seasonally adjusted]. https://www.bls.gov/news.release/archives/eci_01292021.htm.

facilities comprise 30 percent of all facilities and non-manufacturing facilities comprise 70 percent of all facilities. Therefore, the weighted average wage rate for managerial labor is calculated as $(\$73.50 * 0.30) + (\$62.46 * 0.70) = \$65.78$. Using the same weights for technical and clerical labor in manufacturing and non-manufacturing facilities results in a technical labor weighted average wage rate of \$41.11 and a clerical labor weighted average wage rate of \$26.65.

Updated hourly labor rates, including wages and benefits, for SERCs (or TERCs) and LEPCs (or TEPCs) are \$62.46 for managerial staff, \$60.85 for technical staff, and \$35.99 for clerical staff.⁵

(ii) Capital and O&M Costs

All 50 states allow facilities to submit their inventory reports (Tier II form) electronically using Tier2 Submit, or state-developed or commercial software. Currently, five states allow facilities to submit Tier II forms in hard copy; however, this does not mean that facilities actually submit paper forms vs. use electronic submission methods. In a change from previous ICR renewals, EPA is now assuming that the file cabinets these states use to store the paper forms do not need to be replaced after 15 years, so there is no longer an estimated cost to states to purchase new file cabinets.

O&M costs consist of mailing costs. Facilities are assumed to incur postage costs for mailing new and revised SDSs to SERCs (or TERCs) and LEPCs (or TEPCs) and fire departments; lists of hazardous chemicals, and the annual inventory reports. Postage costs for facilities and state and local governments are estimated to be \$10 per certified package. In the previous ICR renewal, EPA assumed that facilities incurred \$5,136,704 annually in mailing costs. Given the prevalence of electronic mail and the availability and use of the internet to request and send information such as new and revised SDSs, EPA is estimating that in this ICR renewal, mailing costs are reduced by two-thirds compared to the previous renewal. Therefore, annual mailing costs are now estimated to be \$1,695,000.

State and local governments are assumed to incur postage costs to provide SDSs upon request to the public and to provide Tier II information upon written request. The annual estimated mailing costs of \$60,520 are also assumed to be reduced by approximately two-thirds in this ICR renewal because of the prevalence of electronic communications and are now estimated to be \$20,000.

6(c) Agency Burden and Cost

⁵ Bureau of Labor Statistics. Economic News Release, Dec. 2020, Table 4. Employment Cost Index for total compensation, for civilian workers, by occupational group and industry [Not seasonally adjusted]. https://www.bls.gov/news.release/archives/eci_01292021.htm.

EPA incurs no annual Agency recordkeeping burden associated with this ICR. Only state and local government entities incur burden and cost to manage information submitted by facilities.

EPA updates the electronic reporting software, Tier2 Submit, annually and accommodates state requests by including state-required fields. EPA estimates it spends an average of \$70,000 per year to update and maintain Tier2 Submit software, including changes requested by states. This is an increase of \$20,000 per year over the previous ICR renewal and is based on consultation with NOAA, which manages the contract EPA uses to maintain the software.

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

In the previous ICR renewal, EPA estimated that 462,640 facilities may be subject to the requirements covered by this ICR, and that 138,792 facilities (30 percent) are manufacturers and 323,848 (70 percent) are non-manufacturers. EPA Headquarters obtained Tier II form numbers from nine states via the EPA Regions, for 2017, 2018 and 2019. Appendix B shows the nine states and the numbers of facilities those states reported are subject to Tier II reporting, in addition to national totals calculated based on the nine state figures. While the numbers were higher than the current estimate of 462,640 facilities, EPA has decided to keep the estimates from the previous ICR renewal. Three of the states for which EPA obtained data, Texas, New Jersey and Arizona, require reporting for additional chemicals beyond the federal reporting requirements, and have lower reporting thresholds. In addition, EPA did not obtain any information for American Samoa, the District of Columbia, Guam, Puerto Rico or the U.S. Virgin Islands, and they are not included in the 50-state national total extrapolated from the nine states. Because EPA does not collect the Tier II data and does not maintain a national database of the data, we are unable to develop a more complete, national estimate. In fact, EPA believes that there is no better representative set of states because the states vary widely in the numbers of Tier II subject facilities, the stringency of their state regulations and their lists of additional chemicals.

EPA is maintaining the assumption that 30 percent of facilities (138,792) are manufacturers and 70 percent (323,848 facilities) are non-manufacturers. Also, as in the previous ICR, EPA makes the conservative assumption that a total of 420 new manufacturing facilities (140 annually) will be covered by the requirements under sections 311 and 312 during the three-year ICR renewal period.

Exhibits 1 and 4 present information collection activities, unit burden and annual burden and costs for facilities. The total annual respondent burden for 462,640 facilities is 6,825,633 hours, for a total annual cost of \$305,040,615. Including O&M costs, the total is \$306,735,727.

EPA estimates the 3,000 LEPCs (or TEPCs) and 52 SERCs (or TERCs) that will implement the regulation will remain constant during the period covered by this ICR. Exhibits 2 and 3 present information collection activities, unit burden and annual burden and costs for SERCs and LEPCs to implement the program. The total annual respondent burden for 3,052

SERCs and LEPCs is 137,638 hours, for a total annual labor cost of \$5,529,293. Including O&M costs, the total annual cost is \$5,549,265.

6(e) Bottom Line Burden Hours and Cost

The estimated annual burden for facilities is 6,825,633 hours at a cost of \$306,735,727. The estimated annual burden to SERCs (or TERCs) and LEPCs (or TEPCs) respondents is 137,638 hours at a cost of \$5,549,265. Exhibits 5, 6, and 7 present summaries of the bottom-line burden and cost estimates for the ICR for facilities and state and local governments, including labor and O&M costs.

6(f) Reasons for Change in Burden

The estimated average annual burden for facilities for reporting and recordkeeping activities under EPCRA sections 311 and 312 is 6,825,633 hours per year, which is unchanged from the previous ICR renewal approved by OMB.

Changes in labor costs are attributable to higher labor rates updated from March 2018 to December 2020 using BLS data from the Economic News Release. O&M costs were reduced from the previous ICR renewal for two reasons. First, mailing costs were reduced by two-thirds because electronic communications have greatly reduced the reliance on the use of mail services. In addition, EPA no longer assumes that filing cabinets used to store paper forms are replaced every 15 years. Instead, EPA now believes it is more reasonable to assume that the file cabinets are used indefinitely.

The state and local government annual burden is estimated to be 137,638 hours, which is a small decrease of 4,134 hours from the previous ICR renewal and corrects a previous calculation error.

6(g) Burden Statement

The average burden for SDS reporting (basic and additional reporting) is estimated at 6.75 hours for new facilities. Additional reporting to submit revised and new SDSs for currently covered and new facilities is two hours. The average burden for new and currently covered facilities to submit SDSs upon request is one hour.

The average burden to comply with Tier II inventory reporting for small, medium and large manufacturers is 14.25, 80.25 and 120.25 hours, respectively. The average burden to comply with Tier II inventory reporting for small, medium and large non-manufacturers is 10.25, 40.25, and 40.25 hours, respectively. There are no recordkeeping requirements for facilities under EPCRA sections 311 and 312, although EPA assumes that they will maintain a copy of annual reports to use for future filings. The recordkeeping for SDSs is mandated under the OSHA HCS.

The average burden for state and local governments to respond to requests for SDSs or Tier II information under 40 CFR 370.30 is estimated to be 1.2 hours per request. The average

burden for managing and maintaining the reports and files is estimated to be 37.6 hours. The average burden for maintaining and updating a section 312 database is estimated to be 370 hours.

The annual public reporting and recordkeeping burden for this collection of information is estimated to range from 10.25 to 120.25 hours per response, which covers the range from small non-manufacturers to large manufacturers. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-SFUND-2004-0006, which is available for online viewing at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room is closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. For further information about the EPA's public docket, Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>. The telephone number for the Docket Center is 202-566-1744. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-SFUND-2004-0006 and OMB Control Number 2050-0072 in any correspondence.

Exhibit 1
Section 311 and 312 Reporting and Recordkeeping Requirements
Estimated Unit Burden and Labor Costs -- Facilities

Information Collection Activity	Management	Technical	Clerical	Total Hours	Annual Unit Cost
RULE FAMILIARIZATION					
Read and understand regulations	2.5	7.5	0	10	\$472.76
SDS REPORTING					
Basic Reporting					
Determine which chemicals meet/exceed the thresholds (new facilities)	1	3	0	4	\$189.10
Submit SDSs to SERCs (or TERCs), LEPCs (or TEPCs), and fire dept. (new facilities)	0.25	1	0.5	1.75	\$70.88
Alternative Reporting					
Submit list of hazardous chemicals grouped by hazard category (new facilities)	0	1	0.25	1.25	\$47.77
Submit revised SDSs (new and currently covered facilities)	0.25	0.5	0.25	1	\$43.66
Submit new SDSs (new and currently covered facilities)	0.25	0.5	0.25	1	\$43.66
Additional Reporting					
Submit SDS upon request (new and currently covered facilities)	0.25	0.5	0.25	1	\$43.66
INVENTORY REPORTING					
Basic Reporting					
Develop and submit Tier II (new and currently covered facilities)					
Manufacturers					
Small	4	10.25	0	14.25	\$684.48
Medium	4	76.25	0	80.25	\$3,397.73
Large	8	112.25	0	120.25	\$5,140.78
Non-manufacturers					
Small	2	8.25	0	10.25	\$470.71
Medium	4	36.25	0	40.25	\$1,753.33
Large	6	34.25	0	40.25	\$394.65
GRAND TOTAL					\$12,753.18

Exhibit 2

Sections 311 and 312 Reporting and Recordkeeping Requirements
Estimated Unit Burden and Labor Costs
State and Local Governments

	Management Hours	Technical Hours	Clerical Hours	Total Hours	Annual Unit Cost
INFORMATION REQUESTS					
File and maintain annual inventory forms and data	0	5.8	31.8	37.6	\$1,497
Input data and maintain database of 312 data	0	46.3	323.8	370.1	\$14,472
Provide SDSs upon written request	0	0.6	0.6	1.2	\$56
Provide Tier II information upon written request	0	0.6	0.6	1.2	\$56
Total	0	53.2	356.8	410.0	\$16,081

Exhibit 3
Sections 311 and 312 Reporting and Recordkeeping Requirements
Estimated Annual Burden and Labor Costs
State and Local Governments

	Number of Respondents	Management Hours	Technical Hours	Clerical Hours	Total Annual Hours	Annual Cost
INFORMATION REQUESTS						
File & maintain annual inventory forms and data	3,052	0	17,650	97,073	114,755	\$4,568,062
Input data and maintain database of 312 data	43	0	1,989	13,925	15,914	\$622,287
LEPCs (or TEPCs) provide SDS on written request	3,000	0	1,735	1,735	3,470	\$168,016
SERCs (or TERCs) and LEPCs (or TEPCs) provide Tier II information upon written request	3,052	0	1,765	1,765	3,530	\$170,928
Total	9,147	0	23,139	114,499	141,772	\$5,529,293

Exhibit 4
Section 311 and 312 Reporting and Recordkeeping Requirements –

Estimated Annual Burden and Labor Costs - Facilities

	Number of Respondents	Management Hours	Technical Hours	Clerical Hours	Total Burden Hours	Annual Cost
RULE FAMILIARIZATION						
Read and understand regulations	140	350	1050	0	1,400	\$66,187
Subtotal					1,400	\$66,187
SDS REPORTING						
Basic Reporting						
Determine which chemicals meet/exceed the thresholds (new facilities)	140	140	420	0	560	\$26,476
Submit SDSs to SERCs (or TERCs), LEPCs (or TEPCs) and fire depts (new facilities)	42	10.5	42	21	73.50	\$2,977
Alternative Reporting						
Submit list of hazardous chemicals grouped by hazard category (new facilities)	98	0	98	24.5	122.5	\$4,682
Submit revised SDSs (new and currently covered facilities)	23,132	5,783	11,566	5,783	23,132	\$1,009,984
Submit new SDSs (new and currently covered facilities)	23,132	5,783	11,566	5,783	23,132	\$1,009,984
Additional Reporting						
Submit SDS upon request (new and currently covered facilities)	4,626	1,157	2,313	1,157	4,626	\$201,997
Subtotal					51,646	\$2,256,099
INVENTORY REPORTING						
Basic Reporting						
Develop and submit Tier II (new and currently covered facilities)						
<i>Manufacturers</i>						
Small	124,219	496,875	1,273,243	0	1,770,118	\$85,024,861
Medium	10,409	41,638	793,717	0	835,354	\$35,368,289
Large	4,164	33,310	467,382	0	500,692	\$21,404,978
<i>Non-manufacturers</i>						
Small	312,282	624,564	2,576,327	0	3,200,891	\$146,993,151
Medium	6,940	27,758	251,561	0	279,319	\$12,167,425
Large	4,626	27,758	158,454	0	186,213	\$1,825,812
Subtotal	462,640	1,251,904	5,520,683		6,772,587	\$302,784,517
GRAND TOTAL (Facilities)					6,825,633	\$305,040,615

Exhibit 5
Summary of Total Burden and Cost Estimates
Facilities

	Total Burden Hours	Labor Cost	Capital Cost	O&M Cost	Total Cost
Annual	6,825,633	\$305,040,615	\$0	\$1,695,112	\$306,735,727
Three-Year	20,476,900	\$915,121, 846	\$0	\$5,085,337	\$920,207,182

Exhibit 6
Summary of Total Burden and Cost Estimates
SERCs (or TERCs) and LEPCs (or TEPCs)

	Total Burden Hours	Labor Cost	Capital Cost	O&M Cost	Total Cost
Annual	137,638	\$5,529,293	\$0	\$19,972	\$5,549,265
Three-Year	412,913	\$16,587,879	\$0	\$59,915	\$16,647,794

Exhibit 7
Total Public Burden

	Total Burden Hours	Labor Cost	Capital Cost	O&M Cost	Total Cost
Facilities	6,824,633	\$305,040,615	\$0	\$1,695,112	\$306,735,727
SERCs (or TERCs) and LEPCs (or TEPCs)	137,638	\$5,529,293	\$0	\$19,972	\$5,549,265
Annual Total	6,961,871	\$310,569,908	\$0	\$1,715,094	\$312,284,992
Three-Year Total	20,885,613	\$931,709,724	\$0	\$5,145,252	\$936,854,976

APPENDIX A

Information Included on Tier II Forms and Exemptions

The Tier II form includes the following information as required by statute:

- The chemical name or the common name of the chemical as provided on the SDS;
- An estimate, in ranges, of the maximum quantity of the hazardous chemical present at the facility at any time during the preceding calendar year;
- An estimate, in ranges, of the average daily quantity of hazardous chemical present at the facility during the preceding calendar year;
- A brief description of the manner of storage of the hazardous chemical;
- The location of the hazardous chemical within the facility;
- CAS number to identify more accurately each chemical that is reported;
- The physical state to help identify the type of hazard each chemical presents in an emergency;
- The physical and health hazards associated with the chemical;
- Primary NAICS code and Dun and Bradstreet number of the facility;
- Two emergency contacts (added to give SERCs (or TERCs) and LEPCs (or TEPCs) , and local fire departments a contact at the facility who could clarify information at any time, particularly in the event of an emergency); and,
- Number of days on-site (added to produce a more accurate estimate of the average daily quantity, particularly for those chemicals that are on-site for only a short period of time each year).
- Latitude and longitude of the facility;
- Maximum number of occupants;
- An indication of whether the facility is manned or unmanned;
- Facility identification numbers assigned under the Toxic Chemical Release Inventory and the Risk Management Programs;
- Email address of the owner or operator of the facility;
- Name, title, email address, phone number and 24-hour phone number of the facility emergency coordinator;
- Name, title, email address, phone number of the person knowledgeable about the information reported on the Tier I and Tier II forms;
- Email address of the emergency contact(s);
- An indication of whether the facility is subject to EPCRA section 302; and,
- An indication of whether the facility is subject to Clean Air Act (CAA) section 112(r), also known as the Risk Management Program.

The forms also include the following optional data elements:

- Name, address, phone number, Dun & Bradstreet number and email address of the parent company; and,
- Phone number of the facility.

Section 1910.1200 of the OSHA regulations provides exemptions from the definition of hazardous chemical. In addition, EPCRA section 311(e) excludes the following substances:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration;
- Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;
- Any substance, to the extent it is used:
 - For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the public;
 - In a research laboratory, hospital, or other medical facility under the direct supervision of a technically qualified individual; and,

In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

APPENDIX B
Tier II Facility Data for Nine States

EPA obtained the numbers of facilities in nine states via a request to the EPA Regions, for 2017, 2018 and 2019 (plus 2020 for Iowa). The nine states are Maine, New Jersey, Maryland, Florida, Michigan, Texas, Iowa, Utah and Arizona. The data are presented below.

EPA calculated an annual average for each state, summed those averages and then divided the total by nine, to obtain an annual state average for the set of nine states (13,166 facilities per state). We then multiplied that average by 50, to obtain an estimated national total of 658,307 facilities.

Region 1 – Maine

Year	Tier II Facilities
2017	2,333
2018	2,536
2019	2,848

Region 2 – New Jersey

Year	Tier II Facilities
2017	6,074
2018	6,114
2019	6,027

Region 3 - Maryland

Year	Tier II Facilities
2017	2,476
2018	2,489
2019	2,436

Region 4 - Florida

Year	Tier II Facilities
2017	12,369
2018	12,642
2019	12,777

Region 5 – Michigan

Year	Tier II Facilities
2017	6,325
2018	6,585
2019	6,979

Region 6 – Texas

Year	Tier II Facilities
2017	76,093
2018	73,354
2019	78,391

Region 7 - Iowa

Year	Tier II Facilities
2017	4,134
2018	4,580
2019	4,678
Region	

Region 8 – Utah

Year	Tier II Facilities
2017	3,712
2018	3,414
2019	3,532

Region 9 – Arizona

Year	Tier II Facilities
2017	4,526
2018	4,607
2019	4,233