

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: Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Use Under TSCA §6(a)

EPA ICR No.: 2556.03

OMB Control No.: 2070-0204

Docket ID No.: EPA-HQ-OPPT-2021-0303

Abstract

The manufacture, processing, and distribution in commerce of methylene chloride for consumer paint and coating removal is prohibited under EPA regulations in 40 CFR part 751, as promulgated under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.* Each person who manufactures, processes, or distributes in commerce methylene chloride for non-prohibited uses is required to notify companies to whom methylene chloride is shipped of the prohibitions under 40 CFR part 751 through the Safety Data Sheet (SDS). Each person who manufactures, processes, or distributes in commerce (except for retailers) any methylene chloride is also required to retain in one location at the headquarters of the company, or at the facility for which the records were generated, documentation showing: (i) the name, address, contact, and telephone number of companies to whom methylene chloride was shipped; (ii) a copy of the notification provided to companies to whom the methylene chloride was shipped; and (iii) the amount of methylene chloride shipped. This information must be retained for 3 years from the date of shipment.

EPA established these requirements under section 6(a) of TSCA in response to a final determination that the consumer use of methylene chloride in paint and coating removal presents an unreasonable risk of injury to health. This Information Collection Request (ICR) consists of the downstream notification and the recordkeeping requirement.

Summary Total Burden and Costs

| Activity/Respondent | Number of Respondents | Responses per Respondent | Total Burden (hours) | Cost |
|---------------------------------------|-----------------------|--------------------------|----------------------|-------|
| Respondents – Downstream Notification | 14 | 1 | 6.96 | \$298 |
| Agency | - | - | - | - |

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.**

Under section 6(a) of TSCA (15 U.S.C. § 2605(a)), if EPA determines that a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant, under the conditions of use, EPA must by rule apply one or more requirements to the extent necessary so that the chemical substance no longer presents such risk.

With respect to a chemical substance listed in the 2014 update to the TSCA Work Plan for Chemical Assessments for which a completed risk assessment was published prior to the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, TSCA section 26(l)(4) (15 U.S.C. § 2625(l)(4)) provides that EPA “may publish proposed and final rules under [TSCA section 6(a)] that are consistent with the scope of the completed risk assessment for the chemical substance and consistent with the other applicable requirements of [TSCA section 6]”. Methylene chloride is such a chemical substance.

Section 6(a) of TSCA authorizes EPA to:

- (1) Prohibit or restrict manufacture, processing, or distribution in commerce of a chemical substance, or limit the amount of a chemical substance which may be manufactured, processed, or distributed in commerce;
- (2) Prohibit or restrict the manufacture, processing, or distribution in commerce of the chemical substance for a particular use, or for a particular use above a specified concentration, or limit the amount of a chemical substance which may be manufactured, processed, or distributed in commerce for a particular use, or of for a particular use above a specified concentration;
- (3) Require minimum warnings or instructions with respect to a chemical substance’s use, distribution, or disposal;
- (4) Require manufacturers or processors to make and retain certain records, or monitor or conduct certain tests;
- (5) Prohibit or regulate any manner of commercial use;
- (6) Prohibit or regulate any manner of disposal by a chemical substance’s manufacturer or processor or any other person who uses or disposes of it for commercial purposes; and/or
- (7) Require manufacturers or processors to give notice of the unreasonable risk of injury to distributors and, to the extent reasonably ascertainable, other persons in

possession of a chemical substance; to give public notice of the unreasonable risk determination; and to replace or repurchase the chemical substance.

For methylene chloride, this regulation at 40 CFR 751:

- 1) Prohibits all persons from manufacturing, processing, and distributing in commerce methylene chloride for all consumer paint and coating removal
- 2) Prohibits the distribution in commerce of methylene chloride in paint and coating removal products to and by retailers
- 3) Requires downstream notification of these prohibitions
- 4) Requires limited recordkeeping

The downstream notification requirement under 40 CFR 751 mandates that each person (excluding retailers of products to consumer end users) who manufactures, processes, or distributes in commerce methylene chloride for any use must provide notification of the prohibitions to companies to whom methylene chloride was shipped through specific changes to the SDS.

The recordkeeping requirement under 40 CFR 751 mandates that each person (excluding retailers of products to consumer end users) who manufactures, processes, or distributes in commerce any methylene chloride must retain in one location at the headquarters of the company, or at the facility for which the records were generated, documentation showing: the name, address, contact, and telephone number of companies to whom methylene chloride was shipped; a copy of the notification provided to companies to whom the methylene chloride was shipped; and the amount of methylene chloride shipped. This information must be retained for 3 years from the date of shipment.

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 mitigate the unreasonable risks identified for the consumer use of methylene chloride for paint and coating removal. Without the downstream notification requirement, there is a greater likelihood that non-prohibited uses of methylene chloride could be diverted to prohibited uses, or that users would buy or use materials that they do not realize are subject to the restrictions in the final rule. This would result in continuation of the risks that EPA has determined to be unreasonable. Downstream notification is necessary for effective enforcement of the rule as it provides a record of notification on use restrictions throughout the supply chain.

EPA also has authority under section 6 of TSCA to require recordkeeping related to the regulatory requirements imposed by EPA. This is especially important where, as here, such records are needed for effective enforcement of the TSCA section 6 rule.

EPA: This information collection is tailored to ensure minimal burden and will provide EPA with information upon inspection of such materials. There are no recurring reporting requirements to submit information to EPA under the information collection request.

Downstream Companies: Under 40 CFR 751, manufacturers, processors, and distributors in commerce of methylene chloride must notify companies downstream upon shipment of methylene chloride about the prohibitions. The information submitted to downstream companies through the SDS would provide knowledge and awareness of the restrictions to these companies. Under 40 CFR 751, retailers are specifically excluded from the definition of *distribute in commerce* to avoid the burden associated with providing notifications to the purchasing end user.

The regulated entities will compile and retain records that are necessary as a reference for EPA. These records will help ensure that entities throughout the methylene chloride supply chain are aware of the regulations in 40 CFR 751 and that companies upstream can show that entities to which they supply were notified of the restrictions. These recordkeeping requirements are also necessary to permit EPA to conduct enforcement activities and to ensure compliance within the regulated community.

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.

There will be no information collection by EPA; all information collection is by third parties and consists of the notification that occurs via SDS. Therefore, there is no need for any technology facilitation related to information collection activities. The recordkeeping requirement does not specify a particular technology or method of retaining the required information.

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.

5. EPA's collection pursuant to the TSCA section 6(a) regulation does not duplicate any other collection. EPA expects that the records firms maintain as part of their routine business recordkeeping will satisfy EPA's recordkeeping requirement. There is no other Federal program that requires the information collection activities related to the prohibitions in 40 CFR 751.

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

7. EPA believes that the downstream notification and recordkeeping requirements do not unduly burden small businesses. Because a revised SDS involves

modifying an existing document and that the records firms maintain as part of their routine business recordkeeping will satisfy EPA's recordkeeping requirement, EPA concludes that the information collection request has no significant impacts on any of the entities subject to downstream notification as firms subject to this requirement have a cost-revenue impact of less than 1 percent.

- 8. 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.**
9. Due to the nature of the triggering events that initiate information collection activities under the information collection, less frequent collection is not feasible. This collection only includes reporting information to third parties and does not require reporting information to EPA.
- 10. 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.

11. 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.

Additionally, 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. In accordance with this regulation, EPA submitted questions to several interested parties via email Attachment 2. The individual entities contacted were:

- The Wood Reviver
- Nu-Calgon Wholesaler
- Benco Sales Inc.
- HCPA
- Dow
- Univar
- Albermarle

A copy of EPA's consultation to the above potential respondents and the response received are in Attachment 2 and are available in the docket.

EPA received 2 comment(s) in response to the previously provided 60-day public review opportunity (86 FR 48700) (FRL-8753-01-OCSP). In addition to being in the document, copies of the comments are included in Attachment 3.

One comment was received from Nu-Calgon, which processes methylene chloride into products used for commercial heating and air conditioning repair. The commenter described their compliance with 40 CFR section 751.107, including updates they made to the SDS for their relevant products and transmission of the SDS by email to customers, with additional emphasis of the relevant updated sections of the SDS for their customers. The commenter described the labor burden of executing the downstream notification, including the initial notable burdens due to the volume of notifications that needed to be carried out at the early stages. The commenter describes the current burden as manageable by a single employee and utilization of email read receipts to facilitate delivery confirmation. EPA appreciates the information provided by

the commenter and the description of their business practices in updating the SDS and providing the downstream notification.

One comment was received from the American Chemistry Council, a trade association representing chemical manufacturers and others in the chemical industry. The commenter presented four issues in their comment, some of which provide feedback on the scope of the regulation, rather than on the ICR. Specifically, the commenter stated that the lack of a *de minimus* threshold for excluding products containing small amounts of methylene chloride from the scope of the TSCA section 6(a) rule results in monitoring and tracking burden for stakeholders with only trace amounts of methylene chloride in their products. The commenter also stated that EPA has as a result underestimated the burden of this ICR by not including additional firms that may need to comply with the downstream notification requirement, even if they do not manufacture or process methylene chloride, and by assuming that SDS updates are carried out only once. The commenter recommends that EPA 1) increase the burden estimate to account for reporting by companies manufacturing (including importing) methylene chloride as an impurity or byproduct (which could include firms manufacturing other chlorinated methanes) and 2) increase the burden estimate to account for the way in which some stakeholders monitor raw materials supplies and update SDS in the event of changes. The commenter suggests that as an alternative to revising the burden estimates, EPA should reopen the rule to exclude products below what they describe as a *de minimus* threshold from the regulatory requirements.

EPA appreciates the information provided by the commenter on business practices for SDS updates among manufacturers and processors of products containing methylene chloride, including small amounts. EPA also recognizes that, though the agency aimed to reduce burden to the extent possible by utilizing a familiar mechanism of downstream notification between chemical manufacturers or processors and their customers, there is some burden on the regulated community. The commenter did not provide a basis for their estimates or any way for EPA to identify which types of chemical manufacturers or processors should be considered in the burden estimates beyond those known to be directly regulated as manufacturers of methylene chloride. While EPA may in the future update the methodology described for this ICR, the information provided by the commenter did not provide a justification for a change at this time. EPA also is not reopening the TSCA section 6 rule to change regulatory requirements or exclude any entities from the rulemaking.

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

Not applicable.

13. 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.

EPA will not be collecting information. Therefore, confidential information is not expected to be submitted to EPA.

- 14. 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.**
15. The information collection does not include questions of a sensitive nature.
- 16. 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 third party notification and recordkeeping requirements on persons who manufacture, process, or distribute methylene chloride. The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements are described in the Appendix Under 40 CFR 751, each person who manufactures, processes, or distributes (not including consumer retailers) methylene chloride for any use is required to notify companies to whom methylene chloride is shipped of the prohibitions in 40 CFR 751 via the SDS, prior to or concurrent with the shipment; and each person who manufactures, processes, or distributes (not including consumer retailers) methylene chloride for any use is required to retain records for 3 years showing: (a) The name, address, contact, and telephone number of companies to whom methylene chloride or products

containing methylene chloride was shipped, (b) a copy of the downstream notification provided, and (c) the amount of methylene chloride shipped.

EPA developed estimates for number of manufacturers, processors, and distributors affected. Based on EPA's Public 2016 Chemical Data Reporting (CDR) data ([EPA 2016](#)), there are an estimated 9 sites manufacturing or importing methylene chloride and 10 sites processing or using the chemical for a total of 19 manufacturers and processors. Manufacturers and processors do not need to repeatedly update SDS forms; once the form is updated once, the requirements are satisfied. However, new products or new firms will need to comply. One manufacturer and one processor are included as an estimate for new firms or new products that may need to comply with this ICR.

To estimate the number of wholesaler firms distributing products containing methylene chloride, the ratio of the number of Chemical and Allied Products Merchant Wholesaler firms (NAICS 4246) to Basic Chemical Manufacturing firms (NAICS 3251) is applied to the number of manufacturers and processors of methylene chloride:

$$\text{Ratio} = \frac{8,079 \text{ Chemical \& Allied Products Merchant Wholesaler firms}}{1,266 \text{ Basic Chemical Manufacturing firms}} = 6.38$$

$$\text{Wholesaler Firms of Products Containing MC} = 19 \text{ Manufacturers \& Processors of MC} \times 6.38 \text{ Ratio} = 121$$

The number of Chemical and Allied Products Merchant Wholesaler firms and the number of Basic Chemical Manufacturing firms are from the 2018 Statistics of U.S. Businesses (SUSB) data series for employer firms ([U.S. Census Bureau 2021](#)). This estimate is conservative in that it includes all wholesalers of products containing methylene chloride. Wholesalers that only distribute methylene chloride-containing paint or coating removers for consumer uses would no longer be permitted to distribute those products, and thus would not have recordkeeping costs under 40 CFR 751. Most distributors fulfilled requirements during the previous ICR period; however, some firms may still need to respond to these requirements. To capture this potential burden, EPA assumes that ten percent of the estimated number of existing distributor firms may need to respond.

The total number of entities affected by the recordkeeping and reporting requirements of is estimated to be 14 (2 manufacturers or processors and 12 distributors). EPA was unable to estimate the potential for new firms to enter the market, which could affect this estimate over the time period of the ICR.

Downstream notification is considered a third-party notification. EPA expects that downstream notification will be accomplished through a specific modification to an already-existing chemical SDS that each manufacturer, processor, or distributor provides to downstream purchasers or users under the Hazard Communication Standard (HCS) ([29 CFR 1910.1200](#)). EPA estimates that it will require 1 hour of

technical labor for each affected manufacturer (including importer) and processor of methylene chloride and methylene chloride-containing products to make the required changes to the SDS. Once an SDS is annotated, the action would not need to be repeated; therefore, EPA estimates this as a one-time burden. However, this is a continuing requirement. Therefore, should new manufacturers, processors, or distributors of methylene chloride or methylene chloride-containing products or new methylene chloride-containing products enter the market, respondents may realize future burden. EPA has no information to estimate the potential for new methylene chloride-containing products or new respondents subject to 40 CFR 751 to enter the market over the time period of the ICR so the estimate is limited to a one-time burden for manufacturers, distributors, and processors.

The burden is estimated to occur during the first year of the ICR only. To develop an estimate of average annual burden across the time period of the ICR, EPA divided the burden per response equally across the three years. Therefore, average burden per respondent for each year is calculated as $1 \text{ hour} / 3 \text{ years} = 0.33 \text{ hours/year}$.

Manufacturers (including importers), processors, and distributors (not including consumer retailers) of methylene chloride are required to retain for three years documentation showing: (i) The name, address, contact, and telephone number of companies to whom methylene chloride was shipped; (ii) a copy of the notification provided to companies to whom the methylene chloride was shipped; and (iii) the amount of methylene chloride shipped. EPA expects that this information would already be included in manufacturer and processor invoices that already are retained as part of routine business records for tax purposes (IRS, 2016, IRS 2015). However, distributors of products containing methylene chloride may not know how much methylene chloride is in each product they ship and may incur some additional time burden associated with determining this. While only some of these distributors are expected to have incremental recordkeeping costs under 40 CFR 751, EPA makes the simplifying assumption that each wholesaler firm will spend one hour researching and recording the methylene chloride concentration of the products they distribute.

In addition, once a wholesaler becomes familiar with the amount of methylene chloride in each product shipped, the action would not need to be repeated; therefore, EPA estimates this as a one-time burden. However, this is a continuing requirement. Therefore, should new distributors of methylene chloride-containing products or new methylene chloride-containing products enter the market, respondents may realize future burden. EPA has no information to estimate the potential for new methylene chloride-containing products or new respondents subject to the requirements to enter the market over the time period of the ICR so the estimate is limited to a one-time burden for distributors.

To develop an estimate of average annual burden across the time period of the ICR, EPA divided the burden per response equally across the three years. Therefore,

average burden per respondent for each year is calculated as 1 hour/3 years = 0.33 hours/year.

EPA assumes no direct costs are associated with this collection. Labor costs are based on fully loaded wage rates from 2020. The estimated wage for manufacturers and processors is \$80.50. The estimated wage for distributors is \$36.58. More detail on the calculation of wage rates is presented in Attachment 1.

Details on the burden estimate calculations per activity are presented in Table 1. Table 1 presents the estimated average annual burden for each activity and each respondent type. Note: The total number of respondents includes an entity who is counted twice as a processor and distributor.

Table 1. Methylene Chloride Manufacturers, Processors, Distributors Downstream Notification and Recordkeeping Activities¹

| IC# 1. Methylene Chloride Manufacturers, Processors, Distributors Downstream Notification and Recordkeeping Activities¹ | | | | | | |
|---|------------------------------|---------------------------------|------------------------|------------------------------------|-----------------------------|--------------|
| Activity/Respondent | Number of Respondents | Responses per Respondent | Total Responses | Burden per Response (hours) | Total Burden (hours) | Cost |
| Rule Familiarization | | | | | | |
| Methylene chloride manufacturers | 1 | 1 | 1 | 0.167 | 0.167 | \$13 |
| Methylene chloride processors | 1 | 1 | 1 | 0.167 | 0.167 | \$13 |
| Methylene chloride distributors | 12 | 1 | 12 | 0.167 | 2.004 | \$73 |
| Downstream Notification | | | | | | |
| Methylene chloride manufacturers | 1 | 1 | 1 | 0.33 | 0.33 | \$27 |
| Methylene chloride processors | 1 | 1 | 1 | 0.33 | 0.33 | \$27 |
| Recordkeeping | | | | | | |
| Methylene chloride distributors | 12 | 1 | 12 | 0.33 | 3.96 | \$145 |
| Total Burden for all Activities by Respondent | | | | | | |
| Methylene chloride Manufacturers | 1 | 1 | 1 | 0.50 | 0.50 | \$40 |
| Methylene chloride Processors | 1 | 1 | 1 | 0.50 | 0.50 | \$40 |
| Methylene chloride Distributors | 12 | 1 | 12 | 0.50 | 5.96 | \$218 |
| Total | 14 | | 14 | | 6.96 | \$298 |

17. 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 and maintenance costs associated with this collection.

- 18. 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.**

There will only be third-party notification and recordkeeping requirements.

This collection requires third-party notification and recordkeeping. EPA will not receive any information as a result of the collection. Therefore, EPA estimates that it costs the Agency approximately \$0 to carry out the activities associated with the information collection activities covered by this ICR. Collections occur only by third parties and will occur via SDS.

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

There is a decrease in total annual burden and costs compared with those identified in the ICR currently approved by OMB. Burden decreased from 69 hours to 6.96 hours and costs decreased from \$3,712 to \$298. This decrease in respondent burden and costs is due to a significant decrease in the number of estimated respondents. Most respondents need to perform the actions required by this ICR once and responded to the requirements during the previous ICR period. However, EPA does not assume that the number of responses has dropped to zero. Therefore, EPA has estimated low levels of respondents in each category to account for new firms or new products. This change is an adjustment.

- 20. 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.

- 21. 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.

- 22. 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

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-2021-0303, 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.

Please note that due to the public health concerns related to COVID-19, the EPA Docket Center (EPA/DC) and Reading Room is by appointment only. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

REFERENCES

- 40 CFR part 751. Regulation of Certain Chemical Substances and Mixtures Under Section 6 of the Toxic Substances Control Act. <https://www.ecfr.gov/current/title-40/part-751>.
- U.S. Census Bureau (2021). 2018 Statistics of U.S. Businesses- Number of Firms, Number of Establishments, Employment, Annual Payroll, and Estimated Receipts by Enterprise Employment Size for the United States, All Industries: 2018. <https://www.census.gov/data/tables/2018/econ/susb/2018-susb-annual.html>
- U.S. Environmental Protection Agency (EPA) (2018). Downloadable of the Non-Confidential Chemical Data Reporting (CDR) Database. Office of Pollution Prevention and Toxics. <https://www.epa.gov/chemical-data-reporting/access-cdr-data#2020>
- U.S. Internal Revenue Service (IRS) (2016). <https://www.irs.gov/Businesses/SmallBusinesses-&-Self-Employed/What-kind-of-records-should-I-keep>, accessed April 22, 2016.
- U.S. Internal Revenue service (IRS) (2015). Publication 583. Starting a Business and Keeping Records. January 2015. <https://www.irs.gov/pub/irs-pdf/p583.pdf>

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 <https://www.regulations.gov> using Docket ID Number: EPA-HQ-OPPT-2021-0303.

| Attachment # | Title |
|--------------|--------------------|
| 1 | Wage Rates |
| 2 | Consultation Email |
| 3 | Public Comments |

APPENDIX

Table 2. Applicable NAICS Codes

| Code | Description |
|-------------|--|
| 213112 | Support Activities for Oil and Gas Operations |
| 314999 | All Other Miscellaneous Textile Product Mills |
| 324110 | Petroleum Refineries |
| 324191 | Petroleum Lubricating Oil and Grease Manufacturing |
| 325110 | Petrochemical Manufacturing |
| 325120 | Industrial Gas Manufacturing |
| 325180 | Other Basic Inorganic Chemical Manufacturing |
| 325199 | All Other Basic Organic Chemical Manufacturing |
| 325211 | Plastics Material and Resin Manufacturing |
| 325212 | Synthetic Rubber Manufacturing |
| 325510 | Paint and Coating Manufacturing |
| 325520 | Adhesive Manufacturing |
| 325611 | Soap and Other Detergent Manufacturing |
| 325612 | Polish and Other Sanitation Good Manufacturing |
| 325613 | Surface Active Agent Manufacturing |
| 325998 | All Other Miscellaneous Chemical Product and Preparation Manufacturing |
| 326113 | Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing |
| 326199 | All Other Plastics Product Manufacturing |
| 326220 | Rubber and Plastics Hoses and Belting Manufacturing |
| 326299 | All Other Rubber Product Manufacturing |
| 327310 | Cement Manufacturing |

| | |
|--------|---|
| 327992 | Ground or Treated Mineral and Earth Manufacturing |
| 332117 | Powder Metallurgy Part Manufacturing |
| 332119 | Metal Crown, Closure, and Other Metal Stamping (except Automotive) |
| 332216 | Saw Blade and Hand Tool Manufacturing |
| 332321 | Metal Window and Door Manufacturing |
| 332410 | Power Boiler and Heat Exchanger Manufacturing |
| 332618 | Other Fabricated Wire Product Manufacturing |
| 332710 | Machine Shops |
| 332721 | Precision Turned Product Manufacturing |
| 332722 | Bolt, Nut, Screw, Rivet, and Washer Manufacturing |
| 332811 | Metal Heat Treating |
| 332812 | Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers |
| 333132 | Oil and Gas Field Machinery and Equipment Manufacturing |
| 333515 | Cutting Tool and Machine Tool Accessory Manufacturing |
| 332994 | Small Arms, Ordnance, and Ordnance Accessories Manufacturing |
| 333996 | Fluid Power Pump and Motor Manufacturing |
| 332999 | All Other Miscellaneous Fabricated Metal Product Manufacturing |
| 333515 | Cutting Tool and Machine Tool Accessory Manufacturing |
| 333911 | Pump and Pumping Equipment Manufacturing |
| 333996 | Fluid Power Pump and Motor Manufacturing |
| 334511 | Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing |
| 334512 | Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use |
| 334516 | Analytical Laboratory Instrument Manufacturing |

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| 335312 | Motor and Generator Manufacturing |
| 335911 | Storage Battery Manufacturing |
| 335912 | Primary Battery Manufacturing |
| 335921 | Fiber Optic Cable Manufacturing |
| 335991 | Carbon and Graphite Product Manufacturing |
| 336340 | Motor Vehicle Brake System Manufacturing |
| 336411 | Aircraft Manufacturing |
| 336413 | Other Aircraft Parts and Auxiliary Equipment Manufacturing |
| 336414 | Guided Missile and Space Vehicle Manufacturing |
| 336611 | Ship Building and Repairing |
| 339114 | Dental Equipment and Supplies Manufacturing |
| 424310 | Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers |
| 424690 | Other Chemical and Allied Products Merchant Wholesalers |
| 424710 | Petroleum Bulk Stations and Terminals |
| 562211 | Hazardous Waste Treatment and Disposal |
| 562213 | Solid Waste Combustors and Incinerators |