

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: Asbestos; Reporting and Recordkeeping Requirements under TSCA; Final Rule (RIN 2070-AK99)

EPA ICR No.: 2711.02

OMB Control No.: 2070-0222

Docket ID No.: EPA-HQ-OPPT-2021-0357

Abstract

EPA is promulgating reporting and recordkeeping requirements for asbestos under the Toxic Substances Control Act (TSCA). EPA is requiring certain persons that manufactured (including imported) or processed asbestos and asbestos-containing mixtures and articles (including as an impurity) in the four years prior to the rule finalization, to electronically report certain exposure-related information. This action will result in a one-time reporting obligation. The information sought includes quantities of asbestos and asbestos-containing mixtures or articles that were manufactured (including imported) or processed, types of use, and employee data. Reported information will be used by EPA and other Federal agencies in considering potential future actions involving asbestos, potentially including risk evaluation and risk management activities. The total one-time burden and cost of the action are summarized in Table 1. Table 2 annualizes the burden and cost over a three year ICR approval period (although the reporting is a one-time activity). Some of the values in Table 1 and elsewhere in the supporting statement are presented as ranges. This is based on the range in the number of entities estimated to report because they imported aftermarket automobile brakes containing asbestos. For simplicity, the annualized burden and costs in Table 2 are based on the upper bound estimate.

Information Collection	Total Number of Respondents and Responses	Total 3-Year Time Burden (Hours)	Total 3-Year Cost (2021\$)
Rule Familiarization	67,647 to 68,505	628,478 to 649,079	\$53,438,335 to \$55,186,059
Compliance Determination	67,632	3,878,695	\$264,884,110
CDX Registration	186 to 1,044	495 to 2,778	\$42,915 to \$240,971
CBI Claim Substantiation	268 to 1,126	188 to 789	\$15,319 to \$64,379
Recordkeeping	268 to 1,126	268 to 1,126	\$15,890 to \$66,784
Form Completion	268 to 1,126	10,131 to 28,930	\$894,346 to \$2,651,625
Respondent Total	67,647 to 68,505	4,518,254 to 4,561,397	\$319,290,914 to \$323,092,928
Agency			\$653,694 to \$985,819

Information Collection	Total Number of Respondents and Responses	Annual Time Burden (Hours)	Annual Cost (2021\$)
Rule Familiarization	22,835	216,360	\$18,395,353
Compliance Determination	22,544	1,292,898	\$88,294,703
CDX Registration	348	926	\$80,324
CBI Claim Substantiation	375	263	\$21,460
Recordkeeping	375	375	\$22,261
Form Completion	375	9,643	\$883,875
Respondent Total	22,835	1,520,466	\$107,697,976
Agency			\$328,606

¹ Annualized values in this table reflect only the upper bound estimates from Table 1.

SUPPORTING STATEMENT

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- 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.**

Petitioners filed lawsuits on February 18, 2019 and June 28, 2019, respectively, in the U.S. District Court in the Northern District of California, reiterating concerns about the opinion granting summary judgment to Plaintiffs and denying summary judgment to EPA. Asbestos Disease Awareness Organizations v. EPA, No. 19-CV-00871; State of California et al. v. EPA, No. 19-CV-03807. The above cases were consolidated, where Plaintiffs sought judicial review of EPA's decisions to deny Plaintiffs' administrative petitions brought under section 21 of the Toxic Substances Control Act (TSCA). On December 22, 2020, after full briefing and oral argument, the Court issued an opinion granting summary judgment to Plaintiffs and denying summary judgment to EPA.

Following the litigations, EPA reached an agreement with the Plaintiffs on June 7, 2021. The parties agreed that no later than nine months from the effective date of the agreement, EPA would sign for publication in the Federal Register, a notice of proposed action to promulgate a rule pursuant to TSCA section 8(a), 15 U.S.C. § 2607(a), for the maintenance of records and submission to EPA of reports by manufacturers, importers and processors of asbestos and mixtures and articles containing asbestos (including as an impurity) that address the information-gathering deficiencies identified in the Court's Summary Judgment Order. That Federal Register notice was published on May 6, 2022 (87 FR 27060). Additionally, the parties agreed that no later than eighteen months from the effective date of the agreement, EPA would sign for publication in the Federal Register a notice of final action regarding the proposed TSCA section 8(a) rule.

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- 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.**

Reported information will be used by EPA and other Federal agencies in considering potential actions on asbestos, including EPA's TSCA risk evaluation and risk management activities. Reporting requirements may provide EPA with baseline information needed to assess whether certain "conditions of use" of asbestos pose an unreasonable risk to human health or the environment under Section 6(b) of TSCA. EPA must consider reasonably available information as part of the risk evaluation process under Section 6(b), and as part of any subsequent risk management rulemaking efforts under TSCA Section 6(a). Understanding the health risks of asbestos and protecting the public and potentially exposed or susceptible subpopulations from these risks is a priority for EPA.

As part of the risk evaluation process under TSCA Section 6(b), EPA must determine whether asbestos presents unreasonable risk to health or the environment, without consideration of costs or other non-risk factors, including unreasonable risk to relevant potentially exposed or susceptible subpopulations as determined by the Agency, under the conditions of use.

EPA must also use scientific information and approaches in a manner that is consistent with the requirements in TSCA for the best available science, and ensure decisions are based on the weight of scientific evidence. See TSCA Section 26(h) & (i). In order to follow this framework, EPA needs to ensure that sufficient information is reasonably available to inform the Part 2 risk evaluation. Data collected by this rule could help to fill data gaps that EPA may have in exposure and hazard endpoints for asbestos that could better inform Part 2 of the asbestos risk evaluation.

Following risk evaluation, TSCA mandates that EPA take action if the Agency determines that asbestos presents unreasonable risk to health or the environment. EPA needs to ensure that sufficient information is reasonably available on the uses and trends of asbestos activities to develop a risk management rule that eliminates any unreasonable risk asbestos presents.

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

EPA developed the Chemical Information Submission System (CISS) reporting tool for use in submitting data electronically to the Agency. The tool is available for use with Windows, Macs, Linux, and UNIX based computers, using "Extensible Markup Language" (XML) specifications for efficient data transmission across the Internet. The CISS is a tool that provides user-friendly navigation, works with EPA's Central Data Exchange (CDX) to secure online communication, creates a completed Portable Document Format (PDF) for review prior to submission, and enables data, reports, and other information to be submitted easily as attachments.

All information sent by the submitter via CDX is transmitted securely to protect confidential business information (CBI). Furthermore, if anything in the submission is

claimed as CBI, a non-CBI copy of the submission must be provided by the submitter. The guidance document will instruct users on how to submit and substantiate CBI information using CISS.

The Agency ensures secure transmission of the data, reports, and other documents sent from the user's desktop through the Internet via the Transport Layer Security (TLS) 1.0 protocol. TLS 1.0 and subsequent versions updated as needed are widely used approaches for securing Internet transactions by the National Institute of Standards and Technology (NIST) as a means for protecting data sent over the Internet.

In addition, CISS enables the submitter to electronically sign, encrypt, and transmit submissions, which EPA subsequently provides back to the submitter as an unaltered copy of record. This assures the submitter that the Agency has received exactly what the submitter sent to EPA. The CISS reporting tool encrypts using a module based on the 256-bit Advanced Encryption Standard (AES) adopted by NIST. Details about AES can be found in FIPS 197 pdf on the NIST website at <http://csrc.nist.gov/publications/PubsFIPS.html> and EPA may incorporate other encryption modules into future versions of the tool. Information submitted via CDX is processed within EPA by secure systems certified for compliance with Federal Information Processing Standards.

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.

This collection is not conducted under any other reporting requirement. There is no other reporting requirement for asbestos reporting of naturally occurring substances, articles, impurities, or processors.

A small amount of reporting on asbestos has been done in the past. At 40 CFR 711.22, the Chemical Data Reporting (CDR) regulations state the following:

With regard to TSCA section 8(a) rules. Any person subject to the requirements of this part who previously has complied with reporting requirements of a rule under TSCA section 8(a) by submitting the information described in 40 CFR 711.15 for a chemical substance described in 40 CFR 711.5 to EPA, and has done so within 1 year of the start of a submission period described in 40 CFR 711.20, is not required to report again on the manufacture of that chemical substance at that site during that submission period for years for which data on the chemical substance had been reported.

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

Although TSCA section 8(a)(1) provides an express exemption for small manufacturers (including importers) and processors, TSCA section 8(a)(3) enables EPA to require small manufacturers (including importers) and processors to report under TSCA section 8(a) with respect to a chemical substance that is the subject of a rule proposed or promulgated under TSCA sections 4, 5(b)(4), or 6, or is the subject of an order in effect under TSCA sections 4 or 5(e), a consent agreement under TSCA section 4, or relief that has been granted under a civil action under TSCA sections 5 or 7. Asbestos is

subject to TSCA section 6 rulemaking under the Asbestos Ban and Phaseout rule of 1989, and thus EPA is exercising its authority provided under TSCA section 8(a)(3)(A) (ii) to require small manufacturers (including importers) and processors of asbestos or asbestos-containing mixtures (other than Libby Amphibole asbestos) to maintain records and submit reports. Libby Amphibole asbestos is not subject to an applicable proposed or promulgated rule under TSCA sections 4, 5(b)(4) or 6, an order in effect under TSCA section 4 or 5(e), or a consent agreement under TSCA section 4, nor is it the subject of relief that has been granted under a civil action under TSCA section 5 or 7. Therefore, small manufacturers (including importers) and processors of Libby Amphibole asbestos are expected to be exempt from this reporting and recordkeeping rule. EPA has set an annual sales threshold, when combined with those of their ultimate U.S. parent company (if any) of \$500,000, below which manufacturers and processors are not subject to the requirements of this rulemaking.

TSCA section 8(a)(1)(A) also excludes from the scope of EPA's regulatory authority under that paragraph any manufacturer (including importer) or processor of "a chemical substance described in subparagraph (B)(ii)." Section 8(a)(1)(B)(ii), in turn, provides EPA authority to require recordkeeping and reporting by each person (other than a small manufacturer [including importer] or processor) who manufactures (including imports) or processes, or proposes to manufacture (including import) or process, a chemical substance "in small quantities...solely for purposes of scientific experimentation or analysis or chemical research on, or analysis of, such substance or another substance, including any such research or analysis for the development of a product," but only to the extent EPA determines the recordkeeping and/or reporting is necessary for the effective enforcement of TSCA. EPA is not requiring recordkeeping or reporting by persons who manufacture (including import) or process, or propose to manufacture (including import) or process, asbestos in small quantities as described in TSCA section 8(a)(1)(B)(ii).

EPA is aware that there may be circumstances under which a manufacturer (including importer), or processor may be unable to provide a reliable quantity of the asbestos in their products because the percentage of asbestos in their products is not known or reasonably ascertainable by them. For those situations, EPA is adopting a short form (Form A) for attestation purposes. For other situations, submitters that can determine or estimate the quantity will provide more detailed information in the full form (Form B). Use of Form A, as appropriate and applicable, should help reduce burden on small entities.

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

This is a one-time court ordered reporting event as opposed to a reoccurring data collection. Failure to conduct the information collection activities would subject EPA to civil litigation.

7. Explain any special circumstances that require the collection to be conducted in a manner: All not applicable

- a) requiring respondents to report information to the agency more often than quarterly;

- b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- c) requiring respondents to submit more than an original and two copies of any document;
- d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- f) requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- g) that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Not applicable.

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

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

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

The agency's notice soliciting comments on the information collection was published in the Federal Register on Friday, May 6, 2022 (87 FR 27073). A copy of that notice is attached to this supporting statement. Several commenters remarked that EPA's projected compliance burden estimates in the proposed rule were not reasonable or were drastically underestimated, largely due to EPA stating in the ICR for the proposed

rule that the Agency did not have information on the number of firms or sites that are likely to report for the presence of asbestos as an impurity. In response, EPA has revised its analyses for the final rule to estimate the number of firms that may be subject to the rule because they manufacture or process products containing asbestos as an impurity.

Several commenters claimed that some companies would incur very high costs to comply with the rule because of the large number of unique products that they sold or the number of shipments they received. Commenters asserted that based on the due diligence requirements and the lack of exemptions in the rule, companies would need to exhaustively review their product lines and make inquiries through sometimes complex global supply chains. EPA does not agree that it underestimated compliance burdens and costs due to these factors. When a company purchases multiple products made of the same material, but of different colors, sizes, and/or shapes from a supplier, requesting data from the supplier on each individual product may be beyond the scope of “known to or reasonably ascertainable” information. And while conducting due diligence under the “reasonably ascertainable” portion of the “known to or reasonably ascertainable” standard may entail inquiries outside the organization to fill gaps in the submitter’s knowledge, it does not require each company that manufactures or processes any type of product (including products that are not made from any mined materials) to exhaustively research every one of their products in order to prove that they did or did not contain asbestos. Rather, the standard involves a reasonable investigation of the available information that a given company is aware of or should be aware of about the presence of asbestos. If a similarly situated person in the industry would have no reason to anticipate that asbestos may be present in a product, then it is not incumbent on a company to confirm such an understanding by contacting all the entities in their supply chain to investigate every hypothetical possibility. The rule addresses situations where companies are aware or should be aware of asbestos in their products.

The public comments on the proposed rule and a response to Comments document are available in Docket ID No. EPA-HQ-OPPT-2021-0357.

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

Not applicable

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

Submitters may claim most information reported to EPA under this rule as confidential if such information would reveal the submitter’s trade secrets or confidential business information as described in TSCA section 14 and existing regulations promulgated by EPA under TSCA and FOIA.

EPA has long-established procedures for properly handling, storing, processing, and disposing of TSCA confidential information. These procedures are detailed in the “TSCA CBI Protection Manual,” October 2003. EPA believes these procedures protect

confidential business information while providing the public with as much information as possible.

EPA will maintain standard confidentiality procedures to protect any confidential, trade secret, or proprietary information from disclosure in accordance with EPA's confidentiality regulation, 40 CFR Part 2, Subpart B, TSCA regulations, and TSCA section 14.

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

Not applicable; this collection does not include questions of a sensitive nature.

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

- a) **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- b) **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- c) **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under 'Annual Cost to Federal Government'.**

Respondents are companies manufacturing or processing asbestos in any year from 2019 to 2022. Over 67,000 firms are estimated to engage in rule familiarization and compliance determination activities, and 186 to 1,044 firms are predicted to submit reports for 268 to 1,126 sites. Table 3 disaggregates the number of firms and sites by type of firm. Information on the methodology used to estimate the number of firms is available in the economic analysis for this 8(a) rule.

Type of Firm	Number of Affected Firms	Number of Affected Sites
Chlor-alkali plants	3	10
Sheet gasket manufacturers	2	4
Oilfield brake block importers	1	1
Aftermarket auto brake importers	9 to 867	9 to 867
Firms reporting for asbestos as an impurity	171	244
Firms that engage in rule familiarization and compliance determination but do not report	67,461	96,419
Total	67,647 to 68,805	96,687 to 97,545

Incremental activities associated with preparing and submitting a response include rule familiarization, compliance determination, form completion, CBI claim substantiation, recordkeeping, and CDX registration, including e-signature. General descriptions of these activities are as follows:

- Rule Familiarization:** The rule requires reporting businesses and their staff to become familiar with the TSCA section 8(a) rule and its various requirements. This activity entails reading the rule, understanding the reporting and administrative requirements, and determining what tasks are required in order to meet reporting requirements. EPA recognizes that companies have varying levels of knowledge about the chemical content of the products they purchase and may not immediately know if they are subject to the rule. EPA anticipates that such companies will spend some time familiarizing themselves with the rule and then take steps to determine if they are subject to the rule's requirements. Many of these companies will ultimately determine that they do not need to report. EPA assumes that companies that determine they must report will spend additional time familiarizing themselves with the forms and reporting process.
- Compliance Determination:** EPA believes that firms purchasing products containing asbestos that has intentionally been added will generally be aware of that fact and will not need to spend time on compliance determination. This is not necessarily the case where asbestos may have been present as an impurity. There are a variety of steps that firms may choose to undertake if they believe that asbestos may possibly have been present as an impurity in the products they manufactured or processed. This may involve reviewing the products manufactured or processed by the firm during the time period covered by the rule and identifying the items that may have potentially contained asbestos as an impurity; identifying suppliers from whom the products were purchased; and

asking identified suppliers whether asbestos is known to have been found in the articles or mixtures the firm purchased from the supplier.

- **Form Completion:** The rule requires one-time reporting of certain information when it is available, including quantity of asbestos, uses, and exposures.
- **CBI Claim Substantiation:** A submitter will be able to assert a claim of CBI and, if asserted, will need to substantiate a claim of CBI for most of the information reported under this rule. CBI claims for quantity of asbestos information will not require substantiation at the time of submission. Certain data elements cannot be claimed as CBI; these include chemical and bulk material identities, and responses that are blank or “not known or reasonably ascertainable.”
- **Recordkeeping:** The rule requires respondents to retain documentation of information contained in their reports for five years after the date of submission.
- **CDX Registration and Electronic Signature:** Respondents that submit a report will need to register with CDX in order to comply with electronic reporting requirements. This activity occurs only once for each submitter. Some submitters may have already registered to use the e-TSCA web reporting tool in CDX (and obtained an accompanying electronic signature) in order to comply with mandatory electronic reporting requirements of other EPA rules. Those submitters will not need to repeat the CDX registration and e-signature process in order to file their reports. While there may be some overlap in the specific individuals that have already completed CDX activities, EPA is conservatively assuming that all firms that submit a report under this rule will need to register with CDX.

The rule contains two different reporting forms, Form A and Form B. Form B is to be used by entities that are able to determine the quantity of asbestos. Form A is to be used by entities that are aware of the presence of asbestos in their products but are unable to quantify the amount of asbestos. The data elements reportable on Form A are a subset of those on Form B.

The information reportable on Form B includes the following:

- Respondent identification;
- Type of activity (mining, milling, primary processing, secondary processing, importing);
- Asbestos type;
- Type of material containing asbestos (where asbestos is present as an impurity);
- Quantity of asbestos and/or products containing asbestos;
- Disposition of materials;
- Testing information (where asbestos is present as an impurity); and
- Employee and exposure information.

The rule involves activities that may require efforts by clerical, professional/technical, managerial, and legal staff. Wage rates and fringe benefits for clerical, professional/technical, managerial, and attorney labor are calculated using the U.S. Bureau of Labor Statistics’ (BLS) Employer Costs for Employee Compensation (ECEC) historical data for December 2021. The industry wage rate for attorney labor is derived

from the National Industry-Specific Occupational Employment and Wage Estimates. Overhead costs are assumed to equal 20% of the sum of wages plus fringe benefits. Table 4 shows the estimated wage rates for each labor category:

Table 4: Loaded Industry Wage Rates (2021\$)

Labor Category	Wage	Fringe Benefit	Total Compensation	Overhead % Wage	Overhead	Hourly Loaded Wages
	A	B	C = A + B	D	E = C x D	F = C + E
Clerical	\$21.48	\$9.50	\$30.98	20%	\$6.20	\$37.18
Professional/ Technical	\$44.99	\$22.84	\$67.83	20%	\$13.57	\$81.40
Managerial	\$53.49	\$24.16	\$77.65	20%	\$15.53	\$93.18
Attorney	\$71.17	\$29.90	\$101.07	20%	\$20.21	\$121.28

Information on methodology used to estimate the burden for form completion is provided in the economic analysis for this 8(a) rule.

The burden for Form A is less than for Form B because Form A collects less information than Form B. The total form completion burden varies depending on the type of activity a respondent is engaged in (mining, milling or importing a bulk material; primary processing, secondary processing, or importing a mixture or article), because the questions vary slightly depending on the activity. Reporting on impurities is estimated to require more time than reporting on the intentional use of asbestos. Table 5 shows the reporting burden and cost by form type, respondent type, and whether or not the use of asbestos is intentional.

Table 5: Industry Burden and Cost (Per-Site) for Form Completion by Type of Respondent

Type of Entity	Burden per Site (hours)					Cost per Site (2021\$)
	Clerical (\$37.18/hr)	Technical (\$81.40/hr)	Managerial (\$93.18/hr)	Legal (\$121.28/hr)	Total	
Intentional Use of Asbestos (Using Form A)						
Bulk importers/Primary processors	0.1	6.4	0.4	6.7	13.6	\$1,375
Secondary processors	0.1	4.9	0.3	6.7	12	\$1,243
Importers of articles or mixtures	0.1	4.9	0.3	6.7	12	\$1,243
Asbestos Present As An Impurity (Using Form A)						
Bulk manufacturers or importers/ Primary processors	0.2	11.3	0.7	6.7	18.9	\$1,805
Secondary processors	0.2	9.8	0.6	6.7	17.3	\$1,674
Importers of articles or mixtures	0.2	9.8	0.6	6.7	17.3	\$1,674
Intentional Use of Asbestos (Using Form B)						
Bulk importers/Primary processors	0.4	17.6	1.2	6.7	25.9	\$2,372
Secondary processors	0.3	14	0.9	6.7	21.9	\$2,047
Importers of articles or mixtures	0.3	14	0.9	6.7	21.9	\$2,047
Asbestos Present As An Impurity (Using Form B)						
Bulk manufacturers or importers/ Primary processors	0.7	29.8	2.0	6.7	39.2	\$3,451
Secondary processors	0.6	26.2	1.7	6.7	35.2	\$3,126
Importers of articles or mixtures	0.6	26.2	1.7	6.7	35.2	\$3,126

Table 6 presents the burden and cost for respondent activities other than form

completion. Information on the calculation of these burdens is provided in the economic analysis for this 8(a) rule.

Table 6: Industry Burden and Cost for Other Activities

Reporting Activity	Burden Hours				Cost (2021\$)
	Clerical	Technical	Managerial	Total	
Per Firm Estimates					
Rule Familiarization for Firms That Do Not Report	-	6.4	2.85	9.25	\$787
Rule Familiarization for Reporting Firms	-	17	7	24	\$2,036
Compliance Determination For Impurities	17	40	-	57	\$3,916.55
CDX Registration	-	1.73	0.93	2.66	\$230.73
Per Site Estimates					
CBI Claim Substantiation	0.06	0.40	0.24	0.70	\$57.15
Recordkeeping	0.5	0.5	-	1.00	\$59.29

Table 7 presents the estimated total industry burden and cost. For the purpose of this calculation, all respondents were assumed to submit Form B using the cost for bulk importers/primary processors. This may overestimate actual total burden and cost.

Table 7: Total 3-Year Industry Burden and Costs (2021\$)

Activity	Number of Affected Firms	Number of Affected Sites	Burden per Firm or Site (Hours)	Total Burden (hours)	Cost per Firm or Site (2021\$)	Total Cost (2021\$)
Bulk importers / Primary Processors – Intentional Use of Asbestos (Reported on Form B)						
Rule Familiarization	3	-	24	72	\$2,036	\$6,108
Form Completion	-	10	26	259	\$2,372	\$23,719
CBI Claim Substantiation	-	10	1	7	\$57	\$572
Recordkeeping	-	10	1	10	\$59	\$593
CDX Registration and Electronic Signature	3	-	3	8	\$231	\$692
Subtotal	-	-	-	356	-	\$31,684
Mixture Importers / Secondary Processors – Intentional Use of Asbestos (Reported on Form B)						
Rule Familiarization	2	-	24	48	\$2,036	\$4,072
Form Completion	-	4	22	88	\$2,047	\$8,189
CBI Claim Substantiation	-	4	1	3	\$57	\$229
Recordkeeping	-	4	1	4	\$59	\$237
CDX Registration and Electronic Signature	2	-	3	5	\$231	\$461
Subtotal	-	-	-	148	-	\$13,188
Article Importers – Intentional Use of Asbestos (Reported on Form B) – Average Estimate						
Rule Familiarization	10	-	24	240	\$2,036	\$20,361
Form Completion	-	10	22	219	\$2,047	\$20,472
CBI Claim Substantiation	-	10	1	7	\$57	\$572
Recordkeeping	-	10	1	10	\$59	\$593
CDX Registration and Electronic Signature	10	-	3	27	\$231	\$2,307
Subtotal	-	-	-	503	-	\$44,304
Reporting Firms – Asbestos as an Impurity (Reported on Form B)						
Rule Familiarization	868	-	24	20,841	\$2,036	\$1,768,085
Form Completion	-	868	22	19,018	\$2,047	\$1,777,751
CBI Claim Substantiation	-	868	1	608	\$57	\$49,632
Recordkeeping	-	868	1	868	\$59	\$51,487
CDX Registration and Electronic Signature	868	-	3	2,310	\$231	\$200,363
Subtotal	-	-	-	43,645	-	\$3,847,317
Reporting Firms – Asbestos as an Impurity (Reported on Form B)						
Rule Familiarization	171	-	24	4,104	\$2,036	\$348,166
Compliance Determination	171	-	57	9,807	\$3,917	\$669,730
Form Completion ¹	-	244	39	9,565	\$3,451	\$841,966
CBI Claim Substantiation	-	244	1	171	\$57	\$13,946
Recordkeeping	-	244	1	244	\$59	\$14,467
CDX Registration and Electronic Signature	171	-	3	455	\$231	\$39,455
Subtotal	-	-	-	24,345	-	\$1,927,730
Non-Reporting Firms – Asbestos as an Impurity						
Rule Familiarization	67,461	-	9	624,014	\$787	\$53,059,628
Compliance Determination	67,461	-	57	3,868,888	\$3,917	\$264,214,380
Subtotal	-	-	-	4,492,903	-	\$317,274,008
Total						
Total (Average Estimate)	67,647	268	-	4,518,254	-	\$319,290,914
Total (Upper Bound Estimate)	68,505	1,126	-	4,561,397	-	\$323,093,926

¹ All firms reporting asbestos as an impurity are assumed to report as bulk importers/primary processors, which may overestimate actual costs.

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

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

The information collection activities in the rule do not involve capitalization, start-up, and/or operation and maintenance costs.

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

EPA develops and maintains the electronic tool used to collect and verify data and routinely conducts other activities related to the processing, analysis and storage of the information collected under this rule. EPA activities affected by the rule involve providing guidance, data processing, systems support, review of CBI claim substantiations, and IT infrastructure.

EPA labor costs are based on federal hourly wage rates, as presented in Table 8. EPA assumes that the collection and administrative activities associated with Agency responses to the rule will be accomplished by a GS-13, Step 5 federal employee in the Washington-Baltimore-Northern Virginia area. EPA assumes that a GS-14, Step 5 federal employee will perform attorney activities related to CBI claim substantiations.

Table 8: Agency Wage Rates (2021\$)

Labor Category	Data Source for Wage Information	Wage (\$/hour)	Fringes as % of Wage ²	Fringe Benefit	Total Compensation	Overhead as % of Total Compensation ³	Overhead	Loaded Wage (\$/hr)
		A	B	C = A * B	D = A + C	E	F = D * E	G = D + F
Technical	GS-13 Step 5 pay rates ¹	\$56.31	63.9%	\$35.98	\$92.29	20.0%	\$18.46	\$110.75
Attorney	GS-14 Step 5 pay rates ¹	\$66.54	63.9%	\$42.52	\$109.06	20.0%	\$21.81	\$130.87

EPA will incur costs in administering the rule associated with processing submitted reports, maintaining the information technology systems that support these activities, and reviewing CBI claim substantiations. The costs associated with data processing, systems support, and review of CBI claim substantiations performed by EPA staff, shown in Table 9, are dependent on the number of reports received. In addition, EPA will need to develop the reporting tool and develop guidance on reporting, at an estimated cost of \$550,000.

Table 9: Total 3-Year Agency Costs (2021\$)

EPA Activity	Hours			Cost (2021\$)		
	Technical	Attorney	Total	Technical (\$110.75)	Attorney (\$130.87)	Total
Data Processing and Systems Support (per Report)	3.13	0	3.13	\$346.65	\$0.00	\$346.65
Review of CBI Claim Substantiations for CBI claims (per Report)	0.08	0.24	0.32	\$8.86	\$31.41	\$40.27
Total (x 268 reports, Average Estimate)	860	64	925	\$95,276	\$8,418	\$103,694
Total (x 1,126 reports, Upper Bound Estimate)	3,616	270	3,886	\$400,440	\$35,379	\$435,819
Reporting Tool and Guidance Development	-	-	-	-	-	\$550,000
Total Agency Hours and Cost, Average Estimate	860	64	925	\$95,276	\$8,418	\$653,694
Total Agency Hours and Cost, Upper Bound Estimate	3,616	270	3,886	\$400,440	\$35,379	\$985,819

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

All of the burden associated with this activity represent a program change, due to a new rule collecting information on the manufacturing and processing of asbestos on a one-time basis.

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

Not applicable

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

Not applicable

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

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

SUPPLEMENTAL INFORMATION

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0222). Responses to this collection of information are mandatory for certain persons, as specified at 40 CFR 711.15. 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 public reporting and recordkeeping burden for this collection of information is estimated to be 16,859 hours per response. Send comments on the Agency’s need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

LIST OF ATTACHMENTS

The attachments listed below can be found in the docket for this ICR or by using the hyperlink that is provided in the list below. The docket for this ICR is accessible electronically through <http://www.regulations.gov> using Docket ID Number: EPA-HQ-OPPT-2021-0357.

Ref.	Title
1.	Proposed Rule
2.	Screenshots for Submission of Form A and Form B

