

U.S. Environmental Protection Agency

Information Collection Request

Title: National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B) (Renewal)

OMB Control Number: 2060-0353

EPA ICR Number: 1765.10

Abstract: All manufacturers and importers of coatings and coating components subject to 40 CFR Part 59, Subpart B (National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings) must submit an initial report. The initial report must include the name and mailing address of the manufacturer or importer. The rule requires that containers of all subject automobile refinish coatings and coating components display the date of manufacture or a code indicating the date of manufacture. All manufacturers and importers of subject coatings and coating components must submit an explanation of all date codes used on automobile refinish coating and coating component containers. Date code explanations can be submitted with the initial report. Thereafter, respondents must submit explanations of any new date codes within 30 days of their first use.

The information collection includes initial and periodic reporting necessary for the EPA to ensure compliance with the promulgated federal rule for automobile refinish coatings. The rule will be enforced through random sampling of coatings to determine VOC content. Respondents are manufacturers and importers of automobile refinish coatings and coating components.

The “Affected Public” includes manufacturers and importers of automobile refinish coatings and coating components. The ‘burden’ to the “Affected Public” may be found below in Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B) (Renewal). The ‘burden’ to the “Federal Government” is attributed entirely to work performed by either Federal employees or government contractors and may be found below in Table 2: Average Annual EPA Burden and Cost – National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B) (Renewal). There are approximately 31 automobile refinishing coating facilities, which are owned and operated by the automobile refinishing coating industry. None of the 31 facilities in the United States are owned by either state, or local, or tribal entities or by the Federal government. They are all owned and operated by privately-owned, for-profit businesses. We assume that they will all respond to EPA inquiries.

Based on our consultations with industry representatives, there is an average of one affected facility at each plant site and each plant site has only one respondent (i.e., the owner/operator of the plant site).

Over the next three years, approximately 31 respondents per year will be subject to these standards, and one additional respondent per year will become subject to these same standards, for an overall average of 32 respondents per year.

Terms of Clearance: The Office of Management and Budget (OMB) approved the currently-active ICR with the following “Terms of Clearance”:

“In accordance with 5 CFR 1320, the information collection is approved for three years. Upon resubmission of this renewal, the agency must upgrade the supporting statement to align with the general 18-question supporting statement template that the Federal government uses for supporting documentation for OMB reviews.”

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION

The EPA is required under Section 183(e) of the Clean Air Act (Act) to regulate VOC emissions from the use of consumer and commercial products. Pursuant to Section 183(e)(3), the EPA published a list of consumer and commercial products and a schedule for their regulation (60 FR 15264). Automobile refinish coatings were included in Group 1 of the list. The standards for such coatings were promulgated on September 11, 1998 (63 FR 48806) and are codified at 40 CFR Part 59, Subpart B.

The reports required under the rule enable the EPA to identify all coating and coating component manufacturers and importers in the United States, and to determine which coatings and coating components are subject to the rule based on dates of manufacture.

2. PRACTICAL UTILITY/USERS OF THE DATA

The recordkeeping and reporting requirements in the standard ensure compliance with the applicable regulations, which were promulgated in accordance with the Clean Air Act. The collected information is also used for targeting inspections and as evidence in legal proceedings.

Agency enforcement personnel will use the information collected to identify manufacturers and importers subject to the rule and to determine which coatings and coating components are subject to the rule by dates of manufacture.

3. USE OF TECHNOLOGY

Information contained in the reports is reported by both state and local governments in the ICIS Air database, which is operated and maintained by EPA's Office of Compliance. The EPA uses ICIS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices, and EPA headquarters. The EPA and its delegated authorities can edit, store, retrieve and analyze the data.

Some of the respondents are using monitoring equipment that automatically records parameter data. Although personnel at the affected facility must still evaluate the data, internal automation has significantly reduced the burden associated with monitoring and recordkeeping at a plant site.

Electronic copies of records may also be maintained in order to satisfy federal recordkeeping requirements. For additional information on the Paperwork Reduction Act requirements for CEDRI and ERT for this rule, see: <https://www.epa.gov/electronic-reporting-air-emissions/paperwork-reduction-act-pra-cedri-and-ert>.

4. EFFORTS TO IDENTIFY DUPLICATION

For reports required to be submitted electronically, the information is sent through the EPA's CDX, using CEDRI, where the appropriate EPA regional office can review it, as well as for state and local agencies that have been delegated authority. If a state or local agency has adopted under its own authority its own standards for reporting or data collection, adherence to those non-Federal requirements does not constitute duplication.

For all other reports, if the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent directly to either the delegated state or local agency. If a state or local agency has adopted its own standards to implement the Federal standards, a copy of the report submitted to either the state or local agency can be sent to the Administrator in lieu of the report required by the Federal standards. Therefore, duplication does not exist.

5. MINIMIZING BURDEN ON SMALL ENTITIES

Since the reporting requirements of the rule are minimal, no alternative reporting requirements are instituted for small entities.

6. EFFECTS OF LESS FREQUENT COLLECTION

Less-frequent information collection would decrease the margin of assurance that manufacturers are continuing to meet these standards. This ICR includes one-time initial reports. After the initial report, the only reports required are those explaining any new date codes. To determine whether a coating is subject to the rule, explanations of date codes are necessary.

7. GENERAL GUIDELINES

These reporting or recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR Part 1320, Section 1320.5.

8. PUBLIC COMMENT AND CONSULTATIONS

a. Public Comment

An announcement of a public comment period for the renewal of this ICR was published in the *Federal Register* (88 FR 31748) on May 18, 2023. No comments were received on the burden published in the *Federal Register* for this renewal.

b. Consultations

The Agency has consulted industry experts and internal data sources to project the number of affected facilities and industry growth over the next three years. The primary source of information as reported by industry, in compliance with the recordkeeping and reporting provisions in these standards, is the Integrated Compliance Information System (ICIS). The ICIS is

EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. The growth rate for the industry is based on our consultations with the Agency's internal industry experts. Approximately 32 respondents will be subject to these same standards over the three-year period covered by this ICR.

Industry trade association(s) and other interested parties were provided an opportunity to comment on the burden associated with these same standards as they were being developed and these same standards have been reviewed previously to determine the minimum information needed for compliance purposes. In developing this ICR, we contacted both the American Coatings Association, at 202-462-6272, and the Automotive Service Association, at 817-514-2900. In this case, no comments were received.

9. PAYMENTS OR GIFTS TO RESPONDENTS

No payments or gifts are provided to respondents.

10. PROVISIONS FOR PROTECTION OF INFORMATION

Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, subpart B - Confidentiality of Business Information (CBI) (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

11. JUSTIFICATION FOR SENSITIVE QUESTIONS

The reporting or recordkeeping requirements in these standards do not include sensitive questions.

12. RESPONDENT BURDEN HOURS & LABOR COSTS

a. Respondents/NAICS Codes

The respondents to the recordkeeping and reporting requirements are manufacturers and importers of automobile refinish coatings and coating components. The United States Standard Industrial Classification (SIC) codes for the respondents affected by these standards, and the corresponding North American Industry Classification System (NAICS) codes for this source category are shown below:

Standard (40 CFR Part 59, Subpart B)	SIC Codes	NAICS Codes
Paint and Coating Manufacturer	2851	325510
Paint, Varnish and Supplies Wholesalers	5198	422950
Paint and Wallpaper Stores	5198	444120

Based on our research for this ICR, on average over the next three years, approximately 31 existing respondents will be subject to these standards. It is estimated that one additional respondent per year will become subject to these same standards. The overall average number of respondents, as shown in the table below, is 32 per year.

The number of respondents is calculated using the following table that addresses the three years covered by this ICR:

Number of Respondents					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
Year	(A) Number of New Respondents ¹	(B) Number of Existing Respondents	(C) Number of Existing Respondents that keep records but do not submit reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	1	30	0	0	31
2	1	31	0	0	32
3	1	32	0	0	33
Average	1	31	0	0	32

¹ New respondents include sources with constructed, reconstructed and modified affected facilities.

Column D is subtracted to avoid double-counting respondents. As shown above, the average Number of Respondents over the three-year period of this ICR is 32.

The total number of annual responses per year is calculated using the following table:

Total Annual Responses				
(A) Information Collection Activity	(B) Number of Respondents ^a	(C) Number of Responses	(D) Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses E=(BxC)+D
Initial Report	1	1	0	1
Date Code Explanation	1	1	0	1
Update Date Codes	3.1	1	0	3.1
			Total	5

^a We assume one new regulated facility per year and 10% of facilities will update their date codes.

The number of Total Annual Responses is 5.

b. Information Requested

In this ICR, all the data that are recorded or reported is required by the National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B). A source must make the following reports:

Reports	
Initial report	§59.105(a)
Explanation and/or update of date codes	§59.105(b)

The specific frequency for each information collection activity within this request is shown at the end of this document in Table 1.

Less-frequent information collection would decrease the margin of assurance that manufacturers are continuing to meet these standards. This ICR includes one-time initial reports. After the initial report, the only reports required are those explaining any new date codes. To determine whether a coating is subject to the rule, explanations of date codes are necessary.

c. Respondent Activities

The respondent activities required are listed in the first column of Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B) (Renewal).

d. Respondent Burden Hours and Labor Costs

The total annual labor hours are 14. Details regarding these estimates may be found below in Table 1.

We assume that burdens for managerial tasks take 5% of the time required for technical tasks, because the typical tasks for managers are to review and approve reports. Clerical burdens are assumed to take 10% of the time required for technical tasks, because the typical duties of clerical staff are to proofread the reports, make copies and maintain records.

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average three hours per response.

The total annual labor costs are \$1,850. Details regarding these estimates may be found at the end of this document in Table 1

13. RESPONDENT CAPITAL AND O&M COSTS

There are no annual capital/startup and O&M costs to the regulated entity.

14. AGENCY COSTS

a. Agency Activities

A list of activities required of the EPA is provided below in Table 2: Average Annual EPA Burden and Cost – National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B) (Renewal).

b. Agency Labor Cost

The only costs to the Agency are those costs associated with analysis of the reported information. The EPA's overall compliance and enforcement program includes such activities as the examination of records maintained by the respondents, periodic inspection of sources of emissions, and the publication and distribution of collected information.

The average annual Agency cost during the three years of the ICR is estimated to be \$186. This cost is based on the average hourly labor rate as follows:

Managerial	\$73.46 (GS-13, Step 5, \$45.91 + 60%)
Technical	\$54.51 (GS-12, Step 1, \$34.07 + 60%)
Clerical	\$29.50 (GS-6, Step 3, \$18.44 + 60%)

These rates are from the Office of Personnel Management (OPM), 2023 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to Federal government employees. Details upon which this estimate is based appear at the end of this document in Table 2.

We assume that burdens for managerial tasks take 5% of the time required for technical tasks, because the typical tasks for managers are to review and approve reports. Clerical burdens are

assumed to take 10% of the time required for technical tasks, because the typical duties of clerical staff are to proofread the reports, make copies and maintain records.

c. Agency Non-Labor Costs

The Agency does not expect to incur any non-labor costs associated with this collection.

15. CHANGE IN BURDEN

The increase in burden from the most-recently approved ICR is due to an adjustment(s). The adjustment increase in burden from the most recently approved ICR is due to an increase in the number of respondents due to growth in the industry. There is an increase in costs from the most recently approved ICR due to the increased respondent count and the use of updated labor rates. This ICR uses labor rates from the most recent Bureau of Labor Statistics report (September 2022) to calculate respondent burden costs.

16. PUBLICATION OF DATA

17. DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS

The agency plans to display the expiration date for OMB approval of the information collection on all instruments.

18. CERTIFICATION STATEMENT

This information collection complies with all provisions of the Certification for Paperwork Reduction Act Submissions.

Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B) (Renewal)

Burden Item	(A) Person hours per occurrence	(B) No. of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year ^a	(E) Technical person- hours per year (E=CxD)	(F) Management person hours per year (Ex0.05)	(G) Clerical person hours per year (Ex0.1)	(H) Cost, \$ ^b
1. Application	N/A							
2. Surveys and Studies	N/A							
3. Reporting Requirements								
A. Read Instructions ^c	2	1	2	1	2	0	0	\$260.56
B. Gather Existing Information	Included in 3.C.							
C. Write Report								
i. Initial Report ^c	2	1	2	1	2	0	0	\$260.56
ii. Date Code Explanation ^c	4	1	4	1	4	0	0	\$521.12
iii. Update Date Code ^d	2	1	2	3.1	6.2	0	0	\$807.74
Subtotal for Reporting Requirements						14		\$1,850
4. Recordkeeping requirements	N/A							
5. Labeling ^e	N/A							
Subtotal for Recordkeeping Requirements						0		\$0
Total Labor Burden and Costs (rounded) ^f						14		\$1,850
Total Capital and O&M Cost (rounded) ^f								\$0
GRAND TOTAL (rounded) ^f								\$1,850

Assumptions:

^a We assume that an average of 31 respondents will be subject to this rule. We assume that one new source each year will become subject to the rule over the three-year period of the ICR.

^b This ICR uses the following labor rates: \$163.17 ($\$77.70 + 110\%$) per hour for Executive, Administrative, and Managerial labor; \$130.28 ($\$62.04 + 110\%$) per hour for Technical labor, and \$65.71 ($\$31.29 + 110\%$) per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2022, "Table 2. Civilian Workers, by occupational and industry group." The rates are from column 1, "Total compensation." The rates have been increased by 110 percent to account for varying industry wage rates and the additional overhead business costs of employing workers beyond their wages and benefits, including business expenses associated with hiring, training, and equipping their employees. All tasks are assumed to be performed by a technical person (\$130.28/hr) unless otherwise noted.

^c We assume there will be one new regulated entity every year.

^d We assume that 10% of manufacturers will update their codes each year.

^e Although the rule requires the date (or code) to appear on the label, such labeling is already performed.

^f Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.

Table 2: Average Annual EPA Burden and Cost – National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings (40 CFR Part 59, Subpart B) (Renewal)

Burden item	(A) Person hours per occurrence	(B) No. of occurrences per respondent per year	(C) Person hours per respondent per year (C=AxB)	(D) Respondents per year ^a	(E) Technical person- hours per year (E=CxD)	(F) Management person hours per year (Ex0.05)	(G) Clerical person hours per year (Ex0.1)	(H) Cost, \$ ^b
A. Initial Report	1	1	1	1	1	0.05	0.1	\$61.13
B. Date Code Report	0.5	1	0.5	1	0.5	0.025	0.05	\$30.57
C. Date Code Updates	0.5	1	0.5	3.1	1.55	0.0775	0.155	\$95
TOTAL (rounded) ^c						4		\$186

Assumptions:

^a We assume that an average of 31 respondents will be subject to this rule, and that one new source will become subject to the rule each year over the three-year period of the ICR.

^b This cost is based on the average hourly labor rate as follows: Managerial \$73.46 (GS-13, Step 5, \$45.91 + 60%); Technical \$54.51 (GS-12, Step 1, \$34.07 + 60%); and Clerical \$29.50 (GS-6, Step 3, \$18.44 + 60%). This ICR assumes that Managerial hours are 5 percent of Technical hours, and Clerical hours are 10 percent of Technical hours. These rates are from the Office of Personnel Management (OPM), 2023 General Schedule, which excludes locality, rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees.

^c Totals have been rounded to 3 significant figures. Figures may not add exactly due to rounding.