

# U.S. Environmental Protection Agency

## Information Collection Request

**Title:** Designation of (PFOA) and (PFOS) as CERCLA Hazardous Substances (Final Rule)

**OMB Control Number:** 2050-0227

**EPA ICR Number:** 2708.02

**Abstract:** Under Section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), the EPA will designate PFOA and PFOS, including their salts and structural isomers, as hazardous substances.

The designation of PFOA and PFOS as hazardous substances will require any facility that identifies a release of one pound or more within a 24-hour period of these substances, including their associated salts and structural isomers, to report the release to the National Response Center (NRC) under section 103 of CERCLA and to the state and local officials under section 304 of Emergency Planning and Community Right-to Know Act (EPCRA). The implementing regulations of CERCLA section 103 and EPCRA section 304 are codified at 40 CFR parts 302 and 355, respectively.

In addition, pursuant to Section 111(g) of CERCLA, an owner or operator of a facility where a hazardous substance has been released is required to provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area. Furthermore, as required by CERCLA section 120(h), when a federal agency sells or transfers federally owned real property, the agency must provide notice of the presence of hazardous substances and covenants regarding the remediation of such hazardous substances in certain circumstances. The designation will also place an obligation on DOT to list and regulate CERCLA designated hazardous substances as hazardous materials under the Hazardous Materials Transportation Act.

### **Supporting Statement A**

#### **1. NEED AND AUTHORITY FOR THE COLLECTION**

*Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.*

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Section 102(a) of CERCLA authorizes EPA to promulgate regulations designating as a hazardous substance any element, compound, mixture, solution, or substance which, when released into the environment, may present substantial danger to public health or welfare or the environment.

Section 102(b) of CERCLA establishes reportable quantities (RQs) for releases of hazardous substances at one pound, except those substances for which RQs were established pursuant to section 311(b)(4) of the Clean Water Act (CWA).

Section 103(a) of CERCLA requires the person in charge of a facility or vessel to immediately notify the NRC of a hazardous substance release if the release quantity equals or exceeds the substance's RQ.

In addition to the release reporting requirements of CERCLA section 103, section 304 of EPCRA requires owners and operators of facilities to immediately notify the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) when there is a release of an extremely hazardous substance (EHS), as defined under EPCRA section 302, or of a CERCLA hazardous substance in an amount equal to or greater than the RQ for that substance within a 24-hour period. Section 304 also requires facilities to submit a follow-up written report providing additional information on the release, its impacts, and any actions taken in response.

This rulemaking will designate PFOA and PFOS as hazardous substances under CERCLA section 102 with a RQ of one pound. Upon designation of these substances under CERCLA section 102, any facility that identifies a release of PFOA or PFOS including their associated salts and precursor substances at one pound or more within a 24-hour period, must report the release to the National Response Center (NRC) as required under section 103 of CERCLA and report to the SERC and LEPC as required under section 304 of EPCRA.

In addition to notifying the NRC, SERC (or TERC), and LEPC (or TEPC) of a release, Section 111(g) of CERCLA requires an owner or operator of a facility where a hazardous substance has been released to provide notice to potential injured parties by publication in local newspapers serving the affected area.

As required by Section 120(h) of CERCLA, when a federal agency sells or transfers federally owned real property, the agency must provide notice of the presence of hazardous substances and covenants regarding the remediation of such hazardous substances in certain circumstances.

Section 306(a) of CERCLA also places an obligation on DOT to list and regulate CERCLA designated hazardous substances as hazardous materials under the Hazardous Materials Transportation Act.

## **2. PRACTICAL UTILITY/USERS OF THE DATA**

*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.*

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Designating PFOA and PFOS as CERCLA hazardous substances furthers CERCLA's primary goal of protecting public health and welfare and the environment by improving the information available about releases of PFOA and PFOS.

The Federal government needs to be notified of releases of hazardous substances in order to determine if a response action is necessary to mitigate or prevent damage to public health or welfare or the

environment. State and local officials use the information to activate local emergency response plans and to protect the communities where releases occur.

The release notification information stored at the NRC Emergency Response Notification System (ERNS) and the follow-up written report submitted to the SERC and the LEPC are available to the public. The public may use release information to become aware of the releases that have occurred in their communities and throughout the nation and to learn of actions, if any, that are being taken to protect public health and welfare and the environment.

### **3. USE OF TECHNOLOGY**

*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.*

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For purposes of reporting releases under CERCLA section 103(a), the facility that experiences a reportable release must telephone the NRC. The NRC notifies the appropriate EPA Region or the affected state, and any other Federal agency that may be able to lend support to a potential response action.

When a hazardous substance release is reported, the NRC personnel enter the information into the NRC ERNS database. EPA uses the ERNS database to document, analyze, and maintain data gathered under CERCLA notification process.

For Federal response authorities, the ERNS database reduces the cost and time associated with processing and documenting release reports. For other EPA program offices, state and local response officials, and the public, ERNS provides for easy access to release data.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

*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.*

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None of the information required by the final rule to designate PFOA and PFOS as hazardous substances will duplicate information required under existing CERCLA regulations.

### **5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES**

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

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It is not clear what number of small entities would be required to report as a result of the action under consideration by EPA. However, the total cost of notification does not exceed one percent of average small-entity revenues in most key sectors potentially affected by the final rule. Thus, this action is not expected to result in a significant economic impact on a substantial number of small entities under the RFA.

## **6. CONSEQUENCES OF LESS FREQUENT COLLECTION**

*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.*

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The information required under the regulations implementing CERCLA section 103(a) and EPCRA section 304 is not collected at any specified frequency; rather, it is collected when reportable releases occur. The information collected under the regulations, such as the source, quantity, and type of material released and the environmental medium affected, is critical to evaluating the threat posed by the release and the need for a response action. The regulatory requirements evaluated in this ICR represent EPA's efforts to ensure that the NRC, SERC and LEPC are notified immediately of those hazardous substance releases for which a Federal, State and local response action may be necessary to protect public health and welfare and the environment.

## **7. GENERAL GUIDELINES**

*Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.*

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The information collection is consistent with the guidelines set forth in 5 CFR 1320.5(d)(2) of the Paperwork Reduction Act Guidelines. There are no known special circumstances that would require reporting on an alternative timeline or methodology.

## **8. PUBLIC COMMENT AND CONSULTATIONS**

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### **8a. Public Comment**

*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 by the Agency in response to these comments. Specifically address comments received on cost and hour burden.*

In compliance with the Paperwork Reduction Act of 1995, EPA initiated a 60-day public comment period at the time that the proposed rule to designate PFOA and PFOS as hazardous substances was published in the *Federal Register*. Following the end of the comment period, EPA reviewed public comments received in response to the notice and considered these comments in its development of the final rule.

### **8b. Consultations**

*Describe efforts to consult with persons outside the Agency 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.*

EPA accepted comments from the public during the 60-day comment period referenced above.

## **9. PAYMENTS OR GIFTS TO RESPONDENTS**

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*Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.*

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There are no payments or gifts associated with this collection of information.

#### **10. ASSURANCE OF CONFIDENTIALITY**

*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.*

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All information submitted to the agency in response to the ICR will be managed in accordance with applicable laws and EPA's regulations governing treatment of confidential business information at 40 CFR Part 2, Subpart B. Any information determined to constitute a trade secret will be protected under 18 U.S.C. § 1905.

#### **11. JUSTIFICATION FOR SENSITIVE QUESTIONS**

*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.*

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Sensitive questions are not associated with the information collection activities performed under Public Law 107-118.

#### **12. RESPONDENT BURDEN HOURS & LABOR COSTS**

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

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
  - *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
  - *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 as O&M costs under non-labor costs covered under question 13.*
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##### **12a. Respondents/NAICS Codes**

The following is a list of North American Industrial Classification System (NAICS) codes associated with the facilities most likely to be affected by the information collection requirements covered in this ICR. This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be impacted by this action.

Sector	Industry Group	6-Digit NAICS	6-Digit NAICS Description
Oil and Gas Extraction	Oil and Gas Extraction	211120	Crude Petroleum Extraction
		211130	Natural Gas Extraction
Mining (except Oil and Gas)	Metal Ore Mining	212221	Gold Ore Mining
		212230	Copper, Nickel, Lead, and Zinc Mining
		212291	Uranium-Radium-Vanadium Ore Mining
Utilities	Water, Sewage and Other Systems	221320	Sewage Treatment Facilities
Textile Mills	Fiber, Yarn, and Thread Mills	313110	Fiber, Yarn, and Thread Mills
	Fabric Mills	313210	Broad Woven Fabric Mills
		313220	Narrow Fabric Mills and Schifflli Machine Embroidery
		313230	Nonwoven Fabric Mills
		313240	Knit Fabric Mills
	Textile and Fabric Finishing and Fabric Coating Mills	313310	Textile and Fabric Finishing Mills
		313320	Fabric Coating Mills
Textile Product Mills	Textile Furnishings Mills	314110	Carpet and Rug Mills
	Other Textile Product Mills	314910	Textile Bag and Canvas Mills
		314999	All Other Miscellaneous Textile Product Mills
Leather and Allied Product Manufacturing	Leather and Hide Tanning and Finishing	316110	Leather and Hide Tanning and Finishing
	Other Leather and Allied Product Manufacturing	316998	All Other Leather Good and Allied Product Manufacturing
Paper Manufacturing	Pulp, Paper, and Paperboard Mills	322121	Paper (except Newsprint) Mills
		322130	Paperboard Mills
	Converted Paper Product Manufacturing	322219	Other Paperboard Container Manufacturing
		322220	Paper Bag and Coated and Treated Paper Manufacturing
Printing and Related Support Activities	Printing and Related Support Activities	323111	Commercial Printing (except Screen and Books)
		323120	Support Activities for Printing
Petroleum and Coal Products Manufacturing	Petroleum and Coal Products Manufacturing	324110	Petroleum Refineries
		324191	Petroleum Lubricating Oil and Grease Manufacturing
Chemical Manufacturing	Basic Chemical	325110	Petrochemical Manufacturing

Sector	Industry Group	6-Digit NAICS	6-Digit NAICS Description	
	Manufacturing	325120	Industrial Gas Manufacturing	
		325130	Synthetic Dye and Pigment Manufacturing	
		325180	Other Basic Inorganic Chemical Manufacturing	
		325193	Ethyl Alcohol Manufacturing	
		325199	All Other Basic Organic Chemical Manufacturing	
		Resin, Synthetic Rubber, and Artificial and Synthetic Fibers and Filaments Manufacturing	325211	Plastics Material and Resin Manufacturing
	325212		Synthetic Rubber Manufacturing	
	325220		Artificial and Synthetic Fibers and Filaments Manufacturing	
	Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing	325320	Pesticide and Other Agricultural Chemical Manufacturing	
	Pharmaceutical and Medicine Manufacturing	325411	Medicinal and Botanical Manufacturing	
	Paint, Coating, and Adhesive Manufacturing	325510	Paint and Coating Manufacturing	
	Soap, Cleaning Compound, and Toilet Preparation Manufacturing	325611	Soap and Other Detergent Manufacturing	
		325612	Polish and Other Sanitation Good Manufacturing	
		325613	Surface Active Agent Manufacturing	
	Other Chemical Product and Preparation Manufacturing	325910	Printing Ink Manufacturing	
		325992	Photographic Film, Paper, Plate, and Chemical Manufacturing	
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing	
	Plastics and Rubber Products Manufacturing	Plastics Product Manufacturing	326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing
			326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing
			326121	Unlaminated Plastics Profile Shape Manufacturing
326130			Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing	
Rubber Product Manufacturing		326211	Tire Manufacturing (except Retreading)	

Sector	Industry Group	6-Digit NAICS	6-Digit NAICS Description
Nonmetallic Mineral Product Manufacturing	Glass and Glass Product Manufacturing	327215	Glass Product Manufacturing Made of Purchased Glass
	Cement and Concrete Product Manufacturing	327310	Cement Manufacturing
	Other Nonmetallic Mineral Product Manufacturing	327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing
Primary Metal Manufacturing	Steel Product Manufacturing from Purchased Steel	331221	Rolled Steel Shape Manufacturing
	Alumina and Aluminum Production and Processing	331313	Alumina Refining and Primary Aluminum Production
Fabricated Metal Product Manufacturing	Coating, Engraving, Heat Treating, and Allied Activities	332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
		332813	Electroplating, Plating, Polishing, Anodizing, and Coloring
	Other Fabricated Metal Product Manufacturing	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
Machinery Manufacturing	Industrial Machinery Manufacturing	333249	Other Industrial Machinery Manufacturing
	Commercial and Service Industry Machinery Manufacturing	333316	Photographic and Photocopying Equipment Manufacturing
		333318	Other Commercial and Service Industry Machinery Manufacturing
Computer and Electronic Product Manufacturing	Communications Equipment Manufacturing	334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
	Audio and Video Equipment Manufacturing	334310	Audio and Video Equipment Manufacturing
	Semiconductor and Other Electronic Component Manufacturing	334412	Bare Printed Circuit Board Manufacturing
		334413	Semiconductor and Related Device Manufacturing
		334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing
		334419	Other Electronic Component Manufacturing
Electrical Equipment, Appliance, and Component Manufacturing	Other Electrical Equipment and Component Manufacturing	335931	Current-Carrying Wiring Device Manufacturing
		335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing
Transportation Equipment	Motor Vehicle Parts	336399	All Other Motor Vehicle Parts Manufacturing



Sector	Industry Group	6-Digit NAICS	6-Digit NAICS Description
Manufacturing	Manufacturing		
Miscellaneous Manufacturing	Medical Equipment and Supplies Manufacturing	339112	Surgical and Medical Instrument Manufacturing
Merchant Wholesalers, Nondurable Goods	Chemical and Allied Products Merchant Wholesalers	424690	Other Chemical and Allied Products Merchant Wholesalers
	Petroleum and Petroleum Products Merchant Wholesalers	424710	Petroleum Bulk Stations and Terminals
Furniture and Home Furnishings Stores	Home Furnishings Stores	442291	Window Treatment Stores
Rail Transportation	Rail Transportation	482111	Freight Rail
Truck Transportation	General Freight Trucking	484110	Truck Freight
Support Activities for Transportation	Support Activities for Air Transportation	488119	Other Airport Operations
	Support Activities for Water Transportation	488310	Port and Harbor Operators
Administrative and Support Services	Services to Buildings and Dwellings	561740	Carpet and Upholstery Cleaning Services
Waste Management and Remediation Services	Waste Collection	562112	Hazardous Waste Collection
	Waste Treatment and Disposal	562211	Hazardous Waste Treatment and Disposal
		562212	Solid Waste Landfill
		562213	Solid Waste Combustors and Incinerators
562219	Other Nonhazardous Waste Treatment and Disposal		
Repair and Maintenance	Automotive Repair and Maintenance	811192	Car Washes
	Personal and Household Goods Repair and Maintenance	811420	Reupholstery and Furniture Repair
Personal and Laundry Services	Drycleaning and Laundry Services	812300	Dry Cleaner and Laundry Operators
Justice, Public Order, and Safety Activities	Justice, Public Order, and Safety Activities	922160	Fire Protection
National Security and International Affairs	National Security and International Affairs	928110	National Security

## 12b. Information Requested

This section describes information collection requirements applicable to entities that will be affected by the final rule. The designation of PFOA and PFOS as hazardous substances under Section 102(a) of CERCLA would require any facility that identifies a release of one pound or more of PFOA or PFOS within a 24-hour period to immediately report the release to the NRC, SERC, and LEPC.

Notification under CERCLA section 103(a) is intended to ensure that Federal authorities receive prompt notification of hazardous substance releases for which a timely response may be necessary to protect public health or welfare or the environment. The information provided in the telephone call to the NRC serves to notify government authorities of the release and provides them with a description of the circumstances surrounding the release. The following information may be requested from all callers:

- The name and location of the individual reporting the release, the name and type of organization (e.g., general public, industrial facility, or Federal, state, or local government) with which the individual reporting the release is affiliated, and the telephone number of the person reporting the release;
- The name and location of the facility or vessel reporting the release, the type of organization, and the telephone number of the facility or vessel;
- The location of the release;
- The date and time of the release;
- The name and type of material involved in the release, and the quantity of the substance released;
- The source of the release, the vehicle identification or carrier number, if applicable, and a brief description of the source;
- The environmental medium affected by the release (e.g., air, land, surface water, or ground water);
- The cause of the incident (e.g., transportation accident, operational error, natural phenomenon), and a brief description of the release scenario denoting any unusual circumstances associated with the release;
- Information on damages that occurred as a result of the release, including the number of injuries, number of deaths, and any property damage;
- A description of the response actions taken at the release site, if any;
- The name(s) and type of organization(s) that the caller has already notified; and
- Any additional comments or information regarding the release.

There are no recordkeeping requirements specified under CERCLA section 103(a) or its implementing regulations. The person in charge of the facility or vessel, however, may elect to maintain a log detailing the time, date, and circumstances associated with the reported release. The purpose of maintaining a log of reported releases is to document correspondence with response authorities and to document compliance with release notification requirements under CERCLA. Because the respondent will in all likelihood maintain a reported release log, burden and cost estimates associated with recordkeeping are included in this ICR.

Under EPCRA section 304, respondents are required to notify the LEPC and SERC of releases of PFOA and PFOS if these substances are designated as hazardous substances CERCLA section 102 above the reportable quantity of one pound. The notice must include the following information as required under EPCRA section 304(b), to the extent that it is known:

- The chemical name or identity of any substance involved in the release;
- An estimate of the quantity of any such substance that was released into the environment;
- The time and duration of the release;
- The medium or media into which the release occurred;
- Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals;
- Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the community emergency coordinator pursuant to the emergency plan); and
- The name and telephone number of the person or persons to be contacted for further information.

In addition, EPCRA section 304 (c) requires facilities to submit a follow-up written report to the SERC and LEPC soon as practicable after the release.<sup>1</sup> The report must include all the information noted above and must include the following:

- Actions taken to respond to and contain the release;
- Any known or anticipated acute or chronic health risks associated with the release; and
- Where appropriate, advice regarding medical attention necessary for exposed individuals.

In addition to notifying the NRC, SERC (or TERC), and LEPC (or TEPC) of a release, pursuant to Section 111(g) of CERCLA, an owner or operator of a facility where a hazardous substance has been released is also required to provide notice to potential injured parties by publication in local newspapers serving the affected area.

### **12c. Respondent Activities**

For purposes of reporting releases under CERCLA section 103(a), the facility that experiences a reportable release must telephone the NRC. The NRC notifies the appropriate EPA Region or the affected state, and any other Federal agency that may be able to lend support to a potential response action.

When a hazardous substance release is reported, the NRC personnel enter the information into the NRC ERNS database. EPA uses the ERNS database to document, analyze, and maintain data gathered under CERCLA notification process.

For Federal response authorities, the ERNS database reduces the cost and time associated with processing and documenting release reports. For other EPA program offices, state and local response officials, and the public, ERNS provides for easy access to release data.

### **12d. Respondent Burden Hours and Labor Costs**

This section provides estimates of the respondent hourly burden associated with the information collection requirements covered in this ICR. As described above, the information collection requirements in the event of a PFOA or PFOS release include telephone notification to the NRC, SERC, and LEPC and the preparation of a written report to the SERC and the LEPC as well as a notice to

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<sup>1</sup> EPA provided guidance for the phrase “as soon as practicable” to be “within 30 days” (July 13, 2010 Federal Register Notice, 75 FR 39852). Some states require facilities to submit follow-up written report less than 30 days.

potential injured parties by publication in local newspapers serving the affected area. This ICR assumes that the labor burden associated with these notification activities is consistent with the labor burden in EPA ICR Numbers 1049.14 and 1395.10 (OMB Control Numbers 2050-0046 and 2050-0092, respectively).

Consistent with the Assessment of the Potential Costs and Other Impacts of the Final Rulemaking to Designate PFOA and PFOS as Hazardous Substances, EPA estimates that the National Response Center will receive 614 notifications of PFOA and PFOS releases per year. Under EPCRA section 304, SERC or TERC and LEPC or TEPC each would receive 614 notifications. Exhibit 1 summarizes burden hours by labor type per respondent for these activities, as well as the overall burden hours for all respondents.

**Exhibit 1: Estimated Respondent Burden (in Hours) - Facilities**

Activity	Number of Respondent Activities	Mgr.	Tech.	Clerical	Hours Per Activity	Total Labor Burden
Providing an Initial Telephone Notification to the NRC, the SERC, and the LEPC.	614	0.34	0.5	0.18	1.02	626
Preparing an Initial Written Report to the SERC and the LEPC	614	2.1	5.1	1.5	8.7	5,342
Publication of a Newspaper Notice to Potential Injured Parties	614	-	1	0.5	1.5	921
<b>Total Burden Hours</b>						<b>6,889</b>

**13. RESPONDENT CAPITAL AND O&M COSTS**

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

*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 consider 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 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. 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.*

*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.*

Exhibit 2 presents the bottom-line burden hours and costs. Based on the estimate of 614 annual respondents, EPA estimates that the final rule will result in 6,889 hours of annual respondent labor burden corresponding to approximately \$1,047,158 in labor costs. EPA also estimates that the information collection requirements will result in about \$584,714 in operations and maintenance costs (for postage, long-distance phone calls, and newspaper notices).

Operation and Maintenance (O&M) costs are those costs associated with materials and services procured for the information collection requirements included in the ICR. For this ICR, O&M costs include the following: costs of postage (approximately \$0.68 per facility per release), long distance phone calls (approximately \$5.53 per facility per release) and notice in a local newspaper (\$946.09).

**Exhibit 2: Annual Cost Totals**

Collection Activity	Total Respondents	Total Labor Burden (Hours)	Labor Costs	Other Costs	Total Costs
Providing an Initial Telephone Notification to the NRC, the SERC or TERC, and the LEPC or TEPC.	614	626	\$98,855	\$0.00	\$98,855
Preparing an Initial Written Report for the SERC or TEPC and the LEPC or TEPC.	614	5,342	\$827,866	\$3,814	\$831,680
Publication of a Newspaper Notice to Potential Injured Parties	614	921	\$120,437	\$580,900	\$701,337
<b>Annual Total</b>	<b>614</b>	<b>6,889</b>	<b>\$1,047,158</b>	<b>\$584,714</b>	<b>\$1,631,872</b>

**14. AGENCY COSTS**

*Provide estimates of annualized costs 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.*

**14a. Agency Activities**

Every hazardous substance release reported by the regulated community to the NRC must be evaluated by Federal authorities. The appropriate Federal On-Scene Coordinator (OSC) is notified of a release by a telephone call from the NRC. The NRC conveys all the relevant information regarding the release to the OSC, including whether the release is to air, soil, water, etc., the source of the release, and the type of

substance released. The OSC is responsible for evaluating the circumstances surrounding the release to determine whether government monitoring and/or a Federal response action may be necessary.

NRC personnel are also responsible for entering release information into the Emergency Response Notification System (ERNS), a national database that stores release information. The data can be accessed through the NRC web site: <http://www.nrc.uscg.mil/>.

The primary activity of the Federal government under the regulations implementing CERCLA section 103(a) is processing and recording the reported release information and responding to releases that may pose a significant hazard to public health or welfare or the environment.

In addition, when a federal agency sells or transfers federally owned real property, the agency must provide notice of the presence of hazardous substances and covenants regarding the remediation of such hazardous substances in certain circumstances as required by CERCLA section 120(h).

The final rule will also place an obligation on DOT to list and regulate CERCLA designated hazardous substances as hazardous materials under the Hazardous Materials Transportation Act (see CERCLA section 306(a)).

#### **14b. Agency Costs**

EPA used the 2022 General Schedule (GS) Salary Table to estimate hourly compensation of federal government employees.<sup>2</sup> Specifically, EPA estimated an average hourly labor cost of \$73.92 for the average Federal government employee. This rate reflects the hourly wage rate for a GS-12 step 1 government employee and the hourly monetary value of the employee's fringe benefits (assumed to be 60 percent of the wage rate). The overhead multiplier was derived from the U.S. Census Bureau 2021 Service Annual Survey (SAS) for Administrative and Support Services.<sup>3</sup> Additionally, this ICR estimates an hourly labor cost of \$81.31 for state and local government employees. This reflects an hourly compensation rate of \$57.60 for state and local government employees (inclusive of fringe benefits) based on the Bureau of Labor Statistics' 2022 series on total compensation costs for state and local government workers and the same overhead multiplier as specified above for federal government labor costs.<sup>4</sup>

As described above, Federal, State and local government employees must process telephone notifications; and State or local government employees must process follow-up written reports following releases of PFOA and PFOS. This ICR assumes that the labor burden associated with these activities matches the burden included EPA ICR Numbers 1049.14, 1395.10, and 1445.14 (OMB Control Numbers 2050-0046, 2050-0092, and 2050-0086 respectively). The Agency hours and labor costs are reported in Exhibit 3.

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<sup>2</sup> U.S. Office of Personnel Management. "2022 General Schedule (Base) - Hourly Rate." Effective January 2022. Accessed November 9, 2023, at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2022/general-schedule/>.

<sup>3</sup> U.S. Census Bureau. "Table 5. Estimated Selected Expenses for Employer Firms: 2020 Through 2021." November 22, 2022. Accessed January 23, 2023, at: <https://www.census.gov/data/tables/2021/econ/services/sas-naics.html>.

<sup>4</sup> U.S. Bureau of Labor Statistics. "Table 1. Employer Costs for Employee Compensation by ownership." December 2022. Accessed January 23, 2023, at: [https://www.bls.gov/news.release/archives/ecec\\_03172023.pdf](https://www.bls.gov/news.release/archives/ecec_03172023.pdf).

In addition, CERCLA section 120(h) requires federal agencies to provide notice of the presence of hazardous substances and covenants regarding the remediation of such hazardous substances in certain circumstances when selling or transferring federally owned real property. However, the number and magnitude of future federal property sales and transfers involving property where PFOA and/or PFOS may be present is highly uncertain. Due to this uncertainty, EPA does not attempt to quantify these costs.

The final rule will also place an obligation on DOT to list and regulate CERCLA designated hazardous substances as hazardous materials under the Hazardous Materials Transportation Act (see CERCLA Section 306(a)). EPA has not estimated the cost to DOT to implement this requirement, but EPA estimates the subsequent indirect incremental costs to shippers as zero or negligible. Upon designation of PFOA and PFOS as CERCLA hazardous substances, DOT will publish a final rule to adopt the RQ of 1 lb. for these substances. This action will only require transporters of PFOA and PFOS in excess of the RQ to additionally include a note on shipping papers and packages that a RQ quantity is contained in the package. EPA concludes that the burden associated with shipping requirements is minimal, and the associated cost of these additional requirements is negligible.

**Exhibit 3: Estimated Federal Burden and Costs**

Collection Activity	Total Respondents	Federal Burden Hours (\$/hr)	Total Labor Burden Hours	Unit Labor Cost	Total Labor Costs
		\$73.92			
Process Initial Telephone Notification to the NRC <sup>1</sup>	614	1	614	\$73.92	\$45,389
<b>Federal Total</b>	614	NA	614	NA	\$45,389
<sup>1</sup> The federal burden per respondent for processing the notification to the NRC is consistent with the burden included EPA ICR Number 1049.14.					

**15) REASONS FOR CHANGE IN BURDEN**

*Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.*

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As described in this ICR, EPA expects that the designation of PFOA and PFOS as hazardous substances under Section 102(a) of CERCLA would require any facility that identifies a release of one pound or more of PFOA or PFOS within a 24-hour period to report the release to the NRC, SERC, and LEPC. EPA estimates that this requirement will result in 6,889 annual burden hours and \$1,632,000 in annual costs across all respondents.

**16) PUBLICATION OF DATA**

*For collections of information whose results will be published, outline 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.*

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Results from this ICR are not published formally. They are used to calculate agency-level accomplishments and site-specific impacts on publicly available EPA websites.

**17) DISPLAY OF EXPIRATION DATE**

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

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

**18) CERTIFICATION STATEMENT**

*Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

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