

**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:	Collection of Information for TSCA Mercury Inventory Reporting
EPA ICR No.:	2567.05
OMB Control No.:	2070-0207
Docket ID No.:	EPA-HQ-OPPT-2020-0617

Abstract

This ICR covers the collection of information for mercury inventory reporting. As directed under the Toxic Substances Control Act (TSCA), the U.S. Environmental Protection Agency (EPA) is required to assist in the preparation and publication in the Federal Register of an “inventory of mercury supply, use, and trade in the United States.”¹ Based on the inventory of information collected through this ICR, the agency is directed to “identify any manufacturing processes or products that intentionally add mercury” and “recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.”²

EPA was mandated to publish an initial mercury inventory not later than April 1, 2017, and publish updates every 3 years thereafter.³ The agency published its initial inventory report, “Mercury – U.S. Inventory Report: Supply, Use, and Trade,” on March 29, 2017⁴ and the most recent report on December 21, 2023.⁵

TSCA section 8(b)(10)(A) states “notwithstanding [TSCA] section 3(2)(B), the term ‘mercury’ means . . . elemental mercury; and . . . a mercury compound.”⁶ As such, the definition for mercury at TSCA section 8(b)(10)(A) supersedes the exclusions for “chemical substances” described in TSCA section 3(2)(B) that would otherwise apply to mercury, mercury-added products, or intentional uses of mercury in manufacturing processes. In particular, this

¹ 15 U.S.C. § 2607(b)(10)(B) and (D).

² 15 U.S.C. § 2607(b)(10)(C).

³ 15 U.S.C. § 2607(b)(10)(B).

⁴ EPA. Mercury; Initial Inventory Report of Supply, Use, and Trade. (82 FR 15522; March 29, 2017).

⁵ EPA. Mercury; Initial Inventory Report of Supply, Use, and Trade. <https://www.epa.gov/chemicals-under-tasca/epa-publishes-2023-mercury-inventory-report>

⁶ 15 U.S.C. § 2607(b)(10)(A).

interpretation would not exclude any “drug, cosmetic, or device” as described in TSCA section 3(2)(B)(vi), should such items contain mercury. Hereinafter, the use of the term “mercury” will refer to both elemental mercury and mercury compounds. EPA is particularly interested in the amount of mercury in mercury-added products, as well as identifying various categories and subcategories of products. That amount would include quantities of mercury used to manufacture (other than import) mercury-added products in the United States, as well as quantities contained in imported and exported mercury-added products. Additionally, EPA determined that mercury used in manufacturing processes may not be reflected in amounts of mercury reported in other data collection systems. The inventory will help to close such data gaps by requiring periodic reporting from “any person who manufactures mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process.”

In 2020, the Second Circuit vacated the exemption at 40 CFR 713.7(b)(2) for persons who import pre-assembled products that contain a mercury-added component. As a result, such persons are required to report pursuant to 40 CFR 713.7(b). In 2021, EPA amended the rule to effectuate the vacatur ordered by the Second Circuit.

The table below summarizes the 3 year average annual burden and cost associated with this ICR.

Summary Total Burden and Costs Respondents and Agency (\$2022, 3-Yr. Avg.)

Information Collection	Number of Respondents	Annual Number of Responses	Responses per Respondent	Annual Time Burden (Hours)	Annual Cost Burden (Dollars)
Total Respondent	105	105	1	2,573	\$223,592
Total Agency				223	\$26,657
Total:				2,796	\$250,249

SUPPORTING STATEMENT

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.***

TSCA section 8(b)(10) requires reporting to assist in the preparation of “an inventory of mercury supply, use, and trade in the United States,” where “mercury” is defined as “elemental mercury” and “a mercury compound.” As per 40 CFR 713, reporting is required from any person

who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process. EPA published its initial inventory report in the Federal Register on March 29, 2017, which noted data gaps and limitations encountered by the agency in its historic reliance on publicly available data on mercury supply, use, and trade in the United States. As stated in the initial inventory report, “[f]uture triennial inventories of mercury supply, use, and trade are expected to include data collected directly from persons who manufacture (including import) mercury or mercury-added products or otherwise intentionally use mercury in a manufacturing process.” These reporting requirements will help the agency to prepare subsequent, triennial publications of the inventory, as well as execute the mandate to “identify any manufacturing processes or products that intentionally add mercury; and recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use” (15 U.S.C. 2607(b)(10)(C)).

Pursuant to TSCA section 8(b)(10)(B), EPA interprets the scope of the mercury inventory to include sectors of the mercury market that fall under “supply, use, and trade of mercury in the United States.” This includes activities implicit to the statutory description of persons who must report as stated in TSCA section 8(b)(10)(D)(i): manufacture, import, and intentional use in a manufacturing process. EPA determined that additional activities are necessary to provide for a comprehensive inventory of mercury supply, use, and trade in the United States. For this reason, persons required to report to the mercury inventory must report information for the following activities: distribution in commerce, storage, and export. In sum, EPA intends that the mercury inventory will be a complete accounting of the amount of mercury in commerce.

In addition, in 2020, the Second Circuit vacated the exemption at 40 CFR 713.7(b)(2) for persons who import pre-assembled products that contain a mercury-added component. As a result, such persons are required to report pursuant to 40 CFR 713.7(b). In 2021, EPA amended the rule to effectuate the vacatur ordered by the Second Circuit.

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.

EPA plans to use the collected information to fulfill statutory requirements to “every 3 years [after April 1, 2017], the Administrator shall carry out and publish in the Federal Register an inventory of mercury supply, use, and trade in the United States” and “identify any manufacturing processes or products that intentionally add mercury; and . . . recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.”⁷ The agency may also use such information to prioritize where and how measures are applied in order to help prevent potential risks of mercury exposure to

⁷ 15 U.S.C. §§ 2607(b)(10)(B) and (C).

human health and the environment. EPA continues to pursue measures to reduce the use of mercury in various media, including mercury-added products and manufacturing processes. As such, EPA intends to use information collected through this ICR to continue to reduce the use of mercury in products and processes and to facilitate reporting on implementation of the Minamata Convention on Mercury (Minamata Convention), to which the United States is a Party.⁸ The Minamata Convention is an international environmental agreement that has as its objective the protection of human health and the environment from anthropogenic emissions and releases of elemental mercury and mercury compounds. EPA will use the collected information to develop and publish an inventory of mercury supply, use, and trade in the United States.⁹ In addition, the agency will use such information to fill gaps in existing data which will enable EPA to “identify any manufacturing processes or products that intentionally add mercury; and recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.”¹⁰ The information also could facilitate reporting on implementation of the Minamata Convention by the United States, as well as use by the general public.

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.

In order to streamline reporting processes, the data required to develop a comprehensive national mercury inventory will be collected electronically. In an effort to minimize burden to respondents and limit costs to the agency, EPA established a reporting form 9600-024 (Attachment 1) and database with the Central Data Exchange (CDX). The required use of CDX for submission of required data is consistent with the Government Paperwork Elimination Act (GPEA, Pub. L. 105-277), which requires that, when practicable, federal organizations use electronic forms, electronic filings, and electronic signatures to conduct official business with the public.

Respondents are required to establish an account in the CDX portal unless they already have done so (e.g., CDR and TRI reporters). Respondents new to CDX will need to create an account profile. To register in CDX, the CDX registrant (also referred to as “Electronic Signature Holder” or “Public/Private Key Holder”) downloads two forms: the Electronic Signature Agreement and the Verification of Company Authorizing Official form. Registration enables CDX to perform two important functions: authentication of identity and verification of authorization. Within the

⁸ UNEP. Minamata Convention on Mercury. Available at <https://www.mercuryconvention.org>.

⁹ 15 U.S.C. § 2607(b)(10)(B).

¹⁰ 15 U.S.C. § 2607(b)(10)(C).

“Electronic Signature Agreement” form, the Authorized Official (AO) agrees to certain CDX security conditions. On the “Verification of Company Authorizing Official” form, the AO designates himself/herself as the AO and attests to the completeness and accuracy of the submitted information. When these forms are received, EPA activates the submitter's registration in CDX and sends him or her an e-mail notification. Companies that already have CDX accounts will simply need to log-in and select the mercury inventory application from a menu of options to add the reporting tool to the company CDX profile.

EPA believes electronic reporting may reduce the reporting burden on industry by reducing both the cost and the time required to review, edit, and transmit data to the agency. All information sent via CDX is transmitted securely to protect CBI. Furthermore, if any information in the submission has been claimed CBI, a sanitized copy of the notice must be provided by the submitter. With electronic reporting, this can be done automatically during the submission process, eliminating the need for the submitter to do this manually. Electronic reporting also allows submitters to share a draft notice within their company and save a copy of the final file for future use.

The agency also benefits from receiving electronic submissions. Respondents directly enter data into the mercury inventory application online rather than send data to the agency, which would then be responsible for manually entering data into a system on behalf of the respondents. Electronic reporting reduces potential for data entry errors and reduces the overall cost to the agency as it limits the need for human resources and provides a more efficient collection of data as well as expedites and simplifies data analysis for the triennial inventory publication.

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.

TSCA section 8(b)(10)(D)(ii) directs the agency to “coordinate the reporting . . . with the Interstate Mercury Education and Reduction Clearinghouse” (IMERC) to avoid duplication.¹¹ Furthermore, TSCA section 8(a)(5)(a) states “[i]n carrying out [TSCA section 8], the Administrator shall, to the extent feasible . . . not require reporting which is unnecessary or duplicative.”¹² The agency seeks to avoid collecting data on mercury that would duplicate data already reported to existing state and Federal programs, and to coordinate with and complement those reporting programs as much as possible.

After reviewing such reporting programs, EPA has designed the reporting requirements per 40 CFR 713 to reduce the burden for reporters already familiar with CDR, TRI, IMERC, and USITC DataWeb protocol. To do so, the agency incorporated comparable reporting concepts and tools

¹¹ 15 U.S.C. 2607(b)(10)(D)(ii).

¹² 15 U.S.C. 2607(a)(5)(a).

from each program and avoided requiring data that would be considered duplicative reporting, in an attempt to increase the efficacy of the reporting process while decreasing the burden of reporting to a national mercury inventory.

Reporting is required from any person who manufactures (including imports) mercury or mercury-added products, as well as any person who otherwise intentionally uses mercury in a manufacturing process.¹³ The agency promulgated the reporting requirements under 40 CFR 713. In order to avoid duplication, EPA coordinated the reporting with IMERC.¹⁴

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

Small businesses are not exempt from reporting requirements because unlike the exemption for small manufacturers and processors provided under TSCA section 8(a)(1)(A) and (B), reporting and recordkeeping requirements associated with TSCA section 8(b) are applicable to all affected entities. EPA is striving to minimize the burden on all respondents, including small entities, as much as possible by developing the reporting application to be user-friendly and dynamic, consisting of straightforward questions that are to include fill-in-the-blank (numbers) fields, check boxes, and drop-down menus. In addition, the agency is developing support materials tailored to small entities affected by the rule.

EPA conducted outreach and webinars for small businesses to introduce the reporting database, explain requirements, and offers Q&A and other support. Under TSCA section 26(d), EPA also provides specialized assistance to respondents, particularly to small entities, including technical and other non-financial assistance to manufacturers (including importers) and processors of chemical substances. EPA's TSCA Hotline assists small businesses complying with TSCA rules and provides various materials such as copies of Federal Register notices, advisories, and other information upon request.

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.*

EPA determined that the reporting and recordkeeping requirements of the ICR should be the minimum amount necessary in order to limit burden to industry while also supporting the mandatory triennial publication of the mercury inventory. Reporters are required to report once every three years and retain records for three years, commensurate with the three-year publication cycle set forth in the statute. If the agency were to require less frequent reporting

¹³ 15 U.S.C. § 2607(b)(10)(D)(i).

¹⁴ 15 U.S.C. § 2607(b)(10)(D)(ii).

(i.e., more than three years between reporting cycles), then the information collected would not be timely given the triennial publication deadline.

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

Not applicable.

- 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.

Prior to submission to OMB, this ICR was made available to the public for comment through the Federal Register notice, 89 FR 35821, May 2, 2024. The public had 60 days to provide comments. EPA received one public comment that was not germane to the ICR burden or the ICR activities. With this submission, EPA is providing an additional 30 days for public review.

Under 5 CFR 1320.8(d)(1) OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an original or renewal ICR to OMB for review and approval. In accordance with this regulation, EPA pursued additional consultations with interested parties during the development of the renewal of this collection. EPA solicited six (6) entities as part of the consultation process who are subject to or interested in the TSCA Mercury Inventory Reporting with questions regarding the ICR (Attachment 2).

EPA contacted the following entities:

- Earth Justice
- Natural Resource Defence Council (NRDC)
- The Interstate Mercury Education and Reduction Clearinghouse (IMERC)
- Kerr Corporation
- Merck Animal Health
- Current Lighting Solutions, Inc.

EPA received one response from NRDC, which reflected favorably on the proposed ICR. A copy of the response is a part of the record for this action (Attachment 3).

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.*

Regulated entities may claim some of the information given to EPA as CBI. Reporting requirements contain information for respondents on how to make a claim to EPA that all or part of their submitted information is CBI. EPA handles claims of confidentiality pursuant to established CBI procedures, as found at Section 14 of TSCA, 40 CFR Part 2, and the agency's TSCA CBI Manual. CBI is also protected under the Freedom of Information Act (5 USC Section 525).

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.

No information of a sensitive or private nature is requested in conjunction with these information collection activities.

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; or**
- 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'.**

EPA interprets TSCA section 8(b)(10)(D) to identify three general categories of persons who must report under this ICR:

- Persons who manufacture (including import) mercury;
- Persons who manufacture (including import) mercury-added products; and
- Persons who otherwise intentionally use mercury in a manufacturing process.

This analysis presents the burden and cost estimates for all affected entities over the next three years is a result of the reporting requirements for manufacturers (including importers) of mercury and mercury-added products and those who otherwise intentionally use mercury in a manufacturing process (i.e., processors) under the authority of Section 8(b) of TSCA. All costs are presented in year 2022 dollars. The information collection assumes reporting at the company level. EPA estimates that a total of 105 manufacturers (including importers) or processors will respond to this information collection, based on numbers of reporters to the Mercury Inventory in Reporting Year 2021.

Burden and cost calculations are based on the assumption that each respondent submits one report. Reporting is only required every three years, so one report is submitted per respondent during this ICR period. The average burden per respondent per reporting period is estimated to be approximately 73.5 hours, or 24.5 hours annually over the three-year period.

Estimating Respondent Burden

40 CFR 713 requires manufacturers, importers, and processors of mercury and mercury-added products to incur costs associated with compliance determination, rule familiarization, preparation of reports, and recordkeeping.

40 CFR 713 requires any person who manufactures (including imports) mercury or mercury-added products or otherwise intentionally uses mercury in a manufacturing process to electronically report certain information to EPA, including: volume of mercury manufactured/imported/used, type of mercury-added products manufactured/imported, type of manufacturing processes and function of mercury. The required reporting information may also include the location where mercury is stored and industries into which mercury and mercury-added products are distributed in commerce.

Four procedural tasks are considered in the estimation of respondent burden:

- Compliance determination;
- Rule familiarization (includes read final rule and reporting requirements/instructions);
- Preparation of reports (includes form completion/submission and CBI claim substantiation); and,
- Recordkeeping (includes prepare/submit report and maintain records (partial report) and prepare/submit report and maintain records (full report)).

Rule familiarization requires that reporting entities learn the TSCA section 8(b) rule and its various requirements. Entities must then complete an electronic form providing the information listed above. If the submitter claims certain data elements as CBI, they must substantiate the claim by proving certain information supporting the need to keep the

information confidential. The fourth task requires reporting businesses to submit information electronically to EPA via CDX, EPA's electronic system for environmental data exchange. Lastly, entities must maintain records of the reported information. Table 1 provides a detailed description of the related Information Collection that corresponds to each activity.

Table 1: Description of Industry Response Activities

Activity	Description
Compliance Determination	<p>Site staff must determine whether the entity is subject to the rule, based on the identity of chemicals handled at their site and the applicability of certain reporting exemptions. This entails reading the applicability criteria of the rule.</p> <p>Includes: Read and Understand Applicability Criteria to Determine Whether the Respondent is Subject to the Rule</p>
Rule Familiarization	<p>Site staff must familiarize themselves with the requirements of the rule. This entails reading the rule, understanding the various reporting and administrative requirements, and determining the manner in which the reporting requirements will be met.</p> <p>Includes: Read Final Rule and Reporting Requirements/Instructions</p>
Preparation of Reports	<p>Site staff must collect all required information regarding mercury production, storage, and/or distribution, including information to substantiate any claims of data confidentiality. Sites are required to submit one form each. The information must be collected and reviewed internally before submission.</p> <p>Includes: Form Completion/Submission and CBI Claim Substantiation</p>
Recordkeeping	<p>Respondents must keep records supporting their submissions.</p> <p>Includes: Prepare/Submit Report and Maintain Records (Partial Report) and Prepare/Submit Report and Maintain Records (Full Report)</p>

Table 2 provides a summary of typical respondent burden for compliance determination, rule familiarization, preparation of reports, and recordkeeping. Certain aspects of electronic reporting are one-time, first-year costs only. Because this ICR covers only one reporting period (information is required every three years), all costs considered are first-year costs.

EPA calculated burden estimates for each element of the collection form based on EPA's Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act: Final Rule Addendum to Partial Update of the TSCA Section 8(b) TSCA Inventory Data Base, Production and Site Reports (EPA ICR No.: 1884.06, OMB Control No 2070-0162) (EPA, 2012), and on EPA's Economic Analysis of the Final Significant New Use Rule for Long-Chain Perfluoroalkyl Carboxylate Chemical Substances and Perfluoroalkyl Sulfonate Chemical Substances (EPA-HQ-OPPT-2013-0225) (EPA, 2014).

Table 2: Industry Burden per Activity¹⁵

Activity	Clerical Burden (hours)	Technical Burden (hours)	Managerial Burden (hours)	Attorney Burden (hours)	Total Burden (hours)
Compliance Determination	0	2.5	0	0	2.5
Rule Familiarization ¹	0	1.9	0.9	0	2.8
Preparation of Reports (CBI Claim Substantiation)	0	0	3	3	6
Preparation of Reports (Electronic Reporting)	0	0.97	0.49	0	1.46
Recordkeeping	0.5	0.5	0	0	1

¹ As noted in the economic analysis (EPA 2018), rule familiarization costs are generally only incurred in the first year of the rule, which was covered under the previous ICR. However, due to employee turnover, new employees will also need to become familiar with the rule in order to comply with its requirements. It is assumed that each reporting year, 10 percent of reporters will be replaced by new employees. Therefore, consistent with EPA 2018, the rule familiarization costs shown here are 10 percent of what was presented in the previous ICR supporting statement.

Table 3 shows the industry burden per response for manufacturers (including importers) or processors of both elemental mercury and mercury compounds. Based on the total burdens Table 3 for the various types of respondents, the reporting burden to complete one form ranges from a low of 49.4 hours for manufacturers (including importers) or processors of elemental mercury, to a high of 119.2 hours for manufacturers (including importers) or processors of both elemental mercury and mercury compounds.

¹⁵ More detailed information on the derivation of these estimates is found in the *Economic Analysis for the Reporting Requirements for the TSCA Mercury Inventory* (EPA, 2018). <https://www.regulations.gov/document/EPA-HQ-OPPT-2017-0421-0100>

**Table 3. Industry Burden for Form Completion:
Manufacturers/Processors of Elemental Mercury and Mercury
Compounds¹**

Submitter Type	Technical Labor Burden (hours)	Managerial Labor Burden (hours)	Total Labor Burden (hours)
TOTAL BURDEN per Response, Elemental Mercury	42.59	6.78	49.37
TOTAL BURDEN per Response, Mercury Compounds	62.19	7.6	69.78
TOTAL BURDEN per Response, Both	104.78	14.38	119.15
¹ Changes in values in this table from those presented in the previous ICR supporting statement reflect two factors: First, the "subsequent years" burden estimates presented in the economic analysis (EPA 2018); decrease is due to prohibition of export of certain mercury compounds and subsequent reduction in burden associated with questions related to export of mercury compounds. Second, this ICR assumes impacted firms complete the entire reporting form.			

To estimate costs, EPA multiplies burden estimates by standard wage rates for attorney, managerial, technical, and clerical levels developed from information published by the Bureau of Labor Statistics (BLS) and a method outlined in the document *Wage Rates for Economic Analyses of the Toxics Release Inventory Program* (EPA, 2002b). Wage data for managerial, technical, and clerical staff was gathered for manufacturing industries from *Employer Costs for Employee Compensation Supplementary Tables: December 2022* (BLS, 2023). Additionally, wage rates for attorney level were gathered from the *BLS Occupational Employment Statistics (OES) May 2022 National Industry-Specific Occupational Employment and Wage Estimates* (BLS, 2022).

The cost of fringe benefits, such as health insurance and vacation, was taken for each labor category from the same ECEC series. For the attorney wage, since fringe benefits data is not directly available in OES, fringe benefits were estimated using the ratio of wages to fringe from the manager wage.

Overhead costs are assumed to equal 20% of the sum of wages plus fringe benefits. This loading factor is described in *Handbook on Valuing Changes in Time Use Induced by Regulatory Requirements and Other U.S. EPA Actions* (EPA 2020c) and is reflective of multiplier values used in prior EPA economic analyses and information collection requests (ICRs) that are based on industry- and occupation-specific overhead rates affected by EPA regulations. This overhead loading factor is multiplied by the total compensation (wages plus fringe benefits). Table 4 contains the loaded wage rates for the managerial, technical, and clerical occupation categories.

Table 4: Derivation of Loaded Wage Rates for the Private Manufacturing Sector in 2022 dollars

Labor Category	Wage	Fringe Benefits	Total Comp.	Overhead % of Total Comp. ³	Overhead	Loaded Wages
	(a)	(b)	(c) = (a)+(b)	(d)	(e)=(c)*(d)	(f) = (c)+(e)
Attorney ¹	\$78.74	--	\$114.51	20%	\$22.90	\$137.41
Managerial ₂	\$54.29	\$24.66	\$78.95	20%	\$15.79	\$94.74
Technical ²	\$46.01	\$23.27	\$69.28	20%	\$13.86	\$83.14
Clerical ²	\$23.11	\$10.33	\$33.44	20%	\$6.69	\$40.13

Sources:
¹ BLS Occupational Employment Statistics (OES) May 2022 National Industry-Specific Occupational Employment and Wage Estimates (BLS, 2022)
² Employer Costs for Employee Compensation. Table 4. Private industry workers by occupational and industry group. December 2022. (BLS 2023)
³ An overhead rate of 20% is used based on assumptions in Handbook on Valuing Changes in Time Use Induced by Regulatory Requirements and Other U.S. EPA Actions (EPA 2020c)

Table 5 contains the cost per activity of completing a form for one respondent, for each respondent type. To obtain these costs, burden hours presented in Tables 2 through 5 were multiplied by the corresponding loaded wage rate in Table 6. EPA estimates that the total cost for reviewing the rule and completing and submitting one report with recordkeeping ranges between approximately \$5,519 and \$11,410, depending on the kind of mercury. The data collection will occur only once during the ICR three year time period so there are no costs associated with years 2 and 3.

Table 5: Industry Cost per Activity in 2022 dollars

Submitter Type	Clerical Burden (at \$38.06/hour)	Technical Burden (at \$78.48/hour)	Managerial Burden (at \$89.81/hour)	Attorney Burden (at \$130.25/hour)	Total Cost
	(a)	(b)	(c)	(d)	(e) = (a)+(b)+(c)+(d)
COMPLIANCE DETERMINATION					
All	\$0	\$208	\$0	\$0	\$208
RULE FAMILIARIZATION					
All	\$0	\$158	\$85	\$0	\$243
PREPARATION OF REPORTS (FORM COMPLETION)					
Manufacturers/Processors of Elemental Mercury	\$0	\$3,541	\$642	\$0	\$4,183
Manufacturers/Processors of	\$0	\$5,170	\$720	\$0	\$5,890

Submitter Type	Clerical Burden (at \$38.06/hour)	Technical Burden (at \$78.48/hour)	Managerial Burden (at \$89.81/hour)	Attorney Burden (at \$130.25/hour)	Total Cost
	(a)	(b)	(c)	(d)	(e) =(a)+(b)+(c)+(d)
Mercury Compounds					
Manufacturers/Processors of Both Elemental Mercury and Mercury Compounds	\$0	\$8,711	\$1,362	\$0	\$10,073
PREPARATION OF REPORTS (CBI CLAIM SUBSTANTIATION)					
All	\$0	\$0	\$284	\$412	\$696
PREPARATION OF REPORTS (ELECTRONIC REPORTING)					
All	\$0	\$81	\$46	\$0	\$127
RECORDKEEPING					
All	\$20.06	\$41.57	\$0	\$0	\$61.63
TOTAL BURDEN PER REPORT					
Manufacturers/Processors of Elemental Mercury	\$20.06	\$4,029	\$1,058	\$412	\$5,519
Manufacturers/Processors of Mercury Compounds	\$20.06	\$5,658	\$1,136	\$412	\$7,226
Manufacturers/Processors of Both Elemental Mercury and Mercury Compounds	\$20.06	\$9,199	\$1,778	\$412	\$11,410

To identify the universe of sites potentially subject to the rule, EPA used data from the most recent round of Mercury Inventory reporting submitted in CDR as required by the rule. This represents a change from the previous ICR, where EPA used three sources: the IMERC database, EPA CDR data, and EPA TRI data. In RY 2021, there were 105 total submissions to the Inventory, from a total of 124 unique reporting activities. Based on the number of reporting activities of elemental mercury and mercury compounds, this ICR attributes 54 submissions to elemental mercury, 50 submissions to mercury compounds, and 1 submission to both. These results are shown in Table 6.

Table 6: Summary of Regulated Sites

Data Source	Number of Sites
Reporters with only Elemental Mercury	
All:	54
Reporters with only Mercury Compounds	
All:	50
Reporters with Both Elemental Mercury and Mercury Compounds	
All:	1
TOTAL	105
Sources: EPA, 2023	

This ICR assumes that the number of sites is proportionate to the number of submissions. Thus, a total of 105 sites would be subject to the rule. Each site is expected to submit one response during each reporting period; there is one reporting period during this ICR period. Table 7 shows the number of responses for the various activities during the first reporting period.

Table 7: Number of Responses per Activity

Activity	Total Number of Companies	Number of Responses/ Respondent	Total Number of Responses
Compliance Determination	105	1	105
Rule Familiarization	105	1	105
Preparation of Reports (Form Completion)			
Manufacturers/Processors of Elemental Mercury	54	1	54
Manufacturers/Processors of Mercury Compounds	50	1	50
Manufacturers/Processors of Both Elemental Mercury and Mercury Compounds	1	1	1
Preparation of Reports (CBI Substantiation)	105	1	105
Preparation of Reports (Electronic Submission)	105	1	105
Recordkeeping	105	1	105

Table 8 presents the total estimated respondent burden and costs for mercury manufacturers (including importers) or processors. As presented in Table 8, EPA estimates the total industry burden for a total of 105 mercury manufacturers (including importers) or processors of mercury or mercury-added products to be 7,719 hours and the total cost to be approximately \$671,000.

Table 8: Total Estimated Respondent Burden and Cost

Respondent Type	Number of Sites	Reports per Site	Burden per Firm	Cost per Firm (2022\$)	Total Industry Burden	Total Industry Cost (2022\$)
Manufacturers/Processors of Elemental Mercury	54	1	63.13	\$5,519	3,409	\$298,042
Manufacturers/Processors of Mercury Compounds	50	1	83.54	\$7,226	4,177	\$361,323
Manufacturers/Processors of Both Elemental Mercury and Mercury Compounds	1	1	132.91	\$11,410	133	\$11,410
TOTAL	105				7,719	\$670,775

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.

There are no operational or maintenance costs associated with this ICR.

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 resources will be devoted to reviewing and analyzing data submissions, maintaining files of submitted data, responding to public inquiries, and drafting and publishing the triennial mercury inventory. Specific agency actions include:

- Requesting responses to the reporting requirements established by the mercury reporting rule, as revised (83 Fed. Reg. 30054; June 27, 2018; and 86 Fed. Reg. 61708, November 8, 2021);
- Conducting outreach and providing materials to assist in understanding rule requirements and reporting data accordingly;
- Reviewing and performing quality assurance of submitted data; and
- Following up with respondents if clarifications are needed.

Based on the information collected, EPA plans to develop guidance and recommendations of actions to achieve further reductions in mercury use.

EPA is responsible for the following activities associated with administering the rule:

- Industry and public assistance;
- Data processing and systems support; and
- Report preparation, release, and maintenance.

Costs related to EPA activities that involve using the data are not included. EPA has estimated the agency burden resulting from the new requirements in TSCA for substantiation of CBI claims made as a result of the rule. EPA will further refine these estimates when it revises the cost and estimates for the ICR for 40 CFR part 2 based on the new CBI substantiation requirements.

Agency personnel are responsible for all tasks associated with the rule, and none of the work is estimated to be completed by contractor staff. EPA labor costs are based on annual federal wage rates published by the Office of Personnel Management for the Washington-Baltimore-Northern Virginia, DC-MD-PA-VA-WV Locality Pay Area for 2022 (OPM, 2022). Wages are presented in terms of GS-level and step. Employees at the federal GS-13, Step 5 level will conduct the collection and administrative activities under the rule. A federal GS-14, Step 5 will assist with the review of the CBI claim substantiations. Unloaded wage rates for 2022 for both

of these employees are presented in Table 9. Following the methodology outlined in *Comparing Benefits and Total Compensation in the Federal Government and the Private Sector* (Falk, 2012). EPA added 64 percent to the wage rate to account for fringe benefits costs. Table 9 derives the loaded wage rates for agency staff at the GS-13 Step 5 level.

Table 9: Derivation of Loaded Agency Wage Rates in 2022 dollars

Labor Category	Pay Grade	Wage Rate ^a (\$/hour)	Fringe as % of wages ^b	Fringe Benefit	Total Comp.	Overhead as % total comp. ^c	Overhead	Loaded Wage (\$/hour)
		(a)	(b)	(c) = (a) * (b)	(d) = (a) + (c)	(e)	(f) = (d) * (e)	(g) = (d) + (f)
Technical Labor	GS 13 Step 5	\$58.20	64%	\$37.19	\$95.39	20%	\$19.08	\$114.47
Attorney Labor	GS 14 Step 5	\$68.78	64%	\$44.02	\$112.80	20%	\$22.56	\$135.36

Source: a U.S. Office of Personnel Management. (2022). Salary Table 2022-DCB. <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB.pdf>.
b Source: Falk, J. 2012. "Comparing Benefits and Total Compensation in the Federal Government and the Private Sector." Congressional Budget Office Working Paper Series. <https://www.cbo.gov/sites/default/files/112th-congress-2011-2012/workingpaper/2012-04fedbenefitswp0.pdf>
c An overhead rate of 20% is used based on assumptions in Handbook on Valuing Changes in Time Use Induced by Regulatory Requirements and Other U.S. EPA Actions (EPA 2020).

Table 10 contains the burden and cost per report for all EPA staff activities. All activities performed by EPA staff are dependent on the number of reports submitted to EPA. The burden for industry and public assistance is approximately 1.25 hours per report and the total cost per report is approximately \$143. The burden for data processing and systems support is approximately 3.13 hours and the cost per report is approximately \$358. The total burden for review of CBI claim substantiations is approximately 2 hours and the cost per report is approximately \$260.¹⁶

¹⁶ The burden and cost of processing each form is derived in the final rule's Economic Analysis (EPA, 2018).

Table 10: EPA Staff Burden and Cost of Processing One Report

EPA Activity	Technical Labor (at \$114.47/hour)		Attorney Labor (at \$1345.36/hour)		Total Labor Cost	
	Burden (Hours)	Cost (2022\$)	Burden (Hours)	Cost (2022\$)	Burden	Cost (2022\$)
Industry/Public Assistance	1.25	\$143	0	\$0	1.25	\$143
Data Processing and Systems Support Personnel	3.13	\$358	0	\$0	3.13	\$358
Review of CBI claim substantiations	0.5	\$57	1.5	\$203	2	\$260
Total, per report	4.88	\$559	1.5	\$203	6.38	\$762

Note: Some burden estimate subtotals may not calculate due to rounding of unit burden estimates.

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

There is a decrease of 14,775 hours in the total annual estimated industry respondent burden compared with that identified in the ICR currently approved by OMB. The currently approved ICR industry total annual burden is 17,348 and this proposed renewal ICR total annual burden is 2,573 hours. The annual public burden for this collection of information is estimated at about 25 hours per respondent. This request represents an increase of approximately 2 hours per respondent from the ICR currently in the OMB inventory.

This overall decrease reflects a change in EPA's method of estimating the number of expected reports. In the 2018 EA and ICR, EPA estimated the number of expected reports using data from CDR, TRI, and IMERC. In the previous ICR, even though data from the Mercury Inventory was available, EPA used reporting data from CDR, TRI, and IMERC. In 2021, EPA amended the original final rule to effectuate the vacatur ordered by the Second Circuit. In the corresponding EA, EPA used data from CDR, TRI, and IMERC to estimate the number of new incremental reporters due to the amendment. In this ICR, with data available from the Mercury Inventory and with no new changes to the rule itself, this ICR utilizes data from the RY 2021 of the Mercury Inventory. In the RY 2021, there were 105 submissions (the previous ICR used an estimate of 252).

The previous ICR also assumed that some parts of form completion would not need to be completed if a reporter also submitted to CDR, TRI, or IMERC. In order to avoid understating costs, this ICR assumes each respondent completes the entire form. Wages are updated to 2022 dollars. This change is an adjustment.

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

PRA Burden Statement

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0207). Responses to this collection of information are mandatory for certain persons, as specified at 40 CFR Part 763. 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 25 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 Information Engagement 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.

You can also provide comments to the Office of Information and Regulatory Affairs, Office of Management and Budget via <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

All comments received by EPA will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is

restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

LIST OF ATTACHMENTS

The attachments listed below can be found in the docket. The docket for this ICR is accessible electronically through <https://www.regulations.gov> using Docket ID Number: **EPA-HQ-OPPT-2020-0617**.

Attachments	Title
1.	Form 9600-024
2.	Consultation Questions
3.	Consultation Response

REFERENCES

[40 CFR Part 713](#) and [revised regulations](#)

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EPA, 2012. Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act: Final Rule Addendum to Partial Update of the TSCA Section 8(b) TSCA Inventory Data Base, Production and Site Reports. EPA ICR No.: 1884.06, OMB Control No 2070-0162. January 27, 2012. Available at https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201108-2070-002

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EPA, 2014. Economic Analysis of the Final Significant New Use Rule for Long-Chain Perfluoroalkyl Carboxylate Chemical Substances and Perfluoroalkyl Sulfonate Chemical Substances. EPA-HQ-OPPT-2013-0225. November 20, 2014. Available at <https://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2013-0225-0034>

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- Reporting results for Mercury, Mercury chloride (Hg₂Cl₂) and Mercury chloride (HgCl₂). Available at <https://chemview.epa.gov/chemview>..
- EPA, 2020b. U.S. Environmental Protection Agency, *TRI Basic Plus Data Files: Calendar Years 1987-2022*. File download for year 2022. Available at <https://www.epa.gov/toxics-release-inventory-tri-program/tri-basic-plus-data-files-calendar-years-1987-2019?>.
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- Mercury CDX User Guide <https://downloads.regulations.gov/EPA-HQ-OPPT-2020-0617-0011/content.pdf>
- Northeast Waste Management Officials Association (NEWMOA), 2020. Mercury-Added Products Database. Available at https://imerc.newmoa.org/publicsearch/NEWMOA_IMERC.aspx#/CustomizedSearch.
- OPM, 2022. U.S. Office of Personnel Management "Salary Table 2022-DCB for the Locality Pay Area of Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA." Effective January 2020. Available at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2022/DCB_h.pdf.