



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

July 20, 1999

MEMORANDUM

SUBJECT: Unit Burden Estimates for 12(b) Export Notification for Section 4 Test Rules and Enforceable Consent Agreements (ECAs)

FROM: Lynne Blake-Hedges

TO: EPAB Staff

This memo addresses the treatment of Section 12(b) unit burden estimates for Section 4 rules and Enforceable Consent Agreements (ECAs). The requirements for Section 12(b) require only a single export notification (per country) for chemicals subject to Section 4 requirements, whereas the requirements for other chemicals subject to 12(b) involve annual reporting.

Issue:

Typically, economic analyses for section 4 test rules have relied on a unit burden estimate developed in "Silagi, William, June 1992. Economic Analysis in Support of the Final Rule to Amend TSCA Section 12(b)". This estimate, however, appears to differ from the estimate of burden developed in the ICRs for Section 12(b). This paper reconciles these estimates and describes how they pertain to estimates to be used in Section 4 rules and ECAs.

Background:

For Section 4 test rule analyses, EPAB has typically relied on burden estimates for Section 12(b) reporting developed in "Silagi, William, June 1992. Economic Analysis in Support of the final Rule to Amend TSCA Section 12(b)" which imposes a one-time 12(b) notice filing requirement for Section 4 regulated chemicals instead of an annual requirement. In this analysis, reporting activities and burden are described as:

Section 12(b) Burden Associated with Section 4 Rules and ECAs based on the
Amendment for TSCA Section 12(b)

Activity	Burden
letter writing (initial letter only)	1 hr. legal/technical time
printing the letter, etc.	.5 hr. secretarial time.
Total Burden	1.5 hours

Source: Silagi, William, 1992. Economic Analysis in Support of the Final Rule to Amend TSCA Section 12(b). June.

This is an estimate for a first time submission and works out to a cost of \$62.20 per chemical per company using wage rates current in 1992. As stated in the 1992 report, "Most of the repeat submissions received by the Agency are computer generated form letters and thus, the burden of compliance is likely to be less than the estimate for the first time compliance." The analysis assumes that the burden from repeat submissions (companies who have previously submitted a 12(b) notification for any chemical), is closer to .5 hours. This is estimated to cost approximately \$13.59 (or \$14.00) per chemical per company using wage rates current for 1992.

Information collection requests (ICRs) for 12(b) notifications contain estimates of 12(b) costs that differ from those above. ICRs cover all respondent activities associated with Section 12(b). Thus, in addition to the burden associated with preparing and mailing the notice, a company must annually review and update its list of chemicals subject to notification requirements. This is assumed to not occur when Section 4 rules/ECAs are implemented because these require a one time report, and thus, do not require companies to continually review the Federal Register and update lists annually. The average burden per respondent facility is described as follows in the ICR:

Section 12(b) Burden Estimates for ICRs

Activity	Burden	
Compile chemical list ¹	5.14 hr. technical time	
Check outgoing shipments ¹	.25 hr. technical time	
Letter writing and processing	Letter writing (initial letter only)	1 hr. technical time
	Printing, mailing the letter, etc.	.5 hr. secretarial time.
Total for initial letter	6.89 hours	
Total for subsequent letters (Excludes letter writing)	5.89 hours	

¹This activity is conducted by any firm subject to 12(b) requirements and therefore, this activity does not change by adding Section 4 rule or ECA chemicals to those subject to 12(b) for a given company.

Source: USEPA, 1999. Supporting Statement for a Request for OMB Review under the Paperwork

Reduction Act. TSCA Section 12(b) Notification of Chemical Exports.

The estimates developed in the ICR for Section 12(b) burden for Section 4 related rules and ECAs are consistent with those developed in Silagi, 1992. Differences in burden estimates in Silagi, 1992 and in the ICR supporting statement result from activities that are not believed to be triggered by Section 4 rule and ECA chemicals because of the one-time reporting burden associated with Section 4 and because of the distinction between burden associated with developing an initial notice and a subsequent notice.

Conclusion:

Export notification burden estimates for section 4 rules and related ECAs can be presented as a range using the logic developed in both previous ICR analyses and the analysis to support the final rule amending 12(b). The burden associated with the notifications would be estimated as:

Activity	Hours	
	Low (subsequent notices)	High (initial notice)
Write Letter	not needed	one technical hour
Check order and send notice	.50 clerical hour	.50 clerical hour

Thus, the burden range would be .50 to 1.50 hours. These values would then be multiplied by the appropriate wage rates and added to mailing costs to develop an estimated cost of export notification.

References:

Silagi, William, 1992. Economic Analysis in Support of the Final Rule to Amend TSCA Section 12(b).
June.

USEPA, 1999. Supporting Statement for a Request for OMB Review under the Paperwork
Reduction Act. TSCA Section 12(b) Notification of Chemical Exports.