

Supporting Statement
for
Information Collection Request

EPA's Light-Duty In-Use Vehicle Testing Program (Renewal)

EPA ICR 0222.11

OMB Control No: 2060-0086

Compliance Division
Office of Transportation and Air Quality
Office of Air and Radiation
U.S. Environmental Protection Agency

Section 1: Identification of the Information Collection

1(a) Title and Number of the Information Collection

EPA's Light-Duty In-Use Vehicle Testing Program (Renewal), EPA ICR Number 0222.11, OMB Control Number 2060-0086. This ICR was formerly titled "EPA's In-Use Vehicle and Engine Testing Programs." This ICR includes only the light-duty vehicle portion of the in-use testing program. The heavy-duty and off-road vehicle and engine programs are included under OMB Control Number 2060-0287.

1(b) Short Characterization/Abstract

The Environmental Protection Agency (EPA), Office of Transportation and Air Quality, Compliance Division, conducts an integrated motor vehicle and engine emission compliance program. Motor vehicles and engines are first evaluated as prototypes prior to production; those designs that meet applicable criteria are licensed for introduction into commerce. EPA also has discretion to conduct assembly line testing of new vehicles and engines as well as to test emissions of in-use vehicles and engines after they have been introduced into commerce. This Information Collection Request covers inquiries directed at the owners/lessees of in-use light-duty motor vehicles to see if their specific vehicles are suitable for an EPA in-use testing investigation and the paperwork burdens attendant upon election to participate.

The light-duty in-use testing program can be broken down into three closely-related components. The first is the surveillance testing program, with the possibility of a confirmatory testing phase. The second component is a small program to test the functionality of onboard diagnostics (OBD) systems on in-use vehicles, which is simply additional testing on a subset of vehicles already recruited for the surveillance program. Finally, budget permitting, there are other occasional "special investigations" to address specific issues. An example of a special investigation might be procurement of a class of vehicles to test compatibility with a particular portable emissions monitoring (PEM) unit. Special investigations are similar to testing of that portion of surveillance classes that have been selected to address a specific informational need. They may or may not use the same procurement system as the surveillance and OBD programs. If they were not procured from the public, the burden will not be accounted for in this collection request as burden to the public but may be reflected in the cost to the agency. The number of such tests will vary.

Light-duty vehicle testing typically includes standard emissions test cycles and standard OBD tests performed at EPA's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Michigan. The primary purpose of these programs is informational: to give EPA and manufacturers intelligence regarding emissions performance of in-use vehicles. Manufacturers are involved at every step of the ongoing surveillance and confirmatory programs: they are informed of the emissions tests, can be present during vehicle preparation and testing, are given test results, and participate in post-failure investigations. The testing supplements information from the manufacturers' own discretionary in-use testing programs as well as the mandatory reporting under the manufacturers' In-Use Vehicle Program (IUVP) under 40 CFR §§1845–

1847.

The light-duty in-use testing program entails two formalized information collections. Participation in the information collections, as well as the vehicle evaluation, is strictly voluntary. (The actual solicitation of information is conducted by EPA's contractor.) First, 25 to 50 owners/lessees of the vehicles of interest who are located within about 70 miles of Ann Arbor, Michigan are randomly selected from the owner list of vehicles obtained from the Michigan Secretary of State and sent a letter with a reply form and return envelope to accept or decline the invitation to participate.

Potential participants are offered monetary compensation for allowing their vehicles to be tested. The compensation is usually either twenty dollars per day and the use of a loaner vehicle or fifty dollars per day. Occasionally, if a class of vehicles is difficult to procure, the incentive may be increased.

After a suitable time for response, positive respondents are considered for inclusion and are contacted in the order received until the required number of vehicles is identified. If the owner/lessee is reached and willing, a screening is conducted by telephone in which about a dozen questions concerning vehicle condition and maintenance are asked. The first three owners who successfully complete the telephone screening provide the vehicles for the surveillance class. The vehicles are brought to EPA's NVFEL and tested. If there are any test failures in the first three vehicles or engines, then two more are recruited in the same manner. Additional groups of potential participants will be contacted until the necessary number of vehicles has been obtained.

Information collected is used to ensure that vehicles procured meet relevant criteria. For example, the vehicle must not have been tampered with or have other overt problems. Special testing investigations and particular vehicle types may have additional or alternative criteria.

Those who elect to participate are asked if they are willing to provide their maintenance records for copying. Doing so is voluntary and has no effect on eligibility. At the time of delivery or pick-up, participants go over the answers that they provided during the telephone screening and sign a notarized statement that the answers are correct. They sign a test agreement, a cash incentive form and, if elected, a loaner car agreement. Upon surrendering their vehicle, they sign a vehicle release.

As part of the surveillance process, EPA attempts to determine the cause of any emissions test failures. Post-test "special maintenance" involves close examination of the vehicle, nearly always with manufacturer participation. This may produce relevant information about the cause of the failure. Surveillance test data are also supplemented with information from manufacturer's test data, EPA certification confirmatory test results, defect reports, service bulletins, CARB (California Air Resources Board) warranty reports, state Inspection/Maintenance (I/M) information, manufacturer service technician bulletins, and the results of the manufacturers' IUVP tests submitted to EPA and their own in-use testing results. Manufacturers/importers are involved in the process from the outset, and receive test results from

the Federal Test Procedure (FTP), Highway, US06, evaporative and cold test procedures, including test failures. The process of identifying problems is collaborative and cooperative in nearly all cases.

If EPA believes that a recall is indicated, and the manufacturer/importer agrees that EPA's conclusion is valid, it will agree to conduct a voluntary recall. However, if questions remain, EPA has procedures in place to run the confirmatory test phase with continued manufacturer involvement. Even at this stage the inferences are informational rather than statistical: to identify, based on engineering judgment, the appropriate population to which the problem applies, identify the cause of the problem, resolve issues regarding the testing protocols and results, etc. The process has not been adversarial in recent years.

Based on information gathered from all sources, EPA can make an administrative finding mandating recall and repair of in-use vehicles if it determines that “a substantial number” of vehicles in a class or category do not comply with the emissions requirements as a result of its own in-use testing program. In reality, such a determination will be based on information from a variety of sources that may or may not include EPA in-use testing. Such findings are subject to the Administrative Procedures Act and are reviewable in court under the “substantial evidence” test (5 USC §706(2)(E)), which is restated in the “substantial evidence” standard in the Clean Air Act for ordering recalls.

Procurement of light duty vehicles for a confirmatory testing phase is similar to that for the surveillance phase, except that participants whose vehicles had been in the surveillance phase are screened out and owners are asked more questions about their vehicle's use and maintenance.

During fiscal year 2016, 125 surveillance vehicle in-use testing actions were conducted by EPA. No OBD actions or special vehicle investigations were conducted. Fourteen confirmatory testing actions were conducted for a total of 139 testing actions. This corresponds to 1,627 contacts and 154 telephone interviews and/or other follow-up participant contacts. This collection imposes a burden of 302 hours annually. This collection has no respondent recordkeeping requirements.

Section 2: Need for and Use of the Collection

2(a) Need/Authority for the Collection

Under Title II of the Clean Air Act, (42 U.S.C. §7521 et seq.), manufacturers of motor vehicles and engines are required to design and build vehicles which will comply with emission standards throughout their useful lives. (“Useful life” is defined by statute and regulation; it varies by type of vehicle or engine.) Pursuant to section Clean Air Act section 207(c) (42 USC §7541), EPA is responsible for monitoring compliance and investigating possible noncompliance with emission standards.

To fulfill this function, it is necessary for EPA to test actual “in-use” vehicles; these vehicles must be obtained from their owners/lessees. As part of the procurement process, EPA

must determine that the vehicle is within the useful life and that it has been “properly maintained and used”. In order to do this, EPA must make a limited inquiry of the owner/lessees who are willing to participate; see Attachment V for an example telephone screening tool.

2(b) Practical Utility/Users of the Data

EPA needs the information from the vehicle owner/lessee to determine that the vehicle is within its “useful life” and that it has been “properly maintained and used.” EPA’s Compliance Division, Office of Transportation and Air Quality, is the prime user of this information. Manufacturers whose models are being tested receive the vehicle identification number (VIN) of the vehicle to be tested. Manufacturers are informed of pre-test maintenance and test dates and receive test results. They also participate in post-test “special maintenance” to investigate failures.

Section 3: Nonduplication, Consultations, and Other Collection Criteria

3(a) Nonduplication

The information obtained from the vehicle owner/lessee is unique to that specific vehicle; it is not obtainable from any other source. There is no other information available, in either public or private databases that will adequately serve the program purposes. (Some vehicle maintenance information, such as warranty repairs and scheduled maintenance done at dealers’ outlets, is available from manufacturers and commercial automotive data services, and such information may be supplied by manufacturers in their own interests or as queried by EPA. However, it is not a substitute for owners’/lessees’ own records.) Additionally, there are no other similar government programs which would allow sharing of data.

3(b) Public Notice Prior to ICR Submission to OMB

EPA published a Federal Register Notice on December 8, 2017 providing public notice of the intent to renew this ICR and soliciting public comment on this ICR. No comments were received.

3(c) Consultations

In preparing this ICR, EPA consulted with two of its contractor's employees, Mr. David Knott, (734) 214-4381, and Ms. Kim Cieslak. (EPA’s contractor procures and maintains in-use passenger cars and light duty trucks.). Ms. Cieslak mails out the procurement letters and conducts the telephone interviews; she was asked to monitor how much time the interviews required. She determined the average to be 20 minutes per telephone interview for the surveillance screening and 50 minutes for the confirmatory screening. David Knott is her supervisor.

3(d) Effects of Less Frequent Collection

Information is collected only once per vehicle evaluation; less frequent collection is not possible. Less frequent collection would make it impossible for EPA to verify compliance with Title II of the Clean Air Act, (42 U.S.C. §7521 et seq.).

3 (e) General Guidelines

This information collection activity complies with the requirements of 5 CFR 1320.5(d) (2).

3 (f) Confidentiality

Information gathered from light-duty vehicle respondents is stored in contractor files. These records, including names and social security numbers needed for those who accept payment over \$599, are completely segregated from test results which are separately handled and stored by EPA. Respondent information is handled and stored by the contractors and two EPA representatives. It is not available to the public. Test results are tracked by vehicle control number and are shared with manufacturers by email automatically; they are available to the public. This information collection has completed a Privacy Impact Assessment, which has been approved by EPA's privacy office. The system has been assigned System of Records EPA-60.

3(g) Sensitive Questions

No sensitive questions are asked in this information collection.

Section 4. Respondents and Information Requested

4(a) Respondents/SIC & NAICS Codes

The respondents are individual vehicle owners/lessees of any regulated vehicle or engine regulated by EPA under the Clean Air Act (No NAICS code).

4(b) Information Requested

(i) Data items

Respondents who receive EPA's initial request (see "Reply Form", etc. Attachments II and III and IV) are asked to supply the following information on a form via a postage paid return envelope; participation is entirely voluntary:

- Do they own/lease the desired vehicle?; verify the make and model
- Current odometer reading?
- Are they the original owner/lessee?
- Transmission type?
- Are they interested in participating; how EPA should contact them?

Those who indicate they wish to be considered for participation are asked for additional information:

Has the odometer malfunctioned and, if so, how long was it inoperative?

Has the vehicle catalyst ever been replaced?

Do they have maintenance records; would they allow EPA to review and copy them?

There are no recordkeeping requirements associated with this collection.

(ii) Respondent Activities

Responses to the request for participation and information collection are strictly voluntary.

Those wishing to participate are asked to fill out a postage-paid information form. Some are then contacted by telephone to obtain the additional information listed above. Vehicles that will be evaluated are brought to EPA's NVFEL for testing by the vehicle owner or a contractor. The owners/lessees receive a cash incentive for each day EPA keeps the vehicle or a lesser cash incentive and, if requested, a late model loaner car with a full tank of gas and unlimited mileage for the duration of the testing, which usually takes two to four weeks.

Most of the information requested is known by the owner/lessee; some information might have to be obtained by simple vehicle or engine inspection or by reference to maintenance records (if available).

Section 5: The Information Collected--Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

Agency staff typically have no involvement in gathering the information, as that task is done by an EPA contractor. However, on occasion, staff are required to answer specific questions that arise during the information gathering process. Agency staff may review the final telephone screening questions and answers for completeness as well as potential issues relevant to the vehicle being evaluated. Agency staff select the vehicle classes to be tested, view test results, and participate in discussions with manufacturers relating to the testing preparations and results.

5(b) Collection Methodology and Management

Information is obtained via mailed responses and telephone interviews; it is stored in a vehicle file. The information is reviewed to see if the specific vehicle or engine meets the criteria for evaluation. The file is typically maintained for 10 years and then destroyed.

5(c) Small Entity Flexibility

The information requested is completely voluntary and imposes no mandatory burden on any respondent. The information collected is the minimum necessary to assure that vehicles meet the criteria for evaluation. Therefore, there is no additional need to reduce the burden on small entities.

5(d) Collection Schedule

Information is collected on a continuous basis. The number of solicitations mailed out in a given time frame is a function of available test capacity and how difficult a particular vehicle type is to procure.

Section 6 Estimating the Burden and Cost of the Collection

6(a) Estimating Respondent Burden

As explained above, EPA's contractor estimated that each telephone screening interview takes, on average, approximately 20 minutes for the surveillance screening and 50 minutes for the confirmatory screening. Subsequent information-related burdens for participants (such as reviewing and attesting to the telephone screening answers and supplying maintenance records voluntarily) upon delivery of light-duty vehicles, is estimated at 40 minutes. We estimate that the initial contact burden by letter to average five minutes. The total response burden is estimated to be 302 hours annually.

6(b) Estimating Respondent Costs

(i) Estimating labor costs

There is no typical individual owner/lessee; they represent the average person who acquires or owns a vehicle or engine. For this analysis we assume a cost of \$23.86 per hour, based on the mean hourly wage for All Occupations, from the Bureau of Labor Statistics, [May 2016 National Occupational Employment and Wage Estimates, United States](http://www.bls.gov/oes/current/oes_nat.htm#00-0000), (http://www.bls.gov/oes/current/oes_nat.htm#00-0000, accessed October 27, 2017).

The annual labor cost is therefore \$7,206.

(ii) Estimating Capital and Operations and Maintenance Costs

This collection has no capital, operations or maintenance costs.

(iii) Start-up Costs

This collection has no start-up costs.

6(c) Estimating Agency Burden

EPA uses contractor employees to recruit all of the vehicles and collect essentially all of the information covered by this information collection request. The contractor is responsible for, among other things, sending out invitation letters, contacting responders, getting the vehicles, preparing the vehicles for tests, returning the vehicles to the owners, paying the monetary compensation to participants and maintaining a fleet of about nine vehicles that will be loaned to participants while their vehicles are being tested. The average annual contractor costs for the light-duty surveillance and confirmatory testing was approximately \$766,000. An estimated 1.5 EPA employees oversee the programs at an annual cost of \$228,000. The total estimated Agency cost is about \$994,000 per year.

6(d) Estimating the Respondent Universe and Total Burden and Costs

From the above discussion the following total burden and cost estimates can be calculated as presented below.

6(e) Bottom Line Burden Hours and Cost

(i) Respondent Tally

Program	Vehicles /Engines	Initial Contacts	Burden @ 5 min ea. (min)	Participant Contacts	Burden @ 60 min ea (min)
Light Duty Surveillance	125	1257	6285	130	7800
Onboard Diagnostics Surveillance	0	0	0	0	0
Special Vehicle Investigation	0	0	0	0	0
					Burden @ 90 min ea (min)
Light Duty Confirmatory	14	370	1850	24	2160
Total	139	1627	19588	154	9960
Total burden (hrs)					302

There are no respondent, operating, capital, or startup costs associated with this collection.

(ii) Agency tally

Employees	1.5 (Involved in the light-duty vehicle in-use testing program)
Contract Cost	\$766,000
Total Cost	\$994,000

6(f) Reasons for change in burden

The changes in burden to the public from the burden calculated for the previous iteration of this Information Collection Request are a decrease of 2291 responses and 204 hours. These changes are due to many different factors. Although the number of invitations sent out rises each year, the number of responses that we receive has decreased. The two factors to which the decreases are most attributed are 1) invitations are discarded as junk mail and 2) owner's concern that the invitation is a scam. Some other factors may be that the incentive is not enough for people to go through the trouble of volunteering for the program or that the vehicles that we are trying to recruit may be more expensive vehicles and, therefore, the owners are less likely to want to volunteer their vehicles for testing. We believe that because of these reasons the number of responses and, therefore the burden to the public, has decreased.

Before 2014, special vehicle investigations were done to study known in-use concerns that were identified in classes of vehicles (for example, older vehicles or a specific model.) In the years between 2014 and 2016, there were special investigations but the vehicles were not obtained from the public. Instead they were procured through EPA's contractor or from manufacturers. Therefore, the information collection burden on the public was decreased to zero for special investigations. The burden instead was transferred to contractors or EPA employees.

It should be noted that EPA has not conducted any Onboard Diagnostic Surveillance resulting in no burden due to that program.

Program	2014 Vehicles/ Engines	2016 Vehicles/ Engines	2014 Initial Contacts	2016 Initial Contacts	2014 Minutes	2016 Minutes
Light Duty Surveillance	120	125	2938	1257	21890	14085
Onboard Diagnostics Surveillance	0	0	0	0	0	0
Special Vehicle Investigation	10	0	245	0	2065	0
Light Duty Confirmatory	30	14	735	370	6373	4010
Total	160	139	3918	1627	30328	18095
Difference		-21		-2291		-12233
						-204 hours

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average approximately 302 hours per year; less than one hour on average for each owner/lessee who receives a solicitation to participate. This estimate includes the time to review the solicitation material, complete the reply correspondence, complete the telephone screening for the subset contacted, and complete paperwork for delivery and pickup of participating vehicles and for monetary compensation. Participation is completely voluntary. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection 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 OMB control numbers for EPA's regulation are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number **EPA-HQ-OAR-2010-0690**, which is available for online viewing at www.regulations.gov, or in person viewing at the EPA Docket Center, EPA/DC, WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number **EPA-HQ-OAR-2010-0690** and OMB Control Number 2060-0086 in any correspondence.