

Request for a Non-Substantive Change to an Existing Approved Information Collection

(EPA ICR No. 2567.03; OMB Control No. 2070-0207)

I. Introduction

Why is EPA Requesting a Non-Substantive Change?

In its Terms of Clearance for the existing, approved ICR, entitled “Collection of Information for TSCA Mercury Inventory Reporting Rule,” OMB directed EPA to “revise the collection with the guidance documents and training materials when available.” In accordance with the Terms of Clearance, EPA is requesting OMB approval for a non-substantive change to revise the currently approved collection with available guidance documents. EPA is not otherwise modifying the information collection requirements or paperwork burden estimates.

II. Description of Non-Substantive Changes

What Information Collection Request (ICR) is EPA changing?

ICR Title: Collection of Information for TSCA Mercury Inventory Reporting Rule

ICR Numbers: EPA ICR No. 2567.02; OMB Control No. 2070-0207; ICR Reference No. 201806-2070-003

What is the current status of this ICR?

This ICR is currently approved through October 31, 2021.

What are the changes that EPA is making to this collection of information?

EPA has completed outreach materials referenced in the rule and responses to public comments. The compliance guide and frequent questions summarize and translate language from the preamble of the final rule (<https://www.regulations.gov/document?D=EPA-HQ-OPPT-2017-0421-0099>) and EPA responses to public comments (<https://www.regulations.gov/document?D=EPA-HQ-OPPT-2017-0421-0102>) to help potential submitters, including small businesses, determine whether or not they are subject to EPA’s mercury inventory reporting requirements and provide other useful information. Both resources will be available on the EPA’s mercury website.

The compliance guide, in particular, explains the requirements for manufacturers and importers to report information about the supply, use, and trade of mercury to EPA. The guide provides an overview of the legal requirements and an explanation of how the Agency intends to use the information it collects. Diagrams and examples are provided to help companies in determining whether they must report information about mercury to EPA. Based on business activities, companies that must report will find the applicable list of reporting requirements, as well as reporting and recordkeeping timelines, explanations of key terms, and links to additional resources to support reporting under the rule.

The frequent questions mirror the compliance guide but are presented as condensed summaries of key points in the guide.

Did EPA consult with stakeholders about this approach?

The Agency developed the compliance guide and frequent questions in response to public comments on the rule. When developing these materials, EPA based the content and presentation on similar materials developed for chemical substance rulemakings published by the Office of Chemical Safety and Pollution Prevention.

Will this change impact the annual ICR burden estimate?

No. The current ICR annual burden will not change. It is not mandatory to use the compliance guide or frequent questions in the course of complying with the reporting requirements, nor does the content they present rise to the level of step-by-step instructions for required to establish an account and enter data provided in the user guide for the Mercury Electronic Reporting application, which was already considered in estimating the burden and cost of the collection. The compliance guide and frequent questions present the same material contained in the rule and response to public comments, but with simpler, more user-friendly language and visuals as a handy reference to make compliance quicker and easier. Thus, the average for total burden hours per the three-year reporting cycle remains 32.25 hours per year, with a typical respondent burden for compliance determination (e.g., reading the rule, understanding the various reporting and administrative requirements, and determining the manner in which the reporting requirements will be met) of 2.5 hours.

What is the expected non-paperwork impact of this change?

As discussed in the preamble to the final rule, EPA requested public comment on what kinds of information would be particularly important to address for small entities. The compliance guide and frequent questions were developed to assist any potential reporters in response to comments received, which ranged from requests to define terms to explanations and examples of reporting scenarios for specific manufacturing scenarios. Through examples, tables, flow charts, and diagrams to explain who must report and what information is required, as well as how and when a potential reporter would need to submit information to EPA, these materials are intended to lessen the burden on potential reporters. Similarly, a list of existing resources related to mercury, the inventory, and the reporting requirements is intended to connect potential reporters to additional information or EPA staff that can be of assistance to help reduce the time and resources required to submit information to the Agency.