

# U.S. Environmental Protection Agency

## Information Collection Request

**TITLE:** Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D)

**OMB CONTROL NUMBER:** 2060-0393

**EPA ICR NUMBER:** 1750.10

### **ABSTRACT:**

Compliance with the architectural coatings rule was required by September 1999. The regulation requires that manufacturers and importers of architectural coatings adhere to volatile organic compound (VOC) content limits in the regulation. Information collection requirements for manufacturers and importers complying with the VOC content limits consist of product labeling; an initial notification report, which includes an explanation of any date code used; and subsequent explanations of any date codes revised after submittal of the initial report. The regulation does not contain any additional reporting or recordkeeping requirements unless a manufacturer or importer chooses to comply through one of the optional provisions in lieu of meeting the VOC content limits (i.e., the tonnage exemption, exceedance fee, or recycled coating credit provisions).

The rule contains an optional tonnage exemption that allows each manufacturer and importer to exempt a specified total mass of VOC in architectural coatings. The tonnage exemption would be used for products that do not comply with the VOC content limits and for which no exceedance fee is paid. Additional information collection requirements for the tonnage exemption include records of VOC calculations and volumes of coating manufactured or imported and an annual report.

The rule includes an exceedance fee alternative compliance option to provide additional compliance flexibility. This is an economic incentive approach whereby manufacturers and importers may choose to comply with the VOC requirements in the rule by paying a fee in lieu of meeting the VOC content limits. The per product exceedance fee is calculated based on both the volume of product manufactured or imported and the amount of VOC above the VOC content limit for that product. Additional information collection requirements for the exceedance fee option include records of fee calculations and inputs and an annual report.

Manufacturers and importers of recycled coatings have the option to take credit for the post-consumer coating content when determining the VOC content of the coating, which results in a less stringent control requirement. Additional information collection requirements for the recycled coating option include records of VOC calculations, additional labeling, and an annual report.

The rule requires that the labels or lids of all subject architectural coatings display the date of manufacture, the manufacturer's recommended thinning, and the VOC content of the coating. Many manufacturers already include this information on their coating labels as a part of normal and usual practice. For additional flexibility, the date of manufacture can be expressed as a code and can be located either on the label, lid, or bottom of the container. The rule also requires that the labels or lids of all subject industrial maintenance coatings display a statement indicating that industrial maintenance

coatings are primarily intended for industrial and professional use. In addition, each manufacturer and importer using the adjusted VOC content for a recycled coating is required to include a statement indicating the post-consumer coating content on the coating container label or lid.

The “Affected Public” includes manufacturers and importers of architectural coatings. The burden to the “Affected Public” may be found in Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D). The burden to the “Federal Government” is attributed entirely to work performed by federal employees or government contractors and may be found in Table 2: Average Annual EPA Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D). There are approximately 520 architectural coating facilities, which are owned and operated by the architectural coating industry. None of the 520 facilities in the United States are owned by state, local, tribal or the Federal government. They are all owned and operated by privately-owned, for-profit businesses. We assume that they will all respond.

Based on our consultations with industry representatives, there are an average of one affected facilities at each plant site and each plant site has only one respondent (i.e., the owner/operator of the plant site).

Over the next three years, approximately 515 respondents per year will be subject to the standard, and 5 additional respondents per year will become subject to the standard, for an overall average of 520 respondents per year.

The previous ICR had the following Terms of Clearance (TOC):

“Upon renewal of this collection, OMB requests that EPA submit the following as supplemental documents: the regulatory text that includes the ICR; the regulatory text that includes the submission instructions; and any screen shots of the electronic portal where the reporting requirements are submitted online to EPA. Please discuss in more detail how the information is submitted, either electronically or in hard copy, and what information is permitted to be submitted in electronic format. Please include the OMB burden statement on the electronic portal. Finally, please also update to the standard 18 question SS-A format upon renewal.”

The relevant regulatory text is referenced in section 4(b) of this document. We have created a supplementary document including the regulatory text that describes the ICR requirements as identified in section 4(b)(i) of this document as requested. There are no electronic reporting requirements associated with this regulation.

### **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 183(e) of the Clean Air Act (CAA) requires EPA to regulate categories of consumer and commercial products that account for at least 80 percent of the VOC emissions, on a reactivity-adjusted basis, in areas that violate the National Ambient Air Quality Standards for ozone. The EPA determined

that the architectural coating category is one of the largest VOC emission sources among the consumer and commercial products categories, in many States represents a significant source of unregulated VOC emissions, and that VOC emissions from the use of architectural coatings contribute to ground-level ozone formation in ozone nonattainment areas. Therefore, EPA published standards regulating VOC emissions from architectural coatings under section 183(e) of the CAA on September 11, 1998 (40 CFR Part 59, Subpart D).

The reporting, labeling, and recordkeeping activities required under the architectural coatings rule enable EPA to determine whether or not coatings manufactured or imported for sale or distribution in the United States are in compliance with the requirements in the rule. Reports and records are used to determine whether exceedance fees (if applicable) are paid for coatings for which the manufacturer or importer has chosen the exceedance fee option. For the tonnage exemption, the reports and records are used to ensure that the allowed exemption levels are not exceeded. Reports, records, and product labels associated with the recycled coatings provision are used to ensure that the adjusted VOC content is calculated properly.

## **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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The recordkeeping and reporting requirements in the standards ensure compliance with the applicable regulations which were promulgated in accordance with the Clean Air Act. The collected information is also used for targeting inspections and as evidence in legal proceedings.

The data collected under this ICR are essential to ensure compliance with the rule and to evaluate its effectiveness. Specifically, Agency enforcement personnel use the information collected to: (1) identify manufacturers and importers subject to the rule; (2) ensure that architectural coatings comply with VOC content standards, including accounting for recycled coating content; (3) verify that exceedance fees are calculated properly and paid in the correct amounts; (4) determine the volume of coating manufactured or imported for which fees are paid; (5) determine the total revenues paid in exceedance fees; and (6) verify that the VOC content of the coatings is calculated properly for the tonnage exemption and that the exemption levels are not exceeded. The reported information assists EPA in deciding which architectural coating manufacturers or importers should be inspected. The requirement for date of manufacture (or date code) to be placed on coating containers is useful to EPA for comparison to manufacturers' records and reports to determine compliance with VOC content limits, and with the exceedance fee and tonnage exemption requirements.

## **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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Some of the respondents are using monitoring equipment that automatically records parameter data. Although personnel at the affected facility must still evaluate the data, internal automation has significantly reduced the burden associated with monitoring and recordkeeping at a plant site.

Electronic copies of records may also be maintained in order to satisfy federal recordkeeping requirements. For additional information on the Paperwork Reduction Act requirements for CEDRI and ERT for this rule, see: <https://www.epa.gov/electronic-reporting-air-emissions/paperwork-reduction-act-pra-cedri-and-ert>.

#### **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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For reports required to be submitted electronically, the information is sent through the EPA's CDX, using CEDRI, where the appropriate EPA regional office can review it, as well as state and local agencies that have been delegated authority. If a state or local agency has adopted under its own authority its own standards for reporting or data collection, adherence to those non-Federal requirements does not constitute duplication.

For all other reports, if the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent directly to the delegated state or local agency. If a state or local agency has adopted its own standards to implement the Federal standards, a copy of the report submitted to the state or local agency can be sent to the Administrator in lieu of the report required by the Federal standards. Therefore, duplication does not exist.

#### **5. MINIMIZING BURDEN ON 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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Although the rule does not contain any specific small entity provisions, the rule contains two provisions that may reduce the burden of this rule on small entities. These provisions are the exceedance fee provision and the tonnage exemption.

#### **6. EFFECTS 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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This ICR includes a one-time initial notification report for all manufacturers and importers. For those reporting VOC content adjusted for post-consumer coating content, an annual report is required. For those using the tonnage exemption option, an annual report is required. For those using the exceedance fee option, an annual report is required. Less frequent reporting would not allow for effective or timely compliance determination. The EPA believes annual reporting is frequent enough to provide the information needed for compliance tracking without being too burdensome on the industry or the Agency.

#### **7. GENERAL GUIDELINES:**

*Explain any special circumstances that require the collection to be conducted in a manner inconsistent with PRA Guidelines at 5 CFR 1320.5(d)(2).*

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With the following exception, these reporting or recordkeeping requirements do not violate any of the regulations promulgated by OMB under 5 CFR Part 1320, Section 1320.5.

## **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.*

An announcement of a public comment period for the renewal of this ICR was published in the *Federal Register* (88 FR 31748) on May 18, 2023. No comments were received on the burden published in the *Federal Register* for this renewal.

### **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.*

The Agency has consulted industry experts and internal data sources to project the number of affected facilities and industry growth over the next three years. The primary source of information as reported by industry, in compliance with the recordkeeping and reporting provisions in the standard, is the Integrated Compliance Information System (ICIS). ICIS is EPA's database for the collection, maintenance, and retrieval of compliance data for industrial and government-owned facilities. The growth rate for the industry is based on our consultations with the Agency's internal industry experts. Approximately 520 respondents will be subject to the standard over the three-year period covered by this ICR.

Industry trade association(s) and other interested parties were provided an opportunity to comment on the burden associated with the standard as it was being developed and the standard has been previously reviewed to determine the minimum information needed for compliance purposes. In developing this ICR, we contacted both the American Coatings Association at (202) 462-6272 and the American Chemistry Council at (202) 249-7000.

It is our policy to respond after a thorough review of comments received since the last ICR renewal as well as those submitted in response to the first *Federal Register* notice. In this case, no comments were received.

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

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

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The Agency does not intend to provide payments or gifts to respondents as part of this collection.

#### **10. PROVISIONS FOR PROTECTION OF INFORMATION:**

*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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Any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, chapter 1, part 2, Subpart B - Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979).

#### **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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The reporting or recordkeeping requirements in the standard do not include sensitive questions.

#### **12. RESPONDENT BURDEN HOURS AND 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.*
  - *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**

Respondents to this information collection are manufacturers and importers of architectural coatings. Manufacturers of architectural coatings fall within North American Industry Classification System (NAICS) 325510, "Paint and Coating Manufacturing," and Standard Industrial Classification (SIC) 2851, "Paints and Allied Products." Importers of architectural coatings fall within NAICS 424950 "Paint, Varnish and Supplies Merchant Wholesalers," and SIC 5198, "Paints, Varnishes, and Supplies."

Based on our research for this ICR, on average over the next three years, approximately 520 existing respondents will be subject to the standard. It is estimated that an additional 5 respondents per year

will become subject. The overall average number of respondents, as shown in the table below, is 520 per year.

The number of respondents is calculated using the following table that addresses the three years covered by this ICR.

Number of Respondents					
	Respondents That Submit Reports		Respondents That Do Not Submit Any Reports		
Year	(A) Number of New Respondents <sup>1</sup>	(B) Number of Existing Respondents	(C) Number of Existing Respondents that keep records but do not submit reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	5	510	0	0	515
2	5	515	0	0	520
3	5	520	0	0	525
Average	5	515	0	0	520

<sup>1</sup> New respondents include sources with constructed, reconstructed and modified affected facilities.

Column D is subtracted to avoid double-counting respondents. As shown above, the average Number of Respondents over the three-year period of this ICR is 520.

The total number of annual responses per year is calculated using the following table:

Total Annual Responses				
(A) Information Collection Activity	(B) Number of Respondents	(C) Number of Responses	(D) Number of Existing Respondents That Keep Records But Do Not Submit Reports	(E) Total Annual Responses E=(BxC)+D
Initial Notification	5	1	0	5
Initial Report	5	1	0	5
Annual report for manufacturers and importers of recycled coatings that choose to determine the adjusted VOC content	26	1	0	26

Total Annual Responses				
Annual report for manufacturers and importers using the optional exceedance fee	47	1	0	47
Annual report for manufacturers and importers using the optional tonnage exemption	78	1	0	78
			Total	161

The number of Total Annual Responses is 161.

The total annual labor costs are \$1,550,000. Details regarding these estimates may be found at the end of this document in Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D) (Renewal).

#### 12b. INFORMATION REQUESTED

In this ICR, all the data that are recorded or reported is required by the National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D).

A source must make the following reports:

Notifications	
Date of Manufacture	§59.405(a)(1)
Recommendation for thinning	§59.405(a)(2)
VOC content	§59.405(a)(3)

Reports	
Initial report for all manufacturers and importers:	
Name and mailing address of the manufacturer or importer	§59.408(b)(1)
The street address of each one of the manufacturer's or importer's facilities in the U. S. producing, packaging, or repackaging any architectural coating subject to this subpart.	§59.408(b)(2)
List of categories of coatings in Table 1 of the regulation for which the manufacturer's or importer's coatings meet the definition	§59.408(b)(3)
Explanation of date code, if applicable	§59.408(b)(4)
Annual report for manufacturers and importers for which the recycled coating credit is applied:	

Minimum post-consumer content of coatings	§59.408(c)(1)
Volume of post-consumer coating received for recycling	§59.408(c)(2)
Volume of post-consumer coating received that was unusable	§59.408(c)(3)
Volume of virgin materials used	§59.408(c)(4)
Volume of recycled coating manufactured or imported	§59.408(c)(5)
Annual report for manufacturers and importers using the optional exceedance fee:	
Name and address	§59.408(d)(1)
A list of all coatings and the associated coating categories for which the exceedance fee is being used	§59.408(d)(2)
VOC content of each coating that exceeds the applicable VOC content limit in Table 1 of the regulation	§59.408(d)(3)
Excess VOC content of each coating product for which a fee is paid	§59.408(d)(4)
Total annual volume of all coatings for which a fee is paid	§59.408(d)(5)
The annual fee for each coating	§59.408(d)(6)
The total annual fee for all coatings	§59.408(d)(7)
Annual report for manufacturers and importers using the optional tonnage exemption:	
A list of all coatings and the associated coating categories in Table 1 of the regulation for which the tonnage exemption was claimed	§59.408(e)(1)
The VOC content of each coating for which the exemption was claimed	§59.408(e)(2)
The actual sales for each coating for which the exemption was claimed	§59.408(e)(3)
The total megagrams of VOC contained in all the coatings for which the exemption was claimed	§59.408(e)(4)

A source must keep the following records:

<b>Recordkeeping</b>	
For each coating for which the optional recycled coating credit is applied:	
Minimum volume percent post-consumer coating content	§59.407(a)(1)
Volume of post-consumer coating received for recycling	§59.407(a)(2)
Volume of post-consumer coating received that was unusable	§59.407(a)(3)

<b>Recordkeeping</b>	
Volume of virgin materials	§59.407(a)(4)
Volume of final recycled coating	§59.407(a)(5)
Calculation of adjusted VOC content	§59.407(a)(6)
For each manufacturer and importer using the optional exceedance fee provision:	
A list of the coatings and the associated coating categories in Table 1 of the regulation for which the exceedance fee is used	§59.407(b)(1)
Calculation of the annual fee for each coating and the total annual fee for all coatings	§59.407(b)(2)
The VOC content of each coating	§59.407(b)(3)
The excess VOC content of each coating	§59.407(b)(4)
The total volume manufactured or imported per period for each coating	§59.407(b)(5)
The annual fee for each coating	§59.407(b)(6)
The total annual fee for all coatings	§59.407(b)(7)
For each manufacturer or importer using the optional tonnage exemption:	
A list of all coatings and the associated coating categories in Table 1 of the regulation for which the tonnage exemption is claimed	§59.407(c)(1)
The VOC content of each coating for which the exemption is claimed	§59.407(c)(2)
The annual sales for each coating for which the exemption is claimed	§59.407(c)(3)
The megagrams of VOC contained in each coating for which the exemption is claimed, and for all coatings combined for which the exemption is claimed, for the time period the exemption is claimed	§59.407(c)(4)

### **12c. RESPONDENT ACTIVITIES**

Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D) presents the labeling, recordkeeping and reporting activities, and burdens for the rule. The respondent activities required by the standards are listed in the first column of Table 1.

Several States regulate architectural coatings and require certain labeling, recordkeeping, and reporting activities. The regulation includes similar requirements to the extent practical in order to minimize the cumulative burden to the industry.<sup>1</sup>

The specific frequency for each information collection activity within this request is shown at the end of this document in Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D).

#### **12d. RESPONDENT BURDEN HOURS AND LABOR COSTS**

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 24,500 (Total Labor Hours from Table 1). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the National Volatile Organic Compound Emission Standards program, the previously approved ICR, and any comments received.

This ICR uses the following labor rates:

Managerial	\$163.17 (\$77.70 + 110%)
Technical	\$130.28 (\$62.04 + 110%)
Clerical	\$65.71 (\$31.29 + 110%)

These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2022, “Table 2. Civilian workers by occupational and industry group.” The rates are from column 1, “Total compensation.” The rates have been increased by 110 percent to account for varying industry wage rates and the additional overhead business costs of employing workers beyond their wages and benefits, including business expenses associated with hiring, training, and equipping their employees.

The total annual labor hours are 24,500. Details regarding these estimates may be found in Table 1: Annual Respondent Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D) (Renewal).

We assume that burdens for managerial tasks take 5% of the time required for technical tasks because the typical tasks for managers are to review and approve reports. Clerical burdens are assumed to take 10% of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies and maintain records.

Furthermore, the annual public reporting and recordkeeping burden for this collection of information is estimated to average 152 hours per response.

#### **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.

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The only costs to the regulated industry resulting from information collection activities required by the subject standard(s) are labor costs. There are no capital/startup or operation and maintenance costs.

The only type of industry costs associated with the information collection activity in the regulations are labor costs. There are no capital/startup or operation and maintenance costs.

The total annual capital/startup and O&M costs to the regulated entity are \$0. The cost calculations are detailed in Section 6(b)(iii), Capital/Startup vs. Operation and Maintenance (O&M) Costs.

#### **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.

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##### **14a. Agency Activities**

A list of activities required of the EPA is provided in Table 2: Average Annual EPA Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D).

Following notification of startup, the reviewing authority could inspect the source to determine whether the VOC content standards are being met. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs.

Information contained in the reports is reported by state and local governments in the ICIS Air database, which is operated and maintained by EPA's Office of Compliance. EPA uses ICIS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. EPA and its delegated Authorities can edit, store, retrieve and analyze the data.

##### **14b. Agency Burden and Labor Cost**

The only costs to the Agency are those costs associated with analysis of the reported information. EPA's overall compliance and enforcement program includes activities such as the examination of records maintained by the respondents, periodic inspection of sources of emissions, and the publication and distribution of collected information.

The average annual Agency cost during the three years of the ICR is estimated to be \$1,200,000.

This cost is based on the average hourly labor rate as follows:

Managerial	\$73.46 (GS-13, Step 5, \$45.91 + 60%)
Technical	\$54.51 (GS-12, Step 1, \$34.07 + 60%)
Clerical	\$29.50 (GS-6, Step 3, \$18.44 + 60%)

These rates are from the Office of Personnel Management (OPM), 2023 General Schedule, which excludes locality rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees. Details upon which this estimate is based appear at the end of this document in Table 2: Average Annual EPA Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D).

The average annual Agency burden and cost over next three years is estimated to be 22,100 labor hours at a cost of \$1,200,000. See Table 2: Average Annual EPA Burden and Cost – National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D) (Renewal)

We assume that burdens for managerial tasks take 5% of the time required for technical tasks because the typical tasks for managers are to review and approve reports. Clerical burdens are assumed to take 10% of the time required for technical tasks because the typical duties of clerical staff are to proofread the reports, make copies and maintain records.

#### **14c. Agency Non-Labor Costs**

There are no anticipated non-labor costs for the Agency.

#### **15. 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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The increase in burden from the most recently approved ICR is due to an adjustment(s). The adjustment increase in burden from the most recently approved ICR is due to an increase in the number of respondents due to growth in the industry. There is an increase in costs from the most recently approved ICR due to the increased respondent count and the use of updated labor rates. This ICR uses labor rates from the most recent Bureau of Labor Statistics report (September 2022) to calculate respondent burden costs.

#### **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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Following notification of startup, the reviewing authority could inspect the source to determine whether the VOC content standards are being met. Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs.

Information contained in the reports is reported by state and local governments in the ICIS Air database, which is operated and maintained by EPA's Office of Compliance. EPA uses ICIS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. EPA and its delegated Authorities can edit, store, retrieve and analyze the data.

#### **17. DISPLAY OF OMB CONTROL NUMBER AND EXPIRATION DATE ON INSTRUMENTS:**

*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.

#### **BURDEN STATEMENT**

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The annual public reporting and recordkeeping burden for this collection of information is estimated to average 152 hours per response. 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 of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number. The OMB Control Numbers for EPA regulations are listed at 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-2011-0371. An electronic version of the public docket is available at <http://www.regulations.gov/> which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the 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 in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading

Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Due to COVID-19 precautions, entry to the Reading Room is available by appointment only. Please contact personnel in the Reading Room to schedule an appointment. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the docket center is (202) 566-1927. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2011-0371 and OMB Control Number 2060-0393 in any correspondence.

#### **ADDITIONAL TABLES AND APPENDICES**

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**Table 1: Annual Respondent Burden and Cost - National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D)**

Burden item	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Person hours per occurrence	No. of occurrences per respondent per year	Person hours per respondent per year (C=AxB)	Respondents per year <sup>a</sup>	Technical person-hours per year (E=CxD)	Management person hours per year (F=Ex0.05)	Clerical person hours per year (G=Ex0.1)	Total Cost per year <sup>b</sup>
1. Applications	N/A							
2. Surveys and Studies	N/A							
3. Reporting Requirements								
A. Read Instructions <sup>c</sup>	2	1	2	5	10	5	1	\$2,184
B. Gathering Existing Information	See 3C							
C. Write Report								
Initial Report <sup>c</sup>	2	1	2	5	10	5	1	\$2,184
Date Code Explanation <sup>c</sup>	1	1	1	5	5	2.5	0.5	\$1,092
Update Date Codes <sup>d</sup>	2	1	2	52	104	52	10.4	\$22,717
Recycled Coatings Report - Mass Balance <sup>e</sup>	6	1	6	13	78	39	7.8	\$17,038
Recycled Coatings Report - Formulation <sup>e</sup>	4	1	4	13	52	26	5.2	\$11,359
Exceedance Fee Annual Report <sup>f</sup>	8	1	8	47	376	188	37.6	\$82,132
Tonnage Exemption Annual Report <sup>g</sup>	8	1	8	78	624	312	62.4	\$136,304
<b>Subtotal for Reporting Requirements</b>					<b>2,014</b>			<b>\$275,011</b>
4. Recordkeeping Requirements								
A. Read Instructions	See 3A							
B. Plan Activities <sup>a,c</sup>	8	1	8	5	40	20	4	\$8,737
C. Implement Activities								

Burden item	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	Person hours per occurrence <sup>e</sup>	No. of occurrences per respondent per year	Person hours per respondent per year (C=AxB)	Respondents per year <sup>a</sup>	Technical person-hours per year (E=CxD)	Management person hours per year (F=Ex0.05)	Clerical person hours per year (G=Ex0.1)	Total Cost per year <sup>b</sup>
Calculate VOC content for Each Product <sup>c,h</sup>	42	1	42	5	210	105	21	\$45,872
Calculate Adjusted VOC for Recycled Coatings <sup>i</sup>	20	1	20	26	520	260	52	\$113,587
Exceedance Fee - Calculations <sup>f</sup>	64	1	64	47	3008	1504	300.8	\$657,055
Tonnage Exemption Calculations <sup>g</sup>	16	1	16	78	1248	624	124.8	\$272,608
D. Record Data								
Recycling Volumes <sup>i</sup>	8	12	96	26	2496	1248	249.6	\$545,216
Exceedance Fee <sup>f</sup>	8	1	8	47	376	188	37.6	\$82,132
Tonnage Exemption <sup>g</sup>	4	1	4	78	312	156	31.2	\$68,152
E. Time to Train Personnel	N/A							
5. Labeling <sup>j,k</sup>	67	1	67	87	5829	2914.5	582.9	\$1,273,263
<b>Subtotal for Recordkeeping Requirements</b>						<b>22,462</b>		<b>\$3,066,623</b>
<b>TOTAL LABOR BURDEN AND COST<sup>l</sup></b>						<b>24,500</b>		<b>\$1,550,000</b>
<b>TOTAL CAPITAL AND O&amp;M COST (see Section 6(b)(iii))</b>								<b>\$0</b>
<b>GRAND TOTAL<sup>l</sup></b>								<b>\$1,550,000</b>

**Assumptions:**

<sup>a</sup> The respondent universe consists of 520 architectural coating manufacturers. Of these, 78 are considered large manufacturers and 442 are

considered small manufacturers. that the number of new respondents submitting the one-time Initial Notification Report and date code explanations will be 1 percent of the total respondent universe of 520, or about 5 per year.

<sup>b</sup> This ICR uses the following labor rates: \$163.17 (\$77.70 + 110%) per hour for Executive, Administrative, and Managerial labor; \$130.28 (\$62.04 + 110%) per hour for Technical labor, and \$65.71 (\$31.29 + 110%) per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, September 2022, "Table 2. Civilian workers by occupational and industry group." The rates are from column 1, "Total compensation." The rates have been increased by 110 percent to account for varying industry wage rates and the additional overhead business costs of employing workers beyond their wages and benefits, including business expenses associated with hiring, training, and equipping their employees.

<sup>c</sup> Total number of manufacturers is estimated to be 520; 1 percent or 5 new respondents per year are assumed.

<sup>d</sup> Assumed that 10 percent of manufacturers update some date codes each year. (520 manufacturers) (0.10) = 52 manufacturers.

<sup>e</sup> Assumed that 5 percent of manufacturers recycle coatings (520 manufacturers) (0.05) = 26 manufacturers. Of the 26 manufacturers, assumed half of the recycle coating manufacturers would demonstrate compliance using mass balance and the other half using formulations.

<sup>f</sup> Based on exceedance fee reports received in 2009 (52) and 2010 (39), it is estimated that 47 exceedance fee reports will be submitted per year.

<sup>g</sup> Assumed that 78 manufacturers will use the tonnage exemption option.

<sup>h</sup> Based on a time estimate of 1 hour per coating product. (1 hour/product) (42 products/manufacture) = 42 hours/manufacture.

<sup>i</sup> Assumed that 5 percent of manufacturers recycle coatings. (520 manufacturers) (0.05) = 26 manufacturers.

<sup>j</sup> Based on an industry estimate of 320 hours needed to modify labels for a company with 200 paint products, or 1.6 hours per product. (1.6 hours/product) (42 products/manufacture) = 67 hours/manufacture.

<sup>k</sup> Assumed that half of the manufacturers would have to modify their labels over 3 years. (520 manufacturers) (0.5)/(3 years) = 87 manufacturers per year.

<sup>l</sup> Totals have been rounded to 3 significant digits. Figures may not add exactly due to rounding.

**Table 2: Average Annual EPA Burden and Cost - National Volatile Organic Compound Emission Standards for Architectural Coatings (40 CFR Part 59, Subpart D)**

Activity	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
	EPA person-hours per occurrence	No. of occurrences per plant per year	EPA person hours per plant per year (C=AxB)	Plants per year <sup>a</sup>	Technical person-hours per year (E=CxD)	Management person-hours per year (F=Ex0.05)	Clerical person-hours per year (G=Ex0.1)	Cost, \$ <sup>b</sup>
Initial Report <sup>c</sup>	1	5	5	5	25	0.25	0.5	\$1,395.92
Annual Report: Manufacture of Recycled Coatings - Mass Balance <sup>d</sup>	1	12.5	12.5	26	325	0.625	1.25	\$17,799.19
Annual Report: Manufacture of Recycled Coatings - Formulation <sup>d</sup>	0.5	12.5	6.3	26	163.8	0.315	0.63	\$8,970.79
Date Code								
Date Code Reports <sup>c</sup>	0.5	5	2.5	5	12.5	0.125	0.25	\$697.96
Date Code Updates <sup>e</sup>	0.5	50	25	52	1,300	1.25	2.5	\$71,031.18
Annual Report: Exceedance Fee <sup>f</sup>	4	45	180	47	8,460	9	18	\$462,363.70
Annual Report: Tonnage Exemption <sup>g</sup>	2	75	150	78	11,700	7.5	15	\$638,783.88
Maintenance of implementation database	60	1	60	1	60	3	6	\$3,668.11
<b>TOTAL (rounded) <sup>h</sup></b>						<b>22,100</b>		<b>\$1,200,000</b>

**Assumptions:**

<sup>a</sup> The respondent universe consists of 520 architectural coating manufacturers. Of these, 78 are considered large manufacturers and 442 are considered small manufacturers. that the number of new respondents submitting the one-time Initial Notification Report and date code explanations will be 1 percent of the total respondent universe of 520, or about 5 per year.

<sup>b</sup> The cost is based on the following labor rate which incorporates a 1.6 benefits multiplication factor to account for government overhead expenses. Managerial rates of \$73.46 (GS-13, Step 5, \$45.91 + 60%), Technical rate of \$54.51 (GS-12, Step 1, \$34.07 + 60%), and Clerical rate of \$29.50 (GS-6, Step 3, \$18.44 + 60%). These rates are from the Office of Personnel Management (OPM), 2023 General Schedule, which excludes locality, rates of pay. The rates have been increased by 60 percent to account for the benefit packages available to government employees.

<sup>c</sup> Total number of manufacturers is estimated to be 520; 1 percent or 5 new respondents per year are assumed.

<sup>d</sup> Assumed 26 recycled coating manufacturers; assumed half use mass balance option and half use formulation option.

<sup>e</sup> Assumed 10 percent of all manufacturers update some date codes each year. (520 manufacturers) (0.10) = 52 manufacturers.

<sup>f</sup> Assumed 47 manufacturers will pay fees on some coatings (see footnote f in Table 1).

<sup>g</sup> Assumed 78 manufacturers will use tonnage exemption option.

<sup>h</sup> Totals have been rounded to 3 significant digits. Figures may not add exactly due to rounding.

