



**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OECA-2012-0157; FRL-9662-5]**

**Agency Information Collection Activities; Proposed Collection; Comment Request; Reporting and Recordkeeping Requirements for the Enforcement Policy Regarding the Sale and Use of Aftermarket Catalytic Converters; EPA ICR No.1292.08**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on August 31, 2012. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before [insert date 60 days after publication in the Federal Register]

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OECA-2012-0157 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov).
- *Fax:* 202-566-9744

- *Mail:* Enforcement and Compliance Docket and Information Center (ECDIC),  
Environmental Protection Agency  
1200 Pennsylvania Ave. N.W. (Mailcode: 2822T)  
Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center Public Reading Room  
EPA West Building, Room 3334  
1301 Constitution Avenue, N.W.  
Washington, DC 20004.

Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OECA-2012-0157. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact

information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**FOR FURTHER INFORMATION CONTACT:** David E. Alexander, Air Enforcement Division, Office of Enforcement and Compliance Assurance (2242A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (202) 564-2109; fax number: (202) 564-0069; e-mail address: [alexander.david@epa.gov](mailto:alexander.david@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**How Can I Access the Docket and/or Submit Comments?**

EPA has established a public docket for this ICR under Docket ID No. EPA- HQ-OECA-2012-0157 which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 Reading Room is 202-566-1744, and the telephone number for the Enforcement and Compliance Docket is 202-566-1752.

Use [www.regulations.gov](http://www.regulations.gov) 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. Once in the system, select "search," then key in the docket ID number identified in this document.

**What Information Is EPA Particularly Interested In?**

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

- (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

**What Should I Consider When I Prepare My Comments for EPA?**

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under DATES.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and Federal Register citation.

**What Information Collection Activity or ICR Does This Apply to?**

**Affected entities:** Entities potentially affected by this action are the manufacturers of new aftermarket motor vehicle catalytic converters and reconditioners of used motor vehicle catalytic converters. The SIC code is 346. The other respondents are automobile exhaust repair facilities. Their SIC code is 7533.

**Title:** Reporting and Recordkeeping Requirements for the Enforcement Policy Regarding the Sale and Use of Aftermarket Catalytic Converters

**ICR numbers:** EPA ICR No. 1292.08, OMB Control No. 2060-0135.

**ICR status:** This ICR is currently scheduled to expire on August 31, 2012. 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 OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register when approved, are listed in 40 CFR part 9, are displayed either by publication in the Federal Register or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** Section 203(a)(3) of the Clean Air Act (Act) prohibits removing or rendering inoperative automobile emission control devices or elements of design. If the EPA had not adopted the aftermarket catalytic converter enforcement policy (51 FR 28114- 28119, 28133

(Aug. 5, 1986); 52 FR 42144 (Nov. 3, 1987)), the manufacture, sale or installation of aftermarket catalytic converters (catalysts) not equivalent to new original equipment (OE) catalysts would constitute a violation of the Act. However, because replacement OE catalysts are expensive, many consumers had elected to not replace catalysts that malfunctioned subsequent to the expiration of the emissions warranty on their vehicles. The Agency believes that allowing the installation of aftermarket catalysts on older vehicles can be environmentally beneficial if the Agency can be assured that the aftermarket catalysts meet certain standards and if installers are accountable to select the proper aftermarket catalyst for each vehicle application. Manufacturers of new aftermarket catalysts are required, on a one-time basis, for each catalyst line manufactured, to identify the catalyst physical specifications and summarize pre-production testing of the prototype.

The original policy required that, once production had begun, the manufacturer would submit to EPA on a semi-annual basis the number of each type of aftermarket catalyst manufactured and a summary of information contained on warranty cards or, at the option of the respondent, copies of warranty cards for all converters sold. This reporting regarding sales and warranty information was eliminated in March 1999, with the stipulation that records must be maintained and the information submitted to EPA upon request.

On a one-time basis, companies that recondition used catalysts (catalyst reconditioners) must report the identity of the company and a description of the test bench used for testing used catalytic converters and the intended vehicle application(s) for each converter type. All used converters must be tested individually to ensure they are still functional. Additionally, the original policy required catalyst reconditioners to report on a semi-annual basis the names and addresses of distributors along with the number of each type of converter sold to each distributor.

This reporting requirement was eliminated in March 1999, with the stipulation that records must be maintained and the information submitted to EPA upon request.

Companies that install aftermarket catalysts have no reporting requirements, but they must keep copies of installation invoices and records that show the reason an aftermarket catalyst installation was appropriate for six months. Removed catalysts must be tagged with identifying information and be kept for 15 days.

EPA allows the use of pre-printed documents or computer-generated documents. All the recordkeeping under the policy is authorized by section 114 of the Act, 42 U.S.C. 7414 and section 208 of the Act, 42 U.S.C. 7542. Parties who comply with these policies are allowed to install aftermarket catalysts instead of OE catalysts. Confidentiality provisions are found at 40 CFR part 2. These requirements have been in effect for over ten years. Startup costs have been completed. The proposed ICR utilizes assumptions that are the same as the previous ICR. 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 OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average seven 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 which have subsequently changed; 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.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 30,014.

Frequency of response: Annual.

Estimated total average number of responses for each respondent: 1

Estimated total annual burden hours: 212,101 hours.

Estimated total annual costs: \$676,000. This includes an estimated burden cost of \$390,000 and an estimated cost of \$286,000 for capital investment or maintenance and operational costs.

#### **Are There Changes in the Estimates From the Last Approval?**

There is anticipated to be no change in the hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. EPA anticipates adjusting for inflation the estimated costs of labor and capital used in the supporting statement prepared in 2008. The 2008 supporting statement may be reviewed in the docket.

#### **What Is the Next Step in the Process for This ICR?**

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR § 1320.12. At that time, EPA will issue another Federal Register notice pursuant to 5 CFR § 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under FOR FURTHER INFORMATION CONTACT.

Dated: April 13, 2012.

Pamela J. Mazakas, Acting Director.

Office of Civil Enforcement.

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