

Supporting Statement for Paperwork Reduction Act Submissions

Title: DHS Chemical Security Awareness Training Program

OMB Control Number: 1670-NEW

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

To complete the supporting statement, type in your responses in the white space below each question. Your responses should be full and complete and provide sufficient information to help the OMB desk officer to understand what you are planning to do and why and how the Agency/Federal Government will benefit from and use the information you will be obtaining or soliciting.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The security of chemical facilities in the United States has been and is a high concern of the public and governmental agencies. Under Homeland Security Presidential Directive 7 (HSPD-7) (issued December 2003), DHS issued the National Infrastructure Protection Plan (NIPP) on June 30, 2006. The NIPP requires Sector Specific Plans (SSPs), annual reports to the Secretary of Homeland Security, and “several types of informational reports to support efforts to protect CI/KR [critical infrastructure and key resources]. They cover subjects such as CI/KR common vulnerabilities, potential indicators of terrorist activity, and best practices for protective measures.” (Appendix 3B, p. 155) DHS has developed a Chemical Sector Specific Plan (CSSP), which includes providing best practice guidance in partnership with the chemical sector.

DHS is seeking improvements in security of CI/KR chemical facilities and general chemical facilities through the Chemical Security Awareness Training Program and other actions. Collection of information about the participation in the program, such as number of participants, type of facility, location of facility, percentage completion of the training, is needed for assessing the success of the training program, providing information for reporting to DHS and other government agencies and to Congress, and determining what regulations may be required.

2. 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.

The collected information will be used to monitor the participation of chemical sector facility employees in the training program as indicators of degree of participation, coverage of participation by sub-sector and location, and success/failure rates in completion, to determine whether corrective or additional actions are needed. The information will be used by the Chemical Security Office of the DHS in partnership with the chemical sector.

3. 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.

The collection of information involves use of automated, electronic techniques. The burden is greatly reduced, being limited to entry of a few items on one web page during the on-line registration process at the beginning of the training, requiring an estimated five minutes or less. After registration for the training, information collection is automatic.

4. 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.

There are no known similar programs or information collection involving chemical industry-wide general employee training in security best practices. The development of this training program has been done in coordination with a broad range of chemical industry representatives (the Chemical Sector Coordinating Council involving 18 chemical industry associations) and has received enthusiastic support as a means to fill a need for such training.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize.

The collection of the information is already minimal and automated by electronic collection during the process of registration for the training. An additional capability specifically added for small businesses and small entities is the provision of a low-bandwidth (dial-up connection) version of the training for use when high-speed and higher cost internet connection is not available to the general employee.

6. Describe the consequence to Federal/DHS program or policy activities if the collection of information is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information is not collected automatically during registration and the training process, much more costly and cumbersome methods to distribute the training program would be required. These could include production and distribution of software on CDs with printed instructions, with administrative controls on distribution, and filing of periodic reports by large and small businesses. If such information as the location, type of facility and number of employees is not electronically collected at the time of registration for the training, DHS will be unable to judge the success of distribution, awareness and adoption of the training program though out the chemical sector. A consequence of failure of broad adoption of the training would be

a general reduction in the security of chemical facilities and therefore failure to achieve objectives of the National Infrastructure Protection Plan, the Chemical Sector Specific Plan, and the President's Directive on Homeland Security.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

The training is voluntary. Individuals are likely to complete the training once a year.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

The training program does not require individuals to prepare a written response.

(c) Requiring respondents to submit more than an original and two copies of any document.

Individuals are not required to submit any documentation.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.

There is no time requirement for respondents to retain records produced from the training site.

(e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

Statistical surveys are not used in any part of this training site.

(f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

The training site does not utilize any statistical data classification.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

The training site does not retain any personal data.

(h) Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

The site does not request or provide a means to collect any potential trade secrets or other confidential information of the users.

8. Federal Register Notice:

a. Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice 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.

The Chemical Security Awareness Training Program is a voluntary program. A 60 day Federal Register Notice was published on February 23, 2007, Vol. 72 No. 36, pages 8191-8192. No comments were received

b. 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.

The development of the Chemical Security Awareness Training Program, the objectives and data collection of the program have been shared with members of the DHS Chemical Sector Coordinating Council (CSCC) on several occasions. Prototypes and drafts of the web-based training have been shared with representatives of the CSCC during development and their comments and recommendations solicited and incorporated during development. The CSCC members have been supportive and favorable to the program. Members of the CSCC are representatives from the following 18 associations:

- Adhesive and Sealant Council (ASC)—ASC is the only North American trade association dedicated to representing the adhesive and sealant industry. Incorporated in 1958, ASC strives to improve the industry-operating environment and strengthen its member companies. ASC members account for more than 75 percent of the aggregate industry revenues, exceeding some \$6 billion annually.
- Agricultural Retailers Association (ARA)—ARA is a nonprofit trade association representing the interests of agricultural retailers across the United States on legislative and regulatory issues on Capitol Hill. The agricultural retailer supplies valuable goods and services to our Nation's farmers, including: seed, crop protection pesticides, fertilizer, crop scouting, soil testing, custom application of pesticides and fertilizers, and development of comprehensive nutrient management plans. ARA members range in size from family-held businesses to large companies with many outlet stores. Retail facilities are scattered throughout all 50 States and provide important jobs in rural and suburban communities.
- American Chemistry Council (ACC)—ACC is a trade association representing many of the leading companies engaged in the business of chemistry. Its 130 member companies employ approximately 523,000 employees, have sales of \$332 billion and operate 2,000 facilities. The Chlorine Chemistry Council (CCC) is a division of ACC that represents the manufacturers and users of chlorine and chlorine related products. CCC membership includes all leading U.S. chlorine producers.

ACC also sponsors the Chemical Information Technology Council (ChemITC)TM, a self-funded CHEMSTAR Panel under the ACC. ChemITC (www.chemitc.com) manages the Chemical Sector Cyber Security Program.

- American Forest and Paper Association (AF&PA)—AF&PA is the national trade association of the forest, pulp, paper, paperboard and wood products industry. Founded in 1993 as a result of a merger between the National Forest Products Association and the American Paper Institute, AF&PA members include manufacturers of over 80 percent of the paper, wood, and forest products produced in the United States.

- Chemical Producers and Distributors Association (CPDA)—CPDA Producers and Distributors Association is a voluntary, nonprofit membership organization in the United States consisting of 86 member companies engaged in the manufacture, formulation, distribution and sale of approximately \$5 billion worth of crop protection chemicals, fertilizers, adjuvant and inert ingredients used in food, feed, and fiber crops, the care and maintenance of lawns, gardens and turf, and in various forestry and vegetation management markets.
- The Chlorine Institute—The Chlorine Institute is a trade association of approximately 220 companies and other entities that are committed to the safe and secure production, distribution, and use of chlorine, sodium and potassium hydroxides, and sodium hypochlorite, and the distribution and use of hydrogen chloride. Chlorine Institute members account for approximately 98 percent of U.S. production of chlorine and the vast majority of repackagers of chlorine into containers for water treatment and other small-quantity uses.
- Compressed Gas Association (CGA)—Formed in 1913, CGA has been dedicated to the development and promotion of safety standards and safe practices in the industrial gas industry. The CGA has more than 200 member companies worldwide who represent all facets of the industry including manufacturers, distributors, suppliers, and transporters of gases, cryogenic liquids, and related products.
- CropLife America (CLA)—CLA represents the developers, manufacturers, formulators, and distributors of plant science solutions for agriculture and pest management in the United States. CropLife America member companies produce, sell, and distribute virtually all the crop protection and biotechnology products used by American farmers.
- The Fertilizer Institute (TFI)—TFI is the national trade association for fertilizer producers, retailers and distributors, transporters, and terminal operators. Approximately 90 Chemical Sector companies are members of TFI.
- Independent Liquid Terminals Association (ILTA)—ILTA is a trade association representing companies and partnerships operating bulk liquid storage terminals in 41 States and 42 countries around the world. Its member companies serve the vital economic purpose of transferring liquid products from one transportation mode to another.
- Institute of Makers of Explosives (IME)—Founded in 1913, IME is the safety and security association of the commercial explosives industry in the United States and Canada. Membership in IME is available to corporations, partnerships, or firms engaged in the manufacture and distribution of explosive materials for commercial use (exclusive of fireworks or pyrotechnics) or industrial grade ammonium nitrate, and firms engaged in the business of supplying or supporting the commercial explosives industry.
- International Institute of Ammonia Refrigeration (IIAR)—With more than 1,400 members, IIAR is an international association serving those who use ammonia refrigeration technology. IIAR is known as the authoritative source of information on ammonia refrigeration worldwide. For more than three decades, IIAR members have been sharing their knowledge and experience of ammonia refrigeration with contractors, equipment manufacturers, and end users.
- National Association of Chemical Distributors (NACD)—NACD is an international association of chemical distributor companies that purchase and take title of chemical products from manufacturers. NACD member companies process, formulate, blend, repackage, warehouse, transport, and market these chemical products exclusively for an industrial customer base of approximately 750,000. NACD members own or lease approximately 1,400 facilities and employ approximately 20,000 people nationwide.

- The National Paint and Coatings Association (NPCA)—NPCA is a nonprofit trade association representing the coatings industry in the United States. NPCA represents approximately 350 manufacturers of paints, coatings, adhesives, sealants, and caulks, as well as raw materials suppliers to the industry, and product distributors.
- The National Petrochemical and Refiners Association (NPRA)—NPRA is a trade association comprised of more than 450 member companies, including virtually all U.S. refiners and petrochemical manufacturers, as well as suppliers. NPRA members supply consumers with a wide variety of products used daily in their homes and business, including gasoline, diesel fuel, home heating oil, jet fuel, lubricants, and the chemicals that serve as building blocks for everything from plastics and clothing to medicine and computers.
- The Society of the Plastics Industry, Inc. (SPI)—Founded in 1937, SPI is the trade association representing the plastics industry, one of the largest manufacturing industries in the United States. SPI's members represent the entire plastics industry supply chain, including processors, machinery and equipment manufacturers and raw materials suppliers. The U.S. plastics industry employs 1.4 million workers and provides more than \$310 billion in annual shipments.
- Synthetic Organic Chemical Manufacturers Association (SOCMA)—SOCMA represents the interests of more than 300 member companies, encompassing every segment of the chemical industry from small specialty producers to large multinational corporations. SOCMA members are representative of the more than 2,000 batch processing facilities that produce the most diverse array of chemicals manufactured in the United States, at an estimated annual value of \$60 billion. More than 89 percent of SOCMA's members are small businesses.
- American Petroleum Institute (API) -- API is the only national trade association that represents all aspects of America's oil and natural gas industry. Four hundred corporate members, from the largest major oil company to the smallest of independents, come from all segments of the industry. They are producers, refiners, suppliers, pipeline operators and marine transporters, as well as service and supply companies that support all segments of the industry.

c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A pilot of the training program was conducted to obtain feedback from those representing the target trainee audience who will be using the program. Representatives of the businesses who employ the trainees have been consulted through the CSCC as explained in 8.b above.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no provision for payment or gifts to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The training program web site will contain privacy notices. A Privacy Threshold Analysis was performed. The trainees' names or other personal identifying information will not be collected. Trainees are identified by self-chosen ID words and passwords in addition to location, company type, number of employees at their location, and a key password issued by DHS to chemical sector organizations for initial sign-up on the registration page. Trainees may choose to provide their supervisor with a copy by email of the Completion Certificate containing their name that they have entered on a one-time basis only solely for the immediate generation of the Completion Certificate.

11. 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.

No questions of sensitive nature are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desired. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

The direct employment of the U.S. Chemical industry is about 882,000 (latest figures, 2004, per publication by the American Chemistry Council). The training program is targeted for the general employee population of the chemical industry manufacturing, distribution and warehousing facilities; for purposes of this analysis, it is estimated that about half of the industry employees are in these facilities and may participate, i.e., about 400,000.

The frequency of response is the duration of completion of the registration page information, which requires a maximum of five minutes. Information is automatically collected during the registration and training sessions. Trainees may suspend training before completion, and may later return and log-on to the program to continue training, in as many sessions as suits their individual situation. Therefore, collection of data could take place over several sessions, or could be completed in only one session. Most trainees are expected to complete training in one session. Based on the pilot evaluation, completion of training is estimated to take 30 to 60 minutes. Some trainees may take longer.

The training is voluntary. In general, there is not a Federal requirement that trainees complete the training annually, although they may do so, or may complete a refresher version, or may at some time in the future be required to take the training. An exception is the Maritime Transportation Security Act of 2002 (MTSA) which has training requirements for employees of facilities covered by the MTSA, an estimated 200 chemical facilities out of about 15,000 total. The State of New Jersey has imposed by law an annual training requirement for employees of certain chemical facilities.

b. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

This collection only pertains to the online training site.

c. 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 in Item 14.

Using an estimated average general employee cost of \$40.00 per hour, the estimated annualized cost to employers of trainees (assuming that the trainee is paid for their time) is 40 times 0.08 hour times 400,000 or \$1.28 million annually.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

The cost estimate should be split into two components: (1) 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 take into account 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 time 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 collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection as appropriate.

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 to keep records for the government, or (4) as part of customary and usual business or private practices.

Estimated total annual cost burden under this paragraph, 13, is zero.

It is expected that even the smallest chemical facility will have a personal computer and some access to the internet, either by dial-up or high speed, and that this equipment is covered by the exclusions 1 – 4 in paragraph 13. If purchase of internet access service is required for this training, it is expected to be a rare case and insignificant in terms of the overall program.

14. Provide estimates of annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such a equipment, overhead, printing and support staff), and any other expense that would have been

incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Estimated annualized cost to Federal Government is \$36,000 total, in two parts:

Estimated maximum annual web hosting cost = \$12,000
(based on quote from web hosting vendor on GSA schedule , for estimated bandwidth requirements for 400,000 trainees annually)

Estimated outside contractor services in administering web site operation and database reporting = 20 hours/month x \$100/hr = \$24,000
(based on verbal estimate from training program developer).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I. Changes in hour burden, i.e., program changes or adjustments made to annual reporting and recordkeeping **hour** and **cost** burden. A program change is the result of deliberate Federal government action. All new collections and any subsequent revisions of existing collections (e.g., the addition or deletion of questions) are recorded as program changes. An adjustment is a change that is not the result of a deliberate Federal government action. These changes that result from new estimates or actions not controllable by the Federal government are recorded as adjustments.

This is a new program collection under the DHS National Infrastructure Protection Plan published June 30, 2006, as explained in paragraph 1 above, and according to authorities listed in the 83-I PRA Submission Worksheet.

16. 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.

Not applicable. Publication of results (as a separate report) is not planned. Results of information collection are to be used for on-going management and evaluation of the program by the DHS Chemical Security Office, for inclusion in interim and annual reports to the Secretary of Homeland Security and to Congress as required and appropriate, for sharing with the chemical sector through the Chemical Sector Coordinating Council and such other chemical sector venues, such as industry security conferences, as may be appropriate. The time schedule for the entire project is anticipated to be three years and may be extended into future years as determined to be appropriate from the information collected.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

Not applicable. Not seeking approval to not display expiration date.

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Exceptions are not being requested.