

**Supporting Statement for a Request for OMB Review under
The Paperwork Reduction Act**

1 IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Title: Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule

EPA ICR No.: 1365.08 OMB Control No.: 2070-0091

1(b) Short Characterization

This ICR addresses reporting and recordkeeping requirements found in the Asbestos-Containing Materials in Schools Rule (“AHERA Rule”) and the Asbestos Model Accreditation Plan (MAP) Rule.

AHERA Rule: Under Section 203 of the Asbestos Hazard Emergency Response Act (AHERA, 15 U.S.C. 2641-2656) (see Attachment A), EPA was required to finalize the Asbestos-Containing Materials in Schools Rule. This rule required Local Education Agencies (LEAs) to conduct inspections, develop management plans, and design or conduct response actions. Records must be maintained by all LEAs on inspections and response action activity, and current management plans must be provided upon request to EPA and State reviewers for examination.

MAP: Additionally, Section 206 of AHERA (see Attachment B) required that EPA issue a Model Accreditation Plan (MAP) for persons who inspect for asbestos, develop management plans, and design or conduct response actions. States are required to adopt an accreditation plan at least as stringent as the EPA model. In 1990, EPA was required to make certain changes in its original MAP. Accreditation of laboratories that analyze asbestos bulk samples and asbestos air samples is also required by AHERA. The National Institute of Standards and Technology (NIST) was required to establish the bulk sampling accreditation program and the air sampling program.

This information collection activity will assure that LEAs continue to inspect for asbestos and update management plans with accredited personnel to protect all school building occupants from exposure to asbestos. This collection will also assure that persons who inspect for asbestos, develop management plans, and design or conduct response actions are properly accredited, and that states will adopt appropriate accreditation programs.

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

AHERA Rule and MAP: The reporting and recordkeeping requirements covered by this ICR are required by the Asbestos-Containing Materials in Schools Rule (40 CFR 763, Subpart E)

and the Model Accreditation Plan (40 CFR 763, Subpart E, Appendix C); see Attachments C and D, respectively.

2(b) Use/Users of the Data

AHERA Rule: The activities pertaining to the use of this information collection activity help assure that LEAs continue to inspect for asbestos and update their management plans using accredited personnel. This is intended to ensure the protection of all school building occupants from exposure to asbestos fibers. All public and private elementary and secondary schools (unless exempt under provision of the rule) were required to conduct inspections for asbestos-containing building materials (ACBM) and develop management plans that describe necessary actions to be undertaken. Reinspections by accredited persons must take place every three years unless all ACBM has been removed. Records retention as part of an updated asbestos management plan is necessary in order to document specific response action activities and periodic surveillance/3-year reinspection reports, and for an LEA to demonstrate compliance with the regulations. Beneficiaries of the collection activities include the LEA's asbestos program manager and staff, accredited professionals who may be called upon to perform response actions at a school, and Federal and State enforcement agencies.

MAP: This collection will enable EPA, as well as State regulators, to determine initial compliance and to monitor continued compliance with the revised MAP standards. Lacking both the application submissions and other recordkeeping requirements, regulators would have no meaningful way of measuring the implementation of the MAP's statutory mandates. Other beneficiaries of the collection activities include 1) individuals who may desire to obtain asbestos training meeting at least prescribed minimum quality standards for accreditation and subsequent employment purposes; 2) LEAs and other building owners and managers seeking to procure the services of qualified and accredited asbestos consultants and contractors; and 3) enforcement agencies at the Federal and State level.

3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

AHERA Rule: EPA has tried to identify alternate sources of the information requested to implement and enforce this recordkeeping, and was not successful. This activity does not duplicate information already required to be reported by another agency or EPA program office.

MAP: All of the training and accreditation information collected pursuant to this ICR is specific to the MAP and does not duplicate any other collection. There is no other model accreditation plan for States other than the MAP, and there is no procedure for the accreditation of asbestos training programs under the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) other than what is specifically provided for in the MAP.

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

In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on July 9, 2007 (72 FR 26355, May 9, 2007). EPA received no comments during the comment period.

3(c) Consultations

AHERA Rule: The 1987 Asbestos-Containing Materials in Schools Rule was developed through the regulatory negotiation process. Participants included representatives of national educational organizations, labor unions, asbestos product manufacturers, the environmental community, asbestos abatement contractor groups, professional associations of architects, consulting engineers, industrial hygienists, and the EPA.

In December 2003 and January 2004, EPA consulted with the Agency regional asbestos coordinators and State regulatory agencies to determine if the creation of charter schools in recent years has led to additional respondents or respondent burden due to AHERA requirements. At this time insufficient information is available to demonstrate that any additional reporting burden currently exists beyond that already identified for public schools (which include charter schools) in Section 6 of this ICR.

MAP: Consultations occurred with various respondents since development work on the MAP Rule revision began several years ago. Exploratory meetings were held with labor unions (May 1991) and States (June 1991) to learn of their interests and concerns. EPA published its proposed changes to the MAP in the Federal Register on May 13, 1992, and formally invited public comment. A public hearing was held June 8, 1992. An additional hearing, with the cooperation of the National Conference on State Legislatures (NCSL), occurred on June 9, 1992. Collection activities were discussed with State participants at that time. They continued to express support for EPA's MAP proposals.

EPA consulted extensively with labor unions, the States, and other interested parties during the development of the 1994 Interim Final MAP.

For the purposes of the current ICR renewal request, in January 2007, EPA conducted consultations on the ICR supporting statement with seven representatives of the regulated community affected by the ICR. These individuals included an asbestos MAP training provider listed under the National Directory of AHERA Accredited Courses (NDAAC), three AHERA designated persons for LEAs, a laboratory that performs asbestos testing, an LEA trade association, and a relevant asbestos worker trade association.

NDAAC training providers are accredited by EPA or by a state that has developed an accreditation program. AHERA designated persons are responsible for implementing the requirements under the Asbestos-Containing Materials in Schools Rule (40 CFR 763 Subpart E) pursuant to AHERA for their respective local education agency (LEA). Laboratories that perform asbestos bulk or air tests also must comply with the requirements under the Asbestos-Containing Materials in Schools Rule (40 CFR 763 Subpart E) and be properly accredited by the National Institute of Standards and Technology.

EPA sent each of the consultants a summary of the relevant regulations and an electronic copy of the draft ICR supporting statement. EPA then asked that the consultants provide the Agency answers to the following five questions:

1. Are the data collection and recordkeeping requirements for the Asbestos-Containing Materials in Schools Rule and the Asbestos MAP clear and concise?
2. Are you aware of other sources the Agency could use for the requested data?
3. Would you make electronic submissions, if applicable?
4. Are the estimated burdens and costs associated with the Asbestos-Containing Materials in Schools Rule and Model Accreditation Plan accurate to the best of your knowledge?
5. If we spoke to you before about this ICR, are your positions accurately reflected?

By the end of January 2007, EPA had received comments from two of the consultants. A summary of their comments are included below. Copies of the responses that EPA received are included below as Attachment F.

William Dallas
LEA Designated Person
Prince Georges County Public Schools
13300 Old Marlboro Pike
Upper Marlboro, MD 20772
Phone: 301-952-6500
Fax: 301-952-6520
E-mail: William.Dallas@pgcps.org

Mr. Dallas is the AHERA designated person for Prince Georges County Public Schools in Maryland. He stated that the data collection and recordkeeping requirements related to the Asbestos-Containing Materials in Schools Rule and Revised Asbestos Model Accreditation Plan Rule ICR are clear and concise. To his knowledge, he was not aware of other sources from which EPA could get the requested information. When asked whether or not he would make electronic submissions, if applicable, he said yes. He stated that the burden estimates for the ICR seemed accurate to the best of his knowledge. Mr. Dallas was not consulted previously on the ICR. Changes to the ICR supporting statement were not required based on Mr. Dallas' comments.

Ron Schwebel
Suburban Energy & Environmental Consultants
#28 Bailiwick
Doyelstown, PA 18901
215-262-8230
E-mail: seec@verizon.net

Mr. Schwebel is an environmental professional for a consulting firm. He also serves as an LEA AHERA designated person for several LEAs. When asked whether the data collection and recordkeeping requirements for the Asbestos-Containing Materials in Schools Rule and the Asbestos MAP were clear and concise, he said yes. He stated that in Pennsylvania, "school intermediate units" represent schools on a single county or multiple county basis and could function to collect data related to AHERA. He further commented that these entities provide

training for school personnel, but not on matters related to AHERA. EPA notes, however, that these entities do not currently collect such data related to the Asbestos-Containing Material in Schools Rule (40 CFR Part 763, Subpart E) pursuant to AHERA, as it is the individual responsibility of each LEA. When asked whether or not he would make electronic submissions, if applicable, he stated yes. He also said that the burden estimates for the ICR were accurate and that he has first-hand knowledge of the burdens and costs related to AHERA. Mr. Schwebel was not consulted previously on the ICR. Changes to the ICR supporting statement were not required based on Mr. Schwebel's comments.

3(d) Effects of Less Frequent Collection

AHERA Rule: If information were collected less frequently, it would be difficult to determine whether an LEA properly inspected for asbestos-containing materials and developed an appropriate management plan, and kept these documents up-to-date including ongoing activities.

MAP: The revised MAP has no routine or repetitive reporting requirements. Training course self-certifications, training course approval applications and State Program approval applications are one-time submissions. Once approved, they do not expire. A less frequent collection schedule is not feasible. Recordkeeping requirements are tied directly to training courses and the issuance of accreditation certificates to students successfully completing those courses and passing the requisite exams. If training providers are inactive and not offering courses, no new record generation is required of them.

3(e) General Guidelines

Except as described in this section, the collection activities in this ICR adhere to the guidelines stated in the Paperwork Reduction Act, OMB's implementing regulations, and applicable OMB and EPA guidance.

AHERA Rule: The rule requires that the asbestos management plans be maintained as a living document, necessary for as long as asbestos-containing building materials are present in the school building. When all asbestos materials have been removed from a homogeneous area, records pertaining to that homogeneous area must be retained for three years after the next reinspection date. As a result, such records may need to be maintained beyond the three year record retention period recommended in 5 CFR 1320.5(d)(2)(iv). EPA believes, however, that these retention requirements are necessary to satisfy the statutory mandates in AHERA, which specifically mandates the development and maintenance of asbestos management plans. In addition to ensuring that a management plan is available for public inspection as required by AHERA, maintaining a current management plan is necessary and critical for ensuring the proper protection of human health, safety, and the environment as required by AHERA. Providing up-to-date information about the location and status of asbestos-containing building materials that remain present in the school building is also essential for ensuring that the material does not subsequently become unintentionally disturbed or damaged such that it may pose an unreasonable risk to school employees, children and other building occupants or users. In accordance with 5 CFR 1320.5(d)(2), the retention period beyond the recommended three year period is necessary and appropriate.

In approving the ICR in 1998, OMB stated the following: “This ICR is approved for 3 years. As requested in previous terms of clearance- EPA will report on amendments to the School Rule as they relate to record retention periods and reinspection periods.” The previous terms of clearance referenced were from 1995 that stated, “This ICR is approved for three years- as requested. EPA has done a good job updating labor rates for school employees. EPA shall report on the progress of the Region VII lead amendments to the Schools Rule as it relates to record retention periods -beyond 3 years- and reinspection periods -3 years-. EPA should continue to separate its MAP burden estimates for the schools estimates.”

As reflected in the 1995 statement, EPA had initiated an Agency workgroup in 1994 to evaluate the AHERA Rule for potential amendments related to enforcement, and this effort was subsequently expanded to include the consideration of potential amendments to the record retention and reinspection periods as OMB requested. This workgroup effort did not result in any proposed revisions to the AHERA Rule and has since been abandoned.

The Agency has concluded that the reinspection interval is necessary to satisfy the statutory mandates in AHERA, which specifically mandates the periodic surveillance and reinspection of asbestos-containing materials, and that the current interval is appropriate and necessary for ensuring that the asbestos-containing material does not subsequently become disturbed or damaged such that it is likely to become a potential hazard to school employees, children and other building occupants or users. The existing reinspection period is consistent with the provisions in 5 CFR 1320.5(d)(2).

MAP: There are no exceptions to note.

3(f) Confidentiality

This information collection does not include questions of a confidential nature.

3(g) Sensitive Questions

This information collection does not include questions of a sensitive nature.

4 THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

AHERA Rule and MAP: There are three types of respondents for this information collection request. LEAs and States are involved in recordkeeping and reporting activities associated with the Schools Rule, while training providers and States are involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each respondent type and are discussed in turn. The respondents to this information collection activity are elementary and secondary school districts (NAICS code 61111), and all states (NAICS code 92311). Additionally, under ASHARA, the Model Accreditation Plan (MAP) affects training providers (NAICS code 61143), and State Asbestos Accreditation Programs (NAICS code 92312). These respondents are included because they are the providers and guarantors of accreditation, respectively.

4(b) Information Requested

(i) Data Items

AHERA Rule: There are no specific data collection instruments used to collect information for this activity. The AHERA Rule required management plans to be submitted to the States for review before October 12, 1988. LEAs must also submit management plans to the States for review for school buildings that have since come into operation after October 12, 1988. The rule continues to require recordkeeping.

MAP: Training providers seeking re-approval for their existing training courses based upon the revised MAP standards, or initial approval for new training programs based upon the increased MAP standards, were required in 1994 to report the following data items:

- a self-certification letter for upgraded approval pursuant to Part IV.2 of the MAP; or
- an application for a new training course approval pursuant to Part III.a of the MAP.

When a training provider offers approved training programs for accreditation purposes, certain records must be maintained for a three-year period in accordance with the MAP Part I.6., e.g.,

- copies of all instructional materials used;
- copies of all instructor resumes and approvals;
- copies of examinations and test scores; and
- records relating to accreditation certificates.

A State seeking re-approval of its existing accreditation program based upon the new MAP standards, or initial approval of its State accreditation program based on the new MAP standards, must report the following data item:

- an application for EPA approval pursuant to Part II of the MAP.

There are no recordkeeping requirements in the MAP that relate to State programs.

(ii) Respondent Activities

MAP: Training and Accreditation

Under AHERA, LEAs shall use trained, accredited persons to perform asbestos-related tasks as defined by the revised MAP. Specifically, the MAP shall be used as a tool to accredit persons who:

- conduct inspections or reinspections for asbestos-containing material (ACM);
- prepare and/or update management plans for elementary and secondary schools; and
- design or carry out response actions with respect to ACM in those schools.

ASHARA extended that requirement to similar activities in public and commercial buildings as well (including residential buildings with 10 or more dwelling units), with the exception of the preparation of asbestos management plans.

Respondents who are training entities will need to perform certain collection activities:

- read the regulation;
- make any required changes to training programs;
- retain records/materials costs (usual business practice);
- provide reasonable access to records to EPA and/or the State, as requested.

Waiver for State Programs

The AHERA Rule provides a procedure to allow States to receive a waiver from some or all of the requirements of the rule if the State has established and is implementing, or intends to implement, a program of asbestos inspection and management at least as stringent as the requirements of the rule. The rule requires specific information to be included in the waiver request submitted to EPA. To date, 11 States have been granted this waiver under the AHERA Rule.

Respondents who are State accreditation programs will need to perform the following collection activities:

- read the regulation;
- compare State program authority and the minimum requirements of the regulation;
- develop State legislative analysis and adopt new legislation;
- develop State regulatory analysis and promulgate a new State regulation;
- prepare and submit to EPA an application for program approval; and
- implement a State accreditation program that is not less stringent than the regulation.

As of February 2007, 38 States are operating state accreditation programs under the MAP.

AHERA Rule:

Local Education Agencies: Local education agency (i.e., school or school district) reporting and recordkeeping under the Schools Rule may be divided into two main categories: those associated with the management plan, and those associated with operations and maintenance (O&M) activities. Most of the LEA recordkeeping burden involves the development and implementation of the management plan.

The management plan burden varies by school type as well as by the type of ACM found in a school. The management plan recordkeeping and reporting burden items include:

- Development and submission of the management plan; and
- Implementation of the management plan including:
 - Time spent by the program manager to do additional activity planning, create and gather new information, prepare written activity reports, and record and review that information;
 - Time spent by custodians and clerical personnel to gather, record, process and store asbestos-related information; and

-- Annual notification of parents and other interested parties of the presence of ACM in a school, as well as the availability of the management plan for public review.

The AHERA Rule required management plans to be submitted to the States for review before October 12, 1988. LEAs must also submit management plans to the States for review for school buildings that have since come into operation after October 12, 1988. The recordkeeping activities associated with the management plan implementation are on-going and are therefore included in burden estimates.

Recordkeeping Requirements: The recordkeeping burden associated with the development of an O&M activity plan was largely completed in the first year of AHERA Rule implementation. On an ongoing basis, however (AHERA regulations also require LEAs to keep known or assumed ACBM under periodic surveillance), the O&M plan may require updating.

The original inspection report and any reinspection reports must be maintained in the management plan. Management planner recommendations and response actions with their air sampling clearance records are also to be kept. Records required by the rule also include those pertaining to fiber release episodes, periodic surveillance, training received by workers performing operation and maintenance activities, and cleaning activities that are part of an operations and maintenance program. The rule also requires LEAs to collect and retain various records that are not part of the information included in the management plan.

The rule requires LEAs to have accredited inspectors conduct reinspections at least once every three years after the management plan is in effect. Results of this reinspection shall be recorded in the school's management plan, along with any necessary changes in response actions recommended or required.

The rule directs the LEA to select and implement in a timely manner appropriate response actions for ACBM that are assessed by the accredited inspector and management planner. The rule identifies five major response actions -- operations and maintenance (O&M), repair, encapsulation, enclosure, and removal -- and describes appropriate conditions under which they may be selected by the LEA. The rule also identifies the steps that shall be taken to properly conduct and complete the response actions.

After performing a thorough visual inspection of the area in which the response action was conducted, air testing is performed to determine whether a response action has been properly completed. The rule as it is in effect at this time (2007) requires the use of transmission electron microscopy (TEM) for all removal, enclosure, encapsulation, or repair response actions involving more than 260 linear feet or more than 160 square feet of ACBM. The use of phase contrast microscopy (PCM) is allowed by the rule for final air sampling where the amounts of ACBM are less than the limits above and greater than for small projects of short duration.

Response actions that fail to meet prescribed air sampling standards by the stipulated sampling methods shall have the areas re-cleaned and re-sampled before being released for reoccupation. Records of response actions and subsequent air sampling clearance records must be maintained by the LEA.

The rule requires each LEA to maintain a copy of the management plan(s) in its administrative office, and each school is required to maintain a copy of its specific management plan in its administrative office. These plans are to be made available for inspection by the public without cost or restriction. LEAs must notify parent, teacher, and employee organizations of the availability of the management plans upon submission of the management plan to the State and at least once each school year.

States: States are involved in both the Schools Rule and the MAP Rule. In the first year of the Schools Rule, State governments were required to establish teams to review and approve management plans submitted by schools. This activity, however, is assumed to have been completed, and is therefore no longer included in burden estimates.

5 THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY AND INFORMATION MANAGEMENT

5(a) Agency Activities

AHERA Rule and MAP activities include the following:

- Distribute guidance to LEAs, State designees, and others on interpretation of AHERA;
- Audit training provider courses and records for compliance monitoring purposes;
- Review State program applications packages for approval/reapproval as they are received;
- Maintain and revise master database of approved training providers as required to be used as a resource for the public;
- Revise model criteria as appropriate and develop new curricula for new training disciplines as required;
- Provide technical assistance to LEAs and public on implementation and compliance with AHERA.

5(b) Collection Methodology and Management

AHERA Rule: No specific collection methodologies or management techniques are required.

MAP: The rule provides explicit instruction to training providers with preexisting approvals who wish to upgrade and continue offering asbestos training courses under the revised MAP standards. Providers were to submit a one-time self-certification in the form of a detailed letter to EPA describing changes made to their courses for the purpose of bringing them into compliance with the new MAP. This was required to be done within six months of the revised MAP taking effect. Only one letter was required from each training entity. EPA then compiled a listing of all self-certifications received by the deadline and entered them into the existing data base of approved training providers. After distribution to EPA Regions and State Program offices, compliance and program audits may be carried out. New training providers are to follow the same procedure.

The MAP Rule also prescribes the method by which States are to make application to EPA for accreditation program approval under the revised MAP. States wishing to obtain EPA program approval must make a one-time application to the appropriate EPA Regional Office, demonstrating how the State’s program is no less stringent than the MAP.

5(c) Small Entity Flexibility

The impact of the AHERA Rule and the MAP will primarily affect small asbestos abatement contracting firms or accredited consultants, and training providers that qualify for “small business” status. Small business training providers have a one-time only application process for training course approvals by MAP approved states that allows for flexibility in the way information is prepared and presented. A small business abatement contractor is required to keep and maintain records on the accreditation status of supervisors and abatement workers. Accreditation records are also kept and maintained by consultants, such as inspectors, management planners, and project designers. An advantage accruing from having those records is that of obtaining and retaining eligibility to qualify for work in asbestos control and abatement in schools and public and commercial buildings. With regard to worker protection, AHERA and the MAP impose no additional requirements beyond those that already exist in the OSHA asbestos standard or the EPA Worker Protection Rule.

5(d) Collection Schedule

Not applicable for AHERA Rule.

MAP: EPA’s receipt of a complete self-certification submission from a provider constituted immediate re-approval of the training courses. Where State Legislatures convened in January 1994, a 180-day deadline was triggered for applying to EPA for new program approval, if needed. States not applying for new program approval by the end of the 180-day deadline forfeited their previous Program approval, and they must then reapply in order to re-establish their State Accreditation Programs.

EPA-approved State Programs may continue to receive new training course applications indefinitely into the future. EPA may continue to receive State Program applications from unapproved States until all States, territories, and similar entities have ultimately obtained approval.

6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

The original ICR for the Asbestos-Containing Materials in Schools Rule (“Schools Rule”) based its burden estimates on a 30-year projection to reflect the estimated remaining life span of school buildings with Asbestos-Containing Materials (ACM). The previous ICR renewal, approved in 2004, updated values from the original ICR. This ICR renewal further updates values where noted in the sections below. Burden estimates based on the Asbestos Model Accreditation Plan (MAP) Rule were also included in the last ICR. Those values are also updated.

There are three types of respondents for this ICR: LEAs involved in recordkeeping and reporting activities associated with the Schools Rule, and training providers and States involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each type of respondent and are discussed in turn in the following section.

6(a) Estimating Respondent Burden

Local Education Agencies

Local education agency (*i.e.*, school or school district) reporting and recordkeeping activities under the Schools Rule may be divided into two main categories: those associated with the management plan and those associated with operations and maintenance (O&M) activities. Schools with friable ACM incur burden for the management plan and O&M activities, while schools with nonfriable ACM (including newly constructed schools that are certified through an exclusionary statement not to have specified asbestos-containing building materials in construction) incur burden only for the management plan.

The management plan burden varies by school type as well as by the type of ACM found in a school. Appendix G of the *Final Schools Rule Asbestos Hazard Emergency Response Act Regulatory Impact Analysis* (EPA, 1987a) contains time and cost estimates for management and O&M plan development and implementation for schools with friable ACM or nonfriable ACM. Those activities incurring burden that were not completed during the initial 10 years of implementation are shown in Worksheet 1.

Worksheet 1 indicates that the annual estimated recordkeeping burden for schools with friable ACM is approximately 35 hours for public primary schools and private schools, and 58 hours for public secondary schools. For schools with nonfriable ACM only (including newly constructed schools covered by exclusionary statements), the annual estimated recordkeeping burden is 15 hours for public primary schools and private schools, and 28 hours for public secondary schools. This approach may overstate the respondent burden for newly constructed schools covered by exclusionary statements because these schools will not incur a burden related to records of inspection, reinspection, response actions and periodic surveillance. However, newly constructed schools covered by exclusionary statements still would need to keep certain information and records up-to-date. This includes name and training records for the AHERA Designated Person and dated copies of each year's annual notification of the management plans availability to parents, teachers and employees, along with a description of the steps taken to provide the notification.

Worksheet 1: Annual Respondent Burden per Local Education Agency (Hours)		
Burden Hour Elements	School Type	
	Public Primary or Private	Public Secondary
Schools With Friable Asbestos-Containing Materials		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	10	15
Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	16	30
<i>Total Management Plan</i>	30	53
<i>Implement Operations and Maintenance (O&M) Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	2	2
Custodial - Gather, record, process and store information	1	1
Clerical - Gather, record, process and store information	2	2
<i>Total O&M Plan</i>	5	5
Total recordkeeping burden per school with Friable ACM	35	58
Schools With Nonfriable Asbestos-Containing Materials Only		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	5	8
Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	6	12
Total recordkeeping burden per school with Nonfriable ACM	15	28
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Nonfriable ACM does not require an O&M Plan.		

States

States are involved in both the Schools Rule and the MAP Rule. State activities related to the Schools Rule were completed during the first 10 years of program implementation. The MAP Rule went into effect in 1994, at which time States were to apply to EPA for new program approval. For the purposes of this analysis, all States are assumed to have completed accreditation program approval during previous ICR periods. Therefore, no burden for initial State activities is included in this ICR.

For all States with EPA-approved accreditation programs, an on-going burden associated with the MAP Rule is the implementation of State accreditation programs. Annual burden estimates from the MAP Rule are given in Worksheet 2. These estimates assume that all States have approved accreditation programs. In cases where a State does not have an approved program, the burden would be shifted to EPA. This assumption provides the most conservative estimates of State burdens.

Worksheet 2: Annual Respondent Burden per State or Territory (Hours)				
Burden Hour Elements	Labor Category			Total Hours
	Management	Technical	Clerical	
Annual Activities				
1. Implement a State accreditation program that is not less stringent than the regulation	8	23	109	140
Total annual activities	8	23	109	140
Source: EPA. 1993. Supplemental ICR for the Asbestos-Containing Materials in Schools Rule. (EPA ICR #1365).				

Training Providers

Training providers were required to recertify under the revised MAP. Providing access to records is expected to take 5.5 hours per year per training provider, as indicated in Worksheet 3, while the retention of the records is considered a customary and usual business practice. Therefore, no additional burden is associated with this task.

Worksheet 3: Annual Respondent Burden per Training Provider (Hours)			
Burden Hour Elements	Labor Category	Freq/Year	Total Hours
	Clerical		
Annual Activities			
1. Retain records	0	N/A	0
2. Provide reasonable access to records to EPA or State	0.5	11	5.5
Total annual activities	0.5	11	5.5

6(b) Estimating Respondent Costs

The cost estimates addressed in this section are based on the burden estimates discussed above and additional non-wage costs discussed below. Wage rates (including benefits) have been updated from the values in the AHERA RIA (EPA, 1987a), the *Supplemental ICR for the Asbestos-Containing Materials in Schools Rule* (EPA, 1993), and the previous ICR (EPA, 2004) to reflect 2006 levels. Methods for updating hourly wage rates to 2006 levels are discussed for each respondent category.

Local Education Agencies

The implementation cost to LEAs of the Schools Rule includes the wages associated with the burden estimates in Section 6(a). Wage rates were updated to 2006 using mean hourly wage rates from the Bureau of Labor Statistics' National Industry-Specific Occupational Employment and Wage Estimates, the Employment Cost Index for wages and salaries, and the Employer Costs for Employee Compensation, as follows:

- The school asbestos program manager, custodian, and clerical staff hourly wages were \$23.96, \$10.55, and \$14.28 for 2005, the most recent year for which data are available. They are based on the mean hourly wages for Occupational Health and

Safety Specialists and Technicians¹, Building and Grounds Cleaning and Maintenance Occupations, and Office and Administrative Support Occupations, respectively. These wage rates are specific to Elementary and Secondary Schools (NAICS 611100) and are based on data from both public and private schools (BLS, 2005).

- According to the Employment Cost Index, wages and salaries rose by 5.1 percent during the period of May 2005 to September 2006 for these workers, and wages and salaries were inflated by this amount (BLS, 2006).
- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 67.3 percent of total compensation for school employees as of September 2006. Based on this information, a loading factor of 1.486 (1/0.673) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2006a).
- The updated estimated 2006 total hourly compensation for school asbestos program manager, custodian, and clerical staff are \$37.42, \$16.48, and \$22.30, respectively.

These values were used in Worksheet 4 to calculate current recordkeeping and reporting costs to schools with friable and/or nonfriable ACM, as shown below. In addition, schools are required to provide annual notification to parents and other interested parties of the presence of ACM, as well as the availability of the management plan for public review. The AHERA RIA estimated the annual notification cost to be \$56 per school (EPA, 1987a). This figure was updated to \$88 in 2006 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (Dept. of Commerce, 2006).

Worksheet 4 indicates that the annual reporting costs for schools range from \$475 for public primary schools or private schools with only nonfriable ACM, to \$1,586 for public secondary schools with friable ACM.

¹ The wage figure used for Occupational Health and Safety Specialists and Technicians is a weighted average, by employment, of the wages for the separate groups of Specialists and Technicians, and is for Local Government specifically.

Worksheet 4: Annual Cost per Local Education Agency (2006\$)			
Activities	Total Hourly Compensation	School Type	
		Public Primary and Private	Public Secondary
Schools With Friable Asbestos-Containing Materials			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$37.42	\$374	\$561
Custodial - Gather, record, process and store information	\$16.48	\$66	\$132
Clerical - Gather, record, process and store information	\$22.30	\$357	\$669
<i>Total Management Plan</i>		\$797	\$1,362
<i>Implement Operations and Maintenance (O&M) Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$37.42	\$75	\$75
Custodial - Gather, record, process and store information	\$16.48	\$16	\$17
Clerical - Gather, record, process and store information	\$22.30	\$45	\$45
<i>Total O&M Plan</i>		\$136	\$136
Estimated Cost per School		\$1,022	\$1,586
Schools With Nonfriable Asbestos-Containing Materials Only			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$37.42	\$18	\$299
Custodial - Gather, record, process and store information	\$16.48	\$66	\$132
Clerical - Gather, record, process and store information	\$22.30	\$134	\$268
Estimated Cost per School		\$475	\$787
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Nonfriable ACM does not require O&M. Cost per school includes \$88 for notification costs.			

States

As discussed in Section 6(a), States have no additional costs associated with the Schools Rule. Under the MAP Rule, State accreditation programs are required at least to meet the standards of the revised MAP. The burden estimates associated with the MAP Rule are given in Section 6(a). No additional costs for materials were given in the *Supplemental ICR for the Asbestos-Containing Materials in Schools Rule* (ICR #1365) (EPA, 1993). Worksheet 5 shows the estimated annual cost of State compliance with the MAP Rule is \$3,954.

Wage rates were updated to 2006 using mean hourly wage rates from the Bureau of Labor Statistics' National Industry-Specific Occupational Employment and Wage Estimates, the Employment Cost Index for wages and salaries, and the Employer Costs for Employee Compensation, as follows:

- The state managerial, technical, and clerical staff hourly wages for 2005, the most recent year for which data are available, were \$42.52, \$27.63, and \$14.28, based

on the mean hourly wages for Management Occupations, Environmental Scientists and Specialists, Including Health, Office and Administrative Support Occupations, respectively. These wage rates are specific to State Government (NAICS 999200) (BLS, 2005).

- According to the Employment Cost Index, wages and salaries rose by 5.1 percent during the period of May 2005 to September 2006 for these workers, and wages and salaries were inflated by this amount (BLS, 2006).
- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 67.3 percent of total compensation for state employees as of September 2003. Based on this information, a loading factor of 1.486 (1.0/0.673) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2006a).
- The updated estimated 2006 total hourly compensation for state managerial, technical, and clerical staff are \$66.41, \$43.15, and \$22.30, respectively.

Worksheet 5 shows the estimated annual cost of State compliance with the MAP Rule is \$3,954 per state.

Worksheet 5: Annual Cost per State/Territory (2006\$)				
Activities	Labor Categories			Total
	Management	Technical	Clerical	
	\$66.41 per hour	\$43.15 per hour	\$22.30 per hour	
Implement a State accreditation program that is not less stringent than the regulation	\$531	\$992	\$2,431	
Estimated Cost per State/Territory	\$531	\$992	\$2,431	\$3,954

Training Providers

The reporting and recordkeeping burden under the MAP Rule for asbestos training providers is described in Section 6(a). Providing access to records is expected to take 5.5 hours per year per training provider, and to be done by clerical staff. Wage rates were updated to 2006 using mean hourly wage rates from the Bureau of Labor Statistics' National Industry-Specific Occupational Employment and Wage Estimates, the Employment Cost Index for wages and salaries, and the Employer Costs for Employee Compensation, as follows:

- The training provider clerical staff hourly wage for 2005, the most recent year for which data are available, was \$14.28 based on the mean hourly wage for Administrative Support Occupations. This wage rates is specific to Business Schools and Computer and Management Training (NAICS 611400) (BLS, 2005).

According to the Employment Cost Index, wages and salaries rose by 4 percent during the period of May 2005 to September 2006 for these workers, and wages and salaries were inflated by this amount (BLS, 2006).

- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 70.7 percent of total compensation for employees of service producing private industry as of September 2006. Based on this information, a loading factor of 1.414 (1.0/0.707) was applied to the mean hourly wage rate to estimate total hourly compensation for training provider staff (BLS, 2006a).
- The updated estimated 2006 total hourly compensation for training provider clerical staff is \$21.00.

In addition, training providers are expected to incur materials costs associated with the annual recordkeeping requirements of the MAP Rule. Those costs were estimated to be \$436 in the MAP Rule (EPA, 1993). This figure was updated to \$591 in 2006 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (Dept. of Commerce, 2006).

Worksheet 6 shows the estimated annual cost of training provider compliance with the MAP Rule is \$707 per training provider.

Worksheet 6: Annual Cost per Training Provider (2006\$)			
	Labor Category	Freq/Year	Total
	Clerical		
	\$21.00 per hour		
Activities			
1. Retain records	N/A	N/A	\$591
2. Provide reasonable access to records to EPA or State	\$10.50	11	\$116
Estimated Cost per Provider	\$10.50	11	\$707

6(c) Estimating Agency Burden and Cost

Agency burden and cost estimates are presented in Worksheets 7 and 8.

EPA Burden

EPA conducts implementation activities associated with the Schools Rule. In the AHERA RIA (EPA, 1987a), EPA estimated that Federal implementation of the Schools Rule would require the services of eight full-time equivalent (FTEs) employees in the first year, four FTEs in years two to four, and two FTEs in subsequent years. Because the rule is now past the initial four-year period, the remaining EPA burden from implementing the Schools Rule is two FTEs annually. This represents an annual burden of 4,160 hours.

In addition, an estimated 220 hours per year of management and technical labor are required to respond to questions about the MAP Rule. The annual burden from both rules combined is estimated to be 4,380 hours in subsequent years.

The EPA regional burden associated with auditing training provider courses and records is expected to be approximately 144 hours per year per regional office.

Worksheet 7: Annual Agency Burden Estimates for EPA Headquarters and Regional Offices
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Activity	(Hours)		Freq/Year	Total
	Labor Category			
	Management	Technical		
EPA Headquarters				
1. Perform recordkeeping tasks under the Schools Rule	0	4,160	N/A	4,160
2. Answer respondent questions about the MAP Rule	20	200	N/A	220
Total Headquarters	20	4,360		4,380
EPA Regional Offices				
1. Audit training provider courses and records for compliance monitoring purposes	0	8	18	144
Total per Region	0	8	18	144

EPA Costs

Consistent with previous ICRs, technical tasks are expected to be completed by staff at the GS-13 level, and management tasks at the GS-15 level. The 2006 GS-13, step 5 level hourly compensation was \$67.20 for technical staff, while the 2006 GS-15 level, step 5 hourly compensation was \$93.42 for managerial staff (OPM, 2006). These hourly rates include the standard 60 percent loading factor for EPA personnel.

Estimates incorporating these hourly compensation rates and the burden hour estimates from the previous section are shown in Worksheet 8. Total annual costs for EPA Headquarters are estimated at \$294,860. Total annual costs for EPA Regional Offices are estimated at \$9,677 per region, or \$96,770 for all 10 regions.

Worksheet 8: Annual Agency Cost Estimates for EPA Headquarters and Regional Offices (2006 \$)				
Activity	Labor Category		Freq/Year	Total
	Management	Technical		
	\$93.42 per hour	\$67.20 per hour		
EPA Headquarters				
1. Perform recordkeeping tasks under the Schools Rule	\$0	\$279,552	N/A	\$279,552
2. Answer respondent questions about the MAP Rule	\$1,868	\$13,400	N/A	\$15,308
Total Headquarters	\$1,868	\$292,952		\$294,860
EPA Regional Offices				
1. Audit training provider courses and records for compliance monitoring purposes	\$0	\$538	18	\$9,677
Total per Region	\$0	\$538	18	\$9,677

6(d) Bottom Line Burden Hours and Costs

Table 4 and Appendix G of the AHERA RIA (EPA, 1987a), and Figure 2, *Addendum to ICR #2070-0091 Asbestos in Schools Rule* (EPA, 1987b), estimate the change in number of schools with friable and nonfriable ACM over the implementation period of the rule. The intent

of the Schools Rule is that all schools have a management plan, and that schools with friable ACM also have an O&M plan. The number of school respondents in this ICR renewal is based on the average number of affected schools of each type for years 20 through 22 of program implementation, which is an extension of the method used in the previous ICR. The total number of public and private schools is based on 2003-2004 data obtained from the U.S. Department of Education's National Center for Education Statistics (Dept of Education, 2005).

As in previous ICRs, the total number of training providers is estimated using the latest National Directory of AHERA Accredited Courses, compiled by EPA. According to the most recent 2005 data available, there are currently 636 accredited training providers (EPA, 2005). This is a significant decrease from the previous ICR, in which there were 769 accredited training providers listed. This majority of this decrease is attributed to a change in the method of counting active, accredited training providers and not to an actual decline in the number of training providers. Based on the unit burden estimates from Section 6(a) and the unit cost estimates from Section 6(b), estimated annual recordkeeping burden for all training providers is 3,498 hours and the estimated annual cost is \$449,652.

The MAP rule affects all 50 States, the District of Columbia, and the U.S. territories, for a total of 56 States and Territories. Based on the unit burden estimates from Section 6(a) and the unit cost estimates from Section 6(b), estimated annual recordkeeping burden for all States and Territories is 7,840 hours and the estimated annual cost is \$221,424.

Based on these estimates of numbers of respondents, unit costs, and burdens, the total respondent and EPA tallies are shown in the following tables.

(i) The respondent tally

Average Annual Respondent Aggregation Table					
	Number of Entities	Unit Burden	Total Burden	Unit Cost	Total Cost
Local Education Agencies					
<i>Schools with Friable ACM</i>					
Public Primary	5,808	35	203,280	\$1,021	\$5,929,822
Public Secondary	3,423	58	198,534	\$1,586	\$5,428,792
Private	2,929	35	102,515	\$1,021	\$2,990,435
<i>Schools with Nonfriable ACM</i>					
Public Primary	61,699	15	925,485	\$475	\$29,305,471
Public Secondary	24,796	28	694,288	\$787	\$19,513,827
Private	26,344	15	395,160	\$475	\$12,512,736
<i>Subtotal</i>	<i>124,999</i>		<i>2,519,262</i>		<i>\$75,681,083</i>
Training Providers	636	5.5	3,498	\$707	\$449,652
States/Territories	56	140	7,840	\$3,954	\$221,424
Total	125,691		2,530,600		\$76,352,159

(ii) The Agency tally

Average Annual Agency Aggregation Table					
	Number of Entities	Unit Burden	Total Burden	Unit Cost	Total Cost
Headquarters	1	4,380	4,380	\$294,860	\$294,860
Regions	10	144	1,440	\$9,677	\$96,768
Total			5,820		\$349,668

6(e) Reasons for Change in Burden

This request reflects a net increase in the total estimated respondent burden of 45,160 hours (from 2,485,440 hours to 2,530,600 hours) from that currently in the OMB inventory. This increase reflects changes in the estimated number of Local Education Agencies and training providers. While the numbers of schools with friable ACM have declined, that decrease is less than the increase in the number of schools with nonfriable ACM, resulting in higher totals overall. The increase is an adjustment.

The average estimated number of schools of each type in the three years of this ICR renewal period (years 20 through 22 of the implementation period) is used with the unit burden estimates to derive an annual burden estimate. This ICR renewal follows the same methods of estimating numbers of schools with friable and nonfriable asbestos as the previous ICR renewal. The number of burden hours for Local Education Agencies has increased slightly (less than 2 percent), while the number of training providers has declined since the previous ICR, mainly because training providers active in more than one region are counted only once.

Changes in Respondent Burden				
Respondent Type	Burden Hour Estimates			Reason for Change
	Previous	Current	Difference	
Local Education Agencies	2,473,370	2,519,262	45,892	Adjustment
Training Providers	4,230	3,498	(732)	Adjustment
States/Territories	7,840	7,840	0	Adjustment
Total	2,485,440	2,530,600	45,160	

6(f) Burden Statement

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0091, is estimated to average about 20.15 hours per response for schools, 140 hours per response for states, and 5.5 hours per response for training providers, or an average of about 20.1 hours per response for all types of respondents. According to the Paperwork Reduction Act, "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. For this collection it 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 currently valid OMB control number. The OMB control number for this information collection appears above. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2007-0270, which is available for online viewing at www.regulations.gov, or in person viewing at the Pollution Prevention and Toxics Docket in the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the EPA West Building, 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 EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280. You may submit comments regarding 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.

Submit your comments, referencing Docket ID No. EPA-HQ-OPPT-2007-0270 and OMB Control No. 2070-0091, to (1) EPA online using www.regulations.gov (our preferred method), or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

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U.S. Office of Personnel Management. 2006. Salary Table 2006-DCB. Web Site <http://www.opm.gov/oca/06tables/html/dcb.asp>.

ATTACHMENTS TO THE SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPPT-2007-0270. These attachments are available for online viewing at www.regulations.gov or otherwise accessed as described in section 6(f) of the supporting statement.

- Attachment A:** **15 U.S.C. 2643 - Section 203 of the Asbestos Hazard Emergency Response Act.** Also available at online at the US House of Representatives' [US Code website](#)
- Attachment B:** **15 U.S.C. 2646 - Section 206 of the Asbestos Hazard Emergency Response Act.** Also available at online at the US House of Representatives' [US Code website](#)
- Attachment C:** **40 CFR 763, Subpart E - Asbestos-Containing Materials in Schools.** Also available online at the National Archives and Records Administration's [Electronic CFR Website](#)
- Attachment D:** **40 CFR 763, Subpart E, Appendix C – Asbestos Model Accreditation Plan.** Also available online at the National Archives and Records Administration's [Electronic CFR Website](#)
- Attachment E:** **Worksheet A-1: Annual Recordkeeping Burden, by School Type and Asbestos Type, Revised for Years 20 through 22**
Worksheet A-2: Annual Recordkeeping Cost, by School Type and Asbestos Type, Revised for Years 20 through 22
- Attachment F:** **Record of Consultations with Potential ICR Respondents**