

Hazard Communication (HazCom), 30 C.F.R. part 47

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.

Section 101(a)(7) of the Federal Mine Safety and Health Act of 1977, as amended, (Mine Act) requires, in part, that mandatory standards –

- prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure.

MSHA collected evidence from the National Institute for Occupational Safety and Health's (NIOSH) Occupational Health Survey of Mining and other sources indicating that there were chemical exposures occurring in every type of mine, although every miner may not have been exposed. MSHA became concerned that miners were being exposed to chemicals and may not have known the hazards of those chemicals or the appropriate precautions to prevent injury or illness caused by exposure to a hazardous chemical.

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.

MSHA's Hazard Communication (HazCom) standard (30 C.F.R. pt. 47) involves third-party information sharing. It requires mine operators and/or contractors to assess the hazards of chemicals they produce or use and provide information to their miners concerning the chemicals' hazards. Mine operators and/or contractors must develop a written hazard communication program that describes how they will inform miners of chemical hazards and safe handling procedures through miner training, labeling containers of hazardous chemicals, and that they will provide miners access to material safety data sheets (MSDS).

The purpose of the information sharing is to provide miners with the right to know the hazards and identities of the chemicals they are exposed to while working, as well as the measures they can take to protect themselves from these hazards. Through HazCom, mine operators and/or contractors also have the necessary information regarding the hazards of chemicals present at their mines, so that work methods are improved or

instituted to minimize exposure to these chemicals. HazCom provides miners with access to this information, so that they can take appropriate action to protect themselves.

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.

In order to comply with the Government Paperwork Elimination Act, mine operators may retain their written HazCom program in whatever medium they choose including utilization of computer technology. HazCom also allows for the electronic storage and retrieval of information where such use does not interfere with the miner's right to ready access to the information in an emergency. Computer access can be used for the requirements in this package, with the exception of the provision that requires mine operators to label containers. MSHA does not know the extent to which mine operators will utilize computer technology to comply with the requirements in this package. However, with respect to the particular provision that requires mine operators to have copies of MSDS for all hazardous chemicals present at the mine site, MSHA has estimated that roughly half of these responses will be done with internet access. MSHA also allows operators to use facsimile (fax), email, internet transfer, and other electronic services to provide readily available MSDSs. Other data retention and transmission technologies will be evaluated and approved as they become available.

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.

MSHA's HazCom standard exempts consumer products and hazardous substances labeled under regulations issued by the Consumer Products Safety Commission and pesticides labeled under Environmental Protection Agency regulations, as well as chemicals regulated by other Federal agencies.

- Some states may have enforced their state's hazard communication standard in the mining industry. MSHA's regulations do not pre-empt state requirements, except when state requirements are in conflict with the Mine Act or its regulations. Unless such conflicts are identified, HazCom programs developed for other regulatory agencies usually satisfy the requirements of MSHA's HazCom requirements. States may have more stringent health and safety standards.
- A significant number of mine operators have implemented hazard communication programs as company policy. While some of these company programs adopt a cursory approach to the problem, many are comprehensive and effective. Comprehensive,

company-developed HazCom programs usually satisfy all requirements of MSHA's HazCom requirements.

- Contractors are covered by the Occupational Safety and Health Administration's (OSHA's) Hazard Communication Standard (HCS) when they work at sites other than mining operations.

There are no other duplicate Federal requirements for hazard communication in the mining industry. MSHA's HazCom standard for the mining industry establishes uniform Federal requirements for hazard communication. We designed our standard to be consistent with OSHA's so that a mine operator in compliance with OSHA's standards would also be in compliance with MSHA standards.

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 burden.

This information collection does not have a significant impact on small businesses or other small entities. However, MSHA has made available on its web-site various sources of information, such as "Technical Assistance," "Best Practices," and an "Accident Prevention" site. To assist with compliance, these sources provide tips and general information on various topics which may assist the mine operator in reducing the paperwork burden. Additionally, MSHA's HazCom home page offers templates for a HazCom written program and sample MSDS for various common small mine commodities. MSHA also provides HazCom training videos for miners and mine operators and our health specialists offer hands-on assistance on request.

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

If this collection (third-party disclosure) is not conducted, miners would be at increased risk of harm from hazardous materials. This collection or sharing of chemical hazard information is required only as needed to protect miners from hazards. HazCom does not require periodic updates of the information if the hazards do not change. Most written HazCom programs would need only occasional, minor revisions to keep them up-to-date. Inaccurate labels or MSDSs can contribute to injuries or illnesses related to the improper use, storage, or handling of hazardous chemicals. The purpose of the HazCom is to share hazard information with miners. The burden is as low as feasible without compromising the purpose of the standard.

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

- **requiring respondents to report information to the agency more often than quarterly;**

June 2008

- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- 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;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- 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; or
- 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.

This collection of information complies with 5 C.F.R. § 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the *Federal Register* of the agency's notice, required by 5 C.F.R. § 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day preclearance Federal Register notice on April 8, 2008 (Volume 73, Number 68, Pages 19104-19105), soliciting public comments regarding the extension of this information collection. No comments were received.

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

MSHA does not provide payments or gifts to respondents.

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

Under 30 C.F.R. pt. 47 sbpt. I, confidentiality is available for trade secrets that operators are required to disclose. Although HazCom normally permits operators to withhold specific chemical identity information if it is a *bona fide* trade secret, trade secret information must be disclosed to an exposed miner, the miner's designated representative, and a treating health professional under certain circumstances. In medical emergencies, a treating health professional is entitled to receive the information immediately. After the emergency is abated, the holder of the trade secret could require the treating health professional to sign a written statement of need and a confidentiality agreement.

MSHA would expect few trade secret claims under this rule. The Agency believes that most operators produce single substances that are not proprietary.

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.

There are no questions of a sensitive nature.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. 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 desirable. 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.**

- **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.**
- **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 13.**

HazCom is applicable to 1,977 surface and underground coal mines and coal facilities employing 70,344 miners; 2,919 coal contracting firms employing 37,894 contractor workers (Note: Coal Data is Current as of 12/31/2007); 12,518 surface and underground metal and nonmetal (MNM) mines employing 184,693 miners; and 4,967 MNM contracting firms employing 62,745 contract workers. These numbers are for the 2007 calendar year.

Differences in total figures shown in the following charts are due to rounding. The data were taken from the Regulatory Economic Analysis for the 2002 final rule and updated using the most recent MSHA data. Salaries and wages are taken from *2006 Wages Survey Report*.

12.1. Section 47.31 Requirement for a HazCom Program. - Annual Burden Hours and Costs for Existing Coal and MNM Operations to Update HazCom Program

Under this provision, mine operators and contractors working on mine property periodically need to update their HazCom programs. With respect to coal operations, MSHA estimates that 3,587 coal mines and coal-related contractors (collectively: coal operations) employing fewer than 20 workers, 1,295 coal operations employing 20 to 500 workers, and 14 coal operations employing more than 500 workers, will update their HazCom program annually. With respect to MNM operations, MSHA estimates that 14,010 operations and contractors employing fewer than 20 workers, 1,532 operations employing 20 to 500 workers, and 3 operations employing more than 500 workers will update their HazCom program annually.

On average, the estimated time to update the HazCom program is: one hour of a supervisor's time and 0.5 hours of a clerical worker's time for operations employing fewer than 20 workers; 2 hours of a supervisor's time and 1 hour of a clerical worker's time for operations employing 20 to 500 workers; and 4 hours of a supervisor's time and 2 hours of a clerical worker's time for operations employing more than 500 workers.

The hourly wage rate at coal mines is \$70.07 for a supervisor and \$25.78 for a clerical worker. The hourly wage rate at MNM mines is \$55.27 for a supervisor and \$23.42 for a clerical worker.

Listed below are the annual burden hours and related costs to update a mine operators HazCom program.

COAL OPERATIONS

Burden Hours for Supervisor's Time

3,587 respondents employing <20 x 1 response x 1 hour of supervisor's time	= 3,587 hours
1,295 respondents employing 20 to 500 x 1 response x 2 hours of supervisor's time	= 2,590 hours
14 respondents employing >500 x 1 response x 4 hours of supervisor's time	= 56 hours

Burden Hour Costs for Supervisor's Time

3,587 hours x \$70.07 supervisor's wage/hour	= \$251,341
2,590 hours x \$70.07 supervisor's wage/hour	= \$181,481
56 hours x \$70.07 supervisor's wage/hour	= \$ 3,924

Burden Hours for Clerical Worker's Time

3,587 respondents employing <20 x 1 response x 0.5 hours of clerical worker's time	= 1,794 hours
1,295 respondents employing 20 to 500 x 1 response x 1 hour of clerical worker's time	= 1,295 hours
14 respondent employing >500 x 1 response x 2 hours of clerical worker's time	= 28 hours

Burden Hour Costs for Clerical Workers Time

1,794 hours x \$25.78 clerical worker's wage/hour	= \$46,249
1,295 hours x \$25.78 clerical worker's wage/hour	= \$33,385
28 hours x \$25.78 clerical worker's wage/hour	= \$ 722

TOTAL Coal Hour Burden	9,350
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MNM OPERATIONS

Burden Hours for Supervisor's Time

14,010 respondents employing <20 x 1 response x 1 hour of supervisor's time	= 14,010 hours
1,532 respondents employing 20 to 500 x 1 response x 2 hours of supervisor's time	= 3,064 hours
3 respondents employing >500 x 1 response x 4 hours of supervisor's time	= 12 hours

Burden Hour Costs for Supervisor's Time

14,010 hours x \$55.27 supervisor's wage/hour	= \$774,333
3,064 hours x \$55.27 supervisor's wage/hour	= \$169,347
12 hours x \$55.27 supervisor's wage/hour	= \$ 663

Burden Hours for Clerical Worker's Time

14,010 respondents employing <20 x 1 response x 0.5 hours of clerical worker's time	= 7,005 hours
1,532 respondents employing 20 to 500 x 1 response x 1 hour of clerical worker's time	= 1,532 hours
3 respondents employing >500 x 1 response x 2 hours of clerical worker's time	= 6 hours

Burden Hour Costs for Clerical Workers Time

7,005 hours x \$23.42 clerical worker's wage/hour	= \$164,057
1,532 hours x \$23.42 clerical worker's wage/hour	= \$ 35,879
6 hours x \$23.42 clerical worker's wage/hour	= \$ 141

TOTAL MNM Hour Burden	25,629
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TOTAL Burden Hours for Existing Operations to Update HazCom Plan	= 34,979 hours
TOTAL Burden Hour Costs for Existing Operations to Update HazCom Plan	= \$1,662,082

12.2. Section 47.31 Requirement for a HazCom Program. - Annual Burden Hours and Costs for New Operations to Develop a HazCom Program

All new mine operators are required to develop a HazCom program under this provision. With respect to coal operations, MSHA estimates that 227 new coal operations employing fewer than 20 workers, and 73 new coal operations employing 20 to 500 workers, will develop a HazCom program annually. With respect to MNM operations, MSHA estimates that 570 new operations employing fewer than 20 workers, and 19 new operations employing 20 to 500 workers will develop a HazCom program annually.

On average, the estimated time to develop a HazCom program is: 8 hours of a supervisor's time and 4 hours of a clerical worker's time for operations employing fewer than 20 workers and 16 hours of a supervisor's time and 8 hours of a clerical worker's time for operations employing 20 to 500 workers. The hourly wage rate is \$70.07 for a supervisor and \$25.78 for a clerical worker at coal mines. The hourly wage rate is \$55.27 for a supervisor and \$23.42 for a clerical worker at MNM operations.

Listed below are the annual burden hours and costs for new mines to develop a HazCom program.

June 2008

COAL OPERATIONS**Burden Hours for Supervisor's Time**

227 respondents employing <20 x 1 response
 x 8 hours of supervisor's time = 1,816 hours

73 respondents employing 20 to 500 x 1 response
 x 16 hours of supervisor's time = 1,168 hours

Burden Hour Costs for Supervisor's Time

1,816 hours x \$70.07 supervisor's wage/hour = \$127,247

1,168 hours x \$70.07 supervisor's wage/hour = \$ 81,842

Burden Hours for Clerical Worker's Time

227 respondents employing <20 x 1 response
 x 4 hours of clerical worker's time = 908 hours

73 respondents employing 20 to 500 x 1 response
 x 8 hours of clerical worker's time = 584 hours

Burden Hour Costs for Clerical Workers Time

908 hours x \$25.78 clerical worker's wage/hour = \$23,408

584 hours x \$25.78 clerical worker's wage/hour = \$15,056

TOTAL Coal Hour Burden 4,476

MNM OPERATIONS**Burden Hours for Supervisor's Time**

570 respondents employing <20 x 1 response
 x 8 hours of supervisor's time = 4,560 hours

19 respondents employing 20 to 500 x 1 response
 x 16 hours of supervisor's time = 304 hours

Burden Hour Costs for Supervisor's Time

4,560 hours x \$55.27 supervisor's wage/hour = \$252,031

304 hours x \$55.27 supervisor's wage/hour = \$ 16,802

Burden Hours for Clerical Worker's Time

570 respondents employing <20 x 1 response
 x 4 hours of clerical worker's time = 2,280 hours

19 respondents employing 20 to 500 x 1 response
 x 8 hours of clerical worker's time = 152 hours

Burden Hour Costs for Clerical Workers Time

2,280 hours x \$23.42 clerical worker's wage/hour	= \$53,398
152 hours x \$23.42 clerical worker's wage/hour	= \$ 3,560

TOTAL MNM Burden Hours	7,296
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**Total Burden Hours for New Mines
to Develop HazCom Plan****= 11,772 hours****Total Burden Hour Costs for New Mines
to Develop HazCom Plan****= \$573,344****12.3. Section 47.41 Requirement for Container Labels - Annual Burden Hours and Costs to Label Containers**

Mine operators are required to ensure that all containers of hazardous chemical are appropriately labeled. With respect to coal operations, MSHA estimates that 1,435 coal operations employing fewer than 20 workers, 348 coal operations employing 20 to 500 workers, and 9 operation employing more than 500 workers will need to label containers annually. With respect to MNM operations, MSHA estimates that 3,723 operations employing fewer than 20 workers, 364 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers will need to label containers annually. For all operations in each size category, MSHA estimates it will take a supervisor 0.2 hours to verify or fill-out the label information and apply it to a container.

It is estimated that of 50% of containers at coal and MNM operations employing fewer than 20 workers; 35% of containers at operations employing between 20 and 500 workers; and 25% of containers at operations employing more than 500 workers will need labeling. On average, there are 4 containers at a coal operation employing fewer than 20 workers; 52 containers at a coal operation employing 20 to 500 workers; and 567 containers at a coal operation employing more than 500 workers. At MNM operations, there are about 5 containers at an operation employing fewer than 20 workers; 50 containers at an operation employing 20 to 500 workers; and 855 containers at an operation employing more than 500 workers. The hourly wage rate for supervisory health and safety personnel is \$70.07 at coal operations, and \$55.27 at MNM operations.

Listed below are the annual burden hours and related costs to label containers.

COAL OPERATIONSBurden Hours for Supervisor's Time

1,435 respondents employing <20 x 2 containers	
x 0.2 hours/response	= 574 hours
348 respondents employing 20 to 500 x 18.2 containers	
x 0.2 hours/response	= 1,267 hours

June 2008

9 respondent employing >500 x 141.75 containers
x 0.2 hours/response = 255 hours

Burden Hour Costs for Supervisor's Time

574.00 hours x \$70.07 supervisor's wage/hour = \$40,220
1,266.67 hours x \$70.07 supervisor's wage/hour = \$88,756
255.15 hours x \$70.07 supervisor's wage/hour = \$17,878

Total Coal Burden Hours 2,096

MNM OPERATIONS

Burden Hours for Supervisor's Time

3,723 respondents employing <20 x 2.5 containers
x 0.2 hours/response = 1,8612hours
364 respondents employing 20 to 500 x 17.5 containers
x 0.2 hours/response = 1,274 hours
2 respondents employing >500 x 213.75 containers
x 0.2 hours/response = 86 hours

Burden Hour Costs for Supervisor's Time

1,861.50 hours x \$55.27 supervisor's wage/hour = \$102,855
1,274.00 hours x \$55.27 supervisor's wage/hour = \$70,414
85.50 hours x \$55.27 supervisor's wage/hour = \$ 4,726

Total MNM Burden Hours 3,222

Total Burden Hours to Label Containers = 5,318 hours
Total Burden Hour Costs to Label Containers = \$324,849

12.4. Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs to Develop MSDSs for Chemicals Produced at Existing Operations

Mine operators are required to develop or acquire a Material Safety Data Sheet (MSDS) for each hazardous chemical that they produce or use.

With respect to coal operations, MSHA estimates that 3,485 coal operations employing fewer than 20 workers, 946 coal operations employing 20 to 500 workers, and 9 operation employing more than 500 workers will need to update MSDS's for the chemicals they produce or use at the mine annually. With respect to MNM operations, MSHA estimates that 7,114 operations employing fewer than 20 workers, 638 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers will need to update MSDS's for chemicals they produce or use at the mine annually.

On average, the estimated number of chemicals produced at coal operations are as follows: 0.25 chemicals for an operation employing fewer than 20 workers; 0.5 chemicals for an operation employing 20 to 500 workers; and 0.75 chemicals for an operation employing more than 500 workers. On average, the estimated number of chemicals produced at MNM operations are as follows: 0.25 chemicals for an operation employing fewer than 20 workers; 1 chemical for an operation employing 20 to 500 workers; and 1.5 chemicals for an operation employing more than 500 workers.

On average, MSHA estimates that it takes 1 hour of a supervisor's time, and 0.5 hours of a clerical worker's time to update MSDSs. The hourly wage rate is \$70.07 for a supervisor and \$25.78 for a clerical worker at coal mine operations. The hourly wage rate is \$55.27 for a supervisor and \$23.42 for a clerical worker at MNM operations.

Listed below are the annual burden hours and costs for updating MSDSs.

COAL OPERATIONS

Burden Hours for Supervisor's Time

3,485 respondents employing <20 x 0.25 MSDS to update/respondent x 1 hour to update MSDS	= 871 hours
946 respondents employing 20 to 500 x 0.5 MSDSs to update/respondent x 1 hour to update MSDS	= 473 hours
9 respondent employing >500 x 0.75 MSDSs to update/respondent x 1 hour to update MSDS	= 7 hours

Burden Hour Costs for Supervisor's Time

871.25 hours x \$70.07 supervisor's wage/hour	= \$61,048
473.00 hours x \$70.07 supervisor's wage/hour	= \$33,143
6.75 hours x \$70.07 supervisor's wage/hour	= \$ 473

Burden Hours for Clerical Worker's Time

3,485 respondents employing <20 x 0.25 MSDS to update/respondent x 0.5 hours to update MSDS	= 436 hours
946 respondents employing 20 to 500 x 0.5 MSDSs to update/respondent x 0.5 hours to update MSDS	= 237 hours
9 respondent employing >500 x 0.75 MSDSs to update/respondent x 0.5 hours to update MSDS	= 3 hours

Burden Hour Costs for Clerical Worker's Time

435.63 hours x \$25.78 clerical worker's wage/hour	= \$11,231
236.50 hours x \$25.78 clerical worker's wage/hour	= \$ 6,097
3.38 hours x \$25.78 clerical worker's wage/hour	= \$ 87

Total Coal Burden Hours 2,027

MNM OPERATIONS

Burden Hours for Supervisor's Time

7,114 respondents employing <20 x 0.25 MSDS to
update/respondent x 1 hour to update MSDS = 1,779 hours
638 respondents employing 20 to 500 x 1 MSDSs to
update/respondent x 1 hour to update MSDS = 638 hours
2 respondents employing >500 x 1.5 MSDSs to
update/respondent x 1 hour to update MSDS = 3 hours

Burden Hour Costs for Supervisor's Time

1,778.5 hours x \$55.27 supervisor's wage/hour = \$98,298
638.0 hours x \$55.27 supervisor's wage/hour = \$35,262
3.0 hours x \$55.27 supervisor's wage/hour = \$ 166

Burden Hours for Clerical Worker's Time

7,114 respondents employing <20 x 0.25 MSDS to
update/respondent x 0.5 hours to update MSDS = 889 hours
638 respondents employing 20 to 500 x 1 MSDS to
update/respondent x 0.5 hour. to update MSDS = 319 hours
2 respondents employing >500 x 1.5 MSDSs to
update/respondent x 0.5 hours to update MSDS = 2 hours

Burden Hour Costs for Clerical Worker's Time

889.25 hours x \$23.42 clerical worker's wage/hour = \$20,862
319.00 hours x \$23.42 clerical worker's wage/hour = \$ 7,471
1.5 hours x \$23.42 clerical worker's wage/hour = \$ 35

Total MNM Burden Hours 3,630

Total Burden Hours to Update MSDSs = 5,657 hours

Total Burden Hour Costs to Update MSDSs = \$274,173

12.5. Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for MSDS Development of Chemicals Produced at New Mines

All new mine operators must create an MSDS for each hazardous chemical produced at their mine site. With respect to coal mines, MSHA estimates that 227 mines employing fewer than 20 workers, and 73 mines employing between 20 and 500 workers will open annually. With respect to MNM mines, 570 mines employing fewer than 20 workers, and 19 mines employing between 20 and 500 workers will open annually.

On average, MSHA estimates that it will take a supervisor 2 hours to develop an MSDS and a clerical worker 1 hour to prepare it. On average, the Agency estimates that there will be 1 chemical created at each new small coal and MNM mine; 2 chemicals for each new coal mine employing 20-500 workers; and 4 chemicals for each new MNM mine employing 20-500 workers annually.

The hourly wage rate is \$70.07 for a supervisor and \$25.78 for a clerical worker at coal mine operations. The hourly wage rate is \$55.27 for a supervisor and \$23.42 for a clerical worker at MNM operations.

Listed below are the annual burden hours and costs for MSDS development of chemicals produced at new mines.

COAL OPERATIONS

Burden Hours for Supervisor's Time

227 respondents employing <20 x 1 response	
x 2 hours/response	= 454 hours
73 respondents employing 20 to 500 x 2 responses	
x 2 hours/response	= 292 hours

Burden Hour Costs for Supervisor's Time

454 hours x \$70.07 supervisor's wage/hour	= \$31,812
292 hours x \$70.07 supervisor's wage/hour	= \$20,460

Burden Hours for Clerical Worker's Time

227 respondents employing <20 x 1 response	
x 1 hour/response	= 227 hours
73 respondents employing 20 to 500 x 2 responses	
x 1 hour/response	= 146 hours

Burden Hour Costs for Clerical Worker's Time

227 hours x \$25.78 clerical worker's wage/hour	= \$5,852
146 hours x \$25.78 clerical worker's wage/hour	= \$3,764

Total Coal Burden Hours	1,119
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MNM OPERATIONS

Burden Hours for Supervisor's Time

570 respondents employing <20 x 1 response	
x 2 hours/response	= 1,140 hours
19 respondents employing 20 to 500 x 4 responses	

x 2 hours/response = 152 hours

Burden Hour Costs for Supervisor's Time

1,140 hours x \$55.27 supervisor's wage/hour = \$63,008

152 hours x \$55.27 supervisor's wage/hour = \$ 8,401

Burden Hours for Clerical Worker's Time

570 respondents employing <20 x 1 response
x 1 hour/response = 570 hours

19 respondents employing 20 to 500 x 4 responses
x 1 hour/response = 76 hours

Burden Hour Costs for Clerical Worker's Time

570 hours x \$23.42 clerical worker's wage/hour = \$13,349

76 hours x \$23.42 clerical worker's wage/hour = \$ 1,780

Total MNM Burden Hours 1,938

Total Burden Hours for New Mines

to Develop MSDSs = 3,057 hours

Total Burden Hour Costs for New Mines

To Develop MSDSs = \$148,426

12.6. Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for Mines to Obtain MSDS's

This provision requires mine operators to have copies of MSDSs for all hazardous chemicals present at the mine and to maintain availability of those MSDS's for all affected miners. OSHA and other federal and state regulatory agencies require chemical manufacturers to supply one or more copies of applicable MSDS's upon purchase and delivery of their products.

MSHA has determined that there is no additional burden to mine operators that has not been addressed by the requirements to develop, update, and maintain a HazCom Program.

12.7(a). Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for Coal and MNM Operations, with Internet Access, to Maintain MSDS's

Under this provision, mine operators are required to maintain MSDS's. With respect to coal operations with internet access, MSHA estimates that 1,743 coal operations employing fewer than 20 workers, 861 coal operations employing 20 to 500 workers, and 14 operation employing more than 500 workers will need to maintain MSDS's annually. With respect to MNM operations with internet access, MSHA estimates that 3,557

June 2008

operations employing fewer than 20 workers, 574 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers will need to maintain MSDS's annually.

For either a coal or MNM operations with internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 15 minutes (0.25 hours) annually to maintain MSDS's. The hourly wage rate is \$25.78 for a clerical worker at a coal operation and \$21.15 for a clerical worker at a MNM operation.

Listed below are the annual burden hours and related costs for operations, with internet access, to maintain MSDS's.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

1,743 respondents employing <20 x 1 response	
x 0.25 hours/response	= 436 hours
861 respondents employing 20 to 500 x 1 response	
x 0.25 hours/response	= 215 hours
14 respondent employing >500 x 1 response	
x 0.25 hours/response	= 4 hours

Burden Hour Costs for Clerical Worker's Time

435.75 hours x \$25.78 clerical workers' wage/hour	= \$11,234
215.25 hours x \$25.78 clerical worker's wage/hour	= \$ 5,549
3.50 hours x \$25.78 clerical worker's wage/hour	= \$ 90

Total Coal Burden Hours	655
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MNM OPERATIONS

Burden Hours for Clerical Worker's Time

3,557 respondents employing <20 x 1 response	
x 0.25 hours/response	= 889 hours
574 respondents employing 20 to 500 x 1 response	
x 0.25 hours/response	= 144 hours
2 respondents employing >500 x 1 response	
x 0.25 hours/response	= 1 hour

Burden Hour Costs for Clerical Worker's Time

889.25 hours x \$23.42 clerical workers' wage/hour	= \$20,826
143.50 hours x \$23.42 clerical worker's wage/hour	= \$ 3,361
0.50 hours x \$23.42 clerical worker's wage/hour	= \$ 12

Total MNM Burden Hours	1,034
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Total Burden Hours for Operations, with Internet Access, to Maintain MSDS's	= 1,689 hours
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Total Burden Hour Costs for Operations, with Internet Access, to Maintain MSDS's	= \$41,073
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12.7(b). Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for Coal and MNM Operations, without Internet Access, to Maintain MSDS's

With respect to coal operations without internet access, MSHA estimates that 1,743 coal operations employing fewer than 20 workers, and 95 coal operations employing 20 to 500 workers will need to maintain MSDS's annually. With respect to MNM operations without internet access, MSHA estimates that 3,557 operations employing fewer than 20 workers, and 64 operations employing 20 to 500 workers will need to maintain MSDS's annually.

For either coal or MNM operations without internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 3 minutes (0.05 hours) to maintain an MSDS. On average, the Agency estimates there are 40 MSDS's per coal or MNM operation that employs fewer than 20 workers and 70 MSDS's per coal or MNM operation that employs 20 to 500 workers. The hourly wage rate is \$25.78 for a clerical worker at a coal operation and \$21.15 for a clerical worker at a MNM operation.

Listed below are the annual burden hours and related costs for maintaining MSDS's at operations, without internet access.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

1,743 respondents employing <20 x 40 responses x 0.05 hours/response	= 3,486 hours
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95 respondents employing 20 to 500 x 70 responses x 0.05 hours/response	= 333 hours
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Burden Hour Costs for Clerical Worker's Time

3,486.0 hours x \$25.78 clerical workers' wage/hour	= \$89,869
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332.5 hours x \$25.78 clerical worker's wage/hour	= \$ 8,572
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Total Coal Burden Hours	3,819
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MNM OPERATIONS

Burden Hours for Clerical Worker's Time

3,557 respondents employing <20 x 40 responses x 0.05 hours/response	= 7,114 hours
64 respondents employing 20 to 500 x 70 responses x 0.05 hours/response	= 224 hours

Burden Hour Costs for Clerical Worker's Time

7,114 hours x \$23.42 clerical workers' wage/hour	= \$166,610
224 hours x \$23.42 clerical worker's wage/hour	= \$ 5,246

Total MNM Burden Hours	7,338
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Total Burden Hours for Operations, without Internet Access, to Maintain MSDS's	= 11,157 hours
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Total Burden Hour Costs for Operations, without Internet Access, to Maintain MSDS's	= \$273,783
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12.7(c). Section 47.55 Requirement for an MSDS - Annual Burden Hours and Costs for Coal and MNM Operations, without Internet Access, to Remove MSDS's

Under 30 C.F.R. §47.55 operators must notify miners at least 3 months before disposing of an MSDS. MSHA assumes that only operators without Internet access will remove MSDS's. (Operations with Internet access are assumed to retain all the MSDS's in their electronic database.)

With respect to coal operations without internet access, MSHA estimates that 1,743 (coal operations employing fewer than 20 workers, and 95 coal operations employing 20 to 500 workers will prepare MSDS removal announcements annually. With respect to MNM operations without internet access, MSHA estimates that 3,557 operations employing fewer than 20 workers, and 64 operations employing 20 to 500 workers will prepare MSDS removal announcements annually.

For all coal or MNM operations, without internet access, in all size categories, MSHA estimate that it takes a supervisor 3 minutes (0.05 hours) to prepare an MSDS removal announcement. On average, each year, for either coal or MNM operations, MSHA estimates that operations employing fewer than 20 workers will remove 10 MSDS's, and operations employing between 20 and 500 workers will remove about 18 MSDS's. The hourly wage rate for a supervisor is \$70.07 at a coal operation, and 45.73 at a MNM operation.

Listed below are the annual burden hours and related costs for operators to prepare MSDS removal announcements without internet access.

COAL OPERATIONS

June 2008

Burden Hours for Supervisor's Time

1,743 respondents employing <20 x 10 responses x 0.05 hours/response	= 872 hours
95 respondents employing 20 to 500 x 18 responses x 0.05 hours/response	= 86 hours

Burden Hour Costs for Supervisor's Time

871.5 hours x \$70.07 supervisor's wage/hour	= \$61,066
85.5 hours x \$70.07 supervisor's wage/hour	= \$ 5,991

Total Coal Burden Hours 958

MNM OPERATIONSBurden Hours for Supervisor's Time

3,557 respondents employing <20 x 10 responses x 0.05 hours/response	= 1,779 hours
64 respondents employing 20 to 500 x 18 responses x 0.05 hours/response	= 58 hours

Burden Hour Costs for Supervisor's Time

1,778.5 hours x \$55.27 clerical workers' wage/hour	= \$98,298
57.6 hours x \$55.27 clerical worker's wage/hour	= \$ 3,138

Total MNM Burden Hours 1,837

Total Burden Hours for Operations, Without Internet

Access, to Prepare MSDS Removal Announcements = 2,795 hours

Total Burden Hour Costs for Operations, Without Internet

Access, to Prepare MSDS Removal Announcements = \$168,493

12.8. Section 47.32(a)(4) Requirement for HazCom Training - Annual Burden Hours and Costs to Administer HazCom Training Program for New and Existing Mines

Mine operators need time to manage and administer the HazCom training program each year. The administrative time requirements include preparing, copying, distributing, and maintaining training certificates, transcripts, and other associated records. With respect to coal operations, MSHA estimates that 3,329 coal operations employing fewer than 20 workers, 743 coal operations employing 20 to 500 workers, and 4 coal operations employing more than 500 workers will need to administer a HazCom training program annually. With respect to MNM operations, MSHA estimates that 11,680 operations employing fewer than 20 workers, 1,193 operations employing 20 to 500 workers, and

2 operations employing more than 500 workers will need to administer a HazCom training program annually.

On average, with respect to either coal or MNM, MSHA operations, MSHA estimates that for the administration related to the paperwork for the training program takes: 0.25 hour of a supervisor's time and 0.25 hours of a clerical worker's time for operations employing fewer than 20 workers; 0.5 hours of a supervisor's time and 0.5 hour of a clerical worker's time for operations employing 20 to 500 workers; and 1 hour of a supervisor's time and 2 hours of a clerical worker's time for operations employing more than 500 workers.

For coal operations, the hourly wage rate is \$70.07 for a supervisor and \$25.78 for a clerical worker. For MNM operations, the hourly wage rate is \$55.27 for a supervisor and \$23.42 for a clerical worker.

Listed below are the annual burden hours and related costs to administer the paperwork related requirements of a HazCom training program.

COAL OPERATIONS

Burden Hours for Supervisor's Time

3,329 respondents employing <20 x 1 response	
x 0.25 hour/response	= 832 hours
743 respondents employing 20 to 500 x 1 response	
x 0.5 hours/response	= 372 hours
4 respondents employing >500 x 1 response	
x 1 hours/response	= 4 hours

Burden Hour Costs for Supervisor's Time

832 hours x \$70.07 supervisor's wage/hour	= \$58,290
372 hours x \$70.07 supervisor's wage/hour	= \$26,066
4 hours x \$70.07 supervisor's wage/hour	= \$ 280

Burden Hours for Clerical Worker's Time

3,329 respondents employing <20 x 1 response	
x 0.25 hours/response	= 832 hours
743 respondents employing 20 to 500 x 1 response	
x 0.50 hour/response	= 372 hours
4 respondents employing >500 x 1 response	
x 2 hours/response	= 8 hours

Burden Hour Costs for Clerical Worker's Time

832 hours x \$25.78 clerical worker's wage/hour	= \$21,449
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743 hours x \$25.78 clerical worker's wage/hour = \$19,155
 8 hours x \$25.78 clerical worker's wage/hour = \$ 206

Total Coal Burden Hours 2,420

MNM OPERATIONS

Burden Hours for Supervisor's Time

11,680 respondents employing <20 x 1 response
 x 0.25 hour/response = 2,920 hours
 1,193 respondents employing 20 to 500 x 1 response
 x 0.5 hours/response = 597 hours
 2 respondents employing >500 x 1 response
 x 1 hours/response = 2 hours

Burden Hour Costs for Supervisor's Time

2,920 hours x \$55.27 supervisor's wage/hour = \$161,388
 597 hours x \$55.27 supervisor's wage/hour = \$ 32,996
 2 hours x \$55.27 supervisor's wage/hour = \$ 111

Burden Hours for Clerical Worker's Time

11,680 respondents employing <20 x 1 response
 x 0.25 hours/response = 2,920 hours
 1,193 respondents employing 20 to 500 x 1 response
 x 0.5 hour/response = 597 hours
 2 respondents employing >500 x 1 response
 x 2 hours/response = 4 hours

Burden Hour Costs for Clerical Worker's Time

2,920 hours x \$23.42 clerical worker's wage/hour = \$68,386
 597 hours x \$23.42 clerical worker's wage/hour = \$ 13,982
 4 hours x \$23.42 clerical worker's wage/hour = \$ 94

Total MNM Burden Hours 7,040

Total Burden Hours To Administer Annual

HazCom Training = 9,460 hours

Total Burden Hour Costs To Administer Annual

HazCom Training = \$402,403

12.9. Section 47.71 Access to HazCom Materials - Annual Burden Hours and Costs for Providing Copies of HazCom Information to Miners and Designated Representatives

Mine operators must make copies of HazCom information available to miners and designated miner's representatives who request the information.

With respect to coal operations, MSHA estimates that 3,632 coal operations employing fewer than 20 workers, 1,206 coal operations employing 20 to 500 workers, and 12 coal operations employing more than 500 workers will need to provide copies of HazCom information to miners who request them, annually. With respect to MNM operations, 13,283 operations employing fewer than 20 workers, 1,175 operations employing 20 to 500 workers, and 6 operations employing more than 500 workers will need to provide copies of HazCom information to miners who request them, annually.

On average, for either coal or MNM operations, in all size categories, MSHA estimates that it takes an average of 0.2 hours of a clerical worker's time to process a HazCom information request from each miner. The Agency also estimates that 2 percent of miners (including designated representatives) in each size category will request such information. The average numbers of miners per operation are as follows: 5 miners per coal operation and 5 miners per MNM operation employing fewer than 20 workers; 64 miners per coal operation and 49 miners per MNM operation employing 20 to 500 workers; 589 miners per coal operation and 696 miners per MNM operation employing more than 500 workers.

For coal operations the hourly wage rate is \$25.78 for a clerical worker. For MNM operations the hourly wage rate is \$23.42 for a clerical worker.

Listed below are the annual burden hours and related costs for providing copies of HazCom information to miners.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

3,632 respondents employing <20 x 0.10 responses	=	73 hours
x 0.20 hours/response		
1,206 respondents employing 20 to 500 x 1.32 responses	=	318 hours
x 0.20 hours/response		
12 respondents employing >500 x 11.78 responses	=	28 hours
x 0.20 hours/response		

Burden Hour Costs for Clerical Worker's Time

72.64 hours x \$25.78 clerical worker's wage/hour	=	\$1,873
318.38 hours x \$25.78 clerical worker's wage/hour	=	\$8,207
28.27 hours x \$25.78 clerical worker's wage/hour	=	\$ 729

Total Coal Burden Hours 419

MNM OPERATIONS**Burden Hours for Clerical Worker's Time**

13,283 respondents employing <20 x 0.10 responses x 0.20 hours/response	= 266 hours
1,175 respondents employing 20 to 500 x 0.98 responses x 0.20 hours/response	= 230 hours
11 respondents employing >500 x 13.92 responses x 0.20 hours/response	= 31 hours

Burden Hour Costs for Clerical Worker's Time

265.66 hours x \$23.42 clerical worker's wage/hour	= \$6,222
230.30 hours x \$23.42 clerical worker's wage/hour	= \$5,394
30.62 hours x \$23.42 clerical worker's wage/hour	= \$ 717

Total MNM Burden Hours	527
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Total Burden Hours for Operations to Provide Information to Workers	= 946 hours
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Total Burden Hour Costs for Operations to Provide Information to Workers	= \$23,142
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12.10. Section 47.73 Providing Labels and MSDS's to Customers - Annual Burden Hours and Costs for Operations to Distribute Copies of HazCom Labeling Information and MSDS's to Customers

Mine operators must distribute copies of HazCom labeling information and MSDS's to customers who request them.

With respect to coal operations, MSHA estimates that 3,632 coal operations employing fewer than 20 workers, 1,206 coal operations employing 20 to 500 workers, and 12 coal operations employing more than 500 workers, will need to provide copies of HazCom labeling information and MSDS's to customers annually. With respect to MNM operations, MSHA estimates that 13,283 operators employing fewer than 20 workers, 1,175 operations employing 20 to 500 workers, and 11 operations employing more than 500 workers will need to provide copies of HazCom labeling information and MSDS's to customers annually.

On average, for either coal or MNM operations, in all size categories, MSHA estimates that it takes 0.2 hours of a clerical worker's time to copy and distribute HazCom labeling information or MSDS's to a customer.

On average, with respect to coal operations, MSHA estimates the number of customers making requests is: 12 for operations employing fewer than 20 workers; 24 for operations employing 20 to 500 workers; and 52 for operations employing more than 500 workers. On average, with respect to MNM, MSHA estimates the number of customers making requests is: 24 for operations employing fewer than 20 workers; 52 for operations employing 20 to 500 workers; and 104 for operations employing more than 500 workers. For coal operations the hourly wage rate is \$25.78 for a clerical worker. For MNM operations the hourly wage rate is \$23.42 for a clerical worker.

Listed below are the annual burden hours and related costs for operations to provide copies of HazCom information to customers.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

3,632 respondents employing <20 x 12 responses	
x .2 hrs/response	= 8,717 hours
1,206 respondents employing 20 to 500 x 24 responses	
x .2 hrs/response	= 5,789 hours
12 respondents employing >500 x 52 responses	
x .2 hrs/response	= 125 hours

Burden Hour Costs for Clerical Worker's Time

8,716.80 hours x \$25.78 clerical worker's wage/hour	= \$224,719
5,788.80 hours x \$25.78 clerical worker's wage/hour	= \$149,235
124.80 hours x \$25.78 clerical worker's wage/hour	= \$ 3,217

Total Coal Burden Hours	14,631
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MNM OPERATIONS

Burden Hours for Clerical Worker's Time

13,283 respondents employing <20 x 24 responses	
x .2 hrs/response	= 63,758 hours
1,175 respondents employing 20 to 500 x 52 responses	
x .2 hrs/response	= 12,220 hours
11 respondents employing >500 x 104 responses	
x .2 hrs/response	= 229 hours

Burden Hour Costs for Clerical Worker's Time

63,758.40 hours x \$23.42 clerical worker's wage/hour	= \$1,493,222
12,220.00 hours x \$23.42 clerical worker's wage/hour	= \$ 286,192
228.80 hours x \$23.42 clerical worker's wage/hour	= \$ 5,359

Total MNM Burden Hours

76,207

**Total Burden Hours for Operations to Distribute Labeling
and MSDS Information to Customers = 90,838 hours**

**Total Burden Hour Costs for Operations to Distribute Labeling
and MSDS Information to Customers = \$2,161,944**

Section	Coal/MNM	Responses	Hours	Section Total
47.31 - Update	Coal	4896	9,350	
	MNM	15545	25,629	34,979
47.31 - New	Coal	300	4,476	
	MNM	589	7,296	11,772
47.41	Coal	1792	2096	
	MNM	4089	3222	5,318
47.51 - Existing	Coal	4440	2,027	
	MNM	7754	3,630	5,657
47.51 - New	Coal	300	1,119	
	MNM	589	1,938	3,057
47.51 - Maintain w/ Internet	Coal	2618	655	
	MNM	4133	1,034	1,689
47.51 Maintain w/o Internet	Coal	1838	3819	
	MNM	3621	7338	11,157
47.55 Remove	Coal	1838	958	
	MNM	3621	1837	2,795
47.32 Training	Coal	4076	2420	
	MNM	12875	7040	9,460
47.71 Copies	Coal	4850	419	
	MNM	14469	527	946

47.73 Labels	Coal	4850	14631	
	MNM	14469	76207	90,838
TOTAL BURDEN HOURS		813,753	////////////////	177,668

TOTAL BURDEN HOURS = 177,668 hours
TOTAL BURDEN HOUR COSTS = \$6,053,712

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

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should 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 or keep records for the government, or (4) as part of customary and usual business or private practices.

SECTION 47.31 HAZCOM PROGRAM

13.1. Annual Burden Material Costs For New Operations to Develop a HazCom Program

Under this section, each year, new operations will need to develop a HazCom Program. With respect to coal operations, MSHA estimates that: 227 coal operations employing fewer than 20 workers; and 73 coal operations that employ 20 to 500 workers, will need to update their HazCom program annually. With respect to MNM operations, MSHA estimates that: 570 operations employing fewer than 20 workers, and 19 operations employing 20 to 500 workers, will need to update their HazCom program.

Material costs, copying and distribution, for developing the HazCom program are estimated to be \$2.40 per operation that employ fewer than 20 workers, and \$4 per operation that employs 20 to 500 workers.

COAL OPERATIONS

(<20)	227 x \$2.40	= \$545
(20-500)	73 x \$4.00	= \$292

MNM OPERATIONS

(<20)	570 x \$2.40	= \$1,368
(20-500)	19 x \$4.00	= \$ 76

COAL AND MNM TOTAL = \$2,281

SECTION 47.41 - LABELING

13.2. Annual Burden Costs for Materials to Label Containers

The operator of a mine must ensure that each container of a hazardous chemical has a label.

With respect to coal operations, MSHA estimates that: 1,420 coal operations employing fewer than 20 workers; 264 coal operations employing 20 to 500 workers; and 9 operation employing more than 500 workers, will need to label containers annually. With respect to MNM operations, MSHA estimates that: 3,723 operations employing fewer than 20 workers; 408 operations employing 20 to 500 workers; and 4 operations employing more than 500 workers will need to label containers.

Material costs for labeling are estimated to be \$0.10 per container labeled. These material costs include copying costs (including any special copy media such as plasticized or weather-proof material) and distribution costs. MSHA estimates that of the 4 containers in the average coal operation employing fewer than 20 workers, 50 percent (or 2 containers) need to be labeled. Of the 52 containers in the average coal operation employing 20 to 500 workers, 35 percent (or 18.2 containers) need to be labeled. Of the 567 containers in the average coal operation employing more than 500 workers, 25 percent (or 141.75 containers) need to be labeled.

Of the 5 containers in the average MNM operation employing fewer than 20 workers, 50 percent (or 2.5 containers) need to be labeled. Of the 50 containers in the average MNM operation employing 20 to 500 workers, 35 percent (or 17.5 containers) need to be labeled. Of the 855 containers in the average MNM operation employing more than 500 workers, 25 percent (or 213.75 containers) need to be labeled.

COAL OPERATIONS

(<20)	$1,420 \times \$0.10 \times (4 \times 0.50)$	= \$284
(20-500)	$264 \times \$0.10 \times (52 \times 0.35)$	= \$480
(>500)	$9 \times \$0.10 \times (567 \times 0.25)$	= \$128

MNM OPERATIONS

(<20)	$3,723 \times \$0.10 \times (5 \times 0.50)$	= \$931
(20-500)	$364 \times \$0.10 \times (50 \times 0.35)$	= \$637
(>500)	$2 \times \$0.10 \times (855 \times 0.25)$	= \$ 43

COAL AND MNM TOTAL = \$2,503

SECTION 47.51 MATERIAL SAFETY DATA SHEETS

13.3. Annual Burden Costs to Update New Material Safety Data Sheets

For each hazardous chemical produced at the mine that has an MSDS, the operator of a mine must update the MSDS annually.

With respect to coal operations, MSHA estimates that 3,485 coal operations employing fewer than 20 workers, 946 coal operations employing 20 to 500 workers, and 9 operation employing more than 500 workers, will need to update material safety data sheets annually. With respect to MNM operations, MSHA estimates that 7,144 operations employing fewer than 20 workers, 638 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers, will need to update material safety data sheets annually.

Material costs for updating MSDS are estimated to be \$1 per MSDS. The material costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs. On average, with respect to coal operations, the number of MSDS that will need to be developed are estimated to be: 0.25 sheets in operations employing fewer than 20 workers, 0.50 sheets in operations employing 20 to 500 workers, and 0.75 sheets in operations employing more than 500 workers. On average, with respect to MNM operations, the number of MSDS that will need to be developed are estimated to be: 0.25 sheets in operations employing fewer than 20 workers, 1 sheet in operations employing 20 to 500 workers, and 1.5 sheets in operations employing more than 500 workers.

COAL OPERATIONS

(<20)	3,485 x 0.25 x \$1	= \$871
(20-500)	946 x 0.50 x \$1	= \$473
(>500)	9 x 0.75 x \$1	= \$ 7

MNM OPERATIONS

(<20)	7,114 x 0.25 x \$1	= \$1,779
(20-500)	638 x 0.50 x \$1	= \$ 319
(>500)	2 x 0.75 x \$1	= \$ 2

COAL AND MNM TOTAL = \$3,451

13.4. Annual Burden Costs to Update New Material Safety Data Sheets Created at New Mines Starting

For each hazardous chemical produced at a new operation, the new operation must prepare a material safety data sheet (MSDS).

Annually, the number of new coal operations that will need to develop material safety data sheets are estimated to be 227 new coal operations employing fewer than 20 workers, and 73 new coal operations employing 20 to 500 workers. Annually, the number of new MNM operations that will need to develop material safety data sheets are estimated to be 570 new operations employing fewer than 20 workers, and 19 new operations employing 20 to 500 workers.

Material costs for developing MSDS are estimated to be \$2 per MSDS. The number of MSDS that will need to be developed at new operations are estimated to be: 1 MSDS for either a coal or MNM operation employing fewer than 20 workers; 2 MSDS for a coal operation employing 20 to 500 workers; and 4 MSDS for a MNM operation employing 20 to 500 workers. Materials costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs.

COAL OPERATIONS

(<20)	227 x 1 x \$2	= \$ 454
(20-500)	73 x 2 x \$2	= \$ 292

MNM OPERATIONS

(<20)	570 x 1 x \$2	= \$1,140
(20-500)	19 x 4 x \$2	= \$ 152

COAL AND MNM TOTAL = \$2,038

SECTION 47.71 PROVIDING INFORMATION**13.5. Annual Burden Costs for Providing Copies of HazCom Information to Miners**

Operations must provide copies of HazCom labeling information to miners that request them.

With respect to coal operations, MSHA estimates that: 3,632 coal operations employing fewer than 20 workers; 1,206 coal operations employing 20 to 500 workers; and 10 coal operations employing more than 500 workers, will need to provide copies of HazCom labeling information to miners that request them, annually. With respect to MNM operations, MSHA estimates that: 13,283 operations employing fewer than 20 workers; 1,175 operations employing 20 to 500 workers; and 11 operations employing more than 500 workers, will need to provide copies of HazCom labeling information to miners that request them, annually.

Photocopy costs are estimated to be \$0.60 per request. MSHA estimates that 2 percent of miners in each size category will make a request. With respect to coal operations, the amount of miners per operation are estimated to be: 7 miners per operation employing fewer than 20 workers; 68 miners per operation employing 20 to 500 workers; and 590 miners per operation employing more than 500 workers. With respect to MNM operations, the amount of miners per operation are estimated to be: 5 miners per operation employing fewer than 20 workers; 48 miners per operation employing 20 to 500 workers; and 695 miners per operation employing more than 500 workers.

COAL OPERATIONS

(<20)	$3,632 \times (7 \times 0.02) \times \$0.60 = \$305$
(20-500)	$1,206 \times (68 \times 0.02) \times \$0.60 = \$984$
(>500)	$10 \times (590 \times 0.02) \times \$0.60 = \$71$

MNM OPERATIONS

(<20)	$13,283 \times (5 \times 0.02) \times \$0.60 = \$797$
(20-500)	$1,175 \times (48 \times 0.02) \times \$0.60 = \$677$
(>500)	$11 \times (695 \times 0.02) \times \$0.60 = \$92$

COAL AND MNM TOTAL = \$2,926

TOTAL ANNUAL BURDEN COSTS = \$13,199

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 as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this

collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

There are no costs to the federal government.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

The number of mines and contractors has been updated using 2007 data, resulting in an increase in respondents from 21,031 to the current 22,381

The burden hours and costs decreased largely due to removing burden for training miners on HazCom. The current burden reflects only the paperwork burden associated with the training and not the burden for the actual training. Burden hours decreased from 203,438 to 177,668 and the burden cost decreased from \$496,000 to \$13,199. In addition, this has resulted in a decrease in the number of responses (from 845,370 to 813,753).

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.

MSHA does not intend to publish the results of this information collection.

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

There are no forms associated with this information collection; therefore, MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

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

There are no exceptions to the certification statement.

B. Collection of Information Employment Statistical Methods

As statistical analysis is not required by the regulation, questions 1 through 5 do not apply.

Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

TITLE I--GENERAL

MANDATORY SAFETY AND HEALTH STANDARDS

SEC. 101. (a) The Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

7) Any mandatory health or safety standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such mandatory standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring miner exposure at such locations and intervals, and in such manner so as to assure the maximum protection of miners. In addition, where appropriate, any such mandatory standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the operator at his cost, to miners exposed to such hazards in order to most effectively determine whether the health of such miners is adversely affected by such exposure. Where appropriate, the mandatory standard shall provide that where a determination is made that a miner may suffer material impairment of health or functional capacity by reason of exposure to the hazard covered by such mandatory standard, that miner shall be removed from such exposure and reassigned. Any miner transferred as a result of such exposure shall continue to receive compensation for such work at no less than the regular rate of pay for miners in the classification such miner held immediately prior to his transfer. In the event of the transfer of a miner pursuant to the preceding sentence, increases in wages of the transferred miner shall be based upon the new work classification. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of examinations or tests made pursuant to the preceding sentence shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the miner, to his designated physician.

(9) No mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners by an existing mandatory health or safety standard.

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[Code of Federal Regulations]
[Title 30, Volume 1]
[Revised as of July 1, 2004]
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[Page 217]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart D_HazCom Program

Sec. 47.31 Requirement for a HazCom program.

Each operator must--

- (a) Develop and implement a written HazCom program,
- (b) Maintain it for as long as a hazardous chemical is known to be at the mine, and
- (c) Share relevant HazCom information with other on-site operators whose miners can be affected.

[[Page 218]]

[Code of Federal Regulations]
 [Title 30, Volume 1]
 [Revised as of July 1, 2004]
 From the U.S. Government Printing Office via GPO Access
 [CITE: 30C.F.R.47.32]

[Page 218]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart D_HazCom Program

Sec. 47.32 HazCom program contents.

The HazCom program must include the following:

(a) How this part is put into practice at the mine through the use of--

- (1) Hazard determination,
- (2) Labels and other forms of warning,
- (3) Material safety data sheets (MSDS's), and
- (4) Miner training.

(b) A list or other record identifying all hazardous chemicals known to be at the mine. The list must--

- (1) Use a chemical identity that permits cross-referencing between the list, a chemical's label, and its MSDS; and
 - (2) Be compiled for the whole mine or by individual work areas.
- (c) At mines with more than one operator, the methods for--
- (1) Providing other operators with access to MSDS's, and
 - (2) Informing other operators about--
 - (i) Hazardous chemicals to which their miners can be exposed,
 - (ii) The labeling system on the containers of these chemicals, and
 - (iii) Appropriate protective measures.

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[Page 218]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart E_Container Labels and Other Forms of Warning

Sec. 47.41 Requirement for container labels.

(a) The operator must ensure that each container of a hazardous chemical has a label. If a container is tagged or marked with the appropriate information, it is labeled.

(1) The operator must replace a container label immediately if it is missing or if the hazard information on the label is unreadable.

(2) The operator must not remove or deface existing labels on containers of hazardous chemicals.

(b) For each hazardous chemical produced at the mine, the operator must prepare a container label and update this label with any significant, new information about the chemical's hazards within 3 months of becoming aware of this information.

(c) For each hazardous chemical brought to the mine, the operator must replace an outdated label when a revised label is received from the chemical's manufacturer or supplier. The operator is not responsible for an inaccurate label obtained from the chemical's manufacturer or supplier.

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[Title 30, Volume 1]
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[Page 219]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart F_Material Safety Data Sheets (MSDS)

Sec. 47.51 Requirement for an MSDS.

Operators must have an MSDS for each hazardous chemical which they produce or use. The MSDS may be in any medium, such as paper or electronic, that does not restrict availability.

(a) For each hazardous chemical produced at the mine, the operator must prepare an MSDS, and update it with significant, new information about the chemical's hazards or protective measures within 3 months of becoming aware of this information.

(b) For each hazardous chemical brought to the mine, the operator must rely on the MSDS received from the chemical manufacturer or supplier, develop their own MSDS, or obtain one from another source.

(c) Although the operator is not responsible for an inaccurate MSDS obtained from the chemical's manufacturer, supplier, or other source, the operator must--

(1) Replace an outdated MSDS upon receipt of an updated revision, and

(2) Obtain an accurate MSDS as soon as possible after becoming aware of an inaccuracy.

(d) The operator is not required to prepare an MSDS for an intermediate chemical or by-product resulting from mining or milling if its hazards are already addressed on the MSDS of the source chemical.

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[Title 30, Volume 1]
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[Page 223]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart F_Material Safety Data Sheets (MSDS)

Sec. 47.55 Retaining an MSDS.

The operator must--

- (a) Retain its MSDS for as long as the hazardous chemical is known to be at the mine, and
- (b) Notify miners at least 3 months before disposing of the MSDS.

Subpart G [Reserved]

[Code of Federal Regulations]
[Title 30, Volume 1]
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[Page 220]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart H_Making HazCom Information Available

Sec. 47.71 Access to HazCom materials.

Upon request, the operator must provide access to all HazCom materials required by this part to miners and designated representatives, except as provided in Sec. 47.81 through Sec. 47.87 (provisions for trade secrets).

[Code of Federal Regulations]
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[Page 220]

TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart H_Making HazCom Information Available

Sec. 47.73 Providing labels and MSDS's to customers.

For a hazardous chemical produced at the mine, the operator must provide customers, upon request, with the chemical's label or a copy of the label information, and the chemical's MSDS.