

**SUPPORTING STATEMENT FOR THE INFORMATION  
COLLECTION REQUIREMENTS OF THE  
HAZARDOUS WASTE OPERATIONS AND EMERGENCY  
RESPONSE (HAZWOPER) STANDARD  
(29 CFR 1910.120)<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0202 (February 2009)**

## JUSTIFICATION

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

The main objective of the Occupational Safety and Health Act of 1970 (i.e., “the Act”) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

Section 6(b)(7) of the Act specifies that “[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees 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.” This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655).

With regard to recordkeeping, the Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . .” (29 U.S.C. 657). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 657).

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<sup>1</sup>The purpose of this Supporting Statement is to analyze and describe the burden hours and cost associated with provisions of this Standard that contain paperwork requirements; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, these provisions.

In addition, Section 126(e) of the "Superfund Amendments and Reauthorization Act of 1986" (SARA) (Public Law 99-499) which became law on October 17, 1986, required the Secretary of Labor, pursuant to Section 6 of the Act, to promulgate standards for the safety and health protection of employees engaged in hazardous waste operations and emergency response. Section 126(a) of SARA also specified that those standards were to become effective a year after publication. Section 126(b) lists 11 worker protection provisions that the Secretary of Labor had to include in OSHA's final standard. Those provisions require OSHA to address the preparation of various written programs, plans and records; the training of employees; the monitoring of airborne hazards; the conduct of medical surveillance; and the distribution of information to employees. The provisions also require the collection of information from employers engaged in hazardous waste operations and their emergency response to such operations. The final standard covers the provisions mandated in SARA.

Therefore, under the authority granted by the SARA and the OSH Act, the Occupational Safety and Health Administration (i.e., "OSHA" or "the Agency") published at 29 CFR 1910.120 a standard for general industry regulating the operation of hazardous waste operations (i.e., "HAZWOPER" or "the Standard"). Item 12 below describes in detail the specific information collection requirements of the Standard.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The Standard specifies a number of collection of information (paperwork) requirements. Each provision is described in detail in #12 below. Employers can use the information collected under the HAZWOPER rule to develop the various programs the Standard requires and to ensure that their employees are trained properly about the safety and health hazards associated with hazardous waste operations and emergency response to hazardous waste releases. OSHA will use the records developed in response to this Standard to find adequate compliance with the safety and health provisions. The employer's failure to collect and distribute the information required in this Standard will affect significantly OSHA's effort to control and reduce injuries and fatalities. Such failure would also be contrary to the direction Congress provided in SARA.

**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 burdens.**

Employers may use automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data). Advanced data processing programs permit easier accessibility to collected information during OSHA inspections. They also permit the storage of collected information at locations other than the place of inspection if the employer can deliver

the data quickly to the place of inspection (i.e., e-mail, telefax, or other electronic data transfer method).

**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.**

To prevent duplication of effort, OSHA coordinated the preparation of this rule with appropriate individuals from Federal OSHA, state OSHA programs, U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA). OSHA reviewed standards addressing similar hazardous waste operations and emergency response in industries regulated by other parts of title 29 (i.e., 29 CFR Part 1926, Safety and Health Regulations for the Construction Industry) and parts of title 40 (EPA) and title 49 (DOT) of the CFR to ensure no duplication of effort. The employer may use efforts to comply with other Federal regulations to comply with this regulation. OSHA also reviewed the various state plan program regulations for hazardous waste operations and emergency response to ensure no duplication of effort by employers is necessary or required. EPA regulations addressing similar operations for worker populations not covered by OSHA (i.e., 40 CFR 311) are identical to OSHA's requirement but not duplicative due to the worker populations regulated by EPA. The EPA regulates state and local government employees engaged in hazardous waste operations and emergency response in those states that have Federal OSHA jurisdiction (i.e., non-state-plan states). OSHA will recognize any applicable information the employer develops or collects under other Federal regulations as being acceptable in meeting the requirements of this Standard.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The information collection requirements specified by the Standard do not have a significant impact on a substantial number of small entities. The final standard uses performance language whenever possible to provide compliance flexibility to employers and reduce the impact on small businesses. Performance language may require the use of a level of safety and health technical competence not always available to small business employers. To reduce this burden upon small businesses or other small entities, OSHA developed and uses non-mandatory appendices to this Standard to provide useful compliance information and guidance to small businesses and other small entities. Further, many states, through Federal grants, provide consultation programs to assist small businesses in their compliance efforts.

**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.**

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to effectively regulate hazardous waste operations, and thereby, fulfill its mandate "to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources" as specified in the Act at 29 U.S.C. 651. The frequencies of the collections in the OSHA rule are sometimes less than those mandated originally by SARA. There is a provision in SARA that permitted OSHA to reduce the frequency of collection based upon public comment presented during rulemaking.

The record supported certain reductions. Any frequency less than what OSHA requires in the rule would render the Standard ineffective and would be in violation of SARA.

**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;**
- **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.**

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirements are within the guidelines set forth in 5 CFR 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 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**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.**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on December 18, 2008 (73 FR 77072, Docket No. OSHA-2008-0049) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements specified by the Standard on Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received no comments in response to its notice.

**9. Explain any decision to provide any payments or gift to respondents, other than reenumeration of contractors or grantees.**

The Agency will not provide payments or gifts to the respondents.

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

The paperwork requirements specified by the Standard do not involve confidential information.

**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.**

None of the provisions in the Standard require sensitive information.

**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.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

## **Burden Hour and Cost Determinations**

Estimates of the burden hours and annual costs for each information collection requirement are shown below. Data are based upon information from the Environmental Protection Agency

(EPA), the Bureau of Labor Statistics (BLS), the National Fire Protection Association (NFPA), and from the Regulatory Flexibility Analysis (December 14, 1988) prepared for the rule. For example, the number of sites is based upon data provided by the EPA at various Web sites cited. OSHA relied on EPA's 2004 publication, "Cleaning Up the Nation's Waste Sites." The estimated number of hours for each required task is based upon OSHA's estimate of the time it would take an average safety or health professional to perform the required task. The final estimated burden hours are based upon simple multiplication of the estimated number of hours needed for each task times the estimated number of sites or individuals regulated by the specific requirement.

The Agency determined the average wage rates for "Occupational Health and Safety Specialists and Technicians" using average hourly earning, including benefits, to represent the cost of employee time. An average hourly wage rate of \$33.78 was derived from the National Compensation Survey (NCS), published by the Bureau of Labor Statistics.<sup>2</sup> This wage has been adjusted to reflect the fact that fringe benefits comprise roughly 29.3 percent of total employee compensation in the private sector.<sup>3</sup> The costs of labor used in this analysis are, therefore, estimates of total hourly compensation.

The HAZWOPER rule applies to employers engaged in three types of operations:

Type 1: clean-up sites covered by paragraphs (b) through (o);

Type 2: storage, treatment and disposal (STD) sites (Resource Conservation and Recovery Act) (RCRA) sites covered by paragraph (p); and

Type 3: emergency responders (police and fire departments) covered by paragraph (q).

TYPE 1: In preparing the burden hour estimates for the collection of information requirements in the HAZWOPER rule, OSHA still assumes that employers now engaged in operations at 90 percent of the cleanup sites are performing this type of work during the period covered when the last burden hour estimates were made in 2006. Therefore, they have already completed a number of collection of information activities that were "one time" activities such as developing a written safety and health program, however, they may have to modify or update their program. OSHA assumes that employers at 10 percent of the clean-up sites will have to modify or update their programs and employers at another 10 percent will prepare a program for the first time.

TYPE 2: OSHA estimates that employers on 65 percent of the sites classified as STD sites (RCRA) have already performed the information collection activities required in paragraph (p).

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<sup>2</sup>Source: Bureau of Labor Statistics. National Compensation Survey: Occupational Wages in the United States, June 2006. Table 2. Full-time civilian workers: Mean and median hourly, weekly, and annual earnings and mean weekly and annual hours, United States. Published June 2007.

<sup>3</sup>Source: Bureau of Labor Statistics. Employer Costs for Employee Compensation – December 2007. March 12, 2008.

This rate is less than the rate (90 percent) estimated for clean-up sites because OSHA believes that there may be some non-permitted STD sites; i.e., sites for which EPA has yet to issue a permit for work to begin. Employers at those sites most likely have not completed any of the information collection activities required by paragraph (p) of the HAZWOPER rule.

TYPE 3: OSHA estimates that 90 percent of the employers covered by the requirements applicable to emergency response operations in paragraph (q) have completed their obligations with respect to information collection activities. The majority of requirements under paragraph (q) address training and education standards that the emergency response community (police and fire) implements as a usual and customary activity and, therefore, would have performed these activities prior to promulgation of 29 CFR 1910.120.

#### Estimating the Number of Sites

The numbers of actual sites covered by this rule have been taken from EPA's figures in Exhibit 1-1 in "Cleaning Up the Nation's Waste Sites: Markets and Technology Trends," 2004 Edition, supplemented where possible as indicated below. Based upon current figures, there are 150,143 sites remaining to be remediated. EPA has estimated that the current inventory of uncontrolled waste sites could be remediated within 70 years and that the current inventory of RCRA remediation sites could be remediated within 30 years. Without a detailed analysis of how many sites will be active during each of the next 70 years, OSHA has decided to take the total number of sites to be remediated in each category and to divide that figure by either 70 or 30 to determine the average number of active sites/year/category over the estimated remediation time. OSHA will use that average figure in ascertaining its estimated annual information collection burden for each category of sites.

TYPE 1: Based on EPA, there are 456 current National Priorities List (NPL) sites undergoing remediation. OSHA recognizes that there are far more Superfund clean-up sites that have been identified and that will eventually be placed on the NPL; however, OSHA is only using the NPL figure for this estimate since this figure represents more accurately the actual number of sites that are or will become active during the approval period for this notice. In addition, it is estimated that there are 6,400 Department of Defense sites, 5,000 Department of Energy sites, more than 3,000 other civilian Federal agency sites, and 23,000 state-identified sites that OSHA would consider covered by paragraphs (b) through (o) of the rule. As stated above, EPA estimates that it will take approximately 70 years to remediate these sites. Therefore, the total number of uncontrolled hazardous waste sites upon which OSHA could potentially impose a collection burden is now 37,856. Since EPA estimates that it will take 70 years to remediate this total inventory of sites, OSHA is dividing 37,856 by the 70-year figure to estimate an average annual number of potential worksites at 541 per year over the next 70 years.

**TYPE 2:** Similarly, EPA estimates that there are 3,521 potential RCRA corrective action sites<sup>4</sup> and 108,766 RCRA Underground Storage Tank remediation sites<sup>5</sup> that OSHA would consider covered by paragraph (p) of this rule. The total potential RCRA remediation sites covered by OSHA would be 112,287. EPA estimates that it will take about 30 years to remediate these sites. Using the same method described above, OSHA has determined that there will be approximately 3,743 RCRA sites under remediation each year (112,287/30).

**TYPE 3:** With respect to the requirements for emergency response, OSHA believes that the number of emergency response units has remained constant over the past several years.<sup>6</sup> Based upon this assumption, OSHA believes that the total number of emergency response units and employees remains unchanged from the last submission. OSHA will be using the figures of 30,528 emergency response units and 1,691,200 emergency response employees for this submission. It should be noted that at least half of these workers are employed by state and local governments of states that do not have a state plan in effect, or they are paid volunteers. These workers are not covered by the OSHA rules, and the burden associated with their numbers is being eliminated in this paperwork submission.

#### **(A) TYPE 1 -- Clean Up Sites**

##### **1. Written Safety and Health Program**

Paragraph 1910.120(b)(1)(i) requires employers to develop and implement a written safety and health program for their employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards, and provide for emergency response to hazardous waste operations. The following elements of the program are specified in 1910.120(b)(1)(ii): (A) an organizational structure (1910.120(b)(2)(i) and (ii)); (B) a comprehensive work plan (1910.120(b)(3)(iv), (v), and (vi)); (C) a site-specific safety and health plan that need not repeat the employer's standard operating procedures required in paragraph (b)(1)(ii)(F) of this section (1910.120(b)(4)(i) and (ii), (c)(1), (d)(2) and (d)(3), (g)(5), and (p)(1)); (D) the safety and health training program (1910.120(e)(1)); (E) the medical surveillance program (1910.120(f)(1), (f)(3), and (f)(4)); (F) the employer's standard operating procedures for

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<sup>4</sup>Source: U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response. 2020 Corrective Action Universe. September 30, 2007. EPA estimates that Federal facilities comprise approximately 6 percent of a total 3,746 facilities that are expected to require corrective action.

<sup>5</sup>Source: U.S. Environmental Protection Agency, Office of Underground Storage Tanks. FY 2007 Annual Report on the Underground Storage Tank Program, page 4. April 2008.

<sup>6</sup>According to the National Fire Protection Association, the total number of firefighters and fire departments has remained fairly stable over the past twenty years. While the Agency has been unable to identify specific data regarding the number of emergency response units covered by the Standard, it seems reasonable to assume that this number has remained relatively stable as well.  
<http://www.nfpa.org/itemDetail.asp?categoryID=955&itemID=23688&URL=Research%20%20Reports/Fire%20statistics/The%20U.S.%20fire%20service>



safety and health; and (G) any necessary interface between general program and site specific activities.

(A) Estimated time to develop an organizational structure:	.5 hour per site
(B) Estimated time to develop a comprehensive work plan:	.5 hour per site
(C) Estimated time to develop a site-specific safety and health plan:	2 hours per site
(D) Estimated time to develop a safety and health training program:	8 hours per site
(E) Estimated time to develop a medical surveillance program:	4 hours per site
(F) Estimated time to develop SOP for safety and health:	4 hours per site
(G) Estimated time for any necessary interface between general program and site specific activities:	<u>4 hours per site</u>
	23 hours (Total)

Burden hours: 541 sites × 10% of employers preparing program for first time × 23 hours = 1,244 hours

Cost: 1,244 hours x \$33.78 = \$42,022

(B) Estimated time to develop a comprehensive work plan:	.5 hour per site
(C) Estimated time to develop a site-specific safety and health plan:	1 hour per site
(G) Estimated time for any necessary interface between General program and site specific activities:	<u>4 hours per site</u> 5.5 hours per site (TOTAL)

Burden hours: 541 sites × 10% modifying/updating × 5.5 hours = 298 hours

Cost: 298 hours x \$33.78 = \$10,066

**Therefore, the total burden hours for written safety and health programs are 1,542 and the cost is \$52,088.**

## **2. Informing contractors, subcontractors of emergency response procedures**

Paragraph 1910.120(b)(1)(iv) requires employers who retain contractor or subcontractor services for work in hazardous waste operations to inform those contractors, subcontractors, or their representatives of the site emergency response procedures and any potential fire, explosion, health, safety or other hazards of the hazardous waste operation identified by the employer, including those identified in the employer's information program.

Paragraph 1910.120(b)(1)(v) requires the employer to make available the written safety and health program (required by #1 above) to any contractor or subcontractor or their representative who will be involved with the hazardous waste operation; to employees; to employee designated representatives; to OSHA personnel; and to personnel of other Federal, state, or local agencies with regulatory authority over the site.

Burden hours: 541 sites × 1 hour to inform of the site emergency response procedures and to make the written safety and health program available = 541 hours

Cost: 541 hours x \$33.78 = \$18,275

### **3. Pre-entry briefings on safety and health programs**

Paragraph 1910.120(b)(4)(iii) requires that employers conduct pre-entry briefings prior to site entry, and at such other times as necessary to ensure that employees are aware of the site safety and health plan and that this plan is being followed.

OSHA believes that it is a usual and customary practice at all sites to have briefings; however, because the briefing required in this rule is based on a safety and health program that may contain information that is not usual and customary, OSHA estimates the burden for this provision at one hour.

Burden hours: 541 sites × 1 hour to conduct pre-entry briefings = 541 hours

Burden hours: 541 sites × 8 hours to evaluate hazardous waste sites = 4,328 hours

The total burden hours for pre-entry briefings on safety and health programs are 4,869

Cost: 4,869 hours x \$33.78 = \$164,475

### **4. Preparation of training/providing training**

Paragraphs 1910.120(e)(1) and (e)(3) require that all employees working on a site which contains hazardous substances, health hazards, or safety hazards, as well as supervisors and management responsible for the site, receive training before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards.

Paragraph (e)(3)(i) requires that general site workers (such as equipment operators, general laborers and supervisory personnel) engaged in hazardous substance removal or other activities which expose or potentially expose workers to hazardous substances and health hazards shall receive a minimum of 40 hours of instruction off the site, and a minimum of three days actual field experience under the direct supervision of a trained experienced supervisor.

Paragraph (e)(3)(ii) requires that workers on site only occasionally for a specific limited task (such as, but not limited to, ground water monitoring, land surveying, or geophysical surveying) and who are unlikely to be exposed over permissible exposure limits and published exposure limits shall receive a minimum of 24 hours of instruction off the site, and a minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

Paragraph (e)(3)(iii) requires that workers who regularly work in areas which have been monitored and fully characterized (indicating that exposures are under permissible exposure limits and published exposure limits, and where respirators are not necessary), and the characterization indicates that there are no health hazards or the possibility of an emergency developing, shall receive a minimum of 24 hours of instruction off the site, and a minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

Paragraph (e)(3)(iv) requires that workers with 24 hours of training who are covered by paragraphs (e)(3)(ii) and (e)(3)(iii) of this section, and who become general site workers or who are required to wear respirators, have an additional 16 hours or two days of off-site training to total the 40 hours of training specified in (e)(3)(i).

OSHA estimates that there are a total of 10,820 clean-up employees (an average of 20 per site) of which 10 percent or an estimated 1,082 would be new employees requiring the aforementioned initial training. The Agency assumes that 70 percent of the 1,082 (757) would be routine site employee laborers who would require 64 hours of training, and 25 percent (271) would be routine site employees with minimal exposure, requiring 32 hours of initial training.

$$\text{Burden hours: } 757 \times 64 \text{ hours} = 48,448 \text{ hours}$$

$$\text{Burden hours: } 271 \times 32 \text{ hours} = 8,672 \text{ hours}$$

Therefore, the total burden hours for preparation of training/providing training are 57,120.

$$\text{Cost: } 57,120 \text{ hours} \times \$33.78 = \$1,929,514$$

## **5. Supervisor training**

Paragraph (e)(4) requires that on-site management and supervisors directly responsible for, or who supervise employees engaged in hazardous waste operations receive 40 hours initial training and three days of supervised field experience (the training may be reduced to 24 hours and one day if the only area of their responsibility is employees covered by paragraphs (e)(3)(ii) and (e)(3)(iii)) and at least eight additional hours of specialized training at the time of job assignment on such topics as, but no limited to, the employer's safety and health program, personal protective equipment program, spill containment program, and health hazard monitoring procedure and techniques.

OSHA assumes that the remaining 5% of the new 1,082 (54) employees would be supervisors:

$$\text{Burden hours: } 54 \times 64 \text{ hours} = 3,456 \text{ hours}$$

$$\text{Cost: } 3,456 \text{ hours} \times \$33.78 = \$116,744$$

## 6. Certification of training

Paragraph 1910.120(e)(6) requires a written certification for employees and supervisors who have received and successfully completed the training and field experience specified in paragraphs (e)(1) through (e)(4). A written certificate shall be given to each person so certified.

Burden hours: 1,082 employees  $\times$  5 min. (.08 hour) = 87 hours  
Cost: 87 hours  $\times$  \$33.78 = \$2,939

## 7. Refresher training

Paragraph 1910.120(e)(8) requires that employees specified in paragraph (e)(1) of this section, and managers and supervisors specified in paragraph (e)(4) of this section, shall receive eight hours of refresher training annually on the items specified in paragraph (e)(2) and/or (e)(4) of this section, any critique of incidents that have occurred in the past year that can serve as training examples of related work, and other relevant topics.

Burden hours: (10,820 employees - 1,082 new employees) = 9,738 employees  $\times$  8 hours of refresher training = 77,904 hours  
Cost: 77,904 hours  $\times$  \$33.78 = \$2,631,597

## 8. Medical exam frequency

Paragraph 1910.120(f)(3) requires certain employees to receive medical exams based on the criteria in the medical surveillance program of the safety and health program (see (b)(1) above). Paragraph 1910.120(f)(4) details the content of the medical exam and paragraph 1910.120(f)(6) requires that certain information be provided to the attending physician and to each employee.

As OSHA previously estimated, there are 10,820 clean-up employees. OSHA estimates that it will take 1.5 hours for a medical exam, including travel time, and 15 minutes (.25 hr.) for the employer to provide the necessary information to the physician for a total of 1.75 hours. According to the RIA, it was estimated that 75 percent of employees and supervisors were receiving annual medical examinations as a usual and customary business practice.

Burden hours: 10,820 employees  $\times$  25% need medical exams  $\times$  1.75 hours to perform exam = 4,734 hours  
Cost: 4,734 hours  $\times$  \$33.78 = \$159,915

## 9. Written physician opinion to the employee

Paragraphs 1910.120(f)(7) and 1910.120(f)(8)(i) requires the employer to provide the employee with a copy of the written physician opinion. The information which has been given to the physician in (f)(6) must be maintained.

The Agency estimates that it will take 10 minutes (.17 hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record.

Burden hours: 10,820 employees  $\times$  .17 hours = 1,839 hours  
Cost: 1,839 hours  $\times$  \$33.78 = \$62,121

## **10. Monitoring program requirements**

Paragraph 1910.120(h) requires employers to develop a monitoring program. The program specifies the: (1) Type of monitoring, (2) the frequency, and (3) the employees to be monitored. The HAZWOPER Standard prescribes the criteria for the three elements. This information is used in the elements of the safety and health program required in 1910.120(b)(1) described above. This information is also used in the briefings required in 1910.120 (b)(4)(iii) and to fulfill the requirements of 1910.120(c)(7). Based on the RIA, it takes four hours to conduct the monitoring at each site. Note that most monitoring is done by automatic machines (monitors) which record the results or by a personal badge worn by employees.

Burden hours: 541 sites  $\times$  4 hours for employers to develop a monitoring program  
= 2,164 hours  
Cost: 2,164 hours  $\times$  \$33.78 = \$73,100

## **11. Decontamination procedures**

Paragraph 1910.120(k)(2)(i) requires employers to develop a decontamination procedure and to communicate it to employees and implement it before any employees or equipment may enter areas on site where a potential for exposure to hazardous substances exists.

Burden hours: 541 sites  $\times$  6 hours to develop a decontamination procedure and to  
communicate it to employees = 3,246 hours  
Cost: 3,246 hours  $\times$  \$33.78 = \$109,650

## **12. Emergency action plan**

Paragraph 1910.120(l)(1)(i) requires that employers develop and implement an emergency action plan to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, OSHA personnel and other government agencies with relevant responsibilities.

As discussed under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is using a 10 percent turnover rate to account for new employers (sites). For the existing 541 sites, OSHA estimates that it takes one minute (.02 hr.) to maintain the plan.

Burden hours:  $541 \text{ sites} \times 10\% \times 8 \text{ hours to prepare and maintain emergency action plan} = 433 \text{ hours}$

Burden hours:  $541 \text{ existing plans} \times .02 \text{ hours to maintain plan} = 11 \text{ hours}$

The total burden hours for the emergency action plan are 444.

Cost:  $444 \text{ hours} \times \$33.78 = \$14,998$

### **.13. Marking water containers as containing drinking water**

Paragraph 1910.120(n)(1)(iii) requires that any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

OSHA assumes that employers have completed developing appropriate language to fulfill the requirement. OSHA assumes this task will take 10 minutes (.17 hours).

Burden hours:  $541 \text{ sites} \times 10\% \text{ new} \times 10 \text{ containers per site} \times .17 \text{ hours to mark} = 92 \text{ hours}$

Cost:  $92 \text{ hours} \times \$33.78 = \$3,108$

### **14. Marking of outlets for non-potable water**

Paragraph 1910.120(n)(2)(i) requires that outlets for non-potable water, such as water for firefighting purposes, be identified to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

Burden hours:  $541 \text{ sites} \times 10\% \text{ new} \times 10 \text{ outlets per site} \times .17 \text{ hours to mark} = 92 \text{ hours}$

Cost:  $92 \text{ hours} \times \$33.78 = \$3,108$

### **15. New technology requirements**

Paragraph 1910.120(o) requires employers to develop and implement procedures for the introduction of new technologies and equipment developed for improved employee protection.

As discussed above under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is using a 10 percent turnover rate to account for new employers (sites) and estimates that it takes 6 hours to develop and implement procedures for the introduction of new technologies and equipment for improved employee protection.

Burden hours:  $541 \text{ sites} \times 10\% \text{ new} \times 6 \text{ hours to develop and implement procedures} = 325 \text{ hours}$

Cost:  $325 \text{ hours} \times \$33.78 = \$10,979$

**(B) TYPE 2-- RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) (EPA-PERMITTED STD) SITES**

**16. Safety and Health Program**

Paragraph 1910.120(p)(1) requires RCRA (STD) site employers to develop and implement a safety and health program. As part of this safety and health program, employers are required to develop a training program as specified in paragraph 1910.120(p)(7)(i), and an emergency response plan as specified in paragraph 1910.120(p)(8).

As stated under the TYPE 2 discussion above, OSHA estimates that 65 percent of the sites have already completed this requirement.

$$\begin{aligned} \text{Burden hours: } & 3,743 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 7,860 \text{ hours} \\ \text{Cost: } & 7,860 \text{ hours} \times \$33.78 = \$265,511 \end{aligned}$$

In addition, the Agency estimates that 10 percent of the sites may need to update/modify their plans, and that it will take 2 hours to update or modify these plans.

$$\text{Burden hours: } 3,743 \text{ sites} \times 10\% \times 2 \text{ hours} = 749 \text{ hours}$$

Therefore, the total burden hours for the Safety and Health Program are 8,609.

$$\text{Cost: } 8,609 \text{ hours} \times \$33.78 = \$290,812$$

**17. Hazard communication program**

Paragraph 1910.120(p)(2) requires RCRA (STD) sites employers to develop a hazard communication program.

$$\begin{aligned} \text{Burden hours: } & 3,743 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 7,860 \text{ hours} \\ \text{Cost: } & 7,860 \text{ hours} \times \$33.78 = \$265,511 \end{aligned}$$

**18. Medical surveillance program**

Paragraph 1910.120(p)(3) requires RCRA (STD) site employers to provide employee medical exams as specified in paragraph 1910.120(f).

Based on the previous paperwork packages, and using the same methodology for employees in Type 1, OSHA estimates that there are an estimated 56,145 STD site employees (15 per site). OSHA also estimates that it will take 1.5 hours for a medical exam, including travel time, and 15 minutes (.25 hr.) for the employer to provide the necessary information to the physician. The Agency also estimates that it will take 10 minutes (.17 hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record. Based on the RIA, it

is estimated that, on average, 70 percent of the RCRA employees and supervisors receive annual medical reexaminations as a usual and customary business practice.

Burden hours:  $56,145 \times 30\% \times 1.92 \text{ hrs.} = 32,340 \text{ hours}$   
Cost:  $32,340 \text{ hours} \times \$33.78 = \$1,092,445$

### **19. Decontamination program**

Paragraph 1910.120(p)(4) requires RCRA (STD) site employers to develop a decontamination program.

Burden hours:  $3,743 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 7,860 \text{ hours}$   
Cost:  $7,860 \text{ hours} \times \$33.78 = \$265,511$

### **20. New technology program**

Paragraph 1910.120(p)(5) requires the employer to develop and implement procedures meeting the requirements of paragraph (o) of this section (i.e., introducing new and innovative equipment into the workplace).

Burden hours:  $3,743 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 7,860 \text{ hours}$   
Cost:  $7,860 \text{ hours} \times \$33.78 = \$265,511$

### **21. Material handling program**

Paragraph 1910.120(p)(6) requires employers whose employees will be handling drums or containers to develop and implement procedures meeting the requirements of paragraphs 1910.120(j)(1)(ii) through (viii), (j)(1)(xi), (j)(3) and (j)(8) of this section prior to the employees starting such work.

Burden hours:  $3,743 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 7,860 \text{ hours}$   
Cost:  $7,860 \text{ hours} \times \$33.78 = \$265,511$



## 22. Implementation of training program

Paragraph 1910.120(p)(7)(i) requires the employer to develop and implement a training program, which is part of the employer's safety and health program, for new employees exposed to health hazards or hazardous substances at STD operations to enable the employees to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for 24 hours and refresher training shall be for eight hours annually. It is estimated that 56,145 STD employees will need training.<sup>7</sup>

Employees who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training. This certificate will also fulfill employer obligations under paragraph 1910.120(p)(8)(iii)(C) which requires the employer to certify that each covered employee has attended and successfully completed the training required in paragraph (p)(8)(iii) of this section, or shall certify the employee's competency at least yearly. The method used to demonstrate competency for certification of training shall be recorded and maintained by the employer.

Based on the RIA, the Agency estimates, on average, initial training of new employees will involve training 2 new employees per session

Burden hours:  $(56,145 \text{ STD employees} \times 10\% \text{ new employees}) / 2 \times 24 \text{ hours of training} = 67,374 \text{ hours}$

The Agency estimates, on average, refresher training of current employees will involve training 10 employees per session.

Burden hours:  $56,145 \text{ current STD employees} / 10 \times 8 \text{ hours of refresher training} = 44,916 \text{ hours}$

Burden hours:  $56,145 \text{ STD employees} \times 10\% \text{ new employees} \times .05 \text{ hours to generate and maintain certification record} = 281 \text{ hours}$

Burden hours:  $56,145 \text{ current STD employees} \times .02 \text{ hours to maintain certification records} = 1,123 \text{ hours}$

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<sup>7</sup>Employees referenced in paragraphs 1910.120(p)(8)(iii)(A), (training for emergency response employees) and paragraph 1910.120(p)(8)(iii)(B) (training employee members of STD facility emergency response organizations) are included in the 56,145 STD employees.

Therefore, the total burden hours for the implementation of a training program are 113,694.

Cost: 113,694 hours x \$33.78 = \$3,840,583

### **(C) TYPE 3 -- EMERGENCY RESPONSE WORKERS**

#### **23. Emergency response plan**

Paragraph 1910.120(q)(1) requires that an emergency response plan be developed and implemented to handle anticipated emergencies prior to the commencement of emergency response operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, and OSHA personnel. Employers who will evacuate their employees from the danger area when an emergency occurs, and who do not permit any of their employees to assist in handling the emergency, are exempt from the requirements of this paragraph if they provide an emergency action plan complying with 29 CFR 1910.38(a).

Burden hours: 30,528 emergency response organizations × 50% not covered by OSHA (state and local employees) × 10% required to develop new emergency response plan × 8 hours to prepare plan = 12,211 hours  
Cost: 12,211 hours x \$33.78 = \$412,488

#### **24. First responder training “at the awareness level”**

Paragraph 1910.120(q)(6)(i) describes “first responders at the awareness level” as individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release. First responders at the awareness level shall have sufficient training or have had sufficient experience to objectively demonstrate competency.

The Agency estimates that there are a total of 1,691,200 emergency response employees. However, OSHA assumes that half of these employees are state and local government employees not covered by the Standard. Therefore, of the 1,691,200 emergency response employees, only 845,600 employees would be impacted by the Standard.

While the Agency has an estimated number of emergency response employees who would be affected by the provisions under 1910.120(q), the Agency has no clear means to categorize these employees into the various training categories specified under 1910.120(q)(6)(i)-(v).

To determine the number of employees in the various training categories, OSHA reviewed the RIA to develop a percentage of total emergency response employees for each of the training categories. OSHA estimates that 56% of the total 845,600 employees covered by OSHA, or 473,536 employees, would be first responders at the awareness level.

For initial training, the Agency estimates a 10 percent turnover rate; therefore, 47,354 employees would require initial training. The Agency estimates that it would take 3 hours of training.

Burden hours: 47,354 employees × 3 hours of training = 142,062 hours  
Cost: 142,062 hours x \$33.78 = \$ 4,798,854

## **25. First responder training “at the operations level” and certification of training**

Paragraph 1910.120(q)(6)(ii): “First responders at the operations level” are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. First responders at the operational level shall have received at least eight hours of training or have had sufficient experience to objectively demonstrate competency in six areas, in addition to those listed for the awareness level; the employer shall so certify their competency.

The Agency estimates that 41% of the 845,600 employees, or 346,696 employees, would require first operations level training.

For initial training, the Agency estimates a 10% turnover rate; therefore, 34,670 employees would require initial training. The Standard states that first responder operations’ training requires at least 8 hours of training.

Burden hours: 34,670 employees × 8 hours of training = 277,360 hours

The Agency also estimates another 3 minutes (.05 hour) to generate and maintain the certification record.

Burden hours: 34,670 employees × .05 hours = 1,734 hours

Therefore, the total burden hours for first responder training at the operations level are 279,094.

Cost: 279,094 x \$33.78 = \$9,427,795

## **26. Hazardous material technician training and certification of training**

Paragraph 1910.120(q)(6)(iii): “Hazardous materials technicians” are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance. Hazardous materials technicians shall have received at least 24 hours of training equal to the first

responder operations level and, in addition, have competency in nine additional areas; the employer shall so certify their competency.

Paragraph 1910.120(q)(6)(iv): “Hazardous materials specialists” are individuals who respond with, and who provide, technical support to, hazardous materials technicians. Their duties parallel those of the hazardous materials technician; however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regards to site activities. Hazardous materials specialists shall have received at least 24 hours of training at the technician level, and have competency in nine additional areas; the employer shall so certify their competency.

Paragraph 1910.120(q)(6)(v): “Incident commanders,” who will assume control of the incident scene beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder operations level and have competency in six additional; the employer shall so certify their competency.

As these three categories all require at least 24 hours of training, they have been combined; they account for approximately 3 percent of the total 845,600 emergency response employees, or 25,368 employees.

For initial training, the Agency estimates a 10 percent turnover rate; therefore, 2,537 employees would require initial training. The Standard states these training categories would require at least 24 hours of training.

Burden hours:  $2,537 \text{ employees} \times 24 \text{ hours} = 60,888 \text{ hours}$

Written Training Certification:

Burden hours:  $2,537 \text{ emergency response employees} \times .05 \text{ hours to generate and maintain record} = 127 \text{ hours}$

Therefore, the total burden hours for hazardous material technician training and certification of training are 61,015.

Cost:  $61,015 \text{ hours} \times \$33.78 = \$2,061,087$

**27. Refresher training**

Paragraph 1910.120(q)(8)(i) requires that those employees who are trained in accordance with paragraph (q)(6) of this section receive annual refresher training of sufficient content and duration to maintain their competencies, or that they demonstrate competency in those areas at least yearly.

The Agency estimates that the refresher training time, on average, is 2.5 hours per sessions of 10 employees.

Burden hours: 845,600 emergency response employees/10 sessions × 2.5 hours =  
211,400 hours  
Cost: 211,400 hours x \$33.78 = \$7,141,092

## **28. Statement of competency**

Paragraph 1910.120(q)(8)(ii) requires that a statement be made of the training or competency, and that the employer shall keep a record of the methodology used to demonstrate competency.

Burden hours: 845,600 emergency response employees × .17 hours per responder  
= 143,752 hours  
Cost: 143,752 hours x \$33.78 = \$4,855,942

## **29. Baseline physical exams for members of organized and designated HAZMAT team and hazardous materials specialists**

Paragraph 1910.120(q)(9) requires that members of an organized and designated HAZMAT team and hazardous materials specialists receive a baseline physical examination.

Based on the RIA, OSHA estimates that 3,000 HAZMAT employees will take 1.5 hours for a medical exam, including travel time, and 15 minutes (.25 hr.) for the employer to provide the necessary information to the physician. The Agency also estimates that it will take 10 minutes (.17 hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record.

Burden hours: 3,000 employees × 1.92 hours = 5,760 hours  
Cost: 5,760 hours x \$33.78 = \$194,573

## **30. Disclosure of written safety and health programs, emergency action plans, emergency response plans and training certification records**

OSHA estimates that approximately 487 sites/employers/units covered by the Standard may be subject to an OSHA inspection, and the employer may be required to disclose written safety and health programs, emergency action plans, emergency response plans and training certification

records annually.<sup>8</sup> OSHA estimates that it will take a manager 15 minutes (.25 hour) to disclose all documents.

Burden hours: 487 sites/employers/units × .25 hour = 122 hours

Cost: 122 hours × \$33.78 = \$4,121

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

- **The cost estimate should be split into two components: (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.**

Costs under item 13 for complying with the Hazardous Waste Operations and Emergency Response standard are included under those costs in Item 12, except for the costs of medical exams. Medical exams cost \$138 each.<sup>9</sup> OSHA estimates that 22,549 employees will receive annual medical exams.

TYPE 1: 10,820 employees × .25 = 2,705

TYPE 2: 56,145 employees × .30 = 16,844

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<sup>8</sup>The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all clean-up sites (541), RCRA (STD) sites (3,743), and emergency response units (30,528) or a total of 34,812 and then multiplying the total number of sites/employers/units by this percentage (i.e., 34,812 sites/employers/units × 1.4% = 487 sites/employers/units inspected).

<sup>9</sup>The Consumer Price Index (CPI) indicated a 6.3% increase in the price of professional medical services from 2005 to 2007. The previous ICR estimated that the cost of a medical exam was \$130; given the 6.3% increase in the price of professional medical services, it was assumed that the cost of medical examinations increased by 6.3% as well.

TYPE 3: HAZMAT employees = 3,000

Cost: 22,549 employees × \$138/exam = \$3,111,762

**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.**

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$39.70 spends about 15 minutes (.25 hour) during an inspection reviewing the documents required by the Standard. The Agency has determined that its compliance officers will inspect about 487 sites/employers/units regulated by the Standard during each year covered by this ICR. OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirements specified by the Standards. Therefore, the total cost of the paperwork requirements to the Federal government is:

**Cost:** 487 inspections × .25 hour × \$39.70 = \$4,833

**15. Explain the reasons for any program changes or adjustments.**

The Agency is requesting an adjustment decrease of 35,648 burden hours from the previous submission (from 1,235,602 hours to 1,199,954 hours). This decrease is primarily a result of a decline in the number of sites to be remediated. See Table 1 below for the rationale of burden hour changes. There is also a decrease in the cost under Item 13 from \$3,351,000 to \$3,111,762 (-\$239,238). This decrease occurred due to a reduction in the number of employees requiring medical exams although the cost of an exam increased from \$130 to \$138.

**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.**

OSHA will not publish the information collected under the Standard.

**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.**

No forms are available for the Agency to display the expiration date.

**18. Explain each exception to the certification statement in ROCIS.**

OSHA is not requesting an exception to the certification statement in ROCIS.

**TABLE 1**  
**Hazardous Waste Operations and Emergency Response**  
**Rationale for Burden Hour Changes<sup>10</sup>**

	<i>Collection of Information</i>	<i>Current Burden Hours</i>	<i>Proposed Burden Hours</i>	<i>Adjustment</i>	<i>Responses</i>	<i>Explanation of Adjustment</i>
<b>CLEAN-UP SITES</b>						
1	Written safety and health program -- 1910.120(b)(1)(i)	1,542	1,542	0	108	No change.
2	Informing contractors, subcontractors emergency response procedures -- 1910.120(b)(1)(iv)	541	541	0	541	No change.
3	Pre-entry briefings on S&H programs -- 1910.120(b)(4)(iii)	4,869	4,869	0	1,082	No change.
4	Preparation training/providing training -- 1910.120(e)(1)(i)	57,120	57,120	0	1,028	No change.
5	Supervisor training -- 1910.120(e)(4)	3,456	3,456	0	54	No change.
6	Certification of training -- 1910.120(e)(6)	87	87	0	1,082	No change.

<sup>10</sup>The HAZWOPER rule applies to employers engaged in three types of operations: Type 1: clean-up sites covered by paragraphs (b) through (o); Type 2: storage, treatment and disposal (STD) sites (Resource Conservation and Recovery Act) (RCRA) sites covered by paragraph (p); and Type 3: emergency responders (police and fire departments) covered by paragraph (q).



	<i>Collection of Information</i>	<i>Current Burden Hours</i>	<i>Proposed Burden Hours</i>	<i>Adjustment</i>	<i>Responses</i>	<i>Explanation of Adjustment</i>
7	Refresher training -- 1910.120(e)(8)	77,904	77,904	0	9,738	No change.
8	Medical exam frequency -- 1910.120(f)(3)	4,734	4,734	0	2,705	No change.
9	Written physician opinion to the employee -- 1910.120(f)(7)(i)	1,839	1,839	0	10,820	No change.
10	Monitoring program requirements -- 1910.120(h)	2,164	2,164	0	541	No change.
11	Decontamination procedures -- 1910.120(k)(2)(i)	3,246	3,246	0	541	No change.
12	Emergency action plan -- 1910.120(l)(1)(i)	444	444	0	595	No change.
13	Marking water containers as containing drinking water -- 1910.120(n)(1)(iii)	92	92	0	541	No change.
14	Marking of outlets for nonpotable water -- 1910.120(n)(2)(i)	92	92	0	541	No change.
15	New technology requirements -- 1910.120(o)	325	325	0	54	No change.
	<b>TOTALS FOR CLEAN-UP SITES</b>	<b>158,455</b>	<b>158,455</b>	<b>0</b>	<b>29,971</b>	

	<i>Collection of Information</i>	<i>Current Burden Hours</i>	<i>Proposed Burden Hours</i>	<i>Adjustment</i>	<i>Responses</i>	<i>Explanation of Adjustment</i>
<b>RCRA (STD) SITES</b>						
16	<i>Safety and Health Program -- 1910.120(p)(1)</i>	10,258	8,609	-1,649	1,684	The decrease is due to a decline in the number of potential RCRA corrective action sites from 4,460 to 3,743.
17	<i>Hazard communication program -- 1910.120(p)(2)</i>	9,366	7,860	- 1,506	1,310	The decrease is due to a decline in the number of potential RCRA corrective action sites from 4,460 to 3,743.
18	<i>Medical surveillance program -- 1910.120(p)(3)</i>	38,534	32,340	- 6,194	16,844	The decrease is due to a decline in the number of STD employees from 66,900 to 56,145. The decline is a result of fewer STD sites.
19	<i>Decontamination program -- 1910.120(p)(4)</i>	9,366	7,860	- 1,506	1,310	The decrease is due to a decline in the number of potential RCRA corrective action sites from 4,460 to 3,743.
20	<i>New technology program -- 1910.120(p)(5)</i>	9,366	7,860	-1,506	1,310	The decrease is due to a decline in the number of potential RCRA corrective action sites from 4,460 to 3,743.
21	<i>Material handling program 1910.120(p)(6)</i>	9,366	7,860	-1,506	1,310	The decrease is due to a decline in the number of potential RCRA corrective action sites from 4,460 to 3,743.
22	<i>Implementation of training program -- 1910.120(p)(7)(i)</i>	135,473	113,694	- 21,779	72,989	The decrease is due to a decline in the number of STD employees from 66,900 to 56,145. The decline is a result of fewer STD sites.
	<b>TOTALS FOR RCRA (STD) SITES</b>	<b>221,729</b>	<b>186,083</b>	<b>-35,646</b>	<b>96,757</b>	

	<i>Collection of Information</i>	<i>Current Burden Hours</i>	<i>Proposed Burden Hours</i>	<i>Adjustment</i>	<i>Responses</i>	<i>Explanation of Adjustment</i>
<b>EMERGENCY RESPONSE OPERATIONS</b>						
23	Emergency response plan -- 1910.120(q)(1)	12,211	12,211	0	1,526	No change.
24	First responder training "at the awareness level" – 1910.120(q)(6)(i)	142,062	142,062	0	47,354	No change.
25	First responder training "at the operations level" -- 1910.120(q)(6)(ii)	277,360	277,360	0	34,670	No change.
	Certification of training	1,734	1,734		34.670	No change.
26	Hazardous material technician training -- 1910.120(q)(6)(iii)  Certification of training.	61,015	61,015	0	5,074	No change.
27	Refresher training -- 1910.120(q)(8)(i)	211,400	211,400	0	84,560	No change.
28	Statement of competency -- 1910.120(q)(8)(ii)	143,752	143,752	0	845,600	No change.

	<i>Collection of Information</i>	<i>Current Burden Hours</i>	<i>Proposed Burden Hours</i>	<i>Adjustment</i>	<i>Responses</i>	<i>Explanation of Adjustment</i>
29	Baseline physical exams for members of organized and designated HAZMAT team and hazardous materials specialists – 1910.120(q)(9)	5,760	5,760	0	3,000	No change.
	<b>TOTALS FOR EMERGENCY RESPONSE OPERATIONS</b>	<b>855,294</b>	<b>855,294</b>	<b>0</b>	<b>1,021,818</b>	
30	Disclosure of written safety and health programs, emergency action plans, emergency response plans, and training certification records	124	122	-2	487	The decrease is due to a decline in the number of potential RCRA corrective action sites from 4,460 to 3,743.
	<b>CLEAN-UP SITES</b>	<b>158,455</b>	<b>158,455</b>	<b>0</b>	<b>29,971</b>	
	<b>RCRA (STD) SITES</b>	<b>221,729</b>	<b>186,083</b>	<b>-35,646</b>	<b>96,757</b>	
	<b>EMERGENCY RESPONSE OPERATIONS</b>	<b>855,294</b>	<b>855,294</b>	<b>0</b>	<b>1,021,818</b>	
	<b>DISCLOSURE OF WRITTEN PLANS AND CERTIFICATION RECORDS</b>	<b>124</b>	<b>122</b>	<b>-2</b>	<b>487</b>	
		<b>1,235,602</b>	<b>1,199,954</b>	<b>-35,648</b>	<b>1,149,033</b>	