

# **INFORMATION REQUIREMENTS FOR EPA WORKER PROTECTION STANDARDS FOR HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE, EPA #1426.08**

## **1. IDENTIFICATION OF THE INFORMATION COLLECTION**

### **1(b) Short Characterization**

This information collection request (ICR) addresses the information requirements for the U.S. Environmental Protection Agency's (EPA) worker protection standards for hazardous waste operations and emergency response under section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA). SARA section 126(a) requires the Secretary of Labor to promulgate health and safety standards pursuant to section 6 of the Occupational Safety and Health Act of 1970 (OSH Act), for employees engaged in hazardous waste operations and emergency response. Section 126(b) lists eleven worker protection provisions that the Secretary of Labor was directed to include in the regulation (see attached copy of Section 126 of SARA, PL 99-499). These provisions include preparation of various written programs, plans, and records, monitoring of airborne hazards, training of employees, medical surveillance, and the dissemination of information to employees. Certain aspects of these provisions necessitate the collection of information by employers whose employees are engaged in hazardous waste operations and emergency response. These final standards do not specify any particular method of information collection.

The Occupational Safety and Health Administration (OSHA) promulgated final health and safety standards for employees engaged in hazardous waste operations and emergency response on March 6, 1989 (54 FR 9294); these OSHA regulations (known as HAZWOPER) are codified at 29 CFR 1910.120. The OSHA final regulations contain standards for all private employees, and for Federal employees through Executive Order 12196. Under section 18 of the OSH Act, OSHA may delegate worker protection programs to State authorities. The State program, however, must be at least as stringent as the Federal OSHA program. There are currently 23 States plus the Virgin Islands and Puerto Rico that have delegated OSHA programs. In these 23 States (known as State-plan States), State and local government employees also are covered by the State worker protection standards. Thus, in State-plan States, Federal, State, and local government employees, as well as private employees, are covered by worker protection standards at least as stringent as the Federal OSHA standards.

Section 126(f) of SARA required EPA to promulgate standards identical to those promulgated by OSHA pursuant to SARA section 126(a), to protect State and local government employees in States without delegated programs. The EPA regulation, which references the OSHA standard 29 CFR 1910.120, is codified at 40 CFR 311 (54 FR 26654; June 23, 1989). Because the substance of the EPA standards is identical to the OSHA worker protection standards, the EPA standards also include provisions that require the collection and dissemination of information, and therefore are subject to the provisions of the Paperwork Reduction Act (PRA).

## **2. NEED FOR AND USE OF THE COLLECTION**

### **2(a) Need/Authority for the Collection**

SARA section 126(a) requires the Secretary of Labor to issue health and safety standards under section 6 of the OSH Act for the benefit of private sector employees, and through the Presidential Executive Order 12196, 2/26/80, Federal employees -- engaged in hazardous waste operations and emergency response. Federal OSHA has no authority to enforce regulations protecting State and local government employees. However, under section 18 of the OSH Act, a State may elect to develop and implement its own occupational safety and health program if: (1) the State is willing to document its program in a State plan, and (2) the State's requirements are at least as stringent as the Federal regulations.

SARA section 126(f) requires the EPA Administrator to issue standards for hazardous waste operations and emergency response that are identical to OSHA's standards. Although the two sets of standards contain identical substantive provisions, EPA and OSHA address different audiences. EPA's authority extends to State and local government employers conducting hazardous waste operations and emergency response in States that do not have a delegated OSHA program in effect. Currently, 27 States, one territory, and the District of Columbia fall under EPA's authority. (See **Exhibit 1**) The EPA regulations cover both compensated and uncompensated State and local government employees engaged in hazardous waste operations and emergency response.

### **2(b) Use/Users of the Data**

This information will be used by EPA to ensure that employees engaged in hazardous waste operations and emergency response are trained and informed properly about potential hazards associated with hazardous waste operations at their workplace or during an emergency response. Fire fighters are the largest group of State and local government employees covered by the EPA worker protection standards. These standards, and the information collection and dissemination provisions they contain, will help ensure that these workers, along with other first responders, will be able to recognize and respond to incidents involving hazardous substances. The medical surveillance provisions will help to ensure that any ill effects from exposure to hazardous materials will be identified early, thus mitigating the potential severity of the illness. Failure to conduct this collection of information will significantly affect EPA's effort to control and reduce injuries and fatalities in the affected workplaces, and would be contrary to the direction provided in SARA by the U.S. Congress. EPA will use this information to audit hazardous waste operations and emergency response activities and to pursue potential enforcement actions related to worker health and safety.

## **3. THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **3(a) Respondents/SIC Codes**

This rule affects State and local governments in the 27 States and 2 territories that do not have OSHA-approved plans under section 18(b) of the OSH

Act. (See **Exhibit 1** for a list of States, territories, and districts covered by the EPA standards.)

## EXHIBIT 1

### STATES, TERRITORIES AND DISTRICTS COVERED BY THE EPA WORKER PROTECTION STANDARDS

| <u>State</u>         | Population<br>(in<br><u>thousands</u> ) |
|----------------------|-----------------------------------------|
| Alabama              | 4,661                                   |
| Arkansas             | 2,855                                   |
| Colorado             | 4,939                                   |
| Delaware             | 873                                     |
| District of Columbia | 591                                     |
| Florida              | 18,328                                  |
| Georgia              | 9,865                                   |
| Guam                 | 106                                     |
| Idaho                | 1,523                                   |
| Illinois             | 12,901                                  |
| Kansas               | 2,802                                   |
| Louisiana            | 4,410                                   |
| Maine                | 1,316                                   |
| Massachusetts        | 6,497                                   |
| Mississippi          | 2,938                                   |
| Missouri             | 5,911                                   |
| Montana              | 967                                     |
| Nebraska             | 1,783                                   |
| New Hampshire        | 1,315                                   |
| New Jersey           | 8,682                                   |
| North Dakota         | 641                                     |
| Ohio                 | 11,485                                  |
| Oklahoma             | 3,642                                   |
| Pennsylvania         | 12,448                                  |
| Rhode Island         | 1,050                                   |
| South Dakota         | 804                                     |
| Texas                | 24,326                                  |
| West Virginia        | 1,814                                   |
| Wisconsin            | 5,627                                   |
| TOTAL                | 158,814                                 |

Sources: U.S. Bureau of the Census, Current Estimates, 2008.

The population affected by the EPA final worker protection standards includes State and local governments with employees:

(1) engaged in routine hazardous waste operations at treatment, storage, or disposal (TSD) facilities regulated under the Resource Conservation and Recovery Act (RCRA); (2) engaged in clean-ups at uncontrolled hazardous waste sites, including corrective actions at RCRA TSD facilities; and (3) engaged in emergency response without regard to location.



### **3(b) Information Requested**

#### **(i) Data Items**

The EPA worker protection standards (40 CFR 311) require that affected State and local governments whose employees engage in hazardous waste operations and emergency response, establish a written worker safety and health program that delineates the methods and procedures that will be used to protect employees engaged in hazardous waste operations and emergency response. This program is generic (i.e., not site-specific), and would be developed once and then periodically reviewed and updated. The program must address issues such as training, medical surveillance, and planning, providing a general approach for complying with the specific worker protection standards. Other requirements in the EPA worker protection standards, however, are site- or employee-specific (e.g., medical surveillance), and tend to require recurring activities on the part of affected employers.

This ICR requests only the collection of information for on-going respondent activities. It is assumed for the purposes of this ICR that the following activities, as required by the EPA worker protection standards, have already been completed, and are thus not included in this ICR: development of a written safety and health program; development of a medical surveillance program; development of a generic decontamination plan; and development of an employee training program. Affected State and local government employers, however, must continue to collect and maintain information related to the following regulatory requirements that are included in this ICR:

- Site-specific health and safety plans (HASPs) (for uncontrolled hazardous waste sites and RCRA corrective actions);
- Air Monitoring data (for uncontrolled hazardous waste sites and RCRA corrective actions);
- Annual employee medical exams;
- Annual employee refresher training;
- Emergency response plans; and
- Engineering control, work practices and personal protective equipments (PPE) plans.

#### **(ii) Respondent Activities**

EPA assumes that all affected State and local governments developed the following plans and procedures during the first year of the EPA worker protection

standards: health and safety programs (not including the site-specific HASPs); site control procedures; medical surveillance programs; decontamination programs; and employee training programs. EPA assumes that the burden and costs associated with developing these plans and programs have been incurred already and attributes to this ICR only the burden associated with on-going activities. For the purposes of this ICR, on-going activities include:

- Developing and updating site-specific HASPs at uncontrolled hazardous waste sites and RCRA TSD facilities undergoing corrective action;
- Monitoring at uncontrolled hazardous waste sites and RCRA TSD facilities undergoing corrective action;
- Maintaining records of annual employee medical exams;
- Maintaining records of annual employee refresher training;
- Reviewing emergency response plans; and
- Reviewing engineering control, work practices and PPE plans.

Estimates of the burden hours that would be incurred by State and local governments as a result of collecting and assembling the information required by the EPA worker protection standards are developed based on the amount of time spent and the type of personnel needed to perform the required activities. Because EPA must comply with OSHA's worker protection standards pursuant to Executive Order 12196, EPA's estimates are based on both its professional judgment and its first-hand experience as a regulated party. The burden estimates developed for each of these on-going activities are presented in section 6(a) of this ICR.

#### **4. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

##### **4(a) Federal, State, and Local Government Activities**

The EPA worker protection standards cover State and local government employees engaged in hazardous waste operations and emergency response in States that do not have OSHA-approved State plans. Therefore, all of the respondent activities described in section 3(b)(ii) of this ICR will be performed by State and local government employees. The major sectors of the work force that are expected to be covered by the EPA standards are: (1) employees engaged in clean-ups at uncontrolled hazardous waste sites, including corrective actions at TSD facilities regulated under RCRA; (2) employees engaged in routine hazardous waste operations at RCRA TSD facilities; and (3) employees engaged in emergency response without regard to location.

#### **4(b) Collection Methodology and Management**

Documentation demonstrating compliance with EPA's worker protection standards would remain at the facility or at the appropriate State or local government office and would be accessed during audits and used during potential enforcement actions. Employers are required to make their safety and health programs available to any employee or employee representative and personnel of Federal, State, and local agencies with regulatory authority over the site. The final standards do not specify any particular method of accomplishing information collection.

#### **4(c) Small Entity Flexibility**

There is a possibility that some small municipalities in non-OSHA States may be unable to afford the costs of compliance with the worker protection standards. These small communities have the option of pooling resources with neighboring communities to form a regional response capability. Furthermore, these municipalities also have the option of not acting as first responders to hazardous materials incidents. Instead, they could coordinate with the State emergency response officials (SERO) and local emergency planning committee (LEPC) to ensure proper hazardous materials incidents response in their municipalities. EPA believes that the costs and paperwork burden on small municipalities have been minimized and should not present a significant burden.

To facilitate the implementation of the EPA worker protection standards, EPA and OSHA presented nine workshops in States affected by the EPA standards. The workshops, which spanned the period of March 1990 to March 1991, focused on the planning, training, and medical surveillance requirements embodied in 29 CFR 1910.120. In addition, EPA has published five fact sheets and several guidance documents, and has developed two computer software programs that are available free of charge to facilitate the recordkeeping and planning required under the EPA/OSHA worker protection standards. EPA believes that this assistance should greatly enhance the ability of smaller municipalities to comply with the worker health and safety standards.

#### **4(d) Collection Schedule**

There is no collection schedule - all information is maintained by State and local governments.

### **5. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **5(a) Nonduplication**



EPA coordinated the preparation of the final rule with the appropriate individuals in OSHA. Although the EPA and OSHA section 126 standards are identical, the employers and employees affected by the EPA standards differ from those affected by the OSHA standards. The OSHA standards apply to all Federal and private employees. The OSHA standards also indirectly cover State and local government employees in States that have implemented OSHA-approved plans; these public employees are actually protected through the State standards that must be at least as stringent as the Federal OSHA standards. The EPA standards apply to State and local government employees in States that do not have OSHA-approved plans; there are 27 such States and 2 territories. Therefore, it is not anticipated that any duplication with OSHA will result from the implementation of the EPA worker protection standards.

The EPA worker protection standards also do not duplicate provisions and requirements imposed by other regulations, including regulations implementing Title III of SARA. In fact, the worker protection provisions complement the provisions in SARA Title III (also known as the Emergency Planning and Community Right-to-know Act). EPA's Title I worker protection standards focus on worker safety, while Title III plans focus on community safety. To the extent that Title III emergency response plans satisfy the EPA worker protection planning requirements, they may be incorporated into the Title I plans by reference.

### **5(b) Consultations**

In addition to EPA program and regional offices, representatives of OSHA and State agencies participated in the Workgroup meetings. Participation of these parties in the Workgroup was sufficient to address and resolve all issues. OSHA representatives were able to provide other members of the Workgroup with information on the content and schedule for OSHA's final worker protection standards. State representatives provided guidance on how to avoid problems associated with the implementation of the EPA final standards. There were no major problems that could not be resolved. Opportunity for public comment was provided in the proposed rule published on October 17, 1988 (53 FR 40692).

#### Non-EPA Agencies Consulted

OSHA

New Jersey Department of Environmental Protection

New Jersey State Department of Health

New York State Department of Health

### **5(c) Effects of Less Frequent Collection**

The information collection frequencies specified in the final standard are the minimum amount necessary to protect workers engaged in hazardous waste operations or emergency response. Less frequent collections would render the final rule ineffective and be in violation of SARA. Furthermore, EPA had no discretion and was required to promulgate identical standards to those promulgated by OSHA. Still, no collected information is required to be submitted to EPA.

#### **5(d) General Guidelines**

The information collection requirements do not exceed any of the Paperwork Reduction Act guidelines contained in 5 CFR 1320.6.

#### **5(e) Confidentiality and Sensitive Questions**

##### **(i) Confidentiality**

The final rule does not require the submittal of confidential information.

##### **(ii) Sensitive Questions**

The final rule does not request any sensitive information.

### **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

#### **6(a) Respondent Burden**

EPA is subject to the OSHA worker protection standards (29 CFR 1910.120) and performs the very same activities it is requiring of State and local governments. As such, the burden hour estimates contained in this ICR are based on its Compliance Cost Analysis developed in support of the EPA worker protection rulemaking, best professional judgment, and first-hand knowledge as a regulated party.

#### **DERIVATION OF THE NUMBER OF ENTITIES AFFECTED BY EPA STANDARDS**

The estimated universe of employees and sites potentially affected by the EPA final worker protection standards is summarized in the sections below. The HAZWOPER standards technically affect four discrete groups of workers engaged in hazardous waste operations and emergency response: (1) clean-up operations at uncontrolled hazardous waste disposal sites that have been identified for clean-up by a governmental health or environmental agency; (2) routine operations at hazardous waste TSD facilities or those portions of any facility regulated by 40 CFR Parts 264 and 265; (3) emergency response operations at sites where hazardous substances have been or may be released; and (4) corrective actions at RCRA facilities. Because workers engaged in clean-up activities at hazardous waste sites

and corrective actions at RCRA facilities are subject to the same requirements, this ICR combines the discussion of these two employee groups.

### Employees Engaged in Normal Hazardous Waste Operations at RCRA TSD Facilities

The precise number of State and local personnel at RCRA-regulated facilities that may be affected by the EPA worker protection standards is not known. However, data do exist on the number of RCRA-regulated facilities in States covered by the EPA worker protection standards that employ State and local personnel. EPA estimates that there are 1,395 RCRA-permitted and interim status facilities in the U.S. Most hazardous waste disposal sites, however, employ only private workers (i.e., not State and local government employees), and are unaffected by the EPA worker protection standards. EPA estimates that there are only 50 hazardous waste disposal sites located in the 27 States covered by EPA's worker protection standards whose workforce is comprised of State and local government employees.

To be conservative, EPA assumes that all employees at the 50 affected RCRA-regulated facilities are public employees (i.e., there are no private contractors). EPA has estimated previously<sup>1</sup> that each facility employs approximately 11 State and local government employees who are engaged in "normal" (i.e. non-corrective actions ) hazardous waste operations. Thus, at the 50 RCRA TSD facilities there are a total of 550 workers affected by the EPA worker protection standards.

#### **Affected Population for Normal Hazardous Waste Operations at RCRA TSD Facilities**

- ▯ **550 State and local government employees**  
**-- 11 employees per facility**
- ▯ **50 RCRA-regulated TSD facilities**

### Employees Engaged in Clean-ups at Uncontrolled Hazardous Waste Sites and Corrective Actions at RCRA TSD Facilities

The number of State and local government employees engaged in hazardous waste operations at sites undergoing corrective or remedial actions is highly variable and not known with precision. EPA believes, however, that the vast majority of workers at these sites are private contractors covered directly or indirectly by the OSHA worker protection standards. There are approximately 1,264 hazardous waste sites undergoing remediation annually nationwide. Some of these

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1 <sup>?</sup> Compliance Cost Analysis in Support of EPA Worker Protection Standards under section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), p.5.

sites are Federal-lead, some State-lead, and some enforcement-lead (enforcement-lead remedial actions are overseen by a Federal or State enforcement authority). EPA estimates that about five percent (i.e., 63 sites) of these hazardous waste sites have State or local government employees at the site, and are located in States affected by the EPA worker protection standards. In addition, EPA estimates that the total population at risk at these 1,264 remedial sites nationwide is 25,280 employees (about 20 workers per site).<sup>2</sup> Because EPA assumes that the number of workers at remedial sites in States affected by EPA's worker protection standards is directly correlated with the number of hazardous waste sites, EPA estimates that there are about 1,260 State and local government employees (20 workers x 63 sites) overseeing hazardous waste operations at sites in States affected by the EPA worker protection standards.

EPA also estimates that one-third of all RCRA-regulated TSD facilities will be required to perform corrective actions annually. Assuming that the State-operated TSD facilities are no different from other TSD facilities, EPA estimates that 17 (i.e., one-third) of the 50 affected RCRA-regulated facilities in States covered by EPA's standards will perform corrective actions annually. Assuming that the number of State and local government employees engaged in clean-up activities at these 17 sites is also 20 workers per site, the number of affected employees is estimated to be 340 (20 employees per facility x 17 facilities). To be conservative, it is also assumed that the 340 State and local government employees performing RCRA-regulated corrective actions are not among the 550 State and local government employees engaged in normal RCRA TSD operations described above. Thus, EPA estimates that there are a total of 80 sites undergoing corrective or remedial actions in States affected by the EPA worker protection standards, affecting a worker population of 1,600 State and local government employees.

### **Affected Population for Hazardous Waste Sites and RCRA Corrective Actions**

- **80 Corrective and Remedial Actions**
  - **63 remedial sites**
  - **17 RCRA-regulated corrective action sites**
  
- **1600 State and local government employees**
  - **1,260 employees at remedial sites**
  - **340 employees at TSD facilities**
  - **20 employees per site**

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<sup>2</sup> Compliance Cost Analysis in Support of EPA Worker Protection Standards Under section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), April 18, 1989, p.5.

## Employees Engaged in Emergency Response Without Regard to Location

There are approximately 1.5 million fire fighters employed by 30,185 fire departments in the United States.<sup>3</sup> Although there are no precise estimates available of the number of employees and departments in each of the affected States, EPA assumes that the number of fire departments and fire fighters employed in a State is proportional to the State's population. Because the population of the 27 States and 2 territories affected by the EPA worker protection standards represents about 54 percent of the U.S. population, EPA estimates that 810,000 fire fighters (54 percent) are employed in States and territories covered by EPA's worker protection regulations. EPA also estimates that 16,299 fire departments (54 percent) will be affected as well.

Eight years ago, there were an estimated 200 HAZMAT teams in the United States. Since the 9/11 incident at the World Trade Center, over half a million first responders have been trained. Even today, extensive researching for statistics for the breakout of HAZMAT teams and number of local responders or those trained for WMD scenarios is not all that well documented and easily accessible. For the purposes of this ICR, EPA assumes that 108 HAZMAT teams (54 percent) are in States affected by the EPA worker protection standards. If there is an average of ten fire fighters on each team, 1080 HAZMAT team members would be subject to medical surveillance and other requirements embodied in the EPA worker protection standards.

Fire departments and police departments have experienced declines over the last few years due to budgetary constraints. EPA will tenuously assume that the number of police officers in each State affected by EPA's worker protection standards is directly correlated with both the population and the number of fire fighters in that State. Consequently, this analysis estimates that 54 percent of the police officers nationwide are in States that are covered by the EPA worker protection standards. EPA estimates that a total of 563,000 police officers may be first responders at hazardous materials transportation spills. Out of this group, EPA estimates that 308,000 police officers (54 percent) are covered by the EPA standards. In addition, EPA estimates that there are 16,000 police departments nationwide.<sup>4</sup> Therefore, EPA estimates that approximately 8,640 police departments are affected by EPA's worker protection standards.

Overall, EPA estimates that 24,939 police and fire departments are affected by the EPA worker protection standards. Because EPA estimates that there are a total of 908,000 State and local government workers who are emergency

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<sup>3</sup> ? *U.S. Fire Department Profile Through 2003*. National Fire Protection Association, Quincy, Massachusetts, October, 2003.

<sup>4</sup> ? This estimate is based on information received from the Police Foundation in Washington, D.C.

responders to hazardous waste incidents, EPA assumes that there are approximately 38 ( $1,118,000/24,939 = 45$ ) State and local government employees at each police and fire department.

### **Affected Population for Emergency Response Without Regard to Location**

- **24,939 departments**
  - **16,299 fire departments**
  - **8,640 police departments**
  - **Includes 108 HAZMAT teams**
- **1,118,000 fire fighters and first responders (including 1080 HAZMAT team members)**
  - **810,000 fire fighters**
  - **308,000 police officers**
  - **45 employees per department**

### ESTIMATED RESPONDENT BURDEN PER ACTIVITY

The following is a summary of the unit burden hours associated with each information collection requirement for the appropriate State and local government employers:

#### Maintaining Records of Annual Employee Medical Exams

The EPA worker protection standards require that certain employees exposed to hazardous materials in States covered by the EPA worker protection standards receive at least an annual medical exam. In addition, employers are required to maintain employee medical records for a period of thirty years following termination of employment. The requirement that employers maintain these medical records on an annual basis imposes a paperwork burden on the affected State and local government employers. Because medical records for each of the estimated 1080 HAZMAT team members in States affected by the EPA worker protection standards must be maintained by State and local government employers, EPA estimates that approximately 1080 annual medical exams must be recorded. EPA also estimates that each medical exam will require 0.25 hours (i.e., 15 minutes) of clerical time to be recorded, for a total burden hour estimate of about 270 hours ( $1080 \times 0.25$  hours). Additionally, medical surveillance will be performed for the 550 employees at RCRA-regulated TSD facilities engaged in non-corrective actions ( $550 \times 0.25$  hours = 138 hours) and the 1600 employees performing corrective actions at either uncontrolled or regulated TSD sites ( $1600 \times 0.25$  hours = 400 hours).

#### Maintaining Records of Annual Employee Refresher Training

The EPA worker protection standards require that State and local government employees engaged in emergency response, corrective action, or normal RCRA TSD

operations in States covered by the EPA worker protection standards receive annual refresher training. Similar to the medical recordkeeping process, employers also are required to document and record each employee's refresher training. EPA assumes that all State and local government employees engaged in emergency response, corrective actions, and normal RCRA TSD hazardous waste operations will be trained and that the dates and/or results of this training will be recorded. EPA estimates that employers will expend 0.25 hours of clerical time to record the results of each employee's annual refresher training. EPA estimates that the results from approximately 1,120,150 refresher training sessions must be recorded (810,000 fire fighters, 308,000 police officers, 1,600 employees engaged in corrective and remedial actions, and 550 employees at RCRA TSD facilities), for a total burden hour estimate of about 280,038 hours (1,120,150 x 0.25 hours).

#### Developing and Revising Site-specific Health and Safety Plans (HASPs) at Uncontrolled Hazardous Waste Sites

EPA assumes that every corrective action site in States affected by the EPA worker protection standards will need to develop and/or update its site-specific safety and health plan (HASP) each year. A site-specific HASP must include a monitoring program, a site control program, a decontamination program, an emergency response plan, and a spill response program specifically designed to protect workers at the site. The development and revision of the HASP is an iterative process. EPA estimates that 2 hours of management time and 10 hours of technical time will be required each year to develop and/or revise each HASP for each of the estimated 63 corrective and remedial actions taking place in States affected by EPA's worker protection standards. The total burden hour estimate for this activity is 756 hours (63 sites x 12 hours).

#### Monitoring at Uncontrolled Hazardous Waste and Corrective Action Sites

EPA estimates that periodic and/or personal monitoring will occur on average 50 times per year at each of the estimated 80 uncontrolled hazardous waste and RCRA corrective action sites in States covered by the EPA worker protection standards. It is estimated that each air monitoring session will require one hour of technical time to record. As a result, the 63 uncontrolled hazardous waste sites and the 17 RCRA corrective actions will expend 50 hours per year to record the results of air monitoring sessions, for a total burden hour estimate of 4,000 hours (80 sites x 50 hours).

#### Reviewing Emergency Response Plans for Fire Departments

Fire departments must review their own emergency response plans every five years. EPA estimates that each fire department will require 1 hour of management time and 4 hours of technical time to conduct its review. EPA also assumes that the emergency response programs at RCRA-regulated facilities are contained in the employer's contingency plan required under RCRA; therefore, the

burden for updating the plan is not attributed to this ICR. Similarly, the emergency response plan for uncontrolled hazardous waste sites is part of the HASP, and is not estimated separately in this ICR. Because emergency response plans are reviewed every five years, the total burden for this activity is distributed over a five-year time period  $[(5 \text{ hrs} \times 16,299)/5]$  to arrive at an annual burden of 16,299 hours.

#### Reviewing Engineering Control, Work Practices, and Personal Protective Equipment (PPE) Plans

EPA estimates that 1 hour of management time and 3 hours of technical time will be required for each fire department to review its PPE plan. Because these plans must be reviewed only once every five years, the total burden for this activity is distributed over a five-year time period to arrive at an annual burden of 9,779 hours  $[(3 \times 16,299)/5]$ .

#### **6(b) Estimating Respondent Costs**

EPA assumes that all affected State and local governments developed programs and procedures to maintain the required collection of information during the first year of the EPA worker protection standards. It is therefore assumed that any startup costs would have been incurred at this time. Therefore, any additional costs (purchases of database type software or upgrading of PCs) would be part of normal operating procedures and not viewed as additional respondent costs for compliance with on-going recordkeeping. EPA is not estimating additional costs for collection other than those estimated in the burden hours estimate.

#### **6(c) Estimating Federal Government Burden and Cost**

Because the EPA worker protection standards apply to State and local government employees, the burden and costs are incurred by State and local governments. There is no burden imposed on the Agency, as it will not perform any of the worker protection activities associated with this rule.

#### **6(d) Bottom Line Burden Hours and Costs**

The estimated total burden hours incurred by respondents complying with the EPA worker protection standards are presented in **Exhibit 2**. Associated costs are presented in **Exhibit 3**.

#### **6(e) Reasons for Change in Burden**

There is an increase of 56,253 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This is due primarily to the estimated growth in the number of fire departments and other respondents subject to this collection.



## **6(f) Burden Statement**

The public reporting and recordkeeping burden for this collection of information is estimated to average 12 hours per response annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-SFUND-2005-0007, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Superfund Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Superfund Docket is (202) 566-0276. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-SFUND-2005-0007 and OMB Control Number 2050-0105 in any correspondence.

**EXHIBIT 2: ESTIMATED BURDEN FOR AFFECTED STATE AND LOCAL GOVERNMENTS**

| ACTIVITY                                                              | UNIT BURDEN HOURS<br>(per activity) |      |      | NUMBER OF<br>AFFECTED<br>FACILITIES | NUMBER OF<br>AFFECTED<br>EMPLOYEES<br>(per<br>facility) | TOTAL BURDEN<br>(hours) |
|-----------------------------------------------------------------------|-------------------------------------|------|------|-------------------------------------|---------------------------------------------------------|-------------------------|
|                                                                       | MGT                                 | TECH | CLER |                                     |                                                         |                         |
| <b>NORMAL OPERATIONS AT RCRA-REGULATED TSD FACILITIES</b>             |                                     |      |      |                                     |                                                         |                         |
| Medical Surveillance                                                  |                                     |      | 0.25 | 50                                  | 11                                                      | 138                     |
| Training                                                              |                                     |      | 0.25 | 50                                  | 11                                                      | 138                     |
| <b>TOTAL</b>                                                          |                                     |      |      |                                     |                                                         | <b>276</b>              |
| <b>UNCONTROLLED HAZARDOUS WASTE SITES AND RCRA CORRECTIVE ACTIONS</b> |                                     |      |      |                                     |                                                         |                         |
| Health and Safety Plan (HASP)                                         | 2                                   | 10   |      | 63                                  | NA                                                      | 756                     |
| Air Monitoring                                                        |                                     | 50   |      | 80                                  | NA                                                      | 4,000                   |
| Medical Surveillance                                                  |                                     |      | 0.25 | 80                                  | 20                                                      | 400                     |
| Training                                                              |                                     |      | 0.25 | 80                                  | 20                                                      | 400                     |
| <b>TOTAL</b>                                                          |                                     |      |      |                                     |                                                         | <b>5,556</b>            |
| <b>ACTIVITIES FOR EMERGENCY RESPONSE WITHOUT REGARD TO LOCATION</b>   |                                     |      |      |                                     |                                                         |                         |
| Emergency Response Plan                                               | 1                                   | 4    |      | 16,299                              | NA                                                      | 81,495/5 = 16,299*      |
| PPE Plan                                                              | 1                                   | 2    |      | 16,299                              | NA                                                      | 48,897/5 = 9,779*       |
| Medical Surveillance                                                  |                                     |      | 0.25 | 108                                 | 10                                                      | 270                     |
| Training                                                              |                                     |      | 0.25 | 24,939                              | 45                                                      | 279,500**               |
| <b>TOTAL</b>                                                          |                                     |      |      |                                     |                                                         | <b>305,848</b>          |
| <b>TOTAL BURDEN</b>                                                   |                                     |      |      | <b>311,680</b>                      |                                                         |                         |

NA - Not Applicable

\* - Activity required every 5 years

\*\* - Totals in table may not add due to rounding

**EXHIBIT 3: ESTIMATED COST FOR AFFECTED STATE AND LOCAL GOVERNMENTS**

| ACTIVITY                                                              | UNIT COST (\$) (per activity) |         |      | NUMBER OF AFFECTED FACILITIES | NUMBER OF AFFECTED EMPLOYEES PER FACILITY | TOTAL COST (dollars)       |
|-----------------------------------------------------------------------|-------------------------------|---------|------|-------------------------------|-------------------------------------------|----------------------------|
|                                                                       | MGT                           | TECH    | CLER |                               |                                           |                            |
| <b>NORMAL OPERATIONS AT RCRA-REGULATED TSD FACILITIES</b>             |                               |         |      |                               |                                           |                            |
| Medical Surveillance                                                  |                               |         | \$3  | 50                            | 11                                        | \$1,650                    |
| Training                                                              |                               |         | \$3  | 50                            | 11                                        | \$1,650                    |
| <b>TOTAL</b>                                                          |                               |         |      |                               |                                           | <b>3,300</b>               |
| <b>UNCONTROLLED HAZARDOUS WASTE SITES AND RCRA CORRECTIVE ACTIONS</b> |                               |         |      |                               |                                           |                            |
| Health and Safety Plan (HASP)                                         | \$84                          | \$250   |      | 63                            | NA                                        | \$21,042                   |
| Air Monitoring                                                        |                               | \$1,250 |      | 80                            | NA                                        | \$100,000                  |
| Medical Surveillance                                                  |                               |         | \$3  | 80                            | 20                                        | \$4,800                    |
| Training                                                              |                               |         | \$3  | 80                            | 20                                        | \$4,800                    |
| <b>TOTAL</b>                                                          |                               |         |      |                               |                                           | <b>\$130,642</b>           |
| <b>ACTIVITIES FOR EMERGENCY RESPONSE WITHOUT REGARD TO LOCATION</b>   |                               |         |      |                               |                                           |                            |
| Emergency Response Plan                                               | \$42                          | \$100   |      | 16,299                        | NA                                        | \$2,314,458/5 = \$462,892* |
| PPE Plan                                                              | \$42                          | \$50    |      | 16,299                        | NA                                        | \$1,499,508/5 = \$299,902* |
| Medical Surveillance                                                  |                               |         | \$3  | 108                           | 10                                        | \$3,240                    |
| Training                                                              |                               |         | \$3  | 24,939                        | 45                                        | \$3,354,000                |
| <b>TOTAL</b>                                                          |                               |         |      |                               |                                           | <b>\$4,120,034</b>         |
| <b>TOTAL COST</b>                                                     |                               |         |      | <b>\$4,253,976</b>            |                                           |                            |

NA - Not Applicable

\* - Activity required every 5 years

\*\* - Totals in table may not add due to rounding