

This change request worksheet is being submitted to change the burden hour total in the currently approved Cr(VI) ICR (OMB Control No. 1218-0252) from 725,319 hours to 787,894 hours, a total increase of 62,575 hours. The existing ICR includes the 62,575 additional hours in the Summary of Burden Hours –Table A: however the hours were not added into the burden hour total to allow the Agency to address the court order remand.

The Agency is proposing to amend the notification requirement (paragraphs (d)(4) of §§ 1910.1026, 1915.1026, and 1926.1126) in the Cr(VI) standards as a result of a court remand (The U.S. Court of Appeals for the Third Circuit in *Public Citizen and Edison Electric Institute v. U.S. Department of Labor*, (557 F.3d 165 (3d Cir. 2009))). The court found that “OSHA failed to provide a statement of reasons for departing from the proposed standard and past practice in other standards,” (See *Public Citizen*, 557 F.3d at 185-86.) The remand ordered OSHA to either provide an explanation for requiring notification of exposures monitoring results only to those employees exposed above the permissible exposure limit (PEL) of 5 microgram per cubic meter of air (5 µg/m<sup>3</sup>) or amend the standard to require notification to employees for all exposure monitoring results. The amended provision will require employer's to notify affected employee's of all exposure determination results whether above or below the PEL.

This amendment aligns the employee notification provision of the Cr(VI) standard with the employee notification provisions of the other substance specific standards. While the burden hours increase with this amendment, companies who monitor for multiple regulated chemicals in the work place will just add Cr(VI) regardless of exposure to their existing notification. In fact several comments received on this amendment indicated that this is already being done (see OSHA-H054A-2006-0064-0007 and OSHA-H054A-2006-0064-0010).