

Attachment E

Copy of Consultations Message Sent by EPA to Potential Respondents;

Copies of Responses to Consultations Message

Date: July 19, 2010

From: Robert Courtnage/DC/USEPA/US

To: [Addressees]

Subject: Request for Assistance; Renewal of "Reporting and Recordkeeping for Asbestos Abatement Worker Protection" ICR

On July 13, 2010, EPA published a Notice in the Federal Register (75 FR 39931) titled "Agency Information Collection Activities; Proposed Collection; Comment Request; Reporting and Recordkeeping for Asbestos Abatement Worker Protection; EPA ICR No. 1246.11, OMB Control No. 2070-0072." This Notice refers to EPA's intention to request renewed Office of Management and Budget (OMB) clearance of an information collection related to reporting and recordkeeping requirements for state and local government employers in 25 states, the District of Columbia, and certain U.S. Territories that have employees engaged in asbestos-related construction, custodial and brake and clutch repair activities without OSHA-approved state plans.

In addition to public notice and comment requirement that the above Notice initiates, OMB regulations at 5 CFR 1320.8(d)(1)) require agencies to consult with potential respondents and data users about specific aspects of an information collection request (ICR) before submitting it to OMB for review and approval, regardless, in the case of ICR renewals, of whether changes have or have not been made to the collection activity.

As part of this required consultation, I am contacting you to solicit your input. I will also note that, if you take this opportunity to provide input, your name, affiliation, e-mail address, phone number and any information you provide (e.g., copies of e-mails) will be incorporated and attached to the ICR supporting statement, which will be a public document. In addition, the OMB Desk Examiner for the ICR in question may contact you to verify the accuracy of any comments EPA identifies in the ICR.

EPA solicits your input on the following questions:

1. Are the data collection and recordkeeping requirements [for the ICR] clear and concise?
2. Are you aware of other sources the Agency could use for the requested data?
3. Would you be make electronic submissions?
4. Are the estimated burdens and costs EPA provided accurate?
5. If we spoke to you before about this ICR, are your positions accurately reflected?

You can access the Federal Register Notice, the ICR supporting document, and any public comments received to date at:

<http://www.regulations.gov/fdmspublic/component/main>

- select Advanced Search link at the top of the page
- select Docket from drop-down menu
- select EPA in the Agency drop-down menu
- enter EPA-HQ-OPPT-2010-0487 in the Docket ID field
- scroll down to Submit
- then click on the Docket ID in the search results for a listing of the documents within the docket

Your timely response will be greatly appreciated. If you have any comments in response to the above questions, or with respect to any other part of the information collection, please respond by return e-mail by Friday, August 6, 2010. EPA will consider those responses, as well as any public comment received in response to the Federal Register Notice identified above, in preparing a final document for OMB review.

Thank you for your assistance.

Sincerely yours,

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Denise Bowles- **ANSWERS BELOW**

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1. Are the data collection and recordkeeping requirements [for the ICR] clear and concise?

The data collection and record keeping requirements for employers are clear and in my opinion concise and not burdensome. They provide an adequate means for EPA's compliance officers as well as labor organizations to ensure that employers have an effective worker protection program and that the individuals who are overseeing the program are competent and knowledgeable when it come to effective oversight and management in the workplace.

2. Are you aware of other sources the Agency could use for the requested data?

The only other source of data collection I could recommend would be the local union if the workers are represented by labor and they have requested a copy of the employer's asbestos worker protection program.

3. Would you recommend the use of electronic submissions for the WPR requirements?

Electronic submission of the WPR would be great, but you would also need to consider the additional cost that may be associated with the employer hiring and training an employee who would be responsible for submitting the required data. And due to budget constraints with public sector employers this position may not be posted or left unfilled thereby creating a void in the data collection process and review of the employer's worker protection program.

4. Are the estimated burdens and costs accurate?

As a labor organization, it would be difficult for AFSCME to respond to the estimated cost for respondents associated with the collective activities associated with the implementation of the WPR. However based on the data supplied by EPA it appears the costs are minimal and the cost burdens associated with the program would be onsite inspection of the employers program.

5. If we spoke to you before about this ICR, are your positions accurately reflected? N/A

Mr. George Howard, Program Manager- **ANSWERS BELOW**
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I have thoroughly read, studied, and analyzed this document and have answered the submitted questions as follows:

1. Are the data collection and recordkeeping requirements [for the ICR] clear and concise?

Yes.

2. Are you aware of other sources the Agency could use for the requested data?

No.

3. Would you make electronic submissions?

Yes, it is more timely, convenient and user friendly.

4. Are the estimated burdens and costs EPA provided accurate?

Yes, from reviewing the detailed information submitted and the explanations with the analysis, they appear to be accurate.

5. If we spoke to you before about this ICR, are your positions accurately reflected?

Yes.

It appears that a lot of thought and effort has gone into this document and that the essential OSHA requirements have been incorporated. Thank you for allowing me to review the Asbestos WPR ICR draft.