

**Supporting Statement for a Request for OMB Review under  
The Paperwork Reduction Act**

**1 IDENTIFICATION OF THE INFORMATION COLLECTION**

**1(a) Title and Number of the Information Collection**

**TITLE: Asbestos-Containing Materials in Schools and Asbestos Model Accreditation Plans**

**EPA ICR No.: 1365.09      OMB Control No.: 2070-0091**

**1(b) Short Characterization**

This Information Collection Request (ICR) addresses reporting and recordkeeping requirements found in the Asbestos-Containing Materials in Schools Rule (“AHERA Rule” a.k.a. “Schools Rule”) and the Asbestos Model Accreditation Plan (MAP) Rule.

AHERA Rule: Section 203 of the Asbestos Hazard Emergency Response Act (AHERA, 15 U.S.C. 2641-2656) (see Attachment A), authorizes the EPA administrator to promulgate regulations “for determining whether asbestos-containing material is present in a school building under the authority of a local education agency” (LEA).” Accordingly, the Agency developed regulations in 40 CFR 763 subpart E to require LEAs to conduct inspections, develop management plans, and design or conduct response actions. Records must be maintained by all LEAs on inspections and response action activity, and current management plans must be provided upon request to EPA and State reviewers for examination.

MAP: Section 206 of AHERA, as amended, (see Attachment B) authorized the EPA Administrator, in consultation with affected organizations, to develop a model accreditation plan for states. The Model Accreditation Plan (MAP) developed provides accreditation criteria for persons who inspect for asbestos, develop management plans, and design or conduct response actions. States are required to adopt an accreditation plan at least as stringent as the EPA model. The accreditation requirement applies to persons who work in public and commercial buildings as well as schools. Accreditation of laboratories that analyze asbestos bulk samples and asbestos air samples is also required by AHERA.

This ICR estimates the paperwork burden for LEAs to inspect for asbestos and update management plans to protect all school building occupants from exposure to asbestos. This collection also estimates the paperwork burden for the accreditation of persons who inspect for asbestos, develop management plans, and design or conduct response actions and the paperwork burden associated with state accreditation programs.

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

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

AHERA Rule and MAP: The reporting and recordkeeping requirements covered by this ICR are required by the Asbestos-Containing Materials in Schools Rule (40 CFR 763, Subpart E)

and the Model Accreditation Plan (40 CFR 763, Subpart E, Appendix C); see Attachments C and D, respectively.

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

AHERA Rule: The activities pertaining to the use of this information collection activity help assure that LEAs continue to inspect for asbestos and update their management plans using accredited personnel. This is intended to ensure the protection of all school building occupants from exposure to asbestos fibers. All public and private elementary and secondary schools (unless exempt under provision of the rule) were required to conduct inspections for asbestos-containing building materials (ACBM) and develop management plans that describe necessary actions to be undertaken. Reinspections by accredited persons must take place every three years unless all ACBM has been removed. Records retention as part of an updated asbestos management plan is necessary in order to document specific response action activities and periodic surveillance/3-year reinspection reports, and for an LEA to demonstrate compliance with the regulations. Beneficiaries of the collection activities include the LEA's asbestos program manager and staff, accredited professionals who may be called upon to perform response actions at a school, and Federal and State enforcement agencies.

MAP: This collection will enable EPA, as well as State regulators, to determine initial compliance and to monitor continued compliance with the revised MAP standards. Lacking the application submissions and other recordkeeping requirements, regulators would have no meaningful way of measuring the implementation of the MAP's statutory mandates. Other beneficiaries of the collection activities include 1) individuals who may desire to obtain asbestos training meeting at least prescribed minimum quality standards for accreditation and subsequent employment purposes; 2) LEAs and other building owners and managers seeking to procure the services of qualified and accredited asbestos consultants and contractors; and 3) enforcement agencies at the Federal and State level.

## **3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

### **3(a) Non-Duplication**

AHERA Rule: EPA has tried to identify alternate sources of the information requested to implement and enforce this recordkeeping, and was not successful. This activity does not duplicate information already required to be reported by another agency or EPA program office.

MAP: All of the training and accreditation information collected pursuant to this ICR is specific to the MAP and does not duplicate any other collection. There is no other model accreditation plan for States other than the MAP, and there is no procedure for the accreditation of asbestos training programs under the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) other than what is specifically provided for in the MAP.

### **3(b) Public Notice Required Prior to ICR Submission to OMB**

In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on November 26, 2010 (75 FR 59261, September 27, 2010). The public

docket for this ICR can be accessed at <http://www.regulations.gov> using the docket identifier EPA-HQ-OPPT-2010-0568. EPA received no comments during the comment period.

### **3(c) Consultations**

Under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an ICR to OMB for review and approval. In accordance with this regulation, EPA submitted questions to several parties via email. The individuals contacted were:

Darryl Alexander, Occupational Safety and Health Expert  
American Federation of Teachers  
Tel.: 202-879-4400  
E-mail: [dalexander@aft.org](mailto:dalexander@aft.org)

Robert Carlson, Director of Management Services  
Council of Great City Schools  
Tel.: 202-393-2427  
E-mail: [rcarlson@cgcs.org](mailto:rcarlson@cgcs.org)

Charles Saylor, President  
National Parent Teacher Association  
Tel.: 800-307-4782  
E-mail: [csaylor@pta.org](mailto:csaylor@pta.org)

Elizabeth Walker, Project Director  
Center for Safe and Healthy Schools  
National Association of State Boards of Education  
Tel.: 703-684-4000  
E-mail: [elizabethw@nasbe.org](mailto:elizabethw@nasbe.org)

Gene Wilhoit, Executive Director  
Council of Chief State School Offices  
Tel.: 202-336-7002  
E-mail: [genew@ccssa.org](mailto:genew@ccssa.org)

EPA received no responses to its solicitation for consultations. A copy of EPA's consultation e-mail to the above potential respondents is included in Attachment F.

### **3(d) Effects of Less Frequent Collection**

AHERA Rule: If information were collected less frequently, it would be difficult to determine whether an LEA properly inspected for asbestos-containing materials and developed an appropriate management plan, and kept these documents up-to-date including ongoing activities.

MAP: The revised MAP has no routine or repetitive reporting requirements. Training course self-certifications, training course approval applications and State Program approval applications are one-time submissions. Once approved, they do not expire. A less frequent

collection schedule is not feasible. Recordkeeping requirements are tied directly to training courses and the issuance of accreditation certificates to students successfully completing those courses and passing the requisite exams. If training providers are inactive and not offering courses, no new record generation is required of them.

### **3(e) General Guidelines**

Except as described in this section, the collection activities in this ICR adhere to the guidelines stated in the Paperwork Reduction Act, OMB's implementing regulations, and applicable OMB and EPA guidance.

AHERA Rule: The rule requires that the asbestos management plans be maintained as a living document, necessary for as long as asbestos-containing building materials are present in the school building. When all asbestos materials have been removed from a homogeneous area, records pertaining to that homogeneous area must be retained for three years after the next reinspection date. As a result, such records may need to be maintained beyond the three year record retention period recommended in 5 CFR 1320.5(d)(2)(iv). EPA believes, however, that these retention requirements are necessary to satisfy the statutory mandates in AHERA, which specifically mandates the development and maintenance of asbestos management plans. In addition to ensuring that a management plan is available for public inspection as required by AHERA, maintaining a current management plan is necessary and critical for ensuring the proper protection of human health, safety, and the environment as required by AHERA. Providing up-to-date information about the location and status of asbestos-containing building materials that remain present in the school building is also essential for ensuring that the material does not subsequently become unintentionally disturbed or damaged such that it may pose an unreasonable risk to school employees, children and other building occupants or users. In accordance with 5 CFR 1320.5(d)(2), the retention period beyond the recommended three year period is necessary and appropriate.

The reinspection interval is necessary to satisfy the statutory mandates in AHERA, which specifically mandates the periodic surveillance and reinspection of asbestos-containing materials, and that the current interval is appropriate and necessary for ensuring that the asbestos-containing material does not subsequently become disturbed or damaged such that it is likely to become a potential hazard to school employees, children and other building occupants or users. The existing reinspection period is consistent with the provisions in 5 CFR 1320.5(d)(2).

MAP: There are no exceptions to note.

### **3(f) Confidentiality and Sensitive Questions**

This information collection does not include confidential or sensitive questions.

## **4 THE RESPONDENTS AND THE INFORMATION REQUESTED**

### **4(a) Respondents/NAICS Codes**

AHERA Rule and MAP: There are three types of respondents for this information collection request. LEAs and States are involved in recordkeeping and reporting activities

associated with the Schools Rule, while training providers and States are involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each respondent type and are discussed in turn. The respondents to this information collection activity are elementary and secondary school districts (NAICS code 61111), and all states (NAICS code 92311). Additionally, under ASHARA, the Model Accreditation Plan (MAP) affects training providers (NAICS code 61143), and State Asbestos Accreditation Programs (NAICS code 92312). These respondents are included because they are the providers and guarantors of accreditation, respectively.

#### **4(b) Information Requested**

##### (i) Data Items

AHERA Rule: No specific data collection instrument is used to collect information for this activity.

##### (ii) Respondent Activities

The AHERA and MAP programs are both over a decade old and the program start-up activities and federal, state, and local coordination is now well established. Many of the initial paperwork burdens for the program are no longer part of the burden assessment. Currently, 38 states are operating state accreditation programs under the MAP and eleven states have received a waiver to some or all of the program requirements. The activities currently conducted by LEAs (inspect, update and record keeping for management plans), state accreditation and training providers (records retention), are the burden activities documented in this ICR.

##### Local Education Agencies (LEAs):

*Reporting Activities* - LEAs must submit management plans to the States for review of school buildings that have come into operation after October 12, 1988 and maintain the required recordkeeping. LEA's subject to the reporting and recordkeeping requirements under the Schools Rule may be divided into two main categories: 1) those only subject to a management plan and 2) those associated with both a management plan and operations and maintenance (O&M) activities.

The management plan burden varies by school type as well as by the type of ACM found in a school. The management plan recordkeeping and reporting burden items include:

- Development and submission of the management plan; and
- Implementation of the management plan including:
  - Time spent by the program manager to do additional activity planning, create and gather new information, prepare written activity reports, and record and review that information;
  - Time spent by custodians and clerical personnel to gather, record, process and store asbestos-related information; and
  - Annual notification of parents and other interested parties of the presence of ACM in a school, as well as the availability of the management plan for public review.

*Recordkeeping Requirements:* The recordkeeping burden associated with the development of an O&M activity plan was largely completed in the first year of AHERA Rule implementation. On an ongoing basis, however AHERA regulations also require LEAs to keep known or assumed ACBM under periodic surveillance and update the O&M plan accordingly.

The original inspection report and any reinspection reports must be maintained in the management plan. Management planner recommendations and response actions with their air sampling clearance records are also to be kept. Records required by the rule also include those pertaining to fiber release episodes, periodic surveillance, training received by workers performing operation and maintenance activities, and cleaning activities that are part of an operations and maintenance program. The rule also requires LEAs to collect and retain various records that are not part of the information included in the management plan.

The rule requires LEAs to have accredited inspectors conduct reinspections at least once every three years after the management plan is in effect. Results of this reinspection shall be recorded in the school's management plan, along with any necessary changes in response actions recommended or required.

The rule directs the LEA to select and implement in a timely manner appropriate response actions for ACBM that are assessed by the accredited inspector and management planner. The rule identifies five major response actions -- operations and maintenance (O&M), repair, encapsulation, enclosure, and removal -- and describes appropriate conditions under which they may be selected by the LEA. The rule also identifies the steps that shall be taken to properly conduct and complete the response actions.

After performing a thorough visual inspection of the area in which the response action was conducted, air testing is performed to determine whether a response action has been properly completed. The rule currently requires the use of transmission electron microscopy (TEM) for all removal, enclosure, encapsulation, or repair response actions involving more than 260 linear feet or more than 160 square feet of ACBM. The use of phase contrast microscopy (PCM) is allowed by the rule for final air sampling where the amounts of ACBM are less than the limits above and greater than for small projects of short duration.

Response actions that fail to meet prescribed air sampling standards by the stipulated sampling methods shall have the areas re-cleaned and re-sampled before being released for reoccupation. Records of response actions and subsequent air sampling clearance records must be maintained by the LEA.

The rule requires each LEA to maintain a copy of the management plan(s) in its administrative office, and each school is required to maintain a copy of its specific management plan in its administrative office. These plans are to be made available for inspection by the public without cost or restriction. LEAs must notify parent, teacher, and employee organizations of the availability of the management plans upon submission of the management plan to the State and at least once each school year.

#### State Accreditation Programs:

The AHERA Rule provides a procedure to allow states to receive a waiver from some or all of the requirements of the rule if the state has established and is implementing, or intends to

implement a program of asbestos inspection and management at least as stringent as the requirements of the rule. The rule requires specific information to be included in the waiver request submitted to EPA. To date, 11 states have been granted this waiver under the AHERA Rule.

Respondents who are state accredited programs will need to perform the following collection activities:

- read the regulation;
- compare state program authority and the minimum requirements of the regulation;
- develop state legislative analysis and adopt new legislation;
- develop state regulatory analysis and promulgate a new state regulation;
- prepare and submit to EPA an application for program approval; and
- implement a state accreditation program that is not less stringent than the regulation.

Training Providers:

The MAP details the training and accreditation programs used to train persons to perform asbestos-related tasks. Specifically, the MAP shall be used as a tool to accredit persons who:

- conduct inspections or reinspections for asbestos-containing material (ACM);
- prepare and/or update management plans for elementary and secondary schools; and
- design or carry out response actions with respect to ACM in those schools.

Respondents who are training entities will need to perform certain collection activities:

- read the regulation;
- make any required changes to training programs;
- retain records/materials costs (usual business practice);
- provide reasonable access to records to EPA and/or the state, as requested.

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

### **5(a) Agency Activities**

AHERA Rule and MAP include the following:

- Distribute guidance to LEAs, state designees, and others on interpretation of AHERA;
- Audit training provider courses and records for compliance monitoring purposes;
- Review state program applications packages for approval/reapproval as they are received;
- Maintain and revise master database of approved training providers as required to be used as a resource for the public;
- Revise model criteria as appropriate and develop new curricula for new training disciplines as required;

- Provide technical assistance to LEAs and public on implementation and compliance with AHERA.

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

AHERA Rule: No specific collection methodologies or management techniques are required.

MAP: The rule provides explicit instruction to training providers with preexisting approvals who wish to upgrade and continue offering asbestos training courses under the revised MAP standards. Providers were to submit a one-time self-certification in the form of a detailed letter to EPA describing changes made to their courses for the purpose of bringing them into compliance with the new MAP. This was required to be done within six months of the revised MAP taking effect. Only one letter was required from each training entity. EPA then compiled a listing of all self-certifications received by the deadline and entered them into the existing data base of approved training providers. After distribution to EPA Regional Offices and state program offices, compliance and program audits may be carried out. New training providers are to follow the same procedure.

The MAP Rule also prescribes the method by which states are to make application to EPA for accreditation program approval under the revised MAP. States wishing to obtain EPA program approval must make a one-time application to the appropriate EPA Regional Office, demonstrating how the state's program is no less stringent than the MAP.

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

The impact of the AHERA and MAP rules primarily affects small asbestos abatement contracting firms or accredited consultants, and training providers that qualify for "small business" status. Small business training providers have a one-time only application process for training course approvals by MAP approved states that allows for flexibility in the way information is prepared and presented.

A small business abatement contractor is required to keep and maintain records on the accreditation status of supervisors and abatement workers. Accreditation records are also kept and maintained by consultants, such as inspectors, management planners, and project designers. An advantage accruing from having those records is that of obtaining and retaining eligibility to qualify for work in asbestos control and abatement in schools and public and commercial buildings.

### **5(d) Collection Schedule**

AHERA Rule: Not applicable.

MAP: EPA's receipt of a complete self-certification submission from a provider constituted immediate re-approval of the training courses. Where state legislatures convened in January 1994, a 180-day deadline was triggered for applying to EPA for new program approval, if needed. States not applying for new program approval by the end of the 180-day deadline forfeited their previous program approval, and they must then reapply in order to re-establish their state accreditation programs.



EPA-approved state programs may continue to receive new training course applications indefinitely into the future. EPA may continue to receive state program applications from unapproved states until all states, territories, and similar entities have ultimately obtained approval.

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

There are three types of respondents for this ICR: LEAs involved in recordkeeping and reporting activities associated with the Schools Rule, and training providers and States involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each type of respondent and are discussed in turn in the following section.

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

#### Estimated Burden for Local Education Agencies (LEAs):

LEA (*i.e.*, school or school district) reporting and recordkeeping activities under the Schools Rule may be divided into two main categories: those associated with the management plan and those associated with operations and maintenance (O&M) activities. Schools with friable ACM incur burden for the management plan and O&M activities, while schools with nonfriable ACM (including newly constructed schools that are certified through an exclusionary statement not to have specified asbestos-containing building materials in construction) incur burden only for the management plan.

The average estimated number of schools of each type in the three years of this ICR renewal period (years 23 through 25 of the implementation period) is used with the unit burden estimates to derive an annual burden estimate. This ICR renewal follows the same methods of estimating numbers of schools with friable and nonfriable asbestos as the previous ICR renewal.<sup>1</sup>

The management plan burden varies by school type as well as by the type of ACM found in a school. Appendix G of the *Final Schools Rule Asbestos Hazard Emergency Response Act Regulatory Impact Analysis* (EPA, 1987a) contains time and cost estimates for management and O&M plan development and implementation for schools with friable ACM or nonfriable ACM. Those activities incurring burden that were not completed during the initial 10 years of implementation are shown in Worksheet 1.

Worksheet 1 indicates that the annual estimated recordkeeping burden for schools with friable ACM is approximately 35 hours for public primary schools and private schools, and 58 hours for public secondary schools. For schools with nonfriable ACM only (including newly constructed schools covered by exclusionary statements), the annual estimated recordkeeping burden is 15 hours for public primary schools and private schools, and 28 hours for public

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<sup>1</sup> The original ICR for the Asbestos-Containing Materials in Schools Rule (“Schools Rule” also known as “AHERA”) based its burden estimates on a 30-year projection to reflect the estimated remaining life span of school buildings with ACM. The previous Schools Rule ICR renewal (approved in 2007) updated values from the original ICR. This ICR renewal further updates values where noted in the sections below. Burden estimates based on the Asbestos MAP Rule were also included in the last ICR. Those values are also updated.

secondary schools. This approach may overstate the respondent burden for newly constructed schools covered by exclusionary statements because these schools will not incur a burden related to records of inspection, re-inspection, response actions and periodic surveillance. However, newly constructed schools covered by exclusionary statements still would need to keep certain information and records up-to-date. This includes name and training records for the AHERA Designated Person and dated copies of each year's annual notification of the management plans availability to parents, teachers and employees, along with a description of the steps taken to provide the notification.

<b>Worksheet 1: Annual Respondent Burden per Local Education Agency (Hours)</b>		
<b>Burden Hour Elements</b>	<b>School Type</b>	
	<b>Public Primary or Private</b>	<b>Public Secondary</b>
<b>Schools With Friable Asbestos-Containing Materials</b>		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	10	15
Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	16	30
<i>Total Management Plan</i>	<i>30</i>	<i>53</i>
<i>Implement Operations and Maintenance (O&amp;M) Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	2	2
Custodial - Gather, record, process and store information	1	1
Clerical - Gather, record, process and store information	2	2
<i>Total O&amp;M Plan</i>	<i>5</i>	<i>5</i>
<b>Total recordkeeping burden per school with Friable ACM</b>	<b>35</b>	<b>58</b>
<b>Schools With Nonfriable Asbestos-Containing Materials Only</b>		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	5	8
Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	6	12
<b>Total recordkeeping burden per school with Nonfriable ACM</b>	<b>15</b>	<b>28</b>
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Nonfriable ACM does not require an O&M Plan.		

Estimated Burden for States:

States are involved in both the Schools Rule and the MAP Rule. State activities related to the Schools Rule were completed during the first 10 years of program implementation. The MAP Rule went into effect in 1994, at which time states were to apply to EPA for new program approval. For the purposes of this analysis, all states are assumed to have completed accreditation program approval during previous ICR periods. Therefore, no burden for initial state activities is included in this ICR.

For all states with EPA-approved accreditation programs, an on-going burden associated with the MAP Rule is the implementation of state accreditation programs. Annual burden estimates from the MAP Rule are given in Worksheet 2. These estimates assume that all states have approved accreditation programs. In cases where a state does not have an approved program, the burden would be shifted to EPA. This assumption provides the most conservative estimates of state burdens.

<b>Worksheet 2: Annual Respondent Burden per State or Territory (Hours)</b>				
<b>Burden Hour Elements</b>	<b>Labor Category</b>			<b>Total Hours</b>
	<b>Management</b>	<b>Technical</b>	<b>Clerical</b>	
Annual activities				
Implement a state accreditation program that is not less stringent than the regulation	8.0	23.0	109.0	140.0
<b>Total annual activities</b>	<b>8.0</b>	<b>23.0</b>	<b>109.0</b>	<b>140.0</b>
Source: EPA. 1993. Supplemental ICR for the Asbestos-Containing Materials in Schools Rule. (EPA ICR #1365).				

Estimated Burden for Training Providers:

Training providers were required to recertify under the revised MAP. Providing access to records is expected to take 5.5 hours per year per training provider, as indicated in Worksheet 3, while the retention of the records is considered a customary and usual business practice. Therefore, no additional burden is associated with this task.

<b>Worksheet 3: Annual Respondent Burden per Training Provider (Hours)</b>			
<b>Burden Hour Elements</b>	<b>Labor Category</b>	<b>Freq/Year</b>	<b>Total Hours</b>
	<b>Clerical</b>		
Annual activities			
1. Retain records	0.0	N/A	0.0
2. Provide reasonable access to records to EPA or state	0.5	11	5.5
<b>Total annual activities</b>	<b>0.5</b>	<b>11</b>	<b>5.5</b>

**6(b) Estimating Respondent Costs**

The cost estimates addressed in this section are based on the burden estimates discussed above and additional non-wage costs discussed below. Wage rates (including benefits) have

been updated from the values in the AHERA RIA (EPA, 1987a), the *Supplemental ICR for the Asbestos-Containing Materials in Schools Rule* (EPA, 1993), and the previous ICR (EPA, 2007) to reflect 2010 levels. Methods for updating hourly wage rates to 2010 levels are discussed for each respondent category.

#### Estimated Burden Costs for Local Education Agencies (LEAs):

The implementation cost to LEAs of the Schools Rule includes the wages associated with the burden estimates in Section 6(a). Labor costs were updated to 2010 using mean hourly wage rates from the Bureau of Labor Statistics' National Industry-Specific Occupational Employment and Wage Estimates, the Employment Cost Index for wages and salaries, and the Employer Costs for Employee Compensation, as follows:

- The school asbestos program manager, custodian, and clerical staff hourly wages were \$25.87, \$14.06, and \$15.69 for 2009, the most recent year for which data are available. They are based on the mean hourly wages for Occupational Health and Safety Specialists and Technicians<sup>2</sup>, Building and Grounds Cleaning and Maintenance Occupations, and Office and Administrative Support Occupations, respectively. These wage rates are specific to Elementary and Secondary Schools (NAICS 611100) and are based on data from both public and private schools (BLS, 2010c).
- According to the Employment Cost Index, wages and salaries rose by 1.7 percent during the period of May 2009 to May 2010 for these workers, and wages and salaries used in this analysis have been increased by this amount (BLS, 2010a).
- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 65.9 percent of total compensation for school employees as of September 2006. Based on this information, a loading factor of 1.517 (1/0.659) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2010b).
- The updated estimated 2010 total hourly compensation for school asbestos program manager, custodian, and clerical staff are \$39.91, \$21.69, and \$24.21, respectively.

These values were used in Worksheet 4 to calculate current recordkeeping and reporting costs to schools with friable and/or nonfriable ACM, as shown below. In addition, schools are required to provide annual notification to parents and other interested parties of the presence of ACM, as well as the availability of the management plan for public review. The AHERA Regulatory Impact Assessment (RIA) estimated the annual notification cost to be \$56 per school (EPA, 1987a). This figure was updated to \$93 in 2010 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (Dept. of Commerce, 2010).

Worksheet 4 indicates that the annual reporting costs for schools range from \$525 for public primary schools or private schools with only nonfriable ACM, to \$1,649 for public secondary schools with friable ACM.

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<sup>2</sup> The wage figure used for Occupational Health and Safety Specialists and Technicians is a weighted average, by employment, of the wages for the separate groups of Specialists and Technicians, and is for Local Government specifically.

<b>Worksheet 4: Annual Cost per Local Education Agency (2010 \$)</b>			
<b>Activities</b>	<b>Total Hourly Compensation</b>	<b>School Type</b>	
		<b>Public Primary and Private</b>	<b>Public Secondary</b>
<b>Schools With Friable Asbestos-Containing Materials</b>			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$39.91	\$399	\$599
Custodial - Gather, record, process and store information	\$21.69	\$87	\$174
Clerical - Gather, record, process and store information	\$24.21	\$387	\$726
<i>Total Management Plan</i>		<i>\$873</i>	<i>\$1,499</i>
<i>Implement Operations and Maintenance (O&amp;M) Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$39.91	\$80	\$80
Custodial - Gather, record, process and store information	\$21.69	\$22	\$22
Clerical - Gather, record, process and store information	\$24.21	\$48	\$48
<i>Total O&amp;M Plan</i>		<i>\$150</i>	<i>\$150</i>
<b>Estimated Cost per School</b>		<b>\$1,116</b>	<b>\$1,649</b>
<b>Schools With Nonfriable Asbestos-Containing Materials Only</b>			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$39.91	\$200	\$319
Custodial - Gather, record, process and store information	\$21.69	\$87	\$174
Clerical - Gather, record, process and store information	\$24.21	\$145	\$291
<b>Estimated Cost per School</b>		<b>\$525</b>	<b>\$877</b>
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Nonfriable ACM does not require O&M. Cost per School includes \$88 for Notification Costs.			

Estimated Burden Costs for States:

As discussed in Section 6(a), states have no additional costs associated with the Schools Rule. Under the MAP Rule, state accreditation programs are required at least to meet the standards of the revised MAP. The burden estimates associated with the MAP Rule are given in Section 6(a). No additional costs for materials were given in the *Supplemental ICR for the*

*Asbestos-Containing Materials in Schools Rule* (ICR #1365) (EPA, 1993). Worksheet 5 shows the estimated annual cost of state compliance with the MAP Rule is \$4,436.

Wage rates were updated to 2010 using mean hourly wage rates from the Bureau of Labor Statistics' National Industry-Specific Occupational Employment and Wage Estimates, the Employment Cost Index for wages and salaries, and the Employer Costs for Employee Compensation, as follows:

- The state managerial, technical, and clerical staff hourly wages for 2009, the most recent year for which data are available, were \$37.74, \$27.15, and \$17.88, based on the mean hourly wages for Management Occupations, Environmental Scientists and Specialists, Including Health, Office and Administrative Support Occupations, respectively. These wage rates are specific to State Government (NAICS 999200) (BLS, 2010c).
- According to the Employment Cost Index, wages and salaries rose by 1.7 percent during the period of May 2009 to May 2010 for these workers, and wages and salaries were inflated by this amount (BLS, 2010a).
- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 65.9 percent of total compensation for state employees as of December 2009. Based on this information, a loading factor of 1.517 (1.0/0.659) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2010b).
- The updated estimated 2010 total hourly compensation for state managerial, technical, and clerical staff are \$58.22, \$41.89, and \$27.59, respectively.

Worksheet 5 shows the estimated annual cost of State compliance with the MAP Rule is \$4,436 per state.

<b>Worksheet 5: Annual Cost per State/Territory (2010 \$)</b>				
<b>Activities</b>	<b>Labor Categories</b>			<b>Total</b>
	<b>Management</b>	<b>Technical</b>	<b>Clerical</b>	
	<b>\$58.22/hour</b>	<b>\$41.89/hour</b>	<b>\$27.59/hour</b>	
Implement a state accreditation program that is not less stringent than the regulation	\$466	\$963	\$3,007	
<b>Estimated Cost per State/Territory</b>	<b>\$466</b>	<b>\$963</b>	<b>\$3,007</b>	<b>\$4,436</b>

Estimated Burden Costs for Training Providers:

The reporting and recordkeeping burden under the MAP Rule for asbestos training providers is described in Section 6(a). Providing access to records is expected to take 5.5 hours per year per training provider, and to be done by clerical staff. Wage rates were updated to 2010 using mean hourly wage rates from the Bureau of Labor Statistics' National Industry-Specific Occupational Employment and Wage Estimates, the Employment Cost Index for wages and salaries, and the Employer Costs for Employee Compensation, as follows:

- The training provider clerical staff hourly wage for 2009, the most recent year for which data are available, was \$16.48 based on the mean hourly wage for Administrative Support Occupations. This wage rates is specific to Business Schools and Computer and Management Training (NAICS 611400) (BLS, 2010c).
- According to the Employment Cost Index, wages and salaries rose by 1.6 percent during the period of May 2009 to May 2010 for these workers, and wages and salaries were inflated by this amount (BLS, 2010a).
- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 75.5 percent of total compensation for employees of service producing private industry as of December 2009. Based on this information, a loading factor of 1.325 (1.0/0.755) was applied to the mean hourly wage rate to estimate total hourly compensation for training provider staff (BLS, 2010b).
- The updated estimated 2010 total hourly compensation for training provider clerical staff is \$22.19.

In addition, training providers are expected to incur materials costs associated with the annual recordkeeping requirements of the MAP Rule. Those costs were estimated to be \$436 in the MAP Rule (EPA, 1993), which was updated to \$591 in the previous ICR. This figure was again updated to \$628 in 2010 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (Dept. of Commerce, 2010).

Worksheet 6 shows the estimated annual cost of training provider compliance with the MAP Rule is \$750 per training provider.

<b>Worksheet 6: Annual Cost per Training Provider (2010 \$)</b>			
<b>Activities</b>	<b>Labor Category</b>	<b>Frequency/ Year</b>	<b>Total</b>
	<b>Clerical</b>		
	<b>\$22.19/hour</b>		
1. Retain records	N/A	N/A	\$628
2. Provide reasonable access to records to EPA or State	\$11.10	11	\$122
<b>Estimated Cost per Provider</b>	<b>\$11.10</b>	<b>11</b>	<b>\$750</b>

### 6(c) Estimating Agency Burden and Cost

Agency burden and cost estimates are presented in Worksheets 7 and 8.

#### Estimated Burden for EPA:

EPA conducts implementation activities associated with the Schools Rule. In the AHERA RIA (EPA, 1987a), EPA estimated that Federal implementation of the Schools Rule would require the services of eight full-time equivalent (FTEs) employees in the first year, four FTEs in years two to four, and two FTEs in subsequent years. Because the rule is now past the

initial four-year period, the remaining EPA burden from implementing the Schools Rule is two FTEs annually. This represents an annual burden of 4,160 hours.

In addition, an estimated 220 hours per year of management and technical labor are required to respond to questions about the MAP Rule. The annual burden from both rules combined is estimated to be 4,380 hours in subsequent years.

The EPA regional burden associated with auditing training provider courses and records is expected to be approximately 144 hours per year per regional office.

<b>Worksheet 7: Annual Agency Burden Estimates for EPA Headquarters and Regional Offices (Hours)</b>				
<b>Activity</b>	<b>Labor Category</b>		<b>Frequency/ Year</b>	<b>Total</b>
	<b>Management</b>	<b>Technical</b>		
<b>EPA Headquarters</b>				
1. Perform recordkeeping tasks under the Schools Rule	0	4,160	N/A	4,160
2. Answer respondent questions about the MAP Rule	20	200	N/A	220
<b>Total Headquarters</b>	<b>20</b>	<b>4,360</b>		<b>4,380</b>
<b>EPA Regional Offices</b>				
1. Audit training provider courses and records for compliance monitoring purposes	0	8	18	144
<b>Total per Region</b>	<b>0</b>	<b>8</b>	<b>18</b>	<b>144</b>

Estimated Burden Costs for EPA:

Consistent with previous ICRs, technical tasks are expected to be completed by staff at the GS-13 level, and management tasks at the GS-15 level. The 2010 GS-13 level, step 5 hourly compensation was \$77.36 for technical staff, while the 2006 GS-15 level, step 5 hourly compensation was \$107.54 for managerial staff (OPM, 2010). These hourly rates include the standard 60 percent loading factor for EPA personnel.

Estimates incorporating these hourly compensation rates and the burden hour estimates from the previous section are shown in Worksheet 8. Total annual costs for EPA Headquarters are estimated at \$339,441. Total annual costs for EPA Regional Offices are estimated at \$11,140 per region, or \$111,400 for all 10 regions.



<b>Worksheet 8: Annual Agency Cost Estimates for EPA Headquarters and Regional Offices (2010 \$)</b>				
<b>Activity</b>	<b>Labor Category</b>		<b>Frequency/Year</b>	<b>Total</b>
	<b>Management</b>	<b>Technical</b>		
	<b>\$107.54/hour</b>	<b>\$77.36/hour</b>		
<b>EPA Headquarters</b>				
1. Perform recordkeeping tasks under the Schools Rule	\$0	\$321,818	N/A	\$321,818
2. Answer respondent questions about the MAP Rule	\$2,151	\$15,472	N/A	\$17,623
<b>Total Headquarters</b>	<b>\$2,151</b>	<b>\$337,290</b>		<b>\$339,441</b>
<b>EPA Regional Offices</b>				
1. Audit training provider courses and records for compliance monitoring purposes	\$0	\$619	18	\$11,140
<b>Total per Region</b>	<b>\$0</b>	<b>\$619</b>	<b>18</b>	<b>\$11,140</b>

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

The number of school respondents in this ICR renewal is based on the average number of affected schools of each type for years 23 through 25 of program implementation, which is an extension of the method used in the previous ICR.<sup>3</sup> The total number of public and private schools has been updated and is based on 2007-2008 data obtained from the U.S. Department of Education's National Center for Education Statistics (Dept of Education, 2010).

As in previous ICRs, the total number of training providers is estimated using the latest National Directory of AHERA Accredited Courses, compiled by EPA. According to the most recent 2009 data available, there are currently 1,268 accredited training providers (EPA, 2009). This is a significant increase from the previous ICR, in which there were 636 accredited training providers listed. Based on the unit burden estimates from Section 6(a) and the unit cost estimates from Section 6(b), estimated annual recordkeeping burden for all training providers is 6,974 hours and the estimated annual cost is \$951,000.

The MAP rule affects all 50 states, the District of Columbia, and the U.S. territories, for a total of 56 states and territories. Based on the unit burden estimates from Section 6(a) and the unit cost estimates from Section 6(b), estimated annual recordkeeping burden for all states and territories is 7,840 hours and the estimated annual cost is \$248,416.

Based on these estimates of numbers of respondents, unit costs, and burdens, the total respondent and EPA tallies are shown in the following tables.

<sup>3</sup> Table 4 and Appendix G of the AHERA RIA (EPA, 1987a), and Figure 2, *Addendum to ICR #2070-0091 Asbestos in Schools Rule* (EPA, 1987b), estimate the change in number of schools with friable and nonfriable ACM over the implementation period of the rule. The intent of the Schools Rule is that all schools have a management plan, and that schools with friable ACM also have an O&M plan.

(i) The respondent tally

<b>Average Annual Respondent Aggregation Table</b>					
	<b>Number of Entities</b>	<b>Unit Burden</b>	<b>Total Burden Hours</b>	<b>Unit Cost</b>	<b>Total Cost</b>
<b>Local Education Agencies</b>					
<i>Schools with Friable ACM</i>					
Public Primary	3,975	35	139,125	\$1,116	\$4,436,100
Public Secondary	2,341	58	135,778	\$1,649	\$3,860,309
Private	2,004	35	70,140	\$1,116	\$2,236,464
<i>Schools with Nonfriable ACM</i>					
Public Primary	64,293	15	964,395	\$525	\$33,753,825
Public Secondary	28,307	28	792,596	\$877	\$24,825,239
Private	31,736	15	476,040	\$525	\$16,661,400
<i>Subtotal for LEAs</i>	132,656		2,578,074		\$85,773,337
<b>Training Providers</b>	1,268	5.5	6,974	\$750	\$951,000
<b>States/Territories</b>	56	140	7,840	\$4,436	\$248,416
<b>Total</b>	<b>133,980</b>		<b>2,592,888</b>		<b>\$86,972,753</b>

(ii) The Agency tally

<b>Average Annual Agency Aggregation Table</b>					
	<b>Number of Entities</b>	<b>Unit Burden</b>	<b>Total Burden</b>	<b>Unit Cost</b>	<b>Total Cost</b>
<b>Headquarters</b>	1	4,380	4,380	\$339,441	\$339,441
<b>Regions</b>	10	144	1,440	\$11,140	\$111,400
<b>Total</b>			<b>5,820</b>		<b>\$450,841</b>

**6(e) Reasons For Change in Burden**

This ICR reflects an increase of 62,288 hours (from 2,530,600 hours to 2,592,888 hours) in the total estimated respondent burden from that currently in the OMB inventory. The total burden estimate has increased since the most recently approved renewal of this ICR because of adjustments in the number of Local Education Agencies (LEAs) and Training Providers. While the numbers of schools with friable ACM have declined, that decrease is less than the increase in the number of schools with nonfriable ACM, resulting in higher totals overall. The total annual burden for this information collection is currently estimated to be 2,592,888 hours per year. This is a 2.3 percent increase above the annual burden of 2,530,600 hours in the most recently approved clearance of this information collection request. Most of this increase is associated with the increase in the number of schools with nonfriable ACM. The number of training providers has almost doubled since the previous ICR, but this has had only a small impact on the overall burden from this data collection.

**Changes in Respondent Burden**

Respondent Type	Burden Hour Estimates			Percent Change
	Previous	Current	Difference	
Local Education Agencies	2,519,262	2,578,074	58,812	2.3 %
Training Providers	3,498	6,974	3,476	99.4 %
States/Territories	7,840	7,840	0	0 %
<b>Total</b>	<b>2,530,600</b>	<b>2,592,888</b>	<b>62,288</b>	<b>2.5 %</b>

### 6(f) Burden Statement

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0091, is estimated to be 20.15 hours per response for schools, 140 hours per response for states, and 5.5 hours per response for training providers. Burden is defined in 5CFR 1320.3(b). 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 number for this information collection appears above. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

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 No. EPA-HQ-OPPT-2010-0568. The docket is available for public viewing at the Pollution Prevention and Toxics Docket in the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC 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 EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280. An electronic version of the public docket is available through the Federal Docket Management System (FDMS) at <http://www.regulations.gov>. Use FDMS 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. Once 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, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OPPT-2010-0568 and OMB control number 2070-0091 in any correspondence.

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### **LIST OF ATTACHMENTS TO THIS SUPPORTING STATEMENT**

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPPT-2010-0568. These attachments are available for online viewing at <http://www.regulations.gov> or otherwise accessed as described in the section below.

Attachment A - Asbestos Hazard Emergency Response Act, Section 203 (15 U.S.C. §2643) also accessible at <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title15/html/USCODE-2009-title15-chap53-subchapII.htm>

Attachment B - Asbestos Hazard Emergency Response Act, Section 206 (15 U.S.C. §2646) also accessible at <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title15/html/USCODE-2009-title15-chap53-subchapII.htm>

Attachment C - Asbestos-Containing Materials in Schools Rule (40 CFR 763, Subpart E) also accessible at [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763_main_02.tpl)

Attachment D - Model Accreditation Plan (40 CFR 763, Subpart E, Appendix C) also accessible at [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763\\_main\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763_main_02.tpl)

Attachment E - Worksheet A-1: Annual Recordkeeping Burden, by School Type and Asbestos Type and Worksheet A-2 Annual Recordkeeping Cost, by School Type and Asbestos accessed through the docket for this action.

Attachment F - Copy of Consultation Message Sent by EPA to Potential Respondents accessed through the docket for this action.