

**EPA ICR No. 1246.12; OMB Control No. 2070-0072**

**Attachment E**

**Copy of Consultations Message Sent by EPA to Potential Respondents**

From: Courtnage, Robert

Sent: Thursday, September 19, 2013 5:02 PM

Subject: Renewal of Information Collection Request for the EPA Asbestos Model Accreditation Plan and Asbestos-Containing Materials in Schools Rule Dear Stakeholder:

Dear Stakeholder:

On August 8, 2013, EPA published a Notice in the Federal Register (78 FR 48431) titled "Agency Information Collection Activities; Proposed Collection of Several Currently Approved Collections; Comment Request" (See <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2012-0916-0001>) 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/or recordkeeping requirements for the Asbestos-Containing Materials in Schools Rule and the Asbestos Model Accreditation Plan Rule. The Asbestos Hazard Emergency Response Act (AHERA), or Title II of the Toxic Substances Control Act, became law on October 22, 1986. To implement AHERA, EPA promulgated the Asbestos-Containing Materials in Schools Rule (40 CFR Part 763, Subpart E) on October 30, 1987. Public school districts and non-profit private schools (collectively called local education agencies) are subject to AHERA's requirements.

The Asbestos-Containing Materials in Schools rule requires local education agencies to take actions such as:

- Perform an original inspection and re-inspection of school buildings every three years of asbestos-containing material;
- Develop, maintain, and update an asbestos management plan and keep a copy at the school;
- Provide yearly notification to parent, teacher, and employee organizations regarding the availability of the school's asbestos management plan and any asbestos abatement actions taken or planned in the school;
- Designate a contact person to ensure the responsibilities of the local education agency are properly implemented;
- Perform periodic surveillance of known or suspected asbestos-containing building material;
- Ensure that properly-accredited professionals perform inspections and response actions and prepare management plans; and
- Provide custodial staff with asbestos-awareness training.

EPA revised the Asbestos Model Accreditation Plan (MAP) (40 CFR Part 763, Appendix C to Subpart E) on February 3, 1994. The MAP requires the use of trained and accredited asbestos professionals when conducting asbestos inspections or designing or conducting response actions at schools and public and commercial buildings. It provides guidance to states on the minimum training requirements for accrediting asbestos professionals. State training programs must be at least as stringent as the MAP. The MAP established five required training disciplines (worker, contractor/supervisor, inspector, management planner, and project designer)

and one recommended discipline (project monitor). States were tasked to develop their own asbestos professional training programs based on the MAP that was no less stringent.

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. Please 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 that EPA seeks under this ICR available from any public source, or already collected by another EPA office or by another agency? If so, where can the data be found?
2. Is it clear what is required for data submission? If not, are there any suggestions for clarifying instructions?
3. Would you be interested in an electronic data submission option?
4. For electronic submission, how should signature requirements be handled?
5. How does TSCA CBI affect your choice or use of an electronic medium? Would you be more inclined to submit TSCA CBI on diskette than on paper and what benefits would you realize (e.g., burden reduction, greater efficiency in compiling information, etc).
6. Do you agree with EPA's estimated burden and costs (the ICR addresses only the costs associated with paperwork)? Are the Bureau of Labor Statistics (BLS) labor rates accurate? If you have any reason to consider the BLS labor rates as used by EPA inaccurate or inappropriate, explain your rationale.

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

- go to: <http://www.regulations.gov>
- enter EPA-HQ-OPPT-2012-0916 in the Enter Keyword or ID field
- click on "Search"
- then click on any of the documents listed within the docket to read the document; you will be most interested in the Supporting Statement, identified by its title beginning "Information Collection Request..."

Your 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 October 8, 2013. EPA will consider those responses, as well as any public

comments received in response to the Federal Register Notice identified above, in preparing a final document for OMB review.

Thank you for your assistance.

Sincerely,

Robert T. Courtnage, Environmental Protection Specialist  
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U.S. Environmental Protection Agency  
202-566-1081