

Information Collection Title: Hazard Communication – 30 CFR Part 47

Collection Instrument(s): None

Authority: 30 CFR Parts 47.31, 47.32, 47.41, 47.51, 47.52, 47.53, 47.55, 47.71, 47.73, 47.81

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses or employ statistical methods” is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, Section 101(a) of the Mine Act, 30 U.S.C. 811(a) authorizes the Secretary to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Section 101(a)(7) of the Mine Act, 30 U.S.C. 811(a)(7), requires, in part, that mandatory standards prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure.

MSHA's part 47 hazardous communications (HazCom) rule requires mine operators to evaluate the hazards of chemicals they produce or use and provide information to miners concerning chemical hazards by means of a written hazard communication program; labeling containers of hazardous chemicals; providing access to material safety data sheets (MSDSs); and initial miner training.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

MSHA's Hazard Communication (HazCom) standard (30 CFR Part 47) involves third-party information sharing. It requires mine operators and/or contractors to assess the hazards of chemicals they produce or use and provide information to their miners concerning the chemicals' hazards. Mine operators and/or contractors must develop a written hazard communication program that describes how they will inform miners of chemical hazards and safe handling procedures through miner training, labeling containers of hazardous chemicals, and that they will provide miners access to Material Safety Data Sheets (MSDS).

The purpose of this collection is to provide miners access to information about the chemical hazards and on the protective measures they can take to protect themselves from these hazards. Through HazCom, mine operators and/or contractors also have the necessary information regarding the hazards of chemicals present at their mines, so that work methods are improved or instituted to minimize exposure to these chemicals.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

In order to comply with the Government Paperwork Elimination Act, mine operators may retain their written HazCom program in whatever medium they choose including utilization of computer technology. HazCom also allows for the electronic storage and retrieval of information where such use does not interfere with the miner's right to ready access to the information in an emergency. Computer access can be used for the requirements in this standard, with the exception of the provision that requires mine operators to label containers. With respect to the particular provision that requires mine operators to have copies of MSDS for all hazardous chemicals present at the mine site, MSHA has estimated that roughly half of these responses will be accomplished with internet access. MSHA also allows operators to use facsimile (fax), email, internet transfer, and other electronic services to provide readily available MSDSs. Other data retention and transmission technologies will be evaluated and approved as they become available.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information is not collected in any form, and therefore is not duplicated elsewhere.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This information collection does not have a significant impact on small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

MSHA's HazCom standards (30 C.F.R. Part 47 Hazard Communication) require mine operators to develop, implement, and maintain a written HazCom program. Operators must identify chemicals, make a hazard determination, ensure that containers of hazardous chemicals have labels, have and make available a Material Safety Data Sheet (MSDS) for each hazardous chemical used or produced at the mine; and instruct miners on the physical and health hazards of the chemicals in the miners' work area, protective measures, and contents of the HazCom program.

If this collection (third-party disclosure) is not conducted, miners would be at increased risk of harm from hazardous chemicals. HazCom does not require periodic updates of the information if the hazards do not change. Most written HazCom programs would need only occasional, minor revisions to keep them up-to-date. Inaccurate labels or MSDSs can contribute to injuries or illnesses related to the improper use, storage, or handling of hazardous chemicals.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner—

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which**

unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This collection of information complies with 5 CFR 1320.5.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA published a 60-day Federal Register notice on June 5, 2014 (79 FR 32576). MSHA received no comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA does not provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Under 30 CFR Part 47 Subpart I, confidentiality is available for trade secrets that operators are required to disclose. HazCom generally permits operators to withhold specific chemical identity information; however, trade secret information must be disclosed to an exposed miner, the miner's designated representative, and a treating health professional under certain circumstances. In medical emergencies, a treating health professional is entitled to receive the information immediately. After the emergency is abated, the holder of the trade secret could require the treating health professional to sign a written statement of need and a confidentiality agreement.

MSHA Metal mines would expect few trade secret claims under this rule. The Agency believes that most operators produce single substances that are not proprietary.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Wage Rates: MSHA based all wage rate calculations on data from *U.S. Coal Mine Salaries, Wages, & Benefits - 2012 Survey Results*. The hourly wage rate at coal mines is \$89.15 for a supervisor and \$28.57 for a clerical worker. The hourly wage rate at metal and nonmetal (MNM) mines is \$69.60 for a supervisor and \$28.00 for a clerical worker.

Industry Data: MSHA's Office of Injury and Employment Information has not officially completed the Agency's collection of information for calendar year (CY) 2013; therefore, the coal mine data obtained as of 3/12/2014 are preliminary, but more representative than CY 2012 data. MNM used 2012 data for this update.

Total Respondents: 23,834 (4,574 coal mines and coal contractors; and 19,260 MNM mines and MNM contractors).

47.31/32 Requirement for a HazCom Program - Annual Burden Hours and Costs for Existing Coal and MNM Operations to Update HazCom Programs

Under this provision, mine operators (which includes contractors) working on mine property periodically need to update their HazCom programs including creating lists. With respect to coal operations, MSHA estimates that 3,575 coal mines and coal-related contractors (collectively: coal operations) employing <20 workers, 976 coal operations employing 20-500 workers, and 23 coal operations employing >500 workers, will update their HazCom program annually. With respect to MNM operations, MSHA estimates that 17,129 operations and contractors employing <20 workers, 2,091 operations employing 20-500 workers, and 40 operations employing >500 workers will update their HazCom program annually.

On average, the estimated time to update the HazCom program is: one hour of a supervisor's time and 0.5 hours of a clerical worker's time for operations employing <20 workers; 2 hours of a supervisor's time and 1 hour of a clerical worker's time for operations employing 20-500 workers; and 4 hours of a supervisor's time and 2 hours of a clerical worker's time for operations employing >500 workers.

Listed below are the annual burden hours and related costs to update mine operators' HazCom programs.

COAL OPERATIONS

Burden Hours for Supervisor's Time

| | | |
|--|---|-------------|
| 3,575 respondents employing <20 x 1 response x 1 hour of supervisor's time | = | 3,575 hours |
| 976 respondents employing 20-500 x 1 response x 2 hours of supervisor's time | = | 1,952 hours |
| 23 respondents employing >500 x 1 response x 4 hours of supervisor's time | = | 92 hours |

=4,574 responses

Burden Hour Costs for Supervisor's Time

| | | |
|--|---|-----------|
| 3,575 hours x \$89.15 supervisor's wage/hour | = | \$318,711 |
| 1,952 hours x \$89.15 supervisor's wage/hour | = | \$174,021 |
| 92 hours x \$89.15 supervisor's wage/hour | = | \$8,202 |

Burden Hours for Clerical Worker's Time

| | | |
|--|---|-------------|
| 3,575 respondents employing <20 x 1 response x 0.5 hours of clerical worker's time | = | 1,788 hours |
| 976 respondents employing 20-500 x 1 response x 1 hour of clerical worker's time | = | 976 hours |
| 23 respondents employing >500 x 1 response x 2 hours of clerical worker's time | = | 46 hours |

| | | |
|--|---|-------------|
| <u>Burden Hour Costs for Clerical Workers Time</u> | | |
| 1,788 hours x \$28.57 clerical worker's wage/hour | = | \$51,083 |
| 976 hours x \$28.57 clerical worker's wage/hour | = | \$27,884 |
| 46 hours x \$28.57 clerical worker's wage/hour | = | \$1,314 |
| TOTAL Coal Hour Burden | | 8,429 hours |
| TOTAL Coal Hour Burden Cost | | \$581,215 |

MNM OPERATIONS

| | | |
|---|---|--------------|
| <u>Burden Hours for Supervisor's Time</u> | | |
| 17,129 respondents employing <20 x 1 response x 1 hour of supervisor's time | = | 17,129 hours |
| 2,091 respondents employing 20-500 x 1 response x 2 hours of supervisor's time | = | 4,182 hours |
| 40 respondents employing >500 x 1 response x 4 hours of supervisor's time | = | 160 hours |
| =19,260 responses | | |

| | | |
|--|---|-------------|
| <u>Burden Hour Costs for Supervisor's Time</u> | | |
| 17,129 hours x \$69.60 supervisor's wage/hour | = | \$1,192,178 |
| 4,182 hours x \$69.60 supervisor's wage/hour | = | \$291,067 |
| 160 hours x \$69.60 supervisor's wage/hour | = | \$11,136 |

| | | |
|--|---|-------------|
| <u>Burden Hours for Clerical Worker's Time</u> | | |
| 17,129 respondents employing <20 x 1 response x 0.5 hours of clerical worker's time | = | 8,565 hours |
| 2,091 respondents employing 20-500 x 1 response x 1 hour of clerical worker's time | = | 2,091 hours |
| 40 respondents employing >500 x 1 response x 2 hours of clerical worker's time | = | 80 hours |

| | | |
|--|---|-----------|
| <u>Burden Hour Costs for Clerical Workers Time</u> | | |
| 8,565 hours x \$28.00 clerical worker's wage/hour | = | \$239,820 |
| 2,091 hours x \$28.00 clerical worker's wage/hour | = | \$58,548 |
| 80 hours x \$28.00 clerical worker's wage/hour | = | \$2,240 |

| | | |
|----------------------------|--|--------------|
| TOTAL MNM Hour Burden | | 32,207 hours |
| TOTAL MNM Hour Burden Cost | | \$1,794,989 |

| | | |
|---|--|---------------------|
| TOTAL for Existing Operations to Update HazCom Program | | |
| Burden Hours | | 40,636 hours |
| Burden Hour Costs | | \$2,289,193 |

47.31/32 Requirement for a HazCom Program and Contents – Annual Burden Hours and Costs for New Operations to Develop a HazCom Program

All new mine operators are required to develop a HazCom program under this provision. With respect to coal operations, MSHA estimates that 47 new coal operations employing <20 workers, and 17 new coal operations employing 20-500 workers, will develop a HazCom program annually. With respect to MNM operations, MSHA estimates that 570 new operations employing <20 workers, and 19 new operations employing 20-500 workers will develop a HazCom program annually.

On average, the estimated time to develop a HazCom program is: 8 hours of a supervisor’s time and 4 hours of a clerical worker’s time for operations employing <20 workers and 16 hours of a supervisor’s time and 8 hours of a clerical worker’s time for operations employing 20-500 workers.

Listed below are the annual burden hours and costs for new mines to develop a HazCom program including creating lists.

COAL OPERATIONS

Burden Hours for Supervisor’s Time

47 respondents employing <20 x 1 response x
8 hours of supervisor’s time = 376 hours

17 respondents employing 20-500 x 1 response x
16 hours of supervisor’s time = 272 hours

=64 responses

Burden Hour Costs for Supervisor’s Time

376 hours x \$89.15 supervisor’s wage/hour = \$33,520

272 hours x \$89.15 supervisor’s wage/hour = \$24,249

Burden Hours for Clerical Worker’s Time

47 respondents employing <20 x 1 response x
4 hours of clerical worker’s time = 188 hours

17 respondents employing 20-500 x 1 response x
8 hours of clerical worker’s time = 136 hours

Burden Hour Costs for Clerical Workers Time

188 hours x \$28.57 clerical worker’s wage/hour = \$5,371

136 hours x \$28.57 clerical worker’s wage/hour = \$3,886

TOTAL Coal Hour Burden 972 hours

TOTAL Coal Burden Hour Cost \$67,026

MNM OPERATIONS

Burden Hours for Supervisor’s Time

| | | |
|---|---|-------------|
| 570 respondents employing <20 x 1 response x 8 hours of supervisor's time | = | 4,560 hours |
| 19 respondents employing 20-500 x 1 response x 16 hours of supervisor's time | = | 304 hours |

=589 responses

Burden Hour Costs for Supervisor's Time

| | | |
|--|---|-----------|
| 4,560 hours x \$69.60 supervisor's wage/hour | = | \$317,376 |
| 304 hours x \$69.60 supervisor's wage/hour | = | \$21,158 |

Burden Hours for Clerical Worker's Time

| | | |
|---|---|-------------|
| 570 respondents employing <20 x 1 response x 4 hours of clerical worker's time | = | 2,280 hours |
| 19 respondents employing 20-500 x 1 response x 8 hours of clerical worker's time | = | 152 hours |

Burden Hour Costs for Clerical Workers Time

| | | |
|---|---|----------|
| 2,280 hours x \$28.00 clerical worker's wage/hour | = | \$63,840 |
| 152 hours x \$28.00 clerical worker's wage/hour | = | \$4,256 |

| | | |
|----------------------------|--|-------------|
| TOTAL MNM Burden Hours | | 7,296 hours |
| TOTAL MNM Burden Hour Cost | | \$406,630 |

| | | |
|--|--|--------------------|
| TOTAL for New Mines to Develop HazCom Program | | |
| Burden Hours | | 8,268 hours |
| Burden Hour Costs | | \$473,656 |

47.32(a)(4) Requirement for HazCom Training – Annual Burden Hours and Costs for New and Existing Mines

Mine operators need time to manage and administer the HazCom training program each year. The administrative time requirements include preparing, copying, distributing, and maintaining training certificates, transcripts, and other associated records. With respect to coal operations, MSHA estimates that 3,161 coal operations employing <20 workers, 539 coal operations employing 20-500 workers, and 7 coal operations employing >500 workers will need to administer a HazCom training program annually. With respect to MNM operations, MSHA estimates that 11,990 operations employing <20 workers, 1,255 operations employing 20-500 workers, and 3 operations employing >500 workers will need to administer a HazCom training program annually.

On average, with respect to either coal or MNM, MSHA operations, MSHA estimates that for the administration related to the paperwork for the training program takes: 0.25 hour of a supervisor's time and 0.25 hours of a clerical worker's time for operations employing <20 workers; 0.5 hours of a supervisor's time and 0.5 hour of a clerical worker's time for operations employing 20-500 workers; and 1 hour of a supervisor's time and 2 hours of a clerical worker's time for operations employing >500 workers.

Listed below are the annual burden hours and related costs to administer the paperwork related requirements of a HazCom training program.

COAL OPERATIONS

Burden Hours for Supervisor's Time

| | | |
|---|---|-----------|
| 3,161 respondents employing <20 x 1 response x 0.25 hour/response | = | 791 hours |
| 539 respondents employing 20-500 x 1 response x 0.5 hours/response | = | 270 hours |
| 7 respondents employing >500 x 1 response x 1 hours/response | = | 7 hours |

=3,707 responses

Burden Hour Costs for Supervisor's Time

| | | |
|--|---|----------|
| 791 hours x \$89.15 supervisor's wage/hour | = | \$70,518 |
| 270 hours x \$89.15 supervisor's wage/hour | = | \$24,071 |
| 7 hours x \$89.15 supervisor's wage/hour | = | \$624 |

Burden Hours for Clerical Worker's Time

| | | |
|---|---|-----------|
| 3,161 respondents employing <20 x 1 response x 0.25 hours/response | = | 791 hours |
| 539 respondents employing 20-500 x 1 response x 0.50 hour/response | = | 270 hours |
| 7 respondents employing >500 x 1 response x 2 hours/response | = | 14 hours |

Burden Hour Costs for Clerical Worker's Time

| | | |
|---|---|----------|
| 791 hours x \$28.57 clerical worker's wage/hour | = | \$22,599 |
| 270 hours x \$28.57 clerical worker's wage/hour | = | \$7,714 |
| 14 hours x \$28.57 clerical worker's wage/hour | = | \$400 |

| | | |
|-----------------------------|--|-------------|
| TOTAL Coal Burden Hours | | 2,143 hours |
| TOTAL Coal Burden Hour Cost | | \$125,926 |

MNM OPERATIONS

Burden Hours for Supervisor's Time

| | | |
|---|---|--------------|
| 11,990 respondents employing <20 x 1 response x 0.25 hour/response | = | 22,998 hours |
| 1,255 respondents employing 20-500 x 1 response x 0.5 hours/response | = | 628 hours |
| 3 respondents employing >500 x 1 response x 1 hour/response | = | 3 hours |

=13,248 responses

| | | |
|--|---|-----------|
| <u>Burden Hour Costs for Supervisor's Time</u> | | |
| 2,998 hours x \$69.60 supervisor's wage/hour | = | \$209,560 |
| 628 hours x \$69.60 supervisor's wage/hour | = | \$43,897 |
| 3 hours x \$69.60 supervisor's wage/hour | = | \$210 |

| | | |
|--|---|-------------|
| <u>Burden Hours for Clerical Worker's Time</u> | | |
| 11,990 respondents employing <20 x 1 response x 0.25 hours/response | = | 2,998 hours |
| 1,255 respondents employing 20-500 x 1 response x 0.5 hour/response | = | 628 hours |
| 3 respondents employing >500 x 1 response x 2 hours/response | = | 6 hours |

| | | |
|---|---|----------|
| <u>Burden Hour Costs for Clerical Worker's Time</u> | | |
| 2,998 hours x \$28.00 clerical worker's wage/hour | = | \$83,944 |
| 628 hours x \$28.00 clerical worker's wage/hour | = | \$17,584 |
| 6 hours x \$28.00 clerical worker's wage/hour | = | \$168 |

| | | |
|----------------------------|--|-------------|
| TOTAL MNM Burden Hours | | 7,261 hours |
| TOTAL MNM Burden Hour Cost | | \$355,363 |

| | | |
|---|--|--------------------|
| TOTAL to Administer Annual HazCom Training | | |
| Burden Hours | | 9,404 hours |
| Burden Hour Costs | | \$481,289 |

47.41/42/43 Requirement for Container Labels – Annual Burden Hours and Costs to Label Containers

Mine operators are required to ensure that all containers of hazardous chemicals are appropriately labeled. With respect to coal operations, MSHA estimates that 750 operations employing <20 workers, 647 operations employing 20-500 workers, and 23 operations employing >500 workers will need to label containers annually as well as revise and update them. With respect to MNM operations, MSHA estimates that 3,768 operations employing <20 workers, 376 operations employing 20-500 workers, and 4 operations employing >500 workers will need to label containers annually. For all operations in each size category, MSHA estimates it will take a supervisor 0.2 hours to verify or fill-out the label information and apply it to a container.

MSHA estimates that 50% of containers at coal and MNM operations employing <20 workers; 35% of containers at operations employing between 20 and 500 workers; and 25% of containers at operations employing >500 workers will need labeling. On average, there are 4 containers at a coal operation employing <20 workers; 52 containers at a coal operation employing 20-500 workers; and 567 containers at a coal operation employing >500 workers. At MNM operations, there are about 5 containers at

an operation employing <20 workers; 50 containers at an operation employing 20-500 workers; and 855 containers at an operation employing >500 workers.

Listed below are the annual burden hours and related costs to label containers.

COAL OPERATIONS

Burden Hours for Supervisor's Time

| | | |
|---|---|-------------|
| 750 respondents employing <20 x 4 containers x 0.50 x 0.2 hours/response | = | 300 hours |
| 647 respondents employing 20-500 x 52 containers x 0.35 x 0.2 hours/response | = | 2,355 hours |
| 23 respondents employing >500 x 567 containers x 0.25 x 0.2 hours/response | = | 652 hours |

=49,685 responses

Burden Hour Costs for Supervisor's Time

| | | |
|---|---|-----------|
| 300.00 hours x \$89.15 supervisor's wage/hour | = | \$26,745 |
| 2,355 hours x \$89.15 supervisor's wage/hour | = | \$209,948 |
| 652 hours x \$89.15 supervisor's wage/hour | = | \$58,125 |

| | |
|-----------------------------|-------------|
| TOTAL Coal Burden Hours | 3,307 hours |
| TOTAL Coal Burden Hour Cost | \$294,818 |

MNM OPERATIONS

Burden Hours for Supervisor's Time

| | | |
|---|---|-------------|
| 3,768 respondents employing <20 x 5 containers x 0.50 x 0.2 hours/response | = | 1,884 hours |
| 376 respondents employing 20-500 x 50 containers x 0.35 x 0.2 hours/response | = | 1,316 hours |
| 4 respondents employing >500 x 855 containers x 0.25 x 0.2 hours/response | = | 171 hours |

=41,060 responses

Burden Hour Costs for Supervisor's Time

| | | |
|--|---|-----------|
| 1,884 hours x \$69.60 supervisor's wage/hour | = | \$131,126 |
| 1,316 hours x \$69.60 supervisor's wage/hour | = | \$91,594 |
| 171 hours x \$69.60 supervisor's wage/hour | = | \$11,902 |

| | |
|----------------------------|-------------|
| TOTAL MNM Burden Hours | 3,371 hours |
| TOTAL MNM Burden Hour Cost | \$234,622 |

TOTAL to Label Containers

Burden Hours

6,678 hours

Burden Hour Costs

\$529,440

47.51/52 Requirement for an MSDS – Annual Burden Hours and Costs to Update an MSDS

Mine operators are required to develop or acquire a Material Safety Data Sheet (MSDS) for each hazardous chemical that they produce or use.

With respect to coal operations, MSHA estimates that 3,468 operations employing <20 workers, 713 operations employing 20-500 workers, and 15 operations employing >500 workers will need to update MSDSs for the chemicals they produce or use at the mine annually. With respect to MNM operations, MSHA estimates that 7,365 operations employing <20 workers, 669 operations employing 20-500 workers, and 4 operations employing >500 workers will need to update MSDSs for chemicals they produce or use at the mine annually.

On average, the estimated number of needed updates for MSDSs for chemicals produced at coal operations are as follows: 0.25 chemicals for an operation employing <20 workers; 0.5 chemicals for an operation employing 20-500 workers; and 0.75 chemicals for an operation employing >500 workers. On average, the estimated number of needed updates for MSDSs for chemicals produced at MNM operations are as follows: 0.25 chemicals for an operation employing <20 workers; 1 chemical for an operation employing 20-500 workers; and 1.5 chemicals for an operation employing >500 workers.

On average, MSHA estimates that it takes 1 hour of a supervisor's time, and 0.5 hours of a clerical worker's time to update MSDSs.

Listed below are the annual burden hours and costs for updating MSDSs.

COAL OPERATIONS

Burden Hours for Supervisor's Time

3,468 respondents employing <20 x 0.25 MSDSs to update/
respondent x 1 hour to update MSDS = 867 hours

713 respondents employing 20-500 x 0.5 MSDSs to update/
respondent x 1 hour to update MSDS = 357 hours

15 respondents employing >500 x 0.75 MSDSs to update/
respondent x 1 hour to update MSDS = 12 hours

=1,235 responses

Burden Hour Costs for Supervisor's Time

867 hours x \$89.15 supervisor's wage/hour = \$77,293

| | | |
|--|---|-----------|
| 357 hours x \$89.15 supervisor's wage/hour | = | \$331,827 |
| 11 hours x \$89.15 supervisor's wage/hour | = | \$981 |

Burden Hours for Clerical Worker's Time

| | | |
|---|---|-----------|
| 3,468 respondents employing <20 x 0.25 MSDSs to update/ respondent x 0.5 hours to update MSDSs | = | 434 hours |
| 713 respondents employing 20-500 x 0.5 MSDSs to update/ respondent x 0.5 hours to update MSDSs | = | 179 hours |
| 15 respondents employing >500 x 0.75 MSDSs to update/ respondent x 0.5 hours to update MSDSs | = | 6 hours |

Burden Hour Costs for Clerical Worker's Time

| | | |
|---|---|----------|
| 434 hours x \$28.57 clerical worker's wage/hour | = | \$12,399 |
| 179 hours x \$28.57 clerical worker's wage/hour | = | \$5,114 |
| 6 hours x \$28.57 clerical worker's wage/hour | = | \$171 |

| | | |
|-----------------------------|--|-------------|
| TOTAL Coal Burden Hours | | 1,855 hours |
| TOTAL Coal Burden Hour Cost | | \$427,785 |

MNM OPERATIONS

Burden Hours for Supervisor's Time

| | | |
|--|---|-------------|
| 7,365 respondents employing <20 x 0.25 MSDSs to update/ respondent x 1 hour to update MSDSs | = | 1,841 hours |
| 669 respondents employing 20-500 x 1 MSDSs to update/ respondent x 1 hour to update MSDSs | = | 669 hours |
| 4 respondents employing >500 x 1.5 MSDSs to update/ respondent x 1 hour to update MSDSs | = | 6 hours |

=2,516 responses

Burden Hour Costs for Supervisor's Time

| | | |
|--|---|-----------|
| 1,841 hours x \$69.60 supervisor's wage/hour | = | \$128,134 |
| 669 hours x \$69.60 supervisor's wage/hour | = | \$46,562 |
| 6 hours x \$69.60 supervisor's wage/hour | = | \$418 |

Burden Hours for Clerical Worker's Time

| | | |
|---|---|-----------|
| 7,365 respondents employing <20 x 0.25 MSDSs to update/ respondent x 0.5 hours to update MSDSs | = | 921 hours |
| 669 respondents employing 20-500 x 1 MSDSs to update/ respondent x 0.5 hour. to update MSDSs | = | 335 hours |
| 4 respondents employing >500 x 1.5 MSDSs to update/ respondent x 0.5 hours to update MSDSs | = | 3 hours |

Burden Hour Costs for Clerical Worker's Time

| | | |
|---|---|----------|
| 921 hours x \$28.00 clerical worker's wage/hour | = | \$25,788 |
| 335 hours x \$28.00 clerical worker's wage/hour | = | \$9,380 |

| | | |
|---|---|--------------------|
| 3 hours x \$28.00 clerical worker's wage/hour | = | \$84 |
| Total MNM Burden Hours | | 3,775 hours |
| Total MNM Burden Hour Cost | | \$210,366 |
| <u>TOTAL to Update MSDSs</u> | | |
| Burden Hours | | 5,630 hours |
| Burden Hour Costs | | \$638,151 |

47.51 Requirement for an MSDS – Annual Burden Hours and Costs for Mines to Obtain an MSDS

This provision requires mine operators to have copies of MSDSs for all hazardous chemicals present at the mine and to maintain availability of those MSDSs for all affected miners. OSHA and other federal and state regulatory agencies require chemical manufacturers to supply one or more copies of applicable MSDSs on purchase and delivery of their products.

For this reason, MSHA has determined that there is no additional burden to mine operators that has not been addressed by the requirements to develop, update, and maintain a HazCom Program.

47.51/52 Requirement for an MSDS – Annual Burden Hours and Costs for MSDS Development of New Chemicals Produced

The operator must create an MSDS for each hazardous chemical produced at its mine site. With respect to coal operations, MSHA estimates that 47 operations employing <20 workers, and 17 operations employing 20 to 500 workers will begin producing a chemical. With respect to MNM operations, MSHA estimates that 570 operations employing <20 workers, and 19 operations employing 20 to 500 workers will begin producing at least one chemical annually.

On average, MSHA estimates that it will take a supervisor 2 hours to develop an MSDS and a clerical worker 1 hour to prepare it. On average, the Agency estimates that there will be 1 chemical created at each new small coal and MNM mine; 2 chemicals for each new coal mine employing 20 to 500 workers; and 4 chemicals for each new MNM mine employing 20 to 500 workers annually.

Listed below are the annual burden hours and costs for MSDS development for new chemicals produced.

COAL OPERATIONS

Burden Hours for Supervisor's Time

| | | |
|---|---|----------|
| 47 respondents employing <20 x 1 response x 2 hours/response | = | 94 hours |
|---|---|----------|

| | | |
|---|---|----------|
| 17 respondents employing 20-500 x 2 responses x 2 hours/response | = | 34 hours |
| =81 responses | | |

| | | |
|--|---|---------|
| <u>Burden Hour Costs for Supervisor's Time</u> | | |
| 94 hours x \$89.15 supervisor's wage/hour | = | \$8,380 |
| 34 hours x \$89.15 supervisor's wage/hour | = | \$3,031 |

| | | |
|--|---|----------|
| <u>Burden Hours for Clerical Worker's Time</u> | | |
| 47 respondents employing <20 x 1 response x 1 hour/response | = | 47 hours |
| 17 respondents employing 20-500 x 2 responses x 1 hour/response | = | 34 hours |

| | | |
|---|---|---------|
| <u>Burden Hour Costs for Clerical Worker's Time</u> | | |
| 47 hours x \$28.57 clerical worker's wage/hour | = | \$1,343 |
| 34 hours x \$28.57 clerical worker's wage/hour | = | \$971 |

| | | |
|-----------------------------|--|-----------|
| TOTAL Coal Burden Hours | | 209 hours |
| TOTAL Coal Burden Hour Cost | | \$13,725 |

MNM OPERATIONS

| | | |
|---|---|-------------|
| <u>Burden Hours for Supervisor's Time</u> | | |
| 570 respondents employing <20 x 1 response x 2 hours/response | = | 1,140 hours |
| 19 respondents employing 20-500 x 4 responses x 2 hours/response | = | 152 hours |
| =646 responses | | |

| | | |
|--|---|----------|
| <u>Burden Hour Costs for Supervisor's Time</u> | | |
| 1,140 hours x \$69.60 supervisor's wage/hour | = | \$79,344 |
| 152 hours x \$69.60 supervisor's wage/hour | = | \$10,579 |

| | | |
|--|---|-----------|
| <u>Burden Hours for Clerical Worker's Time</u> | | |
| 570 respondents employing <20 x 1 response x 1 hour/response | = | 570 hours |
| 19 respondents employing 20-500 x 4 responses x 1 hour/response | = | 76 hours |

| | | |
|---|---|----------|
| <u>Burden Hour Costs for Clerical Worker's Time</u> | | |
| 570 hours x \$28.00 clerical worker's wage/hour | = | \$15,960 |
| 76 hours x \$28.00 clerical worker's wage/hour | = | \$2,128 |

| | |
|---|--------------------|
| TOTAL MNM Burden Hours | 1,938 hours |
| TOTAL MNM Burden Hour Cost | \$108,011 |
| TOTAL for New Mines to Develop MSDSs | |
| Burden Hours | 2,147 hours |
| Burden Hour Cost | \$121,736 |

47.51/55 Requirement for an MSDS – Annual Burden Hours and Costs for Coal and MNM Operations, with Internet Access, to Maintain MSDSs

Under this provision, mine operators are required to maintain MSDSs. With respect to coal operations with internet access, MSHA estimates that 2,681 operations employing <20 workers, 976 operations employing 20-500 workers, and 23 operations employing >500 workers will need to maintain MSDSs annually. With respect to MNM operations with internet access, MSHA estimates that 3,467 operations employing <20 workers, 556 operations employing 20-500 workers, and 3 operations employing >500 workers will need to maintain MSDSs annually.

For either a coal or MNM operation with internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 15 minutes (0.25 hours) annually to maintain MSDSs.

Listed below are the annual burden hours and related costs for operations, with internet access, to maintain MSDSs.

COAL OPERATIONS

Burden Hours for Clerical Worker’s Time

| | | |
|--|---|-----------|
| 2,681 respondents employing <20 x 1 response x 0.25 hours/response | = | 671 hours |
| 976 respondents employing 20-500 x 1 response x 0.25 hours/response | = | 244 hours |
| 23 respondents employing >500 x 1 response x 0.25 hours/response | = | 6 hours |

=3,680 responses

Burden Hour Costs for Clerical Worker’s Time

| | | |
|---|---|----------|
| 671 hours x \$28.57 clerical workers’ wage/hour | = | \$19,170 |
| 244 hours x \$28.57clerical worker’s wage/hour | = | \$6,971 |
| 6 hours x \$28.57clerical worker’s wage/hour | = | \$171 |

| | |
|-----------------------------|-----------|
| TOTAL Coal Burden Hours | 921 hours |
| TOTAL Coal Burden Hour Cost | \$26,312 |

MNM OPERATIONS

Burden Hours for Clerical Worker's Time

| | | |
|--|---|-----------|
| 3,467 respondents employing <20 x 1 response x 0.25 hours/response | = | 867 hours |
| 556 respondents employing 20-500 x 1 response x 0.25 hours/response | = | 139 hours |
| 3 respondents employing >500 x 1 response x 0.25 hours/response | = | 1 hour |

=4,026 responses

Burden Hour Costs for Clerical Worker's Time

| | | |
|---|---|----------|
| 867 hours x \$28.00 clerical worker's wage/hour | = | \$24,276 |
| 139 hours x \$28.00 clerical worker's wage/hour | = | \$3,892 |
| 1 hours x \$28.00 clerical worker's wage/hour | = | \$28 |

| | |
|----------------------------|-------------|
| TOTAL MNM Burden Hours | 1,007 hours |
| TOTAL MNM Burden Hour Cost | \$28,196 |

| | |
|--|--------------------|
| TOTAL for Operations with Internet Access to Maintain MSDSs | |
| Burden Hours | 1,928 hours |
| Burden Hour Costs | \$54,508 |

47.51/55 Requirement for an MSDS – Annual Burden Hours and Costs for Coal and MNM Operations, without Internet Access, to Maintain MSDSs

With respect to coal operations without internet access, MSHA estimates that 894 operations employing <20 workers will need to maintain MSDSs annually. With respect to MNM operations without internet access, MSHA estimates that 3467 operations employing <20 workers, and 68 operations employing 20-500 workers will need to maintain MSDSs annually.

For either coal or MNM operations without internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 3 minutes (0.05 hours) to maintain an MSDS. On average, the Agency estimates there are 40 MSDSs per coal or MNM operation that employs <20 workers and 70 MSDSs per coal or MNM operation that employs 20-500 workers.

Listed below are the annual burden hours and related costs for maintaining MSDSs at operations, without internet access.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

894 respondents employing <20 x 40 responses x
0.05 hours/response = 1,788 hours

Burden Hour Costs for Clerical Worker's Time

1,788 hours x \$28.57 clerical worker's wage/hour = \$51,083

=35,760 responses

MNM OPERATIONS

Burden Hours for Clerical Worker's Time

3,467 respondents employing <20 x 40 responses x
0.05 hours/response = 6,934 hours

68 respondents employing 20-500 x 70 responses x
0.05 hours/response = 238 hours

=143,440 responses

Burden Hour Costs for Clerical Worker's Time

6,934 hours x \$28.00 clerical workers' wage/hour = \$194,152

238 hours x \$28.00 clerical worker's wage/hour = \$6,664

TOTAL MNM Burden Hours 7,172 hours

TOTAL MNM Burden Hour Cost \$200,816

TOTAL for Operations without Internet Access to Maintain MSDSs

Burden Hours 8,960 hours

Burden Hour Costs \$251,899

47.55 Requirement for an MSDS – Annual Burden Hours and Costs for Coal and MNM Operations, without Internet Access, to Remove MSDSs

Under 30 CFR 47.55 operators must notify miners at least 3 months before disposing of an MSDS. MSHA assumes that only operators without internet access will remove MSDSs. Operations with internet access are assumed to retain all the MSDSs in their electronic database and any burden for that is de minimis.

With respect to coal operations without internet access, MSHA estimates that 894 operations employing <20 workers will prepare MSDS removal announcements annually. With respect to MNM operations without internet access, MSHA estimates that 3,467 operations employing <20 workers, and 68 operations employing 20-500 workers will prepare MSDS removal announcements annually.

For all coal or MNM operations, without internet access, in all size categories, MSHA estimate that it takes a supervisor 3 minutes (0.05 hours) to prepare an MSDS removal announcement. On average, each year, for either coal or MNM operations, MSHA estimates that operations employing <20 workers will remove 10 MSDSs, and operations employing between 20 and 500 workers will remove about 18 MSDSs.

Listed below are the annual burden hours and related costs for operators without internet access to prepare MSDS removal announcements.

COAL OPERATIONS

Burden Hours for Supervisor's Time

894 respondents employing <20 x 10 responses x
0.05 hours/response = 447 hours

=8,940 responses

Burden Hour Costs for Supervisor's Time

447 hours x \$89.15 supervisor's wage/hour = \$39,850

MNM OPERATIONS

Burden Hours for Supervisor's Time

3,467 respondents employing <20 x 10 responses x
0.05 hours/response = 1,734 hours

68 respondents employing 20-500 x 18 responses x
0.05 hours/response = 61 hours

=35,894 responses

Burden Hour Costs for Supervisor's Time

1,734 hours x \$69.60 supervisor's wage/hour = \$120,686

61 hours x \$69.60 supervisor's wage/hour = \$4,246

TOTAL MNM Burden Hours 1,795 hours

TOTAL MNM Burden Hour Cost \$124,932

**TOTAL for Operations without Internet Access to Prepare
MSDS Removal Announcements**

Burden Hours 2,242 hours

Burden Hour Costs \$164,782

47.53 Alternative for Hazardous Waste

If the mine produces or uses hazardous waste, the operator must provide potentially exposed miners and designated representatives access to available information for the hazardous waste that identifies its hazardous chemical components, describes its physical or health hazards, or Specifies appropriate protective measures. The burden for this is de minimis.

47.71 Access to HazCom Materials – Annual Burden Hours and Costs for Providing Copies of HazCom Information to Miners and Designated Representatives

Mine operators must make copies of HazCom information available to miners and designated miner’s representatives who request the information.

With respect to coal operations, MSHA estimates that 3,620 operations employing <20 workers, 909 operations employing 20-500 workers, and 20 operations employing >500 workers will need to provide copies of HazCom information annually to miners who request them. With respect to MNM operations, MSHA estimates that 13,703 operations employing <20 workers, 1,213 operations employing 20-500 workers, and 10 operations employing >500 workers will need to provide copies of HazCom information annually to miners who request them.

On average, for either coal or MNM operations, in all size categories, MSHA estimates that it takes an average of 0.2 hours of a clerical worker’s time to process a HazCom information request from each miner. The Agency also estimates that 2 percent of miners (including designated representatives) in each size category will request such information. The average numbers of miners per operation are as follows: 5 miners per coal operation and 5 miners per MNM operation employing <20 workers; 64 miners per coal operation and 49 miners per MNM operation employing 20-500 workers; and 589 miners per coal operation and 696 miners per MNM operation employing >500 workers.

Listed below are the annual burden hours and related costs for providing copies of HazCom information to miners.

COAL OPERATIONS

Burden Hours for Clerical Worker’s Time

| | | |
|--|---|-----------|
| 3,620 respondents employing <20 x 0.02 x 5 miners x 0.20 hours/response | = | 72 hours |
| 909 respondents employing 20-500 x 0.02 x 64 miners x 0.20 hours/response | = | 240 hours |
| 20 respondents employing >500 x 0.02 x 589 miners x 0.20 hours/response | = | 48 hours |

=88,056 responses

| | | |
|---|---|-----------|
| <u>Burden Hour Costs for Clerical Worker's Time</u> | | |
| 72 hours x \$28.57 clerical worker's wage/hour | = | \$2,057 |
| 240 hours x \$28.57 clerical worker's wage/hour | = | \$6,857 |
| 48 hours x \$28.57 clerical worker's wage/hour | = | \$1,371 |
| TOTAL Coal Burden Hours | | 360 hours |
| TOTAL Coal Burden Hour Cost | | \$10,285 |

MNM OPERATIONS

| | | |
|--|---|-----------|
| <u>Burden Hours for Clerical Worker's Time</u> | | |
| 13,703 respondents employing <20 x 0.02 x 5 miners x 0.20 hours/response | = | 274 hours |
| 1,213 respondents employing 20-500 x 0.02 x 49 miners x 0.20 hours/response | = | 238 hours |
| 10 respondents employing >500 x 0.02 x 696 miners x 0.20 hours/response | = | 28 hours |
| =134,912 responses | | |

| | | |
|---|---|-----------|
| <u>Burden Hour Costs for Clerical Worker's Time</u> | | |
| 274 hours x \$28.00 clerical worker's wage/hour | = | \$7,672 |
| 238 hours x \$28.00 clerical worker's wage/hour | = | \$6,664 |
| 28 hours x \$28.00 clerical worker's wage/hour | = | \$784 |
| TOTAL MNM Burden Hours | | 540 hours |
| TOTAL MNM Burden Hour Cost | | \$15,120 |

| | | |
|---|--|------------------|
| TOTAL for Operations to Provide Information to Workers | | |
| Burden Hours | | 900 hours |
| Burden Hour Costs | | \$25,405 |

47.73 Providing Labels and MSDSs to Customers – Annual Burden Hours and Costs for Operations to Distribute Copies of HazCom Labeling Information and MSDSs to Customers

For a hazardous chemical produced at the mine, the operator must provide customers, upon request, with the chemical's label or a copy of the label information, and the chemical's MSDS.

With respect to coal operations, MSHA estimates that 3,620 operations employing <20 workers, 909 operations employing 20-500 workers, and 20 operations employing >500 workers, will need to provide copies of HazCom labeling information and MSDSSs to customers annually. With respect to MNM operations, MSHA estimates that 13,703 operations employing <20 workers, 1,213 operations employing 20-500 workers, and 18

operations employing >500 workers will need to provide copies of HazCom labeling information and MSDSs to customers annually.

On average, for either coal or MNM operations, in all size categories, MSHA estimates that it takes 0.2 hours of a clerical worker's time to copy and distribute HazCom labeling information or MSDSs to a customer.

On average, with respect to coal operations, MSHA estimates the number of customers making requests is: 12 for operations employing <20 workers; 24 for operations employing 20-500 workers; and 52 for operations employing >500 workers. On average, with respect to MNM operations, MSHA estimates the number of customers making requests is: 24 for operations employing <20 workers; 52 for operations employing 20-500 workers; and 104 for operations employing >500 workers.

Listed below are the annual burden hours and related costs for operations to provide copies of HazCom information to customers.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

| | | |
|--|---|-------------|
| 3,620 respondents employing <20 x 12 responses x 0.2 hours /response | = | 8,688 hours |
| 909 respondents employing 20-500 x 24 responses x 0.2 hours /response | = | 4,364 hours |
| 20 respondents employing >500 x 52 responses x 0.2 hours /response | = | 208 hours |

=66,296 responses

Burden Hour Costs for Clerical Worker's Time

| | | |
|---|---|-----------|
| 8,688 hours x \$28.57 clerical worker's wage/hour | = | \$248,216 |
| 4364 hours x \$28.57clericalworker's wage/hour | = | \$124,679 |
| 208 hours x \$28.57 clerical worker's wage/hour | = | \$5,943 |

| | |
|-----------------------------|--------------|
| TOTAL Coal Burden Hours | 13,260 hours |
| TOTAL Coal Burden Hour Cost | \$378,838 |

MNM OPERATIONS

Burden Hours for Clerical Worker's Time

| | | |
|--|---|--------------|
| 13,703 respondents employing <20 x 24 responses x 0.2 hours /response | = | 65,774 hours |
| 2,022 respondents employing 20-500 x 52 responses x 0.2 hours /response | = | 21,029 hours |
| 18 respondents employing >500 x 104 responses x 0.2 hours /response | = | 374 hours |

=435,888 responses

Burden Hour Costs for Clerical Worker's Time

| | | |
|--|---|-------------|
| 65,774 hours x \$28.00 clerical worker's wage/hour | = | \$1,841,672 |
| 21,029 hours x \$28.00 clerical worker's wage/hour | = | \$588,812 |
| 374 hours x \$28.00 clerical worker's wage/hour | = | \$10,472 |

| | |
|----------------------------|--------------|
| TOTAL MNM Burden Hours | 87,177 hours |
| TOTAL MNM Burden Hour Cost | \$2,440,956 |

TOTAL for Operations to Distribute Labeling and MSDS Information to Customers

| | |
|--------------------------|----------------------|
| Burden Hours | 100,437 hours |
| Burden Hour Costs | \$2,819,794 |

47.81 Provisions for Withholding Trade Secrets

Operators may withhold the identity of a trade secret chemical, including the name and other specific identification, from the written list of hazardous chemicals, the label, and the MSDS, provided that the operator can support the claim that the chemical's identity is a trade secret, identifies the chemical in a way that it can be referred to without disclosing the secret, indicates in the MSDS that the chemical's identity is withheld as a trade secret, and discloses in the MSDS information on the properties and effects of the hazardous chemical. The operator must make the chemical's identity available to miners, designated representatives, and health professionals in accordance with the provisions of this subpart. The operator is not required to disclose process or percentage of mixture information, which is a trade secret, under any circumstances. The burden for this is de minimis.

SUMMARY OF BURDEN HOURS BY PROVISION

| Section | Coal/ MNM | Respon- dents | Burden Hours | Respon- ses | Total Burden Hours |
|--|--------------|------------------|-----------------|------------------|--------------------|
| HazCom Program | | | | | |
| 47.31 – Update Existing Program | Coal | 4,574 | 8,429 | 4,574 | 40,636 |
| | MNM | 19,260 | 32,207 | 19,260 | |
| 47.31 – Develop New Program | Coal | 64 | 972 | 64 | 8,268 |
| | MNM | 589 | 7,296 | 589 | |
| Labels | | | | | |
| 47.41 – Container Labels | Coal | 1,420 | 3,307 | 49,658 | 6,678 |
| | MNM | 4,148 | 3,371 | 41,060 | |
| MSDS's | | | | | |
| 47.51 – Existing Operations | Coal | 4,196 | 1,855 | 1,235 | 5,630 |
| | MNM | 8,038 | 3,775 | 2,516 | |
| 47.51 – New Operations | Coal | 64 | 209 | 81 | 2,147 |
| | MNM | 589 | 1,938 | 646 | |
| 47.51 – Maintain w/Internet | Coal | 3,680 | 921 | 3,680 | 1,928 |
| | MNM | 4,026 | 1,007 | 4,026 | |
| 47.51 Maintain w/o Internet | Coal | 894 | 1,788 | 35,760 | 8,960 |
| | MNM | 3,535 | 7,172 | 143,440 | |
| Disposal of MSDSs | | | | | |
| 47.55 – Removal Announcement | Coal | 894 | 447 | 8,940 | 2,242 |
| | MNM | 3,535 | 1,795 | 35,894 | |
| Training Miners | | | | | |
| 47.32 – Training | Coal | 3,707 | 2,143 | 3,707 | 9,404 |
| | MNM | 13,248 | 7,261 | 13,248 | |
| Provide Access & Copies of HazCom Information | | | | | |
| 47.71 – Copies | Coal | 4,549 | 360 | 88,056 | 900 |
| | MNM | 14,926 | 540 | 134,912 | |
| 47.73 – Labels | Coal | 4,549 | 13,260 | 66,296 | 100,437 |
| | MNM | 15,743 | 87,177 | 435,888 | |
| TOTALS | | | | | |
| | | | | 1,093,530 | 187,230 |

| | | |
|-------------------------|---|---------------|
| TOTAL BURDEN HOURS | = | 187,230 hours |
| TOTAL BURDEN HOUR COSTS | = | \$7,850,032 |
| TOTAL RESPONDENTS | = | 23,834 |
| TOTAL RESPONSES | = | 1,093,530 |

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

47.31 Annual Burden Material Costs for New Operations to Develop a HazCom Program

Under this section, each year, new operations will need to develop a HazCom Program. With respect to coal operations, MSHA estimates that annually: 47 operations employing <20 workers and 17 operations that employ 20-500 workers will need to develop a HazCom program. With respect to MNM operations, MSHA estimates that annually: 570 operations employing <20 workers and 19 operations employing 20-500 workers will need to develop a HazCom program.

Material costs, copying, and distribution for developing the HazCom program are estimated to be \$2.40 per operation that employs <20 workers and \$4 per operation that employs 20-500 workers.

COAL OPERATIONS

| | | |
|--|---|-------|
| 47 respondents employing <20 x \$2.40/operation | = | \$545 |
| 17 respondents employing 20-500 x \$4.00/operation | = | \$292 |

MNM OPERATIONS

| | | |
|--|---|---------|
| 570 respondents employing <20 x \$2.40/operation | = | \$1,368 |
| 19 respondents employing 20-500 x \$4.00/operation | = | \$76 |

Total Annual Burden Material Costs for New Operations to Develop a HazCom Program **\$2,281**

47.41 Annual Burden Costs for Materials to Label Containers

The operator of a mine must ensure that each container of a hazardous chemical has a label.

With respect to coal operations, MSHA estimates that: 750 operations employing <20 workers, 647 operations employing 20-500 workers, and 23 operations employing >500 workers will need to label containers annually. With respect to MNM operations, MSHA estimates that: 3,768 operations employing <20 workers, 376 operations employing 20-500 workers, and 4 operations employing >500 workers will need to label containers annually.

MSHA estimates that of the 4 containers in the average coal operation employing <20 workers, 50 percent need to be labeled. Of the 52 containers in the average coal operation employing 20-500 workers, 35 percent need to be labeled. Of the 567 containers in the average coal operation employing >500 workers, 25 percent need to be labeled. Of the 5 containers in the average MNM operation employing <20 workers, 50 percent need to be labeled. Of the 50 containers in the average MNM operation employing 20-500 workers, 35 percent need to be labeled. Of the 855 containers in the average MNM operation employing >500 workers, 25 percent need to be labeled.

Material costs for labeling are estimated to be \$0.10 per container labeled and do not differ for an initial label or a label update. These material costs include copying costs (including any special copy media such as plasticized or weather-proof material) and distribution costs.

COAL OPERATIONS

| | | |
|---|---|---------|
| 750 respondents employing <20 x \$0.10/label x (4 x 0.50) | = | \$150 |
| 647 respondents employing 20-500 x \$0.10/label x (52 x 0.35) | = | \$1,178 |
| 23 respondents employing >500 x \$0.10/label x (567 x 0.25) | = | \$326 |

MNM OPERATIONS

| | | |
|---|---|-------|
| 3,768 respondents employing <20 x \$0.10/label x (5 x 0.50) | = | \$942 |
| 376 respondents employing 20-500 x \$0.10/label x (50 x 0.35) | = | \$658 |
| 4 respondents employing >500 x \$0.10/label x (855 x 0.25) | = | \$86 |

Total Annual Burden Costs for Materials to Label Containers **\$3,340**

47.51 Annual Burden Costs to Update MSDSs

For each hazardous chemical produced at the mine that has a MSDS, the operator of a mine must keep the MSDS updated.

With respect to coal operations, MSHA estimates that 3,468 operations employing <20 workers, 713 operations employing 20-500 workers, and 15 operations employing >500 workers, will need to update MSDSs annually. With respect to MNM operations, MSHA estimates that 7,365 operations employing <20 workers, 669 operations employing 20-500 workers, and 4 operations employing >500 workers, will need to update MSDSs annually.

Material costs for updating MSDSs are estimated to be \$1 per MSDS. The material costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs. On average, the number of MSDSs that will need to be updated are estimated to be: 0.25 sheets in operations employing <20 workers, 0.50 sheets in operations employing 20-500 workers, and 0.75 sheets in operations employing >500 workers.

COAL OPERATIONS

| | | |
|--|---|-------|
| 3,468 respondents employing <20 x 0.25 sheets x \$1/sheet | = | \$867 |
| 713 respondents employing 20-500 x 0.50 sheets x \$1/sheet | = | \$357 |
| 15 respondents employing >500 x 0.75 sheets x \$1/sheet | = | \$11 |

MNM OPERATIONS

| | | |
|--|---|---------|
| 7,365 respondents employing <20 x 0.25 sheets x \$1/sheet | = | \$1,841 |
| 669 respondents employing 20-500 x 0.50 sheets x \$1/sheet | = | \$335 |
| 4 respondents employing >500 x 0.75 sheets x \$1/sheet | = | \$3 |

Total Annual Burden Costs to Update MSDSs **\$3,414**

47.51 Annual Burden Costs to Develop New MSDSs at New Mines

For each hazardous chemical produced at a new operation, the new operation must prepare an MSDS.

Annually, the number of new coal operations that will need to develop MSDSs are estimated to be 47 new coal operations employing <20 workers, and 17 new coal operations employing 20-500 workers. Annually, the number of new MNM operations that will need to develop MSDSs are estimated to be 570 new operations employing <20 workers, and 19 new operations employing 20-500 workers.

Material costs for developing MSDSs are estimated to be \$2 per MSDS. Materials costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs. The number of MSDS that will need to be developed at new operations are estimated to be: 1 MSDS for either a coal or MNM operation employing <20 workers; 2 MSDSs for a coal operation employing 20-500 workers; and 4 MSDSs for a MNM operation employing 20-500 workers.

COAL OPERATIONS

| | | |
|--|---|------|
| 47 respondents employing <20 x 1 MSDS x \$2/MSDS | = | \$94 |
| 17 respondents employing 20-500 x 2 MSDSs x \$2/MSDS | = | \$68 |

MNM OPERATIONS

| | | |
|--|---|---------|
| 570 respondents employing <20 x 1 MSDS x \$2/MSDS | = | \$1,140 |
| 19 respondents employing 20-500 x 4 MSDSs x \$2/MSDS | = | \$152 |

Total Annual Burden Costs to Develop MSDSs at New Mines \$1,454

47.71 Annual Burden Costs for Providing Copies of HazCom Information to Miners

Operations must provide copies of HazCom information to miners that request them.

With respect to coal operations, MSHA estimates that annually: 3,620 operations employing <20 workers; 909 operations employing 20-500 workers; and 20 operations employing >500 workers, will need to provide copies of HazCom information to miners that request them. With respect to MNM operations, MSHA estimates that annually: 13,703 operations employing <20 workers; 1,213 operations employing 20-500 workers; and 10 operations employing >500 workers, will need to provide copies of HazCom information to miners that request them.

Photocopy costs are estimated to be \$0.60 per request. MSHA estimates that 2 percent of miners in each size category will make a request. With respect to coal operations, the average number of miners per operation is estimated to be: 7 miners per operation employing <20 workers; 68 miners per operation employing 20-500 workers; and 590 miners per operation employing >500 workers. With respect to MNM operations, the average number of miners per operation is estimated to be: 5 miners per operation employing <20 workers; 48 miners per operation employing 20-500 workers; and 695 miners per operation employing >500 workers.

COAL OPERATIONS

| | | |
|---|---|-------|
| 3,620 respondents employing <20 x 7 requests x 0.02 x \$0.60/request | = | \$304 |
| 909 respondents employing 20-500 x 68 requests x 0.02 x \$0.60/request | = | \$742 |

20 respondents employing >500 x 590 requests x 0.02 x
 \$0.60/request = \$142

MNM OPERATIONS

13,703 respondents employing <20 x 5 requests x
 0.02 x \$0.60/request = \$822

1,213 respondents employing 20-500 x 48 requests x
 0.02 x \$0.60/request = \$699

10 respondents employing >500 x 695 requests x
 0.02 x \$0.60/request = \$83

Total Cost for Providing Copies of HazCom Information to Miners \$2,792

TOTAL ANNUAL COSTS TO RESPONDENTS \$13,281

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

There are no costs to the federal government.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

| | <u>Current</u> | <u>Previous</u> |
|--------------|----------------|-----------------|
| BURDEN HOURS | 187,230 hours | 177,668 hours |
| COSTS | \$13,281 | \$13,199 |
| RESPONDENTS | 23,834 | 22,318 |
| RESPONSES | 1,093,530 | 813,753 |

Burden hours increased 9,562 hours (from 177,668 to 187,230) as a result of an increase in respondents (coal and MNM operations) by 1,516 (from 22,318 to 23,834) and in responses from 813,753 to 1,093,530. Costs to respondents increased by \$82.00 (from \$13,199 to \$13,281) due to an increase in the number of respondents. There are no program changes.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

MSHA does not intend to publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA associates no forms with this collection.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

As statistical analysis is not required by the regulation, questions 1 through 5 of Section B do not apply.