

# **Assessment of Waste Left in Place (WLIP) Ordinances**

OSTLTS Generic Information Collection Request  
OMB No. 0920-0879

## **Supporting Statement – Section A**

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- Goal of the study: The goal of this assessment is to determine how some municipalities in the United States utilize “waste left in place” ordinances to prevent the emergence of new brownfields and to identify the specific factors that contribute to their success or lack thereof. A waste left in place (WLIP) ordinance is any ordinance developed by a municipality to prevent property owners from leaving behind harmful contaminants when they vacate a property. The term itself was coined by ATSDR to refer to such ordinances
- Intended use of the resulting data: Data will be used to help us better understand how WLIP ordinances are used in these jurisdictions to prevent brownfields and to assist ATSDR in developing a best-practices document for development of similar ordinances for communities desiring to use such ordinances to prevent property owners from leaving behind contamination when vacating a property.
- Methods to be used to collect data: an online data collection instrument will be used to gather the data for this assessment.
- The subpopulation to be studied: The assessment will focus on five jurisdictions where ATSDR has conducted brownfields activities Connecticut, Florida, Michigan , Texas , and Navajo Nation (Native American governed US territory). Data will be collected from maximum of 100 respondents (90 local health department and 10 tribal environmental health professionals) nationwide.
- How data will be analyzed: Tabulating results of quantitative responses. Quantitative thematic analysis of open-ended questions. No statistical methods will be used.

## Section A – Justification

### 1. Circumstances Making the Collection of Information Necessary

#### Background

This information collection is being conducted using the Generic Information Collection (Generic ICR) mechanism of the Office for State, Tribal, Local and Territorial Support (OSTLTS) OMB Clearance Center (O2C2) – OMB No. 0920-0879; expiration 03/31/2018. The respondent universe for this information collection involves local, and tribal government entities and aligns with that of the O2C2. Data will be collected from up to 100 respondents: approximately 90 local environmental health officials located in the United States and up to 10 tribal environmental health professionals in US territories, acting in their official capacities (**See Attachment A**).

This information collection is authorized by Section 301 of the Public Health Service Act (42 U.S.C. 241). This information collection falls under the essential public health service(s) of:

- 1. Monitoring health status to identify community health problems
- 2. Diagnosing and investigating health problems and health hazards in the community
- 3. Informing, educating, and empowering people about health issues
- 4. Mobilizing community partnerships to identify and solve health problems
- 5. Development of policies and plans that support individual and community health efforts
- 6. Enforcement of laws and regulations that protect health and ensure safety
- 7. Linking people to needed personal health services and assure the provision of health care when otherwise unavailable
- 8. Assuring a competent public health and personal health care workforce
- 9. Evaluating effectiveness, accessibility, and quality of personal and population-based health services
- 10. Research for new insights and innovative solutions to health problems <sup>1</sup>

Brownfields are often vacant, underutilized commercial, industrial, or residential sites that are potentially contaminated. It is estimated that there are over 500,000 of these abandoned properties or facilities, called “brownfields” sites in the United States with more emerging each day. They can include old gas stations, dry cleaners, former industrial manufacturing plants, old houses or apartments. Brownfields are the greatest number of potentially contaminated sites that pose threats to public health. Contaminants and brownfields can include lead, other metals, mercury, solvents, petroleum products, volatile compounds, asbestos, polychlorinated aromatic hydrocarbons, sewage, polychlorinated biphenyls and others. Exposure to these contaminants have adverse health effects. According to ATSDR, living near brownfields is associated with environmental damage, poor housing quality, poor air quality, lack of options for physical activity, limited access to healthy foods, and higher risk for disease.<sup>2</sup>

Some municipalities have developed ordinances and enforcement activities to prevent owners of properties such as gas stations, dry cleaners, manufacturing plants, and others that utilize harmful contaminants from causing harm to residents. These are sometimes referred to as Waste Left in Place (WLIP) ordinances. For example, Detroit has established a host community agreement with industry to retain bond money from facilities to clean up any hazardous substances if the facilities leave or vacate the premises. Such measures are designed to prevent these sites from becoming brownfields and harming community members.

Apart from anecdotal evidence, little appears to be known about the extent to which these ordinances are being implemented to protect community members from exposures to harmful contaminants and prevent the emergence of new brownfields. Likewise, once in place, little is known about how effective such ordinances are at actually preventing brownfields from emerging and protecting people.

Recognizing the potential importance of such ordinances and preventing the emergence of brownfields and preventing harmful exposures, The Agency for Toxic Substances and Disease Registry (ATSDR) will be assessing the use and effectiveness of these ordinances. ATSDR based in Atlanta, Georgia, is a federal public health agency of the U.S. Department of Health and Human

Services. ATSDR serves the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and diseases related to toxic substances. Exposure to hazardous chemicals can lead to adverse or negative health effects. People can sometimes come into contact with hazardous chemicals left behind when industries go out of business and abandon a property/facility. The term “waste left in place” was coined by ATSDR to refer to such ordinances.

The goal of this assessment is to determine how some municipalities in the United States utilize WLIP ordinances to prevent the emergence of new brownfields and to identify the specific factors that contribute to their success or lack thereof. Our findings will help us better understand how WLIP ordinances are used in these jurisdictions to prevent brownfields and to assist ATSDR in developing a best-practices document for development of similar ordinances for communities desiring to use such ordinances to prevent property owners from leaving behind contamination when vacating a property.

To assist with this assessment, ATSDR will be utilizing members of ATSDR’s Brownfields Reuse and Opportunities Working Network (BROWN) to disseminate the assessment in these target areas. BROWN is a coalition of stakeholders with a wide range of expertise in redevelopment. These ATSDR partners help our National Brownfields/Land Reuse Health Initiative reach out to more communities to integrate health in redevelopment.<sup>1</sup>

### **Overview of the Information Collection System**

Data will be collected via a web-based questionnaire allowing respondents to complete and submit their responses electronically (**see Attachment B—Instrument: Word version and Attachment C—Instrument: Web version**). The online instrument will be used to gather information from municipal environmental health professionals regarding the use and effectiveness of WLIP ordinances in their communities. This method was chosen to reduce the overall burden on respondents. The information collection instrument was pilot tested by 6 public health professionals. Feedback from this group was used to refine questions as needed, ensure accurate programming and skip patterns and establish the estimated time required to complete the information collection instrument.

### **Items of Information to be Collected**

The online data collection instrument consists of 9 main questions of various types, including multiple response, interval (rating scales), and open-ended. An effort was made to limit questions requiring narrative responses from respondents whenever possible. The instrument will collect information on the following:

- Existence of WLIP ordinances in municipality; was chosen in order to establish the extent to which the jurisdictions in our sample actually have such ordinances in place. Not all jurisdictions are thought to have these type of ordinances.
- Short description of ordinances (if applicable); chosen because it will give us insight into the nature and scope of WLIP ordinances.

- Enforcement of ordinances; chosen to help us better understand the extent to which these ordinances are actually enforced.
- Effectiveness of ordinances; chosen to help us better understand how effective the ordinances are at actually preventing the emergence of brownfields.

## **2. Purpose and Use of the Information Collection**

The goal of this assessment is to determine how some municipalities in the United States utilize “waste left in place” ordinances to prevent the emergence of new brownfields to identify the specific factors that contribute to their success or lack thereof.

Our findings will help us better understand how WLIP ordinances are used in these jurisdictions to prevent brownfields and to assist ATSDR in developing a best-practices document for development of similar ordinances for communities desiring to use such ordinances to prevent property owners from leaving behind contamination when vacating a property.

## **3. Use of Improved Information Technology and Burden Reduction**

Data will be collected entirely via a web-based questionnaire using Survey Monkey allowing respondents to complete and submit their responses electronically. This method was chosen to reduce the overall burden on respondents and because we are targeting multiple states which we do not have the resources nor the time to travel to and conduct face-to-face assessments. Likewise, we do not want to burden our partners with conducting face to face assessments. Due to the very short timeline of the data collection period, (two weeks) a mail assessment would not be feasible. Therefore, Survey Monkey was selected as the most viable option for collecting this data. The information collection instrument was designed to collect the minimum information necessary for the purposes of this project (i.e., limited to 9 questions).

## **4. Efforts to Identify Duplication and Use of Similar Information**

ATSDR conferred with partners in BROWN who have indicated that this type of data collection has not been done in the past. This data collection will be the first of its kind.

## **5. Impact on Small Businesses or Other Small Entities**

No small businesses will be involved in this information collection.

## **6. Consequences of Collecting the Information Less Frequently**

This request is for a one time information collection. There are no legal obstacles to reduce the burden. If no data are collected, CDC will be unable to:

- Develop and provide the guidance document to municipalities on how to develop WLIP ordinances.

- Provide the required deliverable for the CDC policy academy.

**7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

There are no special circumstances with this information collection package. This request fully complies with the regulation 5 CFR 1320.5 and will be voluntary.

**8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency**

This information collection is being conducted using the Generic Information Collection mechanism of the OSTLTS OMB Clearance Center (O2C2) – OMB No. 0920-0879 expiration 03/31/2018. A 60-day Federal Register Notice was published in the Federal Register on October 31, 2013, Vol. 78, No. 211; pp. 653 25-26. No comments were received.

CDC partners with professional STLT organizations, such as the Association of State and Territorial Health Officials (ASTHO), the National Association of County and City Health Officials (NACCHO), and the National Association of Local Boards of Health (NALBOH) along with the National Center for Health Statistics (NCHS) to ensure that the collection requests under individual ICs are not in conflict with collections they have or will have in the field within the same timeframe.

**9. Explanation of Any Payment or Gift to Respondents**

CDC will not provide payments or gifts to respondents.

**10. Protection of the Privacy and Confidentiality of Information Provided by Respondents**

The Privacy Act does not apply to this information collection. STLT governmental staff and / or delegates will be speaking from their official roles. No PII or IP addresses will be collected as a part of this assessment and therefore responses will not be linked with the respondent. All anonymous responses will be collected using Survey Monkey and accessible only by the project leader using a password to access the Survey Monkey account.

This information collection is not research involving human subjects.

**11. Institutional Review Board (IRB) and Justification for Sensitive Questions**

No information will be collected that are of personal or sensitive nature.

**12. Estimates of Annualized Burden Hours and Costs**

The estimate for burden hours is based on a pilot test of the information collection instrument by 6 of public health professionals. In the pilot test, the average time to complete the instrument including time for reviewing instructions, gathering needed information and completing the instrument, was approximately 3 minutes (range: 2 to 4 minutes). For the purposes of estimating burden hours, the upper limit of this range (i.e., 4 minutes) is used.

Estimates for the average hourly wage for respondents are based on the Department of Labor (DOL) Bureau of Labor Statistics for occupational employment for environmental health scientist / specialist [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). Based on DOL data, an average hourly wage of \$35.55 is estimated for all 100 respondents. Table A-12 shows estimated burden and cost information.

**Table A-12:** Estimated Annualized Burden Hours and Costs to Respondents

<b>Information collection Instrument: Form Name</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Average Burden per Response (in hours)</b>	<b>Total Burden Hours</b>	<b>Hourly Wage Rate</b>	<b>Total Respondent Costs</b>
Assessment of the Effectiveness of Municipal Waste Left in Place Ordinances-web version	Local environmental health officials	90	1	4/60	6	\$35.55	\$213
Assessment of the Effectiveness of Municipal Waste Left in Place Ordinances-web version	Territorial environmental health officials	10	1	4/60	1	\$35.55	\$35.55
	<b>TOTALS</b>	<b>100</b>	<b>1</b>		<b>7</b>		<b>\$249</b>

**13. Estimates of Other Total Annual Cost Burden to Respondents or Record Keepers**

There will be no direct costs to the respondents other than their time to participate in each information collection.

**14. Annualized Cost to the Government**

There are no equipment or overhead costs. The only cost to the federal government would be the salary of CDC staff. The total estimated cost to the federal government is \$2,395. Table A-14 describes how this cost estimate was calculated.



**Table A-14:** Estimated Annualized Cost to the Federal Government

Staff (FTE)	Average Hours per Collection	Average Hourly Rate	Average Cost
GS-14	20	\$65	\$1300
GS 13	20	\$54.74	\$1095
<b>Estimated Total Cost of Information Collection</b>			<b>\$2395</b>

**15. Explanation for Program Changes or Adjustments**

This is a new information collection.

**16. Plans for Tabulation and Publication and Project Time Schedule**

This data will be included in a guidance document that will be written by the DCHI policy academy team. The CDC Policy Academy, launched in 2015, is intended to provide a premier, challenging and robust professional development opportunity for participants in order to enhance their understanding of and skill in ordinance analysis and related competencies. It will also be presented to the DCHI policy academy leadership at the conclusion of the course in November or December, 2016.

Project Time Schedule

- ✓ Design questionnaire ..... (COMPLETE)
- ✓ Develop protocol, instructions, and analysis plan ..... (COMPLETE)
- ✓ Pilot test questionnaire ..... (COMPLETE)
- ✓ Prepare OMB package ..... (COMPLETE)
- ✓ Submit OMB package ..... (COMPLETE)
- OMB approval ..... (TBD)
- Conduct assessment ..... (Assessment open 3 weeks)
- Code, quality control, and analyze data..... (1 week)
- Prepare reports ..... (2 weeks)
- Disseminate results/reports ..... (1 week)

**17. Reason(s) Display of OMB Expiration Date is Inappropriate**

We are requesting no exemption.

**18. Exceptions to Certification for Paperwork Reduction Act Submissions**

There are no exceptions to the certification. These activities comply with the requirements in 5 CFR 1320.9.

## **LIST OF ATTACHMENTS – Section A**

Attachment A Respondent Breakdown

Attachment B Policy Academy Instrument Word version

Attachment C Policy Academy Instrument Web version

## **REFERENCE LIST**

1. Centers for Disease Control and Prevention (CDC). "National Public Health Performance Standards Program (NPHPSP): 10 Essential Public Health Services." Available at <http://www.cdc.gov/nphpsp/essentialservices.html>. Accessed on 8/14/14.
2. Agency for Toxic Substances and Disease Registry (ATSDR), "Redeveloping Brownfield and Land Reuse Sites to Benefit Communities" Available at: <http://www.atsdr.cdc.gov/sites/brownfields/infographic.html>. Accessed 8/31/16