

THE 1,3 BUTADIENE STANDARD (29 CFR 1910.1051)
1218-0170
August 2016

Note

OSHA is initiating a regulatory review of its existing safety and health standards in response to the President's Executive Order 13563, "Improving Regulations and Regulatory Review" (76 FR 38210). This review, the Standards Improvement Project-Phase IV (SIP IV), is the fourth in a series of rulemaking actions to improve and streamline OSHA standards. OSHA's Standards Improvement Projects remove or revise individual requirements in safety and health standards that are confusing, outdated, duplicative, or inconsistent. The goal of the proposed rulemaking is to reduce regulatory burden while maintaining or enhancing worker safety and health.

As part of the SIP IV proposal, OSHA is proposing to remove the provisions in its standards that require employers to collect and record employees' social security numbers. Therefore, the Agency requests to remove the social security number collection requirements from the provisions in this Information Collection Request (ICR).

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**SUPPORTING STATEMENT FOR THE
COLLECTION OF INFORMATION REQUIREMENTS IN
THE 1,3-BUTADIENE STANDARD (29 CFR 1910.1051)
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0170 (August 2016)**

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.**

The Occupational Safety and Health Act's (OSH Act) main objective is to “. . . assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve the objective, the OSH Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651). The OSH Act specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of Occupational accident and illnesses” (29 U.S.C. 657).

For toxic substances, the OSH Act contains specific statutory language. Thus, as appropriate, health standards must include provisions for monitoring and measuring worker exposure, medical examinations and other tests, control and technological procedures, suitable protective equipment, labels and other appropriate forms of warning, and precautions for safe use or exposure (29 U.S.C. 655 and 657). In this regard, the OSH Act mandates “regulations requiring employers to maintain accurate records of worker exposures to potentially toxic materials or other harmful physical agents that are required to be monitored and measured,” and further requires that employers notify workers exposed to concentrations over prescribed limits of this fact, and of the corrective actions they are taking (29 U.S.C. 657).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA) published a health standard governing worker exposure to 1,3-Butadiene (BD) (29 CFR 1910.1051). The information collection requirements of the 1,3-Butadiene Standard (“BD Standard” or “Standard”) are discussed under Item 2 of this supporting statement.

BD is a colorless, noncorrosive, flammable gas with a mild aromatic odor at standard ambient temperatures and pressure. It is produced commercially by three processes: Catalytic dehydrogenation of n-butane and n-butene; oxidative dehydrogenation of n-butene; and recovery as a by-product from the C₄ co-product stream during the steam-cracking process used to

manufacture ethylene, which is the major product of the petrochemical industry. Studies of workers exposed to BD in the synthetic-rubber industry show an excess cancer mortality from leukemia/lymphoma, raising concerns that BD is a potential occupational carcinogen. There is also evidence that BD may affect germ cells and somatic cells, raising concerns regarding reproductive and developmental toxicity. The specific information collection requirements of this Standard are fully discussed under items 2 and 12 below. The BD standard, including its recordkeeping requirements are, in part, based on recommendations from industry and unions.

- 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.**

Exposure Monitoring (§ 1910.1051(d))

Employers must perform initial monitoring to determine the extent of BD exposure in their workplace. The employer must conduct representative exposure sampling to determine if workers are exceeding the 15-minute Short-term exposure limit (STEL) or the 8-hour Time-weighted average (TWA). Initial monitoring results will be used to determine the extent of periodic monitoring an employer must perform. Where the action level (AL), is met or exceeded, but both the 8-hour TWA and STEL are not exceeded, the employer must perform monitoring every 12 months. Where initial monitoring reveals exposures to be above the 8-hour TWA, the employer must monitor at least every three months. Where initial monitoring reveals exposures to be above the STEL, the employer must monitor at least every three months.

Additional monitoring is required when there have been changes in production, processes, control equipment, personnel, or work practices that may result in additional exposures to airborne concentration levels of BD. By using periodic monitoring, employers can evaluate the effectiveness of selected control methods. In addition, these measurements remind both the employer and workers of the continuing need to protect against the hazards that could result from a worker's overexposure to BD. Finally, periodic monitoring samples inform an examining physician or other licensed health-care professional of the existence and extent of potential sources of occupational diseases.

Whenever accidental spills or leaks, ruptures, or other breakdowns, occur that may lead to worker exposure above the 8-hour (TWA) limit or above the STEL, the employer must perform additional monitoring after the incident has been corrected. Such monitoring ensures that the work area is safe, or alerts the employer that protection, usually personal protective equipment, may still be needed.

Notification of Monitoring Results (§1910.1051(d)(7))

The employer must notify each worker of the exposure-monitoring results within 15 working

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days after the receipt of the results. Employers may notify worker's either individually in writing, or by posting the monitoring results in an appropriate location that is accessible to affected workers. If the results exceed the 8-hour TWA or the STEL, the employer must, within 15 working days after receiving these results, provide the affected workers with written information regarding the corrective action taken by the employer to reduce worker exposures to or below the TWA or STEL and the schedule for completion of this action.

Regulated areas – Multi-employer worksite communication (§1910.1051(e)(4))

Employers at multi-employer worksites who establish regulated areas must communicate the access restrictions and locations of these areas to other employers with work operations at that worksite whose employees may have access to these areas.

Written Compliance Plan (§ 1910.1051(f)(2))

Employers must establish and implement a written plan to reduce worker BD exposure to or below the permissible exposure limits (PELs)¹ using primarily engineering and work-practice controls, and then respiratory protection if required or permitted by the Standard. The compliance plan must include a schedule for developing and implementing engineering and work-practice controls, including periodic leak-detection surveys. The plan must be reviewed at least annually, and updated as necessary to reflect significant changes in the status of the employer's compliance program. Upon request, the written plan must be provided to OSHA, NIOSH, affected workers, and designated worker representatives.² This requirement commits the employer to evaluating worker exposure and establishing an organized and complete plan for reducing worker exposure to the PELs. The requirement to prepare and update a compliance plan is designed to remind the employer to implement and maintain the exposure-control methods required to comply with the Standard.

Exposure-Goal Program (§1910.1051(g))

If workers are exposed to BD above the action level, the Standard requires the employer to have a written exposure-goal program. This program is intended to limit worker exposures to below

¹“Permissible exposure limits” are either the 8-hour Time Weighted Average (TWA) or the Short-Term Exposure Limit (STEL).

² OSHA has determined that the requirement for employers to make information available upon request to the Assistant Secretary is not a collection of information; OSHA typically requests access to information during an inspection, and information collected by the Agency during the investigation is not subject to the PRA under 5 CFR 1320.4(a)(2). While NIOSH may use information collected from employers for research purposes, the Agency does not anticipate that NIOSH will request employers to make this information available during the approval period. Therefore, the burden for the employer to make this information available to NIOSH is zero.

the action level during normal operations. The plan must be updated as necessary to reflect significant changes in the status of the exposure-goal program. Respirator use is not required in the exposure-goal program. The program must consist of the following elements:³ A leak-prevention, detection, and repair program; a program for maintaining the effectiveness of local-exhaust ventilation systems; the use of pump exposure control technology such as, but not limited to, mechanical double-sealed or seal-less pumps; gauging devices designed to limit worker exposure, such as magnetic gauges on rail cars; unloading devices designed to limit worker exposure, such as a vapor-return system; and a program to maintain BD concentration below the action level in control rooms by use of engineering controls.

Respirator Program (§1910.1051(h)(2))

If respirators are required, the employer must establish a respiratory-protection program in accordance with 29 CFR 1910.134, paragraphs (b) through (d) (except (d)(1)(iii) and (d)(3)(iii) (B)(1) and (2)), and (f) through (m). Paragraph (c) of 29 CFR 1910.134 requires the employer to develop and implement a written respiratory-protection program with worksite-specific procedures and elements for respirator use. The purpose of these requirements is to ensure that employers establish a standardized procedure for selecting, using, and maintaining respirators for each workplace where respirators will be used. Developing written procedures ensures that employers implement a respirator program that meets the needs of their workers.

Burden hours and costs resulting from these respiratory-program requirements are incurred under OSHA's Respiratory Protection Standard ICR (29 CFR 1910.134), OMB Control Number 1218-0099.

Filter Element Labeling (§1910.1051(h)(2)(iv))

Employers must attach a label to each respirator filter element to indicate the date and time it is first installed on the respirator. The purpose of this label is to inform workers when to replace a filter element, thereby preventing overexposure to BD.

Emergency-Situation Plan (§1910.1051(j))

Employers must develop and implement a written plan for managing emergencies involving substantial releases of BD. Emergency plans provide workers information to maximize their personal protection and minimize the hazard under these conditions.

Medical Surveillance (§1910.1051(k))

³Unless the employer can demonstrate that an element is not feasible, will have no significant effect on reducing worker exposures, or is not necessary to achieve exposures below the action level.

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The Standard requires employers to provide medical screening and surveillance programs for workers whose duties expose them to BD at concentrations at or above the action level for 30 or more days a year. These programs must also be made available to those workers who have, or who may have, exposure to BD at or above the PELs for 10 or more days a year. Medical surveillance must also be made available to certain workers who had more than 10 years of exposure to BD in the past.

Documentation and maintenance of medical examinations provide a continuous record of worker health. Records of medical examinations are used by physicians or other licensed health care professionals (PLHCPs) who periodically examine workers exposed to BD to determine the extent to which the workers have experienced adverse health effects since their last examination. Further, when symptoms of damage appear, the PLHCP often needs information about a worker's previous medical conditions to make an accurate diagnosis of the new condition, its apparent cause, and the course of treatment required. Medical records also ensure that physicians can determine whether or not treatment or other interventions are needed for occupational exposures to BD.

Information Provided to Physicians or Other Licensed Health-Care Professionals
(§1910.1051(k)(6))

The employer must provide PLHCPs with the following information: A copy of the Standard, including the appendices; a description of the affected worker's duties as they relate to the worker's BD exposure; the worker's actual or representative BD exposure level during employment tenure, including exposure incurred in an emergency situation; a description of personal protective equipment used or to be used by the worker; and information from previous employment related medical evaluations of the affected worker that is not otherwise available to the PLHCP.

Making the required information available to the PLHCP will aid in the evaluation of the worker's health and fitness for specific job assignments involving BD exposure. As noted earlier, if symptoms of damage appear, the PLHCP often needs information about a worker's previous medical conditions to make an accurate diagnosis of the new condition, its apparent cause, and the course of treatment required. Information provided to the PLHCP also ensures that physicians can determine whether or not treatment or other interventions are needed for occupational exposures.

Written Medical Opinion (§1910.1051(k)(7))

Employers must ensure that a PLHCP provides a copy of the written medical opinion to the employer and to the worker within 15 working days of the evaluation. The purpose of this

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requirement is to aid in determining the initial placement of workers, and to assess a worker's ability to use protective clothing and equipment. The PLHCP's opinion will also provide information to the employer about whether or not the worker has a medical condition indicating overexposure to BD. The requirement that a PLHCP's opinion be written will ensure that the information is properly maintained for later reference. The requirement that workers be provided with a copy of the medical opinion will ensure that they are informed of the results of the medical examination.

Employee Information and Training (§1910.1051(l)(2))

Employers must provide training to all workers exposed to BD in accordance with the requirements of OSHA's Hazard Communication Standard (29 CFR 1910.1200). Paragraph (l)(2)(ii) requires the employer to maintain a record of the contents of the training program. Training must be provided prior to, or at the time of, initial assignment to a job potentially involving exposure to BD at or above the action level or STEL; training must also be provided at least annually thereafter. Training enables workers to recognize how and where they may be occupationally exposed to BD, and what steps they can take to limit BD exposure. Workers must be provided with information on the location and use of BD, as well as work practices and health hazards associated with BD. Training is essential to inform workers of the hazards to which they are exposed, and to provide them with information they can use to minimize the health hazards of BD. Training also serves to explain and reinforce the information presented to workers on signs, labels and Safety Data Sheets, which will be useful and effective only when workers understand the health hazards of BD and are aware of the actions they can take to avoid or minimize BD exposures.

The requirement that employers provide training to workers under (l)(1) and (l)(2) is not considered to be a collection of information.

Recordkeeping (§1910.1051(m))

Objective Data (§1910.1051(m)(1))

Employers exempted from certain provisions under paragraph (a)(2) may choose to rely on objective data instead of initial monitoring. These employers must maintain this data for the duration of the employer's reliance on such data. Documenting and retaining objective data demonstrates the appropriateness of the employer's reliance on objective data in lieu of initial monitoring. Access to the record enables workers and their representatives to ensure that the employer's application of the exemption is reasonable. Maintaining a record of the objective data determinations will permit OSHA to ascertain whether compliance with the Standard has been achieved.

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Exposure Monitoring and Medical Records (§1910.1051(m)(2) and (4))

Employers must establish and maintain exposure-monitoring records and worker medical records. This information may be used to determine the cause and prevention of occupational illness. The medical and exposure-monitoring records required by this Standard will aid the worker and their physicians or other (PLHCPs) in determining whether or not treatment or other interventions are needed as a result of worker exposure to BD.

Exposure-monitoring records must be maintained for at least 30 years, and medical records must be kept for the duration of employment plus 30 years. Records must be kept for extended periods because of the long latency period associated with the development of diseases caused by chronic exposures such as cancer. In addition, this retention is consistent with §1910.1020.

Respirator Fit-Testing Records (§1910.1051(m)(3))

Burden hours and costs resulting from these respiratory-program requirements are incurred under the ICR for OSHA's Respiratory Protection Standard (29 CFR 1910.134), OMB Control Number 1218-0099.

Federal Access (§1910.1051(m)(5))

The Standard requires employers to make available upon request the contents of the written compliance program, the training program materials, and all records required to be maintained under paragraph (m)(5) to OSHA and NIOSH.

Note: The Agency has determined that the requirement for employers to make records available upon request to the Assistant Secretary is no longer considered a collection of information. OSHA typically requests access to records during an inspection, and information collected by the Agency during the investigation is not subject to the PRA under 5 CFR 1320.4(a)(2). While NIOSH may use records collected from employers for research purposes, the Agency does not anticipate that NIOSH will request employers to make records available during the approval period. Therefore, the burden for the employer to make this information available to NIOSH is zero.

Transfer of Records (§1910.1051(m)(6))

Employers must transfer medical and exposure records as set forth in 29 CFR 1910.1020(h).

Paragraph (h) of §1910.1020 requires employers who cease to do business to transfer medical and exposure-monitoring records to the successor employer, who then must receive and maintain the records. If no successor employer is available, the employer must, at least three months

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before ceasing business, notify current workers who have records of their right to access these records.

OSHA considers the employer's transfer of records to a successor employer to be usual and customary communications during the transition from one employer to a successor employer. In this regard, the employer would communicate the location of all records, including worker exposure-monitoring and medical records, at the facility to the successor employer during the transfer of business operations, as a matter of usual and customary business practice.

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 burdens.

Employers may use improved information technology whenever appropriate when making, keeping, and preserving required records. The Standard is written in performance language, i.e., in terms of what data must be collected rather than how data must be collected.

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 A.2 above.

The information required to be collected and maintained is specific to each employer and worker involved, and is not available or duplicated by another source. The information required by the Standard is available only from employers. At this time, there is no indication that any alternative source is available.

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

The information collection does not have a significant impact on a substantial number of 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.

The information collection requirements frequencies specified by the Standard are the minimum OSHA believes are necessary to ensure that the employer and OSHA can effectively monitor the exposure and health status of workers exposed to BD.

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;**

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- **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 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 prove that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Employers are required to inform workers of exposure monitoring results within 15 working days after receiving the results either by posting the results in an appropriate location or individually in writing (29 CFR 1910.1051(d)(7)). If exposure monitoring indicates that a worker has been exposed above the PELs, employers must notify their workers in writing of the exposure-monitoring results and the steps being taken to reduce the exposure to within the PELs. This notification must be provided to the workers within 15 working days after receipt of the exposure monitoring results. These requirements help ensure that workers are notified as soon as possible of exposure results and an employer's plans to reduce exposures to below the PELs.

8. If applicable, provide a copy and identify the date 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 those 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 three 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.

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In accordance with 5 CFR 1320.11, OSHA submitted a revised 1,3 Butadiene Standard Information Collection Request (ICR) to the Office of Management and Budget (OMB) for the Standards Improvement Project IV proposal. OSHA is seeking comment on its proposal to eliminate the requirement to collect and record social security numbers from the Standard. As noted in the Section V. of the preamble, “Paperwork Reduction Act,” members of the public who wish to provide comments on this ICR must submit written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, OSHA (RIN–1218 –AC67), Office of Management and Budget, Room 10235, Washington, DC 20503, Fax: 202-395-5806 (this is not a toll-free number), e-mail OIRA_submission@omb.eop.gov. OSHA encourages commenters also to submit their comments on these paperwork requirements to the rulemaking docket, OSHA Docket Office (Docket Number OSHA-2012-0007), Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210, along with their comments on other parts of the proposed rule. Commenters also may submit their comments to OSHA at <http://www.regulations.gov>, the Federal eRulemaking portal. Comments submitted in response to the notice are public records; therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. These comments also will become part of the rulemaking record, and will be available for public inspection and copying in the OSHA Docket Office and at <http://www.regulations.gov>. The Agency will respond to any comments received in response to this notice.

Recognizing the importance of public participation in the SIP process, the Agency published a Request for Information (RFI) on December 6, 2012 (77 Federal Register 72781) asking the public to identify standards that were in need of revision or removal, and to explain how such action would reduce regulatory burden while maintaining or increasing the protection afforded to employees. The Agency received 26 comments in response to the RFI. Several of the proposed amendments contained in the proposed rule were recommended in the public comments received in response to the RFI. Other proposed SIP amendments were identified by the Agency’s own internal review and by the Advisory Committee for Construction Safety and Health (ACCSH).

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

No payments or gifts will be provided to the respondents.

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

As medical records may contain private information, OSHA has taken steps to assure that the medical data are kept confidential. Agency practices and procedures governing OSHA’s access to worker medical records are contained in 29 CFR 1913.10.

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.

Perceived questions of a sensitive nature may be included in medical questionnaires. Information from medical questionnaires is necessary for the PLHCP or physician, or employer, to determine what protections an employer must take to ensure that the employee will have minimal occupational exposure to hazards such as, insufficient oxygen environments, harmful dusts, fogs, smokes, mists, gases, vapors, and sprays.

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.**
- **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 14.**

The Agency determined average wage rates for 1,3-Butadiene using average hourly earnings, including benefits, to represent the cost of worker time. The following hourly wage rates for the relevant occupational categories have been derived from the *May 2014 National Occupational Employment and Wage Estimates*, published by the Bureau of Labor Statistics. These wages have been adjusted to reflect the fringe benefits for the March 2015 Employer Cost for Employee Compensation of 31.7 percent total worker compensation in the private sector.⁴ The costs of labor used in this analysis are; therefore, estimates of total hourly compensation. These hourly wages are:

⁴Source: Bureau of Labor Statistics, "Employer Costs for Employee Compensation- March 2015."
http://www.bls.gov/news.release/archives/ecec_06102015.pdf

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Professional/Manager \$37.38⁵ Worker \$22.47⁶
 Clerical/Secretary \$21.85⁷

Table 1 provides a summary of industry sectors used in arriving at the burden hours and cost analysis.

Table 1.
Information for Burden and Cost Analysis⁸

Industry Sector	No. of Shifts/Facility	No. of Samples/Shift/Year	No. of Job Categories/Facility	No. of Facilities/Industry Sector	Total No. of Job Categories in All Facilities
Monomer	2	4	5	9	45
Polymer	2	4	8	53	424
Crude	2	4	5	20	100
Stand-alone	2	4	3	4	12
TOTAL				86	581

⁵This mean hourly wage rate corresponds to SOC code 51-1011, "First-Line Supervisors/Managers of Production and Operating Workers." (Source: "May 2014 National Occupational Employment and Wage Estimates, United States," U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2014 <http://www.bls.gov/oes/current/oes299011.htm> . Archived Data: http://www.bls.gov/oes/oes_arch.htm

⁶This mean hourly wage rate corresponds to SOC code 51-0000, "Production Occupation." (Source: "May 2014 National Occupational Employment and Wage Estimates, United States," U.S. Department of Labor, Bureau of Labor Statistics.) May Data: May 2014 <http://www.bls.gov/oes/current/oes299011.htm>.. Archived Data: http://www.bls.gov/oes/oes_arch.htm .

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This mean hourly wage rate corresponds to SOC code 43-6014 "Secretaries." (Source: "May 2014 National Occupational Employment and Wage Estimates, United States," U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2014 <http://www.bls.gov/oes/current/oes299011.htm> . Archived Data: http://www.bls.gov/oes/oes_arch.htm

⁸As in previous ICRs, the Agency consulted the most recent edition of the CEH Marketing Research Report, *Butadiene* (2012) to determine the number of facilities. Based on the 2012 report, OSHA is retaining the nine butadiene producers. The CEH Marketing Research Report does not provide updated data regarding the current number of polymer, stand alone, or crude production facilities Based upon the initial RIA ratio, between monomer, polymer, crude and stand-alone industries, OSHA has updated the polymer, crude and stand-alone facilities based on the number of monomer (production) facilities. While reviewing the 2012 report, OSHA has newly identified 24 companies as non-producing consumers of butadiene. The Agency believes these newly identified companies are captured in the total 86 establishment estimate.

Table 2
Summary of Burden Hours and Cost Estimates

Information Collection Requirement	Existing Burden Hours	Requested Burden Hours	Difference	Requested Cost
(A) Exposure Monitoring				
1. Initial Monitoring	0	0	0	\$0
2. Periodic Monitoring	68	68	0	\$2,541
3. Additional Monitoring	7	7	0	\$262
4. Notification of Results				
Initial Notification	0	0	0	\$0
Periodic Notification	1	1	0	\$22
Additional Notification	1	1	0	\$22
Notification of Corrective Action	0	0	0	\$0
(B) Written Compliance Plan	0	0	0	\$0
(C) Exposure-Goal Program	7	7	0	\$262
(D) Respirator Program				
1. Filter Element Labeling ⁹	0	0	0	\$0
2. Emergency Examinations	3	3	0	\$67
(E) Emergency Situation Plan	0	0	0	\$0
(F) Medical Surveillance				

⁹The respirator fit-testing provision, including the recordkeeping requirements associated with this provision specified in paragraph (m)(3) of the Standard, have been superseded by the respirator fit-testing requirements specified in OSHA's Respiratory Protection Standard (29 CFR 1910.134).

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1. Periodic Examinations ¹⁰	426	426	0	\$9,572
2. Emergency Examinations	86	86	0	\$1,932
3. Additional Examinations	86	86	0	\$1,932
4. Information Provided to Physicians or Other Licensed Health-Care Professionals	128	128	0	\$2,797
(G) Worker Information and Training				
Record of Program Content	0	0	0	\$0
(H) Recordkeeping				
1. Objective Data	11	11	0	\$240
2. Exposure Monitoring	0	0	0	\$0
Periodic Monitoring	32	32	0	\$699
Additional Monitoring	3	3	0	\$66
3. Respirator Fit-Testing Records	0	0	0	\$0
4. Medical Examinations	41	41	0	\$896
5. Worker Access	15	15	0	\$328
TOTAL	915	915	0	\$21,638

(A) Exposure Monitoring (§1910.1051(d))

¹⁰This determination includes the burden for completing initial medical examinations; OSHA considers the initial medical examination to be the first examination administered in a series of periodic examinations.

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According to the Final Economic Analysis (FEA) of the BD Standard, the Petroleum Refining Sector has potential exposures to BD that are low and of extremely short duration. Therefore, for the purposes of analyzing the monitoring provisions of the Standard, the Petroleum Refining Sector will incur no burden.

1. Initial Monitoring (§1910.1051(d)(2))

The Standard requires each employer to perform initial monitoring to determine the airborne concentrations of BD to which workers may be exposed. Employers exempted from certain provisions by paragraph (a)(2) may instead rely on objective data to estimate worker exposure levels. Also, if an employer has monitored within two years prior to the Standard's effective date, the employer may rely on these prior monitoring results to meet the requirements of paragraph (d)(2)(i), provided: The conditions under which the initial monitoring was conducted have not changed in a manner that may result in new or additional worker exposures; and the monitoring meets all other requirements of the Standard.

The Agency assumes there are no new BD facilities requiring initial monitoring; therefore, no burden hours have been attributed to this provision.

2. Periodic Monitoring (§1910.1051(d)(3))

According to the FEA for the BD Standard, there are no firms with exposures above the PELs.

However, the Agency assumes there are facilities that have exposures above the action level, and these facilities must conduct annual monitoring. The FEA estimated the total number of job categories (industry wide) that would require annual monitoring after engineering controls are implemented; for each industry sector, the number is: Monomer, 6; Polymer, 28; Crude, 14; and Stand-alone, 2.

For each job category, OSHA assumes employers will use passive dosimeters to collect four samples during each of two shifts--two samples for the 8-hour TWA and two samples for the STEL--and that the employer will collect these samples annually; therefore, the total number of samples collected across the four industry sectors each year under this requirement would be 400 (50 job categories × 8 samples per job category). The Agency also assumes that it will take a manager--earning \$37.38 per hour--ten minutes (.17 hour) to administer and collect the passive dosimeters. The burden hours and cost of this provision are provided in Table 1:

Table 3
Burden Hours and Costs for Periodic Monitoring

Industry Sector	No. of Shifts	No. of Samples/ Shift/Year	No. of Job Categories in All Facilities (Annual Monitoring)	Burden Hours / Sample	Burden Hours / Industry Sector	Estimated Cost
Monomer	2	4	6	.17	8	\$299
Polymer	2	4	28	.17	38	\$1,420
Crude	2	4	14	.17	19	\$710
Stand Alone	2	4	2	.17	3	\$112
TOTAL			50		68	\$2,541

3. Additional Monitoring (§1910.1051(d)(5))

For the purposes of this ICR, OSHA assumes that 10 percent of the job categories will have a change in process or personnel each year that requires additional exposure monitoring; the total number of job categories affected by this requirement; therefore, would be five (10% of 50 job categories), resulting in a total of 40 additional samples collected across the four industry sectors each year (5 job categories × 8 samples per job category).

Burden hours: 40 samples × .17 hours = 7 hours

Cost: 7 hours × \$37.38 = \$262

4. Notification of Results (§1910.1051(d)(7)(i))

The Standard requires the employer, within 15 working days after receiving exposure-monitoring results, to notify the affected worker of these results. If the results indicate that a worker has been exposed above the 8-hour TWA or STEL, regardless of whether or not respirators are used, employers must notify the workers in writing of the results and the steps being taken to reduce their exposure to within the PELs. This notification must be provided to the workers within 15 working days after receiving the results. The Agency assumes that the employer will post the results in an accessible location.

Initial Monitoring Notification

Based on the Agency's assumption that initial exposure monitoring is no longer needed (see discussion under "Initial Monitoring" above), worker notification of these results is not required; therefore, no burden hours have been attributed to this requirement.

Periodic Monitoring Notification

For the purposes of this ICR, OSHA assumes that employers post their exposure-monitoring results, and that one posting will contain the monitoring results for all job classifications and for each shift. To determine the number of facilities required to post periodic monitoring results, the Agency divided the number of job categories involved in periodic exposure monitoring (50) (see Table 1 above) by the total number of job categories in the four industry sectors (581) (see Table 1 above), resulting in 8.6 percent; and multiplied the total number of facilities in the four industry sectors (86) (see Table 1 above) by 8.6 percent, resulting in 7 facilities. Therefore, the Agency estimates that about 7 facilities would post annual monitoring. In addition, OSHA estimates a secretary earning \$21.85 per hour, will take 5 minutes (.08 hour) to post the monitoring results.

Burden hours: 7 facilities × 1 posting/year × .08 hour = 1 hour

Cost: 1 hour × \$21.85 = \$22

Additional Notification

The Agency used the same procedure described above in "Periodic Monitoring Notification" to determine the number of facilities required to notify (by posting) workers of additional exposure-monitoring results. In this regard, employers would be required to post such results for 5 job categories (see table 2 above), or about 1 percent of all job categories. Multiplying the total number of facilities (86) by 1% resulted in only one facility being required to post additional monitoring results. However, OSHA acknowledges that all 5 job categories may not occur in just one facility. For the purposes of calculating burden hours and costs for this requirement, OSHA assumes that there will be one job category per facility that will require additional posting.

Burden hours: 5 facilities × 1 posting/year × .08 hour = 1 hour

Cost: 1 hour × \$21.85 = \$22

Notification of Corrective Action

Where exposure-monitoring results indicate that the PELs have been exceeded, employers must provide workers in writing, with information on the corrective action being taken by the employer to reduce worker exposure within 15 working days. According to the Final Economic Analysis, no workers are exposed above the 8-hour TWA, or STEL; therefore, no burden hours

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have been attributed to this requirement.

(B) Compliance Program (§1910.1051(f)(2))

If worker exposures exceed the PELs, the employer must establish and implement a written program to reduce worker exposure to or below the PELs; this program must reduce exposures using primarily engineering and work-practice controls as required by paragraph (f)(1) of the Standard, and then respiratory protection as required or permitted by the Standard. The Final

Economic Analysis found that all facilities are below the 8-hour TWA and the STEL; therefore, no burden hours have been attributed to this provision.

(C) Exposure-Goal Program (§1910.1051(g))

In addition to compliance with the PELs, the employer must implement and update an exposure-goal program to limit worker exposure at or below the action level during normal operations. The Agency assumes that a professional, earning \$37.38 an hour, will take 1 hour each year to update a facility's exposure-goal program. As noted above (see "Periodic Monitoring Notification"), a total of 7 facilities have worker exposures above the action level and, therefore, require periodic monitoring.

Burden hours: 7 facilities × 1 hour = 7 hours

Cost: 7 hours × \$37.38 = \$262

(D) Respirator Program (§1910.1051(h)(2))

The Standard requires employers to implement a respiratory protection program in accordance with the provisions of OSHA's Respiratory Protection Standard (29 CFR 1910.134). The burden for this requirement is taken under the ICR for the Respiratory Protection Standard, OMB Control Number 1218-0099.

1. Respirator Filter Element Labeling (§1910.1051(h)(4))

Labels must be attached to each respirator filter element to indicate the date and time it is first installed on the respirator. Employers must provide respirators during the following:

- 1) Periods necessary to install or implement feasible engineering and work practice controls;
- 2) Non-routine work operations that are performed infrequently and for which worker exposures are limited in duration;

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- 3) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce worker exposure to or below the PELs; and,
- 4) Emergencies.

The Final Economic Analysis found that all facilities are below the 8-hour TWA and the STEL; therefore, no workers are wearing respiratory protection on every shift for 52 weeks a year. Activities that trigger additional monitoring (§ 1910.1051(d)(5)), may require workers to temporarily wear respirators. These activities include changes in the production, process, control equipment, or work practices that may result in new or additional exposure to BD, or when the employer has any reason to suspect that a change may result in new or additional exposures. Also, during and after emergency incidents workers are likely to be wearing respirators.

OSHA estimates that five facilities conduct additional monitoring (See discussion above, (A) Exposure Monitoring (§1910.1051(d), Additional Monitoring §1910.1051(d)(5)). A limited number of workers perform those activities stated in additional monitoring. OSHA estimates 2 persons per facility, for a total of 10 workers (five facilities × 2 workers) wear respirators that require labeling during such activities. OSHA also estimates that 43 workers will be involved in an emergency (See the following discussion, (F). Medical Surveillance (§1910.1051(k)).

2. Emergency Examinations (§1910.1051(k)(4)).

To determine the number of filter-element labels required, the Agency assumes that each worker uses 2 filter elements (cartridges) per shift, and that the worker (making \$22.47 per hour) takes 15 seconds (.004 hour) to write the date and time on each new cartridge label. The number of days workers wear respirators is dependent upon the type of additional monitoring activity or emergency. For purposes of calculating burden hours and costs, the Agency assumes that the maximum time workers would wear respirators is a week.

Burden hours: 2 cartridges/shift × 53 workers × .004 hour (15 seconds) × 7 days = 3 hours (rounded)
Cost: 3 hours × \$22.47 = \$67

(E) Emergency Situation Plan (§1910.1051(j))

The burden for this requirement is taken under the ICR for OSHA's HAZWOPER (Hazardous Waste Operations and Emergency Response) Standard (29 CFR 1910.120), OMB Control Number 1218-0202.

(F) Medical Surveillance (§1910.1051(k))

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The Standard requires that workers exposed above the action level receive a medical examination once every 3 years after their initial physical examination; they must also complete a health questionnaire and a complete blood count (CBC) every year. According to the Final Economic Analysis, a total of 426 workers remain exposed to BD above the action level, but below the PELs, after employers implement engineering and work-practice controls; for each industry sector, the number of exposed workers is: Monomer, 54; Polymer, 341; Crude, 14; and Stand-alone, 17. Workers exposed to emergency situations must receive: A CBC within 48 hours of BD exposure, and then monthly for 3 months; and a medical examination if they report irritation to the eyes, nose, throat, lungs, or skin, blurred vision, coughing, drowsiness, nausea, or headache.

1. Periodic Examinations (§1910.1051(k)(3)(i)(C))

The burden for medical surveillance is the lost work time incurred by the employer while a worker is away from work receiving the required medical examination. Based on estimates in the Final Economic Analysis, OSHA assumes that each year 142 workers (426 workers divided by 3 years), at a wage rate of \$22.47 per hour, will spend 1.5 hours away from the job for this purpose; this estimate includes worker travel time, the medical examination, and any other tests deemed necessary by the examining physician or other licensed health-care professional. The Agency also estimates that the annual health questionnaire and complete blood count (CBC) take an additional half hour for each of the 426 workers to complete.

Burden hours: $(142 \text{ workers} \times 1.5 \text{ hour/exam}) + (426 \text{ workers} \times .5 \text{ hour/questionnaire-CBA}) = 426 \text{ hours}$

Cost: $426 \text{ hours} \times \$22.47 = \$9,572$

2. Emergency Examinations (§1910.1051(k)(4))

The Agency assumes that one-half of the 86 facilities (43 facilities) will have a worker who requires an emergency medical examination (1.5 hours) and 4 CBCs (.5 hour total) each year.

Burden hours: $43 \text{ facilities} \times 2 \text{ hours} = 86 \text{ hours}$

Cost: $86 \text{ hours} \times \$22.47 = \$1,932$

3. Additional Examinations (§1910.1051(k)(5))

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The Agency assumes that each year 43 workers (10% of the 426 workers who are exposed above the action level) will require a referral to a medical specialist; OSHA assumes that a worker would take 2 hours to complete a specialist's evaluation.

Burden hours: 43 workers × 2 hours per exam = 86 hours
Cost: 86 hours × \$22.47 = \$1,932

4. Information Provided to the PLHCP (§1910.1051(k)(6))

Employers must provide the PLHCP with specific information on each worker examined. OSHA assumes that this requirement would take 15 minutes (.25 hour) of a secretary's time (at a wage rate of \$21.85 per hour) to send the information on each examination to the PLHCP. The total number of examinations each year is 512 (426 periodic, 43 emergency, and 43 additional examinations).

Burden hours: 512 examinations × .25 hours = 128 hours
Cost: 128 hours × \$21.85 = \$2,797

(G) Employee Information and Training (§1910.1051(l)(2)(ii))

Under this provision, employers must develop and maintain a record of the contents of their training program. For the purposes of this ICR, OSHA assumes that this is a one-time burden and that employers have already met this requirement; therefore, no burden hours have been attributed to this provision.

(H) Recordkeeping (§ 1910.1051(m))

1. Objective Data (§1910.1051(m)(1))

According to the Final Economic Analysis (FEA), the only sector that would be exempted from the exposure-monitoring requirements of the Standard under paragraph (a)(2) is Petroleum Refining, which the FEA estimated had 140 facilities. OSHA assumes that all of these facilities use objective data, which they have already collected. Additionally, the Agency estimates that a secretary, at a wage rate of \$21.85 per hour, will take 5 minutes (.08 hour) each year to maintain these data records at each facility.

Burden hours: 140 facilities × .08 hours = 11 hours
Cost: 11 hours × \$21.85 = \$240

2. Exposure Monitoring (§ 1910.1051(m)(2))

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Periodic Monitoring

As noted earlier under “Periodic Monitoring,” 400 exposure-monitoring samples are collected each year across the 4 industry sectors. The Agency estimates that a secretary, at a wage rate of \$21.85 per hour, will take 5 minutes (.08 hour) to maintain the records for these samples.

Burden hours: 400 samples × .08 hours = 32 hours
Cost: 32 hours × \$21.85 = \$699

Additional Monitoring

The previous determination performed under “Additional Monitoring” showed that 40 additional exposure-monitoring samples will be collected each year across the 4 industry sectors. The Agency estimates that a secretary, at a wage rate of \$21.85 per hour, takes 5 minutes (.08 hour) to maintain the records for these samples.

Burden hours: 40 samples × .08 hours = 3 hours
Cost: 3 hours × \$21.85 = \$66

3. Respirator Fit-Testing (§1910.1051(m)(3))

Burden hours and costs resulting from this respiratory-program requirement are incurred under the ICR for OSHA’s Respiratory-Protection Standard (29 CFR 1910.134), OMB Control Number 1218-0099.

4. Medical Examinations (§1910.1051(m)(4))

Based on the determination made above (see “Information provided to the PLHCP”), a total of 512 medical records must be maintained annually by all employers. The Agency considers negligible the requirement to maintain previous medical records of workers who are no longer covered by the medical-surveillance provision. OSHA estimates that a secretary, at a wage rate of \$21.85 per hour, takes 5 minutes (.08 hour) to maintain each medical record which may consist of medical examination results, tests, CBCs, and questionnaires.

Burden hours: 512 records × .08 hour = 41 hours
Cost: 41 hours × \$21.85 = \$896

5. Worker Access (§1910.1051(m)(5))

The Final Economic Analysis determined that 1,906 workers are subject to the exposure-monitoring and/or medical-surveillance provisions of the Standard. OSHA estimates that 10% of

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these workers (190 workers) will request access to these records. The Agency estimates that a secretary, at a wage rate of \$21.85 per hour, takes 5 minutes (.08 hour) to respond to such a request.

Burden hours: 190 workers × .08 hours = 15 hours

Cost: 15 hours × \$21.85 = \$328

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- **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 respondent (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.**

OSHA estimates that the total annual cost to respondents is \$112,808: \$51,920 for exposure monitoring and \$60,888 to administer medical examinations and questionnaires.

1. Exposure Monitoring

According to the Final Economic Analysis, it costs employers \$118 to collect and analyze BD samples using a vapor badge.¹¹

¹¹The Consumer Price Index (CPI) indicated a 6.7% increase in the price of professional medical services from 2013 to 2015. The previous ICR estimated that the cost of each badge, including laboratory analysis, was \$111; given the 6.7% increase in the price of professional medical services, it was assumed that the cost of each badge and laboratory analysis increased by 6.7% as well. (Source: Consumer Product Index Detailed Report, September 2015, Table 26; <http://www.bls.gov/cpi/cpid1509.pdf>).

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Periodic Monitoring: 400 samples × \$118= 47,200
Additional Monitoring: 40 samples × \$118 = \$4,720

Total Cost: \$51,920

2. Medical Examinations

The Agency estimates that a questionnaire costs \$45 to administer, and a medical examination, not including a medical questionnaire, costs \$166.¹²

Periodic Examinations: 426 questionnaires × \$45 = \$19,170; 142 medical examinations × \$166 = \$23,572. The total for medical examinations and questionnaires is \$42,742

Emergency Examinations: 43 examinations × (medical questionnaires \$45 + medical examinations, \$166) = \$9,073

Additional Examinations: 43 examinations × (medical questionnaires \$45 + medical examinations, \$166) = \$9,073

Total Cost: \$60,888

14. Provide estimates of the 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 into a single table.

There is no cost to the Federal Government associated with this information collection request.

15. Explain the reasons for any program changes or adjustments.

OSHA is proposing to remove the requirements that employers collect and record an employee's social security number (SSN) on exposure monitoring and medical surveillance records. Time to document SSN in records is negligible and therefore, the Agency is not requesting changes to the burden hour or cost estimates in this ICR.

¹² The ICR maintains the previous cost estimates; the cost to administer a questionnaire is \$45, and the cost of a medical examination, not including the questionnaire is \$166.

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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 information, completion of report, publication dates, and other actions.

The information collected under the BD Standard will not be published.

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

OSHA lists current valid control numbers in §§1910.8, 1915.8, 1917.4, 1918.4, and 1926.5 and publishes the expiration date in the Federal Register notice announcing OMB approval of the information collection requirement. (See 5 CFR 1320.3(f)(3).) OSHA believes that this is the most appropriate and accurate mechanism to inform interested parties of these expiration dates.

18. Explain each exception to the certification statement.

OSHA is not seeking an exception to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.

There are no collections of information employing statistical methods.