

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement**

Hazardous Materials Incident Reports
OMB Control No. 2137-0039

(Expiration Date: December 31, 2016)

Introduction

This is to request approval from the Office of Management and Budget (OMB) for renewed three-year clearance for the information collection titled, “Hazardous Materials Incident Reports” (OMB Control No. 2137-0039), which is currently due to expire on December 31, 2016. This information collection began as a result of an October 31, 1970 rulemaking [HM-36; 35 FR 16836] titled, “Reports of Hazardous Materials Incidents,” which established the hazardous materials incident reporting requirements. This information collection was most recently updated as the result of a December 3, 2003 rulemaking [HM-229; 68 FR 67746] titled, “Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form,” which established the form currently used to collect hazardous materials incident data. Additionally, the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Railroad Administration (FRA) presented, at the request of OMB, justification for the need to keep the incident reporting for the Office of Hazardous Materials Safety (OHMS) as a separate information collection from the Office of Pipeline Safety (OPS) and the Federal Railroad Administration (FRA).

Part A. Justification.

1. Circumstances that make the collection necessary.

This is a request for an extension without change of an existing approval under OMB Control No. 2137-0039. This renewal request does not impose any changes in burden. This collection is applicable upon occurrence of incidents as prescribed in 49 CFR 171.15 and 171.16. A Hazardous Materials Incident Report, DOT Form F 5800.1, must be completed when there is a release of a hazardous material during transportation. This information collection supports the Departmental Strategic Goal for Safety. These regulations are set forth under the Federal hazardous materials transportation law (49 U.S.C. 5101–5127).

2. How, by whom, and for what purpose the information used.

This information collection requirement enhances the Department's ability to use the data and information reported by carriers to: (1) evaluate the effectiveness of the existing regulations and industry operating procedures; (2) determine the need for regulatory changes to cover changing transportation safety problems; and (3) identify major problem areas that should receive priority attention. In addition, both the government and industry use this information to chart trends, identify problems and training inadequacies, evaluate packagings, and assess ways to reduce releases. The requirement applies to all interstate and intrastate carriers engaged in the transportation of hazardous materials by rail, air, vessel, and highway.

The hazardous materials transportation safety program relies on DOT Form F 5800.1 to gather basic information on incidents that occur during transportation. The prescribed form provides meaningful, accurate, and comprehensive information relative to causes and effects associated with hazardous material releases. The form provides the user with a variety of describing factors leading to the release of a hazardous material.

In the HM-229 Final Rule, PHMSA revised the Hazardous Materials Incident Report Form, DOT Form F 5800.1. This represented the first change made to the incident form since 1989. The major changes in the HM-229 Final Rule included: (1) collecting more specific information on the incident reporting form; (2) expanding reporting exceptions; (3) expanding reporting requirements to persons other than carriers; (4) reporting undeclared shipments of hazardous materials; (5) notifying shippers of incidents; and (6) reporting non-release incidents involving bulk packages. These revisions were intended to increase the usefulness of data collected for risk analysis and management by government and industry and, where possible, provide relief from regulatory requirements.

Although the incident report form prior to the HM-229 Final Rule provided useful information and was generally recognized as being fundamentally sound, there was obvious room for improvement. The opportunity existed to obtain better, more detailed information on events with potentially greater consequences. A National Transportation Safety Board (NTSB) recommendation (Recommendation H-92-6) concerning data collection suggested establishment of a program to collect information necessary to identify patterns of cargo tank equipment failures, including the reporting of all accidents (even when there is no release of a hazardous material) involving DOT specification cargo tanks. In addition, a second NTSB recommendation (Recommendation R-89-52) ensured that there is formal feedback from carriers to shippers when an incident has occurred. Revising the DOT Form F 5800.1 offered a viable way to implement these recommendations and provided the opportunity to obtain a more complete profile of accident scenarios, including "success stories," through which packaging integrity issues can be more thoroughly evaluated.

There is a two-year record retention requirement under § 171.16 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The report is retained at the carrier's principal place of business or at a place authorized and approved by an agency of the Department of Transportation (DOT). Under the requirement in § 171.21, a carrier who is responsible for

reporting an incident under § 171.16 will make all records and information pertaining to the incident available to an authorized representative of DOT upon request. DOT views the incident report form to be of significant importance, and in the absence of a requirement that an incident report be sent to us by certified mail, the only practical way a carrier can show compliance with the requirement (when we have not received a report) is by retaining a copy of the report in their files. DOT representatives visit motor carriers' principal places of business when it has been determined that the carrier is in an "unsatisfactory" or "conditional" state of safety compliance.

PHMSA is cognizant of the burden often imposed by regulatory requirements. As we developed changes to the incident reporting requirements, we minimized any additional burden associated with the revised requirements. For instance, in the HM-229 Final Rule, we added exceptions to reporting requirements for small releases of materials that pose the least hazard where sufficient data already exists to manage risk. Further, we deleted certain data fields that ask for information readily obtainable from other sources (i.e., land use at the incident site).

The revised form was designed for rapid completion and is almost entirely self-explanatory. The regulations allow 30 days to report an incident. Our conclusion that rapid completion of an incident report is possible is based on reasoning that industry personnel have training in the hazardous materials regulations concerning hazard identification, placards, labels, markings, etc. The form is designed to facilitate its completion by providing a "check list" to describe the circumstances leading to the incident.

3. Extent of automated information collection.

The burden of this information collection has been made as simple as possible. Many reports are developed by the use of computers and make use of information gathered for other agency reporting requirements. Accordingly, the estimated length of time required to prepare an incident report is 1.6 hours per written report and 0.8 hours per electronically-filed report. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. Fully electronic filing of the DOT Form F 5800.1 is currently authorized and fully operational.

4. Efforts to identify duplication.

Similar reports are required by other administrations. However, these reports do not contain sufficient detail (e.g., the hazardous material, shipping container, and the nature of the container failure) to effectively evaluate the regulations. Also, the reports made to other administrations are filed only when an accident occurs. PHMSA is interested in all incidents where there is a release of a hazardous material, whether or not there is a vehicle accident involved.

5. Efforts to minimize the burden on small businesses.

The burden of this information collection has been made as simple as possible. It is not possible to distinguish or differentiate between large and small entities as the same safety requirements are necessary if a reasonable level of public safety is to be maintained.

6. Impact of less frequent collection of information.

This is a one-time requirement.

7. Special circumstances affecting conduct of information collection activity.

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Compliance with 5 CFR 1320.8.

We published a 60-Day Notice and Request for Comments under Docket No. PHMSA-2016-0066 (Notice No. 16-10) on June 27, 2016, in the *Federal Register* [81 FR 41648] requesting public comment on the renewal of this information collection. No comments pertaining to this information collection were received.

We published a 30-Day Notice and Request for Comments under Docket No. PHMSA-2016-0066 (Notice No. 16-16) on September 2, 2016, in the *Federal Register* [81 FR 60779]. No comments pertaining to this information collection were received.

9. Payments or gifts to respondents.

There is no payment or gift provided to respondents associated with this collection of information.

10. Assurance of confidentiality.

All information to be collected complies with the Freedom of Information Act, the Privacy Act of 1974, and OMB Circular A-108.

11. Justification for collection of sensitive information.

Not applicable. The information collected is not of a sensitive nature.

12. Estimate of burden hours for information requested.

We estimate that the average number of incident reports received by PHMSA per year is approximately 17,810.

In addition, we estimate that approximately one-third (5,937 reports) of the 17,810 reports would be filed electronically, and the remaining two-thirds (11,873 reports) would be filed in written format.

Estimate of annual burden: 23,746 hours

A total of approximately 800 carriers file an estimated 17,810 incident reports and 733 telephonic notifications a year. The estimated burden hours for submitting these reports are 23,746.

17,810 reports filed:	
5,937 reports @ 0.8 hours for electronic filing:	4,749.6 hours
11,873 reports @ 1.6 hours for paper filing:	18,996.8 hours
Total Burden Hours:	23,746 hours

Section 171.15

The time necessary to provide the requested details to the National Response Center (NRC) is approximately 5 minutes. Based on these estimates, the annual information collection burden of this requirement is approximately 61 hours. [733 telephonic notifications x 5 minutes per notification = 3,665 minutes / 60 minutes per hour = 61.08 or approximately 61 hours.]

Section 171.16

An incident report takes approximately 1.6 hours to research, prepare, submit, and file. Approximately 17,810 written incident reports will be filed each year. The approximate annual burden to industry is 23,746 hours.

An average of 22.17 responses will be submitted by each respondent. The 22.17 average per respondent is calculated by dividing the total number of reports to be received [17,810 divided by the number of reporting carriers (803)]. In actuality, 42 carriers will account for about 85% of the incidents reported to DOT. The remaining 761 carriers reported an average of 3.5 incidents.

An estimated 61,600 carriers may transport hazardous materials at any time. Based on the total estimate of hazardous materials, the average response by all potential respondents is 0.29 reports. The average burden hours per potential respondent is 0.31 hours for written reports and 0.08 hours for electronically-filed reports, for a total average burden of 0.39 hours per year.

Estimate of annual cost to respondents: \$571,125.66

The total estimated cost to respondents is \$569,904.00 for filed reports and \$1,221.66 for telephonic notifications, for a total calculated cost of \$571,125.66.

The estimated annualized cost to each industry respondent from all modes submitting incident reports is approximately \$24.00 per hour with a written incident report taking approximately 1.6 hours to research, prepare, submit, and file and 0.8 hours for electronically-filed reports. A representative figure takes into consideration an average hourly cost associated with all personnel who ordinarily handle such documents. Approximately 11,873 written and 5,937 electronic incident reports will be filed. The approximate annual burden to industry is 23,746 hours at a cost of \$569,904.00.

An estimated 61,600 carriers may transport hazardous materials at any time. Based on the total estimate of hazardous materials, the average response by all potential respondents is 0.29 reports. The average burden hours per potential respondent is 0.39 hours, at a cost of \$9.36.

Estimates from the Bureau of Labor Statistics were used to calculate a unit labor cost for industry's managerial, driver, and clerical personnel involved in gathering, reviewing, filing, and typing the information required by DOT Form F 5800.1. These costs take into consideration the additional costs of corporate overhead expenses, general and administrative expenses, and fringe benefits.

Estimate of Total Annual Burden:

Current total annual number of respondents:	800
Current total annual responses:	17,810
Current total annual burden hours:	23,746
Current total annual burden costs:	\$571,125

13. Estimate of total annual costs to respondents.

The total annual costs to respondents is \$571,125.

14. Estimate of cost to the Federal government.

Section 171.15

About 11% of the telephone calls reporting hazardous materials transportation spills to the U.S. Coast Guard's NRC will meet the telephonic reporting requirement (death, injury, evacuation, etc.). The remaining reports will be made to satisfy the Environmental Protection Agency's (EPA) guidelines.

The U.S. Coast Guard has restructured its service fees for operating the NRC. Based on these telephonic reporting requirements, the share of the NRC operating cost is \$6,000.00.

Section 171.16

The projected estimated annualized cost to the Federal government is approximately \$775,625.50. PHMSA estimates it will receive an average of 17,810 reports annually. The unit cost per incident report is calculated at \$43.55, which includes programmatic costs associated with government personnel and overhead.

15. Explanation of program changes or adjustments.

There is no change in burden associated with this request for renewal of this information collection.

16. Publication of results of data collection.

Incident data is published on the OHMS web site. This information is available to the public, regulated community, States, and other government agencies.

17. Approval for not displaying the expiration date of OMB approval.

This information collection OMB Control Number (2137-0039) is prominently displayed in the HMR, specifically under § 171.6, and titled, "Control Numbers under the Paperwork Reduction Act."

18. Exceptions to certification statement.

There is no exception to PHMSA's certification of this request for information collection approval.

