

**Information Collection Title:** Hazard Communication – 30 CFR Part 47

**Collection Instrument(s):** None

**Authority:** 30 CFR Parts 47.31, 47.32, 47.32(a)(4), 47.32(b), 47.41, 47.42, 47.43, 47.51, 47.52, 47.53, 47.55, 47.71, 47.73, 47.81

## General Instructions

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

## Specific Instructions

### A. JUSTIFICATION

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

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

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

MSHA's part 47 hazardous communications (HazCom) rule requires mine operators to evaluate the hazards of chemicals they produce or use and provide information to miners concerning chemical hazards by means of a written hazard communication program; including

a list of all hazardous chemicals known at the mine, labeling containers of hazardous chemicals; providing access to Material Safety Data Sheets (MSDSs); and administering initial miner training.

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

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

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

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

In order to comply with the Government Paperwork Elimination Act, mine operators may retain their written HazCom program in whatever medium they choose including utilization of computer technology. HazCom also allows for the electronic storage and retrieval of information where such use does not interfere with the miner's right to ready access to the information in an emergency. Computer access can be used for the requirements in this standard, with the exception of the provision that requires mine operators to label containers. With respect to the particular provision that requires mine operators to have copies of MSDS for all hazardous chemicals present at the mine site, MSHA has estimated that roughly 65 percent of these responses will be accomplished with internet access. MSHA also allows operators to use facsimile (fax), email, internet transfer, and other electronic services to provide readily available MSDSs. Other data retention and transmission technologies will be evaluated and approved as they become available.

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

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

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

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

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

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

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

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

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

- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection of information complies with 5 CFR 1320.5.

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

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

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

MSHA published a 60-day *Federal Register* notice on June 12, 2017 (82 FR 26955). MSHA received no public comments.

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

MSHA does not provide payments or gifts to respondents.

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

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

require the treating health professional to sign a written statement of need and a confidentiality agreement.

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

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

There are no questions of a sensitive nature.

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

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

Wage Rates: The wages used in this section are based on the hourly wage rates obtained from the Bureau of Labor Statistics (BLS), Occupation Employment Statistics (OES) May 2016

survey.<sup>1,2</sup> The hourly wage rate of a mine supervisor, including benefits, is \$53.01, and the hourly wage rate for a clerical person is \$24.02.

The 2016-year Coal and Metal Nonmetal (MNM) data used in this collection came from the MSIS database, which is maintained by the Mine Safety and Health Administration Agency.

Total Respondents: There are 21,910 [3,559 collective coal operations (1,289 mines and 2,270 contractors); and 18,351 collective Metal Nonmetal (MNM) operations (11,783 mines and 6,568 contractors)] collective mining operations.

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

Under this provision, mine operators (which includes contractors) working on mine property periodically need to update their HazCom programs including creating lists.

With respect to mining operations, MSHA estimates that there are 19,308 mining operations (2,827 coal operations + 16,481 metal operations) that employ between 1 to 19 employees, and 2,602 mining operations that employ more than 19 employees.

On average, the estimated time to update the HazCom program is one hour of a supervisor's time and 30 minutes of a clerical worker's time for operations employing between 1 to 19 employees, and 2 hours of a supervisor's time and 1 hour of a clerical worker's time for operations employing more than 19 employees.

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

### **Mining Operations**

#### **Responses**

1-19 Employees: 19,308 Respondents x 1 response = 19,308 Responses

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1 OES data are available at <http://www.bls.gov/oes/tables.htm> or at [http://www.bls.gov/oes/oes\\_ques.htm](http://www.bls.gov/oes/oes_ques.htm). The employment-weighted mean wage is for First Line Supervisor (Standard Occupational Classification code, SOC, 51-1011) for Metal Ore Mining (NAICS 212200), Nonmetallic Mineral Mining and Quarrying (NAICS 212300), and Coal Mining (NAICS 212100). The OES wages represent the average for the entire industry and are used nationally for many federal estimates and programs. As with any average, there are always examples of higher and lower values, but the national average is the appropriate value for a rule that regulates an entire industry.

2 The wage rate without benefits was increased for a benefit-scalar of 1.48. The benefit-scalar comes from BLS Employer Costs for Employee Compensation access by menu <http://www.bls.gov/data/> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. The data series CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average 2016 Qtr. 1 – 2016 Qtr. 4 to determine that 32.5 percent of total loaded wages are benefits. The scaling factor is a detailed calculation, but may be approximated with the formula and values  $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1 + (0.325/(1-0.325)) = 1.48$ .

> 19 Employees: 2,602 Respondents x 1 response = 2,602 Responses

Total No. of Responses: 21,910 Responses

**Burden Hours**

Supervisor:

1-19 Employees: 19,308 Responses x 1 hour per response = 19,308 hours

> 19 Employees: 2,602 Responses x 2 hour per response = 5,204 hours

Total Number of Supervisor Hours: 24,512 hours

Clerical:

1-19 Employees: 19,308 Responses x 30 min. per response = 9,654 hours

> 19 Employees: 2,602 Responses x 1 hour per response = 2,602 hours

Total Number of Clerical Hours: 12,256 hours

Total Burden Hours: 36,768 hours

**Burden Costs**

Supervisor Cost: 24,512 hours x \$53.01 per hour = \$1,299,381

Clerical Cost: 12,256 hours x \$24.02 per hour = \$294,389

Total Burden Cost: = \$1,593,770

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

All new mine operators are required to develop a HazCom program under this provision. With respect to mining operations, MSHA estimates that 575 operations that employ between 1 to 19 employees and 23 operations that employ more than 19 employees will develop a HazCom program annually.

On average, the estimated time to develop a HazCom program is 8 hours of a supervisor's time and 4 hours of a clerical worker's time for operations that employ between 1 to 19 employees, and 16 hours of a supervisor's time and 8 hours of a clerical worker's time for operations that employ more than 19 employees.

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

**Mining Operations**

Responses

1-19 Employees:	575 Respondents	x	1 response = 575 Responses
> 19 Employees:	23 Respondents	x	1 response = 23 Responses
Total Number of Responses:			598 Responses

Burden Hours

Supervisor:

1-19 Employees:	575 Responses	x	8 hour per response = 4,600 hours
> 19 Employees:	23 Responses	x	16 hour per response = 368 hours
Total Number of Supervisor Hours:			4,968 hours

Clerical:

1-19 Employees:	575 Responses	x	4 hour per response = 2,300 hours
> 19 Employees:	23 Responses	x	8 hour per response = 184 hours
Total Number of Clerical Hours:			2,484 hours

Total Burden Hours: 7,452 hours

Burden Costs

Supervisor Cost:	4,968 hours	x	\$53.01 per hour = \$263,354
Clerical Cost:	2,484 hours	x	\$24.02 per hour = \$59,666
Total Burden Cost:			= \$323,020

**47.32(a)(4) and 47.32(b) Requirement for HazCom Training and Listing of All Hazardous Chemicals at the Mine– Annual Burden Hours and Costs for New and Existing Mines**

Mine operators need time to manage and administer the HazCom training program each year. The administrative time requirements include preparing, copying, distributing, and maintaining



training certificates, transcripts, maintaining the list of hazardous chemicals known at the mine, and other associated records. MSHA estimates that 14,287 mining operations that employ between 1 to 19 employees and 1,202 mining operations that employ more than 19 employees will need to administer a HazCom training program annually.

On average, MSHA estimates that for the administration related to the paperwork for the training program, it will take 15 minutes of a supervisor's time and 30 minutes of a clerical worker's time for operations that employ between 1 to 19 employees, and 30 minutes of a supervisor's time and 1hour of a clerical worker's time for operations employing more than 19 employees.

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

**Mining Operations**

Responses

1-19 Employees:	14,287 Respondents	x	1 response = 14,287 Responses
> 19 Employees:	1,934 Respondents	x	1 response = 1,934 Responses

Total Number of Responses: 16,221 Responses

Burden Hours

Supervisor:

1-19 Employees:	14,287 Responses	x	15 min. per response = 3,572 hours
> 19 Employees:	1,934 Responses	x	30 min. per response = 967 hours

Total Number of Supervisor Hours: 4,539 hours

Clerical:

1-19 Employees:	14,287 Responses	x	30 min. per response = 7,144 hours
> 19 Employees:	1,934 Responses	x	1 hour per response = 1,934 hours

Total Number of Clerical Hours: 9,078 hours

Total Burden Hours: 13,617 hours

Burden Costs

Supervisor Cost:	4,539 hours	x	\$53.01 per hour = \$240,612
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Clerical Cost: 9,078 hours x \$24.02 per hour = \$218,054  
 Total Burden Cost: = \$458,666

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

Mine operators are required to ensure that all containers of hazardous chemicals are appropriately labeled. MSHA estimates that 4,525 mining operations that employ between 1 to 19 employees and 801 mining operations that employ more than 19 employees will need to label containers annually as well as revise and update them. For all operations, MSHA estimates it will take a supervisor 12 minutes to verify or fill-out the label information and apply it to a container.

MSHA estimates that 50 percent of the containers at mining operations employing between 1 to 19 employees and 33 percent of the containers at operations employing more than 19 employees will need labeling. On average, there are 5 containers, on-site, at mining operations that employ between 1 to 19 employees, and 62 containers, on-site, at mining operations that employ more than 19 employees.

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

**Mining Operations**

Responses

1-19 Employees: 4,525 Respondents x 5 Containers = 22,625 Responses  
 > 19 Employees: 801 Respondents x 62 Containers = 49,662 Responses  
 Total Number of Responses: 72,287 Responses

Burden Hours

Supervisor:

1-19 Employees: 22,625 Responses x 50% x 12 min. per response = 2,263 hours  
 > 19 Employees: 49,662 Responses x 33% x 12 min. per response = 3,278 hours  
 Total Number of Supervisor Hours: 5,541 hours

Total Burden Hours: 5,541  
 hours

Supervisor Cost:	5,541 hours	<u>Burden Costs</u>	x	\$53.01 per hour	=
	\$293,728				

Total Burden Cost: = \$293,728

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

Mine operators are required to develop or acquire a MSDS for each hazardous chemical that they produce or use.

MSHA estimates that 9,182 mining operations employing between 1 to 19 employees and 1,270 mining operations employing more than 19 employees will need to update MSDSs for the chemicals they produce or use at the mine annually.

On average, the estimated number of MSDSs that need updating for chemicals produced at the mine site are as follows: 1 MSDS out of 4 sheets (0.25 MSD sheets) for an operations employing between 1 to 19 employees and 3 MSD sheets out 4 sheets (0.75 MSDS sheets) for operations employing more than 19 employees.

On average, MSHA estimates that it takes 1 hour of a supervisor’s time and 30 minutes of a clerical worker’s time to update a MSDS.

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

**Mining Operations**

Responses

1-19 Employees:	9,182 Respondents	x	0.25 MSDS responses =	2,296 Responses
> 19 Employees:	1,270 Respondents	x	0.75 MSDS responses =	953 Responses

Total Number of Responses: 3,249 Responses

Burden Hours

Supervisor:

1-19 Employees:	2,296 Responses	x	1 hour per response	= 2,296 hours
> 19 Employees:	953 Responses	x	1 hour per response	= 953 hours

Total Number of Supervisor Hours: 3,249 hours

Clerical:

1-19 Employees: 2,296 Responses x 30 min. per response = 1,148 hours  
> 19 Employees: 953 Responses x 30 min. per response = 477 hours

Total Number of Clerical Hours: 1,625 hours

Total Burden Hours: 4,874 hours

Burden Costs

Supervisor Cost: 3,249 hours x \$53.01 per hour = \$172,230

Clerical Cost: 1,625 hours x \$24.02 per hour = \$39,032

Total Burden Cost: = \$211,262

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

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

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

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

Mine operators must create a MSDS for each hazardous chemical produced at their mine site. MSHA estimates that 549 mining operations employing between 1 to 19 employees and 22 mining operations employing more than 19 employees will begin producing chemicals annually.

On average, MSHA estimates that it will take a supervisor 2 hours to develop an MSDS and a clerical worker 1 hour to prepare the sheet. On average, the Agency estimates that operations that employ between 1 to 19 employees create, annually, one new chemical; and operations that employ more than 19 employees create, annually, four new chemicals.

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

**Mining Operations**

Responses

1-19 Employees:	549 Respondents	x	1 MSDS responses =	549 Responses
> 19 Employees:	22 Respondents	x	4 MSDS responses =	88 Responses

Total Number of Responses: 637 Responses

Burden Hours

Supervisor:

1-19 Employees:	549 Responses	x	2 hour per response	= 1,098 hours
> 19 Employees:	88 Responses	x	2 hour per response	= 176 hours

Total Number of Supervisor Hours: 1,274 hours

Clerical:

1-19 Employees:	549 Responses	x	1 hour per response	= 549 hours
> 19 Employees:	88 Responses	x	1 hour per response	= 88 hours

Total Number of Clerical Hours: 637 hours

Total Burden Hours: 1,911 hours

Burden Costs

Supervisor Cost:	1,274 hours	x	\$53.01 per hour	= \$67,535
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Clerical Cost:	637 hours	x	\$24.02 per hour	= \$15,300
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Total Burden Cost: = \$82,835

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

Under this provision, mine operators are required to maintain MSDSs. MSHA estimates that, overall, 10,475 mining operations will need to maintain MSDSs annually. In addition, MSHA estimates that it takes a clerical worker at each mining operation approximately 3 minutes to maintain the MSDSs.

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

**Mining Operations**

Responses

1- 500+ Employees: 10,475 Respondents x 1 responses = 10,475 Responses  
Total Number of Responses: 10,475 Responses

Burden Hours

Clerical:

1- 500+ Employees: 10,475 Responses x 3 min. per response = 524 hours  
Total Number of Clerical Hours: 524 hours  
Total Burden Hours: 524 hours

Burden Costs

Clerical Cost: 524 hours x \$24.02 per hour = \$12,586  
Total Burden Cost: = \$12,586

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

With respect to mining operations without internet access, MSHA estimates that 11,223 operations employing between 1 to 19 employees and 212 operations employing more than 19 employees will need to maintain MSDSs annually.

For all mining operations without internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 3 minutes to maintain an MSDS. On average, the Agency estimates there are 40 MSDSs per a mining operation that employs between 1 to 19 employees and 70 MSDSs per an operation that employs more than 19 employees that need maintenance.

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

## Mining Operations

### Responses

1-19 Employees:	11,223 Respondents	x	40 responses =	448,920 Responses
> 19 Employees:	212 Respondents	x	70 responses =	14,840 Responses

Total Number of Responses: 463,760 Responses

### Burden Hours

Clerical:

1-19 Employees:	448,920 Responses	x	3 min. per response	= 22,446 hours
> 19 Employees:	14,840 Responses	x	3 min. per response	= 742 hours

Total Number of Clerical Hours: 23,188 hours

Total Burden Hours: 23,188 hours

### Burden Costs

Clerical Cost:	23,188 hours	x	\$24.02 per hour	= \$556,976
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Total Burden Cost: = \$556,976

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

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

With respect to mining operations without internet access, MSHA estimates that 3,663 operations that employ between 1 to 19 employees will prepare, on average, 10 MSDS removal announcements annually. In addition, MSHA estimates that 64 operations employing more than 19 employees will prepare, on average, 18 MSDS removal announcements annually.

For all operations, without internet access, in all size categories, MSHA estimate that it takes a supervisor 3 minutes to prepare an MSDS removal announcement.

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

**Mining Operations**

Responses

1-19 Employees: 3,663 Respondents x 10 responses = 36,630 Responses  
> 19 Employees: 64 Respondents x 18 responses = 1,152 Responses

Total Number of Responses: 37,782 Responses

Burden Hours

Supervisor:

1-19 Employees: 36,630 Responses x 3 min. per response = 1,832 hours  
> 19 Employees: 1,152 Responses x 3 min. per response = 58 hours

Total Number of Supervisor Hours: 1,890 hours

Total Burden Hours: 1,890 hours

Burden Costs

Supervisor Cost: 1,890 hours x \$53.01 per hour = \$100,189

Total Burden Cost: = \$100,189

**47.53 Alternative for Hazardous Waste**

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

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

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



MSHA estimates that there are 15,799 mining operations with 1 to 19 employees, 1,869 mining operations with 20 to 500 employees, and 21 mining operations with more than 500 employees will need to provide copies of HazCom information annually to miners who request them.

On average, for all mining operations, MSHA estimates that it takes an average of 12 minutes of a clerical worker's time to process a HazCom information request from each miner. The Agency also estimates that 2 percent of miners (including designated representatives) will request such information. The average numbers of miners per operation are as follows: 5 miners per mining operation employing between 1 to 19 employees; 55 miners per mining operation employing 20 to 500 employees; and 640 miners per mining operations employing more than 500 employees.

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

**Mining Operations**

Responses

1-19 Employees:	15,799 Respondents	x	5 Miners =	78,995 Responses
20-500 Employees:	1,869 Respondents	x	55 Miners =	102,795 Responses
500+ Employees:	21 Respondents	x	640 Miners =	13,440 Responses
Total Number of Responses:				195,230 Responses

Burden Hours

Clerical:

1-19 Employees:	78,995 Responses	x	2%	x	12 min. =	316 hours
20-500 Employees:	102,795 Responses	x	2%	x	12 min. =	411 hours
500+ Employees:	13,440 Responses	x	2%	x	12 min. =	54 hours

Total Number of Clerical Hours: 781 hours

Total Burden Hours: 781 hours

Burden Costs



Total Burden Hours: 86,289  
hours

Burden Costs

Clerical Cost: 86,289 hours x \$24.02 per hour = \$2,072,662

Total Burden Cost: = \$2,072,662

**47.81 Provisions for Withholding Trade Secrets**

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

**SUMMARY OF BURDEN HOURS BY PROVISION**

Section	Respondents	Responses	Burden Hours	Monetized Value of Respondent Time
47.31 – Update Existing Program	21,910	21,910	36,768	\$1,593,770
47.31 – Develop New Program	598	598	7,452	\$323,020
47.32 – Training	16,221	16,221	13,617	\$458,654
47.41 – Container Labels	5,326	72,287	5,541	\$293,728
47.51 – Existing Operations	10,452	3,249	4,874	\$211,262
47.51 – New Operations	571	637	1,911	\$82,835
47.51 – Maintain w/Internet	10,475	10,475	524	\$12,586
47.51 -- Maintain w/o Internet	11,435	463,760	23,188	\$556,976
47.55 – Removal Announcement	3,727	37,782	1,890	\$100,189
47.71 – Copies	17,689	195,230	781	\$18,760
47.73 – Labels	17,873	431,446	86,289	\$2,072,662
<b>Unduplicated Totals</b>		<b>1,253,595</b>	<b>182,835</b>	<b>\$5,724,442</b>

**TOTAL BURDEN HOURS = 182,835**  
**TOTAL MONETIZED VALUE OF**

<b>RESPONDENT TIME</b>	<b>=</b>	<b>\$5,724,442</b>
<b>TOTAL RESPONDENTS</b>	<b>=</b>	<b>21,910</b>
<b>TOTAL RESPONSES</b>	<b>=</b>	<b>1,253,595</b>

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

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

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

Under this section, each year, new operations will need to develop a HazCom Program. MSHA estimates that annually: 575 mining operations employing 1 to 19 employees and 23 operations that employing more than 19 employees will need to develop a HazCom program.

Material costs, copying, and distribution for developing the HazCom program are estimated to be \$2.40 per operation for that employ between 1 to 19 employees and \$4 per operation that employing more than 19 employees.

1-19 Employees:	575 Respondents	x	1 new program = 575 New Program
> 19 Employees:	23 Respondents	x	1 new program = 23 New Program

Annual Burden Cost			
1-19 Employees:	575 New Programs	x	\$2.40 per operation = \$1,380
> 19 Employees:	23 New Programs	x	\$4.00 per operation = \$92
Total Annual Burden Material Costs			= \$1,472

**47.41 Annual Burden Costs for Materials to Label Containers**

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

MSHA estimates that 4,525 mining operations employing between 1 to 19 employees and 801 mining operations employing more than 19 employees will need to label containers annually.

MSHA estimates that, on average, there are 5 containers on site for mining operations employing between 1 to 19 employees. Fifty percent of these containers will need to be labeled. In addition, MSHA estimates that, on average, there 62 containers on site for mining operations employing more than 19 employees. Thirty three percent of these containers will need to be labeled.

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

1-19 Employees:	4,525 Respondents	x	5 Containers	x	50% = 11,313 Labels
> 19 Employees:	801 Respondents	x	62 Containers	x	33% = 16,388 Labels

Annual Burden Cost			
1-19 Employees:	11,313 Labels	x	\$0.10 per Label = \$1,131
> 19 Employees:	16,388 Labels	x	\$0.10 per Label = \$1,639
Total Annual Burden Material Costs			= \$2,770

**47.51 Annual Burden Costs to Update MSDSs**

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

MSHA estimates that 9,182 mining operations employing between 1 to 19 employees and 1,270 mining operations employing more than 19 employees will need to update MSDSs annually.

Material costs for updating MSDSs are estimated to be \$1 per MSDS. The material costs include copying costs (including any special copy media such as plasticized or weather-proof

material etc.) and distribution costs. On average, the number of MSD sheets that will need to be updated are estimated to be 0.25 sheets in operations employing between 1 to 19 employees and 0.75 sheets in operations employing more than 19 employees.

1-19 Employees:	9,182 Respondents	x	0.25 MSDS = 2,296 MSDS sheets
> 19 Employees:	1,270 Respondents	x	0.75 MSDS = 953 MSDS sheets

Annual Burden Cost

1-19 Employees:	2,296 MSDS sheets	x	\$1.00 per sheet = \$2,296
> 19 Employees:	953 MSDS sheets	x	\$1.00 per sheet = \$953

Total Annual Burden Material Costs = \$3,249

**47.51 Annual Burden Costs to Develop New MSDSs at New Mines**

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

MSHA estimates that there are 549 mining operations employing between 1 to 19 employees and 22 mining operations employing more than 19 employees that will need to develop MSDSs annually.

Material costs for developing MSDSs are estimated to be \$2 per MSDS. Materials costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs. The number of MSDS that will need to be developed at new operations are estimated to be 1 MSDS for operations employing between 1 to 19 employees and 4 MSDSs for operations employing more than 19 employees.

1-19 Employees:	549 Respondents	x	1 MSDS = 549 MSDS sheets
> 19 Employees:	22 Respondents	x	4 MSDS = 88 MSDS sheets

Annual Burden Cost

1-19 Employees:	549 MSDS sheets	x	\$2.00 per sheet = \$1,098
> 19 Employees:	88 MSDS sheets	x	\$2.00 per sheet = \$176

Total Annual Burden Material Costs = \$1,274

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

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

MSHA estimates that, annually, 15,799 mining operations employing between 1 to 19 employees, 1,869 mining operations employing 20 to 500 employees, and 21 mining

operations that employing more than 500 employees will need to provide copies of HazCom information to miners that request them.

Photocopy costs are estimated to be \$0.60 per request. MSHA estimates that 2 percent of miners in each size category will make a request. With respect to mining operations, the average number of miners per operation is estimated to be 5 miners per operation employing between 1 to 19 employees; 55 miners per operation employing 20 to 500 employees; and 640 miners per operation employing more 500 employees.

1-19 Employees:	15,799 Respondents	x	5 Miners	x	2% = 1,580 Requests
20-500 Employees:	1,869 Respondents	x	55 Miners	x	2% = 2,056 Requests
500+ Employees:	21 Respondents	x	640 Miners	x	2% = 269 Requests

Total Number of Request = 3,905 Requests

Annual Burden Cost

All Mine Sizes: 3,905 Requests x \$0.60 per Request = \$2,343

Total Annual Burden Material Costs = \$2,343

**Summary of Burden Cost by Provision**

Section	Burden Cost
47.31 – Develop New Program	\$1,472
47.41 – Container Labels	\$2,770
47.51 – Existing Operations	\$3,249
47.51 – New Operations	\$1,274
47.71 – Copies	\$2,343
<b>Total Annual Cost</b>	<b>\$11,108</b>

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

There are no costs to the federal government.

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

	<u>Current</u>	<u>Previous</u>
BURDEN HOURS	182,835 hours	187,230 hours
COSTS	\$11,108	\$13,281
RESPONDENTS	21,910	23,834
RESPONSES	1,253,295	1,093,530

Burden hours decreased (from 187,230 to 182,835) as a result of a decrease in respondents (coal and MNM operations) (from 23,834 to 21,910). Costs to respondents decreased (from \$13,281 to \$11,108). Responses increased from 1,093,530 to 1,253,295 due to an increase in average responses per respondent. There are no program changes.

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

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

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

MSHA associates no forms with this collection.

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

There are no exceptions to the certification statement.

## **B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

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