

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement
Hazardous Materials Shipping Papers and Emergency Response Information**

(Expiration Date: April 30, 2018)

Introduction

This is to request approval from the Office of Management and Budget (OMB) for a renewal without revision of the information collection titled, “Hazardous Materials Shipping Papers and Emergency Response Information,” under OMB Control No. 2137-0034. This information collection is currently due to expire on April 30, 2018. The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) require that shipping papers and emergency response information accompany each shipment of hazardous materials in commerce. The United States Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security recommended that additional Federal requirements mandating retention of shipping papers be imposed in order to facilitate the law enforcement community’s documentation of violations. Subsequently, the Hazardous Materials Transportation Authorization Act of 1994 (HMTAA), Public Law 103-311, amended the 49 U.S.C. to require shippers and carriers to retain copies of each shipping paper accessible through their respective principal places of business, for two years, and one year, respectively. Amendment to § 5110 (e) was self-executing as of August 26, 1994.

Part A. Justification:

1. Circumstances that make collection of information necessary

This is a request for a renewal without change of an existing information collection for information requirements pertaining to shipping papers and emergency response information under the HMR. This information collection supports the Departmental Strategic Goal for Safety. These regulations are promulgated under the Federal hazardous material transportation law, 49 U.S.C. 5101-5128.

Shipping papers and emergency response information are a basic communication tool for the transportation of hazardous materials. Section 171.8 defines a shipping paper as a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose and containing the information required by §§ 172.202, 172.203, and 172.204. A shipping paper with emergency response information must accompany most hazardous materials shipments and be readily available at all times during transportation. It serves as the principal source of information regarding the presence, identification, and quantity of hazardous materials, as well as relevant emergency response procedures. It also serves as the source of information necessary to comply with other requirements, e.g., correctly placing and configuring rail cars in a shipment; preventing poisons from being loaded alongside foodstuffs; ensuring the separation of incompatible hazardous materials; and limiting the amount of radioactive materials that may be transported in a vehicle or aircraft. Shipping papers and emergency response information serve

as a means of notifying transport workers that hazardous materials are present. Most importantly, shipping papers serve as a principal means of identifying hazardous materials during transportation emergencies. Firefighters, police, and other emergency response personnel are trained to obtain the Department of Transportation (DOT) shipping papers and emergency response information when responding to hazardous materials transportation emergencies. The availability of accurate information concerning hazardous materials being transported significantly improves response efforts in these types of emergencies.

It is necessary that hazardous materials and emergency response information be displayed on shipping papers in a uniform manner to ensure accuracy and consistency. The HMR requires that when hazardous materials and non-hazardous materials are described on the same shipping paper, the hazardous materials be entered first, entered in a color that clearly contrasts with any description of materials not subject to the requirements, or identified with an "x" in an HM column.

Experience has shown that some shipping papers may contain many different items in a shipment. To require emergency response personnel to sort through multiple entries to determine which hazardous materials are present, in an emergency situation, would cause serious delays in making proper determinations concerning the mitigation of the accident. Therefore, shipping paper requirements include emergency response information along with the standard information that must be communicated on shipping papers.

Uniformity of national and international hazardous materials transportation regulations is critical to enhance safety and facilitate trade. Consistency between U.S. and international regulations helps to assure the safety of international hazardous materials transportation through a better understanding of the regulations, an increased level of industry compliance, the smooth flow of hazardous materials from their points of origin to their points of destination, and consistent emergency response in the event of a hazardous materials incident. Many shippers find that consistency in requirements aids their understanding of what is required, thereby permitting them to more easily comply with the regulations when shipping hazardous materials in international commerce.

To facilitate the safe and efficient transportation of hazardous materials in international commerce, the HMR, with certain limitations, permit both domestic and international shipments of hazardous materials to be offered for transportation and transported under provisions of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI), the International Maritime Dangerous Goods Code (IMDG Code), the Canadian Transportation of Dangerous Goods Regulations (TDG Regulations), and the International Atomic Energy Agency Safety Standards Series: Regulations for the Safe Transportation of Radioactive Material (IAEA Regulations), as appropriate.

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

The shipping paper is considered a basic hazard communication tool when transporting hazardous materials by all modes of transport. For example, it is the mechanism by which an aircraft operator knows the nature and potential of hazardous cargo on board the aircraft. It informs railroad employees of the potential hazards of the cargo and is the primary means of communicating information required to properly place and handle cars within trains. Shipping papers communicate information on cargo compatibility to motor carrier personnel and emergency responders, and advise vessel masters where hazardous material cargo should be stowed to assure compatibility and accessibility. Consequences which could result from not having the required information on shipping papers include, but are not limited to:

- a. Co-mingling of hazardous materials in a shipment that could react chemically and cause explosion, fire, poison gas emissions, or other types of reactions in the event of a container failure or accident.
- b. Contamination of foodstuffs and feed by poisons being shipped on the same transport vehicle.
- c. Shipment of radioactive materials in a single transport vehicle in quantities which could exceed criticality safety controls, resulting in excessive exposure to vehicle operators/crew or passengers, or with non-radioactive materials (such as x-ray film) that could be contaminated by the radiation emitted from packages of radioactive materials.
- d. Shipment of hazardous materials in quantities greater than authorized to be carried in passenger-carrying vehicles.
- e. Shipment of forbidden materials aboard passenger-carrying aircraft, the release of which could cause death or illness among passengers and crew due to contamination of, or structural damage to, an aircraft.
- f. Injury, death, and/or severe environmental damage due to lack of accurate emergency response communication information.
- g. Incorrect emergency response procedures, e.g., firefighters may attempt to extinguish burning materials that are water-reactive with water, leading to catastrophic consequences.

3. Extent of automated information collection

PHMSA continues to update the HMR to ensure that the burden has been made as simple as possible. DOT's emphasis for shipping paper requirements is that the information be displayed consistently and be easily recognizable. Any document, meeting the definition of a shipping paper in § 171.8 and the requirements in Subpart C and G of Part 172, used in the normal course of business, is considered a shipping paper. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. To ensure consistency and to be immediately available for emergency responders in the event of an incident, shipping papers are not authorized in electronic form. However, PHMSA does not restrict the use of electronic forms *in addition* to paper copies. Additionally, PHMSA does not require every shipping paper to be submitted to us.

4. Efforts to identify duplication

PHMSA has done its due diligence to identify that the shipping paper and emergency response information requirements do not duplicate any other documentation system for identifying hazardous materials transported in commerce. PHMSA requires that shipping papers include certain hazardous material and emergency response information, but it does not require the use of a specific form. If the required information is presented on a form required by another Federal agency, PHMSA authorizes the use of that form. For instance, PHMSA and the Environmental Protection Agency (EPA) coordinated on the hazardous waste manifest requirements to avoid duplication. EPA agreed that PHMSA regulations prevail for carriers of hazardous wastes, and it revised its manifest requirements so that the entries required to comply with both EPA hazardous waste requirements and PHMSA shipping paper and emergency response information requirements could be made on one document.

To a limited degree, some of the information required on the shipping papers is already available through required markings on the outside of packages. However, it would be very difficult to accomplish effective communication for emergency response and compliance with various transportation requirements by using only the markings on packages. In most cases, the packages are not visible during transportation and would not provide the same benefit as the shipping paper and emergency response information in ensuring effective communication.

5. Efforts to minimize the burden on small businesses

Unless specifically excepted in the HMR, shipping papers and emergency response information must be prepared by all persons offering hazardous materials for transportation. Because the benefits to safety outweigh a reduction in small business burden, the applicability of shipping paper and emergency response information is based on the hazardous materials transported, and not business size.

6. Impact of less frequent collection of information

This is a one-time requirement each time a hazardous material shipment is offered for transportation in commerce. The impact of not collecting this information would be the loss of information essential to emergency responders.

7. Special circumstances

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

- a. It is not possible to eliminate or shorten the information required by the HMR for shipping papers and still provide the information necessary for emergency response personnel, carriers, and transport workers.
- b. Shipping papers are already required to be retained by other Federal and state requirements, and therefore, are not considered duplicative. PHMSA has no discretion regarding this requirement.
- c. Hazardous materials shipping paper and emergency response information is also required when transporting hazardous materials in international commerce.

8. Compliance with 5 CFR 1320.8

A 60-Day Notice requesting comments was published in the Federal Register on September 28, 2017 [82 FR 45361]. PHMSA received 5 anonymous comments to this notice that were related to climate change and not related to this information collection.

A 30-Day Notice requesting comments was published in the Federal Register on February 20, 2018 [83 FR 7298]. PHMSA received one anonymous comment that was related to the Office of the White House and not related to this information collection.

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

None of the data collected contain personally identifiable information (PII) or business confidential information. No guarantees of confidentiality are provided to applicants.

11. Justification for collection of sensitive information

Not applicable. Information is not of a sensitive nature.

12. Estimates of burden hours for information requested

<u>Total Number of Respondents</u>	<u>Total Number of Annual Responses</u>	<u>Total Annual Burden Hours</u>	<u>Total Annual Salary Costs</u>	<u>Total Burden Cost</u>
260,000	175,234,493	4,598,685	\$5,430,755	\$0

It is estimated that approximately 260,000 shippers/carriers of hazardous materials (including hazardous waste and hazardous substances) will prepare an average of 674 shipping papers and emergency response information annually for a total of 175,234,493 shipping papers (260,000 respondents x 674 shipping papers/respondent). Each shipping paper, with emergency response information, will take approximately 1 minute and 34 seconds to prepare for approximately 4,595,685 annual burden hours (175,234,493 shipping papers x 0.02624 hours/shipping paper). PHMSA estimates it costs approximately \$45/hour in salary costs for a total of \$5,430,755 (4,598,685 burden hours x \$45/hour). However, PHMSA estimates there is no out-of-pocket expenses for the shipping paper burden.

<u>Number of Respondents</u>	<u>Annual Number of Shipping Papers per Respondent</u>	<u>Total Number of Shipping Papers</u>	<u>Minutes per Response</u>	<u>Total Hours per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost per Response</u>	<u>Total Salary Cost</u>	<u>Burden Cost per Hour</u>	<u>Total Burden Cost</u>
260,000	674	175,234,493	1.6	0.02624	4,598,685	\$45.00	\$1.18	\$5,430,755	\$0.00	\$0

13. Estimate of total annual costs to respondents

There is no cost burden to respondents except those identified in item 12 above.

14. Estimate of annualized cost to the Federal Government

There is no additional cost to the Federal Government beyond its normal daily operations, because shipping papers and emergency response information are not reviewed or approved by the Federal Government, except during normal enforcement operations.

15. Reasons for change in burden

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

16. Plans for tabulation, statistical analysis and publication

There is no publication of this information collection including for statistical use, and no statistical techniques are involved.

17. Display of expiration date of OMB Approval

The information collection OMB number is prominently displayed in 49 CFR 171.6 as “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.