

**1 Supporting Statement for a Request for OMB Review under
The Paperwork Reduction Act**

1 IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Numbers of the Information Collection

**Title: Asbestos-Containing Materials in Schools and Asbestos Model
Accreditation Plans**

EPA ICR No.: 1365.11 OMB Control No.: 2070-0091

Docket ID No.: EPA-HQ-OPPT-2017-0319

1(b) Short Characterization

This Information Collection Request (ICR) addresses reporting and recordkeeping requirements found in the Asbestos-Containing Materials in Schools Rule (“AHERA Rule” a.k.a. “Schools Rule”) and the Asbestos Model Accreditation Plan (MAP) Rule.

AHERA Rule: Section 203 of the Asbestos Hazard Emergency Response Act (AHERA, 15 U.S.C. 2641-2656) (see Attachment A), authorizes the EPA Administrator to promulgate regulations “for determining whether asbestos-containing material is present in a school building under the authority of a local education agency (LEA).” Accordingly, the Agency developed regulations in 40 CFR part 763, subpart E to require LEAs to conduct inspections, develop management plans, and design or conduct response actions. Records must be maintained by all LEAs on inspections and response action activity, and current management plans must be provided upon request to EPA and state reviewers for examination.

MAP Rule: Section 206 of AHERA, as amended (see Attachment B), authorized the EPA Administrator, in consultation with affected organizations, to develop a model accreditation plan for states. The Model Accreditation Plan provides accreditation criteria for persons who inspect for asbestos, develop management plans, and design or conduct response actions. States are required to adopt an accreditation plan at least as stringent as the EPA model plan. The accreditation requirements apply to persons who work in public and commercial buildings as well as schools. Accreditation of laboratories that analyze asbestos bulk samples and asbestos air samples is also required by AHERA.

This ICR estimates the paperwork burden for LEAs to inspect for asbestos and update management plans to protect all school building occupants from exposure to asbestos. This collection also estimates the paperwork burden for the accreditation of persons who inspect for asbestos, develop management plans, and design or conduct response actions and the paperwork burden associated with state accreditation programs.

2 NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

AHERA Rule and MAP Rule: The reporting and recordkeeping requirements covered by this ICR are required by the Asbestos-Containing Materials in Schools Rule (40 CFR part 763, subpart E) and the Model Accreditation Plan (40 CFR part 763, subpart E, Appendix C); see Attachments C and D, respectively.

2(b) Use/Users of the Data

AHERA Rule: The activities pertaining to the use of this information collection activity help assure that LEAs continue to inspect for asbestos and update their management plans using accredited personnel. This is intended to ensure the protection of all school building occupants from exposure to asbestos fibers. All public and private elementary and secondary schools (unless exempt under provision of the rule) were required to conduct inspections for asbestos-containing building materials (ACBM) and develop management plans that describe necessary actions to be undertaken. Re-inspections by accredited persons must take place every three years unless all ACBM has been removed. Records retention as part of an updated asbestos management plan is necessary in order to document specific response action activities and periodic surveillance, 3-year re-inspection reports, and for an LEA to demonstrate compliance with the regulations. Beneficiaries of the collection activities include the LEA's asbestos program manager and staff, accredited professionals who may be called upon to perform response actions at a school, and federal and state enforcement agencies.

MAP Rule: This collection will enable EPA, as well as state regulators, to determine initial compliance and to monitor continued compliance with the MAP standards. Lacking the application submissions and other recordkeeping requirements, regulators would have no meaningful way of measuring the implementation of the MAP's statutory mandates. Other beneficiaries of the collection activities include: 1) individuals who may desire to obtain asbestos training meeting prescribed minimum quality standards for accreditation and subsequent employment purposes; 2) LEAs and other building owners and managers seeking to procure the services of qualified and accredited asbestos consultants and contractors; and 3) enforcement agencies at the federal and state level.

3 NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

AHERA Rule: EPA has tried to identify alternate sources of the information requested to implement and enforce this recordkeeping and was not successful. This activity does not duplicate information already required to be reported by another agency or EPA program office.

MAP Rule: All of the training and accreditation information collected pursuant to this ICR is specific to the MAP and does not duplicate any other collection. There is no model accreditation plan for states other than under the MAP rule, and there is no procedure for the accreditation of asbestos training programs under the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) other than what is specifically provided for in the MAP.

3(b) Public Notice Required Prior to ICR Submission to OMB

In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on March 5, 2018 (83 FR 114, January 2, 2018). EPA received six comments from:

Bruce A. Donato, President, Alliance of Hazardous Materials Managers
Scott Fulmer, Chair of the Massachusetts Teacher Association
F. Stephen Masek, Masek Consulting Services
D. Maser
C. Springer
Anonymous Commenter

Copies of the public comments and of EPA's response to the public comments appear in Attachment F.

3(c) Consultations

Additionally, under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents before submitting an ICR to OMB for review and approval. In accordance with this regulation, EPA submitted questions to several interested parties via e-mail. The individuals contacted were:

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EPA received no responses to its solicitation for consultations. A copy of EPA's consultation e-mail to the above potential respondents is included in Attachment G.

3(d) Effects of Less Frequent Collection

AHERA Rule: If information was collected less frequently, it would be difficult to determine whether an LEA properly inspected for asbestos-containing materials and developed an appropriate management plan, and kept these documents up-to-date including ongoing activities.

MAP Rule: The revised MAP has no routine or repetitive reporting requirements. A less frequent collection schedule is not feasible. Recordkeeping requirements are tied directly to training courses and the issuance of accreditation certificates to students successfully completing those courses and passing the requisite exams. If training providers are inactive and not offering courses, no new record generation is required of them.

3(e) General Guidelines

Except as described in this section, the collection activities in this ICR adhere to the guidelines stated in the Paperwork Reduction Act, OMB's implementing regulations, and applicable OMB and EPA guidance.

AHERA Rule: The rule requires that the asbestos management plans be maintained as a living document, necessary for as long as asbestos-containing building materials are present in the school building. When all asbestos materials have been removed from a homogeneous area, records pertaining to that homogeneous area must be retained for three years after the next re-inspection date. As a result, such records may need to be maintained beyond the three-year record retention period recommended in 5 CFR 1320.5(d)(2)(iv). EPA believes, however, that these retention requirements are necessary to satisfy the statutory mandates in AHERA, which specifically mandates the development and maintenance of asbestos management plans. In addition to ensuring that a management plan is available for public inspection as required by

AHERA, maintaining a current management plan is necessary and critical for ensuring the proper protection of human health, safety, and the environment as required by AHERA. Providing up-to-date information about the location and status of asbestos-containing building materials that remain present in the school building is also essential for ensuring that the material does not subsequently become unintentionally disturbed or damaged such that it may pose an unreasonable risk to school employees, children and other building occupants or users. In accordance with 5 CFR 1320.5(d)(2), the retention period beyond the recommended three-year period is necessary and appropriate.

The re-inspection interval is necessary to satisfy the statutory mandates in AHERA, which specifically mandates the periodic surveillance and re-inspection of asbestos-containing materials, and that the current interval is appropriate and necessary for ensuring that the asbestos-containing material does not subsequently become disturbed or damaged such that it is likely to become a potential hazard to school employees, children and other building occupants or users. The existing re-inspection period is consistent with the provisions in 5 CFR 1320.5(d)(2).

MAP Rule: There are no exceptions to note.

3(f) Confidentiality and Sensitive Questions

This information collection request does not include confidential or sensitive questions.

4 THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

AHERA Rule and MAP Rule: There are three types of respondents for this information collection request. LEAs and states are involved in recordkeeping and reporting activities associated with the AHERA Rule, while training providers and states are involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each respondent type and are discussed in turn. The respondents to this information collection activity are elementary and secondary school districts (NAICS code 61111) and all states (NAICS code 92311). Additionally, under the Asbestos School Hazard Abatement Reauthorization Act (ASHARA), the Model Accreditation Plan affects training providers (NAICS code 61143) and State Asbestos Accreditation Programs (NAICS code 92312). These respondents are included because they are the providers and guarantors of accreditation, respectively.

4(b) Information Requested

(i) Data Items

AHERA Rule: No specific data collection instrument is used to collect information for this activity.

(ii) Respondent Activities

The AHERA and MAP programs are both over a decade old and the program start-up activities and federal, state, and local coordination are now well established. Many of the initial

paperwork burdens for the program are no longer part of the burden assessment. Currently, 39 states are operating state accreditation programs under the MAP and 12 states have received a waiver to some or all of the AHERA program requirements. The activities currently conducted by LEAs (inspections, record keeping for management plans), state accreditation and training providers (records retention), are the burden activities documented in this ICR.

Local Education Agencies (LEAs):

Reporting Activities: LEAs must submit management plans to the states for review of school buildings that have come into operation after October 12, 1988 and maintain the required recordkeeping. LEAs subject to the reporting and recordkeeping requirements under the AHERA Rule may be divided into two main categories: 1) those only subject to a management plan and 2) those associated with both a management plan and operations and maintenance (O&M) activities.

The management plan burden varies by school type as well as by the type of asbestos-containing building material (ACBM) found in a school. The management plan recordkeeping and reporting burden items include:

- Development and submission of the management plan; and
- Implementation of the management plan including:
 - Time spent by the program manager to do additional activity planning, create and gather new information, prepare written activity reports, and record and review that information;
 - Time spent by custodians and clerical personnel to gather, record, process and store asbestos-related information; and
 - Annual notification of parents and other interested parties of the presence of ACBM in a school, as well as the availability of the management plan for public review.

Recordkeeping Requirements: The recordkeeping burden associated with the development of an O&M activity plan was largely completed in the first year of AHERA Rule implementation. On an ongoing basis, however, AHERA regulations also require LEAs to keep known or assumed ACBM under periodic surveillance and update the O&M plan accordingly.

The original inspection report and any re-inspection reports must be maintained in the management plan. Management planner recommendations and response actions with the associated air sampling clearance records are also to be kept. Records required by the rule also include those pertaining to fiber release episodes, periodic surveillance, training received by workers performing operation and maintenance activities, and cleaning activities that are part of an operations and maintenance program. The AHERA rule also requires LEAs to collect and retain various records that are not part of the information included in the management plan.

The AHERA Rule requires LEAs to have accredited inspectors conduct re-inspections at least once every three years after the management plan is in effect. Results of this re-inspection shall be recorded in the school's management plan, along with any necessary changes in response actions recommended or required.

The AHERA Rule directs the LEA to select and implement in a timely manner appropriate response actions for ACBM that are assessed by the accredited inspector and

management planner. The rule identifies five major response actions -- O&M, repair, encapsulation, enclosure, and removal -- and describes appropriate conditions under which they may be selected by the LEA. The rule also identifies the steps that shall be taken to properly conduct and complete the response actions.

After performing a thorough visual inspection of the area in which the response action was conducted, air testing is performed to determine whether a response action has been properly completed. The rule currently requires the use of transmission electron microscopy (TEM) for all removal, enclosure, encapsulation, or repair response actions involving more than 260 linear feet or more than 160 square feet of ACBM. The use of phase contrast microscopy (PCM) is allowed by the rule for final air sampling where the amounts of ACBM are less than the limits above and greater than for small projects of short duration.

Response actions that fail to meet prescribed air sampling standards by the stipulated sampling methods shall have the areas re-cleaned and re-sampled before being released for reoccupation. Records of response actions and subsequent air sampling clearance records must be maintained by the LEA.

The AHERA Rule requires each LEA to maintain a copy of the management plan(s) in its administrative office, and each school is required to maintain a copy of its specific management plan in its administrative office. These plans are to be made available for inspection by the public without cost or restriction. LEAs must notify parent, teacher, and employee organizations of the availability of the management plans upon submission of the management plan to the state and at least once each school year.

State Accreditation Programs:

The AHERA Rule provides a procedure to allow states to receive a waiver from some or all of the requirements of the rule if the state has established and is implementing, or intends to implement a program of asbestos inspection and management at least as stringent as the requirements of the rule. The rule requires specific information to be included in the waiver request submitted to EPA. To date, 12 states have been granted this waiver under the AHERA Rule.

Respondents who are state accredited programs will need to perform the following collection activities:

- read the federal regulation (40 CFR part 763, subpart E);
- compare state program authority and the minimum requirements of the federal regulation;
- develop state legislative analysis and adopt new legislation;
- develop state regulatory analysis and promulgate a new state regulation;
- prepare and submit to EPA an application for program approval; and
- implement a state accreditation program that is not less stringent than the federal regulation.

Training Providers:

The MAP details the training and accreditation programs used to train persons to perform asbestos-related tasks. Specifically, the MAP shall be used as a tool to accredit persons who:

- conduct inspections or re-inspections for ACBM;
- prepare and/or update management plans for elementary and secondary schools; and
- design or carry out response actions with respect to ACBM in those schools.

Respondents who are training entities will need to perform certain collection activities:

- read the regulation;
- make any required changes to training programs;
- retain records/materials (usual business practice); and
- provide reasonable access to records to EPA and/or the state, as requested.

5 THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY AND INFORMATION MANAGEMENT

5(a) Agency Activities

Not applicable. EPA does not collect any information under this ICR. All information subject to this collection request is to be gathered and maintained by the employer.

5(b) Collection Methodology and Management

AHERA Rule: No specific collection methodologies or management techniques are required.

MAP Rule: The rule provides explicit instruction to training providers with preexisting approvals who wish to upgrade and continue offering asbestos training courses under the revised MAP standards. Providers were to submit a one-time self-certification in the form of a detailed letter to EPA describing changes made to their courses for the purpose of bringing them into compliance with the revised MAP. This was required to be done within six months of the revised MAP taking effect. Only one letter was required from each training entity. After distribution to EPA regional offices and state program offices, compliance and program audits were carried out. New training providers are to follow the same procedure.

The MAP also prescribes the method by which states are to apply to EPA for accreditation program approval under the revised MAP. States wishing to obtain EPA program approval must make a one-time application to the appropriate EPA regional office, demonstrating how the state's program is no less stringent than the MAP.

5(c) Small Entity Flexibility

The impact of the AHERA and MAP rules primarily affects small asbestos abatement contracting firms or accredited consultants, and training providers that qualify for "small business" status. Small business training providers have a one-time only application process for training course approvals by MAP-approved states that allows for flexibility in the way information is prepared and presented.

A small business abatement contractor is required to keep and maintain records on the accreditation status of supervisors and abatement workers. Accreditation records are also kept

and maintained by consultants, such as inspectors, management planners, and project designers. An advantage accruing from having those records is that of obtaining and retaining eligibility to qualify for work in asbestos control and abatement in schools and public and commercial buildings.

5(d) Collection Schedule

AHERA Rule: Not applicable.

MAP Rule: EPA's receipt of a complete self-certification submission from a provider constituted immediate re-approval of the training courses. Where state legislatures convened in January 1994, a 180-day deadline was triggered for applying to EPA for new program approval, if needed. States not applying for new program approval by the end of the 180-day deadline forfeited their previous program approval, and they must then reapply in order to re-establish their state accreditation programs.

EPA-approved MAP state programs may continue to receive new training course applications indefinitely into the future. EPA may continue to receive state program applications from unapproved states until all states, territories, and similar entities have ultimately obtained approval.

6 ESTIMATING THE BURDEN AND COST OF THE COLLECTION

There are three types of respondents for this ICR: LEAs involved in recordkeeping and reporting activities associated with the AHERA Rule, and training providers and states involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each type of respondent and are discussed in the following section.

6(a) Estimating Respondent Burden

Estimated Burden for Local Education Agencies:

LEA (*i.e.*, school or school district) reporting and recordkeeping activities under the AHERA Rule may be divided into two main categories: those associated with the management plan and those associated with O&M activities. Schools with friable asbestos-containing materials (ACM) incur burden for the management plan and O&M activities, while schools with non-friable ACM (including newly constructed schools that are certified through an exclusionary statement not to have specified asbestos-containing building materials in construction) incur burden only for the management plan.

The average estimated number of schools of each type in the three years of this ICR renewal period (years 29 through 31 of the implementation period) is used with the unit burden estimates to derive an annual burden estimate. This ICR renewal revises the method of estimating the numbers of schools with friable and non-friable asbestos used in previous ICR renewals.¹

¹ The original ICR for the Asbestos-Containing Materials in Schools Rule based its burden estimates on a 30-year projection to reflect the estimated remaining life span of school buildings with ACM. The previous Schools Rule ICR renewal (approved in 2014) updated values from the original ICR. This ICR renewal based its burden estimate on a revised estimation of the life span of school buildings with ACM (60 years). In addition, an exponential decay model with a decay rate of 6% is assumed to estimate the number of schools with friable ACM starting from the

The management plan burden varies by school type as well as by the type of ACM found in a school. Appendix G of the *Final Schools Rule Asbestos Hazard Emergency Response Act Regulatory Impact Analysis* (EPA, 1987a) contains time and cost estimates for management and O&M plan development and implementation for schools with friable ACM or non-friable ACM. Those activities incurring burden that were not completed during the initial 10 years of implementation are shown in Worksheet 1.

Worksheet 1 indicates that the annual estimated recordkeeping burden for schools with friable ACM is approximately 35 hours for public primary schools and private schools, and 58 hours for public secondary schools. For schools with non-friable ACM only (including newly constructed schools covered by exclusionary statements), the annual estimated recordkeeping burden is 15 hours for public primary schools and private schools, and 28 hours for public secondary schools. This approach may overstate the respondent burden for newly constructed schools covered by exclusionary statements because these schools will not incur a burden related to records of inspection, re-inspection, response actions and periodic surveillance. However, newly constructed schools covered by exclusionary statements still need to keep certain information and records up-to-date. This includes the name and training records for the AHERA Designated Person and dated copies of each year's annual notification of the management plans availability to parents, teachers and employees, along with a description of the steps taken to provide the notification.

beginning of the implementation of the program (See Attachment E). Burden estimates based on the Asbestos MAP Rule were also included in the last ICR. Those values are also updated.

Worksheet 1: Annual Respondent Burden per Local Education Agency (Hours)		
Burden Hour Elements	School Type	
	Public Primary or Private	Public Secondary
Schools with Friable Asbestos-Containing Materials		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	10	15
Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	16	30
<i>Total Management Plan</i>	<i>30</i>	<i>53</i>
<i>Implement Operations and Maintenance (O&M) Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	2	2
Custodial - Gather, record, process and store information	1	1
Clerical - Gather, record, process and store information	2	2
<i>Total O&M Plan</i>	<i>5</i>	<i>5</i>
Total recordkeeping burden per school with Friable ACM	35	58
Schools with Non-Friable Asbestos-Containing Materials Only		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	5	8
Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	6	12
Total recordkeeping burden per school with Non-friable ACM	15	28
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Non-friable ACM does not require an O&M Plan.		

Estimated Burden for States:

States are involved in both the AHERA Rule and the MAP Rule. State activities related to the AHERA Rule were completed during the first 10 years of program implementation. The MAP Rule went into effect in 1994, at which time states were to apply to EPA for new program approval. For the purposes of this analysis, all interested states are assumed to have completed accreditation program approval during previous ICR periods. Therefore, no burden for initial state activities is included in this ICR.

For all states with EPA-approved accreditation programs, an on-going burden associated with the MAP Rule is the implementation of state accreditation programs. Annual burden estimates from the MAP Rule are given in Worksheet 2. These estimates assume that all states have approved accreditation programs. In cases where a state does not have an approved

program, the burden would be shifted to EPA. This assumption provides the most conservative estimates of state burdens.

Worksheet 2: Annual Respondent Burden per State or Territory (Hours)				
Burden Hour Elements	Labor Category			Total Hours
	Management	Technical	Clerical	
<i>Annual activities</i>				
Implement a state accreditation program that is not less stringent than the regulation	8.0	23.0	109.0	140.0
Total annual activities	8.0	23.0	109.0	140.0
Source: EPA.1993. Supplemental ICR for the Asbestos-Containing Materials in Schools Rule. (EPA ICR #1365).				

Estimated Burden for Training Providers:

Training providers were required to recertify under the revised MAP Rule. Providing access to records is expected to take 5.5 hours per year per training provider, as indicated in Worksheet 3, while the retention of the records is considered a customary and usual business practice. Therefore, no additional burden is associated with this task.

Worksheet 3: Annual Respondent Burden per Training Provider (Hours)			
Burden Hour Elements	Labor Category	Freq/Year	Total Hours
	Clerical		
<i>Annual activities</i>			
1. Retain records	N/A	N/A	N/A
2. Provide reasonable access to records to EPA or state	0.5	11	5.5
Total annual activities	0.5	11	5.5

6(b) Estimating Respondent Costs

The cost estimates addressed in this section are based on the burden estimates discussed above and additional non-wage costs discussed below. Wage rates (including benefits) have been updated from the values in the AHERA Regulatory Impact Analysis (RIA) (EPA, 1987a), the *Supplemental ICR for the Asbestos-Containing Materials in Schools Rule* (EPA, 1993), and the previous ICR (EPA, 2014) to reflect the most recently available estimates.

Estimated Burden Costs for Local Education Agencies:

The implementation cost to LEAs of the AHERA Rule includes the wages associated with the burden estimates in Section 6(a). Labor costs were updated using mean hourly wage rates from the Bureau of Labor Statistics' National Occupational Employment and Wage Estimates (BLS, 2016) for the most appropriate Standard Occupational Classification (SOC).

- The school asbestos program manager, custodian, and clerical staff hourly wages were \$34.87, \$13.47, and \$17.91 for May 2016, the most recent occupational wage data available. They are based on the mean hourly wages for Occupational Health and Safety

Specialists and Technicians (SOC 29-9011), Building and Grounds Cleaning and Maintenance Occupations (SOC 37-0000), and Office and Administrative Support Occupations (SOC 43-0000), respectively.

- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 68.4 percent of total compensation for school employees as of June 2017. Based on this information, a loading factor of 1.462 (1/0.684) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2017).
- The updated estimated total hourly compensation cost for school asbestos program manager, custodian, and clerical staff are \$50.98, \$19.69, and \$26.18, respectively.

These values were used in Worksheet 4 to calculate current recordkeeping and reporting costs to schools with friable and/or non-friable ACM, as shown below. In addition, schools are required to provide annual notification to parents and other interested parties of the presence of ACM, as well as the availability of the management plan for public review. The AHERA RIA estimated the annual notification cost to be \$56 per school (EPA, 1987a). This figure was updated to \$104 in 2016 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (Dept. of Commerce, 2016).

Worksheet 4 indicates that the annual reporting costs for schools range from \$595 for public primary schools or private schools with only non-friable ACM to \$1,985 for public secondary schools with friable ACM.

Worksheet 4: Annual Cost per Local Education Agency (2016 \$)

Activities	Total Hourly Compensation	School Type	
		Public Primary and Private	Public Secondary
Schools with Friable Asbestos-Containing Materials			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$50.98	\$510	\$765
Custodial - Gather, record, process and store information	\$19.69	\$79	\$157.52
Clerical - Gather, record, process and store information	\$26.18	\$418	\$785
<i>Total Management Plan</i>		<i>\$1007</i>	<i>\$1,707</i>
<i>Implement Operations and Maintenance (O&M) Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$50.98	\$102	\$102
Custodial - Gather, record, process and store information	\$19.69	\$20	\$20
Clerical - Gather, record, process and store information	\$26.18	\$52	\$52
<i>Total O&M Plan</i>		<i>\$174</i>	<i>\$174</i>
Management Plan Costs		\$1007	\$1,707
O&M Plan Costs		\$174	\$174
Notification Costs		\$104	\$104
Total Estimated Cost per School		\$1,285	\$1,985
Schools with Non-Friable Asbestos-Containing Materials Only			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$50.98	\$255	\$408
Custodial - Gather, record, process and store information	\$19.69	\$79	\$158
Clerical - Gather, record, process and store information	\$26.18	\$157	\$314
Notification Costs		\$104	\$104
Total Estimated Cost per School		\$595	\$984
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Non-friable ACM does not require O&M.			

Estimated Burden Costs for States:

As discussed in Section 6(a), states have no additional costs associated with the AHERA Rule. Under the MAP Rule, state accreditation programs are required at least to meet the standards of the revised MAP. The burden estimates associated with the MAP Rule are given in Section 6(a). No additional costs for materials were given in the *Supplemental ICR for the Asbestos-Containing Materials in Schools Rule* (ICR #1365) (EPA, 1993). Worksheet 5 shows the estimated annual cost of state compliance with the MAP Rule is \$4,799.

Wage rates were updated using mean hourly wage rates from the Bureau of Labor Statistics' National Occupational Employment and Wage Estimates (BLS, 2016) for the most appropriate SOC.

- The state managerial, technical, and clerical staff hourly wages for December 2016, the most recent available data, were \$56.74, \$36.23, and \$17.91, based on the mean hourly wages for Management Occupations (SOC 11-0000), Environmental Scientists and Specialists, Including Health (SOC 19-2041), and Office and Administrative Support Occupations (SOC 43-0000), respectively.
- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 68.4 percent of total compensation for state employees as of December 2016. Based on this information, a loading factor of 1.462 (1.0/0.684) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2017).
- The updated estimated total hourly compensation cost for state managerial, technical, and clerical staff are \$82.95, \$52.97, and \$26.18, respectively.

Worksheet 5 shows the estimated annual cost of state compliance with the MAP Rule is \$4,799 per state.

Worksheet 5: Annual Cost per State/Territory (2016 \$)				
Activities	Labor Categories			Total
	Management \$82.95/hour	Technical \$52.97/hour	Clerical \$26.18/hour	
Implement a state accreditation program that is not less stringent than the regulation	\$664	\$1,218	\$2,854	
Estimated Cost per State/Territory	\$664	\$1,281	\$2,854	\$4,799
The cost for each labor category is calculated by multiplying the hourly rate by the number of hours per activity from worksheet 2.				

Estimated Burden Costs for Training Providers:

The reporting and recordkeeping burden under the MAP Rule for asbestos training providers is described in Section 6(a). Providing access to records is expected to take 5.5 hours per year per training provider, and to be done by clerical staff. Wage rates were updated using mean hourly wage rates from the Bureau of Labor Statistics' National Occupational Employment and Wage Estimates (BLS, 2016) for the most appropriate SOC.

- The training provider clerical staff hourly wage for May 2016, the most recent available data, was \$17.91 based on the mean hourly wage for Office and Administrative Support Occupations (SOC 43-0000).
- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 76.4 percent of total compensation for state employees as of December 2016. Based on this information, a loading factor of 1.309(1.0/0.764) was applied to the mean hourly wage rate to estimate total hourly compensation for training provider staff (BLS, 2016).
- The updated estimated total hourly compensation cost for training provider clerical staff is \$23.44.

In addition, training providers are expected to incur materials costs associated with the annual recordkeeping requirements of the MAP Rule. Those costs were estimated to be \$436 in the MAP Rule (EPA, 1993). This figure was updated to \$678 in 2016 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (Dept. of Commerce, 2016).

Worksheet 6 shows the estimated annual cost of training provider compliance with the MAP Rule is \$807 per training provider.

Worksheet 6: Annual Cost per Training Provider (2016 \$)			
Activities	Labor Category	Frequency/ Year	Total
	Clerical \$23.44/hour		
1. Retain records	N/A	N/A	\$678
2. Provide reasonable access to records to EPA or State	\$11.72*	11	\$129
Estimated Cost per Provider			\$807
*The burden associated with this activity is 0.5 hour of clerical labor. The cost of 0.5 hours of clerical labor is $\$23.44 \times 0.5 = \11.72 .			

6(c) Estimating Agency Time and Cost

Agency cost estimates are presented in Worksheet 8. EPA does not collect any information under this ICR. All information subject to this collection request is to be gathered and maintained by the employer. Consistent with previous ICRs, if technical tasks such as inspections or other enforcement or compliance assistance activities are conducted, they are assumed to be completed by staff at the GS-13 level. The 2017 GS-13, step 5, hourly salary for the Washington, D.C. region is \$51.48 (OPM, 2017). Using the standard 60 percent loading factor for EPA personnel, this gives a total hourly compensation cost of \$82.37. Estimates incorporating this hourly compensation rate and the time estimate of 400 hours per year for inspections result in a total annual cost of \$32,948.

6(d) Bottom Line Burden Hours and Costs

The number of school respondents in this ICR renewal is based on the average number of affected schools of each type for years 29 through 31 of program implementation. The methodology used to calculate the number of affected schools in this ICR differs from previous

ICRs². The total number of public and private schools has been updated and is based on 2013-2014 data obtained from the U.S. Department of Education's National Center for Education Statistics (Dept. of Education, 2015).

EPA no longer maintains the National Directory of AHERA Accredited Courses and does not have access to a current count of training providers. According to 2009 data, there were 1,268 accredited training providers (EPA, 2009). For this analysis the Agency assumes that this is a reasonable estimate of the current number. Based on the unit burden estimates from Section 6(a) and the unit cost estimates from Section 6(b), annual recordkeeping burden for all training providers is estimated to be 6,974 hours and the estimated annual cost is \$1,023,276.

The MAP Rule affects all 50 states, the District of Columbia, and U.S. territories, for a total of 56 states and territories. Based on the unit burden estimates from Section 6(a) and the unit cost estimates from Section 6(b), estimated annual recordkeeping burden for all states and territories is 7,840 hours and the estimated annual cost is \$268,744.

Based on these estimates of numbers of respondents, unit costs, and burdens, the total respondent and EPA tallies are shown in the following tables.

(i) The respondent tally:

² The number of schools with Friable ACM – SM& TSI (Surface Material & Thermal System Insulation) and TSI only – were recalculated starting from the year 1 of the program. It was assumed that the number of schools with friable material follows an exponential decay function with a rate of decay equal to 6%. In addition, it was assumed that the average life span of school buildings is 60 years. Therefore, the number of schools with friable ACM approaches asymptotically to zero when the AHERA program approaches year 60. Consistent with previous ICR renewal supporting materials, data from the Dept. of Education's National Center for Education Statistics (NCES) on the number of public primary and secondary schools and the number of private schools were used to estimate the number of schools with non-friable ACM (NFACM). NCES data for 2013-2014 (the latest available data) were used for the current ICR renewal. The number of schools with NFACM includes schools from the 1984 survey that have subsequently moved from the friable to the non-friable ACM category because they removed all friable material, and also includes new school buildings. As a result, the burden for schools in the NFACM category may be overestimated, since many new school buildings may not contain any ACM. Attachment E (Tables A1-A4) shows the data used to calculate the bottom line burden and costs.

Worksheet 7: Average Annual Respondent Aggregation Table					
	Number of Entities	Unit Burden	Total Burden Hours	Unit Cost	Total Cost
Local Education Agencies					
<i>Schools with Friable ACM</i>					
Public Primary	3,511	35	122,885	\$1,285	\$4,511,635
Public Secondary	2,085	58	120,930	\$1,985	\$4,138,725
Private	1,783	35	62,370	\$1,285	\$2,291,155
<i>Schools with Non-friable ACM</i>					
Public Primary	64,502	15	967,530	\$595	\$38,378,690
Public Secondary	28,173	28	788,844	\$984	\$27,722,232
Private	31,836	15	477,540	\$595	\$18,942,420
<i>Subtotal for LEAs</i>	131,890		2,540,099		\$95,984,857
Training Providers	1,268	5.5	6,974	\$807	\$1,023,276
States/Territories	56	140	7,840	\$4,799	\$268,744
Total	133,214		2,554,913		\$97,276,877

Note: Totals in above table may not sum due to rounding.

(ii) The Agency tally:

Worksheet 8: Average Annual Agency Aggregation Table					
	Number of Activities	Unit Time	Total Time	Unit Cost	Total Cost
Total	400	1	400	\$82	\$32,800

Note: Totals in above table may not sum due to rounding.

6(e) Reasons for Change in Burden

This ICR reflects an increase of 67,474 hours (from 2,487,439 hours to 2,554,913 hours) in the total estimated respondent burden from that currently in the OMB inventory. The total burden estimate has increased since the most recently approved renewal of this ICR because of a change in the methodology to calculate the number of schools with friable ACM. Although the number of schools with friable ACM has declined, it has not declined as quickly as expected in the previous ICRs. In addition, this current ICR revises the life span of the schools using the average functional age to determine the remaining life of school buildings. There has also been a change in the rate of removal of friable ACM (see Attachment E).

Changes in Respondent Burden				
Respondent Type	Burden Hour Estimates			Percent Change
	Previous	Current	Difference	
Local Education Agencies	2,472,625	2,540,099	67,509	+2.7% %
Training Providers	6,974	6,974	0	0 %
States/Territories	7,840	7,840	0	0 %
Total	2,487,439	2,554,913	67,509	+2.7%

6(f) Burden Statement

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0091, is estimated to average 19.3 hours per response for schools, 140 hours per response for states, and 5.5 hours per response for training providers. Burden is defined in 5 CFR 1320.3(b). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection appears above. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2017-0319, which is available for online viewing at www.regulations.gov, or in-person viewing at the Pollution Prevention and Toxics Docket in the EPA Docket Center (EPA/DC). The EPA/DC Public Reading Room is located in the WJC West Building, Room 3334, 1301 Constitution Ave., N.W., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280.

With the submission to OMB, EPA is providing an additional 30 days for public review and comment. (The deadline for comments is provided in the related **Federal Register** document that announces the submission to OMB.) You may submit comments regarding the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques. Submit your comments, **referencing Docket ID No. EPA-HQ- OPPT-2017-0319 and OMB Control No. 2070-0091**, to both EPA and OMB as follows:

- To EPA online using <http://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and
- To OMB via email to oir_submission@omb.eop.gov. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity,

threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

7. REFERENCES CITED IN THIS SUPPORTING STATEMENT

U.S. Bureau of Labor Statistics. 2017. Employer Costs for Employee Compensation --May 2017. Table 3. Employer costs ... and costs as a percent of total compensation: State and local government workers ... Table 5. Employer costs ... and costs as a percent of total compensation: Private industry workers ... Web site: http://www.bls.gov/schedule/archives/ecec_nr.htm.

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U.S. Department of Commerce. 2016. Bureau of Economic Analysis. Gross Domestic Product: Implicit Price Deflator. Accessed through the Saint Louis Federal Reserve Bank at <http://research.stlouisfed.org/fred2/series/GDPDEF/>. Series ID GDPDEF, Gross Domestic Product Implicit Price Deflator. Index 2005=100.

U.S. Department of Education. June 2015. National Center for Education Statistics. Digest of Education Statistics: 2011. Table 91: Number of public school districts and public and private elementary and secondary schools. Web site: <http://nces.ed.gov/programs/digest/d14/>

U.S. EPA. 1987a. Office of Toxic Substances, Economics and Technology Division. Asbestos Hazard Emergency Response Act Regulatory Impact Analysis. September, 1987.

U.S. EPA. 1987b. Office of Pesticides and Toxic Substances. Addendum to ICR #2070-0091, Asbestos-In-Schools Rule. October, 1987.

U.S. EPA, 1993. Supplemental ICR for the Asbestos-Containing Materials in Schools Rule. EPA ICR # 1365.

U.S. EPA. 2009. Office of Pollution Prevention and Toxics. National Directory of AHERA Accredited Courses, Active Training Provider List. June 2009.

U.S. EPA. 2014. Renewal ICR for the Asbestos-Containing Materials in Schools and Asbestos Model Accreditation Plans Rules. OMB No. 2070-0091. EPA ICR #1365.

U.S. Office of Personnel Management. 2017. Salary Table 2013-DCB. Web site: <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/general-schedule>

8. ATTACHMENTS TO THIS SUPPORTING STATEMENT

Attachments to the supporting statement are available in the public docket established for this ICR under docket identification number EPA-HQ-OPPT-2017-0319. These attachments are available for online viewing at <http://www.regulations.gov> or otherwise accessed as described in the section below.

Attachment A - Asbestos Hazard Emergency Response Act, Section 203 (15 U.S.C. §2643) also accessible at <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title15/html/USCODE-2009-title15-chap53-subchapII.htm>

Attachment B - Asbestos Hazard Emergency Response Act, Section 206 (15 U.S.C. §2646) also accessible at <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title15/html/USCODE-2009-title15-chap53-subchapII.htm>

Attachment C - Asbestos-Containing Materials in Schools Rule (40 CFR 763, Subpart E) also accessible at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763_main_02.tpl

Attachment D - Model Accreditation Plan (40 CFR 763, Subpart E, Appendix C) also accessible at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763_main_02.tpl

Attachment E - Worksheet A-1: Annual Recordkeeping Burden, by School Type and Asbestos Type and Worksheet A-2 Annual Recordkeeping Cost, by School Type and Asbestos Type

Attachment F - Copies of the public comments and EPA's response to the public comments.