

Supporting Statement A for

HAZARDOUS WASTE WORKER TRAINING – 42 CFR Part 65

(OMB NO. 0925-0348; Exp. March 31, 2019) (NIEHS)

Date: 4/17/19

Check off which applies:

- New
- Revision
- Reinstatement with Change
- Reinstatement without Change
- Extension
- Emergency
- Existing

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**Table of Contents**

A.	Justification.....	1
A.1	Circumstances Making the Collection of Information Necessary.....	2
A.2	Purpose and Use of the Information Collection.....	3
A.3	Use of Information Technology and Burden Reduction.....	3
A.4	Efforts to Identify Duplication and Use of Similar Information.....	4
A.5	Impact on Small Businesses or Other Small Entities.....	4
A.6	Consequences of Collecting the Information Less Frequently.....	4
A.7	Special Circumstances Relating to the Guidelines of 5 CFR 1320.5.....	4
A.8.1	Comments in Response to the Federal Register Notice.....	5
A.8.2	Efforts to Consult Outside Agency.....	5
A.9	Explanation of Any Payment of Gift to Respondents.....	5
A.10	Assurance of Confidentiality Provided to Respondents.....	5
A.11	Justification for Sensitive Questions.....	5
A.12.1	Estimates of Hour Burden Including Annualized Hourly Costs.....	6
A.12-2	Annualized Cost to respondents.....	6
A.13	Estimate of Other Total Annual Cost Burden to Respondents or Record Keepers.....	7
A.14	Annualized Cost to the Federal Government.....	7
A.15	Explanation for Program Changes or Adjustments.....	8
A.16	Plans for Tabulation and Publication and Project Time Schedule.....	8
A.17	Reason(s) Display of OMB Expiration Date is Inappropriate.....	8
A.18	Exceptions to Certification for Paperwork Reduction Act Submissions.....	8

**LIST OF ATTACHMENTS:**

Attachment 1 - Survey Instrument/Information Collection Questionnaire (Data Management System) with Data Management System Screenshots

Attachment 2 - Privacy Impact Assessment (PIA)

## **A. Abstract**

The National Institute of Environmental Health Sciences (NIEHS) was given major responsibility for initiating a worker safety and health training program under Section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed. In thirty-one years (FY 1987-2018), the NIEHS Worker Training Program (WTP) has successfully supported 20 primary grantees that have trained more than 4.1 million workers across the country and presented over 245,830 classroom and hands-on training courses, which have accounted for over 50 million contact hours of actual training. Grantees are to provide information in accordance with 65.4 (a), (b), (c) and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application. Grantees are to provide their information into the WTP Grantee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards and whether appropriate training is being conducted to support continuation of the grant into subsequent years.

### **A.1 Circumstances Making the Collection of Information Necessary**

This request is for OMB review this submission as a Reinstatement with Change of the information collection requirements in 42 CFR Part 65, National Institutes of Environmental Health Sciences (NIEHS)

Hazardous Waste Worker Training. Section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 9960 a) authorized the NIEHS to administer a program of grants for the training and education of workers who engage in activities related to hazardous waste removal, or containment, or emergency response operation.

The regulations, published in October 1990, establish standards for eligibility and application procedures. Specifically, the regulations establish the following requirements:

§ 65.4(a) Reporting and Recordkeeping.

Establishes specific reporting and record keeping for joint applications.

§ 65.4(b) Reporting.

States the minimum information to be included in the application.

§ 65.4(c) Reporting.

Requires the respondent to provide assurance to the awarding component that there will be no discrimination in selection of trainees or instructors in relation to union membership contained under OMB No. 0925-0348 (expiration date March 31, 2019). This regulation does not call for information of a sensitive nature.

§ 65.6(b) Reporting.

States the requirement of written application for continuation award. Application is made by the use of form SF424 (OMB Number: 4040-0004, expiration date 12/31/2019).

Supplementary information for the 42 CFR Part 65 regulations, published in December 1994, became necessary when Congress passed the Hazardous Materials Transportation Uniform Safety Act (HMTUSA)

of 1990, which created a new grant program in training hazardous materials transportation employees for NIEHS. Although no funds for this activity have been passed through from the Department of Transportation (DOT), our Legislative Implementation Plan (LIP) for this program required that we make reference to this new statutory authority and go through the rulemaking process.

## **A.2 Purpose and Use of the Information Collection**

Respondent organizations are to provide information in accordance with § 65.4(a), (b), (c) and § 65.6(b) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications, and competency of the project director and staff, cooperative arrangements in the case of joint applications, the adequacy of training plans and resources, including budget and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). The information collected is used by the Director through officers, employees, experts, and consultants to evaluate applications based on technical merit to determine whether to make awards and whether appropriate training is being conducted to support continuation of the grant into subsequent years. The information collected the past three years has been utilized in training summaries containing information on numbers of workers trained, courses conducted and contact hours; progress reports; and highlights of accomplishments.

A competitive Request for Applications (RFA) is developed every five years by the NIEHS Worker Training Program (WTP). The WTP is authorized by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Section 126(g) to fund multi-state or national non-profit organizations with a demonstrated track record in developing and delivering high quality training to workers who are involved in handling hazardous waste or in responding to emergency releases of hazardous materials. The proposed revision of burden is in anticipation of a new RFA to be awarded in 2020. The current 20 grantees could be larger in number with the new awards. It is anticipated that as many as 22 new awards will be made in 2020. This

will increase the total annual burden hours and respondent costs as documented below. There is no increase in burden to individual grantees. These are the only changes from the prior information collection approvals.

### **A.3 Use of Information Technology and Burden Reduction**

In an effort to reduce the burden to the respondent, electronic submission of training data is collected via the NIEHS WTP Curricula Information and Data Management System (DMS), which is a private web-based application for entering and retrieving programmatic data, submitting training data, entering progress report information, utilizing the curricula submission upload function, and electronic mail. Electronic grant applications have expanded to include dozens of U.S. organizations, leading toward full implementation of the alternative path of electronic transmission of grant applications. A Privacy Impact Assessment (PIA) (Attachment 2) was done for the database being used to collect the information. The DMS system was certified and accredited on 11/4/2008. No PII is collected by the DMS.

### **A.4 Efforts to Identify Duplication and Use of Similar Information**

The information requested is unique to each application. No other method of obtaining the required information exists. Similar information is not available. However, in the case of continuation grants pre-printed forms for each previously funded respondent organization are prepared with basic information from the initial application and transmitted to the organizations in the first stage of application.

### **A.5 Impact on Small Businesses or Other Small Entities**

42 USC 9660 (a) restricts awards under this program to nonprofit organizations.

### **A.6 Consequences of Collecting the Information Less Frequently**

Application for previously recommended support (noncompeting continuation) is requested annually, for consistency with other PHS grant programs and the Federal budget process. However, it is necessary to

request information on the training data semi-annually since actual and estimated numbers are reported within the noncompeting continuation application. The semi-annually reporting requirement ensures that updated data is reported.

#### **A.7 Special Circumstances Relating to the Guidelines of 5 CFR 1320.5**

The information collection requirements are consistent with guidelines of 5 CFR 1320.5.

#### **A.8.1 Comments in Response to the Federal Register Notice**

The information collection was published in the Federal Register on March 12, 2019 Vol. 84, No. 48 page 8883 and allowed 60-days for public comment. No public comments were received. The grantees under the cooperative agreement meet at least twice annually to discuss data collection needs and reporting format.

#### **A.8.2 Efforts to Consult Outside Agency**

The grantees under the cooperative agreement meet at least twice annually to discuss data collection needs and reporting format. Consultants reviewed the Information Collection Questionnaire (Data Management System), and there were no problems.

Consultants:

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#### **A.9 Explanation of Any Payment of Gift to Respondents**

Respondents are not provided a payment or gift.

#### **A.10 Assurance of Confidentiality Provided to Respondents**

Applications, grants and related documents for the NIEHS Hazardous Waste Worker Training were published in the Federal Register on December 13, 1994, page 64139 under the existing Privacy Act System of Records #09-25-0036: Extramural Awards and Chartered Advisory Committees: IMPAC (Grant/Contract/Cooperative Agreement/Chartered Advisory Committee Information), HHS/NIH/OER and HHS/NIH/CM. No Personally Identifiable Information (PII) is collected.

#### **A.11 Justification for Sensitive Questions**

Some information provided by respondents, as required by other applicable regulations, may be considered sensitive. However, approval for collection of information of this nature is contained under OMB No. 0925-0001 (expiration date March 31, 2020). This regulation does not call for information of a sensitive nature. No PII information is being collected.

#### **A.12.1 Estimated Annualized Burden Hours**

A competitive Request for Applications (RFA) is developed every five years by the NIEHS Worker Training Program (WTP). The WTP is authorized by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Section 126(g) to fund multi-state or national non-profit organizations with a demonstrated



track record in developing and delivering high quality training to workers who are involved in handling hazardous waste or in responding to emergency releases of hazardous materials. The proposed revision of burden is in anticipation of a new RFA to be awarded in 2020. The current 20 grantees could be larger in number with the new awards. It is anticipated that as many as 22 new awards will be made in 2020. This will increase the total annual burden hours and respondent costs as documented below. There is no increase in burden to individual grantees. These are the only changes from the prior information collection approvals.

The annual reporting hour burden is as follows: number of respondents: 22; number of responses per respondent: 2; and annual hour burden per response: 616. The average time per response is 14 hours per year. The estimated hour burden for each respondent includes 9 hours to create documents and 5 hours to compile/input the documents.

**A.12-1 Estimated Annualized Burden Hours**

Form Name	Type of Respondent	Number of Respondents	Number of Responses per Respondent	Average Burden Per Response (in hours)	Total Annual Burden Hour
Information Collection Questionnaire (Data Management System)	Grantee	22	2	14	616
<b>Total</b>		22	44		616

**A.12-2 Annualized Cost to respondents**

Type of Respondent	Total Annual Burden Hours	Hourly Respondent Wage Rate*	Respondent Cost
Grantee	616	\$35.00	\$21,560

\*Bureau of Labor Statistics: The General Public rate was obtained from the [http://www.bls.gov/oes/2013/may/oes\\_nat.htm#00-0000](http://www.bls.gov/oes/2013/may/oes_nat.htm#00-0000)

**A.13 Estimate of Other Total Annual Cost Burden to Respondents or Record Keepers**

There are no other total annual cost burdens to report. There are no Capitol Costs, Operating Costs and/or Maintenance Costs to report.

**A.14 Annualized Cost to the Federal Government**

Administration of the program involves development and monitoring activities. The average annual cost to the government will include personnel hours in the maintenance of the information database, which is done under an existing contract with loaded labor rates and includes monitoring, coding, updating, trouble shooting, etc. The total cost to the government is \$32,101.

Staff	Grade/Step	Salary	% of Effort	Fringe (if applicable)	Total Cost to Gov't
<b>Federal Oversight</b>					
Program Analyst	13/7	\$108,469	0.13		\$14,101
<b>Contractor Cost</b>					
Web Developer/Programmer	N/A	\$120,000	0.15	N/A	\$18,000
Travel					0
Other Cost					0
<b>Total</b>					<b>\$32,101</b>

**A.15 Explanation for Program Changes or Adjustments**

A competitive Request for Applications (RFA) is developed every five years by the NIEHS Worker Training Program (WTP). The WTP is authorized by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Section 126(g) to fund multi-state or national non-profit organizations with a demonstrated track record in developing and delivering high quality training to workers who are involved in handling

hazardous waste or in responding to emergency releases of hazardous materials. The proposed revision of burden is in anticipation of a new RFA to be awarded in 2020. The current 20 grantees could be larger in number with the new awards. It is anticipated that as many as 22 new awards will be made in 2020. This will increase the total annual burden hours and respondent costs as documented below. These are the only changes from the prior information collection approvals.

**A.16 Plans for Tabulation and Publication and Project Time Schedule**

There are no plans for publication. Projected Data and Progress Reports due in May. Final Data and Progress Reports due in October.

**A.17 Reason(s) Display of OMB Expiration Date is Inappropriate**

There is no objection to the display of OMB expiration date.

**A.18 Exceptions to Certification for Paperwork Reduction Act Submissions**

None

The information collection activity complies with 5 CFR 1320.