

Standard on Hazardous Waste Operations and Emergency Response (HAZWOPER)  
(29 CFR 1910.120)  
1218-0202  
January 31, 2020

**SUPPORTING STATEMENT FOR THE  
COLLECTION OF INFORMATION REQUIREMENTS OF THE  
HAZARDOUS WASTE OPERATIONS AND EMERGENCY  
RESPONSE (HAZWOPER) STANDARD  
(29 CFR 1910.120)<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0202 (September 2020)**

**This ICR seeks to extend authorization for this collection without change**

**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.**

The main objective of the Occupational Safety and Health Act of 1970 (i.e., “the Act”) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

Section 6(b)(7) of the Act specifies that “[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure.” This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655).

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<sup>1</sup> The purpose of this Supporting Statement is to analyze and describe the burden hours and cost associated with provisions of this Standard that contain paperwork requirements; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, these provisions.

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With regard to recordkeeping, the Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . .” (29 U.S.C. 657). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 657).

In addition, Section 126(e) of the "Superfund Amendments and Reauthorization Act of 1986" (SARA) (Public Law 99-499) which became law on October 17, 1986, required the Secretary of Labor, pursuant to Section 6 of the Act, to promulgate standards for the safety and health protection of employees engaged in hazardous waste operations and emergency response. Section 126(a) of SARA also specified that those standards were to become effective a year after publication. Section 126(b) lists 11 worker protection provisions that the Secretary of Labor had to include in OSHA's final standard. Those provisions require OSHA to address the preparation of various written programs, plans and records; the training of workers; the monitoring of airborne hazards; the conduct of medical surveillance; and the distribution of information to workers. The provisions also require the collection of information from employers engaged in hazardous waste operations and their emergency response to such operations. The standard covers the provisions mandated in SARA.

Therefore, under the authority granted by the SARA and the OSH Act, the Occupational Safety and Health Administration (i.e., “OSHA” or “the Agency”) published at 29 CFR 1910.120 a standard for general industry regulating the operation of hazardous waste operations (i.e., “HAZWOPER” or “the Standard”).

**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.**

The Standard specifies a number of collections of information (paperwork) requirements. Each provision is described in detail in #12 below. Employers can use the information collected under the HAZWOPER rule to develop the various programs the Standard requires and to ensure that their workers are trained properly about the safety and health hazards associated with hazardous waste operations and emergency response to hazardous waste releases. The employer's failure to collect and distribute the information required in this Standard will affect significantly OSHA's effort to control and reduce injuries and fatalities. Such failure would also be contrary to the direction Congress provided in SARA.

**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 burdens.**

Employers may use automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data). Advanced data permits the storage of collected information at locations other than the place of inspection if the employer can deliver the data quickly to the place of inspection (i.e., e-mail, fax, or other electronic data transfer method).

**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 A.2 above.**

When OSHA developed the HAZWOPER Rule, in order to prevent duplication of effort, OSHA coordinated appropriate individuals from Federal OSHA, state OSHA programs, U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA). OSHA reviewed standards addressing similar hazardous waste operations and emergency response in industries regulated by other parts of title 29 (i.e., 29 CFR part 1926, Safety and Health Regulations for the Construction Industry) and parts of title 40 (EPA) and title 49 (DOT) of the Code of Federal Regulations (CFR) to ensure no duplication of effort. The employer may use efforts to comply with other Federal regulations to comply with this regulation. OSHA also reviewed the various state plan program regulations for hazardous waste operations and emergency response to ensure no duplication of effort by employers is necessary or required. EPA regulations addressing similar operations for worker populations not covered by OSHA (i.e., 40 CFR 311) are identical to OSHA's requirement but not duplicative due to the worker populations regulated by EPA. The EPA regulates state and local government workers engaged in hazardous waste operations and emergency response in those states that have Federal OSHA jurisdiction (i.e., non-state-plan states). OSHA will recognize any applicable information the employer develops or collects under other Federal regulations as being acceptable in meeting the requirements of this Standard.

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

The information collection requirements specified by the Standard do not have a significant impact on a substantial number of small entities. The Standard uses performance language whenever possible to provide compliance flexibility to employers and reduce the impact on small businesses. Performance language may require the use of a level of safety and health technical competence not always available to small business employers. To reduce this burden upon small businesses or other small entities, OSHA developed and uses non-mandatory appendices to this Standard to provide useful compliance information and guidance to small businesses and other small entities. Further, many states, through Federal grants, provide consultation programs to assist small businesses in their compliance efforts.

**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.**

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to effectively regulate hazardous waste operations, and thereby, fulfill its mandate “to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources” as specified in the Act at 29 U.S.C. 651. The frequencies of the collections in the OSHA rule are sometimes less than those mandated originally by SARA. There is a provision in SARA that permitted OSHA to reduce the frequency of collection based upon public comment presented during rulemaking. The record supported certain reductions. Any frequency less than what OSHA requires in the rule would render the Standard ineffective and would be in violation of SARA.

**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.**

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirements are within the guidelines set forth in 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.**

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice on November 8, 2019 in the *Federal Register* (84 FR 60455) soliciting comments from the public and other interested parties on the information collection requirements contained in

the Standard on Hazardous Waste Operations and Emergency Response (HAZWOPER), 29 CFR 1910.120. The notice is part of a preclearance consultation program that provides interested parties with an opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements. The Agency did not receive any comments in response to this information collection request.

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

The Agency will not provide payments or gifts to the respondents.

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

The paperwork requirements specified by the Standard do not involve confidential information.

**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.**

None of the provisions in the Standard require sensitive information.

**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.**
- **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 14.**

### **Burden Hour and Cost Determinations**

Estimates of the burden hours and annual costs for each information collection requirement are shown below. Data are based upon information from the Environmental Protection Agency (EPA), the Bureau of Labor Statistics (BLS), the National Fire Protection Association (NFPA), and from the Regulatory Flexibility Analysis (December 14, 1988) prepared for the Standard. For example, the number of sites is based upon data provided by the EPA at various websites cited. OSHA relied on EPA's 2004 publication, "Cleaning up the Nation's Waste Sites." The estimated number of hours for each required task is based upon OSHA's estimate of the time it would take an average safety or health professional to perform the required task. The final estimated burden hours are based upon simple multiplication of the estimated number of hours needed for each task times the estimated number of sites or individuals regulated by the specific requirement.

The Agency determined the average wage rate for "Occupational Health and Safety Specialists" using an average hourly earning, including benefits, to represent the cost of worker time. (\$52.52)<sup>2</sup> This wage has been adjusted to reflect the fact that fringe benefits comprise roughly 29.9 percent of total employee compensation in the private sector.<sup>3</sup> The costs of labor used in this analysis are, therefore, estimates of total hourly compensation.

The Agency determined the wage rate from mean hourly wage earnings to represent the cost of employee time. The following hourly wage rates for the relevant occupational categories have

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<sup>2</sup>This mean hourly wage rate (\$36.03) corresponds to SOC code 29-9011, "Occupational Safety and Health Specialists." (Source: *May 2018 National Occupational Employment and Wage Estimates*, United States, U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2018 Archived Data: <https://www.bls.gov/oes/current/oes299011.htm>

<sup>3</sup>Source: *Employer Costs for Employee Compensation, September 2018*, United States, Bureau of Labor Statistics, U.S. Department of Labor. <https://www.bls.gov/oes/current/oes299011.htm>

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been derived from the *National Occupational Employment and Wage Estimates United States, May 2017*, published by the Bureau of Labor Statistics. For the relevant standard occupational classification category, OSHA used the wage rates reported in the Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Employment Statistics (OES), May 2018* [date accessed: July 12, 2019]. (OES data is available at <https://www.bls.gov/oes/tables.htm>. To access a wage rate, select the year, “Occupation Profiles,” and the Standard Occupational Classification (SOC) code.)

To account for fringe benefits, the Agency used the Bureau of Labor Statistics’ (BLS) March 2018 National Compensation Survey. Fringe markup is from the following BLS release: *Employer Costs for Employee Compensation* news release text; released 10:00 AM (EDT), June 8, 2018 (<https://www.bls.gov/news.release/ecec.nr0.htm>). BLS reported that for civilian workers, fringe benefits accounted for 31.4 percent of total compensation and wages accounted for the remaining 68.6 percent. To calculate the loaded hourly wage for an Occupational Health and Safety Specialist, the Agency divided the mean hourly wage by 1 minus the fringe benefits.

| <b>WAGE HOUR ESTIMATES</b>                 |                                 |                                  |  |  |
|--|---------------------------------|----------------------------------|--|--|
| <b>Occupational Title</b>                  | <b>Standard Occupation Code</b> | <b>Mean Hourly Wage Rate (A)</b> | <b>Fringe Benefits (B)<sup>4</sup></b> | <b>Loaded Hourly Wage Rate (C) = (A)/(1-(B))</b> |
| Occupational Health and Safety Specialists | 29-9011                         | \$36.03                          | .314                                   | \$52.52  |

The HAZWOPER rule applies to employers engaged in three types of operations:

**Type 1:** clean-up sites covered by paragraphs (b) through (o);

**Type 2:** treatment, storage, and disposal (TSD) sites (Resource Conservation and Recovery Act) (RCRA) sites covered by paragraph (p); and

**Type 3:** emergency responders (police and fire departments) covered by paragraph (q).

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<sup>4</sup>Source: Employer Costs for Employee Compensation Supplementary Table 2. U.S. Department of Labor, Bureau of Labor Statistics, June 2018.



**TYPE 1:** In preparing the burden hour estimates for the collection of information requirements in the HAZWOPER rule, OSHA still assumes that employers now engaged in operations at 90 percent of the cleanup sites are performing this type of work during the period covered when the last burden hour estimates were made in 2015. Therefore, they have already completed a number of collection of information activities that were “one time” activities such as developing a written safety and health program, however, they may have to modify or update their program. OSHA assumes that employers at 10 percent of the clean-up sites will have to modify or update their programs and employers at another 10 percent will prepare a program for the first time.

**TYPE 2:** OSHA estimates that employers on 65 percent of the sites classified as TSD sites (RCRA) have already performed the information collection activities required in paragraph (p). This rate is less than the rate (90 percent) estimated for clean-up sites because OSHA believes that there may be some non-permitted TSD sites; i.e., sites for which EPA has yet to issue a permit for work to begin. Employers at those sites most likely have not completed any of the information collection activities required by paragraph (p) of the HAZWOPER rule.

**TYPE 3:** OSHA estimates that 90 percent of the employers covered by the requirements applicable to emergency response operations in paragraph (q) have completed their obligations with respect to information collection activities. The majority of requirements under paragraph (q) address training and education standards that the emergency response community (police and fire) implements as a usual and customary activity and, therefore, would have performed these activities prior to promulgation of 29 CFR 1910.120.

### Estimating the Number of Sites

The numbers of actual sites covered by this rule have been taken from EPA’s figures in Exhibit 1-1 in “Cleaning Up the Nation’s Waste Sites: Markets and Technology Trends,” 2004 Edition, supplemented where possible with more recent figures, as indicated below. Accordingly, OSHA estimates that there are 131,821 sites remaining to be remediated. EPA has estimated that the current inventory of uncontrolled waste sites could be remediated within 70 years and that the current inventory of RCRA remediation sites could be remediated within 30 years. Without a detailed analysis of how many sites will be active during each of the next 70 years, OSHA has decided to take the total number of sites to be remediated in each category and to divide that figure by either 70 or 30 to determine the average number of active sites/year/category over the estimated remediation time. OSHA will use that average figure in ascertaining its estimated annual information collection burden for each category of sites.

**TYPE 1:** Based on EPA, there are 1,205 current National Priorities List (NPL) sites undergoing remediation.<sup>5</sup> OSHA recognizes that there are far more Superfund clean-up sites that have been identified and that will eventually be placed on the NPL; however, OSHA is only using the NPL figure for this estimate since this figure represents more accurately the actual number of sites that are or will become active during the approval period for this notice. In addition, it is estimated that there are 6,400 Department of Defense sites, 5,000 Department of Energy sites, more than 3,000 other civilian Federal agency sites, and 23,000 state-identified sites that OSHA would consider covered by paragraphs (b) through (o) of the rule. As stated above, EPA estimates that it will take approximately 70 years to remediate these sites. Therefore, the total number of uncontrolled hazardous waste sites upon which OSHA could potentially impose a collection burden is now 38,605. Since EPA estimates that it will take 70 years to remediate this total inventory of sites, OSHA is dividing 38,605 by the 70-year figure to estimate an average annual number of potential worksites at 552 per year over the next 70 years.

**TYPE 2:** Similarly, EPA estimates that there are 3,779 potential RCRA corrective action sites<sup>6</sup> and 87,983 RCRA Underground Storage Tank remediation sites<sup>7</sup> that OSHA would consider covered by paragraph (p) of this rule. The total potential RCRA remediation sites covered by OSHA would be 91,762. EPA estimates that it will take about 30 years to remediate these sites. Using the same method described above, OSHA has determined that there will be approximately 3,059 RCRA sites under remediation each year (91,762/30).

**TYPE 3:** With respect to the requirements for emergency response, OSHA uses the figures of 29,727 emergency response units and 1,822,840 emergency response workers for this submission.<sup>8</sup> It should be noted that at least half of these workers are employed by state and

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5 Source: U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, National Priorities List, as of October 25, 2011, <http://www.epa.gov/superfund/sites/npl/index.htm>.  
[https://www.epa.gov/superfund/superfund-national-priorities-list-npl\(9-21\)](https://www.epa.gov/superfund/superfund-national-priorities-list-npl(9-21))

6Source: U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response. 2020 Corrective Action Universe. EPA estimates that Federal facilities comprise approximately 5 percent of a total of 3,779 facilities that are expected to require corrective action. <https://www.epa.gov/hw/baselines-resource-conservation-and-recovery-act-rcra-corrective-action-sites#2020>

7Source: U.S. Environmental Protection Agency, Office of Underground Storage Tanks. FY 2010 Annual Report on the Underground Storage Tank Program, page 4,  
[http://www.epa.gov/oust/pubs/fy10\\_annual\\_ust\\_report\\_3-11.pdf](http://www.epa.gov/oust/pubs/fy10_annual_ust_report_3-11.pdf)

\*\*[https://www.epa.gov/sites/production/files/2014-02/documents/fy10\\_annual\\_ust\\_report\\_3-11.pdf](https://www.epa.gov/sites/production/files/2014-02/documents/fy10_annual_ust_report_3-11.pdf)

8According to the National Fire Protection Association, in 2010, the total number of fire departments was 30,052 and the total number of firefighters was 1,140,750. Source: <http://www.nfpa.org/itemDetail.asp?>

local governments of states that do not have a state plan in effect, or they are paid volunteers. These workers are not covered by the OSHA rules, and the burden associated with their numbers is being eliminated in this paperwork submission.

**(A) TYPE 1 -- Clean Up Sites**

**1. Written Safety and Health Program**

Paragraph 1910.120(b)(1)(i) requires employers to develop and implement a written safety and health program for their workers involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards, and provide for emergency response to hazardous waste operations. The following elements of the program are specified in 1910.120(b)(1)(ii): (A) an organizational structure (1910.120(b)(2)(i) and (ii)); (B) a comprehensive work plan (1910.120(b)(3)(iv), (v), and (vi)); (C) a site-specific safety and health plan that need not repeat the employer's standard operating procedures required in paragraph (b) (1)(ii)(F) of this section (1910.120(b)(4)(i) and (ii), (c)(1), (d)(2) and (d)(3), (g)(5), and (p)(1)); (D) the safety and health training program (1910.120(e)(1)); (E) the medical surveillance program (1910.120(f)(1), (f)(3), and (f)(4)); (F) the employer's standard operating procedures for safety and health; and (G) any necessary interface between general program and site specific activities.

|     |  |                         |
|-----|--|-------------------------|
| (A) | Estimated time to develop an organizational structure:   | .5 hour per site        |
| (B) | Estimated time to develop a comprehensive work plan:   | .5 hour per site        |
| (C) | Estimated time to develop a site-specific safety and health plan:                                | 2 hours per site        |
| (D) | Estimated time to develop a safety and health training program:                                  | 8 hours per site        |
| (E) | Estimated time to develop a medical surveillance program:  | 4 hours per site        |
| (F) | Estimated time to develop SOP for safety and health:   | 4 hours per site        |
| (G) | Estimated time for any necessary interface between general program and site specific activities: | <u>4 hours per site</u> |
|     | (TOTAL)  | 23 hours                |

Burden hours: 552 sites × 10% of employers preparing program for first time × 23 hours

[categoryID=955&itemID=23688&URL=Research%20&%20Reports/Fire%20statistics/The%20U.S.%20fire%20service](https://www.nfpa.org/News-and-Research/Fire-statistics-and-reports/Fire-statistics/The-fire-service/Administration/US-fire-department-profile). According to BLS, there were 642,190 police officers (SOC 33-3051 and 33-3052) employed in 2010. Source: May 2014, National Occupational Employment Statistics, [http://www.bls.gov/oes/current/oes\\_nat.htm#33-0000](http://www.bls.gov/oes/current/oes_nat.htm#33-0000). Therefore, OSHA estimates that there are a total of 1,782,940 emergency response employees (1,140,750 firefighters and 642,190 police officers).

\*\* <https://www.nfpa.org/News-and-Research/Fire-statistics-and-reports/Fire-statistics/The-fire-service/Administration/US-fire-department-profile> (fire fighters)

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= 1,270 hours  
Cost: 1,270 hours x 52.52= \$66,700

OSHA estimates that 10% of the 552 sites will spend 5.5 hours to update the following components of their safety and health plans.

- |     |   |   |
|-----|---|---|
| (B) | Estimated time to develop a comprehensive work plan:  | .5 hour per site                              |
| (C) | Estimated time to develop a site-specific safety and health plan:                                   | 1 hour per site                               |
| (G) | Estimated time for any necessary interface between<br>General program and site specific activities: | <u>4 hours per site</u><br>5.5 hours per site |

Burden hours: 552 sites × 10% modifying/updating × 5.5 hours = 304 hours  
Cost: 304 hours x \$52.52= \$15,966

**Therefore, the total burden hours for written safety and health programs are 1,574 and the cost is 82,666.**

## **2. Informing contractors and subcontractors of emergency response procedures**

Paragraph 1910.120(b)(1)(iv) requires employers who retain contractor or subcontractor services for work in hazardous waste operations to inform those contractors, subcontractors, or their representatives of the site emergency response procedures and any potential fire, explosion, health, safety or other hazards of the hazardous waste operation identified by the employer, including those identified in the employer's information program.

Paragraph 1910.120(b)(1)(v) requires the employer to make available the written safety and health program (required by #1 above) to any contractor or subcontractor or their representative who will be involved with the hazardous waste operation; to employees; to employee designated representatives; to OSHA personnel; and to personnel of other Federal, state, or local agencies with regulatory authority over the site.

Burden hours: 552 sites × 1 hour to inform of the site emergency response procedures  
and to make the written safety and health program available = 552 hours

Cost: 552 hours x \$52.52= \$28,991

## **3. Pre-entry briefings on safety and health programs**

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Paragraph 1910.120(b)(4)(iii) requires that employers conduct pre-entry briefings prior to site entry, and at such other times as necessary to ensure that workers are aware of the site safety and health plan and that this plan is being followed. Pre-entry briefing. The site specific safety and health plan shall provide for pre-entry briefings to be held prior to initiating any site activity, and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that this plan is being followed. The information and data obtained from site characterization and analysis work required in paragraph (c) of this section shall be used to prepare and update the site safety and health plan.

OSHA believes that it is a usual and customary practice at all sites to have briefings; however, because the briefing required in this rule is based on a safety and health program that may contain information that is not usual and customary, OSHA estimates the burden for this provision at one hour. In addition, OSHA estimates it will take 8 hours to conduct a site characterization and analysis in accordance with 1910.120(o).

Burden hours: 552 sites × 1 hour to conduct pre-entry briefings = 552 hours

Burden hours: 552 sites × 8 hours to evaluate hazardous waste sites = 4,416 hours

**The total burden hours for pre-entry briefings on safety and health programs are 4,968.**

Cost: 4,968 hours x \$52.52= \$260,919

**Therefore, the total burden hours for the pre-entry briefings on safety and health programs are 4,968 and the cost is \$260,919.**

#### **4. Certification of training**

Paragraph 1910.120(e)(6) requires a written certification for employees and supervisors who have received and successfully completed the training and field experience specified in paragraphs (e)(1) through (e)(4). A written certificate shall be given to each person so certified.

OSHA estimates that there are a total of 11,040 clean-up workers (552 sites x an average of 20 workers per site = 11,040) of which 10 percent or an estimated 1,104 would be new workers requiring initial training.

The Agency estimates that it will take 1 minute (1/60 hour) (0.0167) to maintain training records for the existing 11,040 clean-up workers and 3 minutes (3/60 hour) (0.05) to generate and maintain records for the 1,104 new workers.

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Burden hours: 11,040 existing workers x 1/60 (0.0167) hour to maintain and provide the written certificate to each certified person = 184 hours

Burden hours: 1,104 new workers x 3/60 (0.05) hour to generate, maintain, and provide the written certificate to each certified person = 55 hours

Cost: 184 hours + 55 hours = 239 hours x \$52.52= \$12,552

### **5. Certification of refresher training**

Paragraph 1910.120(e)(8) requires that workers specified in paragraph (e)(1) of this section, and managers and supervisors specified in paragraph (e)(4) of this section, shall receive refresher training annually on the items specified in paragraph (e)(2) and/or (e)(4) of this section, any critique of incidents that have occurred in the past year that can serve as training examples of related work, and other relevant topics. Employers must certify that workers receive refresher training and that it takes 1 minute 1/60 (0.02) hour to maintain records for existing workers and 3 minutes (3/60 (0.05 hour) to generate and maintain the certification record for new workers.

Burden hours: 11,040 existing workers x 1/60 (0.0167) hour = 184

Burden hours: 1,104 new workers x 3/60 (.05) hour = 55

Cost: (184 hours + 55 hours) = 239 hours x \$52.52= \$12,552

### **6. Medical exam frequency**

Paragraph 1910.120(f)(3) requires certain workers to receive medical exams based on the criteria in the medical surveillance program of the safety and health program (see (b)(1) above).

Paragraph 1910.120(f)(4) details the content of the medical exam and paragraph 1910.120(f)(6) requires that certain information be provided to the attending physician and to each worker.

Based on the previous ICR, OSHA estimates that there are 11,040 clean-up workers. OSHA estimates that it will take 1.5 hours for a medical exam, including travel time, and 15 minutes (.25 hr.) for the employer to provide the necessary information to the physician for a total of 1.75 hours. According to the RIA, it was estimated that 75 percent of employees and supervisors were receiving annual medical examinations as a usual and customary business practice.

Burden hours: 11, 040 workers × 25% need medical exams × 1.75 hours to perform exam

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= 4,830 hours

Cost: 4,830 hours x \$52.52= \$253,672

## **7. Written physician opinion to the employee**

Paragraphs 1910.120(f)(7) and 1910.120(f)(8)(i) requires the employer to provide the employee with a copy of the written physician opinion. The information which has been given to the physician in (f)(6) must be maintained.

The Agency estimates that it will take 10 minutes (10/60 hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record.

Burden hours: 11,040 workers × 10/60 (0.166667) hours = 1,840 hours

Cost: 1,840 hours x \$52.52 = \$96,637

## **8. Monitoring program requirements**

Paragraph 1910.120(h) requires employers to develop a monitoring program. The program specifies the: (1) Type of monitoring, (2) the frequency, and (3) the workers to be monitored. The HAZWOPER Standard prescribes the criteria for the three elements. This information is used in the elements of the safety and health program required in 1910.120(b)(1) described above. This information is also used in the briefings required in 1910.120 (b)(4)(iii) and to fulfill the requirements of 1910.120(c)(7). Based on the RIA, it takes four hours to conduct the monitoring at each site. Note that most monitoring is done by automatic machines (monitors) which record the results or by a personal badge worn by workers.

Burden hours: 552 sites × 4 hours for employers to develop a monitoring program =  
2,208 hours

Cost: 2,208 hours x \$52.52= \$115,964

## **9. Decontamination procedures**

Paragraph 1910.120(k)(2)(i) requires employers to develop a decontamination procedure and to communicate it to employees and implement it before any workers or equipment may enter areas on site where a potential for exposure to hazardous substances exists.

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Burden hours:  $552 \text{ sites} \times 6 \text{ hours to develop a decontamination procedure and to communicate it to employees} = 3,312 \text{ hours}$

Cost:  $3,312 \text{ hours} \times \$52.52 = \$173,946$

## 10. Emergency action plan

Paragraph 1910.120(l)(1)(i) requires that employers develop and implement an emergency action plan to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by workers, their representatives, OSHA personnel and other government agencies with relevant responsibilities.

As discussed under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is using a 10 percent turnover rate to account for new employers (sites). For the existing 553 sites, OSHA estimates that it takes one minute (1/60 (.0167 hour) to maintain the plan.

Burden hours:  $553 \text{ sites} \times 10\% \times 8 \text{ hours to prepare and maintain emergency action plan} = 442 \text{ hours}$

Burden hours:  $552 \text{ existing plans} \times 1/60 (.0167) \text{ hours to maintain plan} = 9 \text{ hours}$

Cost:  $(442 \text{ hours} + 9 \text{ hours}) = 451 \text{ hours} \times \$52.52 = \$23,687$

## 11. Marking water containers as containing drinking water

Paragraph 1910.120(n)(1)(iii) requires that any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

OSHA assumes that employers have completed developing appropriate language to fulfill the requirement. OSHA assumes this task will take 10 minutes (10/60 (0.16667) hours).

Burden hours:  $552 \text{ sites} \times 10\% \text{ new} \times 10 \text{ containers per site} \times 10/60 \text{ hours to mark} = 92 \text{ hours}$

Cost:  $92 \text{ hours} \times \$52.52 = \$4,832$



## 12. Marking of outlets for non-potable water

Paragraph 1910.120(n)(2)(i) requires that outlets for non-potable water, such as water for firefighting purposes, be identified to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

Burden hours:  $552 \text{ sites} \times 10\% \text{ new} \times 10 \text{ outlets per site} \times 10/60 (0.16667) \text{ (hours to mark)} = 92 \text{ hours}$

Cost:  $92 \text{ hours} \times \$52.52 = \$4,832$

## 13. New technology requirements

Paragraph 1910.120(o) requires employers to develop and implement procedures for the introduction of new technologies and equipment developed for improved worker protection.

As discussed above under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is using a 10 percent turnover rate to account for new employers (sites) and estimates that it takes 6 hours to develop and implement procedures for the introduction of new technologies and equipment for improved worker protection.

Burden hours:  $552 \text{ sites} \times 10\% \text{ new} \times 6 \text{ hours to develop and implement procedures} = 331 \text{ hours}$

Cost:  $331 \text{ hours} \times \$52.52 = \$17,384$

## **(B) TYPE 2-- RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) (EPA-PERMITTED (TSD) SITES)**

## 14. Safety and Health Program

Paragraph 1910.120(p)(1) requires RCRA (TSD) site employers to develop and implement a safety and health program. As part of this safety and health program, employers are required to develop a training program as specified in paragraph 1910.120(p)(7)(i), and an emergency response plan as specified in paragraph 1910.120(p)(8).

As stated under the TYPE 2 discussion above, OSHA estimates that 65 percent of the sites have already completed this requirement.

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Burden hours:  $3,059 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 6,424 \text{ hours}$

Cost:  $6,424 \text{ hours} \times \$52.52 = \$337,389$

In addition, the Agency estimates that 10 percent of the sites may need to update/modify their plans, and that it will take 2 hours to update or modify these plans.

Burden hours:  $3,059 \text{ sites} \times 10\% \times 2 \text{ hours} = 612 \text{ hours}$

Cost:  $612 \times \$52.52 = \$32,142$

**Therefore, the total burden hours for the Safety and Health Program are 7,036 and the cost is \$369,531**

#### **15. Hazard communication program**

Paragraph 1910.120(p)(2) requires RCRA (TSD) sites employers to develop a hazard communication program.

Burden hours:  $3,059 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 6,424 \text{ hours}$

Cost:  $6,424 \text{ hours} \times \$52.52 = \$337,388$

In addition, the Agency estimates that 10 percent of the sites may need to update/modify their plans, and that it will take 2 hours to update or modify these plans.

Burden hours:  $3,059 \text{ sites} \times 10\% \times 2 \text{ hours} = 612 \text{ hours}$

Cost:  $612 \times \$52.52 = \$32,142$

**Therefore, the total burden hours for the Hazard Communication Program are 7,036 and the cost is \$369,530**

#### **16. Medical surveillance program**

Paragraph 1910.120(p)(3) requires RCRA (TSD) site employers to provide worker medical exams as specified in paragraph 1910.120(f).

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Based on previous paperwork packages, and using the same methodology for employees in Type 1, OSHA estimates that there are an estimated 45,885 TSD site employees (3,059 sites x 15 workers per site). OSHA also estimates that it will take 1.5 hours for a medical exam, including travel time, and 15 minutes 15/60 (0.25 hr.) for the employer to provide the necessary information to the physician. The Agency also estimates that it will take 10 minutes (10/60 (0.17) hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record. Based on the RIA, it is estimated that, on average, 70 percent of the RCRA employees and supervisors receive annual medical reexaminations as a usual and customary business practice.

Burden hours:  $45,885 \times 30\% \times 1.92 \text{ hrs.} = 26,430 \text{ hours}$

Cost:  $26,430 \text{ hours} \times \$52.52 = \$1,388,104$

### **17. Decontamination program**

Paragraph 1910.120(p)(4) requires RCRA (TSD) site employers to develop a decontamination program.

Burden hours:  $3,059 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 6,424 \text{ hours}$

Cost:  $6,424 \text{ hours} \times \$52.52 = \$337,389$

### **18. New technology program**

Paragraph 1910.120(p)(5) requires the employer to develop and implement procedures meeting the requirements of paragraph (o) of this section (i.e., introducing new and innovative equipment into the workplace).

Burden hours:  $3,059 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = 6,424 \text{ hours}$

Cost:  $6,424 \text{ hours} \times \$52.52 = \$337,389$

### **19. Material handling program**

Paragraph 1910.120(p)(6) requires employers whose employees will be handling drums or containers to develop and implement procedures meeting the requirements of paragraphs 1910.120(j)(1)(ii) through (viii), (j)(1)(xi), (j)(3) and (j)(8) of this section prior to the employees starting such work.

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Burden hours: 3,059 sites × 35% new sites × 6 hours per site = 6,424 hours

**Cost:** 6,424 hours x \$52.52 = \$337,389

### **Updating plans and procedures**

In addition, the Agency estimates that 10 percent of new employers (3,059 x 10% = 306) will need to update their decontamination plans (Item 19), their new technology program procedures (Item 20), and/or their material handling program procedures (Item 21) and that it will take 2 hours to do so.

Burden hours: 306 x 2 hours = 612

Cost: 612 hours x \$52.52 = \$32,142

**Therefore, the total burden hours for the material handling program are 7,036 and the cost is \$369,531**

### **20. Certification of training program**

1. Paragraph 1910.120(p)(7)(i) requires the employer to develop a training program, which is part of the employer's safety and health program, for new workers exposed to health hazards or hazardous substances at TSD operations to enable the workers to perform their assigned duties

and functions in a safe and healthful manner so as not to endanger themselves or other employees. It is estimated that 45,885 TSD employees will require training.<sup>9</sup>

Workers who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training. This certificate will also fulfill employer obligations under paragraph 1910.120(p)(8)(iii)(C) which requires the employer to certify that each covered worker has attended and successfully completed the training required in paragraph (p)(8)(iii) of this section, or shall certify the employee's competency at least yearly. The method used to demonstrate competency for certification of training shall be recorded and maintained by the employer. The Agency estimates that it will

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<sup>9</sup>Workers referenced in paragraphs 1910.120(p)(8)(iii)(A), (training for emergency response workers) and paragraph 1910.120(p)(8)(iii)(B) (training employee members of TSD facility emergency response organizations) are included in the 45,885 TSD workers.

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take 1 minute (1/60 hour) (0.01667) to maintain records for current workers and 3 minutes (3/60 hour) (0.05) to generate and maintain each record for new workers.

Burden hours: 45,885 current TSD workers × 1/60 (0.01667) hours to maintain existing certification/competency records = 765 hours

Cost: 765 hours x \$52.52 = \$40,178

Burden hours: (45,885 x 10%) = 4,589 new workers x 3/60 (0.05) hour to generate and maintain certification/competency records = 229 hours

Cost: 229 hours x \$52.52 = \$12,027

**Therefore, the total burden hours for generating and/or maintaining the training program certification/competency records are 994 hours and the cost is \$52,205.**

### **(C) TYPE 3 -- EMERGENCY RESPONSE WORKERS**

#### **21. Emergency response plan**

Paragraph 1910.120(q)(1) requires that an emergency response plan be developed and implemented to handle anticipated emergencies prior to the commencement of emergency response operations. The plan shall be in writing and available for inspection and copying by workers, their representatives, and OSHA personnel. Employers who will evacuate their workers from the danger area when an emergency occurs, and who do not permit any of their workers to assist in handling the emergency, are exempt from the requirements of this paragraph if they provide an emergency action plan complying with 29 CFR 1910.38(a).

Burden hours: 29,727 emergency response organizations × 50% not covered by OSHA (state and local employees) × 10% required to develop new emergency response plan × 8 hours to prepare plan = 11,891 hours

Cost: 11,891 hours x \$52.52 = \$624,515

#### **22. First responder training “at the awareness level”**

Paragraph 1910.120(q)(6)(i) describes “first responders at the awareness level” as individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They

would take no further action beyond notifying the authorities of the release. First responders at the awareness level shall have sufficient training or have had sufficient experience to objectively demonstrate competency.

As indicated above for other training requirements and upon further analysis, this requirement that employers provide training to workers under (q)(6)(i) is not considered to be a collection of information and is being removed from this ICR.

### **23. First responder certification of training “at the operations level”**

Paragraph 1910.120(q)(6)(ii): “First responders at the operations level” are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. First responders at the operations level shall have received training or have had sufficient experience to objectively demonstrate competency in several areas, in addition to those listed for the awareness level; the employer shall so certify their competency.

As indicated above for other training requirements and upon further analysis, this requirement that employers provide training to workers under (q)(6)(ii) is not considered to be a collection of information and is being removed from this ICR. However, the burden hours associated with the employer to generate and/or maintain the training/competency records are being counted.

The Agency estimates that there are a total of 1,822,840 emergency response workers. However, OSHA assumes that half of these workers are state and local government workers not covered by the Standard. Therefore, of the 1,822,840 emergency response workers, only 911,420 workers would be impacted by the Standard. Of these 911,420 workers, the Agency estimates that 41% or 373,682 workers would require training “at the operations level” and that it would take 1 minute (1/60 hour) for an employer to maintain the training certification/competency record for workers at the operations level.

Burden hours:  $373,682 \text{ workers} \times 1/60 \text{ (0.016666) hours to maintain the certification/competency record} = 6,228 \text{ hours}$

For initial training, the Agency estimates a 10% turnover rate; therefore, 37,368 workers would require initial training and that it will take 3 minutes (3/60 hour) (0.05) to generate and maintain the certification/competency record.

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Burden hours: 37,368 new hires x 3/60 (0.05) hours to generate and maintain the certification/competency record = 1,868 hours.

Cost: 6,228 hours +1,868 hours = 8,096 hours x \$52.52 = \$425,202

**Therefore, the total burden hours for certification/competency training of first responders “at the operation level” are 8,096 and the cost is \$ 425,202.**

#### **24. Hazardous material personnel -- certification of training**

Paragraph 1910.120(q)(6)(iii): “Hazardous materials technicians” are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance. Hazardous materials technicians shall have received training equal to the first responder operations level and, in addition, have competency in several additional areas; the employer shall so certify their competency.

Paragraph 1910.120(q)(6)(iv): “Hazardous materials specialists” are individuals who respond with, and who provide, technical support to, hazardous materials technicians. Their duties parallel those of the hazardous materials technician; however, those duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regards to site activities. Hazardous materials specialists shall have received training at the technician level, and have competency in several additional areas; the employer shall so certify their competency.

Paragraph 1910.120(q)(6)(v): “Incident commanders,” who will assume control of the incident scene beyond the first responder awareness level, shall receive training equal to the first responder operations level and have competency in several additional areas; the employer shall so certify their competency.

These three categories have been combined and will account for approximately 3 percent of the total 911,420 emergency response workers, or 27,343 workers.

Written Training Certification:

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For the 27,343 existing workers, the Agency estimates that it takes 1 minute (1/60.02 hour) for an employer to maintain the certification record. For initial training, the Agency estimates a 10 percent turnover rate; therefore, 2,734 workers would require an initial training certification record. It is estimated to take 3 minutes (3/60 ( 0.05 hour) to generate and maintain the record.

Burden hours: 27,343 existing workers x 1/60 (0.01667) hour to maintain record = 456 hours

Burden hours: 2,734 workers requiring initial training × 3/60 (0.05) hour to generate and maintain certification record = 137 hours

Cost: 456 hours + 137 hours = 593 hours x \$52.52 = \$31,144

## **25. Refresher training**

Paragraph 1910.120(q)(8)(i) requires that those workers who are trained in accordance with paragraph (q)(6) of this section receive annual refresher training of sufficient content and duration to maintain their competencies, or that they demonstrate competency in those areas at least yearly.

As indicated earlier and upon further analysis, the requirements that employers provide training to workers are not considered collections of information and are being removed from this ICR. However, the burden hours associated with the requirement for the employer to generate and/or maintain a certification record will be retained. The burden hours for this provision are taken under paragraph 1910.120(q)(8)(ii) (Item 26 below).

## **26. Statement of competency**

Paragraph 1910.120(q)(8)(ii) requires that a statement be made of the training or competency required by paragraph 1910.120(q)(8)(ii), and that the employer shall keep a record of the methodology used to demonstrate competency. (It is higher because the methodology needs to be recorded).

Burden hours: 911,420 emergency response workers × 10/60 (0.166666) hour per responder = 151,903 hours

Cost: 151,903 hours x \$52.52 = \$7,977,946

## **27. Baseline physical exams for members of organized and designated HAZMAT team and hazardous materials specialists**



Paragraph 1910.120(q)(9) requires that members of an organized and designated HAZMAT team and hazardous materials specialists receive a baseline physical examination.

Based on the RIA, OSHA estimates that 3,000 HAZMAT employees will take 1.5 hours for a medical exam, including travel time, and 15 minutes (15/60 hours) for the employer to provide the necessary information to the physician. The Agency also estimates that it will take 10 minutes (10/60 hour) to furnish the worker with the written opinion, and to develop and maintain the employee medical record.

Burden hours: 3,000 workers × 1.75 (1.9166) hours = 5,750 hours

Cost: 5,750 hours x \$52.52 = \$301,990

## **28. Disclosure of written safety and health programs, emergency action plans, emergency response plans and training certification records**

Usually, OSHA requests access to records during an inspection. The Agency has determined that information collected by the Agency during the investigation is not subject to the PRA under 5 CFR 1320.4(a)(2). Therefore, OSHA takes no burden or cost for disclosure of records.

## **13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**

- **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.**

Costs under item 13 for complying with the Hazardous Waste Operations and Emergency Response standard are included under those costs in Item 12, except for the costs of medical exams. Medical exams cost \$169.00 each. OSHA estimates that workers will receive annual medical exams.

**TYPE 1:** 11,040 (25%) workers = 2,760 workers  
**TYPE 2:** 45,885 (30%) workers = 13,766 workers  
**TYPE 3:** 3,000 HAZMAT workers= 3000 workers

Cost: 19,526 workers × \$169/exam = \$3,299,894

**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.**

OSHA does not take cost for other occupational expenses, such as equipment, overhead, and support staff expenses, since these costs are normal expenses and would have occurred without these collections of information requirements.

**15. Explain the reasons for any program changes or adjustments.**

The Agency is requesting an adjustment decrease of 1,256 burden hours from the previous submission (from 261,551 hours to 260,295 hours). This adjustment is due, primarily, to a slight decline in the number of emergency response organizations from 30,052 to 29,727, a decrease of

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325 organizations. There also is a cost adjustment under Item 13 from \$3,124,960 to \$3,299,894 (an increase of 174,934). The slight increase was due to an increase in the costs of the medical exam from \$160 to \$169.

**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.**

OSHA will not publish the information collected under the Standard.

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

OSHA lists current valid control numbers in §§1910.8, 1915.8, 1917.4, 1918.4, and 1926.5 and publishes the expiration date in the Federal Register notice announcing OMB approval of the information collection requirement. (See 5 CFR 1320.3(f)(3)). OSHA believes that this is the most appropriate and accurate mechanism to inform interested parties of these expiration dates.

**18. Explain each exception to the certification statement.**

OSHA is not requesting an exception to the certification statement.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL MEHTODS**

There are no collections of information employing statistical methods.

**TABLE 1**  
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**Rationale for Burden Hour Changes<sup>10</sup>**

|   | <i>Collection of Information</i>  | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i> | <i>Responses</i> | <i>Explanation of Adjustment</i>  |
|---|---|-----------------------------|------------------------------|-------------------|-------------|------------------|---|
| 1 | Written safety and health program -- 1910.120(b)(1)(i)  | 1,576                       | 1,574                        | -2                | \$82,666    | 110              | The burden hour decrease is due to the EPA establishment worksite decrease from 553 to 552. |
| 2 | Informing contractors and subcontractors of emergency response procedures -- 1910.120(b)(1)(iv) | 553                         | 552                          | -1                | \$28,991    | 552              | The burden hour decrease is due to the EPA establishment worksite decrease from 553 to 552. |
|   |   |                             |                              |                   |             |                  | The burden hour   |

<sup>10</sup> The HAZWOPER rule applies to employers engaged in three types of operations: Type 1: clean-up sites covered by paragraphs (b) through (o); Type 2: storage, treatment and disposal (STD) sites (Resource Conservation and Recovery Act) (RCRA) sites covered by paragraph (p); and Type 3: emergency responders (police and fire departments) covered by paragraph (q).

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|   | <b><i>Collection of Information</i></b>                   | <b><i>Current Burden Hours</i></b> | <b><i>Proposed Burden Hours</i></b> | <b><i>Adjustment</i></b> | <b><i>Cost</i></b> | <b><i>Responses</i></b> | <b><i>Explanation of Adjustment</i></b>  |
|---|---|------------------------------------|-------------------------------------|--------------------------|--------------------|-------------------------|--|
| 3 | Pre-entry briefings on S&H programs – 1910.120(b)(4)(iii) | 4,977                              | 4968                                | -9                       | \$260,919          | 1,104                   | decrease is due to the EPA establishment worksite decrease from 553 to 552.                |
| 4 | Certification of training -- 1910.120 (e)(6)              | 276                                | 239                                 | -37                      | \$12,552           | 11,040                  | The burden hour decrease is due to the EPA clean-up worker decrease from 11,060 to 11,040. |
| 5 | Certification of refresher training -- 1910.120(e)(8)     | 276                                | 239                                 | -37                      | \$12,552           | 11,040                  | The burden hour decrease is due to the EPA clean-up worker decrease from 11,060 to 11,040. |
| 6 | Medical exam frequency -- 1910.120(f)(3)                  | 4,839                              | 4,830                               | -9                       | \$253,672          | 2,760                   | The burden hour decrease is due to the EPA clean-up worker decrease from 11,060 to 11,040. |

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|   | <b><i>Collection of Information</i></b>                        | <b><i>Current Burden Hours</i></b> | <b><i>Proposed Burden Hours</i></b> | <b><i>Adjustment</i></b> | <b><i>Cost</i></b> | <b><i>Responses</i></b> | <b><i>Explanation of Adjustment</i></b>  |
|---|--|------------------------------------|-------------------------------------|--------------------------|--------------------|-------------------------|--|
| 7 | Written physician opinion to the employee -- 1910.120(f)(7)(i) | 1,880                              | 1,840                               | -40                      | \$96,637           | 11,040                  | The burden hour decrease is due to the EPA clean-up worker decrease from 11,060 to 11,040. |
| 8 | Monitoring program requirements -- 1910.120(h)                 | 2,212                              | 2,208                               | -4                       | \$115,964          | 552                     | The burden hour decrease is due to the EPA clean-up worker decrease from 11,060 to 11,040. |
| 9 | Decontamination procedures -- 1910.120(k)(2)(i)                | 3,318                              | 3,312                               | -6                       | \$173,946          | 552                     | The burden hour decrease is due to the EPA clean-up worker decrease from 11,060 to 11,040. |

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|    | <i>Collection of Information</i>   | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i> | <i>Responses</i> | <i>Explanation of Adjustment</i>  |
|----|--|-----------------------------|------------------------------|-------------------|-------------|------------------|---|
| 10 | Emergency action plan --1910.120(l)(1)(i)                                    | 453                         | 451                          | -2                | \$23,687    | 607              | The burden hour decrease is due to the EPA clean-up worker decrease from 11,060 to 11,040.            |
| 11 | Marking water containers as containing drinking water -- 1910.120(n)(1)(iii) | 94                          | 92                           | 2                 | \$4,832     | 552              | The burden hour decrease is due to the EPA establishment worksite decrease from 553 to 552.           |
| 12 | Marking of outlets for non-potable water -- 1910.120(n)(2)(i)                | 94                          | 92                           | 2                 | \$4,832     | 552              | The burden hour decrease is due to the EPA establishment worksite decrease from 553 to 552.No change. |
| 13 | New technology requirements -- 1910.120(o)                                   | 332                         | 331                          | 1                 | \$17,384    | 55               | The burden hour decrease is due to the EPA establishment worksite decrease from 553 to 552.           |

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|  | <i>Collection of Information</i> | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i>        | <i>Responses</i> | <i>Explanation of Adjustment</i> |
|--|----------------------------------|-----------------------------|------------------------------|-------------------|--------------------|------------------|----------------------------------|
|  | <b>TOTALS FOR CLEAN-UP SITES</b> | <b>20,880</b>               | <b>20,728</b>                | <b>-152</b>       | <b>\$1,088,634</b> | <b>40,516</b>    |                                  |

|    | <i>Collection of Information</i>                      | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i> | <i>Responses</i> | <i>Explanation of Adjustment</i>   |
|----|---|-----------------------------|------------------------------|-------------------|-------------|------------------|------------------------------------|
| 14 | <i>Safety and Health Program -- 1910.120(p)(1)</i>    | 7,036                       | 7,036                        | 0                 | \$369,531   | 1,377            | There is no change/ accommodation  |
| 15 | <i>Hazard communication program -- 1910.120(p)(2)</i> | 7,036                       | 7,036                        | 0                 | \$369,531   | 1,377            | There is no change/ accommodation. |
| 16 | <i>Medical surveillance program -- 1910.120(p)(3)</i> | 26,430                      | 26,430                       | -46               | \$1,388,104 | 13,766           | There is no change/ accommodation. |
| 17 | <i>Decontamination program --</i>                     | 6,424                       | 6,424                        | 0                 | \$337,389   | 1,071            | There is no change/ accommodation. |



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|    | <b>Collection of Information</b>                      | <b>Current Burden Hours</b> | <b>Proposed Burden Hours</b> | <b>Adjustment</b> | <b>Cost</b>      | <b>Responses</b> | <b>Explanation of Adjustment</b>  |
|----|---|-----------------------------|------------------------------|-------------------|------------------|------------------|---|
|    | <i>1910.120(p)(4)</i>                                 |                             |                              |                   |                  |                  |   |
| 18 | <i>New technology program -- 1910.120(p)(5)</i>       | 6,424                       | 6,424                        | 0                 | \$337,389        | 1,071            | There is no change/ accommodation.  |
| 19 | <i>Material handling program -- 1910.120(p)(6)</i>    | 6,424                       | 6,424                        | 0                 | \$337,389        | 1,071            | There is no change/ accommodation.  |
|    | Updating plans and procedures                         | 612                         | 612                          | 0                 | \$32,142         | 306              | There is no change/ accommodation.  |
| 20 | Certification of training program-- 1910.120(p)(7)(i) | 1,147                       | 994                          | -153              | \$52,20          | 50,474           | The burden decrease is due to the Agency using fractions with the time instead of decimal calculations. The Agency believes that the approach is easier for the public to follow. |
|    | <b>TOTALS FOR RCRA (TSD) SITES</b>                    | <b>61,533</b>               | <b>61,334</b>                | <b>-199</b>       | <b>3,223,680</b> | <b>70,513</b>    |   |

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|  | <i>Collection of Information</i> | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i> | <i>Responses</i> | <i>Explanation of Adjustment</i> |
|--|----------------------------------|-----------------------------|------------------------------|-------------------|-------------|------------------|----------------------------------|
|  |                                  |                             |                              |                   |             |                  |                                  |

|    | <i>Collection of Information</i>   | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i> | <i>Responses</i> | <i>Explanation of Adjustment</i>  |
|----|--|-----------------------------|------------------------------|-------------------|-------------|------------------|---|
| 21 | Emergency response plan -- 1910.120(q)(1)  | 12,021                      | 11,891                       | -130              | \$624,515   | 1,486            | The number of emergency response organizations decreased from 30,052 to 29,727.     |
| 22 | First responder certification of training "at the awareness level" – 1910.120(q)(6)(i) | 0                           | 0                            | 0                 | \$0         | 0                | As indicated above for other training requirements, this requirement that employers |

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|    | <b>Collection of Information</b>  | <b>Current Burden Hours</b> | <b>Proposed Burden Hours</b> | <b>Adjustment</b> | <b>Cost</b> | <b>Responses</b> | <b>Explanation of Adjustment</b>   |
|----|---|-----------------------------|------------------------------|-------------------|-------------|------------------|--|
|    |   |                             |                              |                   |             |                  | provide first responder training at the awareness level to workers under (q)(6)(i) is not considered to be a collection of information and is being removed from this ICR. |
| 23 | First responder certification of training "at the operations level" -- 1910.120(q)(6)(ii) | 9,138                       | 8,096                        | -1,042            | \$425,202   | 411,050          | The total number of emergency response workers impacted by the standards increased from  |

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|          | <b>Collection of Information</b>   | <b>Current Burden Hours</b> | <b>Proposed Burden Hours</b> | <b>Adjustment</b> | <b>Cost</b> | <b>Responses</b> | <b>Explanation of Adjustment</b>   |
|----------|--|-----------------------------|------------------------------|-------------------|-------------|------------------|--|
|          |  |                             |                              |                   |             |                  | 891,470 to 911,420.  |
| 24<br>24 | Hazardous material personnel (certification of training) -- 1910.120(q)(6)(iii), (iv), (v) | 669                         | 593                          | -76               | \$31,144    | 30,077           | The total number of emergency response workers impacted by the standards increased from 891,470 to 911,420.                    |
| 25       | Refresher training (Certification record) -- 1910.120(q)(8)(i)                             | 0                           | 0                            | 0                 | \$0         | 0                | As indicated earlier and upon further analysis, the requirements that employers provide training to workers are not considered |

|  | <b><i>Collection of Information</i></b> | <b><i>Current Burden Hours</i></b> | <b><i>Proposed Burden Hours</i></b> | <b><i>Adjustment</i></b> | <b><i>Cost</i></b> | <b><i>Responses</i></b> | <b><i>Explanation of Adjustment</i></b>   |
|--|---|------------------------------------|-------------------------------------|--------------------------|--------------------|-------------------------|---|
|  |   |                                    |                                     |                          |                    |                         | collections of information and are being removed from this ICR. However, the burden hours associated with the requirement for the employer to generate and/or maintain a certification record will be retained. The burden hours for this provision are taken under |

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|    | <b>Collection of Information</b>  | <b>Current Burden Hours</b> | <b>Proposed Burden Hours</b> | <b>Adjustment</b> | <b>Cost</b> | <b>Responses</b> | <b>Explanation of Adjustment</b>  |
|----|---|-----------------------------|------------------------------|-------------------|-------------|------------------|---|
|    |   |                             |                              |                   |             |                  | paragraph 1910.120(q)(8)(ii) (Item 26 below).   |
| 26 | Statement of competency for refresher training under 1910.120(q)(8)(i) -- 1910.120(q)(8)(ii)                      | 151,550                     | 151,903                      | 353               | \$7,977,946 | 911,420          | The total number of emergency response workers impacted by the standards increased from 875,570 to 891,470. 911,420 |
| 27 | Baseline physical exams for members of organized and designated HAZMAT team and hazardous materials specialists – | 5,760                       | 5,750                        | -10               | \$301,990   | 3,000            | The total number of emergency response workers impacted by  |

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|    | <i>Collection of Information</i>   | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i>        | <i>Responses</i> | <i>Explanation of Adjustment</i>                          |
|----|--|-----------------------------|------------------------------|-------------------|--------------------|------------------|---|
|    | 1910.120(q)(9)   |                             |                              |                   |                    |                  | the standards increased from 875,570 to 891,470to 911,420 |
|    | <b>TOTALS FOR EMERGENCY RESPONSE OPERATIONS</b>  | <b>179,138</b>              | <b>178,233</b>               | <b>- 905</b>      | <b>\$9,360,797</b> | <b>1,357,033</b> |   |
| 28 | Disclosure of written safety and health programs, emergency action plans, emergency response plans, and training certification records | <b>0</b>                    | <b>0</b>                     | <b>0</b>          | <b>0</b>           | <b>0</b>         | There is no change/ accommodation.                        |
|    | <b>CLEAN-UP SITES</b>  | <b>20,880</b>               | <b>20,728</b>                | <b>-152</b>       | <b>\$1,088,634</b> | <b>40,516</b>    |   |
|    | <b>RCRA (TSD) SITES</b>  | <b>61,533</b>               | <b>61,334</b>                | <b>-199</b>       | <b>\$3,223,680</b> | <b>70,513</b>    |   |
|    | <b>EMERGENCY RESPONSE OPERATIONS</b>   | <b>179,138</b>              | <b>178,233</b>               | <b>-905</b>       | <b>\$9,360,797</b> | <b>1,357,033</b> |   |

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|  | <i>Collection of Information</i>                             | <i>Current Burden Hours</i> | <i>Proposed Burden Hours</i> | <i>Adjustment</i> | <i>Cost</i>         | <i>Responses</i> | <i>Explanation of Adjustment</i> |
|--|--|-----------------------------|------------------------------|-------------------|---------------------|------------------|----------------------------------|
|  | <b>DISCLOSURE OF WRITTEN PLANS AND CERTIFICATION RECORDS</b> | <b>0</b>                    | <b>0</b>                     | <b>0</b>          | <b>0</b>            | <b>0</b>         |                                  |
|  | <b>TOTALS</b>  | <b>261,551</b>              | <b>260,295</b>               | <b>-1,256</b>     | <b>\$13,673,111</b> | <b>1,468,062</b> |                                  |



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| <b>Table 2: Estimated Annualized Respondent Hour and Cost Burden Table</b> |   |                           |  |                               |   |                           |                              |                           |
|--|---|---------------------------|--|-------------------------------|---|---------------------------|------------------------------|---------------------------|
| <b>Information Collection Requirement</b>                                  | <b>Type of Respondent*</b>                | <b>No. of Respondents</b> | <b>No. of Responses per Respondent</b> | <b>Total No. of Responses</b> | <b>Avg. Burden per Response (In Hrs.)</b> | <b>Total Burden Hours</b> | <b>Avg. Hourly Wage Rate</b> | <b>Total Burden Costs</b> |
| <b>A. Type 1 – Clean Up Sites</b>  |   |                           |  |                               |   |                           |                              |                           |
| 1) Written Safety & Health   | Occupational Safety and Health Specialist | 29,727                    | .0037                                  | 110                           | 28.5                                      | 1,574                     | \$52.52                      | 82,666                    |
| 2) Informing contractors & subcontractors                                  | Occupational Safety and Health Specialist | 29,727                    | .01856                                 | 552                           | 1   | 552                       | \$52.52                      | \$28,991                  |
| 3) Pre-entry briefings   | Occupational Safety and Health Specialist | 29,727                    | .03713                                 | 1,104                         | 9   | 4,968                     | \$52.52                      | \$260,919                 |
| 4) Certificate of training   | Occupational Safety and Health Specialist | 29,727                    | .40851                                 | 12,144                        | 4/60                                      | 239                       | \$52.52                      | \$12,552                  |
| 5) Certificate of refresher training                                       | Occupational Safety and Health Specialist | 29,727                    | .371379                                | 11,040                        | 0.02                                      | 239                       | \$52.52                      | \$12,552                  |

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|  |   |        |         |        |      |       |         |           |
|--|---|--------|---------|--------|------|-------|---------|-----------|
| 6) Medical Exam freq.                    | Occupational Safety and Health Specialist | 29,727 | .09286  | 2,760  | 1.75 | 4,830 | \$52.52 | \$253,672 |
| 7) Written physician opinion to employee | Occupational Safety and Health Specialist | 29,727 | .371379 | 11,040 | 0.17 | 1,840 | \$52.52 | \$96,637  |
| 8) Monitoring program req.               | Occupational Safety and Health Specialist | 29,727 | .018568 | 552    | 4    | 2,208 | \$52.52 | \$115,964 |
| 9) Decontamination                       | Occupational Safety and Health Specialist | 29,727 | .018568 | 552    | 6    | 3,312 | \$52.52 | \$173,946 |
| 10) Emergency action Plan                | Occupational Safety and Health Specialist | 29,727 | .020419 | 607    | 8.02 | 451   | \$52.52 | \$23,687  |
| 11) Marking H2O containers               | Occupational Safety and Health Specialist | 29,727 | .018568 | 552    | 0.17 | 92    | \$52.52 | \$4,832   |
| 12) Marking of outlets non potable H2O   | Occupational Safety and Health Specialist | 29,727 | .018568 | 552    | 0.17 | 92    | \$52.52 | \$4,832   |

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|   |   |        |         |        |     |        |         |             |
|---|---|--------|---------|--------|-----|--------|---------|-------------|
| 13) New Technology Requirements                       | Occupational Safety and Health Specialist | 29,727 | .00185  | 55     | 6   | 331    | \$52.52 | \$17,384    |
| <b>B) Type 2 Resource Conservation &amp; Recovery</b> |   |        |         |        |     |        |         |             |
| 14) Safety & Health Program                           | Occupational Safety and Health Specialist | 29,727 | .046321 | 1,377  | 8   | 7,036  | \$52.52 | 369,531     |
| 15) Hazard Communication Program                      | Occupational Safety and Health Specialist | 29,727 | .046321 | 1,377  | 8   | 7,036  | \$52.52 | 369,531     |
| 16) Medical Surveillance                              | Occupational Safety and Health Specialist | 29,727 | .463081 | 13,766 | 1.6 | 26,384 | \$52.52 | \$1,388,104 |
| 17) Decontamination                                   | Occupational Safety and Health Specialist | 29,727 | .036027 | 1,071  | 6   | 6,424  | \$52.52 | \$337,389   |
| 18) New Technology                                    | Occupational Safety and Health Specialist | 29,727 | .036027 | 1,071  | 6   | 6,424  | \$52.52 | \$337,389   |

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|   |   |        |           |         |           |        |         |           |
|---|---|--------|-----------|---------|-----------|--------|---------|-----------|
| 19) Material Handling                       | Occupational Safety and Health Specialist | 29,727 | .046321   | 1,377   | 2         | 7,036  | \$52.52 | \$369,531 |
| 20) Certification of Training               | Occupational Safety and Health Specialist | 29,727 | 1.697917  | 50,474  | 0.07      | 994    | \$52.52 | \$52,205  |
| <b>C) Type 3 Emergency Response Workers</b> |   |        |           |         |           |        |         |           |
| 21) Emergency Response Plan                 | Occupational Safety and Health Specialist | 29,727 | .049998   | 1,486   | 8         | 11,891 | \$52.52 | \$624,515 |
| 22) First Responders Training               | Occupational Safety and Health Specialist |        |           |         | No burden |        |         |           |
| 23) First Responder Certification           | Occupational Safety and Health Specialist | 29,727 | 13.827496 | 411,050 | 0.07      | 8,096  | \$52.52 | \$425,202 |
| 24) Hazardous material                      | Occupational Safety and Health Specialist | 29,727 | 1.011773  | 30,077  | 0.07      | 593    | \$52.52 | \$31,144  |

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|   |   |        |          |         |      |                         |         |             |
|---|---|--------|----------|---------|------|-------------------------|---------|-------------|
| 25) Refresher Training                            | Occupational Safety and Health Specialist |        |          |         |      | Burden taken in item 26 |         |             |
| 26) Statement of Competency                       | Occupational Safety and Health Specialist | 29,727 | 30.65966 | 911,420 | 0.17 | 151,903                 | \$52.52 | \$7,977,946 |
| 27) Baseline Physical exams                       | Occupational Safety and Health Specialist | 29,727 | .100918  | 3000    | 1.92 | 5,750                   | \$52.52 | \$301,990   |
| 28) Disclosure of Written safety & health program | Occupational Safety and Health Specialist |        |          |         |      | No burden               |         |             |