

**Supporting Statement for an Information Collection Request (ICR) under
The Paperwork Reduction Act**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title and Number of the Information Collection

Title: Reporting and Recordkeeping for Asbestos Abatement Worker Protection

EPA ICR No.: 1246.14

OMB Control No.: 2070-0072

Docket ID No.: EPA-HQ-OPPT-2020-0262

1(b) Introduction and Short Characterization

This ICR covers reporting and recordkeeping requirements associated with EPA's workplace standards for the protection of state and local government employees who work with asbestos and who are not covered by a state plan approved by the Occupational Safety and Health Administration (OSHA). Currently, state and local government employees in 24 states, the District of Columbia (D.C.), and three additional U.S. territories (D.C. and the territories are counted as one "state equivalent") who perform construction work, including building construction, renovation, demolition, and maintenance activities, and employees who perform brake and clutch repair work, are covered by these requirements. EPA's asbestos work protection regulations incorporate, by reference, the OSHA Construction Industry Standard for Asbestos (29 CFR part 1926.1101) and the General Industry Standard for Asbestos (29 CFR part 1910.1001); see Attachments D and E respectively. EPA requires state and local government employers to use engineering controls and appropriate work practices to control the release of asbestos fibers. Covered employers must also monitor employee exposure to asbestos and provide employees with personal protective equipment, training, and medical surveillance to reduce the risk of asbestos exposure. Exposure monitoring records must be maintained for 30 years, medical surveillance records for the duration of employment of the affected employees plus 30 years, and training records for the duration of employment plus one year. Employers must also establish written respiratory protection programs and maintain procedures and records of respirator fit tests for one year.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The purpose of the Asbestos Worker Protection Rule (WPR) (Attachment C) is to provide protection from adverse health effects associated with occupational exposure to asbestos

for state and local government employees who are engaged in asbestos-related construction, custodial, and brake and clutch repair activities in states and territories that do not have plans approved by the Occupational Safety and Health Administration (OSHA). Akin to the OSHA standards, the WPR requires employers (in this case, state and local governments) to monitor employee exposure to asbestos, to take action to reduce exposures to levels below the permissible exposure limits (PELs), to provide employees with personal protective equipment, to monitor employee health, to train employees about the hazards of asbestos and how to minimize those hazards, and to provide employees with information about exposures to asbestos and the associated health effects.

The records maintained as a result of this information collection will provide the EPA with the data necessary for effective enforcement of the WPR, as authorized under sections 6 and 8(a) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2605, 2607(a)) (see Attachments A and B respectively).

2(b) Practical Utility/Users of the Data

The recordkeeping provisions contained in the rule are designed to ensure that employers comply with applicable standards and that protection of employees exposed to asbestos is provided to the full extent required. EPA's compliance officers examine the records for this purpose when conducting inspections. Additionally, the data contained in exposure measurements records are useful to employers in pinpointing areas of operation that may require additional efforts to reduce exposure. If these data were not collected and maintained, compliance monitoring would be very difficult for EPA, and failures of asbestos-control measures could easily go undetected by the employer.

Records of medical examinations are used by physicians who must periodically examine employees exposed to asbestos. Without records of previous medical examinations, the physician may not be able to determine whether an employee has suffered an adverse health effect since his or her last examination. Furthermore, when symptoms of organic damage appear, the physician often needs information regarding the patient's previous medical condition in order to make an accurate diagnosis of the new problem, its apparent cause, and the course of treatment required.

In addition, the data and information contained in the records required to be kept and maintained by the WPR may be used by EPA for the development of asbestos exposure assessments. Exposure data and medical surveillance information may be used for epidemiological and diagnostic investigations to determine, for example, dose-response relationships in diseases caused by asbestos exposure.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

EPA is not aware of any other laws or regulations that require the general compilation, maintenance, or provision of access to occupational exposure and medical records for state and local government workers in the 24 states, D.C., and the U.S. territories of American Samoa, Guam, and the Northern Mariana Islands without OSHA-approved state plans. Currently, all private sector workers as well as state and local government employees in the 26 states and two territories that have OSHA-approved plans are protected by the OSHA regulations.

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

Prior to submission to OMB, this ICR was made available to the public for comment through a Federal Register notice. The public had 60 days to provide comments. EPA did receive one comment in response to the previously provided public review opportunity issued in the Federal Register on May 20, 2020 (85 FR 30696). However, the comment was not germane to the ICR. With this submission, EPA is providing an additional 30 days for public review.

3(c) Consultations

Under 5 CFR 1320.8(d)(1) OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an original or renewal ICR to OMB for review and approval. In accordance with this regulation, EPA pursued additional consultations with interested parties during the development of the renewal of this collection. EPA contacted the following state officials in eight states that do not have an OSHA state plan and are therefore subject to the Asbestos WPR with questions regarding the ICR:

- John Bucci and Sandy Moody, Maine Department of Environmental Protection
- James Meacham, New York Department of Labor
- Ron Graham, Virginia Department of Labor and Industry
- Tamara Petterson, Washington Department of Labor and Industries
- Colin Boyson, Minnesota Department of Health
- Tom Wuehr, Iowa Department of Natural Resources
- Robin Mack, South Carolina Department of Health and Environmental Control
- Linda Williams, Indiana Department of Environmental Management

The questions EPA asked included:

1. Are the data that EPA seeks under this ICR available from any public source or already collected by another EPA office or by another agency? If so, where can the data be found?
2. Is it clear what is required for data submission? If not, can you provide any suggestions for clarifying instructions?
3. Would you be interested in an electronic data submission option? If so, which type of alternative would you most likely utilize?
4. For electronic submission, how should signature requirements be handled?
5. How does the Toxic Substances Control Act (TSCA) Confidential Business Information (CBI) affect your choice or use of an electronic medium? Would you be more inclined to submit TSCA CBI electronically than on paper, and if so, what benefits would you realize (e.g., burden reduction, greater efficiency in compiling information, etc.)?

6. Do you agree with EPA's estimated burden and costs (the ICR addresses only the costs associated with paperwork)? Are the Bureau of Labor Statistics (BLS) labor rates accurate? If you consider the BLS labor rates used by EPA to be inaccurate or inappropriate, explain your rationale.

EPA did not receive responses to the questions posed.

3(d) Effects of Less Frequent Collection

The information collection frequencies specified by this rule are the minimum EPA considers necessary to ensure that the health of public employees engaged in asbestos abatement activities is adequately monitored. Initial exposure monitoring must be performed for most projects covered by this rule, but the employer will be able to rely on those results for approximately three years when performing similar projects. All employees covered by this rule must receive training on an annual basis. Most of these employees must also receive annual medical exams. These requirements are necessary to ensure that the employees are being adequately protected from asbestos hazards.

3(e) General Guidelines

Information collected as a result of this request does not violate any of the guidelines imposed by 5 CFR part 1320.6. The requirement that records for medical surveillance and exposure monitoring be retained for more than three years is permissible under a provision contained in 5 CFR part 1320.6 that expressly exempts the retention of health and medical records from limitations otherwise imposed by the regulation.

3(f) Confidentiality

The Agency has instituted procedures to avoid the inappropriate release of confidential information as specified by 5 CFR part 1320.8(b)(3)(v). The confidentiality of collected information will be maintained pursuant to the provisions of TSCA (15 U.S.C. 2613), EPA regulations in 40 CFR part 2, the Privacy Act of 1974, and OMB Circular A-108.

3(g) Sensitive Questions

The rule requires employers to allow EPA access to medical records upon request. EPA primarily intends to use this information to determine whether the employer has complied with the medical surveillance requirements of the rule, although EPA may also use this information in epidemiological and diagnostic investigations. EPA will treat this information as confidential and exempt from disclosure under the Freedom of Information Act pursuant to 40 CFR 2.119(b).

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

4(a) Respondents/North American Industrial Classification System (NAICS) Codes

Respondents for this information collection include states and local government employers in the 24 states, D.C., and the U.S. territories of American Samoa, Guam, and the Northern Mariana Islands that have employees engaged in asbestos-related construction, custodial, and brake and clutch repair activities without OSHA-approved state plans. The following table is intended to help identify potentially affected categories and entities. This listing is not, however, intended to be exhaustive. The North American Industrial Classification System (NAICS) applies to certain entities. To determine whether a state or local government employer is subject to the WPR, employers must carefully examine the applicability provisions in the regulation at 40 CFR part 763.121.

Categories	NAICS Codes	Examples of Potentially Affected Entities
Public Administration	92	State or local government employers not subject to an OSHA-approved state asbestos plan or a state asbestos worker protection plan that the EPA has determined is exempt from the requirements of the Worker Protection Rule and whose employees work with or near asbestos-containing material.
Educational Services	61	School districts (subset of local government employers identified above) whose employees work with or near asbestos-containing material.

4(b) Respondent Activities and Information Requested

The 2000 WPR contains several paperwork-related requirements for state and local government employers in the 24 states, D.C., and three U.S. territories. The group of D.C. and the territories counts as one “state equivalent,” yielding 25 states for purposes of estimates in this analysis. The rule requires employers to collect, disseminate, and maintain information relating to employee asbestos exposures, respiratory protection, medical surveillance, and training. The records maintained as a result of this information collection will provide EPA with the data necessary for effective enforcement of the WPR as authorized under TSCA sections 6 and 8.

4(b)(i) Data Items

40 CFR part 763, subpart G, requires state and local government employers to develop and maintain a written respiratory protection program if their employees use respirators. Employers must provide information and guidance on the selection, use, and care of respirators, give annual fit tests, and maintain records of fit tests for one year. Fit testing record summaries must include the following information:

- Name or identification of the employee tested;
- Type of fit test performed;
- Specific make, model, style, and size of respirator tested;
- Date of test; and
- The test results.

40 CFR part 763, subpart G, requires an exposure assessment to determine accurately the airborne concentrations of asbestos to which employees are exposed. Employers can meet this requirement through the collection and analysis of objective data, historical data monitoring, and/or initial monitoring results. Objective data must demonstrate that the product or material containing the asbestos cannot release airborne fibers in concentrations exceeding the permissible exposure limits (PELs). Historical monitoring data obtained from similar projects must indicate that the PELs will not be exceeded. Initial monitoring results must demonstrate that employee exposures are below the PELs. However, employers are required to continue periodic exposure monitoring for employees who work in areas where exposures exceed, or can reasonably be expected to exceed, the PELs. Employers may forgo periodic monitoring if affected employees are equipped with supplied-air respirators, which EPA assumes will be provided by the employer.

Employers who use objective data to demonstrate that the PELs will not be exceeded are required to maintain records for the duration of the employer's reliance upon such data. The records must include the following information:

- The product qualifying for exemption;
- The source of the objective data;
- The testing protocol, results of testing, and/or analysis of the material for asbestos release;
- A description of the operation exempted and how the data support the exemption; and
- Other data relevant to the operations, materials, processing or employee exposures covered by the exemption.

Employers must notify all affected employees of the monitoring results, and they must also notify individual employees of monitoring results representing their personal exposures. The employer must maintain records of all measurements taken in support of asbestos exposure monitoring for a period of 30 years, and these records must be available upon request to the affected employees. The records must include the following information for each exposure measurement:

- The date of measurement;
- The operation involving exposure to asbestos being monitored;
- Sampling and analytical methods used and evidence of accuracy;
- Number, duration, and results of samples taken;
- Type of protective devices worn, if any; and
- Name, social security number, and exposure of the employees whose exposures are represented.

40 CFR part 763, subpart G, requires employers to institute a medical surveillance program for all state and local government employees (in states without OSHA state plans) who engage in asbestos removal, renovation, and maintenance projects as well as employees exposed to asbestos at or above a PEL for 30 or more days each year. For each employee subject to medical surveillance, the employer is required to maintain employee medical records for the

duration of employment plus 30 years. These medical records must contain the following information:

- The name and social security number of the employee;
- A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physician's recommendations;
- Physician's written opinions;
- Any employee medical complaints related to exposure to asbestos; and
- A copy of the information provided to the physician.

The employer must provide a copy of the physician's written opinion to the employee within 30 days of receipt of the opinion. In addition, medical surveillance records must be made available to the affected employee upon request.

40 CFR part 763, subpart G, requires that a training program be instituted for all state and local employees (in states without OSHA state plans) who are likely to be exposed above the PELs and for those employees who perform asbestos removal, renovation, maintenance and/or construction related custodial tasks. Employees must be provided access to the training materials, including self-help smoking cessation information. In addition, each construction project must be supervised by a competent person, who, in most cases, must have additional training. Employers are required to maintain records of training for one year beyond the last date of the worker's employment.

Under 40 CFR part 763, subpart G, employers must presume that asbestos is present in thermal system insulation (TSI) and surfacing material installed in buildings constructed prior to 1981. Employers may rebut this presumption in two ways: through the results of a building inspection that meets the requirements of the Asbestos Hazard Emergency Response Act (AHERA) regulations at 40 CFR 763.85 or by testing the material. Such records must be maintained for as long as they are relied upon to rebut the presumption.

Finally, the WPR requires specific engineering control and work practice methods for each type of project. Employers are permitted to use alternative control methods if it is determined in advance that the alternative control method is adequate to reduce employee exposures below the PELs. For Class I projects, those that involve TSI or surfacing material, an appropriately qualified person must certify that the alternative control method will reduce employee exposures below the PELs and that the method will also prevent asbestos contamination beyond the regulated area where the project will be performed. For larger Class I projects, the employer who wishes to use alternative control methods must provide EPA with a copy of the evaluation and certification before the alternative control methods are used. EPA assumes that employers will choose to use listed control methods rather than alternatives in these instances.

4(b)(ii) Respondent Activities

This section lists the major information collection related activities required of respondents with specific steps necessary to fulfill all the conditions of the major activity. Respondents must:

- A. Read and interpret regulations.
- B. Develop a respirator program.
 - Provide guidance on selection, use, and care of respirators.
 - Provide periodic fit tests and maintain records of fit tests for one year.
- C. Establish a monitoring program.
 - Provide objective data showing that the PELs will not be exceeded, or
 - Initially monitor employee exposures if objective data are not provided;
 - Periodically monitor employees whose exposures are expected to exceed a PEL, unless such employees are provided with supplied-air respirators;
 - Notify workers of the results of employee exposure monitoring; and
 - Maintain records of all exposure measurements for 30 years.
- D. Communicate hazards to employees.
 - Employ a competent person to evaluate risk associated with Class I and Class II work;
 - Notify employees engaged in asbestos related work about the nature of the work prior to project commencement; and
 - Notify other employees and building occupants about the occurrence of the asbestos related work.
- E. Institute training programs.
 - Provide training for all employees engaged in asbestos removal, renovation, maintenance and construction related custodial activities as well as for all other employees exposed above the PELs;
 - Provide employees with access to information and training materials; and
 - Maintain training records for one year.
- F. Institute a medical surveillance program.
 - Provide medical examinations for all employees who engage in asbestos removal, renovation, and maintenance projects, and employees exposed to asbestos at or above a PEL for 30 or more days each year;
 - Provide information to the examining physician;
 - Obtain a completed medical questionnaire from the affected employee;
 - Obtain a written opinion from the examining physician; and
 - Maintain records of medical examinations for the duration of employment plus 30 years.
- G. Provide access to records at employee and/or EPA request.
- H. Institute training for competent persons.
 - Provide training for competent persons who will supervise construction projects.

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

5(a) Agency Activities

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

5(b) Collection Methodology and Management

Nothing in this information collection is derived from a survey or reporting to EPA. EPA does not receive the data; therefore, EPA does not have any special data collection methodology and/or management. All information subject to this collection request is to be gathered and maintained by the employer. The regulations specify the methods to be used for employee exposure monitoring and medical surveillance as well as the subjects to be covered in training. In general, the rule identifies what data must be collected and maintained without specifying a particular collection method. Therefore, industry has the option of utilizing improved data collection and maintenance technology.

5(c) Small Entity Flexibility

The small entities potentially impacted by this rule are small government entities consisting of local governments (e.g., county, municipal, or towns) and school districts. The primary function of the statutory requirements of TSCA section 6 is the protection of human health and the environment. Consequently, no specific provisions exist for easing the burden on small local government entities. The records required are as necessary for the protection of employees of small local governments as for other affected employees.

5(d) Collection Schedule

On occasion, based on activities, employers who use their own employees to conduct asbestos construction, custodial, and/or brake and clutch repair activities are subject to the information collection and recordkeeping requirements described above. Depending upon the type of project, some or all of the information collection and recordkeeping requirements must be complied with prior to project commencement. For example, in most instances, employers must provide and document training for their employees before they may participate in the asbestos-related activities covered by this rule.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

To summarize the contents of this section: Section 6(a) discusses respondent burden; Section 6(b) addresses respondent costs; Section 6(c) reports EPA burdens and costs; and Sections 6(d), 6(e), and 6(f) summarize respondent burdens, discuss changes in burden estimates, and provide the *Federal Register* burden statement, respectively. Last, Section 6(g) provides methodology background information and additional burden estimate tables.

6(a) Estimating Respondent Burden

The respondents for this rule are state and local governments (also referred to simply as “entities” in this section) in the 24 states, D.C., and the U.S. territories of American Samoa, Guam, and the Northern Mariana Islands that do not have OSHA-approved state plans. The group of D.C. plus the three territories is counted as one “state equivalent,” yielding a count of 25 states for purposes of estimates in this analysis. As an embedded assumption, a state has an average total of 947.48 entities,¹ or 24,437 entities in total across all states. As in previous ICRs, for purposes of this ICR renewal, a respondent is defined as one entity.

There are three typical categories of labor involved in compliance with the ICR requirements: supervisory, employee (e.g., asbestos abatement worker/custodial worker or brake and clutch repair mechanic), and clerical. Additionally, certain activities, including exposure monitoring and developing a respiratory protection plan, require an industrial hygienist’s time.

The estimated burden hours and cost estimates for this ICR are based on data and methods discussed in the Economic Analysis for the 2000 WPR (EPA 2000) and on OSHA ICRs for its Construction and General Industry Standards for Asbestos (OSHA 2000a,b). Furthermore, the estimates presented herein reflect incremental hours and costs relative to the asbestos worker protection rule that was in place prior to the 2000 WPR (1987 WPR).

Reporting requirements are incurred across various information collection levels. Some activities impose annual paperwork burdens at the entity level while others impose paperwork burdens at the project or employee level. Additionally, although EPA estimates that 25,312 entities are affected by these information collection activities and that these are the respondents for the ICR, not all respondents are affected by all activities. As part of the discussion in Section 6(g), Table 5 lists details for response units and scope of the responses.

In the discussion to follow, EPA presents quantitative estimates, by activity, of unit burden and total burden and cost. Activity-level descriptions are provided, including applicable labor categories with data and assumptions used to derive burden estimates.

Activity-by-Activity Burden Estimation Methods

The activity-level burdens described below are the same as in previous ICRs (see Table 5 of Section 6(g) for a summary). In this ICR renewal, an updated method is employed to increase transparency and to provide for ease in updating estimates in future ICR renewals. This method involves estimating unit burdens that are scaled to a “per-state” basis. Results are described below and summarized in Table 1.² Note that assumptions listed in this section are the same as in previous ICRs, and based on the conditions of the 2000 WPR. Consequently, the per-state burden is derived using the conditions of the 2000 WPR, as most recently documented in the

¹ Given that in the 2007 ICR renewal (EPA 2007) there were 25,312 entities for 27 states, the re-scaled count for 25 states of this analysis yields 23,437 entities, or an average of 937.48 entities per state. See discussion in Section 6(g) for additional detail.

² See Section 6(g) for details of the per-state unit burden derivations.

2007 ICR renewal (EPA 2007).³ Also when not otherwise cited, requirements discussed below are specified in the 2000 WPR.

A. Reading and Interpreting the Regulation

EPA assumes that one person per entity would need to read and interpret the requirements of the rule. EPA expects that this person would be a construction supervisor. The supervisor would read the relevant sections of the Regulation as well as the relevant cross-referenced sections of OSHA's Construction and General Industry Standards. Approximately half of the regulatory text, however, consists of technical appendices that will not be of direct importance to the supervisor. For example, most projects will not need to "employ fit testing methods," and "monitoring methods" presumably will be performed by a contracted specialist. EPA assumes that on average a supervisor in each entity would need to spend three hours on this activity. This activity, however, is assumed to be conducted only one year out of the three years of the ICR period. Also, for purposes of the ICR, this activity is applied to only five percent of the total count of supervisors in order to estimate effects of turnover. Applying these assumptions and converting to a per-state basis, the resultant annual unit burden for reading and interpreting the regulation is 46.89 hours.

B. Respirator Program.

The respiratory protection program requires three paperwork activities: (1) developing written guidance for implementing the respirator requirements of the rule, (2) fit testing, and (3) maintaining records of the fit tests.

Written standard operating procedures covering the care, use, and selection of respirators must be established for each workplace in which respirators are used. Much of the information needed to develop these procedures is specified in the OSHA asbestos standard for construction, as amended by OSHA's 1998 respiratory protection standard (63 FR 1152; January 8, 1998). EPA assumes that large governments would have an industrial hygienist on staff who spends four hours every five years (assumed frequency for review of respirator program updates) to comply with this requirement. EPA assumes that small governments, on the other hand, will not have an industrial hygienist on staff and will instead contract out this service, incurring a cost, but not a burden.⁴ To estimate the count of large entities, EPA uses the Regulatory Flexibility Act (RFA) definition of small government and determines that 3.23 percent of affected entities are large.⁵ Applying assumptions above and converting to a per-state basis, the resultant annual unit burden for developing the respiratory program is 24.30 hours.

³ The underlying models developed in the 2000 WPR are used in this ICR renewal and are not changed from the 2000 WPR. However, given that these models are not routinely re-estimated (see e.g., EPA 2007), the practical approach in this report is to scale on a per-state basis and update according to the number of states without OSHA-approved plans.

⁴ The contract cost to small entities is not estimated for purposes of this and previous ICR renewals.

⁵ As in previous ICRs (see e.g., EPA 2007), based on the Regulatory Flexibility Act (RFA) definition and affected entity population counts. As defined by the RFA, a small government is any specified government entity, excluding states, with jurisdiction over a population of less than 50,000.

Fit testing imposes a requirement on both the worker being fit-tested and the worker's supervisor who conducts the fit test. EPA estimates that fit tests for full-face respirators will require fifteen minutes and half-mask respirators will require ten minutes. On average, the percentage of fit tests for the full-face and half mask respirators are at 1.4% and 98.6%, respectively.⁶ Applying assumptions and converting to a per-state basis yields resultant annual unit burdens of 0.74 hours for full-face mask fit tests, and 32.72 hours for half-mask fit tests.

Maintaining records of the fit tests is assumed to require five minutes of clerical time for each fit test. Applying this assumption and converting to a per-state basis, the resultant annual unit burden for fit test records maintenance is 8.31 hours.

C. Exposure Monitoring.

The exposure monitoring requires employers for affected projects to perform periodic exposure monitoring unless a negative exposure assessment has been made. For the construction workers, exposure monitoring requires affected crews (i.e., groups of workers) to have an initial exposure assessment. EPA estimates that the monitoring at sites will require two hours of an industrial hygienist's time every three years.

As with the activity for developing respirator programs, EPA assumes that only large governments incur this as a paperwork burden.⁷ The number of crews is proportional to the populations under large entities with 42.43% of the total number of crews working for large governments.⁸ Applying the above assumptions and converting to a per-state basis, the resultant annual unit burden for initial exposure assessments for construction crews is 314.15 hours.

For brake and clutch repair activities (which are classified as a general industry activity), this provision will require affected repair shops to establish an exemption from periodic exposure monitoring. As noted above, only large entities with on-staff industrial hygienists will incur a paperwork burden of two hours per year under this rule. In a similar manner to the estimate of the number of crews above, EPA assumes that affected brake and clutch shops in large entities occur at 42.43% of the total number of shops. Applying the above assumptions and converting to a per-state basis, the resultant annual unit burden for initial exposure assessments in brake and clutch shops is 94.00 hours.

In addition to performing the initial exposure assessment, records of the findings from the assessment must be kept on file. EPA estimates that this activity will require five minutes of clerical time for each assessment. All assessments (under large and small entities) will need to be kept on file. Applying the above assumptions and converting to a per-state basis, the resultant annual unit burden for maintaining exposure assessment records is 40.16 hours.

⁶ For the case of twenty-seven states (ICR 2007), the total burden estimates for fit tests are (1) forty full-time equivalents (FTE) for full-face masks, and (2) 2,651 FTE for half masks.

⁷ EPA assumes that small local governments hire contractors to perform industrial hygiene tasks and incur a cost but not a burden (not estimated for purposes of this and previous ICR renewals).

⁸ The proportion of crews that operate under large entities is purposefully assumed to be disproportionately larger than under small entities, based on population records (EPA 2007).

As part of the brake and clutch repair assessment, the results of any exposure monitoring conducted pursuant to the 2000 rule must be posted for employees to review. Following OSHA's ICRs, EPA assumes that it will require five minutes of clerical time to post the results. All repair shops will need to have results posted annually. Applying the above assumptions and converting to a per-state basis, the resultant annual unit burden for posting exposure monitoring records is 9.25 hours.

D. Hazard Communication - Notification Requirements.

There are three notification requirements that will impose paperwork burdens: (1) evaluating the risk associated with Class I and Class II work, (2) notifying employees engaged in asbestos-related work about the nature of the work, and (3) notifying other employees (i.e., employees not engaged in asbestos related work) and building occupants about the occurrence of asbestos related work.

Competent persons must evaluate the risk associated with asbestos-related construction projects. Following OSHA's Asbestos Construction Standard ICR, EPA assumes that this will impose a burden of forty-five minutes annually of supervisory time for each Class I and Class II project. EPA assumes that this only imposes a paperwork burden on Class I and Class II projects. EPA assumes that other covered activities (Class III and Class IV projects and new construction activities) can be evaluated without any incremental burden. Applying these assumptions and converting to a per-state basis, the resultant annual unit burden for risk evaluations is 125.19 hours.

Employers are required to notify employees that will be performing asbestos-related work prior to beginning the project. For construction activities, EPA assumes that this will require five minutes of a construction supervisor's time annually for all affected projects. EPA excludes Class IV custodial projects from this burden estimate because custodial activities are assumed to occur continuously over the course of the year and are not generally divided into discrete "projects." Applying these assumptions and converting to a per-state basis, the resultant annual unit burden for notifying employees in affected construction projects is 1,566.38 hours.

For brake and clutch repair, EPA assumes that this requirement will require five minutes of a brake and clutch supervisor's time four times (e.g., quarterly) per year at each brake and clutch repair shop. Applying these assumptions and converting to a per-state basis, the resultant annual unit burden for notifying employees in affected brake and clutch shops is 36.99 hours.

Finally, employers are required to notify other employees (i.e., those not performing the asbestos related work) and tenants about the occurrence of asbestos-related work in the building. EPA assumes that this activity will impose a burden of five minutes of supervisory time annually per project. Applying these assumptions and converting to a per-state basis, the resultant annual unit burden for notifying other employees in affected construction projects is 1,566.38 hours.

E. Training Program.

Affected construction workers must be trained based on the Class of work they perform. Training requirements for Class I abatement workers are not incremental to the 2000 WPR and thus do not impose an incremental paperwork burden. The annual training requirements are thirty-two hours for Class II workers, sixteen hours for Class III workers, including new construction projects, and two hours for Class IV workers. Applying these assumptions and converting to a per-state basis, the resultant annual training unit burdens are 2,536.30 hours for Class II projects, 592.59 hours for Class III projects, and 3,844.81 hours Class IV projects.

Records of the training must be kept on file for each worker who is trained. EPA assumes that this will require five minutes of clerical time annually per worker trained. Applying this time for all workers trained and converting to a per-state basis, the resultant annual unit burden for maintaining training records is 169.89 hours.

Employers are also required to maintain training materials on file for employee access. The burden associated with this requirement has been included in the burden estimate under Employee Access to Records, below.

F. Medical Surveillance.

Medical exams are required for Classes I, II, and III employees, including new construction workers, and for workers who are exposed at or above the PEL for more than 30 days annually. The medical surveillance section of the rule will impose five paperwork activities on affected entities: (1) medical exams, (2) initial and periodic questionnaires, (3) providing information to physicians, (4) obtaining the physician's written opinion, and (5) maintaining records of the medical exam. In estimating the paperwork burden for this requirement, EPA does not include the physician's time as part of the burden estimate. EPA assumes that the physicians performing these activities are not part of the affected entities' staff but provide these services under contract.⁹

EPA assumes that all Class II and Class III construction workers will need to undergo medical exams each year. EPA assumes that each medical exam will require forty-five minutes for employees and for supervisors. Although Class I workers will also require medical exams, the 1987 Worker Protection Rule (1987 WPR) covers these activities and thus medical exams are not incremental for Class I workers under the 2000 WPR. Also, to account for turnover, EPA inflates the counts of medical exams by five percent to account for turnover on an annual basis. Applying these assumptions and converting to a per-state basis, the resultant annual unit burden for medical exams is 88.44 hours.

Workers undergoing medical exams are also required to fill out medical questionnaires designed to assess current and past asbestos related risk. For a first-year worker's initial exam under the rule, the worker must fill out an initial medical questionnaire. For subsequent exams, the worker fills out an abbreviated form of that questionnaire (i.e., the periodic questionnaire). Both of these questionnaires can be found in OSHA's Construction Standard (29 CFR 1926.1101, Appendix D). EPA assumes that completing the initial questionnaire imposes a

⁹ The contract cost to small entities is not estimated for purposes of this and previous ICR renewals.

burden of one half-hour and that completing the periodic questionnaire takes ten minutes. EPA assumes that five percent of employees and supervisors receiving medical exams as first-year workers will be given the initial questionnaire in any given year for this three-year ICR period. The remaining ninety-five percent of employees and supervisors receiving medical exams will be given the periodic questionnaire. Applying these assumptions and converting to a per-state basis, the questionnaire annual unit burdens are 3.10 hours for initial questionnaires, and 19.61 hours for periodic questionnaires.

Employers must provide examining physicians with the following information:

- A copy of the OSHA Construction Standard, including Appendices D, E, and I of the Standard;
- A description of the employee's duties;
- The employee's representative exposure level;
- A description of any personal protective equipment used by the employee; and
- Information from previous medical exams that is not otherwise available to the physician.

EPA assumes that providing this information will require five minutes of clerical time annually for each medical exam. Based on the assumptions above for counts of medical exams, and converting to a per-state basis, the resultant annual unit burden for providing information to physicians is 10.32 hours.

Employers are required to obtain a written opinion from the physician for each medical exam. EPA assumes that obtaining the physician's written opinion will require five minutes of clerical time for each annual medical exam. Based on the assumptions above for counts of medical exams, and converting to a per-state basis, the resultant annual unit burden for obtaining physician's opinion is 9.83 hours.

Employers are required to maintain medical records for each employee. EPA assumes that maintaining medical records will require five minutes of clerical time for each annual medical exam. Based on the assumptions above for counts of medical exams, and converting to a per-state basis, the resultant annual unit burden for records maintenance is 9.83 hours.

G. Access to Records.

Affected employers are required to (1) allow employees access to a variety of records and (2) allow the EPA to inspect those records.

EPA assumes that allowing employees to access their own records will require five minutes of clerical time for each occurrence. EPA also assumes that ten percent of affected

workers will access records annually. Applying these assumptions and converting to a per-state basis, the resultant annual unit burden for employee access to records is 18.79 hours.

EPA assumes that its access to employer records will require five minutes for both a clerical worker and a supervisor for each time the Agency accesses records. For the construction sector, EPA assumes that this will occur in approximately five-percent of Class I projects and one-percent of new construction and Classes II, III, and IV projects. For brake and clutch work, EPA assumes that one-percent of all brake and clutch repair shops will be inspected annually. Applying these assumptions and converting to a per-state basis, the resultant annual unit burdens for EPA access are 31.46 hours for construction projects and 0.18 hours for brake and clutch repair shops.

H. Competent Person.

All construction work sites that are covered by the 2000 WPR must be supervised by an individual trained as a competent person. This will require affected entities to train one person from each work crew as a competent person. EPA assumes that competent person training for Class I crews is not incremental to the rule. For Class II work, EPA assumes that competent person training will require a forty-hour training course every five years with an eight-hour course in all other years, yielding an average annual training requirement of 14.4 hours, rounded to fourteen hours. Applying the annual time requirement for supervisors in Class II crews (one per site) and converting to a per-state basis, the resultant annual unit burden for this training is 365.04 hours.

For Class III and Class IV workers, including new construction workers, EPA assumes that competent person training will require a sixteen-hour training course once every five years, yielding an average training requirement of 3.2 hours, rounded to three hours. Applying the annual time requirement for supervisors in Class III and Class IV crews (one per site) and converting to a per-state basis, the resultant annual unit burden for this training is 3,260.33 hours.

In addition to training, records documenting training completion must be retained. EPA assumes that for each person trained, maintaining training records will require five minutes of clerical time per person trained. Applying assumptions and converting to a per-state basis, the resultant annual unit burden for maintaining training records is 92.74 hours.

Table 1: Annual Unit Burden by Activity, per State

Collection Activity	Unit Burden per State (hours)				Total Burden per State (hours)	Standardized Response Count per State
	Clerical	Employees	Supervisory	Industrial Hygienist		
A) Read And Interpret Regulation (5% turnover component only)			46.89		46.89	15.63
B) Respirator Program						
1) Develop Program ^a				24.30	24.30	6.07
2) Fit Testing						
a) Full-Face Respirators		0.37	0.37		0.74	2.96
b) Half-Mask-Face Respirators		16.36	16.36		32.72	196.37

Collection Activity	Unit Burden per State (hours)				Total Burden per State (hours)	Standardized Response Count per State
	Clerical	Employees	Supervisory	Industrial Hygienist		
3) Maintain Records for Fit Tests	8.31				8.31	99.67
Subtotal, Respirator Program					66.07	305.07
C) Exposure Monitoring						
1) Initial Exposure Assessment						
a) Construction ^{a,b}				314.15	314.15	157.07
b) Brake and Clutch Repair ^{a,c}				94.00	94.00	47.00
2) Maintain Exposure Records	40.16				40.16	481.93
3) Post Monitoring Results, Brake/Clutch	9.25				9.25	110.96
Subtotal, Exposure Monitoring					457.56	796.96
D) Hazard Communication						
1) Evaluate Risk (Class I, II projects)			125.19		125.19	166.93
2) Notify Employees						
a) Construction			1,566.38		1,566.38	18,796.59
b) Brake and Clutch Repair			36.99		36.99	443.85
3) Notify Other Employees/Tenants			1,566.38		1,566.38	18,796.59
Subtotal, Hazard Communication					3,294.94	38,203.96
E) Training						
1) Provide Training						
a) Class II		2,536.30			2,536.30	79.26
b) Class III (including new projects)		592.59			592.59	37.04
c) Class IV		3,844.81			3,844.81	1,922.41
2) Maintain Training Records	169.89				169.89	2,038.70
Subtotal, Training					7,143.59	4,077.41
F) Medical Surveillance (includes +5% for turnover)						
1) Medical Exams		53.22	35.22		88.44	117.93
2) Initial Questionnaire		1.87	1.23		3.10	5.89
3) Periodic Questionnaire		11.80	7.81		19.61	112.04
4) Information to Physicians	10.32				10.32	117.93
5) Physician's Written Opinion	9.83				9.83	117.93
6) Maintain Exam Records	9.83				9.83	117.93
Subtotal, Medical Surveillance					141.13	589.65
G) Access to Records						
1) Employee Access	18.79				18.79	225.52
2) EPA Access						0.00
a) Construction	15.73		15.73		31.46	377.56
b) Brake and Clutch Repair	0.09		0.09		0.18	2.22

Collection Activity	Unit Burden per State (hours)				Total Burden per State (hours)	Standardized Response Count per State
	Clerical	Employees	Supervisory	Industrial Hygienist		
Subtotal, Access to Records					50.43	605.30
H) Competent Person						
1) Training						
a) Class II ^b			365.04		365.04	26.07
b) Class III and IV ^b			3,260.33		3,260.33	1,086.78
2) Maintain Training Records	92.74				92.74	1,112.85
Subtotal, Competent Person					3,718.11	2,225.70
Total					14,919	46,820
<p>General Notes</p> <p>1 Source for unit burdens is <i>Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act - Reporting and Recordkeeping for Asbestos Abatement Worker Protection</i>. October 11, 2007. (EPA 2007). See Section 6(g) of this document for detailed derivation of per-state unit burdens and associated response counts.</p> <p>2 The unit burden per state has implied numbers of respondents and responses. As provided in the 2007 ICR (see General Note 1 above for citation), on average each state has an associated 937.48 affected state and local government entities with an associated total count of 46,819 responses. Unless otherwise noted as involving a subpopulation set of respondents, activities occur within all affected entity jurisdictions.</p> <p>Footnotes</p> <p>^a Applies to large entities, identified as those not in the small entity category based on the RFA definition that a small government is any specified government entity, excluding states, with jurisdiction over a population of less than 50,000. Per 2007 ICR (see General Note 1 for citation) large governments constitute 3.23% of the affected entities.</p> <p>^b The proportion of crews that operate under large entities is purposefully assumed to be disproportionately larger than under small entities, in accordance with population records. Based on population data, 42.43% of the total number of crews will work for large entities (per 2007 ICR—see General Note 1 above for citation).</p> <p>^c The percentage of affected brake and clutch shops in large government jurisdictions is assumed to occur at 42.43% of the total number of shops (per 2007 ICR—see General Note 1 above for citation).</p>						

Summary of Total Burden Estimates

Applying the total count of 25 states (including one state equivalent) to the unit burden in Table 1 yields the estimated total annual burden 372,969 hours for this ICR renewal. The ICR affects a total 23,437 respondents. The total number of annual responses is estimated at 1,170,493 with an average of 49.94 responses per respondent. The burden per respondent is 15.91 hours and the average burden per response is 0.32 hours, or about 19 minutes. See also Table 3 of the next section for burden and response counts according to activity.

6(b) Estimating Respondent Costs

The wage rates for each type of labor category are presented in Table 2. Applying these rates to the unit burdens per state via a weighted average wage rate produces the results of Table 3. Based on the hourly labor costs, EPA estimates the total respondent cost at \$16.89 million annually. This translates into an annual per-respondent cost of \$672.57. There was no change

from the burden hours from the last approval. Estimated annual costs showed an increase of \$1.13 million due to increasing wage rates.

Table 2: Hourly Wage Rates (2018\$)

Labor Category	Data Series ^a	Date	Wage	Fringe + Overhead Factor ^b	Hourly Loaded Wages ^c
			(a)	(b)	(c)=(a)×(b)
Construction Sector Worker	“Construction and Extraction Occupations (Major Group)” SOC 47-0000	May-2018	\$24.62	1.54	\$37.91
Construction Supervisor	“First-Line Supervisors/Managers of Construction Trades and Extraction Workers” category, SOC 49-1011	May-2018	\$33.91	1.54	\$52.22
Clerical Worker	“Secretaries, Except Legal, Medical and Executive” category, SOC 43-6014	May-2018	\$17.61	1.54	\$27.12
Brake and Clutch Repair Mechanic	“Automotive Service Technicians and Mechanics” category, SOC 49-3023	May-2018	\$21.02	1.54	\$32.37
Brake and Clutch Repair Supervisor	“First-Line Supervisors/Managers of Mechanics, Installers, and Repairers” category, SOC 49-1011	May-2018	\$33.33	1.54	\$51.33
Industrial Hygienist ^d	Health and Safety Engineers, Except Mining Safety Engineers and Inspectors” category SOC17-2111	May-2018	\$45.01	1.54	\$69.32

Footnotes

^a Source: *National Occupational Employment Statistics data. April 2nd, 2019* (U S Bureau of Labor Statistics, May 2018). Occupations are the same as those used in the previous ICR. The analysis uses mean wage for all categories. The employment categories used are from the Standard Occupational Classification system (SOC). Available via https://www.bls.gov/oes/current/oes_nat.htm#47-0000 (accessed 12_05_2019).

^b EPA calculated the loaded hourly wage rate by inflating the raw hourly wage rate by 54 percent to account for benefits and overhead as guided by *Instructions for Preparing Information Collection Requests (ICRs)*(EPA, 1992). This is the same percentage estimate for benefits and overhead as used in prior ICR supporting statements.

^c Wage data are rounded to the closest cent in this analysis.

^d Because there is no industrial hygienist category in BLS, 2013, the series was used for the “Health and Safety Engineers, Except Mining Safety Engineers and Inspectors” category SOC17-2111. This category was used based on the similarity of duties as described in the data.

Table 3: Annual Number of Responses, Total Burden, and Total Costs for State and Local Entities (2018\$)

Collection Activity	Total Number of Responses	Total Number of Respondents (state and local entities)	Unit Burden per State	Total Burden (hours)	Weighted Average Wage Rate	Total Cost
A) Read And Interpret Regulation (5% turnover component only)	391	23,437	46.89	1,172	\$52.22	\$61,202
B) Respirator Program						
1) Develop Program ^a	152	23,437	24.30	607	\$69.32	\$42,077
2) Fit Testing						
a) Full-Face Respirators	74	23,437	0.74	19	\$45.07	\$856
b) Half-Mask-Face Respirators	4,909	23,437	32.72	818	\$45.07	\$36,867
3) Maintain Records for Fit Tests	2,492	23,437	8.31	208	\$27.12	\$5,641
Subtotal, Respirator Program	7,627	23,437	66.07	1,652	\$51.72	\$85,441
C) Exposure Monitoring						
1) Initial Exposure Assessment						
a) Construction ^{a,b}	3,927	23,437	314.15	7,854	\$69.32	\$544,439
b) Brake and Clutch Repair ^{a,c}	1,175	23,437	94.00	2,350	\$69.32	\$162,902
2) Maintain Exposure Records	12,048	23,437	40.16	1,004	\$27.12	\$27,228
3) Post Monitoring Results, Brake/Clutch	2,774	23,437	9.25	231	\$27.12	\$6,265
Subtotal, Exposure Monitoring	19,924	23,437	457.56	11,439	\$64.76	\$740,834
D) Hazard Communication						
1) Evaluate Risk (Class I, II projects)	4,173	23,437	125.19	3,130	\$52.22	\$163,449
2) Notify Employees						
a) Construction	469,915	23,437	1,566.38	39,160	\$52.22	\$2,044,935
b) Brake and Clutch Repair	11,096	23,437	36.99	925	\$51.33	\$47,480
3) Notify Other Employees/Tenants	469,915	23,437	1,566.38	39,160	\$52.22	\$2,044,935
Subtotal, Hazard Communication	955,099	23,437	3,294.94	82,375	\$52.21	\$4,300,799
E) Training						
1) Provide Training						

a) Class II	1,982	23,437	2,536.30	63,407	\$37.91	\$2,403,759
b) Class III (including new projects)	926	23,437	592.59	14,815	\$37.91	\$561,637
c) Class IV	48,060	23,437	3,844.81	96,120	\$37.91	\$3,643,909
2) Maintain Training Records	50,968	23,437	169.89	4,247	\$27.12	\$115,179
Subtotal, Training	101,936	23,437	7,143.59	178,589	\$37.65	\$6,724,484
F) Medical Surveillance (includes +5% for turnover)						
1) Medical Exams	2,948	23,437	88.44	2,211	\$43.61	\$96,422
2) Initial Questionnaire	147	23,437	3.10	78	\$43.59	\$3,378
3) Periodic Questionnaire	2,801	23,437	19.61	490	\$43.61	\$21,380
4) Information to Physicians	2,948	23,437	10.32	258	\$27.12	\$6,996
5) Physician's Written Opinion	2,948	23,437	9.83	246	\$27.12	\$6,663
6) Maintain Exam Records	2,948	23,437	9.83	246	\$27.12	\$6,663
Subtotal, Medical Surveillance	14,740	23,437	141.13	3,528	\$40.11	\$141,502
G) Access to Records						
1) Employee Access	5,638	23,437	18.79	470	\$27.12	\$12,742
2) EPA Access						
a) Construction	9,439	23,437	31.46	787	\$39.67	\$31,200
b) Brake and Clutch Repair	56	23,437	0.18	5	\$39.23	\$177
Subtotal, Access to Records	15,133	23,437	50.43	1,261	\$34.99	\$44,119
H) Competent Person						
1) Training						
a) Class II ^b	652	23,437	365.04	9,126	\$52.22	\$476,556
b) Class III and IV ^b	27,170	23,437	3,260.33	81,508	\$52.22	\$4,256,365
2) Maintain Training Records	27,821	23,437	92.74	2,318	\$27.12	\$62,876
Subtotal, Competent Person	55,643	23,437	3,718.11	92,953	\$51.59	\$4,795,797
Overall	1,170,493	23,437	14,919	372,969	\$45.30	\$16,894,178

General Notes

1. Source for unit burdens is Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act - Reporting and Recordkeeping for Asbestos Abatement Worker Protection. October 11, 2007. (EPA 2007). See Section 6(g) of this document for detailed derivation of per-state unit burdens and associated response counts.

2. Scope of the estimate is for twenty-five entities, including one state equivalent for D.C. plus the territories of American Samoa, Guam, and the Northern Mariana Islands.

Footnotes

^a

Applies to large entities, identified as those not in the small entity category based on the RFA definition that a small government is any specified government entity, excluding States, with jurisdiction over a population of less than 50,000. Per 2007 ICR (see General Note 1 for citation) large governments constitute 3.23 % of the affected entities.

^b

The proportion of crews that operate under large entities is purposefully assumed to be disproportionately larger than under small entities, in according with population records. Based on population data, 42.43% of the total number of crews will work for large entities (per 2007 ICR—see General Note 1 for citation).

^c

The percentage of affected brake and clutch shops in large government jurisdictions is assumed to occur at 42.43% of the total number of shops (per 2007 ICR—see General Note 1 for citation).

6(c) Estimating Agency Burden and Cost

Not applicable. EPA does not collect any information under this information collection. All information subject to this collection request is to be gathered and maintained by the employer. As such, EPA does not incur any burden or cost under this information collection.

6(d) Bottom Line Burden Hour and Costs

The total annual respondent tally for this information collection is as follows:

Respondent Burden Hours:	372,969
Respondent Cost:	\$16,894,178

6(e) Reasons for Change in Burden

This request represents no change in burden from the last ICR request.

6(f) Burden Statement

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0072, is estimated to average 0.32 hours per response. “Burden” is defined in 5 CFR 1320.3(b). An Agency may not conduct or sponsor such a request, and a person or facility is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA’s regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

The Agency has established a public docket for this ICR under Docket ID No. EPA-HQ-OPPT-2020-0262, which is available for online viewing at www.regulations.gov. The telephone number for the Pollution Prevention and Toxics Docket is (202) 566-0280.

You may submit comments regarding the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques. Submit your comments, referencing Docket ID No. EPA-HQ-OPPT-2020-0262 and OMB Control No. 2070-0072, to (1) EPA online using www.regulations.gov, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

6(g) Additional Tables and Methodology Background

In the previous ICR renewal, the unit burden estimates and the temporal adjustment are separated into two different steps. In the first step -- as presented in this section -- the derived activity-level estimates are scaled to a per-state basis that will no longer need to be revised. For the second step of adjusting for temporal changes, the per-state unit burdens are simply multiplied by the number of states (including the state equivalent of D.C. plus several territories)

to obtain total burdens, by activity (see Section 6(a)). This ICR renewal follows the same methodology.

This two-step approach provides ease in updating estimates and keeps estimates consistent across activities, thereby increasing transparency. At the time of the 2000 WPR, the numerous estimates were developed for the 2000 WPR (see EPA 2000) and were presented in the initial ICR supporting statements—most recently in 2007 (EPA 2007). After 2007, adjustments were made on an ad hoc basis, creating problems with internal consistency and year-to-year accounting.¹⁰ As an important note, original models are preserved as well as the fundamental unit of analysis, which is NOT the state, but rather the affected entity for which the counts are implicitly assumed to be constant at an average of 947.48 entities per state.¹¹

The information of Table 4 provides the 2007 activity-level burden estimates and response counts—generally reflective of the entire information collection of 26 states plus one state equivalent at the time. In the right half of the table, the standardized unit burden per state is provided. This information is obtained by dividing the corresponding total quantities (to the left) by the number of states, which at the time of the 2007 ICR was the number twenty-seven. The per-state unit burdens are applicable across ICR renewals in which updated counts of “states without OSHA-approved worker protection plans” may be applied to obtain total burden, as done in this ICR renewal in Section 6(a).

Table 5 provides additional information from the 2007 ICR regarding response units and scope of the response. Although the respondent is clearly defined in this analysis as the state or local entity, the basis for the response counts is not so clear, and by definition, not consistent. The response unit varies widely depending on the activity, from construction crew for a large entity, to a worker undergoing a medical exam. Table 5 provides the response basis for the response, the response units, and estimate strategies for burden and response counts. Note that the original estimate was developed for the entire state count of twenty-seven without a clear path to making incremental temporal adjustments. In this ICR renewal, the estimate is compartmentalized to the per-state basis for this and future ICR renewals.

¹⁰ For example, the development of Indiana getting an OSHA-approved worker protection plan was subtracted in two ICR renewals instead of just one.

¹¹ In the 2007 ICR renewal this amounts to 25,312 entities for state count of 27; in this ICR renewal, the total is 23,437 entities for a state count of 25.

Table 4. Deriving Annual Unit Burden per State

Collection Activity	Response Counts			Total Burden for 27 States' State and Local Entities (including one state equivalent for D.C. plus certain territories) (2007 ICR)				Standardized Unit Burden per State						
	Labor Category	Primary Count	Secondary Count (S)	Clerical	Employees	Supervisory	Industrial Hygienist	2007 Total Burden (hours)	Clerical	Employees	Supervisory	Industrial Hygienist	Burden Totals per State (hours)	Standardized Response Count per State
A) Read And Interpret Regulation (5% turnover component only)	S	422				1,266		1,266			46.89		46.89	15.63
B) Respirator Program														
1) Develop Program ^a	IH	164					656	656				24.30	24.30	6.07
2) Fit Testing														
a) Full-Face Respirators	E,S	40	40		10	10		20		0.37	0.37		0.74	2.96
b) Half-Mask-Face Respirators	E,S	2,651	2,651		442	442		884		16.36	16.36		32.72	196.37
3) Maintain Records for Fit Tests	C	2,691		224				224	8.31				8.31	99.67
Subtotal, Respirator Program								1,784					66.07	305.07
C) Exposure Monitoring														
1) Initial Exposure Assessment														
a) Construction ^{ab}	IH	4,241					8,482	8,482				314.15	314.15	157.07
b) Brake and Clutch Repair ^{ac}	IH	1,269					2,538	2,538				94.00	94.00	47.00
2) Maintain Exposure Records	C	13,012		1,084				1,084	40.16				40.16	481.93
3) Post Monitoring Results, Brake/Clutch	C	2,996		250				250	9.25				9.25	110.96
Subtotal, Exposure Monitoring								12,354					457.56	796.96
D) Hazard Communication														
1) Evaluate Risk (Class I, II projects)	S	4,507				3,380		3,380			125.19		125.19	166.93
2) Notify Employees														
a) Construction	S	507,508				42,292		42,292			1,566.38		1,566.38	18,796.59
b) Brake and Clutch Repair	S	11,984				999		999			36.99		36.99	443.85
3) Notify Other Employees/Tenants	S	507,508				42,292		42,292			1,566.38		1,566.38	18,796.59

Collection Activity	Response Counts			Total Burden for 27 States' State and Local Entities (including one state equivalent for D.C. plus certain territories) (2007 ICR)				Standardized Unit Burden per State						
	Labor Category	Primary Count	Secondary Count (S)	Clerical	Employees	Supervisory	Industrial Hygienist	2007 Total Burden (hours)	Clerical	Employees	Supervisory	Industrial Hygienist	Burden Totals per State (hours)	Standardized Response Count per State
Subtotal, Hazard Communication							88,964						3,294.94	38,203.96
E) Training														
1) Provide Training														
a) Class II	E	2,140			68,480		68,480		2,536.30				2,536.30	79.26
b) Class III (including new projects)	E	1,000			16,000		16,000		592.59				592.59	37.04
c) Class IV	E	51,905			103,810		103,810		3,844.81				3,844.81	1,922.41
2) Maintain Training Records	C	55,045		4,587			4,587	169.89					169.89	2,038.70
Subtotal, Training							192,877						7,143.59	4,077.41
F) Medical Surveillance (includes +5% for turnover)														
1) Medical Exams	E, S	1,916	1,268		1,437	951	2,388		53.22	35.22			88.44	117.93
2) Initial Questionnaire ^d	E, S	96	63		50	33	83		1.87	1.23			3.10	5.89
3) Periodic Questionnaire ^d	E, S	1,820	1,205		319	211	529		11.80	7.81			19.61	112.04
4) Information to Physicians	C	3,184		279			279	10.32					10.32	117.93
5) Physician's Written Opinion	C	3,184		265			265	9.83					9.83	117.93
6) Maintain Exam Records	C	3,184		265			265	9.83					9.83	117.93
Subtotal, Medical Surveillance							3,810						141.13	589.65
G) Access to Records														
1) Employee Access	C	6,089		507			507	18.79					18.79	225.52
2) EPA Access														
a) Construction	C	5,097	5,097	425		425	850	15.73		15.73			31.46	377.56
b) Brake and Clutch Repair	C	30	30	3		3	5	0.09		0.09			0.18	2.22
Subtotal, Access to Records							1,362						50.43	605.30

H) Competent Person													
1) Training													
a) Class II ^b	S	704			9,856	9,856			365.04	365.04	26.07		
b) Class III and IV ^b	S	29,343			88,029	88,029			3,260.33	3,260.33	1,086.78		
2) Maintain Training Records	C	30,047		2,504		2,504	92.74			92.74	1,112.85		
Subtotal, Competent Person						100,389				3,718.11	2,225.70		
Total						402,806				14,919	46,820		

General Notes

- 1 Source for unit burdens is "Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act - Reporting and Recordkeeping for Asbestos Abatement Worker Protection." October 11, 2007. (EPA 2007). See Section 6(g) of this document for detailed derivation of per-state unit burdens and associated response counts.
- 2 Except for brake and clutch repair workers, the estimated numbers of employees reflect the numbers of full-time equivalents (FTEs). The estimated numbers of brake and clutch repair employees reflect the actual numbers of workers.
- 3 Labor Categories are as follows: IH-Industrial Hygienist; S-Supervisor; E-Employee; C-Clerical Staff
- 4 Response counts may differ slightly from those reported in 2007 ICR due to rounding.

Footnotes

- ^a Applies to large entities, identified as those not in the small entity category based on the RFA definition that a small government is any specified government entity, excluding States, with jurisdiction over a population of less than 50,000. Per 2007 ICR (see General Note 1 for citation) large governments constitute 3.23 % of the affected entities.
- ^b The percentage of crews working in large government jurisdictions is determined based on population data at 42.43% of the total number of crews. It is a disproportionately high proportion as large governments constitute only 3.23% of affected entities (per the 2007 ICR—see General Note 1 for citation).
- ^c The percentage of affected brake and clutch shops in large governments jurisdictions is assumed to occur at 42.43% of the total number of shops (per the 2007 ICR—see General Note 1 for citation).
- ^d Medical exam counts for questionnaires were corrected in order to consistently account for the +5% turnover.

Table 5: Explanation of Response Units and Scope of the Response (2007 ICR)

Collection Activity	By whom?	How long / how often?	Responses per ? (response unit)	Unit burden backed from total?	Final Aggregation Strategy	Responses Base Number	Estimate Total Response Counts	Units of Measure
A) Read And Interpret Regulation (5% turnover component only)	Construction supervisor, per entity	3 hrs / 3 yrs	State or local entity with turnover	no	Divide the total number of responses by three to account for frequency and multiply by 0.05 to account for counts of turnover responses.	25,312	422	State or local entity
B) Respirator Program								
1) Develop Program ^a	Industrial hygienist, per large entity	4 hrs / 5 yrs	Large state or local entity	Yes, for % of entities in large government	Use RFA definition and population counts to determine that 3.23% of entities are large. Multiply totals (crews or shops) by 0.0323 for affected totals.	25,312	818	Large state or local entity
2) Fit Testing								
a) Full-Face Respirators	Workers and their supervisors	15 min/yr	fit test	Yes, as 40 FTE is the total fit test scope	Apply total FTE to each work and supervisor pair.	40	40	Fit tests
b) Half-Mask-Face Respirators	Workers and their supervisors	10 min/yr	fit test	Yes, as 2,651 FTE is the total fit test scope	Apply total FTE to each work and supervisor pair.	2,651	2,651	Fit tests
3) Maintain Records for Fit Tests	Clerical staff	5 min/yr	fit test	See above	Apply sum of full-face and half-mask fit tests.	2,691	2,691	Fit tests
C) Exposure Monitoring								
1) Initial Exposure Assessment								
a) Construction ^{a,b}	Industrial hygienist, per construction crew in large entity	2 hrs / 3 yrs	Exposure assessment	Yes, for total count of crews, and % in large entities	Divide the total number of response by three to account for frequency, and multiply by 0.4243 for number of projects located in entities.	30,047	4,241	Crews in large entities
b) Brake and Clutch Repair ^{a,c}	Industrial hygienist, per brake and clutch shop in large entity	2 hrs/yr	Exposure assessment	Yes, for total count of shops, and % in large entities	Multiply total number of shops by 0.4243 for number of shops located in large entities.	2,996	1,269	Shops in large entities
2) Maintain Exposure Records	Clerical staff, per record	5 min/assessment	Exposure assessment	See above	Sum above for all entities: 10,016 crews annually plus 2,996 shops.	13,012	13,012	All affected crews and shops
3) Post Monitoring Results, Brake/Clutch	Clerical staff, per record	5 min/shop	Exposure assessment	Yes, for total count of shops	All shops in all entities	2,996	2,996	All affected shops
D) Hazard Communication								

Collection Activity	By whom?	How long / how often?	Responses per ? (response unit)	Unit burden backed from total?	Final Aggregation Strategy	Responses Base Number	Estimate Total Response Counts	Units of Measure
1) Evaluate Risk (Class I, II projects)	Supervisor, per project	45 min/yr	Risk evaluation	Yes, for total number of projects		4,507	4,507	Risk evaluations for affected projects
2) Notify Employees								
a) Construction	Supervisor, per project	5 min/yr	Notification	Yes, for total number of projects		507,508	507,508	Notifications for affected projects
b) Brake and Clutch Repair	Supervisor, per project	5 min/4 times per year	Notification	Yes, for total number of projects	Multiply total number of responses by 4 to account for quarterly frequency.	2,996	11,984	Notifications for affected projects
3) Notify Other Employees/ Tenants	Clerical staff, per notification	5 min / construction project	Notification	Yes, for total number of projects		507,508	507,508	Notifications for affected projects
E) Training								
1) Provide Training								
a) Class II	Workers	32 hrs/yr	Training Hours	Yes, for total number of workers		2,140	2,140	Workers trained
b) Class III (including new projects)	Workers	16 hrs/yr	Training Hours	Yes, for total number of workers		1,000	1,000	Workers trained
c) Class IV	Workers	2 hrs/yr	Training Hours	Yes, for total number of workers		51,905	51,905	Workers trained
2) Maintain Training Records	Clerical staff, per worker	5 min / worker	Training Record	See above	Sum of above for all training records	55,045	55,045	All training records

F) Medical Surveillance (includes +5% for turnover)								
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Collection Activity	By whom?	How long / how often?	Responses per ? (response unit)	Unit burden backed from total?	Final Aggregation Strategy	Responses Base Number	Estimate Total Response Counts	Units of Measure
1) Medical Exams	Workers and supervisors	45 min/yr	Medical Exam	Yes, for total numbers of workers and supervisors	Multiply totals by 1.05 to account for turnover (yields 1,268 supervisors and 1,916 employees).	3,032	3,184	Medical exams
2) Initial Questionnaire ^d	Workers and supervisors	30 min/yr	Medical Exam	Yes, for proportion getting an initial exam (see also above)	Multiply total counts above by 0.05 to account for those undergoing an initial exam (yields 63 supervisors and 96 employees).		159	Medical exams, initial
3) Periodic Questionnaire ^d	Workers and supervisors	10 min/yr	Medical Exam	Yes, for proportion getting a periodic exam (see also above)	Use counts above for all medical exams.		3,025	Medical exams, periodic
4) Information to Physicians	Clerical staff, per exam	5 min/exam	Medical Exam	Yes, for total numbers of workers and supervisors	Use counts above for all medical exams.		3,184	Medical exams
5) Physician's Written Opinion	Clerical staff, per exam	5 min/exam	Medical Exam	Yes, for total numbers of workers and supervisors	Use counts above for all medical exams.		3,184	Medical exams
6) Maintain Exam Records	Clerical staff, per exam	5min/exam	Medical Exam	Yes, for total numbers of workers and supervisors	Use counts above for all medical exams.		3,184	Medical exams
G) Access to Records								
1) Employee Access	Clerical staff, per record	5 min/record	Employee Record	Yes, for total number of workers and % who access records	Multiply total by 0.10 to obtain estimate for those accessing records.	60,890	6,089	Records accessed
2) EPA Access								

Collection Activity	By whom?	How long / how often?	Responses per ? (response unit)	Unit burden backed from total?	Final Aggregation Strategy	Responses Base Number	Estimate Total Response Counts	Units of Measure
a) Construction	Clerical staff, per record	5 min/record	Construction Site Records	Yes, for total number of construction sites	Take 5% of Class I projects plus 1% of new plus Class II, III, IV projects.		5,097	Records accessed
b) Brake and Clutch Repair	Clerical staff, per record	5 min/record	Shop Records	Yes, for total number of shops	Assumed total of 30 shops.		30	Records accessed
H) Competent Person								
1) Training								
a) Class II ^b	Supervisor, per site	14 hrs/yr	Training hours	Yes for total counts of sites			704	Supervisors trained
b) Class III and IV ^b	Supervisor, per site	3 hrs/yr	Training hours	Yes for total counts of sites			29,343	Supervisors trained
2) Maintain Training Records	Clerical staff, per record	5 min/record	Training records	See above	Sum of above for all training records		30,047	Training records
See General Notes and Footnotes in Table 4.								

REFERENCES

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U.S. EPA 2007. *Supporting Statement for a Request for OMB Review under the Paperwork Reduction Act - Reporting and Recordkeeping for Asbestos Abatement Worker Protection*. October 11, 2007.

ATTACHMENTS

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|--------------|-----------------------------------------------------------------------------|
| Attachment A | Section 6 of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2605) |
| Attachment B | Section 8(a) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2607(a)) |
| Attachment C | Asbestos Worker Protection Rule (40 CFR part 763, subpart G) |
| Attachment D | OSHA's Construction Standard (29 CFR 1926.1101) |
| Attachment E | General Industry Standard for Asbestos (29 CFR 1910.1001) |