

# HAZARD COMMUNICATION STANDARD

1218-0072

October 31, 2020

## SUPPORTING STATEMENT FOR THE INFORMATION COLLECTION REQUIREMENTS IN THE HAZARD COMMUNICATION STANDARD<sup>1</sup> (29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, 1926.59, and 1928.21) OMB CONTROL NO. 1218-0072 (October 2020)

This ICR is requesting the extension of a currently approved data collection.

### 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 et. seq.). 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 of 1970, states that any occupational safety or health standard promulgated by the Secretary of Labor under section 6(b) rulemaking authority "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 of exposure." In promulgating substance-specific rules to address the hazards of a particular chemical, OSHA followed this Congressional directive. However, given the universe of chemicals present in American workplaces (as many as 1,399,145 hazardous chemical products), and the time-consuming nature of OSHA's rulemaking process, it became clear that little information would be available to employees if this substance-by-substance approach was the only avenue pursued. Workers exposed to chemicals would continue to encounter a myriad of hazards. Many chemicals cause acute injuries or illnesses such as rashes, burns and poisoning, or chronic effects such as cancer or liver damage. Also, chemicals can pose physical hazards to workers by contributing to accidents such as fires and explosions. To prevent such occupational hazards, the Agency addressed the issue of hazard information transmittal on a generic basis.

The purpose of the Hazard Communication Standard (HCS) (29 CFR 1910.1200) and its collection of information requirements is to ensure that the hazards of chemicals produced or imported are evaluated and that information concerning these hazards is transmitted to employers and employees. The collections of information requirements are approved by the Office of Management and Budget (OMB) under OMB Control Number 1218-0072.

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<sup>1</sup> The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with the proposed revisions to the existing Hazard Communications information collection request.

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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 HCS standard affects employers and employees in many different industries across the economy. The HCS covers over five million workplaces<sup>2</sup> in which employees are potentially exposed to hazardous chemicals.

The following paragraphs identify the paperwork requirements contained in the HCS. Estimated burden hours and costs are discussed under Item 12.

### **Hazard Classification §1910.1200(d)**

*§1910.1200(d)(1)* - Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to classify the chemicals in accordance with this section. For each chemical, the chemical manufacturer or importer shall determine the hazard classes, and, *where appropriate*, the category of each class that apply to the chemical being classified. Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

*§1910.1200(d)(2)* - Chemical manufacturers, importers or employers classifying chemicals shall identify and consider the full range of available scientific literature and other evidence concerning the potential hazards. There is no requirement to test the chemical to determine how to classify its hazards. Appendix A to §1910.1200 shall be consulted for classification of health hazards, and Appendix B to §1910.1200 shall be consulted for the classification of physical hazards.

*Mixtures §1910.1200(d)(3)(i)* - Chemical manufacturers, importers, or employers evaluating chemicals shall follow the procedures described in Appendixes A and B to §1910.1200 to classify the hazards of the chemicals, including determinations regarding when mixtures of the classified chemicals are covered by this section.

*§1910.1200(d)(3)(ii)* – When classifying mixtures they produce or import, chemical manufacturers and importers of mixtures may rely on the information provided on the current safety data sheets of individual ingredients except where the chemical manufacture or importer knows, or in the exercise of reasonable diligence should know, that the safety data sheet misstates or omits information required by this section.

### **Written Hazard Communication Program § 1910.1200(e)**

All employers who have workers exposed to hazardous chemicals<sup>3</sup> must develop, implement and maintain a written hazard communication program. The written hazard

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<sup>2</sup> As shown in the PP&E report prepared under contract to the Department of Labor (and as reproduced in Table VII-2).

<sup>3</sup> Hazardous chemical means any chemical which is a physical hazard or a health hazard.

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communication program must describe how the criteria specified in the following paragraphs are met: paragraphs (f) *Labels and other forms of warning*, (g) *Safety Data Sheets (SDSs)*, and (h) *Employee information and training*<sup>4</sup>. Also, the written plan must include a list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate SDSs, and the methods the employer uses to inform workers of the hazards on non-routine tasks and the hazards associated with chemicals contained in unlabeled pipes in their work areas.

For multi-employer worksites the hazard communication program must also include the following: methods the employer will use to provide other employer(s) on-site access to SDSs for each hazardous chemical the other employer(s)' workers may be exposed to while working; the methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect workers during the workplace's normal operating and in foreseeable emergencies; and the methods the employer will use to inform the other employer(s) of the labeling system used in the workplace. Employers may use an existing hazard communication program to meet these requirements provided the plan meets the requirements described in the preceding paragraph.

On request, the employer must make their hazard communication program available to workers, their designated representatives, OSHA compliance officers, and the National Institute for Occupational Safety and Health (NIOSH).

A written program provides a structure upon which to evaluate programs. Employers develop criteria they use in developing their programs, as well as the means used to meet those criteria. The written program serves as a useful reference for workers. Having the program in writing makes it easier to determine if the intent of the Standard is being met. Employers need not update their hazard communication programs as long as they meet the criteria established in paragraph (e) of the Standard.

### **Labels and other forms of warning §1910.1200(f)**

*Labels on shipped containers §1910.1200(f)(1)* The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked. Hazards not otherwise classified do not have to be addressed on the container. Where the chemical manufacturer or importer is required to label, tag or mark the following information shall be provided:

§1910.1200(f)(1)(i) - Product identifier;

§1910.1200(f)(1)(ii) - Signal word;

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<sup>4</sup> OSHA is not taking a burden for the training requirements specified by paragraph (h) of the HCS because these requirements are no longer considered collection of information requirements.

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§1910.1200(f)(1)(iii) - Hazard statement(s);

§1910.1200(f)(1)(iv) - Pictogram(s);

§1910.1200(f)(1)(v) - Precautionary statement(s); and,

§1910.1200(f)(1)(vi) - Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party.

*§1910.1200(f)(2)* - The chemical manufacturer, importer, or distributor shall ensure that the information provided under (f)(1)(i) through (v) is in accordance with Appendix C, Allocation of Label Elements, for each hazard class and associated hazard category for the hazardous chemical, prominently displayed, and in English (other languages may also be included if appropriate).

*§1910.1200(f)(3)* - The chemical manufacturer, importer, or distributor shall ensure that the information provided under paragraphs (f)(1)(ii) through (iv) is located together on the label, tag, or mark.

*§1910.1200(f)(4)*

*§1910.1200(f)(4)(i)* - For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;

*§1910.1200(f)(4)(ii)* - The label may be transmitted with the initial shipment itself, or with the safety data sheet that is to be provided prior to or at the time of the first shipment; and,

*§1910.1200(f)(4)(iii)* - This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself, and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to which employees handling the items in transit may be exposed (for example, cutting fluids or pesticides in grains).

*§1910.1200(f)(5)* - Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and regulations issued under that Act by the Department of Transportation.

*Workplace labeling (§1910.1200(f)(6))* - Except as provided in paragraphs (f)(7) and (f)(8) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with either:

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*§1910.1200(f)(6)(i)* - The information specified under (f)(1)(i) through (v) for labels on shipped containers; or,

*§1910.1200(f)(6)(ii)* - Product identifier and words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the hazard communication program, will provide employees with the specific information regarding the physical and health hazards of the hazardous chemical.

*§1910.1200(f)(7)* - The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by paragraph (f)(6) of this section to be on a label. The employer shall ensure the written materials are readily accessible to the employees in their work area throughout each work shift.

*§1910.1200(f)(8)* - The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer. For purposes of this section, drugs which are dispensed by a pharmacy to a health care provider for direct administration to a patient are exempted from labeling.

*§1910.1200(f)(9)* - The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

*§1910.1200(f)(10)* - The employer shall ensure that workplace labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

*§1910.1200(f)(11)* - Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical shall revise the labels for the chemical within six months of becoming aware of the new information, and shall ensure that labels on containers of hazardous chemicals shipped after that time contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer shall add the information to the label before the chemical is shipped or introduced into the workplace again.

### **Safety Data Sheets §1910.1200(g)**

*§1910.1200(g)(1)* Chemical manufacturers and importers shall obtain or develop a safety data sheet for each hazardous chemical they produce or import. Employers shall have a safety data sheet in the workplace for each hazardous chemical which they use.

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§1910.1200(g)(2) - The chemical manufacturer or importer preparing the safety data sheet shall ensure that it is in English (although the employer may maintain copies in other languages as well), and includes at least the following section numbers and headings, and associated information under each heading, in the order listed (See Appendix D to §1910.1200--Safety Data Sheets, for the specific content of each section of the safety data sheet.)

§1910.1200(g)(2)(i) - Section 1, Identification;

§1910.1200(g)(2) (ii) - Section 2, Hazard(s) identification;

§1910.1200(g)(2) (iii) - Section 3, Composition/information on ingredients;

§1910.1200(g)(2) (iv) - Section 4, First-aid measures;

§1910.1200(g)(2) (v) - Section 5, Fire-fighting measures;

§1910.1200(g)(2) (vi) - Section 6, Accidental release measures;

§1910.1200(g)(2)(vii) - Section 7, Handling and storage;

§1910.1200(g)(2)(viii) – Section 8, Exposure controls/personal protection;

§1910.1200(g)(2)(ix) - Section 9, Physical and chemical properties;

§1910.1200(g)(2)(x) - Section 10, Stability and reactivity;

§1910.1200(g)(2)(xi) - Section 11, Toxicological information.

Note 1 to paragraph (g)(2): To be consistent with the Global Harmonization Standard (GHS), an SDS must also include the following headings in this order:

Section 12, Ecological information;

Section 13, Disposal considerations;

Section 14, Transport information; and

Section 15, Regulatory information.

Note 2 to paragraph (g)(2): OSHA will not be enforcing information requirements in sections 12 through 15, as these areas are not under its jurisdiction.

§1910.1200(g)(2)(xii) - Section 16, Other information, including date of preparation or last revision.

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*§1910.1200(g)(5)* - The chemical manufacturer, importer or employer preparing the safety data sheet shall ensure that the information provided accurately reflects the scientific evidence used in making the hazard classification. If the chemical manufacturer, importer or employer preparing the safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the safety data sheet within three months. If the chemical is not currently being produced or imported, the chemical manufacturer or importer shall add the information to the safety data sheet before the chemical is introduced into the workplace again.

*§1910.1200(g)(11)* - Safety data sheets shall also be made readily available, upon request, to designated representatives, the Assistant Secretary, and the Director, in accordance with the requirements of §1910.1020(e).

### **Trade Secrets (§1910.1200(i))**

Chemical manufacturers, importers, or employers who withhold the specific chemical identity or the exact concentration, must immediately disclose the chemical identity or exact concentration where a treating physician or nurse determines that a medical emergency exists and that information is necessary for emergency or first-aid treatment. Chemical manufacturers, importers, or employers generating a SDS, may request a written statement of need and confidentiality in accordance with paragraphs (i)(3) and (i)(4) of the Standard as soon as circumstances permit.

In non-emergency situations, chemical manufacturers, importers, withholding specific chemical identity or exact percentage must disclose the hazardous chemical identity or exact percentage to a health professional providing the medical or other occupational health services to exposed workers, provided the request in writing. The request must describe with reasonable detail one of the items in paragraphs (i)(3)(ii). If the health professional, worker, or designated representative who receives the trade secret information chooses to provide the information to OSHA, they must inform the chemical manufacturer, importer, or employers who prepare SDSs that they are providing the information to OSHA.

Chemical manufacturers, importers, or employers who prepare SDSs, may prepare a written denial for disclosure of specific chemical identity or exact percentage. Written denials must contain the information stated in paragraph (i)(7) of the Standard.

- 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 burden.**

To the extent practical, OSHA standards minimize burdens on employers, including technical and legal burdens. OSHA is aware that employers have developed a number of

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options to sort, collect, and store hazard communication information, and that many software programs have been marketed to assist employers in accomplishing these tasks. The Standard allows for electronic access, and other alternatives to maintaining paper copies of the SDSs, so long as no barriers to immediate employee access are created by such options. There are no known technical or legal obstacles to reducing the information collection burden through improved information technology.

OSHA is considering developing a SDS web application that would assist employers in formatting and printing their SDS.

#### **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 2 above.**

Within the U.S., several regulatory authorities exercise jurisdiction over chemical hazard communication. In addition to OSHA's HCS, the Department of Transportation (DOT) regulates chemicals in transport, the Consumer Product Safety Commission (CPSC) regulates consumer products, and the Environmental Protection Agency (EPA) regulates pesticides, as well as having other authority over labeling under the Toxic Substances Control Act. OSHA has an MOU with the EPA dated April 12, 2012, that addresses EPA's Federal Insecticide, Fungicide, and Rodenticide Act's labels and safety data sheets. Each of these regulatory authorities operates under different statutory mandates, and has adopted distinct hazard communication requirements.

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

As part of the GHS rulemaking, OSHA analyzed the potential impact of the final rule on small entities, and prepared a Regulatory Flexibility Analysis (RFA) in conjunction with the rulemaking describing the potential effects on small entities. As a result of the analysis of the potential impact on small entities, OSHA concluded and certified that the rulemaking did not have a significant impact on a substantial number of small entities. OSHA believes this is still the case in this submission

#### **6. Describe the consequences 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 information required under the HCS concerning the hazards of chemicals and appropriate protective measures reduce the incidence of chemical-source illnesses and injuries in workers exposed to chemical hazards. Making this information available to workers provides some protection to them in the absence of substance-specific rules; the vast majority of hazardous chemicals to which workers are exposed are not regulated by a substance-specific standard. A reduction in the number of incidents of chemical-source illnesses and injuries in workers exposed to chemical hazards occur from the improved protections implemented by employers because of the HCS, and from workers who understand these measures better and, therefore, will take effective steps to protect



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themselves.

### **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 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 uses; 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 of the Standard are within the guidelines set forth in 5 CFR 1320.5.

### **8. If applicable, provide a copy and identify the date 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.**

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**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.**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* (85 FR 44108) on July 21, 2020 requesting public comment on its proposed extension of the collection of information requirements contained in the Hazard Communication Standard (Docket No. OSHA-2009-0014). This notice was part of a preclearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the collection of information requirements found in the Standard. The Agency did not receive any public comments in response to this notice.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration 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 HCS requires that the specific chemical identity of a hazardous chemical be disclosed, but if such information is a valid trade secret, the rule permits chemical producers importers to limit disclosure of this information based on their need and ability to maintain confidentiality (See 29 CFR 1910.1200 paragraph (i)).

In addition to the provisions of this rule, the OSH Act requires the Agency to maintain the confidentiality of trade secret information provided directly to its representatives (29 U.S. C. 664).

**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.**

The paperwork requirements specified by the Standard do not require collection of 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**

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**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 collection 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 13.**

### **Burden Hour and Cost Determination**

#### **Explanation of Method of Estimating the Annual Burden**

As with the currently approved ICR, OSHA is maintaining some of the previous assumptions for this ICR that rely on an older Regulatory Impact Analysis (RIA). While other assumptions rely on data obtained during the GHS rulemaking.

#### **Exhibit A. Sources for the Analysis Values**

Exhibit A-1, below, shows the basic values used in this analysis. These values were derived as follows:

**Number of affected establishments:** The number of affected establishments is based on the data from the HCS/GHS final economic analysis, “the Final Economic Analysis (FEA).”

**New establishments as a percentage of all establishments (rate of entry):** The number of affected new establishments is based on the FEA.

**Total Number of Workers:** The total number of workers is based on the FEA.

**Number of chemical products:** The number of chemical products was taken from the FEA.

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**Percentage of new chemical products annually<sup>5</sup>:** Based on the RIA, new chemical products are assumed to be 8 percent of all chemical products.

**Number of chemical products per establishment:** The RIA estimated that the typical manufacturing establishment has 22 hazardous chemicals, and that the typical non-manufacturing establishment has 15 hazardous chemicals.

**Number of Shipped Containers of Hazardous Chemicals:** Based on the FEA, the number of shipped containers of hazardous chemicals is 1,337 million.

**Number of in-plant containers:** The number of containers of hazardous chemicals used entirely in-plant was assumed to be 10 percent of the number of shipped containers of hazardous chemicals.

**Percentage of establishments already in compliance:** The RIA found that 60 percent of all establishments were in compliance with the basic provisions of the HCS, primarily as a result of state laws existing prior to the OSHA standard. Hence, HCS is assumed to account for (1-.6) or 40 percent of the burdens and costs since, in the absence of HCS, 60 percent of the burden would continue as a result of state statutes.

### Exhibit A-1 Basic Values for the Analysis

#### Number of Affected Establishments

Manufacturing 85,081  
Non-Manufacturing<sup>6</sup> 4,933,235

#### New Establishments as a percentage of Affected Establishments

Manufacturing 6,126 (85,081 x 7.2%)  
Non-Manufacturing 626,521 (4,933,235 x 12.7%)

**Total Workers** 120,942,696

**Number of Chemicals Products** 1,399,145

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<sup>5</sup> This estimate includes those instances when chemical manufacturers, importers, distributors or employers become aware of any significant information regarding the hazards of a chemical and they are required to revise labels for the chemical.

<sup>6</sup> The total number of establishments is 5,018,316. Only 1.69% of the establishments, or 85,081 establishments, are manufacturing. Therefore, the total number of non-manufacturing establishments is 5,018,316 minus the 85,081, or 4,933,235.

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**Percentage of New Chemicals Products Annually** 8.0%

### Number of Hazardous Chemicals Products per Establishment

Manufacturing 22

Non-Manufacturing 15

**Number of Shipped Containers of Hazardous Chemicals** 1,337,000,000

**Number of In-Plant Containers** 133,700,000

**Percentage of Establishments Already in Compliance as a Result of State Standards** 60%<sup>7</sup>

### Compensation Wage Rates

The Agency determined average wage rates using average hourly earnings, including benefits, to represent the cost of worker time. The Agency adopted the mean wage rates from “*May 2018 National Occupational Employment and Wage Estimates*,” U.S. Department of Labor, Bureau of Labor Statistics. Total compensation for these occupational categories includes an adjustment of 29.9 percent (.299), *Employment Costs Index, December 2019*<sup>8</sup> for fringe benefits; this figure represents the average level of fringe benefits in the private sector. The costs of labor used in this analysis are, therefore, estimates of total hourly compensation. These hourly wages are:

**Table 1 – Estimated Wage Rate**

Occupational Title	Standard Occupation Code	Mean Hourly Wage <i>a</i>	Fringe Benefits <i>b</i>	Wage Rate <i>c</i> [ $c=a/(1-b)$ ]
Supervisors/Managers	11-3051	\$54.51 <sup>9</sup>	.299	\$77.76
Logistic Workers	13-1081	\$37.85 <sup>10</sup>	.299	\$53.99
Occupational Health & Safety Specialist	29-9011	\$36.03	.299	\$51.40
Clerical/Secretary	43-6014	\$18.28 <sup>11</sup>	.299	\$26.08

<sup>7</sup> The Agency uses 40% in burden hour and cost equations to reflect that 60% of the establishments are already in compliance with State law.

<sup>8</sup> Source: <https://www.bls.gov/news.release/pdf/ecec.pdf> (accessed on \_May1, 2020).

<sup>9</sup> This mean hourly wage rate (\$54.51) corresponds to SOC code 11-3051, “Industrial Production Managers.” (Source: *May 2018 National Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) <http://www.bls.gov/oes/tables.htm> (accessed on May 1, 2020).

<sup>10</sup> This mean hourly wage rate (\$37.85) corresponds to SOC code 13-1081, “Logisticians.” (Source: *May 2018 National Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) <http://www.bls.gov/oes/tables.htm> (accessed on May 1, 2020).

<sup>11</sup> This mean hourly wage rate (\$18.28) corresponds to SOC code 43-6014, “Secretaries and

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Occupational Title	Standard Occupation Code	Mean Hourly Wage <i>a</i>	Fringe Benefits <i>b</i>	Wage Rate <i>c</i> [ $c=a/(1-b)$ ]

## 1. Written Hazard Communication Programs (§ 1910.1200(e)) (New Establishments)

Written Hazard Communication Program: All affected establishments must have a written hazard communication program explaining how the establishment meets the criteria of the standard with respect to labeling, SDSs, and worker information and training as discussed under paragraph (e) of the standard. The RIA estimates manufacturing plants take an average of 5 hours (4 professional hours and 1 clerical hour) to develop a written hazard communication program while non-manufacturing facilities take an average of 2.5 hours (2 hours professional and .5 clerical).

To determine the total number of *new* manufacturing and non-manufacturing establishments the agency multiplied the total number of manufacturing and non-manufacturing establishments by the rate of entry.

In addition, since sixty percent of establishments were in compliance prior to the promulgation of the HCS as a result of State Standards, the total number of new establishments was multiplied by 40% to reflect burden hours and costs attributed to the HCS.

### Number of new establishments affected:

New manufacturing establishments: 85,081 manufacturing establishments x .072 (rate of entry) x 40% = 2,450 affected new manufacturing establishments.

New non-manufacturing establishments: 4,933,235 non-manufacturing establishments x .127 (rate of entry) x 40% = 250,608 affected new non-manufacturing establishments

### **Burden Hours and Costs:**

#### Manufacturing:

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Administrative Assistants, except Legal, Medical, and Executive.” (Source: *May 2018 National Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) <http://www.bls.gov/oes/tables.htm> (accessed on May 1, 2020).

# HAZARD COMMUNICATION STANDARD

1218-0072

October 31, 2020

## **Burden hours:**

2,450 affected new establishments x 4 hours professional = 9,800 hours

2,450 affected new establishments x 1 hour clerical = 2,450 hours

**Total burden hours** = 12,250 hours

## **Cost:**

9,800 hours x \$77.76 professional wage rate hour = \$762,048

2,450 hours x \$26.08 clerical wage rate = \$63,896

**Total cost** = \$825,944

## Non-Manufacturing:

### **Burden hours:**

250,608 affected new establishments x 2 hours professional = 501,216 hours

250,608 affected new establishments x .5 clerical = 125,304 hours

**Total burden hours** = 626,520 hours

### **Cost:**

501,216 hours x \$77.76 professional wage rate = \$38,974,556

125,304 hours x \$26.08 clerical wage rate = \$3,267,928

**Total cost:** \$42,242,484

## Total Burden Hours and Costs:

	Manufacturing	Non-Manufacturing	Total
<b>Burden hours:</b>	12,250	626,520	638,770
<b>Cost:</b>	\$825,944	\$42,242,484	\$43,068,428

## **2. Written Hazard Communication Program (§ 1910.1200(e)) (Existing Establishments)**

OSHA estimates existing manufacturing establishments take 1 hour and non-manufacturing establishments .5 hour to update and maintain their hazard communication programs. Forty percent of the establishments incur burden hours and costs as a result of the HCS.

### Number of Existing Establishments Affected:

Existing manufacturing establishments affected: 85,081 manufacturing establishments x 40% = 34,032 affected establishments; 34,032 affected establishments - 2,450 new manufacturing establishments affected = 31,582 existing establishments affected.

Existing non-manufacturing establishments affected: 4,933,235 non-manufacturing establishments x 40% = 1,973,294 affected establishments; then 1,973,294 affected establishments - 250,608 new non-manufacturing establishments affected = 1,722,686 existing establishments affected.

### Manufacturing:

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**Burden hours:** 31,582 existing establishments x 1 hour = 31,582 hours

**Cost:** 31,582 hours x \$77.76 = \$2,455,816

### Non-Manufacturing:

**Burden hours:** 1,722,686 establishments x .5 hour = 861,343 hours

**Cost:** 861,343 hours x \$77.76 = \$66,978,032

### Total Burden hours and costs:

	Manufacturing	Non-Manufacturing	Total
<b>Burden hours:</b>	31,582	861,343	892,925
<b>Costs:</b>	\$2,455,816	\$66,978,032	\$69,433,848

### **3. Hazard Classification (§ 1910.1200(d))**

Chemical manufacturers and importers must evaluate chemicals produced in their workplaces or imported by them to classify the chemicals in accordance with the standard. For each chemical, the chemical manufacturer or importer must determine the hazard classes, and, *where appropriate*, the category of each class that apply to the chemical being classified. Employers are not required to classify chemicals unless they choose not to rely on the classification performed by the chemical manufacturer or importer for the chemical to satisfy this requirement. On average, a professional takes 8 hours to conduct the hazard classification and to develop the necessary labels and SDSs.

The total number of affected chemical products 559,658 is determined by multiplying the total number of chemical products 1,399,145 by 40 percent. The percentage of new chemical products annually is 8% of the total affected chemical products which is 44,773.

**Burden hours:** 44,773 new hazardous products x 8 hours = 358,184 hours

**Cost:** 358,184 hours x \$77.76 = \$27,852,388

### **4. Sending of SDSs (§ 1910.1200(g))**

#### **(Sending SDSs for new hazardous chemicals to existing establishments)**

Manufacturers, importers, or employers distributing hazardous chemicals or products must send SDSs to establishments receiving the new hazardous chemical or product. OSHA estimates a manufacturer, importer, or employer generating the SDS takes .14 clerical hours to distribute a SDS. Only 8% of the hazard chemicals will be new annually.

To determine the number of new hazardous chemicals existing establishments receive, OSHA estimated that, on average, each manufacturing establishment has 22 hazardous chemicals. Therefore, the number of new chemicals per manufacturing establishment averages 1.76 new chemicals.

### Manufacturing:



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**Burden hours:** 31,582 establishments x 1.76 new hazardous chemicals x .14 hour =  
7,782 hours

**Cost:** 7,782 hours x \$26.08 = \$202,955

For non-manufacturing establishments, there are 15 hazardous chemicals, assuming an eight percent new chemical rate; the number of new chemicals for non-manufacturing establishments is 1.2.

### Non-Manufacturing:

**Burden hours:** 1,722,686 establishments x 1.2 new hazardous chemicals x .14 hour =  
289,411 hours

**Cost:** 289,411 hours x \$26.08 = \$7,547,839

### Total Burden hours and cost:

	Manufacturing	Non-Manufacturing	Total
<b>Burden Hours:</b>	7,782	289,411	297,193
<b>Cost:</b>	\$202,955	\$7,547,839	\$7,750,794

## 5. Sending of SDSs (§ 1910.1200(g))

### (Sending SDSs for all hazardous chemicals to new establishments)

Manufacturers, importers, or employers developing SDSs, must distribute SDSs to new establishments for all initial hazardous chemicals and for new chemical products they may receive during the year. The clerical time required to send SDSs to new establishments is the same as for existing establishments, .14 hours. OSHA recognizes that the time it takes for manufacturers, importers, or employers to transmit SDSs is overestimated because some are sent electronically.

### Manufacturing:

OSHA estimates that the new manufacturing establishments receive an average of 22 SDSs; 22 hazardous chemicals for purchasing initially, plus the 1.76 for the new hazardous chemicals establishments purchase annually.

**Burden hours:** 2,450 new establishments x 23.76 hazardous chemicals x .14 hour =  
8,150 hours

**Cost:** 8,150 hours x \$26.08 = \$212,552

### Non-manufacturing:

Non-manufacturing establishments receive an estimated 16.2; (15 SDSs + 1.2 new hazardous chemicals)

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**Burden hours:** 250,608 new non-manufacturing establishments x 16.2 hazardous chemicals x .14 hour = 568,379 hours

**Cost:** 568,379 hours x \$26.08= \$14,823,324

Total Burden hours and cost:

	Manufacturing	Non-Manufacturing	Total
<b>Burden hours:</b>	8,150	568,379	576,529
<b>Cost:</b>	\$212,552	\$14,823,324	\$15,035,876

### 6. Sending of SDSs (§ 1910.1200(g))

(Sending SDSs for existing hazardous chemicals to existing establishments)

Manufacturers, importers, or employers distributing hazardous chemicals or products must send SDSs to establishments receiving the hazardous chemical or product. OSHA estimates a manufacturer, importer, or employer generating the SDS takes .14 clerical hours to distribute an existing SDS to a manufacturer deciding to use an existing hazardous chemical that they had not previously used. OSHA estimates that, on average, half of establishments (the equivalent of every existing establishment newly using .5 existing chemicals) will newly use an existing chemical.

Manufacturing:

**Burden hours:** 31,582 establishments x .5 existing hazardous chemicals x .14 hour = 2,211 hours

**Cost:** 2,211 hours x \$26.08 = \$57,663

For non-manufacturing establishments, OSHA also estimates that, on average, half of establishments (the equivalent of every existing establishment newly using .5 existing chemicals) will newly use an existing chemical.

Non-Manufacturing:

**Burden hours:** 1,722,686 establishments x .5 new hazardous chemicals x .14 hour = 120,588 hours

**Cost:** 120,588 hours x \$26.08 = \$3,144,935

Total Burden hours and cost:

	Manufacturing	Non-Manufacturing	Total
<b>Burden Hours:</b>	2,211	120,588	122,799
<b>Cost:</b>	\$57,663	\$3,144,935	\$3,202,598

### 7. Revising SDSs

The Agency estimated a few SDSs, and accompanying labels as necessary, will need to be revised. OSHA estimates that one-half of one percent (.005) of the SDS would need

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to be revised. Given the standardized format of the SDS and that any new significant information that chemical manufacturers, importers, distributors, or employers would become aware of would not require a comprehensive revision of the SDS. For the purposes of estimating burden hours, OSHA estimates it will take 15 minutes (0.25 hour) for a supervisor/manager to update the SDS, and if necessary the associated label.

**Burden hours:** 1,399,145 SDS x .5% x .25 hour = 1,749 hours

**Cost:** 1,749 hours x \$77.76 wage hour professional = \$136,002

### 8. Obtaining & Maintaining SDSs (§ 1910.1200(g)) (Existing Establishments)

All existing establishments that have hazardous chemicals must maintain SDSs, and may need to obtain SDSs. Smaller establishments or establishments with fewer chemicals spend less time to obtain and maintain SDSs, while larger companies, companies with a greater number of chemicals, and construction companies having to keep SDSs at various job sites take a greater amount of time obtaining and maintaining SDSs. To account for this variance in time, OSHA estimates an average of 1 hour of clerical time per establishment is needed to obtain and maintain SDSs. OSHA assumes 40 percent of the establishments incur burden hours and costs as a result of the HCS.

#### Manufacturing:

**Burden hours:** 31,582 existing establishments affected x 1 hour = 31,582 hours

**Cost:** 31,582 hours x \$26.08 = \$823,659

#### Non-Manufacturing:

**Burden hours:** 1,722,686 existing establishments affected x 1 hour = 1,722,686 hours

**Cost:** 1,722,686 hours x \$26.08 = \$44,927,651

#### Total Burden hours and costs:

	Manufacturing	Non-Manufacturing	Total
<b>Burden hours:</b>	31,582	1,722,686	1,754,268
<b>Costs:</b>	\$823,659	\$44,927,651	\$45,751,310

### 9. Obtaining & Maintaining SDS (§ 1910.1200(g)) (New Establishments)

All new establishments receive and maintain SDSs for hazardous chemicals at their locations. On occasion new establishments may need to obtain SDSs. A clerical worker spends an average of .14 hour per SDS to obtain and maintain the SDSs. The Agency recognizes that the .14 hour is an over estimate given numerous employers receive, obtain, and maintain SDSs electronically.

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The number of new manufacturing establishments affected by the HCS is 2,450, and the number of new non-manufacturing establishments affected is 250,608 (see number 1 “Written Hazard Communication Program (New Establishments)).” OSHA estimates that new manufacturing establishments require a total of 23.76 SDSs, and non-manufacturing establishments require 16.2 SDSs. The burden hours are determined by multiplying the number of establishments by the total number of SDSs per establishment by the time to obtain and maintain SDSs.

### Manufacturing:

**Burden hours:** 2,450 establishments x 23.76 SDSs x .14 hour = 8,150 hours

**Cost:** 8,150 hours x \$26.08 = \$212,552

### Non-Manufacturing:

**Burden hours:** 250,608 establishments x 16.2 SDSs x .14 hour = 568,379 hours

**Cost:** 568,379 hours x \$26.08 = \$14,823,324

### Total Burden hours and costs

	Manufacturing	Non-Manufacturing	Total
<b>Burden hours:</b>	8,150	568,379	576,529
<b>Cost:</b>	\$212,552	\$14,823,324	\$15,035,876

## 10. Labeling Shipping Containers (§ 1910.1200(f))

There is no burden for affixing labels to off-site containers because it is usual and customary practice for manufacturers to affix labels to containers being shipped.

## 11. Labeling of In-Plant Containers (§ 1910.1200(f)(5))

Labeling in-plant containers: Employers must ensure that portable containers that are transferred from the workers who filled them to other workers are labeled. It is estimated that approximately 12 seconds (.0033 hour) of workers time per container. OSHA assumes 40 percent of the containers incur burden hours and costs as a result of the HCS.

**Burden hours:** 133,700,000 (# of containers) x 40% x .0033 hours per container  
= 176,484 hours

**Cost:** 176,484 hours x \$53.99 (worker) = \$9,528,371

## 12. Access to Trade Secrets (§ 1910.1200(i))

Burden hours are estimated for employers to respond to requests from workers, their representatives, and health professionals for trade secret information. The Agency estimates an average of 7 situations requiring access to trade secrets per 10,000 workers working in establishments with hazardous chemicals. OSHA estimates there are 120,942,696 workers<sup>12</sup> covered by the HCS, therefore, the Agency estimates there are

<sup>12</sup> Estimate of 120,942,696 total workers.

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84,660 access requests (120,942,696 workers/10,000 workers x 7 situations ), and that a professional requires 4 hours to respond to each request.

**Burden hours:** 84,660 requests x 4 hours = 338,640 hours

**Cost:** 338,640 hours x \$77.76 = \$26,332,646

### 13. Employee Access (§ 1910.1200(d),(c) and §1910.1200(e)(4))

OSHA estimates an average of 1.5 requests per establishment for worker access to the written programs and SDSs. OSHA estimates a clerk takes 10 minutes (.167 hour) to show the worker the relevant documents and to return them to a file after the worker has examined them. OSHA assumes 40 percent of the establishments (5,018,316 establishments x 40% = 2,007,326 establishments) incur burden hours and costs for providing workers access as a result of the HCS.

**Burden hours:** 2,007,326 establishments x 1.5 response x .167 hours = 502,835 hours

**Cost:** 502,835 hours x \$26.08 = \$13,113,937

### 14. Revisions due to 2012 HCS rulemaking

Labels - Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical must revise the labels for the chemical within six months of becoming aware of the new information, and must ensure that labels on containers of hazardous chemicals shipped after that time contain the new information.

SDS - Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical must revise the SDS for the chemical within six months of becoming aware of the new information, and must ensure that SDSs of hazardous chemicals shipped after that time contain the new information.

**Table 2 - Burden Hours and Costs for Revisions to Safety Data Sheets and Labeling Requirements**

Establishment Size	# of SDSs	% Not in Compliance	Total Responses	Hours/ SDS	Total Burden Hours	Mean Hourly Wage	Total Burden Cost

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1-19	116,076	99%	114,915	.7	80,441	\$51.40	\$4,134,667
20-99	126,333	95%	120,016	.7	84,011	\$51.40	\$4,318,165
100-499	232,179	75%	174,134	.5	87,067	\$51.40	\$4,475,244
500+	924,557	25%	231,139	.3	69,342	\$51.40	\$3,564,179
<b>Total</b>	<b>1,399,145</b>		<b>640,204</b>		320,861		<b>\$16,492,255</b>

**Table 3 – Estimated Annualized Respondent Hour and Cost Burdens**

<b>Information Collection Requirement</b>	<b>Occupation</b>	<b>Total Number of Responses</b>	<b>Time per Response (In Hours)</b>	<b>Total Burden Hours (rounded)</b>	<b>Average Wage Rate</b>	<b>Total Buren Costs (rounded)</b>
<b>1. Written Hazard Communication Program (New Establishments)</b>						
Manufacturing	Supervisor	2,450	4	9,800	\$77.76	\$762,048
	Clerical	2,450	1	2,450	\$26.08	\$63,896
Non-Manufacturing	Supervisor	250,608	2	501,216	\$77.76	\$38,974,556
	Clerical	250,608	0.5	125,304	\$26.08	\$3,267,928
Subtotal		506,116		638,770		\$43,068,428
<b>2. Written Hazard Communication Program (Existing Establishments)</b>						
Manufacturing	Supervisor	31,582	1	31,582	\$77.76	\$2,455,816
Non-Manufacturing	Supervisor	1,722,686	0.5	861,343	\$77.76	\$66,978,032
Subtotal		1,754,268		892,925		\$69,433,848
<b>3. Hazard Classification</b>						
	Supervisor	44,773	8	358,184	\$77.76	\$27,852,388
<b>4. Sending SDSs for new hazardous chemicals to existing establishments</b>						
Manufacturing	Clerical	55,584	0.14	7,782	\$26.08	\$202,955
Non-Manufacturing	Clerical	2,067,223	0.14	289,411	\$26.08	\$7,547,839
Subtotal		2,122,807		297,193		\$7,750,794
<b>5. Sending SDSs (New Establishments)</b>						
Manufacturing	Clerical	58,212	0.14	8,150	\$26.08	\$212,552
Non-Manufacturing	Clerical	4,059,850	0.14	568,379	\$26.08	\$14,823,324
Subtotal		4,118,062		576,529		\$15,035,876
<b>6. Sending SDSs (Existing Establishments)</b>						
Manufacturing	Clerical	15,791	0.14	2,211	\$26.08	\$57,663

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<b>Information Collection Requirement</b>	<b>Occupation</b>	<b>Total Number of Responses</b>	<b>Time per Response (In Hours)</b>	<b>Total Burden Hours (rounded)</b>	<b>Average Wage Rate</b>	<b>Total Buren Costs (rounded)</b>
Non-Manufacturing	Clerical	861,343	0.14	120,588	\$26.08	\$3,144,933
Subtotal		877,134		122,799		\$3,202,598
<b>7. Revising SDSs (Existing Establishments)</b>						
Subtotal	Supervisor	6,996	0.25	1,749	\$77.76	\$136,002
<b>8. Obtaining and Maintaining SDSs (Existing Establishments)</b>						
Manufacturing	Clerical	31,582	1	31,582	\$26.08	\$823,659
Non-Manufacturing	Clerical	1,722,686	1	1,722,686	\$26.08	\$44,927,651
Subtotal		1,754,268		1,754,268		\$45,751,310
<b>9. Obtaining and Maintaining (New Establishments)</b>						
Manufacturing	Clerical	58,212	0.14	8,150	\$26.08	\$212,552
Non-Manufacturing	Clerical	4,059,850	0.14	568,379	\$26.08	\$14,823,324
		4,118,062		576,529		\$15,035,876
<b>10. Labeling Shipped Containers</b>						
		0		0		0
<b>11. Labeling of In-Plant Containers</b>						
Subtotal	Logistic Worker	53,480,000	0.0033	176,484	\$53.99	\$9,528,371
<b>12. Access to Trade Secrets</b>						
	Supervisor	84,660	4	338,640	\$77.76	\$26,332,646
<b>13. Employee Access</b>						
Subtotal	Clerical	3,010,989	0.167	502,835	\$26.08	\$13,113,937
<b>14. Revisions to the Safety Data Sheets and Labeling</b>						
1-19	Occupational Health & Safety Specialist	114,915	0.7	80,441	\$51.40	\$4,134,667
20-99	Occupational Health & Safety Specialist	120,016	0.7	84,011	\$51.40	\$4,318,165
100-499-	Occupational Health & Safety Specialist	174,134	0.5	87,067	\$51.40	\$4,475,244
500+	Occupational Health & Safety Specialist	231,139	0.3	69,342	\$51.40	\$3,564,179
Subtotal		640,204		320,861		\$16,492,255

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Information Collection Requirement	Occupation	Total Number of Responses	Time per Response (In Hours)	Total Burden Hours (rounded)	Average Wage Rate	Total Buren Costs (rounded)
<b>TOTAL</b>		72,518,339		6,557,766		\$292,734,329

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 show in Item 12 and 14).

The cost estimate should be split into two components: (a) a total capital and startup 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 rule making 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.

## Transmitting SDSs

The cost to develop and transmit SDSs varies depending on transmission of SDSs. Many importers and manufacturers of hazardous chemicals send SDSs electronically. In these situations, there are no costs to importers and manufacturers to transmit the SDSs downstream to employers, including distributors. Importers and manufacturers also send paper copies of SDSs with their hazardous chemicals. Many employers copy SDSs in-house for distribution. Based on the cost of toner and paper; the cost for importers and manufacturers is approximately 7 cents per page (\$.07). To estimate costs for the various production and distribution of SDSs, OSHA assumes that all SDSs are transmitted by paper. The cost for SDSs are determined by totaling the number of SDSs distributed then multiplying the total by \$.07

Under Item 12, number 4 titled "Sending SDSs for new hazardous chemicals, to existing establishments" OSHA estimates that a total of 55,584 SDSs<sup>13</sup> are sent to existing

<sup>13</sup> Existing manufacturers receive a total of 55,584 SDSs (31,582 affected establishments x 1.76



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manufacturing establishments and 2,067,223 SDSs are sent to non-manufacturing establishments<sup>14</sup>. Therefore, the total number of SDSs received by existing manufacturing and non-manufacturing establishments is 2,122,807.

Under Item 12, number 5 titled “Sending SDSs for all hazardous chemicals to new establishments,” OSHA estimates a Total of 58,212 SDSs are sent to new manufacturing establishments and 4,059,850 SDSs are sent to new non-manufacturing establishments.<sup>15</sup> The total number of SDSs sent to new establishments is 4,118,062 SDSs.

Under Item 12, number 5(a) titled “Sending SDSs for existing hazardous chemicals to exiting establishments,” OSHA estimates a total of 15,791 existing SDSs are sent to existing manufacturing establishments and 861,343 existing SDSs are sent to existing non-manufacturing establishments.<sup>16</sup> The total number of SDSs is 877,134.

**The total number of SDSs is 7,118,003 (2,122,807 +4,118,062 + 877,134)**

**Cost:** 7,118,003 SDSs x 2 pages x .07 dollar = \$996,520

### Printing Cost-for Labels:

The total estimated for color printer cost is \$24,074,395 for all establishments. See Table 4, *Summary of Color Printing Costs*. The cost of colored printers and printing is only for labels and not SDSs, as SDSs may be printed in black and white and still remain in compliance. Labels with pictograms require color printing for the red borders of the pictograms.

Table 4 Summary of Color Printing Costs					
Size Category	Annualized Printer Cost per Label	Annualized Cartridge/Ribbon/Stock Costs per Label	Total Annualized Costs per Label	Total Annualized Costs per Establishment	Total Annualized Costs, All Establishments
<b>Category 1: Companies Printing Only B&amp;W and No Color Printer</b>					
Very Small	\$0.01	\$0.13	\$0.14	\$91.74	\$1,489,571
Small	\$0.01	\$0.13	\$0.13	\$570.41	\$2,552,483
Medium	\$0.01	\$0.01	\$0.01	\$142.02	\$321,896
Large	\$0.01	\$0.01	\$0.02	\$1,091.86	\$806,560
<b>Category 2: Companies Printing B&amp;W but Own Color Printer</b>					
Very Small	\$0.01	\$0.13	\$0.14	\$91.74	\$496,524
Small	\$0.00	\$0.13	\$0.13	\$551.81	\$823,074
Medium	\$0.00	\$0.01	\$0.01	\$123.42	\$93,242
Large	\$0.01	\$0.01	\$0.02	\$905.80	\$2,007,345
<b>Category 3: Companies Using Pre- Printed Stock/Labels</b>					
Very Small	\$-	\$0.03	\$0.03	\$22.28	\$482,349

new/revised SDSs).

<sup>14</sup> Existing non-manufacturers receive a total of 2,067,223 SDSs (1,722,686 affected establishments x 1.2 new/revised SDSs).

<sup>15</sup> New manufacturers receive a total of 58,212 SDSs (2,450 establishments x 23.76 SDSs) and new non-manufacturing receive a total of 4,059,850 SDSs (250,608 establishments x 16.2 SDSs).

<sup>16</sup> Existing manufacturers receive a total of 15,791 SDSs (31,582 establishments x .5 SDSs) and new non-manufacturing receive a total of 861,343 SDSs (1,722,686 establishments x .5 SDSs).

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Small	\$-	\$0.03	\$0.03	\$144.11	\$859,807
Medium	\$-	\$0.03	\$0.03	\$431.02	\$1,302,548
Large	\$-	\$0.03	\$0.03	\$1,738.06	\$12,839,037
<b>Category 4: Companies Printing Color Labels</b>					
Very Small	\$-	\$-	\$-	\$-	\$-
Small	\$-	\$-	\$-	\$-	\$-
Medium	\$-	\$-	\$-	\$-	\$-
Large	\$-	\$-	\$-	\$-	\$-
<b>Total</b>					<b>24,074,436</b>

1 – Includes the cost of printers annualized over five years and the cost of printing supplies incurred over a 20-year period beginning four years after the rule is published\$ - entries indicated no costs, while \$0.000 entries are non-zero fractions of a penny.

Source: Office of Regulatory Analysis, OSHA, based on ERG (2011).

**The total cost for producing and transmitting SDS (\$996,520), and developing color labels (\$24,074,436) is \$25,070,956.**

**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 may 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.**

Usually, OSHA requests access to records during an inspection. 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 in Item 14 of this Supporting Statement for disclosing information during an inspection.

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

OSHA is requesting an adjustment decrease in burden hours from 7,309,058 hours to 6,557,766 hours, a difference of -751,292 hours. The decrease is primarily due to a decrease in the number of establishments and the number of employees. See Table 5.

OSHA is also requesting a cost adjustment decrease of \$76,445 from \$25,147,401 to \$25,070,956. The cost reduction results from employers modifying software that can be used to classify chemical and to produce corresponding SDS and labels.

**Table 5 – Summary of the Adjustment Decrease in the Burden Hours**

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<b>Information Collection Requirement</b>	<b>Existing Burden Hours</b>	<b>Requested Burden Hours</b>	<b>Adjustment Change</b>
1. Written Hazard Communication Program (New Establishments)	687,758	638,770	-48,988

## HAZARD COMMUNICATION STANDARD

1218-0072

October 31, 2020

Information Collection Requirement	Existing Burden Hours	Requested Burden Hours	Adjustment Change
2. Written Hazard Communication Program (Existing Establishments)	961,230	892,925	-68,305
3. Hazard Classification	362,144	358,184	-3,960
4. Sending SDSs for new hazardous chemicals existing establishments	319,959	297,193	-22,766
5. Sending SDSs (New Establishments)	620,777	576,529	-44,248
6. Sending SDS (Existing Establishments)	132,217	122,799	-9,418
7. Revising SDSs (Existing Establishments)	1,768	1,749	-19
8. Obtaining and Maintaining SDSs (Existing Establishments)	1,888,818	1,754,268	-134,550
9. Obtaining and Maintaining (New Establishments)	620,777	576,529	-44,248
10. Labeling Shipped Containers	0	0	0
11. Labeling of In-Plant Containers	125,268	176,484	51,216
12. Access to Trade Secrets	363,788	338,640	-25,148
13. Employee Access	541,418	502,835	-38,583
			0
14. Revisions to the Safety Data Sheets and Labeling	683,136	320,861	-362,275
			0
<b>TOTAL</b>	<b>7,309,058</b>	<b>6,557,766</b>	<b>-751,292</b>

**16. For collection 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.**

The information required to be collected by the Hazard Communication Standard will not have results that will be published for statistical use.

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

**HAZARD COMMUNICATION STANDARD**

**1218-0072**

**October 31, 2020**

There are no forms associated with this collection of information on which to display expiration date.

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

OSHA is not requesting an exception to the certification statement.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

These collection of information requirements employ no statistical methods.