

## **SUPPORTING STATEMENT FOR HAZARD COMMUNICATION – 30 CFR PART 47**

### **OMB CONTROL NO. 1219-0133**

This ICR seeks to extend, without change, an existing information collection

**Collection Instrument(s):** None

**Authority:** 30 CFR Parts 47.31, 47.32, 47.32(a)(4), 47.32(b), 47.41, 47.42, 47.43, 47.51, 47.52, 47.53, 47.55, 47.71, 47.73, 47.81

#### **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.**

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811(a), authorizes the Secretary of Labor to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

Section 101(a)(7) of the Mine Act, 30 U.S.C. 811(a)(7), requires, in part, that mandatory standards prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure.

MSHA's hazardous communications (HazCom) standards in 30 CFR part 47 require mine operators to evaluate the hazards of chemicals they produce or use and to provide information to miners concerning chemical hazards by means of a written HazCom program including a list of all hazardous chemicals known at the mine, labeling containers of hazardous chemicals, providing access to Material Safety Data Sheets (MSDS) and administering initial miner training.

**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.**

MSHA's HazCom standards involve third-party information sharing. It requires mine operators and/or contractors to assess the hazards of chemicals they produce or use and provide information to their miners concerning the chemicals' hazards. Mine operators and/or contractors must develop a written HazCom program that describes how they will inform miners of chemical hazards and safe handling procedures through miner training, labeling containers of hazardous chemicals, and that they will provide miners access to MSDSs (also known as SDSs).

The purpose of this collection is to provide miners access to information about the chemical hazards and the protective measures they can take to protect themselves from these hazards. Through HazCom, mine operators and/or contractors also have the necessary information regarding the hazards of chemicals present at their mines, so that workplace practices and methods are improved or instituted to minimize exposure to these chemicals.

**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.**

In order to comply with the Government Paperwork Elimination Act, mine operators may retain their written HazCom program in whatever medium they choose including utilization of computer technology. HazCom also allows for the electronic storage and retrieval of information where such use does not interfere with the miner's right to ready access to the information in an emergency. Computer access can be used for the requirements in this standard, with the exception of the provision that requires mine operators to label containers. With respect to the particular provision that requires mine operators to have copies of MSDSs for all hazardous chemicals present at the mine site, MSHA has estimated that roughly 65 percent of these responses will be accomplished with internet access. MSHA also allows operators to use facsimile (fax), email, internet transfer, and other electronic services to provide readily available MSDS. Other data retention and transmission technologies will be evaluated and approved as they become available.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.**

This information is not collected in any form, and therefore is not duplicated elsewhere.

**5.**

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

This information collection does not have a significant impact on small businesses or other small entities.

**6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

MSHA's HazCom standards require mine operators to develop, implement, and maintain a written HazCom program. Operators must identify chemicals, make a hazard determination, ensure that containers of hazardous chemicals have labels, have and make available an MSDS for each hazardous chemical used or produced at the mine, and instruct miners on the physical and health hazards of the chemicals in the miners' work area, protective measures, and contents of the HazCom program.

If this collection (third-party disclosure) is not conducted, miners would be at increased risk of harm from hazardous chemicals. HazCom does not require periodic updates of the information if the hazards do not change. Most written HazCom programs would need only occasional, minor revisions to keep them up-to-date. Inaccurate labels or MSDS can contribute to injuries or illnesses related to the improper use, storage, or handling of hazardous chemicals.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and**

**approved by OMB;**

- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This collection of information complies with 5 CFR 1320.5.

**8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

MSHA published a 60-day Federal Register notice on September 14, 2020 (85 FR 56637). MSHA received no public comments.

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

MSHA does not provide payments or gifts to respondents.

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

Under 30 CFR Part 47, Subpart I, confidentiality is available for trade secrets that operators are required to disclose. HazCom generally permits operators to withhold specific chemical identity information; however, trade secret information must be disclosed to an exposed miner,

the miner's designated representative, and a treating health professional under certain circumstances. In medical emergencies, a treating health professional is entitled to receive the information immediately. After the emergency is abated, the holder of the trade secret could require the treating health professional to sign a written statement of need and a confidentiality agreement.

MSHA Metal/Nonmetal mines would expect few trade secret claims under this rule. The Agency is aware that most operators produce single substances that are not proprietary.

**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.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**

**Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Wage Rates: The wages<sup>1</sup> used in this section are based on the hourly wage rates obtained from the Bureau of Labor Statistics (BLS), Occupation Employment Statistics (OES) May 2020

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<sup>1</sup> For all wage rates, MSHA uses the relevant precision throughout the calculation to avoid compound rounding errors and rounds at the final rate value. Displayed intermediate calculation values are presented to explain the calculation and are representative but the final rate value reflects the correct rounding and final estimate.

survey.<sup>2,3</sup> MSHA increased the OES hourly wage rates for benefits by a 1.49 benefit-scaling factor and an inflation factor.<sup>4</sup> The hourly wage rate of a mine supervisor, including benefits, is \$57.86, and the hourly wage rate for a clerical person is \$27.72. The CY 2020 Q1-year Coal and Metal Nonmetal (MNM) data used in this collection came from the MSIS database, which is maintained by the Mine Safety and Health Administration Agency.

Total Respondents: There are 15,584 {[2,066 collective Coal operations: (888 mines and 1178 contractors)]; and [13,518 collective Metal Nonmetal operations: (9,404 mines and 4,114 contractors)]} collective total mining operations.

### **47.31/32 Requirement for a HazCom Program - Annual Burden Hours and Costs for Existing Coal and MNM Operations to Update HazCom Programs**

Under this provision, mine operators (which includes contractors) working on mine property periodically need to update their HazCom programs including creating lists.

With respect to mining operations, MSHA estimates that there are 12,909 mining operations that employ between 1 to 19 employees and 2,675 mining operations that employ more than 19 employees.

On average, the estimated time to update the HazCom program is one hour of a supervisor's time and 30 minutes of a clerical worker's time for operations employing between 1 to 19 employees, and 2 hours of a supervisor's time and 1 hour of a clerical worker's time for operations employing more than 19 employees.

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2 OES data are available at <http://www.bls.gov/oes/tables.htm> or at [http://www.bls.gov/oes/oes\\_ques.htm](http://www.bls.gov/oes/oes_ques.htm). The employment-weighted mean wage is for First Line Supervisor (Standard Occupational Classification codes, SOC, 47-1011, 49-1011, 51-1011) for Metal Ore Mining (NAICS 212200), Nonmetallic Mineral Mining and Quarrying (NAICS 212300), and Coal Mining (NAICS 212100). In addition, for clerical workers, the employment wage is for General Office Clerks (Standard Occupational Classification code, SOC, 43-9061) for Metal Ore Mining (NAICS 212200), Nonmetallic Mineral Mining and Quarrying (NAICS 212300), and Coal Mining (NAICS 212100). The OES wages represent the average for the entire industry and are used nationally for many federal estimates and programs. As with any average, there are always examples of higher and lower values, but the national average is the appropriate value for a rule that regulates an entire industry.

3 The wage rate without benefits was increased for a benefit-scalar of 1.49. The benefit-scalar comes from BLS Employer Costs for Employee Compensation access by menu <http://www.bls.gov/data/> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. The data series CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average 2019 Qtr. 1 – 2019 Qtr. 4 to determine that 33 percent of total loaded wages are benefits. The scaling factor is a detailed calculation, but may be approximated with the formula and values  $1 + (\text{benefit percentage}/(1-\text{benefit percentage})) = 1+(0.33/(1-0.33)) = 1.49$ .

4 Wage inflation is the change in Series ID: C1S2020000405000I, <https://data.bls.gov/cgi-bin/srgate>; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (Qtr 1 2020/Qtr 2 2019 = 140/135.9 = 1.032).

Listed below are the annual burden hours and related costs to update mine HazCom programs.

**Mining Operations**

**Responses**

1-19 Employees: 12,909 Respondents x 1 response = 12,909 Responses  
 > 19 Employees: 2,675 Respondents x 1 response = 2,675 Responses

**Total No. of Responses: 15,584 Responses**

**Burden Hours**

Supervisor:

1-19 Employees: 12,909 Responses x 1 hour per response = 12,909.00 hours  
 > 19 Employees: 2,675 Responses x 2 hour per response = 5,350.00 hours

Total Number of Supervisor Hours: 18,259.00 hours

Clerical:

1-19 Employees: 12,909 Responses x 30 minutes per response = 6,454.50 hours  
 > 19 Employees: 2,675 Responses x 1 hour per response = 2,675.00 hours

Total Number of Clerical Hours: 9,129.50 hours

**Total Burden Hours: 27,388.50**

**Burden Costs**

Supervisor Cost: 18,259.00 hours x \$57.86 per hour = \$1,056,465.74

Clerical Cost: 9,129.50 hours x \$27.72 per hour = \$253,069.74

**Total Burden Cost: = \$1,309,535.48**

**47.31/32 Requirement for a HazCom Program and Contents – Annual Burden Hours and Costs for New Operations to Develop a HazCom Program**

All new mine operators are required to develop a HazCom program under this provision. With respect to mining operations, MSHA estimates that 518 new operations that employ between 1

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to 19 employees and 22 operations that employ more than 19 employees will develop a HazCom program annually.

On average, the estimated time to develop a HazCom program is 8 hours of a supervisor's time and 4 hours of a clerical worker's time for operations that employ between 1 to 19 employees, and 16 hours of a supervisor's time and 8 hours of a clerical worker's time for operations that employ more than 19 employees.

Listed below are the annual burden hours and costs for new mines to develop a HazCom program including creating lists.

### Mining Operations

#### Responses

1-19 Employees:	518 Respondents	x	1 response = 518 Responses
> 19 Employees:	22 Respondents	x	1 response = 22 Responses

**Total Number of Responses: 540 Responses**

#### Burden Hours

Supervisor:

1-19 Employees:	518 Responses	x	8 hour per response = 4,144.00 hours
> 19 Employees:	22 Responses	x	16 hour per response = 352.00 hours

Total Number of Supervisor Hours: 4,496.00 hours

Clerical:

1-19 Employees:	518 Responses	x	4 hours per response = 2,072.00 hours
> 19 Employees:	22 Responses	x	8 hours per response = 176.00 hours

Total Number of Clerical Hours: 2,248.00 hours

**Total Burden Hours: 6,744.00 hours**

#### Burden Costs

Supervisor Cost:	4,496.00 hours	x	\$57.86 per hour = \$260,138.56
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Clerical Cost:	2,248.00 hours	x	\$27.72 per hour = \$62,314.56
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**Total Burden Cost:** =  
**\$322,453.12**

**47.32(a)(4) and 47.32(b) Requirement for HazCom Training and Listing of All Hazardous Chemicals at the Mine– Annual Burden Hours and Costs for New and Existing Mines**

Mine operators need time to manage and administer the HazCom training program each year. The administrative time requirements include preparing, copying, distributing, and maintaining training certificates, transcripts, maintaining the list of hazardous chemicals known at the mine, and other associated records. MSHA estimates that 12,909 mining operations that employ between 1 to 19 employees and 2,675 mining operations that employ more than 19 employees will need to administer a HazCom training program annually.

On average, MSHA estimates that for the administration related to the paperwork for the training program, it will take 15 minutes of a supervisor’s time and 30 minutes of a clerical worker’s time for operations that employ between 1 to 19 employees, and 30 minutes of a supervisor’s time and 1hour of a clerical worker’s time for operations employing more than 19 employees.

Listed below are the annual burden hours and related costs to administer the paperwork related requirements of a HazCom training program.

**Mining Operations**

Responses

1-19 Employees:	12,909 Respondents	x	1 response = 12,909 Responses
> 19 Employees:	2,675 Respondents	x	1 response = 2,675 Responses

**Total Number of Responses:** **15,584 Responses**

Burden Hours

Supervisor:

1-19 Employees:	12,909 Responses	x	15 m per response = 3,227.25 hours
> 19 Employees:	2,675 Responses	x	30 m per response = 1,338.50 hours

Total Number of Supervisor Hours: 4,564.75 hours

Clerical:

1-19 Employees:	12,909 Responses	x	30 m per response = 6,455.50 hours
> 19 Employees:	2,675 Responses	x	1 hour per response = 2,675.00 hours

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Total Number of Clerical Hours: 9,129.50 hours

**Total Burden Hours: 13,694.25 hours**

Burden Costs

Supervisor Cost: 4,564.50 hours x \$57.86 per hour = \$264,116.44

Clerical Cost: 9,129.50 hours x \$27.72 per hour = \$253,069.74

**Total Burden Cost: =**  
**\$517,186.18**

**47.41/42/43 Requirement for Container Labels – Annual Burden Hours and Costs to Label Containers**

Mine operators are required to ensure that all containers of hazardous chemicals are appropriately labeled. MSHA estimates that 12,909 mining operations that employ between 1 to 19 employees and 2,675 mining operations that employ more than 19 employees will need to label containers annually as well as revise and update them. For all operations, MSHA estimates it will take a supervisor 12 minutes to verify or fill-out the label information and apply it to a container.

MSHA estimates that 50 percent of the containers at mining operations employing between 1 to 19 employees and 33 percent of the containers at operations employing more than 19 employees will need labeling. On average, there are 5 containers, on-site, at mining operations that employ between 1 to 19 employees, and 62 containers, on-site, at mining operations that employ more than 19 employees.

Listed below are the annual burden hours and related costs to label containers.

**Mining Operations**

Responses

1-19 Employees: 12,909 Respondents x 5 Containers = 64,545 Responses

> 19 Employees: 2,675 Respondents x 62 Containers = 165,850 Responses

**Total Number of Responses: 230,395 Responses**

Burden Hours

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Supervisor:

1-19 Employees: 64,545 Responses x 50% x 12 m per response = 6,454.50 hours

> 19 Employees: 165,850 Responses x 33% x 12 m per response = 10,946.10 hours

Total Number of Supervisor Hours: 17,400.60 hours

**Total Burden Hours: 17,400.60 hours**

Burden Costs

Supervisor Cost: 17,400.60 hours x \$57.86 per hour = \$1,006,798.72

**Total Burden Cost: = \$1,006,798.72**

**47.51/52 Requirement for an MSDS – Annual Burden Hours and Costs to Update an MSDS**

Mine operators are required to develop or acquire an MSDS for each hazardous chemical that they produce or use.

MSHA estimates that 12,909 mining operations employing between 1 to 19 employees and 2,675 mining operations employing more than 19 employees will need to update MSDS for the chemicals they produce or use at the mine annually.

On average, the estimated number of MSDS that need updating for chemicals produced at the mine site are as follows: 1 MSDS out of 4 sheets (0.25 MSDS sheets) for an operations employing between 1 to 19 employees and 3 MSDS sheets out of 4 sheets (0.75 MSDSs ) for operations employing more than 19 employees.

On average, MSHA estimates that it takes 1 hour of a supervisor's time and 30 minutes of a clerical worker's time to update an MSDS.

Listed below are the annual burden hours and costs for updating MSDS.

**Mining Operations**

Responses

1-19 Employees: 12,909 Respondents x 0.25 MSDS responses = 3,227 Responses

> 19 Employees: 2,675 Respondents x 0.75 MSDS responses = 2,006 Responses

**Total Number of Responses: 5,233 Responses**

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Burden Hours

Supervisor:

1-19 Employees:	3,227 Responses	x	1 hour per response	= 3,227.00 hours
> 19 Employees:	2,006 Responses	x	1 hour per response	= 2,006.00 hours

Total Number of Supervisor Hours: 5,233.00 hours

Clerical:

1-19 Employees:	3,227 Responses	x	30 m per response	= 1,613.50 hours
> 19 Employees:	2,006 Responses	x	30 m per response	= 1,003.00 hours

Total Number of Clerical Hours: 2,616.50 hours

**Total Burden Hours:** **7,849.50**  
**hours**

Burden Costs

Supervisor Cost: 5233.00 hours	x	\$57.86 per hour	= \$302,781.38
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Clerical Cost: 2,616.50 hours	x	\$27.72 per hour	= \$72,529.38
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**Total Burden Cost:** **= \$375,310.76**

**47.51 Requirement for an MSDS – Annual Burden Hours and Costs for Mines to Obtain an MSDS**

This provision requires mine operators to have copies of MSDS (or SDSs) for all hazardous chemicals present at the mine and to maintain availability of those MSDS for all affected miners. OSHA and other federal and state regulatory agencies require chemical manufacturers to supply one or more copies of applicable SDS on purchase and delivery of their products.

For this reason, MSHA has determined that there is no additional burden to mine operators that has not been addressed by the requirements to develop, update, and maintain a HazCom Program.

**47.51/52 Requirement for an MSDS – Annual Burden Hours and Costs for MSDS Development of New Chemicals Produced**

Mine operators must create an MSDS for each hazardous chemical produced at their mine site. MSHA estimates that 518 mining operations employing between 1 to 19 employees and 22 mining operations employing more than 19 employees will begin producing chemicals annually.

On average, MSHA estimates that it will take a supervisor 2 hours to develop an MSDS and a clerical worker 1 hour to prepare the sheet. On average, the Agency estimates that operations that employ between 1 to 19 employees create, annually, one new chemical; and operations that employ more than 19 employees create, annually, four new chemicals.

Listed below are the annual burden hours and costs for MSDS development for new chemicals produced.

**Mining Operations**

Responses

1-19 Employees:	518 Respondents	x	1 MSDS responses = 518 Responses
> 19 Employees:	22 Respondents	x	4 MSDS responses = 88 Responses

**Total Number of Responses: 606 Responses**

Burden Hours

Supervisor:

1-19 Employees:	518 Responses	x	2 hour per response = 1,036.00 hours
> 19 Employees:	88 Responses	x	2 hour per response = 176.00 hours

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Total Number of Supervisor Hours: 1,212.00 hours

Clerical:

1-19 Employees: 518 Responses x 1 hour per response = 518.00 hours  
 > 19 Employees: 88 Responses x 1 hour per response = 88.00 hours

Total Number of Clerical Hours: 606.00 hours

**Total Burden Hours: 1,818.00 hours**

Burden Costs

Supervisor Cost: 1,212.00 hours x \$57.86 per hour = \$70,126.32

Clerical Cost: 606.00 hours x \$27.72 per hour = \$16,798.32

**Total Burden Cost: =  
 \$86,924.64**

**47.51/55 Requirement for an MSDS – Annual Burden Hours and Costs for Coal and MNM Operations, with Internet Access, to Maintain MSDS**

Under this provision, mine operators are required to maintain MSDS. MSHA estimates that, overall, 11,688 mining operations will need to maintain MSDS annually. In addition, MSHA estimates that it takes a clerical worker at each mining operation approximately 3 minutes to maintain the MSDS.

Listed below are the annual burden hours and related costs for operations, with internet access, to maintain MSDS.

**Mining Operations**

Responses

1- >19 Employees: 11,688 Respondents x 1 responses = 11,688 Responses

**Total Number of Responses: 11,688 Responses**

Burden Hours

Clerical:

1- >19 Employees: 11,688 Responses x 3 m per response = 584.40 hours

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Total Number of Clerical Hours: 584.40 hours  
**Total Burden Hours: 584.40 hours**

Burden Costs

Clerical Cost: 584.40 hours x \$27.72 per hour = \$16,199.57  
**Total Burden Cost: = \$16,199.57**

**47.51/55 Requirement for an MSDS – Annual Burden Hours and Costs for Coal and MNM Operations, without Internet Access, to Maintain MSDS**

With respect to mining operations without internet access, MSHA estimates that 3,818 operations employing between 1 to 19 employees and 72 operations employing more than 19 employees will need to maintain MSDS annually.

For all mining operations without internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 3 minutes to maintain an MSDS. On average, the Agency estimates there are 40 MSDS per mining operation that employs between 1 to 19 employees and 70 MSDS per operation that employs more than 19 employees that need maintenance.

Listed below are the annual burden hours and related costs for maintaining MSDS at operations, without internet access.

**Mining Operations**

Responses

1-19 Employees: 3,818 Respondents x 40 responses = 152,720 Responses  
 > 19 Employees: 72 Respondents x 70 responses = 5,040 Responses

**Total Number of Responses: 157,760 Responses**

Burden Hours

Clerical:

1-19 Employees: 152,720 Responses x 3 m per response = 7,636.00 hours  
 > 19 Employees: 5040 Responses x 3 m per response = 252.00 hours

Total Number of Clerical Hours: 7,888.00 hours

**Total Burden Hours: 7,888.00 hours**







**Total Number of Responses:** **138,586 Responses**

Burden Hours

Clerical:

1-19	Employees: 42,252 Responses	x	2%	x	12 m = 169.01 hours
> 19	Employees: 96,334 Responses	x	2%	x	12 m = 385.34 hours

Total Number of Clerical Hours: 554.35 hours

**Total Burden Hours:** **554.35 hours**

Burden Costs

Clerical Cost: 554.35 hours x \$27.72 per hour = \$15,366.42

**Total Burden Cost:** **= \$15,366.42**

**47.73 Providing Labels and MSDS to Customers – Annual Burden Hours and Costs for Operations to Distribute Copies of HazCom Labeling Information and MSDS to Customers**

For a hazardous chemical produced at the mine, the operator must provide customers, upon request, with the chemical's label or a copy of the label information, and the chemical's MSDS.

MSHA estimates that 10,714 operations that employ between 1 to 19 employees and 1,966 mining operations that employ more than 19 employees need to provide copies of HazCom labeling information and MSDS to customers annually.

On average, MSHA estimates that it takes 12 minutes of a clerical worker's time to copy and distribute HazCom labeling information or MSDS to a customer.

On average, MSHA estimates the number of customers making requests is 22 for operations employing between 1 to 19 employees, and 42 for operations employing more than 19 employees.

Listed below are the annual burden hours and related costs for operations to provide copies of HazCom information to customers.

**Mining Operations**

Responses

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1-19 Employees: 10,714 Respondents	x	22 responses	=	235,708 Responses
> 19 Employees: 1966 Respondents	x	42 responses	=	82,572 Responses

**Total Number of Responses: 318,280 Responses**

Burden Hours

Clerical:

1-19 Employees: 235,708 Responses	x	12 m per response	=	47,141.60 hours
> 19 Employees: 82,572 Responses	x	12 m per response	=	16,514.40 hours

Total Number of Clerical Hours: 63,656.00 hours

**Total Burden Hours: 63,656.00 hours**

Burden Costs

Clerical Cost: 63,656.00 hours	x	\$27.72 per hour	=	\$1,764,544.32
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**Total Burden Cost: = \$1,764,544.32**

**47.81 Provisions for Withholding Trade Secrets**

Operators may withhold the identity of a trade secret chemical, including the name and other specific identification, from the written list of hazardous chemicals, the label, and the MSDS, provided that the operator can support the claim that the chemical's identity is a trade secret, identifies the chemical in a way that it can be referred to without disclosing the secret, indicates in the MSDS that the chemical's identity is withheld as a trade secret, and discloses in the MSDS information on the properties and effects of the hazardous chemical. The operator must make the chemical's identity available to miners, designated representatives, and health professionals in accordance with the provisions of this subpart. The operator is not required to disclose process or percentage of mixture information, which is a trade secret, under any circumstances. The burden for this is de minimis.

**SUMMARY OF BURDEN HOURS BY PROVISION**

<b>Section</b>	<b>Respondents</b>	<b>Responses</b>	<b>Burden Hours</b>	<b>Monetized Value of Respondent Time</b>
47.31 – Update Existing Program	15,584	15,584	27,388.50	\$1,309,535.48
47.31 – Develop New Program	540	540	6,744.00	\$322,453.12
47.32 – Training	15,584	15,584	13,694.25	\$517,186.18
47.41 – Container Labels	15,584	230,395	17,400.60	\$1,006,798.72
47.51 – Existing Operations	15,584	5,233	7,849.50	\$375,310.76
47.51 – New Operations	540	606	1,818.00	\$86,924.64
47.51 – Maintain w/Internet	11,688	11,688	584.40	\$16,199.57
47.51 -- Maintain w/o Internet	3,890	157,760	7,888.00	\$218,655.36
47.55 – Removal Announcement	1,296	13,152	657.60	\$38,048.74
47.71 – Copies	12,529	138,586	554.34	\$15,366.42
47.73 – Labels	12,680	318,280	63,656.00	\$1,764,544.32
<b>Unduplicated Totals</b>		907,408*	148,235** (rounded)	\$5,671,023 (rounded)

\*Note: This value differs by 1 hour from the burden hours published in the 60-day Federal Register notice on September 14, 2020 (85 FR 56636) of 907,409 due to the use of two decimal rounding.

\*\*Note: This value differs by 1 hour from the burden hours published in the 60-day Federal Register notice on September 14, 2020 (85 FR 56636) of 148,236 due to the use of two decimal rounding.

**TOTAL RESPONDENTS = 15,584**

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

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing**

or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

**47.31 Annual Burden Material Costs for New Operations to Develop a HazCom Program**

Under this section, each year, new operations will need to develop a HazCom Program. MSHA estimates that annually: 518 mining operations employing 1 to 19 employees and 22 operations that employing more than 19 employees will need to develop a HazCom program.

Material costs, copying, and distribution for developing the HazCom program are estimated to be \$2.40 per operation for that employ between 1 to 19 employees and \$4 per operation that employing more than 19 employees.

1-19 Employees:	518 Respondents	x	1 new program = 518 New Program
> 19 Employees:	22 Respondents	x	1 new program = 22 New Program

			Annual Burden Cost
1-19 Employees:	518 New Programs	x	\$2.40 per operation = \$1,243.20
> 19 Employees:	22 New Programs	x	\$4.00 per operation = \$88.00

Total Annual Burden Material Costs = \$1,331.20

**47.41 Annual Burden Costs for Materials to Label Containers**

The operator of a mine must ensure that each container of a hazardous chemical has a label.

MSHA estimates that 3,025 mining operations employing between 1 to 19 employees and 823 mining operations employing more than 19 employees will need to label containers annually.

MSHA estimates that, on average, there are 5 containers on site for mining operations employing between 1 to 19 employees. Fifty percent of these containers will need to be labeled. In addition, MSHA estimates that, on average, there 62 containers on site for mining

operations employing more than 19 employees. Thirty-three percent of these containers will need to be labeled.

Material costs for labeling are estimated to be \$0.10 per container labeled and do not differ for an initial label or a label update. These material costs include copying costs (including any special copy media such as plasticized or weather-proof material) and distribution costs.

1-19 Employees: 3,025 Respondents x 5 Containers x 50% = 7,563 Labels  
> 19 Employees: 823 Respondents x 62 Containers x 33% = 16,839 Labels

Annual Burden Cost

1-19 Employees: 7,563 Labels x \$0.10 per Label = \$756.25  
> 19 Employees: 16,839 Labels x \$0.10 per Label = \$1,683.86

Total Annual Burden Material Costs = \$2,440.11

**47.51 Annual Burden Costs to Update MSDS**

For each hazardous chemical produced at the mine that has an MSDS, the operator of a mine must keep the MSDS updated.

MSHA estimates that 6,196 mining operations employing between 1 to 19 employees and 1,306 mining operations employing more than 19 employees will need to update MSDS annually.

Material costs for updating MSDS are estimated to be \$1 per MSDS. The material costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs. On average, the number of MSD sheets that will need to be updated are estimated to be 0.25 sheets in operations employing between 1 to 19 employees and 0.75 sheets in operations employing more than 19 employees.

1-19 Employees: 6,196 Respondents x 0.25 MSDS = 1,549 MSDS sheets  
> 19 Employees: 1,306 Respondents x 0.75 MSDS = 980 MSDS sheets

Annual Burden Cost

1-19 Employees: 1,549 MSDS sheets x \$1.00 per sheet = \$1,549.00  
> 19 Employees: 980 MSDS sheets x \$1.00 per sheet = \$980.00

Total Annual Burden Material Costs = \$2,529.00

**47.51 Annual Burden Costs to Develop New MSDS at New Mines**

For each hazardous chemical produced at a new operation, the new operation must prepare an MSDS.

MSHA estimates that there are 518 mining operations employing between 1 to 19 employees and 22 mining operations employing more than 19 employees that will need to develop MSDS annually.

Material costs for developing MSDS are estimated to be \$2 per MSDS. Materials costs include copying costs (including any special copy media such as plasticized or weather-proof material etc.) and distribution costs. The number of MSDSs that will need to be developed at new operations are estimated to be 1 MSDS for operations employing between 1 to 19 employees and 4 MSDS for operations employing more than 19 employees.

1-19 Employees:	518 Respondents	x	1 MSDS = 518 MSDS sheets
> 19 Employees:	22 Respondents	x	4 MSDS = 88 MSDS sheets

Annual Burden Cost

1-19 Employees:	518 MSDS sheets	x	\$2.00 per sheet = \$1,036.00
> 19 Employees:	88 MSDS sheets	x	\$2.00 per sheet = \$176.00

Total Annual Burden Material Costs = \$1,212.00

**47.71 Annual Burden Costs for Providing Copies of HazCom Information to Miners**

Operations must provide copies of HazCom information to miners that request them.

MSHA estimates that, annually, 10,563 mining operations employing between 1 to 19 employees, 1,966 mining operations employing > 19 employees will need to provide copies of HazCom information to miners that request them.

Photocopy costs are estimated to be \$0.60 per request. MSHA estimates that 2 percent of miners in each size category will make a request. With respect to mining operations, the average number of miners per operation is estimated to be 4 miners per operation employing between 1 to 19 employees; 49 miners per operation employing > 19 employees.

1-19 Employees:	10,563 Respondents	x	4 Miners	x	2% = 845 Requests
> 19 Employees:	1,966 Respondents	x	49 Miners	x	2% = 1,927 Requests

Total Number of Requests = 2,772 Requests

Annual Burden Cost

All Mine Sizes: 2,772 Requests x \$0.60 per Request = \$1,663.03

Total Annual Burden Material Costs = \$1,663.03

**Summary of Burden Cost by Provision**

Section	Burden Cost
47.31 – Develop New Program	\$1,331.20
47.41 – Container Labels	\$2,440.11
47.51 – Existing Operations	\$2,528.50
47.51 – New Operations	\$1,212.00
47.71 – Copies	\$1,663.03
<b>Total Annual Cost</b>	<b>\$9,175.84</b>

**14. Provide estimates of the 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), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.**

There are no costs to the federal government.

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

**Changes to OMB Inventory**

	Current	Previous
Burden Hours	148,235	182,835
Cost	\$9,175	\$11,108
Responses	907,408	1,253,295
Respondents	15,584	21,910

Burden hours decreased (from 182,835 to 148,235) as a result of a decrease in respondents [(Coal and MNM operations) (from 21,910 to 15,584)]. Costs to respondents decreased (from \$11,108 to \$9,175), and responses decreased (from 1,253,295 to 907,408) also due to a decrease in respondents. There are no program changes.



**16. For collections of information whose results will be published, outline plans for tabulations, 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.**

MSHA does not intend to publish the results of this information collection.

**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.**

MSHA associates no forms with this collection.

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

There are no exceptions to the certification statement.

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

As statistical analysis is not required by the regulation, questions 1 through 5 of Section B do not apply.