

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement**

Container Certification Statements
OMB Control No. 2137-0582

(Expiration Date: July 31, 2021)

Introduction

This is to request approval from the Office of Management and Budgets (OMB) for a three-year extension for an information collection titled, "Container Certification Statements," OMB Control No. 2137-0582, which is currently due to expire on July 31, 2021. This information collection was initiated as a result of the publication of a December 21, 1990, rulemaking [55 FR 52402; HM-181B], titled "Performance-Oriented Packaging Standards; Hazard Communication, Packaging and Handling Requirements Based on UN Standards and Agency Initiative." This final rule required a statement assuring that the container is suitable for the carriage of explosives. Since HM-181B, the information collected under this OMB Control Number has expanded to include a certification statement on the shipping paper which reads "It is declared that the packing of the container has been carried out in accordance with the applicable provisions [of 49 CFR], [of the IMDG Code], or [of 49 CFR and the IMDG code.]"

Part A. Justification.

1. Circumstances that make collection of information necessary

This is a request for an extension without change of an existing approval under OMB Control No. 2137-0582. Section 176.27(c) the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) requires that the person responsible for packing or loading a freight container or transport vehicle containing hazardous materials for transportation by a manned vessel in ocean or coastwise service, must provide the vessel operator, at the time the shipment is offered for transportation by vessel, with a signed container packing certificate. The certification may appear on a shipping paper or on a separate document. This information collection supports the Departmental Strategic Goal for Safety.

In addition, for vessel transportation of a Class 1 hazardous materials (explosives), other than Division 1.4, in a freight container or vehicle, § 176.172(c) specifies that each person must prepare a statement that the freight container or vehicle has been inspected and meets the structural serviceability provisions of § 176.172. This statement may be on the shipping paper.

Under the authority of the Secretary of Transportation, the Pipeline and Hazardous Materials Safety Administration (PHMSA) administers and enforces the laws and regulations promoting the safe transport of hazardous materials in domestic and international commerce. With the assistance of the United States Coast Guard (USCG), PHMSA helps develop recommended international hazardous materials transportation regulations embodied in the International Maritime Dangerous Goods (IMDG) Code. The IMDG Code has been adopted by most nations that are trading partners of the U.S. as their respective national hazardous materials regulations. To facilitate trade, the HMR conforms with the IMDG Code in most respects.

2. How, by whom, and for what purpose the is information used

USCG port safety personnel in U.S. ports and hazardous materials enforcement officers in foreign ports ensure that a freight container provides the level of safety needed to transport explosives and other hazardous materials by vessel. Use of freight containers that do not comply with the serviceability and packing certification provisions prescribed by §§ 176.27 and 176.172 could result in serious marine casualties. Therefore, this documentation is required to assist in the proper communication of hazardous materials on the vessel.

3. Extent of automated information collection

The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. However, “improved information technology” cannot be used effectively because of the nature of this information collection. PHMSA does not currently authorize the use of electronic certification, because ensuring that an enforcement official will easily be able to retrieve the information outweighs the ease of electronic collection.

4. Efforts to identify duplication

PHMSA has done its due diligence to ensure that there is no duplication in this requirement. Furthermore, PHMSA regularly coordinates with its modal partners, specifically the USCG, for requirements for vessel transportation to ensure that duplication does not occur.

5. Efforts to minimize the burden on small businesses

For safety reasons, all intermodal freight containers used to transport Class 1 (explosive) materials must meet standards of structural serviceability. In addition, all freight containers and transport vehicles carrying hazardous materials for vessel transport must be certified to have been properly packed, marked, labeled, or placarded, as applicable.

Because of the safety implications, this burden is not lessened for small businesses relative to the burden on larger entities.

6. Impact of less frequent collection of information

The requirements for certification is required only at the time the hazardous material is offered, which is the least frequent collection of information that still ensures the safe transportation of hazardous materials.

7. Special circumstances

This collection of information is generally conducted in a manner consistent with the guidelines in 5 CFR 1320.5(d)(2).

8. Compliance with 5 CFR 1320.8

On February 23, 2021, PHMSA published a 60-Day Notice and Request for Comments under Docket No. PHMSA-2020-0159 [86 FR 11052; Notice No. 2021-01]. The notice, requested public comment on the renewal of this and 2 other information collections. PHMSA received no comments in response to this notice.

On June 2, 2021 PHMSA published a 30-Day Notice and Request for Comments under Docket No. PHMSA-2020-0159 [86 FR 29625; Notice No. 2021-05]. The notice requested public comment on the renewal of this and one other information collection. The third information collection that was included in the 60-day notice received an extension based on changes associated with a December 28, 2020, final rule.

9. Payments or gift to respondents

There is no payment or gift provided to respondents associated with this collection of information.

10. Assurance of confidentiality

None of the data collected contain personally identifiable information (PII) or business confidential information. No guarantees of confidentiality are provided to applicants.

11. Justification for collection of sensitive information

Not applicable. Information is not of a sensitive nature.

12. Estimates of burden hours for information requested.

<u>Total Number of Respondents</u>	<u>Total Number of Annual Responses</u>	<u>Total Annual Burden Hours</u>	<u>Total Annual Salary Costs</u>	<u>Total Burden Cost</u>
650	894,500	14,908	\$497,237	\$0

Using data obtained from the American Association of Port Authorities, it is estimated that approximately 1.78 million freight containers carrying hazardous materials are moving through U.S. ports annually. Approximately 620 shippers offer for transportation one-half (890,000) of shipments that are subject to information collection. PHMSA estimates that it takes 1 minute per response, for a total of 14,833 total burden hours (890,000 responses x 1 minute). At an estimate of \$33.35¹ salary cost, it is expected to cost \$494,735 for this requirement. PHMSA does not estimate any out-of-pocket expenses.

<u>Freight Container Packaging Certification - § 176.27</u>	<u>Number of Respondents</u>	<u>Response per Carrier</u>	<u>Number of Responses</u>	<u>Minutes per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Reporting	620	1,435	890,000	1	14,833	\$33.35	\$494,735	\$0

A separate certification is necessary when transporting shipments of Class 1 (explosive) materials. PHMSA estimates that there are 30 shippers who offer 150 containers per year, subject to this requirement, for a total of 4,500 annual responses (30 shippers x 150 responses per carrier). Each response is estimated to take 1 minute, for a total of 75 burden hours (4,500 responses x 1 minute). At an estimate of \$33.35² in salary cost, PHMSA estimates a salary cost of \$2,501. PHMSA does not estimate any out-of-pocket expenses.

<u>Class 1 (Explosives) Container Structural Serviceability Statement - § 176.172</u>	<u>Number of Respondents</u>	<u>Response per Carrier</u>	<u>Number of Responses</u>	<u>Minutes per Response</u>	<u>Total Burden Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>	<u>Total Burden Cost</u>
Reporting	30	150	4,500	1	75	\$33.35	\$2,501	\$0

13. Estimate of total annual costs to respondents

¹ Occupation labor rates based on 2020 Occupational and Employment Statistics Survey (OES) for “Cargo and Freight Agents (43-5011)” <https://www.bls.gov/oes/current/oes435011.htm>. The hourly mean wage for this occupation (\$22.68) is adjusted to reflect the total costs of employee compensation based on the BLS Employer Costs for Employee Compensation Summary, which indicates that wages for civilian workers are 68.3 percent of total compensation (total wage = wage rate/wage % of total compensation).

² Ibid.

PHMSA estimates there are no out-of-pocket expenses, and therefore there is no annual cost to respondents.

14. Estimate of cost to the Federal government

Because there is no submission to the Federal government, it is estimated that there is no cost to the Federal government for this information collection.

15. Explanation of program changes or adjustments

There are no changes to the total number of burden hours for the renewal of this OMB Control Number.

16. Publication of results of data collection

There is no publication of the response plans and no statistical techniques are involved.

17. Approval for not displaying the expiration date of OMB approval

This OMB Control Number is prominently displayed in the HMR, specifically under § 171.6, titled, "Control Numbers under the Paperwork Reduction Act."

18. Exceptions to certification statement

There is no exception to PHMSA's certification of this request for information collection approval.