

Supporting Statement for an Information Collection Request (ICR) Under the Paperwork Reduction Act (PRA)

EXECUTIVE SUMMARY

Identification of the Information Collection – Title and Numbers

Title: Asbestos-Containing Materials in Schools and Asbestos Model

Accreditation Plans

EPA ICR No.: 1365.12

OMB Control No.: 2070-0091

Docket ID No.: EPA-HQ-OPPT-2017-0319

Abstract

This Information Collection Request (ICR) addresses reporting and recordkeeping requirements found in the Asbestos-Containing Materials in Schools Rule (“AHERA Rule” a.k.a. “Schools Rule”) and the Asbestos Model Accreditation Plan (MAP) Rule.

AHERA Rule: Section 203 of the Asbestos Hazard Emergency Response Act (AHERA, 15 U.S.C. 2641-2656) (see **Attachment A**), authorizes the EPA Administrator to promulgate regulations “for determining whether asbestos-containing material is present in a school building under the authority of a local education agency (LEA).” Accordingly, the Agency developed regulations in 40 CFR part 763, subpart E to require LEAs to conduct inspections, develop management plans, and design or conduct response actions. Records must be maintained by all LEAs on inspections and response action activity, and current management plans must be provided upon request to EPA and state reviewers for examination.

MAP Rule: Section 206 of AHERA, as amended (see **Attachment B**), authorized the EPA Administrator, in consultation with affected organizations, to develop a model accreditation plan for states. The Model Accreditation Plan provides accreditation criteria for persons who inspect for asbestos, develop management plans, and design or conduct response actions. States are required to adopt an accreditation plan at least as stringent as the EPA model plan. The accreditation requirements apply to persons who work in public and commercial buildings as well as schools. Accreditation of laboratories that analyze asbestos bulk samples and asbestos air samples is also required by AHERA.

This ICR estimates the paperwork burden for LEAs to inspect for asbestos and update management plans to protect all school building occupants from exposure to asbestos. This collection also estimates the paperwork burden for the accreditation of persons

who inspect for asbestos, develop management plans, and design or conduct response actions and the paperwork burden associated with state accreditation programs.

Summary Total Burden and Costs

Average Annual Respondent Aggregation Table					
	Number of Entities/Activities	Unit Burden	Total Burden Hours/Time	Unit Cost	Total Cost
Local Education Agencies					
<i>Schools with Friable ACM</i>					
Public Primary	3,113	35	108,955	\$1,379	\$4,292,827
Public Secondary	1,849	58	107,242	\$2,142	\$3,960,558
Private	1,580	35	55,300	\$1,379	\$2,178,820
<i>Schools with Non-friable ACM</i>					
Public Primary	70,573	15	1,058,595	\$640	\$45,166,720
Public Secondary	28,311	28	792,708	\$1,063	\$30,094
Private	30,871	15	463,065	\$640	\$19,757,440
<i>Subtotal for LEAs</i>	136,297		2,585,865		\$105,450,958
Training Providers	1,268	5.5	6,974	\$879	\$1,114,572
States/Territories	56	140	7,840	\$5,232	\$292,992
Total	137,621		2,600,679		\$106,858,522
Agency	400	1	400	\$110	\$44,000

Note: Totals in above table may not sum due to rounding.

The annual public burden for this collection of information, which is approved under OMB Control No. 2070-0091, is estimated to average 19.7 hours per response for schools, 140 hours per response for states, and 5.5 hours per response for training

providers. Burden is defined in 5 CFR 1320.3(b). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection appears above. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the Federal Register, are listed in 40 CFR part 9 and included on the related collection instrument or form, if applicable.

SUPPORTING STATEMENT

- 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.**

AHERA Rule and MAP Rule: The reporting and recordkeeping requirements covered by this ICR are required by the Asbestos-Containing Materials in Schools Rule (40 CFR part 763, subpart E) and the Model Accreditation Plan (40 CFR part 763, subpart E, **Appendix C**); see **Attachments C and D**, respectively.

- 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**

AHERA Rule: The activities pertaining to the use of this information collection activity help assure that LEAs continue to inspect for asbestos and update their management plans using accredited personnel. This is intended to ensure the protection of all school building occupants from exposure to asbestos fibers. All public and private elementary and secondary schools (unless exempt under provision of the rule) were required to conduct inspections for asbestos-containing building materials (ACBM) and develop management plans that describe necessary actions to be undertaken. Re-inspections by accredited persons must take place every three years unless all ACBM has been removed. Records retention as part of an updated asbestos management plan is necessary in order to document specific response action activities and periodic surveillance, 3-year re-inspection reports, and for an LEA to demonstrate compliance with the regulations. Beneficiaries of the collection activities include the LEA's asbestos program manager and staff, accredited professionals who may be called upon to perform response actions at a school, and federal and state enforcement agencies.

MAP Rule: This collection will enable EPA, as well as state regulators, to determine initial compliance and to monitor continued compliance with the MAP standards. Lacking the application submissions and other recordkeeping requirements, regulators would have no meaningful way of measuring the implementation of the MAP's statutory mandates. Other beneficiaries of the collection activities include: 1) individuals who may desire to obtain asbestos training meeting prescribed minimum quality standards for accreditation and subsequent employment purposes; 2) LEAs and other building owners and managers seeking to procure the services of qualified and accredited

asbestos consultants and contractors; and 3) enforcement agencies at the federal and state level.

- 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.**

Not applicable.

- 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.**

AHERA Rule: EPA has tried to identify alternate sources of the information requested to implement and enforce this recordkeeping and was not successful. This activity does not duplicate information already required to be reported by another agency or EPA program office.

MAP Rule: All of the training and accreditation information collected pursuant to this ICR is specific to the MAP and does not duplicate any other collection. There is no model accreditation plan for states other than under the MAP rule, and there is no procedure for the accreditation of asbestos training programs under the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) other than what is specifically provided for in the MAP.

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

The impact of the AHERA and MAP rules primarily affects small asbestos abatement contracting firms or accredited consultants, and training providers that qualify for "small business" status. Small business training providers have a one-time only application process for training course approvals by MAP-approved states that allows for flexibility in the way information is prepared and presented.

A small business abatement contractor is required to keep and maintain records on the accreditation status of supervisors and abatement workers. Accreditation records are also kept and maintained by consultants, such as inspectors, management planners, and project designers. An advantage accruing from having those records is that of obtaining and retaining eligibility to qualify for work in asbestos control and abatement in schools and public and commercial buildings.

- 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.**

AHERA Rule: If information was collected less frequently, it would be difficult to determine whether an LEA properly inspected for asbestos-containing materials and

developed an appropriate management plan and kept these documents up-to-date including ongoing activities.

MAP Rule: The revised MAP has no routine or repetitive reporting requirements. A less frequent collection schedule is not feasible. Recordkeeping requirements are tied directly to training courses and the issuance of accreditation certificates to students successfully completing those courses and passing the requisite exams. If training providers are inactive and not offering courses, no new record generation is required of them.

- 7. Explain any special circumstances that require the collection to be conducted in a manner:**
- a) requiring respondents to report information to the agency more often than quarterly;**
 - b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
 - c) requiring respondents to submit more than an original and two copies of any document;**
 - d) requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
 - e) 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;**
 - f) requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
 - g) 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**
 - h) requiring respondents to submit proprietary trade secrets, 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.**

Except as described in this section, the collection activities in this ICR adhere to the guidelines stated in the Paperwork Reduction Act, OMB's implementing regulations, and applicable OMB and EPA guidance.

AHERA Rule: The rule requires that the asbestos management plans be maintained as a living document, necessary for as long as asbestos-containing building materials are present in the school building. When all asbestos materials have been removed from a

homogeneous area, records pertaining to that homogeneous area must be retained for three years after the next re-inspection date. As a result, such records may need to be maintained beyond the three-year record retention period recommended in 5 CFR 1320.5(d)(2)(iv). EPA believes, however, that these retention requirements are necessary to satisfy the statutory mandates in AHERA, which specifically mandates the development and maintenance of asbestos management plans. In addition to ensuring that a management plan is available for public inspection as required by AHERA, maintaining a current management plan is necessary and critical for ensuring the proper protection of human health, safety, and the environment as required by AHERA. Providing up-to-date information about the location and status of asbestos-containing building materials that remain present in the school building is also essential for ensuring that the material does not subsequently become unintentionally disturbed or damaged such that it may pose an unreasonable risk to school employees, children and other building occupants or users. In accordance with 5 CFR 1320.5(d)(2), the retention period beyond the recommended three-year period is necessary and appropriate.

The re-inspection interval is necessary to satisfy the statutory mandates in AHERA, which specifically mandates the periodic surveillance and re-inspection of asbestos-containing materials, and that the current interval is appropriate and necessary for ensuring that the asbestos-containing material does not subsequently become disturbed or damaged such that it is likely to become a potential hazard to school employees, children and other building occupants or users. The existing re-inspection period is consistent with the provisions in 5 CFR 1320.5(d)(2).

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 in response to the comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside EPA 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.

Additionally, under 5 CFR 1320.8(d)(1), OMB requires agencies to consult with potential ICR respondents and data users about specific aspects of ICRs before submitting an ICR to OMB for review and approval. In accordance with this regulation, EPA submitted questions to several interested parties via email Attachment F. The entities contacted were:

Agency/ Affiliation
California Department of Industrial Relations
Pennsylvania Department of Labor and Industry
Kansas Department of Health and Environment
Rocky Mountain Center for Occupational and Environmental Health (RMCOEH) – University of Utah
CHC Training, LLC
The Asbestos Institute
Jonesboro Public Schools, Arkansas
Meriden Board of Education, Connecticut
Clayton County Public Schools, Georgia

A copy of EPA’s consultation to the above potential respondents and the response received are in Attachment 3 and are available in the docket.

EPA received one comment in response to the previously provided 60-day public review opportunity (86 FR 49025, September 1, 2021) (FRL-8770-01-OCSPP).

EPA received one comment (EPA-HQ-OPPT-2017-0319-0025) in support of the collection of necessary and relevant information as it pertains to asbestos in public schools. The commenter encouraged the Agency to continue to draft a Model Accreditation Plan for each state citing the substantial amount of asbestos containing materials in the country’s public schools and buildings and the hazardous nature asbestos poses to human health.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

This information collection request does not include confidential questions.

- 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.**

Not applicable; this collection does not include questions of a sensitive nature.

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

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

AHERA Rule and MAP Rule: There are three types of respondents for this information collection request. LEAs and states are involved in recordkeeping and reporting activities associated with the AHERA Rule, while training providers and states are involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each respondent type and are discussed in turn. The respondents to this information collection activity are elementary and secondary school districts (North American Industry Classification System (NAICS) code 61111) and all states (NAICS code 92311). Additionally, under the Asbestos School Hazard Abatement Reauthorization Act (ASHARA), the Model Accreditation Plan affects training providers (NAICS code 61143) and State Asbestos Accreditation Programs (NAICS code 92312). These respondents are included because they are the providers and guarantors of accreditation, respectively.

AHERA Rule: No specific data collection instrument is used to collect information for this activity.

The AHERA and MAP programs are both over a decade old and the program start-up activities and federal, state, and local coordination are now well established. Many of

the initial paperwork burdens for the program are no longer part of the burden assessment. Currently, 39 states are operating state accreditation programs under the MAP and 12 states have received a waiver to some or all of the AHERA program requirements. The activities currently conducted by LEAs (inspections, record keeping for management plans), state accreditation and training providers (records retention), are the burden activities documented in this ICR.

Local Education Agencies (LEAs):

Reporting Activities: LEAs must submit management plans to the states for review of school buildings that have come into operation after October 12, 1988 and maintain the required recordkeeping. LEAs subject to the reporting and recordkeeping requirements under the AHERA Rule may be divided into two main categories: 1) those only subject to a management plan and 2) those associated with both a management plan and operations and maintenance (O&M) activities.

The management plan burden varies by school type as well as by the type of asbestos-containing building material (ACBM) found in a school. The management plan recordkeeping and reporting burden items include:

- Development and submission of the management plan; and
- Implementation of the management plan including:
 - o Time spent by the program manager to do additional activity planning, create and gather new information, prepare written activity reports, and record and review that information;
 - o Time spent by custodians and clerical personnel to gather, record, process and store asbestos-related information; and
 - o Annual notification of parents and other interested parties of the presence of ACBM in a school, as well as the availability of the management plan for public review.

Recordkeeping Requirements: The recordkeeping burden associated with the development of an O&M activity plan was largely completed in the first year of AHERA Rule implementation. On an ongoing basis, however, AHERA regulations also require LEAs to keep known or assumed ACBM under periodic surveillance and update the O&M plan accordingly.

The original inspection report and any re-inspection reports must be maintained in the management plan. Management planner recommendations and response actions with the associated air sampling clearance records are also to be kept. Records required by the rule also include those pertaining to fiber release episodes, periodic surveillance, training received by workers performing operation and maintenance activities, and cleaning activities that are part of an operations and maintenance program. The AHERA rule also requires LEAs to collect and retain various records that are not part of the information included in the management plan.

The AHERA Rule requires LEAs to have accredited inspectors conduct re-inspections at least once every three years after the management plan is in effect. Results of this re-inspection shall be recorded in the school's management plan, along with any necessary changes in response actions recommended or required.

The AHERA Rule directs the LEA to select and implement in a timely manner appropriate response actions for ACBM that are assessed by the accredited inspector and management planner. The rule identifies five major response actions -- O&M, repair, encapsulation, enclosure, and removal -- and describes appropriate conditions under which they may be selected by the LEA. The rule also identifies the steps that shall be taken to properly conduct and complete the response actions.

After performing a thorough visual inspection of the area in which the response action was conducted, air testing is performed to determine whether a response action has been properly completed. The rule currently requires the use of transmission electron microscopy (TEM) for all removal, enclosure, encapsulation, or repair response actions involving more than 260 linear feet or more than 160 square feet of ACBM. The use of phase contrast microscopy (PCM) is allowed by the rule for final air sampling where the amounts of ACBM are less than the limits above and greater than for small projects of short duration.

Response actions that fail to meet prescribed air sampling standards by the stipulated sampling methods shall have the areas re-cleaned and re-sampled before being released for reoccupation. Records of response actions and subsequent air sampling clearance records must be maintained by the LEA.

The AHERA Rule requires each LEA to maintain a copy of the management plan(s) in its administrative office, and each school is required to maintain a copy of its specific management plan in its administrative office. These plans are to be made available for inspection by the public without cost or restriction. LEAs must notify parent, teacher, and employee organizations of the availability of the management plans upon submission of the management plan to the state and at least once each school year.

State Accreditation Programs:

The AHERA Rule provides a procedure to allow states to receive a waiver from some or all of the requirements of the rule if the state has established and is implementing, or intends to implement, a program of asbestos inspection and management at least as stringent as the requirements of the rule. The rule requires specific information to be included in the waiver request submitted to EPA. To date, 12 states have been granted this waiver under the AHERA Rule.

Respondents who are state accredited programs will need to perform the following collection activities:

- read the federal regulation (40 CFR part 763, subpart E);

- compare state program authority and the minimum requirements of the federal regulation;
- develop state legislative analysis and adopt new legislation;
- develop state regulatory analysis and promulgate a new state regulation;
- prepare and submit to EPA an application for program approval; and
- implement a state accreditation program that is not less stringent than the federal regulation.

Training Providers:

The MAP details the training and accreditation programs used to train persons to perform asbestos-related tasks. Specifically, the MAP shall be used as a tool to accredit persons who:

- conduct inspections or re-inspections for ACBM;
- prepare and/or update management plans for elementary and secondary schools; and
- design or carry out response actions with respect to ACBM in those schools.

Respondents who are training entities will need to perform certain collection activities:

- read the regulation;
- make any required changes to training programs;
- retain records/materials (usual business practice); and
- provide reasonable access to records to EPA and/or the state, as requested.

There are three types of respondents for this ICR: LEAs involved in recordkeeping and reporting activities associated with the AHERA Rule, and training providers and states involved in recordkeeping and reporting activities related to the MAP Rule. The respondent activities are different for each type of respondent and are discussed in the following section.

Estimated Burden for Local Education Agencies:

LEA (*i.e.*, school or school district) reporting and recordkeeping activities under the AHERA Rule may be divided into two main categories: those associated with the management plan and those associated with O&M activities. Schools with friable asbestos-containing materials (ACM) incur burden for the management plan and O&M activities, while schools with non-friable ACM (including newly constructed schools that are certified through an exclusionary statement not to have specified asbestos-

containing building materials in construction) incur burden only for the management plan.

The average estimated number of schools of each type in the three years of this ICR renewal period (years 32 through 34 of the implementation period) is used with the unit burden estimates to derive an annual burden estimate. This ICR renewal revises the method of estimating the numbers of schools with friable and non-friable asbestos used in previous ICR renewals.¹

The management plan burden varies by school type as well as by the type of ACM found in a school. Appendix G of the *Final Schools Rule Asbestos Hazard Emergency Response Act Regulatory Impact Analysis* (EPA, 1987a) contains time and cost estimates for management and O&M plan development and implementation for schools with friable ACM or non-friable ACM. Those activities incurring burden that were not completed during the initial 10 years of implementation are shown in Worksheet 1.

Worksheet 1 indicates that the annual estimated recordkeeping burden for schools with friable ACM is approximately 35 hours for public primary schools and private schools, and 58 hours for public secondary schools. For schools with non-friable ACM only (including newly constructed schools covered by exclusionary statements), the annual estimated recordkeeping burden is 15 hours for public primary schools and private schools, and 28 hours for public secondary schools. This approach may overstate the respondent burden for newly constructed schools covered by exclusionary statements because these schools will not incur a burden related to records of inspection, re-inspection, response actions and periodic surveillance. However, newly constructed schools covered by exclusionary statements still need to keep certain information and records up-to-date. This includes the name and training records for the AHERA Designated Person and dated copies of each year's annual notification of the management plans availability to parents, teachers and employees, along with a description of the steps taken to provide the notification.

¹ This ICR renewal based its burden estimate on a revised estimation of the life span of school buildings with ACM (60 years). In addition, an exponential decay model with a decay rate of 6% is assumed to estimate the number of schools with friable ACM starting from the beginning of the implementation of the program (See Attachment E). Burden estimates based on the Asbestos MAP Rule were also included in the last ICR. Those values are also updated.

Worksheet 1: Annual Respondent Burden per Local Education Agency (Hours)		
Burden Hour Elements	School Type	
	Public Primary or Private	Public Secondary
Schools with Friable Asbestos-Containing Materials		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	10	15
Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	16	30
<i>Total Management Plan</i>	<i>30</i>	<i>53</i>
<i>Implement Operations and Maintenance (O&M) Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	2	2
Custodial - Gather, record, process and store information	1	1
Clerical - Gather, record, process and store information	2	2
<i>Total O&M Plan</i>	<i>5</i>	<i>5</i>
Total recordkeeping burden per school with Friable ACM	35	58
Schools with Non-Friable Asbestos-Containing Materials Only		
<i>Implement Management Plan</i>		
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	5	8

Custodial - Gather, record, process and store information	4	8
Clerical - Gather, record, process and store information	6	12
Total recordkeeping burden per school with Non-friable ACM	15	28
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Non-friable ACM does not require an O&M Plan.		

Estimated Burden for States:

States are involved in both the AHERA Rule and the MAP Rule. State activities related to the AHERA Rule were completed during the first 10 years of program implementation. The MAP Rule went into effect in 1994, at which time states were to apply to EPA for new program approval. For the purposes of this analysis, all interested states are assumed to have completed accreditation program approval during previous ICR periods. Therefore, no burden for initial state activities is included in this ICR.

For all states with EPA-approved accreditation programs, an on-going burden associated with the MAP Rule is the implementation of state accreditation programs. Annual burden estimates from the MAP Rule are given in Worksheet 2. These estimates assume that all states have approved accreditation programs. In cases where a state does not have an approved program, the burden would be shifted to EPA. This assumption provides the most conservative estimates of state burdens.

Worksheet 2: Annual Respondent Burden per State or Territory (Hours)				
Burden Hour Elements	Labor Category			Total Hours
	Management	Technical	Clerical	
<i>Annual activities</i>				
Implement a state accreditation program that is not less stringent than the regulation	8.0	23.0	109.0	140.0
Total annual activities	8.0	23.0	109.0	140.0
Source: EPA.1993. Supplemental ICR for the Asbestos-Containing Materials in Schools Rule. (EPA ICR #1365).				

Estimated Burden for Training Providers:

Training providers were required to recertify under the revised MAP Rule. Providing access to records is expected to take 5.5 hours per year per training provider, as indicated in Worksheet 3, while the retention of the records is considered a customary and usual business practice. Therefore, no additional burden is associated with this task.

Worksheet 3: Annual Respondent Burden per Training Provider (Hours)			
Burden Hour Elements	Labor Category	Freq/Year	Total Hours
	Clerical		
<i>Annual activities</i>			
1. Retain records	N/A	N/A	N/A
2. Provide reasonable access to records to EPA or state	0.5	11	5.5
Total annual activities	0.5	11	5.5

The cost estimates addressed in this section are based on the burden estimates discussed above and additional non-wage costs discussed below. Wage rates (including benefits) have been updated from the values in the AHERA Regulatory Impact Analysis (RIA) (EPA, 1987a), the *Supplemental ICR for the Asbestos-Containing Materials in Schools Rule* (EPA, 1993), and the previous ICR (EPA, 2014) to reflect the most recently available estimates.

Estimated Burden Costs for Local Education Agencies:

The implementation cost to LEAs of the AHERA Rule includes the wages associated with the burden estimates in Section 6(a). Labor costs were updated using mean hourly wage rates from the Bureau of Labor Statistics' National Occupational Employment and Wage Estimates (BLS, 2020) for the most appropriate Standard Occupational Classification (SOC).

- The school asbestos program manager, custodian, and clerical staff hourly wages were \$35.81, \$15.75, and \$20.38 for May 2020, the most recent occupational wage data available. They are based on the mean hourly wages for Occupational Health and Safety Specialists and Technicians (SOC 19-5010²), Building and Grounds Cleaning and Maintenance Occupations (SOC 37-0000), and Office and Administrative Support Occupations (SOC 43-0000), respectively.

² Notice the new SOC code for Occupational Health and Safety Specialists and Technicians.

- According to the Employer Costs for Employee Compensation, wages and salaries accounted for 68.74 percent of total compensation for school employees as of December 2020. Based on this information, a loading factor of 1.456 (1/0.6874) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2021).
- The updated estimated total hourly compensation cost for school asbestos program manager, custodian, and clerical staff are \$51.41, \$22.93, and \$29.67, respectively.

These values were used in Worksheet 4 to calculate current recordkeeping and reporting costs to schools with friable and/or non-friable ACM, as shown below. In addition, schools are required to provide annual notification to parents and other interested parties of the presence of ACM, as well as the availability of the management plan for public review. The AHERA RIA estimated the annual notification cost to be \$56 per school (EPA, 1987a). This figure was updated to \$113 in 2020 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (U.S. Bureau of Economic Analysis, Gross Domestic Product: Implicit Price Deflator).

Worksheet 4 indicates that the annual reporting costs for schools range from \$640 for public primary schools or private schools with only non-friable ACM to \$2,142 for public secondary schools with friable ACM.

Worksheet 4: Annual Cost per Local Education Agency (2020 \$)			
Activities	Total Hourly Compensation	School Type	
		Public Primary and Private	Public Secondary
Schools with Friable Asbestos-Containing Materials			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$51.41	\$514	\$771
Custodial - Gather, record, process and store information	\$22.93	\$91.72	\$183
Clerical - Gather, record, process and store information	\$29.67	\$475	\$890
<i>Total Management Plan</i>		<i>\$1,081</i>	<i>\$1,844</i>

Management Plan Costs		\$1,081	\$1,844
O&M Plan Costs		\$185	\$185
Notification Costs		\$113	\$113
Total Estimated Cost per School		\$1,379	\$2,142
Schools with Non-Friable Asbestos-Containing Materials Only			
<i>Implement Management Plan</i>			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$51.41	\$257	\$411
Custodial - Gather, record, process and store information	\$22.93	\$92	\$183
Clerical - Gather, record, process and store information	\$29.67	\$178	\$356
Notification Costs		\$113	\$113
Total Estimated Cost per School		\$640	\$1,063
Source: EPA. 1987. AHERA Economic Impact Analysis; Table 11 and Appendix G: "Second Year Implementation Costs." Non-friable ACM does not require O&M.			

Estimated Burden Costs for States:

As discussed in Section 6(a), states have no additional costs associated with the AHERA Rule. Under the MAP Rule, state accreditation programs are required at least to meet the standards of the revised MAP. The burden estimates associated with the MAP Rule are given in Section 6(a). No additional costs for materials were given in the *Supplemental ICR for the Asbestos-Containing Materials in Schools Rule* (ICR #1365) (EPA, 1993). Worksheet 5 shows the estimated annual cost of state compliance with the MAP Rule is \$5,232.

Wage rates were updated using mean hourly wage rates from the Bureau of Labor Statistics' National Occupational Employment and Wage Estimates (BLS, 2016) for the most appropriate SOC.

- The state managerial, technical, and clerical staff hourly wages for December 2016, the most recent available data, were \$60.81, \$38.50, and \$20.38, based on the mean hourly wages for Management Occupations (SOC 11-0000), Environmental Scientists and Specialists, Including Health (SOC 19-2041), and Office and Administrative Support Occupations (SOC 43-0000), respectively.

According to the Employer Costs for Employee Compensation, wages and salaries accounted for 68.74 percent of total compensation for state employees as of December 2016. Based on this information, a loading factor of 1.456 (1.0/0.6874) was applied to the mean hourly wage rate to estimate total hourly compensation for school employees (BLS, 2017).

- The updated estimated total hourly compensation cost for state managerial, technical, and clerical staff are \$88.54, \$56.10, and \$29.67, respectively.

Worksheet 5 shows the estimated annual cost of state compliance with the MAP Rule is \$5,232 per state.

Worksheet 5: Annual Cost per State/Territory (2020 \$)				
Activities	Labor Categories			Total
	Management	Technical	Clerical	
	\$88.54/hour	\$56.10/hour	\$29.67/hour	
Implement a state accreditation program that is not less stringent than the regulation	\$708	\$1,290	\$3,234	
Estimated Cost per State/Territory	\$708	\$1,290	\$3,234	\$5,232
The cost for each labor category is calculated by multiplying the hourly rate by the number of hours per activity from worksheet 2.				

Estimated Burden Costs for Training Providers:

The reporting and recordkeeping burden under the MAP Rule for asbestos training providers is described in Section 6(a). Providing access to records is expected to take 5.5 hours per year per training provider, and to be done by clerical staff. Wage rates were updated using mean hourly wage rates from the Bureau of Labor Statistics' National Occupational Employment and Wage Estimates (BLS, 2016) for the most appropriate SOC.

- The training provider clerical staff hourly wage for May 2020, the most recent available data, was \$20.38 based on the mean hourly wage for Office and Administrative Support Occupations (SOC 43-0000). According to the Employer Costs for Employee Compensation, wages and salaries accounted for 79.1 percent of total compensation for state employees as of December 2020. Based on this information, a loading factor of 1.264(1.0/0.791) was applied to the mean hourly wage rate to estimate total hourly compensation for training provider staff

(BLS, 2020). The updated estimated total hourly compensation cost for training provider clerical staff is \$25.76.

In addition, training providers are expected to incur materials costs associated with the annual recordkeeping requirements of the MAP Rule. Those costs were estimated to be \$436 in the MAP Rule (EPA, 1993). This figure was updated to \$737 in 2016 dollars using the implicit price deflator for the Gross Domestic Product (GDP) (Dept. of Commerce, 2016).

Worksheet 6 shows the estimated annual cost of training provider compliance with the MAP Rule is \$879 per training provider.

Worksheet 6: Annual Cost per Training Provider (2020 \$)			
Activities	Labor Category	Frequency/ Year	Total
	Clerical		
	\$25.76/hour		
1. Retain records	N/A	N/A	\$737
2. Provide reasonable access to records to EPA or State	\$12.88*	11	\$141.68
Estimated Cost per Provider			\$879
*The burden associated with this activity is 0.5 hour of clerical labor. The cost of 0.5 hours of clerical labor is $\$25.76 \times 0.5 = \12.88 .			

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

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

- b) 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 collections 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.
- c) 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.

Worksheet 7 below describes the operations and maintenance costs associated with this collection.

Worksheet 7: Implement Operations and Maintenance (O&M) Plan			
Asbestos program manager - Activity planning, create and gather information, prepare activity reports, record and review information	\$51.41	\$103	\$103
Custodial - Gather, record, process and store information	\$22.93	\$23	\$23
Clerical - Gather, record, process and store information	\$29.67	\$59	\$59
Total O&M Plan		\$185	\$185

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Agency cost estimates are presented in Worksheet 8. EPA does not collect any information under this ICR. All information subject to this collection request is to be gathered and maintained by the employer. Consistent with previous ICRs, if technical tasks such as inspections or other enforcement or compliance assistance activities are conducted, they are assumed to be completed by staff at the GS-13 level. The 2020 GS-13, step 5, hourly salary for the Washington, D.C. region is \$55.75 (OPM, 2020).

Calculating the fringe benefits as 63.90 percent³ of the wages and assuming an overhead rate of 20 percent⁴ for EPA personnel, gives a total hourly compensation cost of \$109.65. Estimates incorporating this hourly compensation rate and the time estimate of 400 hours per year for inspections result in a total annual cost of \$43,860.

Worksheet 8: Average Annual Agency Aggregation Table					
	Number of Activities	Unit Time	Total Time	Unit Cost	Total Cost
Total	400	1	400	\$110	\$44,000

Note: Totals in above table may not sum due to rounding.

15. Explain the reasons for any program changes or adjustments reported in hour or cost burden.

This ICR reflects an increase of 45,766 hours (from 2,554,913 hours to 2,600,679 hours) in the total estimated respondent burden from that currently in the OMB inventory. While the number schools with friable ACMs is steadily declining, the associated burden reductions are counteracted by the larger increase in in schools with no or non-friable ACM (which includes newly constructed schools that are certified through an exclusionary statement not to have specified asbestos-containing building materials in construction). This change is an adjustment.

Changes in Respondent Burden				
Respondent Type	Burden Hour Estimates			Percent Change
	Previous	Current	Difference	
Local Education Agencies	2,540,099	2,600,679	45,766	+2.4% %
Training Providers	6,974	6,974	0	0 %
States/Territories	7,840	7,840	0	0 %

³ : Falk, J. 2012. "Comparing Benefits and Total Compensation in the Federal Government and the Private Sector." Congressional Budget Office Working Paper Series. <https://www.cbo.gov/sites/default/files/112th-congress-2011-2012/workingpaper/2012-04fedbenefitwp0.pdf>

⁴ An overhead rate of 20% is used based on assumptions in *Handbook on Valuing Changes in Time Use Induced by Regulatory Requirements and Other U.S. EPA Actions* (EPA 2020).

Total	2,554,913	2,615,493	45,7669	+2.4%
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16. For collections whose results will be published, outline the 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.

Not applicable.

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

Not applicable.

18. Explain each exception to the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”

EPA does not request an exception to the certification of this information collection.

SUPPLEMENTAL INFORMATION

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0091). Responses to this collection of information are mandatory for certain person, as specified at 40 CFR 763.94. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 19.7 hours per response for schools, 140 hours per response for states, and 5.5 hours per response for training providers. Send comments on the Agency’s need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OPPT-2017-0315, which is available at <http://www.regulations.gov>. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the Docket ID Number identified above.

You can also provide comments to the Office of Information and Regulatory Affairs, Office of Management and Budget via <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

All comments received by EPA will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

Notice: Due to public health concerns related to COVID-19, the EPA Docket Center and Reading Room are open to the public *by appointment only*. [Read more about the operating status](#).

LIST OF ATTACHMENTS

The attachments listed below can be found in the docket for this ICR or by using the hyperlink that is provided in the list below. The docket for this ICR is accessible electronically through <http://www.regulations.gov> using Docket ID Number: EPA-HQ-OPPT-2017-0319.

Ref.	Title
1.	Attachment A - Asbestos Hazard Emergency Response Act, Section 203 (15 U.S.C. §2643) also accessible at http://www.gpo.gov/fdsys/pkg/USCODE-2009-title15/html/USCODE-2009-title15-chap53-subchapII.htm
2.	Attachment B - Asbestos Hazard Emergency Response Act, Section 206 (15 U.S.C. §2646) also accessible at http://www.gpo.gov/fdsys/pkg/USCODE-2009-title15/html/USCODE-2009-title15-chap53-subchapII.htm
3.	Attachment C - Asbestos-Containing Materials in Schools Rule (40 CFR 763, Subpart E) also accessible at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763_main_02.tpl
4.	Attachment D - Model Accreditation Plan (40 CFR 763, Subpart E, Appendix C) also accessible at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr763_main_02.tpl
5.	Attachment E - Worksheet A-1: Annual Recordkeeping Burden, by School Type and Asbestos Type and Worksheet A-2 Annual Recordkeeping Cost, by School Type and Asbestos Type
6.	Attachment F – EPA’s Consultation eMail; Copies of the Public Comments

References

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U.S. Bureau of Labor Statistics. 2020. Occupational Employment Statistics: May 2020 National Industry-Specific Occupational Employment and Wage Estimates. Accessed 7/2/2017. Web site: <http://www.bls.gov/oes/>

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Implicit Price Deflator. Accessed through the Saint Louis Federal Reserve Bank at <http://research.stlouisfed.org/fred2/series/GDPDEF/>. Series ID GDPDEF, Gross Domestic Product Implicit Price Deflator. Index 2005=100.

U.S. Department of Education. June 2020. National Center for Education Statistics. Digest of Education Statistics: 2011. Table 91: Number of public-school districts and public and private elementary and secondary schools. Web site: <http://nces.ed.gov/programs/digest/d14/>

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Hazard Emergency Response Act Regulatory Impact Analysis. September, 1987.

U.S. EPA. 1987b. Office of Pesticides and Toxic Substances. Addendum to ICR #2070-0091,

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U.S. EPA. 2009. Office of Pollution Prevention and Toxics. National Directory of AHERA Accredited Courses, Active Training Provider List. June 2009.

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U.S. Office of Personnel Management. 2020. Salary Table 2013-DCB. Web site: <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2013/general-schedule>