Supporting Statement A for

HAZARDOUS WASTE WORKER TRAINING – 42 CFR Part 65

(OMB NO. 0925-0348; Exp. July 31, 2022) (NIEHS)

Date: May 24, 2022

Check off which applies:
- New
- X   Revision
- Reinstatement with Change
- Reinstatement without Change
- Extension
- Emergency
- Existing

Federal Government Employee Information:

Name: Sharon D. Beard

Address: National Institute of Environmental Health Sciences P.O. Box 12233 MD: K3-14 Research Triangle Park, NC 27709

Telephone: 984-287-3237

Email: beard1@niehs.nih.gov

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List of Attachments

Attachment 1 – Survey Instrument/Information Collection Questionnaire (Data Management

System) with Data Management System Screenshots

Attachment 2 - Privacy Impact Assessment (PIA)

Attachment 3 – Small Business Innovative Research E-Learning Data Collection Tool

A. Justification

The National Institute of Environmental Health Sciences (NIEHS) was given major responsibility for initiating a worker safety and health training program under Section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) for hazardous waste workers and emergency responders. A network of non-profit organizations that are committed to protecting workers and their communities by delivering high-quality, peer-reviewed safety and health curricula to target populations of hazardous waste workers and emergency responders has been developed. In thirty-five years (FY 1987-2022) the WTP has successfully supported 25 primary grantees that have trained more than 4.5 million workers across the country and presented over 278,821 classroom, hands-on, and online training courses, which have accounted for over 55 million contact hours of actual training.

The WTP also funds Small Business Innovative Research (SBIR) grants, an e-Learning for HAZMAT Program that focuses on the development of e-Learning health and safety training products from a variety of delivery methods to assist both students and instructors in the training and education process. Since 2002 the WTP has funded 85 SBIR grants. The WTP would like to ascertain the successes of the SBIR e-Learning program.

A.1   Circumstances Making the Collection of Information Necessary

This request is for OMB review of this submission as a Revision of the information collection requirements in 42 CFR Part 65, National Institutes of Environmental Health Sciences (NIEHS) Hazardous Waste Worker Training. Section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 9960 a), which authorized the NIEHS to administer a program of grants for the training and education of workers who engage in activities related to hazardous waste removal, or containment, or emergency response operation. Grantees are to provide their information into the WTP Grantee Data Management System. The information collected is used by the Director through officers, employees, experts, and consultants to

evaluate applications based on technical merit to determine whether to make awards and whether appropriate training is being conducted to support continuation of the grant into subsequent years.

The regulations, published in October 1990, establish standards for eligibility and application procedures. Grantees are to provide information in accordance with S65.4 (a), (b), (c) and 65.6(a) on the nature, duration, and purpose of the training, selection criteria for trainees' qualifications and competency of the project director and staff, the adequacy of training plans and resources, including budget and curriculum, and response to meeting training criteria in OSHA's Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). As a cooperative agreement, there are additional requirements for the progress report section of the application.

Specifically, the regulations establish the following requirements:

§ 65.4(a) Reporting and Recordkeeping.

Establishes specific reporting and record keeping for joint applications.

§ 65.4(b) Reporting.

States the minimum information to be included in the application.

§ 65.4(c) Reporting.

Requires the respondent to provide assurance to the awarding component that there will be no discrimination in selection of trainees or instructors in relation to union membership contained under OMB No. 0925-0348 (expiration date July 31, 2022). This regulation does not call for information of a sensitive nature.

§ 65.6(b) Reporting.

States the requirement of written application for continuation award. Application is made by the use of form SF424 (OMB Number: 4040-0004, expiration date 12/31/2022).

Supplementary information for the 42 CFR Part 65 regulations, published in December 1994, became necessary when Congress passed the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990, which created a new grant program in training hazardous materials transportation employees for

NIEHS. Although no funds for this activity have been passed through from the Department of

Transportation (DOT), our Legislative Implementation Plan (LIP) for this program required that we make

reference to this new statutory authority and go through the rulemaking process.

A.2   Purpose and Use of the Information Collection

The NIEHS Worker Training Program (WTP) is authorized by the Superfund Amendments and

Reauthorization Act of 1986 (SARA), Section 126(g) to fund multi-state or national non-profit organizations

with a demonstrated track record in developing and delivering high quality training to workers who are

involved in handling hazardous waste or in responding to emergency releases of hazardous materials. The

WTP contains the Hazardous Waste Worker Training Program (HWWTP), the Environmental Career Worker

Training Program (ECWTP), the HAZMAT Disaster Preparedness Training Program (HDPTP), and the

NIEHS/DOE Nuclear Worker Training Program (DOE) to fund nonprofit organizations to develop and

administer model health and safety training programs for hazardous materials or waste

workers. Respondent organizations are to provide information in accordance with § 65.4(a), (b), (c) and §

65.6(b) on the nature, duration, and purpose of the training; selection criteria for trainees' qualifications;

competency of the project director and staff; cooperative arrangements of the consortia; and the adequacy

of training plans and resources, including budget and response to meeting training criteria in OSHA's

Hazardous Waste Operations and Emergency Response Regulations (29 CFR 1910.120). The information

collected is used by the Director through officers, employees, experts, and consultants to evaluate

applications based on technical merit to determine whether to make awards, and whether appropriate

training is being conducted to support continuation of the grant into subsequent years. The information

collected the past three years has been utilized in training summaries containing information on numbers

of workers trained, courses conducted and contact hours, progress reports, and highlights of

accomplishments; to answer inquiries from Congress, NIH OD, HHS, NIEHS leadership, and other key

leadership; to produce State Profiles and other communications materials that are requested and used by

Congress and other external parties; to document and disseminate training activities related to supplemental funding and/or key topics, such as COVID-19, Opioids, the Disaster Relief Act of 2018, and environmental careers job training; to update the Curricula Catalog; to start the Material Upload and Search Tool for Infectious Disease (MUSTID) Resource Portal, an easy access resource on infectious disease and worker safety shared by and relevant to the WTP; to complete required reporting on the benefits and activities under the ECWTP for the White House Justice40 Initiative with ECWTP being named a pilot program for Justice40; and to monitor and report on Disaster Preparedness and Response activities. The NIEHS WTP Curricula Information and Data Management System (DMS), the system the WTP uses to collect this data from the WTP Grantees, is critical to the operation of the Program and the ability of the Program to continue the operations listed above. Without this data, the WTP would be unable to adequately describe program accomplishments to funders & government leadership, and unable to adequately monitor grants to ensure goals are being met.

The WTP would like to query the WTP SBIR grantees with a series of questions (Attachment 3) to ascertain the successes of the program. This survey information will help the WTP to determine metrics of success for the WTP SBIR Program, and will help determine future Funding Opportunity Announcement (FOA) information to assist in a continued successful SBIR Program.

A.3 Use of Information Technology and Burden Reduction

In an effort to reduce the burden to the respondent, electronic submission of training data is collected via the DMS, which is a private web-based application for entering and retrieving programmatic data, submitting training data, entering progress report information, utilizing the curricula submission upload function, and electronic mail. Electronic grant applications have expanded to include dozens of U.S. organizations, leading toward full implementation of the alternative path of electronic transmission of grant applications. Only HWWTP (ECWTP, HDPTP) and DOE Program grantees enter data into the DMS. The SBIR Program is not required to enter data into the DMS. A Privacy Impact Assessment (PIA) (Attachment 2) was

done for the database being used to collect the information. The DMS system was certified and accredited on 11/4/2019. No PII is collected by the DMS.

A.4   Efforts to Identify Duplication and Use of Similar Information

The information requested is unique to each application. No other method of obtaining the required information exists. Similar information is not available. However, in the case of continuation grants pre-printed forms for each previously funded respondent organization are prepared with basic information from the initial application and transmitted to the organizations in the first stage of application.

A.5   Impact on Small Businesses or Other Small Entities

42 USC 9660 (a) restricts awards under the HWWTP (ECWTP, HDPTP) and DOE programs to nonprofit organizations. For the WTP SBIR Program, efforts to reduce the burden to the respondent will be made by requesting answers to a series of short questions (Attachment 3).

A.6   Consequences of Collecting the Information Less Frequently

Application for previously recommended support (noncompeting continuation) for the HWWTP (ECWTP, HDPTP) and DOE grants is requested annually, for consistency with other PHS grant programs and the Federal budget process. However, it is necessary to request information on the training data semi-annually since actual and estimated numbers are reported within the noncompeting continuation application. The semi-annually reporting requirement ensures that updated data is reported.

For the WTP SBIR Program, without the ability to question grantees on their accomplishments, the WTP will be unable to completely report on the successes of the program.

A.7   Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

The information collection requirements are consistent with guidelines of 5 CFR 1320.5.

A.8.1   Comments in Response to the Federal Register Notice

The information collection was published in the <u>Federal</u> <u>Register</u> on <mark>Friday, March 25,2022 Vol. 87, No. 58 pages 17095-17096</mark> and allowed 60-days for public comment. No public comments were received. The grantees under the cooperative agreement meet at least twice annually to discuss data collection needs and reporting format.

A.8.2   Efforts to Consult Outside Agency

The grantees under the cooperative agreement <mark>and SBIR programs</mark> meet at least twice annually to discuss data collection needs and reporting format. Consultants reviewed the Information Collection Questionnaire (Data Management System) <mark>and the SBIR e-Learning Data Collection Instrument</mark>, and there were no problems.

Consultants:

Chris Trahan Cain
CPWR - The Center for Construction Research and Training
8484 Georgia Avenue, Suite 1000
Silver Spring, Maryland 20910-5618
Tel 301-578-8500
ccain@cpwr.com

Mitchel A. Rosen, Ph.D.
Rutgers, The State University of New Jersey
Center for Public Health Workforce Development
683 Hoes Lane West
Piscataway, New Jersey 08854-8021
Tel 732-235-9452
mrosen@sph.rutgers.edu

Cesar Bandera, Ph.D.
Founding Partner
Cell Podium, LLC.
VentureLink, Suite 203
211 Warren Street
New Jersey Institute of Technology
Newark, NJ 07103-3568
cesar.bandera@cellpodium.com
Tel 973-718-2450
http://cellpodium.com

A.9   Explanation of Any Payment of Gift to Respondents

Respondents are not provided a payment or gift.

A.10   Assurance of Confidentiality Provided to Respondents

Applications, grants and related documents for the NIEHS Hazardous Waste Worker Training were published in the Federal Register on December 13, 1994, page 64139 under the existing Privacy Act System of Records #09-25-0036: Extramural Awards and Chartered Advisory Committees: IMPAC (Grant/Contract/Cooperative Agreement/Chartered Advisory Committee Information), HHS/NIH/OER and HHS/NIH/CM. No Personally Identifiable Information (PII) is collected.

A.11   Justification for Sensitive Questions

The WTP ECWTP requests student demographic data and sensitive questions such as age, gender, and race because it is necessary to track the participants of this specialized program that provides pre-employment and health and safety training to underserved communities. These items provide evidence that the appropriate population is being trained under this program, and allows for the collection of applicable data that has provided information to Congress on the successes of this program, and for the development of an economic impact report that showed a large return on investment for the populations covered under this program.

The SBIR survey requests name, affiliation, and email because it is necessary to for differentiation between the different companies that provided the technologies. This survey information will help the WTP to determine metrics of success for the WTP SBIR Program, and will help determine future Funding Opportunity Announcement (FOA) information to assist in a continued successful SBIR Program.

A.12.1 Estimates of Hour Burden Including Annualized Hourly Costs

A competitive Request for Applications (RFA) for the HWWTP (ECWTP, HDPTP) and DOE Programs is developed every five years by the NIEHS Worker Training Program (WTP). The WTP is authorized by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Section 126(g) to fund multi-state or national non-profit organizations with a demonstrated track record in developing and delivering high quality training to workers who are involved in handling hazardous waste or in responding to emergency releases of hazardous materials. There are currently 18 HWWTP (ECWTP, HDPTP) and seven DOE grantees. The WTP also releases a SBIR E-Learning for HAZMAT and Emergency Response RFA yearly. There are three to five SBIR E-Learning for HAZMAT and Emergency Response grants funded each year. The WTP has never conducted a survey of the SBIR E-Learning for HAZMAT and Emergency Response Program. This new survey information will help the WTP to determine metrics of success for the WTP SBIR Program, and will help determine future Funding Opportunity Announcement (FOA) information to assist in a continued successful SBIR Program. This will increase the total annual burden hours and respondent costs as documented below. These are the only changes from the prior information collection approvals.

The annual reporting hour burden for the HWWTP and DOE Program is as follows: number of respondents: 25; number of responses per respondent: 2; and annual hour burden per response: 700. The average time per response is 14 hours per year. The estimated hour burden for each respondent includes 9 hours to create documents and 5 hours to compile/input the documents.

The annual reporting hour burden for the SBIR e-Learning Program evaluation is as follows: number of respondents: 85; number of responses per respondent: 1; and annual hour burden per response: 85. The average time per response is 1 hours per year. The estimated hour burden for each respondent includes 1 hour to answer the data collection tool.

Table 12-1

Estimated Annualized Burden Hours

Form Name	Type of Respondent	Number of Respondents	Number of Responses per Respondent	Average Burden Per Response (in hours)	Total Annual Burden Hour
Information Collection Questionnaire (Data Management System) (HWWTP, DOE)	Grantee: Project Management Specialists	25	2	14	700
Information Collection Questionnaire (Survey) SBIR	Grantee: Computer Occupations	85	1	1	85
Total		110	135		785

A.12-2 ANNUAL COST TO RESPONDENT

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.

Table 12-2 Annualized Cost to Respondents

Type of Respondent	Total Annual Burden Hours	Hourly Respondent Wage Rate*	Respondent Cost
Grantee: Project Management Specialists	700	$37.03	$25,921.00
Grantee:	85	$46.84	$3,981.40

Computer Occupations			
Total	785		$29,902.40

* Bureau of Labor Statistics: National Occupational Employment and Wage Estimates
https://www.bls.gov/oes/current/oes_nat.htm

A.13   Estimate of Other Total Annual Cost Burden to Respondents or Record Keepers

There are no other total annual cost burdens to report. There are no Capitol Costs, Operating Costs and/or Maintenance Costs to report.

A.14   Annualized Cost to the Federal Government

Administration of the program involves development and monitoring activities. The average annual cost to the government will include personnel hours in the maintenance of the information database, which is done under an existing contract with loaded labor rates and includes monitoring, coding, updating, trouble shooting, etc. The total cost to the government is $34,048.20.

Staff	Grade/Step	Salary	% of Effort	Fringe (if applicable)	Total Cost to Gov't
Federal Oversight					
Program Analyst	13/8	$121,140	0.13		$15,748.20
Contractor Cost					
Web Developer/Programmer	N/A	$122,000	0.15	N/A	$18,300
Travel					0
Other Cost					0

Total					$34,048.20

*the Salary in table above is cited from https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2022/general-schedule/

A.15 Explanation for Program Changes or Adjustments

The current 18 HWWTP (ECWTP, HDPTP) and seven DOE grantees. The WTP also funds Small Business Innovative Research (SBIR) grants, an e-Learning for HAZMAT Program that focuses on the development of e-Learning health and safety training products from a variety of delivery methods to assist both students and instructors in the training and education process. Since 2002 the WTP has funded 85 SBIR grants. The WTP would like to ascertain the successes of the SBIR e-Learning program. The WTP releases a SBIR E-Learning for HAZMAT and Emergency Response RFA yearly. There are three to five SBIR E-Learning for HAZMAT and Emergency Response grants funded each year. The SBIR Program is not required to enter data into the DMS. The WTP proposes to survey past, current, and future SBIR e-Learning grantees to ascertain the successes of the SBIR e-Learning program. This survey information will help the WTP to determine metrics of success for the WTP SBIR Program, and will help determine future Funding Opportunity Announcement (FOA) information to assist in a continued successful SBIR Program.

A.16 Plans for Tabulation and Publication and Project Time Schedule

There are no plans at this time for publication. The data collected could be used to produce case studies to highlight success stories and challenges in the delivery of technological innovation for occupational safety and health training. The SBIR evaluation will be used to produce a multi-page brief factsheet for public use and sharing. At this time there are no specific reporting deadlines.

For HWWTP (ECWTP, HDPTP), projected Data and Progress Reports are due April 1. For DOE, projected Data and Progress Reports are due June 1. Final Data and Progress Reports are due August 1 and October 1 respectively. Queries from Congress and other decision-makers can happen at any time. Project time schedules will be addressed as these queries arise.

A.17   Reason(s) Display of OMB Expiration Date is Inappropriate

There is no objection to the display of OMB expiration date.

A.18   Exceptions to Certification for Paperwork Reduction Act Submissions

None

The information collection activity complies with 5 CFR 1320.