

**Department of Transportation
Office of the Chief Information Officer
Supporting Statement
Subsidiary Hazard Class and Number/Type of Packagings
OMB Control No. 2137-0613**

(Expiration Date: August 31, 2022)

Introduction

This is to request the Office of Management and Budget's (OMB) three-year renewal with no change for the information collection titled, "Subsidiary Hazard Class and Number/Type of Packagings" (OMB Control No. 2137-0613), which is currently due to expire on August 31, 2022. This information collection was initiated as a result of the July 31, 2003, [68 FR 44992] Final Rule titled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organizations (ICAO) Technical Instructions (TI)." In this rulemaking, the Research and Special Programs Administration (RSPA) (later, the Pipeline and Hazardous Materials Safety Administration (PHMSA)) added requirements in § 172.202 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to provide the subsidiary hazard on a shipping paper. This OMB control number was first approved on June 25, 2003.

Part A. Justification.

1. Circumstances that make collection of information necessary.

This is a request for a renewal without change of an information collection pertaining to descriptions on hazardous materials shipping papers under the HMR. Specifically, this information collection is associated with the requirement in § 172.202(a)(3) to provide the subsidiary class on a shipping paper. This information collection supports the Departmental Strategic Goal for Safety. These regulations are promulgated under the Federal hazardous material transportation law, 49 U.S.C. 5101-5127.

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

The subsidiary hazard on a shipping paper is considered a hazard communication tool when transporting hazardous materials. It is the mechanism by which an aircraft operator knows the nature and potential of hazardous cargo on board the aircraft. It informs railroad employees of the potential hazards of the materials and is the primary means of communicating information leading to required car handling and placement in trains. Shipping papers communicate information on cargo compatibility to motor carrier personnel, and advises the vessel master where hazardous material cargo should be stowed to assure compatibility and accessibility. Consequences which could result from not having the required information on shipping papers include:

- Co-mingling of hazardous materials in a shipment that could react chemically, causing explosion, fire, poison gas, or other types of adverse reactions in the event of a container

failure or accident.

- Contamination of foodstuffs and feed by poisons being shipped on the same transport vehicle.
- Shipment of radioactive materials in the same transport vehicle in quantities which could exceed criticality safety controls, resulting in excessive exposure to vehicle operators/crew or passengers, or with non-radioactive materials (such as x-ray film) that could be contaminated by the radiation emitted from packages of radioactive materials.
- Shipment of hazardous materials greater than authorized to be carried in passenger-carrying vehicles.
- Shipment of forbidden materials aboard passenger-carrying aircraft, the release of which could cause death or illness to passengers and crew due to contamination of the air system of an aircraft or structural damage to an aircraft.
- Injury, death, and/or severe environmental damage due to inaccurate emergency response communication information.
- Incorrect emergency response procedures resulting from the lack of sufficient information regarding the hazards of the materials being transported. For example, firefighters may attempt to extinguish fires with water leading to catastrophic consequences if they are not adequately advised by shipping papers and emergency response information that the materials are water reactive.

3. Extent of automated information collection.

The Department of Transportation's (DOT) emphasis is on the information displayed on shipping papers, consistency, and quick recognition. Any document meeting the definition of a shipping paper in § 171.8 and the requirements in Subpart C and G of Part 172, and used in the normal course of business is a shipping paper. The Government Paperwork Elimination Act directs agencies to allow the option of electronic filing and recordkeeping by October 2003, when practicable. Electronic filing and recordkeeping is authorized.

4. Efforts to identify duplication.

DOT hazardous materials shipping paper and emergency response information requirements do not duplicate any other documentation system for identifying hazardous materials transported in commerce. For example, DOT and the Environmental Protection Agency (EPA) coordinated the hazardous waste manifest requirements to avoid duplication. EPA agreed that DOT regulations prevail for carriers of hazardous wastes and revised its manifest requirements so the required entries could be made on one document to comply with both EPA's hazardous waste requirements and DOT's shipping paper and emergency response information requirements.

To a limited degree, some of the information required on the shipping papers is already available through required markings on the outside of packages. However, it would be very difficult to accomplish effective communication for emergency response and compliance with various transportation requirements by relying only on the markings on packages. In most cases, the packages are not visible during transportation and would not serve the same benefit as the shipping paper and emergency response information in providing effective communication.

5. Efforts to minimize the burden on small businesses.

Unless specifically excepted in the HMR, shipping papers and emergency response information must be prepared by all persons offering hazardous materials for transportation. Some kind of shipping document is issued in all normal business transactions. However, this burden is only required if a hazardous material being shipped has a subsidiary hazard.

6. Impact of less frequent collection of information.

This is a one-time requirement each time a hazardous material shipment is offered for transportation in commerce. In addition, it is only required when a hazardous material has a subsidiary hazard.

7. Special circumstances.

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

- A) It is not possible to eliminate or shorten the information required by the HMR for shipping papers and still provide the information necessary for emergency response personnel, carriers, and transport workers.
- B) Shipping paper retention for one year was mandated by Congress and was self-executing as of August 26, 1994 under the Hazardous Materials Transportation Authorization Act (HMTAA) of 1994. Shipping papers are already required to be retained by other federal and state requirements, and therefore, are not considered duplicative. PHMSA has no discretion regarding this requirement.
- C) Hazardous materials shipping paper and emergency response information is also required when transporting hazardous materials in international commerce.

8. Compliance with 5 CFR 1320.8.

A 60-Day Notice and Request for comments was published in the Federal Register on May 3, 2022 [87 FR 26259] also under Docket No. PHMSA-2022-0052 (Notice No. 22-09). The comment period closed on July 5, 2022. PHMSA received no comments to this notice.

A 30-Day Notice and Request for comments on the renewal of this information collection was published in the Federal Register on July 18, 2022 [87 FR 42795] under Docket No. PHMSA-2022-0052 (Notice No. 19-11). The comment period closed on August 17, 2022.

9. Payments or gifts to respondents.

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

10. Assurance of confidentiality.

All information to be collected complies with the Freedom of Information Act, the Privacy Act of 1974, and OMB Circular A-108.

11. Justification for collection of sensitive information.

Not applicable. Information is not of a sensitive nature.

12. Estimate of burden hours for information requested.

<u>Information Collection</u>	<u>Regulations</u>	<u>Respondents</u>	<u>Responses per Respondent</u>	<u>Percentage w/Subsidiary</u>	<u>Total Annual Responses</u>	<u>Seconds per Response</u>	<u>Total Hours</u>	<u>Salary Cost per Hour</u>	<u>Total Salary Cost</u>
Subsidiary Hazard	172.202(a)	260,000	674	25%	43,810,000	2	24,339	\$27.45	\$683,620.06

Based on historical stakeholder feedback, is estimated that approximately 260,000 shippers/carriers of hazardous materials (including hazardous waste and hazardous substances) will prepare an average of 674 shipping papers and emergency response information annually. Furthermore, PHMSA estimates 25% of these shipments require the addition of a subsidiary hazard, for a total of 43,810,000 subsidiary hazard entries (260,000 respondents x 674 shipping papers/respondent x 25%). To add a subsidiary hazard to a shipping paper will take approximately 2 seconds for approximately 24,339 annual burden hours (43,810,000 subsidiary hazard entries x 2 seconds/shipping paper). PHMSA estimates it costs approximately \$27.45/hour in salary costs¹ for a total of \$683,620.06 (24,339 burden hours x \$27.45/hour). However, PHMSA estimates there is no out-of-pocket expenses for the shipping paper burden.

13. Estimate of total annual costs to respondents.

PHMSA does not estimate any out-of-pocket expenses with this information collection.

14. Estimate of cost to the Federal government.

There are no costs to the Federal Government for this information collection.

15. Explanation of program changes or adjustments.

¹ Occupation labor rates based on 2021 Occupational and Employment Statistics Survey (OES) for "Office Clerks, General." <https://www.bls.gov/oes/current/oes439061.htm> The hourly mean wage for this occupation (\$16.92) 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)

There are no changes to this information collection.

16. Publication of results of data collection.

There is no publication for statistical use and no statistical techniques are involved.

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

This information collection OMB Control number is prominently displayed in the HMR, specifically under § 171.6, entitled, “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.