

Health Standards for Diesel Particulate Matter Exposure (Underground Coal Mines)
OMB Control Number 1219-0124
OMB Expiration Date: 10/31/2023

**Supporting Statement for
Paperwork Reduction Act Submission**

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

OMB Control Number: 1210-0124

Information Collection Request Title: Health Standards for Diesel Particulate Matter Exposure (Underground Coal Mines)

Authority:

30 CFR 72.510(a) and (b) - Miner health training.
30 CFR 72.520(a) and (b) - Diesel equipment inventory.

Collection Instrument(s): Diesel Inventory (This is an optional web collection instrument.)

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

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

MSHA established standards and regulations for diesel-powered equipment in underground coal mines that provide important protections for coal miners who work on and around diesel-powered equipment. The standards are designed to reduce the risks to underground coal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter. The standards contain information collection requirements for underground coal mine operators in 30 CFR 72.510(a) and (b) and 30 CFR 72.520(a) and (b).

30 CFR 72.510(a) requires underground coal mine operators to provide annual training to all miners who may be exposed to diesel emissions. The training must include health risks associated with exposure to diesel particulate matter; methods used in the mine to control diesel

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particulate concentrations; identification of the personnel responsible for maintaining those controls; and actions miners must take to ensure controls operate as intended.

30 CFR 72.510(b) requires underground coal mine operators to keep a record of the training for one year after completion of the training. Mine operators must promptly provide access to the training record when requested. Whenever an operator ceases to do business, that operator must transfer the training records, or a copy, to any successor operator who must maintain the records for the required period.

30 CFR 72.520(a) requires underground coal mine operators to prepare and submit in writing to the District Manager, an inventory of diesel-powered equipment units together with a list of information about any unit's emission control or filtration system. 30 CFR 72.520(b) requires mine operators to submit revisions to the District Manager within 7 calendar days of any change to the diesel equipment inventory. 30 CFR 72.520(c) also requires mine operators to provide a copy of the diesel equipment inventory to the representative of the miners within 3 days of the request.

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.

The information collection is provided to the MSHA inspector and used by the Agency to monitor the mine operator's compliance with the health standard and to provide useful information to mine operators and miners' representatives about the safety and health conditions in a miner's workplace.

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.

Mine operators have the option of providing the inventory of diesel-powered equipment via MSHA's web page (<https://www.msha.gov/support-resources/forms-online-filing/2018/05/23/manageupdate-diesel-inventory>) or by submitting the information in writing to MSHA. MSHA makes information available online to aid mine operators in maintaining and updating the inventory at <https://egov.msha.gov/DieselInventory/ViewDieselInventoryExternal.aspx> by clicking on view national inventory. The MSHA standards afford the mine operator the flexibility to retain the information in whatever format/method they choose that reasonably conveys the inventory. In addition, the MSHA website (www.msha.gov) provides information specific to diesel-powered equipment, as well as compliance materials and other information on diesel particulate matter to make the information submission easier for respondents.

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.

No similar or duplicate information exists.

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

This information collection does not have a significant impact on a substantial number of small entities.

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

The information collection requirements are essential for helping to protect miners' health and safety while working in areas of underground mines where diesel-powered equipment is being operated. The information also serves as a means of verifying compliance with the standards and also help mine operators and miners' representatives understand better safety and health conditions in a miner's workplace. Reduction of these information collection requirements would increase the likelihood that unsafe and unhealthy conditions could go undetected and uncorrected in underground coal mines that use diesel-powered equipment.

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

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

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

This collection of information is consistent with the guidelines in 5 CFR 1320.5.

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.

In accordance with 5 CFR 1320.8(d), MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments. MSHA published a 60-day Federal Register notice on March 21, 2023 (88 FR 54). No comments received.

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

MSHA does not provide payments or gifts to respondents.

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

There is no assurance of confidentiality provided to respondents.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **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 under Item 13.**

PRA Respondents

Based on information as of October 1, 2021, MSHA estimates that there will be 164 underground coal mines that need to develop a training for miners that can be expected to be exposed to diesel emissions and provide records of that training, as well as an inventory of diesel-powered equipment.

Wage Rates Determinations¹

MSHA used data from the May 2021 Occupational Employment and Wage Statistics (OEWS) published by the Bureau of Labor Statistics (BLS) for hourly wage rates² and adjusted the rates

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

² Options for obtaining OEWS data are available at item “E3. How to get OEWS data. What are the different ways to obtain OEWS estimates from this website?” at https://www.bls.gov/oes/oes_ques.htm.

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for benefits³ and wage inflation⁴. The occupations listed below in Table 12-1 are those that were determined to be relevant for the cost calculations.

Table 12-1 Hourly Wage Rates

Occupation	NAICS Code	A Mean Wage Rate	B Benefit Multiplier	C Inflation Multiplier	A x B x C Loaded Hourly Wage Rate
Mining Supervisor*	212200	\$47.92	1.488	1.034	\$73.73
Office Clerk**	212200	\$21.58	1.488	1.034	\$33.20
Miner***	212200	\$28.39	1.488	1.034	\$43.67

*The Standard Occupation Codes (SOC) used for this occupation are (47-1101), (49-1011), (51-1011), and (53-1047).

** The Standard Occupation Codes (SOC) used for this occupation are (43-3031), (43-5071), and (43-9061).

***The Standard Occupation Codes (SOC) used for this occupation are (47-5022), (47-5023), (47-5041), (47-5043), (47-5044), (47-5049), (47-5081), (47-5099), (49-9071), (51-9021), and (53-7000).

A. Miner Health Training (\$72.510(a))

30 CFR 72.510 requires that all miners who can reasonably be expected to be exposed to diesel emissions on mine property be trained annually in accordance with 30 CFR 72.510(a). Training will occur at 164 mines and 27,000 miners will be trained.

At each mine a supervisor, earning \$73.73 per hour, will take 5 minutes to instruct a clerical worker about the training. A clerical worker, earning \$33.20 per hour, will take 15 minutes at each mine to make arrangements for the required training (includes listening to supervisor’s instructions).

³ The benefit multiplier comes from BLS Employer Costs for Employee Compensation accessed by menu at <http://data.bls.gov/cgi-bin/srgate> or directly with <http://download.bls.gov/pub/time.series/cm/cm.data.0.Current>. Insert the data series CMU2030000405000D and CMU2030000405000P, Private Industry Total benefits for Construction, extraction, farming, fishing, and forestry occupations, which is divided by 100 to convert to a decimal value. MSHA used the latest 4-quarter moving average to determine what percent of total loaded wages are benefits. MSHA computes the benefit multiplier with a number of detailed calculations, but it may be approximated with the formula $1 + (\text{benefit percentage} / (1 - \text{benefit percentage}))$.

⁴ Wage inflation is the change in Series ID: CIS2020000405000I; Seasonally adjusted; Series Title: Wages and salaries for Private industry workers in Construction, extraction, farming, fishing, and forestry occupations, Index. (<https://data.bls.gov/cgi-bin/srgate> ; (Current Quarter Cost Index Value / OEWS Wage Base Quarter Index Value) = Inflation Multiplier.

Table 12-2 Estimated Annual Respondent Hour and Cost Burden, Training Development

Occupation	Respondents (Mines)	Responses per Respondent	Total Responses (Trainings)	Burden per Response (Minutes)	Annual Burden (Hours)	Hourly Wage Rate	Burden Cost
Mining Supervisor	164	1	164	5	13.67	\$73.73	\$1,007.67
Office Clerk	164	1	164	15	41.00	\$33.20	\$1,361.02
Subtotal	164		328	20	55		\$2,369

MSHA estimates that, each miner trainee, earning \$43.67 per hour, will take 20 seconds to sign a registration sheet, which also serves as a record. Assuming a single clerical worker at each of the 164 mines the clerical worker will record an average of 165 responses per mine to produce records for the 27,000 miners. MSHA estimates the clerical worker will take 1 minute to record each trainee in a computer file.

Table 12-3 Estimated Annual Respondent Hour and Cost Burden, Training Records

Occupation	Respondents (Miners)	Responses per Respondent	Total Responses (Records)	Burden per Response (Minutes)	Annual Burden (Hours)	Hourly Wage Rate	Burden Cost
Miner	27,000	1	27,000	0.33	150.00	\$43.67	\$6,551.25
Office Clerk	27,000	1	27,000	1.00	450.00	\$33.20	\$14,938.04
Subtotal	164		54,000	1.33	600		\$21,489

B. Diesel Equipment Inventory (\$72.520)

30 CFR 72.520 requires underground coal mine operators to maintain a list of diesel-powered equipment units, together with information about any unit’s emission control or filtration system. This list must be updated within 7 days of any change.

Mine operators can obtain general information on approved engines from manufacturers or MSHA (via MSHA’s website). Annually, it will take a mine supervisor, earning \$73.73 per hour, an average of 2 minutes to perform this task for each equipment unit change. Each year, MSHA estimates that changes will be required for one sixth of the inventory 4,919 diesel machines or 820 changes.

In addition, mine operators can obtain machine-specific information (e.g., serial numbers) from maintenance files or similar records. Collecting and recording this information for the 820 changes will take a miner, earning \$43.67 per hour, an average of 2 minutes per machine.

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Table 12-4 Total Estimated Respondent Hour and Cost Burden, Diesel Equipment Inventory

Occupation	Respondents (Diesel Machines)	Responses per Respondent	Total Responses (Records)	Burden per Response (Minutes)	Annual Burden (Hours)	Hourly Wage Rate	Burden Cost
Mining Supervisor	820	1	820	2	27.33	\$73.73	\$2,015.33
Miner	820	1	820	2	27.33	\$43.67	\$1,193.78
Subtotal	164		1,640	4	55		\$3,209

The mine operator must transmit electronically or send a copy of the diesel inventory list to the appropriate MSHA District Manager and provide a copy to the miner representative. Nearly all mine operators transmit their diesel inventory lists electronically; therefore, the burden is de minimis. For those inventories submitted by mail, a clerical worker must copy and mail the list to the District Manager and provide a copy to the miner’s representative. On average, MSHA estimates that it will take a clerical worker, earning \$33.20 per hour, 5 minutes per machine to perform these functions. MSHA estimates only 12 mine operators will submit their inventories by mail.

Table 12-5 Total Estimated Respondent Hour and Cost Burden, Submitting Inventory

Occupation	Respondents (Mines)	Responses per Respondent	Total Responses (Mailed Lists)	Burden per Response (Minutes)	Annual Burden (Hours)	Hourly Wage Rate	Burden Cost
Office Clerk	12	1	12	5	1.00	\$33.20	\$33.20
Subtotal	12	1	12	5	1	\$33.20	\$33

MSHA estimates that the 164 respondents (mine operators) would incur, on average, an annual collection burden of 710 hours with an associated annual cost of \$27,100.

Table 12-6 Total Estimated Respondent Hour and Cost Burden, Totals

Cost Component	Respondents	Total Responses	Burden per Response (minutes)	Annual Burden (Hours)	Total Burden Cost
Training Development	164	328	20	54.67	\$2,368.69
Training Records	27,000	54,000	1.33	600.00	\$21,489.29
Diesel Equipment Inventory	820	1,640	4	54.67	\$3,209.12
Mailing Inventory	12	12	5	1.00	\$33.20
Total	164	55,980		710	\$27,100

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

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of 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 that costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

A. Inventory Mailing Cost (\$72.520)

Underground coal mine operators that use diesel-powered equipment will need to update their list of diesel equipment and send a copy to the appropriate MSHA District Manager. Also, a copy of the updated list will need to be provided to the representative of the miners. On average, MSHA estimates that the updated list consists of two pages. Nearly all mine operators transmit their diesel inventory lists electronically; therefore, the cost is de minimis. On average, MSHA estimates that, annually, 12 inventory changes will be submitted by mail. MSHA's estimate of the cost related copying, mailing copies to the appropriate MSHA District Manager, and providing a copy to the representative of the miners is \$2.00 each.

Table 13-1 Estimated Annual Respondent Recordkeeping Cost Burden

	No. of Responses (Mines)	Cost per Copy	Burden Cost
Mailing Cost	12	\$2.00	\$24.00
Total	12	\$2.00	\$24

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 also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

There is no cost to the Federal government for this information collection.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

Respondents: The number of respondents remains unchanged at 164.

Responses: The number of responses remains unchanged at 55,980

Burden Hours: The number of burden hours remains unchanged at 710.

Respondents or Recordkeeping Costs: The estimated annual cost remains unchanged at \$24.

	Previous	Current	Difference
Respondents	164	164	0
Responses	55,980	55,980	0
Burden Hours	710	710	0
Respondents or Recordkeeping Cost	\$24	\$24	\$0

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16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including the beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

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

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

MSHA is not seeking approval not to display the expiration date for OMB approval of this information collection.

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

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of this information does not employ statistical methods.