

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

**SUPPORTING STATEMENT FOR THE  
INFORMATION COLLECTION REQUIREMENTS OF THE  
ASBESTOS IN SHIPYARDS STANDARD (29 CFR 1915.1001)<sup>1</sup>  
(OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0195 (June 2023)**

This is an extension request for a currently approved data collection.

**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.**

The main objective of the Occupational Safety and Health Act (OSH Act or Act) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the OSH Act specifically authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [they] may deem necessary to carry out [their] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 651).

To protect worker health, the OSH Act authorizes the Occupational Safety and Health Administration (OSHA or agency) to develop standards that provide for “monitoring or measuring worker exposure” to occupational hazards and “prescribe the type and frequency of medical examinations and other tests which shall be made available [by the employer] to workers exposed to such hazards . . . to most effectively determine whether the health of such workers is adversely affected by such exposure” (29 U.S.C. 655). Moreover, the Act directs OSHA to “issue regulations requiring employers to maintain accurate records of worker exposures to potentially toxic materials or other harmful physical agents which are required to be monitored and measured . . . ” (29 U.S.C. 657). In addition, the OSH Act mandates that “[e]ach employer shall make, keep and preserve, and make available to the Secretary [of Labor] . . . such records regarding [the employer’s] activities relating to this Act as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . . ” (29 U.S.C. 657).

The Act authorizes the agency to issue standards that “prescribe use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure” (29 U.S.C. 655). Additionally, the OSH Act states “[w]here appropriate, any such standard shall prescribe the type and frequency of

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<sup>1</sup> The purpose of this supporting statement is to analyze and describe the burden hours and costs associated with provisions of the Asbestos in Shipyard Standard that contain paperwork requirements; this supporting statement does not provide information or guidance on how to comply with, or how to enforce, the standard.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

medical examinations or other tests . . . in order to most effectively determine whether the health of such workers is adversely affected by such exposure” (29 U.S.C. 655). Finally, the Act mandates that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . . ” (29 U.S.C. 657).

Pursuant to its statutory authority, OSHA promulgated a health standard governing worker exposure to asbestos in shipyard operations (29 CFR 1915.1001). The purpose of this regulation is to protect workers from the health effects associated with occupational exposure to asbestos. Prolonged exposure to asbestos may cause numerous disabling or fatal diseases, including asbestosis, an emphysema-like condition; lung cancer; mesothelioma, a cancerous tumor that spreads rapidly in the cells of membranes covering the lungs and body organs; and gastrointestinal cancer. In general, this standard requires employers to monitor worker exposure to asbestos, to take action to reduce worker exposure to the permissible exposure limit (PEL), to monitor worker health, and to provide workers with information about their exposures and the health effects of asbestos.

Items 2 and 12 below list and describe the specific collection requirements of the standard.

**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 following collection of information requirements will help employers monitor worker exposure to asbestos, take action to reduce worker exposure to the PEL, monitor worker health, and provide workers with information about their exposure and the health effects of asbestos.

**Multi-employer Worksites (§ 1915.1001(d)(1))**

On multi-employer worksites, an employer performing work requiring the establishment of a regulated area<sup>2</sup> shall inform other employers on the site of the nature of the employer’s work with asbestos and/or [presumed asbestos-containing material (PACM)], of the existence of and requirements pertaining to regulated areas, and the measures taken to ensure that employees of such other employers are not exposed to asbestos.

**Purpose:** Informing other employers at the worksite of asbestos and/or PACM ensures that the hazards concerning asbestos are known to all employers and employees working near this toxin so that proper measures can be taken to eliminate any unnecessary exposures.

**Regulated Areas (§ 1915.1001(e))**

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<sup>2</sup> “Regulated area” refers to “an area, including temporary work areas where maintenance or non-routine tasks are performed, where an employee’s airborne exposure exceeds, or can reasonably be expected to exceed, either the time-weighted average (TWA), permissible exposure limit (PEL)[,] or short-term exposure limit (STEL).” 29 CFR 1915.1024.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

§ 1915.1001(e)(1) – All Class I, II[, ] and III asbestos work shall be conducted within regulated areas. All other operations covered by this standard shall be conducted within a regulated area where airborne concentrations of asbestos exceed, or there is a reasonable possibility they may exceed a PEL. Regulated areas shall comply with the requirements of paragraphs (e) (2), (3), (4) [, ] and (5) of this section.

**Note:** Class I asbestos work refers to activities involving the removal of thermal system insulation (TSI) or the surfacing of asbestos-containing material (ACM) or PACM. Class II work refers to activities involving the removal of ACM that is neither TSI nor surfacing ACM. Class III work refers to repair and maintenance operations where ACM, including TSI and surfacing ACM and PACM, is likely to be disturbed.

Employers who are conducting Class I, II, or III asbestos work must designate areas where an employee's exposure to airborne concentrations of asbestos exceeds, or can reasonably be expected to exceed, the permissible exposure limits (PELs) - the eight (8) hour time-weighted average limit<sup>3</sup> or the excursion limit (EL)<sup>4</sup>.

#### *Demarcation (§ 1915.1001(e)(2))*

The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne asbestos. Where critical barriers or negative pressure enclosures are used, they may demarcate the regulated area. Signs shall be provided and displayed pursuant to the requirements of paragraph (k)(7) of this section.

**Purpose:** Designated areas are demarcated to warn non-essential employees to keep out of areas where employee exposures are over the PEL.

The mandated signs are being provided by OSHA. The agency has therefore determined no burden will be taken for this requirement.

#### *Respirators (§ 1915.1001(e)(4))*

All persons entering a regulated area where employees are required pursuant to paragraph (h)(1) of this section to wear respirators shall be supplied with a respirator selected in accordance with paragraph (h)(2) of this section.

#### *Prohibited Activities (§ 1915.1001(e)(5))*

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<sup>3</sup> Paragraph (c)(1) requires that the employer ensure that no employee is exposed to an airborne concentration of asbestos in excess of 0.1 fiber per cubic centimeter of air as an (8) hour time-weighted average (TWA), as determined by the method prescribed in Appendix A of the standard, or by an equivalent method.

<sup>4</sup> Paragraph (c)(2) requires that the employer ensure that no employee is exposed to an airborne concentration of asbestos in excess of 1.0 fiber per cubic centimeter of air (1f/cc) as averaged over a sampling period of thirty (30) minutes, as determined by the method prescribed in Appendix A of the standard, or by an equivalent method.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated area.

### **Exposure Assessments and Monitoring, Employee Notification of Monitoring Results (§ 1915.1001(f)(5))**

The employer must, as soon as possible[,] but no later than 5 days after receipt of the results of any monitoring performed under this section,<sup>5</sup> notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to employees.

**Purpose:** Exposure monitoring assists employers in identifying areas of operation that may require efforts to reduce exposure and come into compliance with the standard. Monitoring results also assist employers in determining the necessity for using engineering controls, instituting or modifying work practices, and selecting appropriate respiratory protection to prevent employees from over-exposure. Additionally, posting the results enhances the collective knowledge in the workplace of employee exposures, which in turn enhances each employee's understanding of their exposure and assists other employees, their designated representatives, supervisors, and other employers in becoming aware of the exposure levels present in the workplace.

### **Alternative Control Methods for Class I Work (§ 1915.1001(g)(6))**

Class I work may be performed using a control method which is not referenced in paragraph (g) (5) of this section, or which modifies a control method referenced in paragraph (g)(5) of this section, if the following provisions are complied with:

§ 1915.1001(g)(6)(i) – The control method shall enclose, contain [,] or isolate the processes or source of airborne asbestos dust, or otherwise capture or redirect such dust before it enters the breathing zone of employees.

§ 1915.1001(g)(6)(ii) – A certified industrial hygienist or licensed professional engineer who is also qualified as a project designer as defined in paragraph (b) of this section, shall evaluate the work area, the projected work practices and the engineering controls and shall certify in writing that: the planned control method is adequate to reduce direct and indirect employee exposure to below the PELs under worst-case conditions of use, and that the planned control method will

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<sup>5</sup> Each employer who has a workplace or work operation where exposure monitoring is required must conduct monitoring to accurately determine the airborne concentrations of asbestos to which the employees may be exposed. Depending on the operation and class of asbestos work, the employer must conduct an initial exposure assessment and/or negative exposure assessment. These assessments may include using objective data to demonstrate that the materials or products the employer is working with cannot release airborne fibers in concentrations exceeding the TWA and EL; using previous monitoring results which represent workplace conditions "closely resembling" the process, type of material, control methods, work practices, and environmental conditions of the current worksite; and/or exposure-monitoring of the worksite operation.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

prevent asbestos contamination outside the regulated area, as measured by clearance sampling which meets the requirements of [Environmental Protection Agency's (EPA)] Asbestos in Schools Rule issued under [Asbestos Hazard Emergency Response Act (AHERA)]<sup>6</sup> or perimeter monitoring which meets the criteria in paragraph (g)(4)(ii)(B) of this section.

*§ 1915.1001(g)(6)(ii)(A)* – Where the TSI or surfacing material to be removed is 25 linear or 10 square feet or less, the evaluation required in paragraph (g)(6) of this section may be performed by a “qualified person” and may omit consideration of perimeter or clearance monitoring otherwise required.

*§ 1915.1001(g)(6)(ii)(B)* – The evaluation of employee exposure required in paragraph (g)(6) of this section, shall include and be based on sampling and analytical data representing employee exposure during the use of such method under worst-case conditions and by employees whose training and experience are equivalent to employees who are to perform the current job.

**Purpose:** Employers are given flexibility to use an alternative method than that specified by § 1915.1001(g)(5) for Class I work while still providing the necessary protections for employees.

### **Respirator Program (§ 1915.1001(h)(3)(i))**

When respiratory protection is used, the employer shall institute a respiratory protection program in accordance with 29 CFR 1910.134(b) through (d) (except paragraph (d)(1)(iii)), and (f) through (m)) which covers each employee required by this section to use a respirator.

**Purpose:** These requirements ensure that employers establish a standardized procedure for selecting, using, and maintaining respirators for each workplace where respirators will be used. Developing written procedures requires employers to evaluate how all of their requirements of the respiratory standard will be met in their workplace.

The employer must perform either quantitative or qualitative fit tests at the time of the initial fitting, and at least every six months thereafter, for each employee wearing a negative-pressure respirator and record the results of the tests. The test is used to select a respirator facepiece that exhibits minimum leakage and provides the required protection. Test protocols outlined in Appendix A of § 1910.134 must be followed and a record kept of the test.

### **Protective Clothing, Laundering (§ 1915.1001(i)(2)(ii))**

Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in paragraph (i)(2)(i) of this section to effectively prevent the release of airborne asbestos in excess of the [time-weighted average (TWA)] excursion limit prescribed in paragraph (c) of this section.

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<sup>6</sup> See 15 U.S.C. 2641, Chapter 53, Subchapter II. See also 40 CFR 763, Subpart E.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

**Purpose:** Providing this information to the person doing the laundry helps to ensure they may be protected from the potentially harmful effects of asbestos.

### **Duties of Building/Vessel and Facility Owners (§ 1915.1001(k)(2)(i)-(ii))**

§ 1915.1001(k)(2)(i) – Before work subject to this standard is begun, building/vessel and facility owners shall determine the presence, location, and quantity of ACM and/or PACM at the work site pursuant to paragraph (k)(1) of this section.

§ 1915.1001(k)(2)(ii) – Building/vessel and/or facility owners shall notify the following persons of the presence, location and quantity of ACM or PACM, at work sites in their buildings/facilities/vessels. Notification either shall be in writing or shall consist of a personal communication between the owner and the person to whom notification must be given or their authorized representatives:

§ 1915.1001(k)(2)(ii)(A) – Prospective employers applying or bidding for work whose employees reasonable can be expected to work in or adjacent to areas containing such material;

§ 1915.1001(k)(2)(ii)(B) – Employees of the owner who will work in or adjacent to areas containing such material;

§ 1915.1001(k)(2)(ii)(C) – On multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials;

§ 1915.1001(k)(2)(ii)(D) – Tenants who will occupy areas containing such materials.

**Purpose:** This requirement ensures that the hazards concerning asbestos are properly conveyed to all employers and employees working in the presence of this toxin.

### **Duties of Employers whose Employees Perform Work Subject to this Standard in or Adjacent to Areas Containing ACM and PACM (§ 1915.1001(k)(3)(i)-(iii))**

Building/vessel and facility owners whose employees perform such work shall comply with these provisions to the extent applicable.

§ 1915.1001(k)(3)(i) – Before work in areas containing ACM and PACM is begun, employers shall identify the presence, location, and quantity of ACM, and/or PACM therein pursuant to paragraph (k)(1) of this section.

§ 1915.1001(k)(3)(ii) – Before work under this standard is performed employers of employees who will perform such work shall inform the following persons of the location and quantity of ACM and/or PACM present at the worksite and the precautions to be taken to ensure that airborne asbestos is confined to the area.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

§ 1915.1001(k)(3)(iii) – Within 10 days of the completion of such work, the employer whose employees have performed work subject to this standard, shall inform the building/vessel or facility owner and employers of employees who will be working in the area of the current location and quantity of PACM and/or ACM remaining in the former regulated area and final monitoring results, if any.

**Purpose:** This requirement ensures that the hazards concerning asbestos are properly conveyed to all employers and employees working in the presence of this toxin.

#### **Conveying Information (§ 1915.1001(k)(4))**

In addition to the requirements, all employers who discover ACM and/or PACM on a work site shall convey information concerning the presence, location[,] and quantity of such newly discovered ACM and/or PACM to the owner and to other employers of employees working at the work site, within 24 hours of the discovery.

**Purpose:** This requirement ensures that everyone is aware that the toxin is present.

#### **Criterion to Rebut the Designation of Installed Material as PACM (§ 1915.1001(k)(5))**

Criteria to rebut the designation of installed material as PACM.

§ 1915.1001(k)(5)(i) – At any time, an employer and/or building/vessel owner may demonstrate, for purposes of this standard, that PACM does not contain asbestos. Building/vessel owners and/or employers are not required to communicate information about the presence of building material for which such a demonstration pursuant to the requirements of paragraph (k)(5)(ii) of this section has been made. However, in all such cases, the information, data[,] and analysis supporting the determination that PACM does not contain asbestos, shall be retained pursuant to paragraph (n) of this section.

§ 1915.1001(k)(5)(ii) – An employer or owner may demonstrate that PACM does not contain more than 1% asbestos by the following:

§ 1915.1001(k)(5)(ii)(A) – Having completed an inspection conducted pursuant to the requirements of AHERA (40 CFR part 763, subpart E) which demonstrates that the material is not ACM; or

§ 1915.1001(k)(5)(ii)(B) – Performing tests of the material containing PACM which demonstrate that no ACM is present in the material. Such tests shall include analysis of bulk samples collected in the manner described in 40 CFR 763.86. The tests, evaluation[,] and sample collection shall be conducted by an accredited inspector or by a [Certified Industrial Hygienist (CIH)]. Analysis of samples shall be performed by persons or laboratories with proficiency demonstrated by current successful participation in a nationally recognized testing program such as the National Voluntary Laboratory Accreditation Program (NVLAP) or the National Institute for Standards and Technology (NIST) or the Round Robin for bulk samples administered by the American Industrial

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

Hygiene Association (AIHA), or an equivalent nationally-recognized round robin testing<sup>7</sup> program.

**Purpose:** This requirement ensures that the recognition of asbestos hazards is properly acknowledged.

§ 1915.1001(k)(6) – At the entrance to the mechanical rooms/areas in which employees reasonably can be expected to enter and which contain ACM and/or PACM, the building/vessel owner shall post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

**Purpose:** This requirement ensures all employees are notified of the presence of asbestos in a method they understand.

#### **Hazard Communication (§ 1915.1001(k)(7)(i),(ii))**

§ 1915.1001(k)(7)(i) – Labels shall be affixed to all products containing asbestos and to all containers containing such products, including waste containers. Where feasible, installed asbestos products shall contain a visible label.

§ 1915.1001(k)(7)(ii) – The employer shall include asbestos in the program established to comply with the Hazard Communication Standard (HCS) (§ 1910.1200). The employer shall ensure that each employee has access to labels on containers of asbestos and safety data sheets, and is trained in accordance with the provisions of the HCS and paragraph (k)(9) of this section. The employer shall ensure that at least the following hazards are addressed: Cancer and lung effects.

#### **Labels (§ 1915.1001(k)(7)(iii),(iv))**

§ 1915.1001(k)(7)(iii)(A) - The employer shall ensure that labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing asbestos fibers bear the following information:

DANGER  
CONTAINS ASBESTOS FIBERS  
MAY CAUSE CANCER  
CAUSES DAMAGE TO LUNGS  
DO NOT BREATHE DUST  
AVOID CREATING DUST

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<sup>7</sup> Round robin testing refers to interlaboratory assessments, inclusive of analyses and/or experiments, that are performed independently several times, often with multiple, independent scientists using different pieces of equipment.



Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

§ 1915.1001(k)(7)(iii)(B)(1) – Prior to June 1, 2015, employers may include the following information on raw materials, mixtures[,] or labels of bags or containers of protective clothing and equipment, scrap, waste, and debris containing asbestos fibers in lieu of the labeling requirements in paragraphs (k)(7)(ii) and (k)(7)(iii)(A) of this section:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD

§ 1915.1001(k)(7)(iii)(B)(2) – Labels shall also contain a warning statement against breathing asbestos fibers.

§ 1915.1001(k)(7)(iv) – The provisions for labels required in paragraph (k)(7) of this section do not apply where:

§ 1915.1001(k)(7)(iv)(A) – Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that, during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers in excess of the permissible exposure limit and/or excursion limit will be released, or

§ 1915.1001(k)(7)(iv)(B) – Asbestos is present in a product in concentrations less than 1.0 percent.

**Purpose:** Warning labels ensure that downstream employers and employees are informed of the associated hazards with asbestos and that special practices may need to be implemented to prevent exposure. Furthermore, hazard labels alert other employers who, in the absence of such labels, might not know that asbestos is present in their workplace and that they have incurred the obligation of complying with the standard.

**Signs (§ 1915.1001(k)(8)(i)-(vii))**

§ 1915.1001(k)(8)(i) – Warning signs that demarcate the regulated area shall be provided and displayed at each location where a regulated area is required to be established by paragraph (e) of this section. Signs shall be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

§ 1915.1001(k)(8)(ii) – The warning signs required by this paragraph (k)(8) shall bear the following legend:

DANGER  
ASBESTOS  
MAY CAUSE CANCER

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

CAUSES DAMAGE TO LUNGS  
AUTHORIZED PERSONNEL ONLY

§ 1915.1001(k)(8)(iii) – In addition, where the use of respirators and protective clothing is required in the regulated area under this section, the warning signs shall include the following:

WEAR RESPIRATORY PROTECTION  
AND PROTECTIVE CLOTHING IN THIS AREA

§ 1915.1001(k)(8)(iv) – The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by paragraph (k)(8) of this section. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

§ 1915.1001(k)(8)(v) – When a building/vessel owner or employer identifies previously installed PACM and/or ACM, labels or signs shall be affixed or posted so that employees will be notified of what materials contain PACM and/or ACM. The employer shall attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical room[s]/areas. Signs required by paragraph (k)(6) of this section may be posted in lieu of labels, so long as they contain information required for labeling. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs or labels can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

§ 1915.1001(k)(8)(vi) – Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (k)(8)(ii) of this section:

DANGER  
ASBESTOS  
CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY

§ 1915.1001(k)(8)(vii) – Prior to June 1, 2016, employers may use the following legend in lieu of that specified in paragraph (k)(8)(iii) of this section:

RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN THIS AREA

**Purpose:** Posting warning signs serves to warn employees, who may otherwise not know, that they are entering a regulated area. Such signs would warn employees that entry is permitted only if the employee is authorized and there is a specific need to enter the area. Warning signs supplement the training that employees receive under this standard.

**Employee Information and Training (§ 1915.1001(k)(9)(i)-(iii))**

§ 1915.1001(k)(9)(i) – The employer shall train each employee who is likely to be exposed in

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

excess of a PEL and each employee who performs Class I through IV asbestos operations in accordance with the requirements of this section. Training shall be provided at no cost to the employee. The employer shall institute a training program and ensure employee participation in the program.

§ 1915.1001(k)(9)(ii) – Training shall be provided prior to or at the time of initial assignment and at least annually thereafter.

§ 1915.1001(k)(9)(iii) – Training for Class I operations and for Class II operations that require the use of critical barriers (or equivalent isolation methods) and/or negative pressure enclosures under this section shall be the equivalent in curriculum, training method[,] and length to the EPA Model Accreditation Plan (MAP) asbestos abatement workers training (40 CFR part 763, subpart E, appendix C).

**Purpose:** Requiring that employers develop a training program and identifying designated periods where training is necessary ensures employees who are likely to be exposed in excess of a PEL and those who perform Class I through IV asbestos operations are adequately protected. Such training provides awareness to affected employees of the hazards and the procedures to follow which will aid in protecting themselves and others.

#### **Training for other Class II Work (§ 1915.1001(k)(9)(iv))**

§ 1915.1001(k)(9)(iv)(A) – For work with asbestos containing roofing materials, flooring materials, sliding materials, ceiling tiles, or transite panels, training shall include at a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to that category. Such course shall include “hands-on” training and shall take at least 8 hours.

§ 1915.1001(k)(9)(iv)(B) – An employee who works with more than one of the categories of material specified in paragraph (k)(9)(iv)(A) of this section shall receive training in the work practices applicable to each category of material that the employee removes and each removal method that the employee uses.

§ 1915.1001(k)(9)(iv)(C) – For Class II operations not involving the categories of material specified in paragraph (k)(9)(iv)(A) of this section, training shall be provided which shall include at a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in paragraph (g) of this section which specifically relate to the category of material being removed, and shall include “hands-on” training in the work practices applicable to each category of material that the employee removes and each removal method that the employee uses.

**Purpose:** Provides additional training requirements specific for Class II asbestos work being conducted.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

### **Training for other Class III Work (§ 1915.1001(k)(9)(v))**

§ 1915.1001(k)(9)(v) – Training for Class III employees shall be consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2). Such a course shall also include “hands-on” training and shall take at least 16 hours. Exception: For Class III operations for which the competent person determines that the EPA curriculum does not adequately cover the training needed to perform that activity, training shall include as a minimum all the elements included in paragraph (k)(9)(viii) of this section and in addition, the specific work practices and engineering controls set forth in the paragraph (g) of this section which specifically relate to that activity, and shall include “hands-on” training in the work practices applicable to each category of material that the employee disturbs.

**Purpose:** Provides additional training requirements specific for Class III asbestos work being conducted.

### **Training for other Class IV Work (§ 1915.1001(k)(9)(vi))**

§ 1915.1001(k)(9)(vi) – Training for employees performing Class IV operations shall be consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(1). Such a course shall include available information concerning the locations of thermal system insulation and surfacing ACM/PACM, and asbestos-containing flooring material, or flooring material where the absence of asbestos has not yet been certified; and instruction in the recognition of damage, deterioration, and delamination of asbestos containing building materials. Such a course shall take at least 2 hours.

**Purpose:** Provides additional training requirements specific for Class IV asbestos work being conducted.

§ 1915.1001(k)(9)(vii) – Training for employees who are likely to be exposed in excess of the PEL and who are not otherwise required to be trained under paragraph[s] (k)(9)(iii) through (vi) of this section, shall meet the requirements of paragraph (k)(9)(viii) of this section.

**Purpose:** Ensures employees who are likely to be exposed to asbestos in excess of the PEL, but the classification of their work is not covered under paragraphs (k)(9)(iii) through (vi) are adequately trained.

§ 1915.1001(k)(9)(viii) – The training program shall be conducted in a manner that the employee is able to understand. In addition to the content required by the provisions in paragraphs (k)(9)(iii) through (vi) of this section, the employer shall ensure that each such employee is informed of the following:

§ 1915.1001(k)(9)(viii)(A) – Methods of recognizing asbestos, including the requirement in paragraph (k)(1) of this section to presume that certain building materials contain asbestos;

§ 1915.1001(k)(9)(viii)(B) – The health effects associated with asbestos exposure;

§ 1915.1001(k)(9)(viii)(C) – The relationship between smoking and asbestos in producing lung cancer;

§ 1915.1001(k)(9)(viii)(D) – The nature of operations that could result in exposure to asbestos, the importance of necessary protective controls to minimize exposure including, as applicable, engineering controls, work practices, respirators, housekeeping procedures, hygiene facilities, protective clothing, decontamination procedures, emergency procedures, and waste disposal procedures, and any necessary instruction in the use of these controls and procedures; where Class III and IV work will be or is performed, the contents of EPA 20T-2003, “Managing Asbestos In-Place” July 1990 or its equivalent in content;

§ 1915.1001(k)(9)(viii)(E) – The purpose, proper use, fitting instructions, and limitations of respirators as required by 29 CFR 1910.134;

§ 1915.1001(k)(9)(viii)(F) – The appropriate work practices for performing the asbestos job;

§ 1915.1001(k)(9)(viii)(G) – Medical surveillance program requirements;

§ 1915.1001(k)(9)(viii)(H) – The content of this standard including appendices;

§ 1915.1001(k)(9)(viii)(I) – The names, addresses[,] and phone numbers of public health organizations which provide information, materials[,] and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in appendix J to this section, to comply with this requirement; and

§ 1915.1001(k)(9)(viii)(J) – The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

**Note:** The agency removed the training requirements under this section as a paperwork burden because it is no longer considered a collection of information. Training is conducted and documented by EPA-approved and state-approved providers.

### **Medical Surveillance, General (§ 1915.1001(m)(1))<sup>8</sup>**

#### *Employees Covered (§ 1915.1001(m)(1)(i))*

§ 1915.1001(m)(1)(i)(A) – The employer shall institute a medical surveillance program for all employees who for a combined total of 30 or more days per year are engaged in Class I, II[,] and III work or are exposed at or above a permissible exposure limit. For purposes of this paragraph, any day in which a worker engages in Class II or Class III operations or a combination thereof on intact material for one hour or less (taking into account the entire time

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<sup>8</sup> OSHA added the option of digital radiography to this standard as part of the SIP-IV rulemaking, because digital radiography systems are rapidly replacing traditional analog film-based systems in medical facilities.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

spent on the removal operation, including cleanup) and, while doing so, adheres fully to the work practices specified in this standard, shall not be counted.

§ 1915.1001(m)(1)(i)(B) – For employees otherwise required by this standard to wear a negative pressure respirator, employers shall ensure employees are physically able to perform the work and use the equipment. This determination shall be made under the supervision of a physician.

*Examination (§ 1915.1001(m)(1)(ii))*

§ 1915.1001(m)(1)(ii)(A) – The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided at no cost to the employee and at a reasonable time and place.

§ 1915.1001(m)(1)(ii)(B) – Persons other than such licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate academic or professional institution.

**Medical Examinations and Consultations (§ 1915.1001(m)(2))**

*Frequency (§ 1915.1001(m)(2)(i))*

The employer shall make available medical examinations and consultations to each employee covered under paragraph (m)(1)(i) of this section on the following schedules:

§ 1915.1001(m)(2)(i)(A) – Prior to assignment of the employee to an area where negative-pressure respirators are worn;

§ 1915.1001(m)(2)(i)(B) – When the employee is assigned to an area where exposure to asbestos may be at or above the permissible exposure limit for 30 or more days per year, or engage in Class I, II, or III work for a combined total of 30 or more days per year, a medical examination must be given within 10 working days following the thirtieth day of exposure;

§ 1915.1001(m)(2)(i)(C) – And at least annually thereafter.

§ 1915.1001(m)(2)(i)(D) – If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician.

§ 1915.1001(m)(2)(i)(E) – Exception: No medical examination is required of any employee if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

*Content (§ 1915.1001(m)(2)(ii))*

Medical examinations made available pursuant to paragraphs (m)(2)(i)(A) through (m)(2)(i)(C) of this section shall include:

*§ 1915.1001(m)(2)(ii)(A)* – A medical and work history with special emphasis directed to the pulmonary, cardiovascular, and gastrointestinal systems.

*§ 1915.1001(m)(2)(ii)(B)* – On initial examination, the standardized questionnaire contained in part 1 of appendix D to this section and, on annual examination, the abbreviated standardized questionnaire contained in part 2 of appendix D to this section.

*§ 1915.1001(m)(2)(ii)(C)* – A physical examination directed to the pulmonary and gastrointestinal systems, including a 14- by 17-inch or other reasonably-sized standard film or digital posterior-anterior chest X-ray to be administered at the discretion of the physician, and pulmonary function tests of forced vital capacity (FVC) and forced expiratory volume at one second (FEV<sub>1</sub>). Classification of all chest X-rays shall be conducted in accordance with appendix E to this section.

*§ 1915.1001(m)(2)(ii)(D)* – Any other examinations or tests deemed necessary by the examining physician.

**Purpose:** Medical examinations and the related information collection requirements provide continuous monitoring of the health of potentially exposed employees. Records of medical examinations are used by physicians who must periodically examine employees exposed to asbestos. Without records of previous medical examinations, the physician may not be able to determine whether an employee has suffered adverse health effects since their last examination. Further, when signs or symptoms appear, the physician often needs information on the patient's previous medical conditions to accurately diagnose the new problem, its apparent cause, and the course of treatment required. Medical records are also designed so that employees can determine whether treatment is needed for occupational exposures.

The maintenance period for records regarding employee health is necessary because of the lengthy latency periods associated with the manifestation of disease due to asbestos exposure.

### **Information Provided to Physician (§ 1915.1001(m)(3)(i)-(v))**

The employer shall provide the following information to the examining physician:

*§ 1915.1001(m)(3)(i)* – A copy of this standard and appendices D, E, and I to this section;

*§ 1915.1001(m)(3)(ii)* – A description of the affected employee's duties as they relate to the employee's exposure;

*§ 1915.1001(m)(3)(iii)* – The employee's representative exposure level or anticipated exposure level;

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

§ 1915.1001(m)(3)(iv) – A description of any personal protective and respiratory equipment used or to be used; and

§ 1915.1001(m)(3)(v) – Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

**Purpose:** Making the required information available to the physician will aid in the evaluation of the employee's health and fitness for a particular asbestos-exposed job assignment.

### **Physician's Written Opinion (§ 1915.1001(m)(4)(i)-(iii))**

§ 1915.1001(m)(4)(i) – The employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

§ 1915.1001(m)(4)(i)(A) – The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to asbestos;

§ 1915.1001(m)(4)(i)(B) – Any recommended limitations on the employee or on the use of personal protective equipment such as respirators; and

§ 1915.1001(m)(4)(i)(C) – A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions that may result from asbestos exposure.

§ 1915.1001(m)(4)(i)(D) – A statement that the employee has been informed by the physician of the increased risk of lung cancer attributable to the combined effect of smoking and asbestos exposure.

§ 1915.1001(m)(4)(ii) – The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to asbestos.

§ 1915.1001(m)(4)(iii) – The employer shall provide a copy of the physician's written opinion to the affected employee within 30 days from its receipt.

**Purpose:** This requirement provides the employer with a medical basis to aid in the determination of the initial placement of employees and to assess the employee's ability to use protective clothing and equipment. The physician's opinion will also provide information to the employer as to whether the employee may be suffering from overexposure to asbestos. The requirement that a physician's opinion is in written form ensures that employers have the benefit of the information.

The requirement that an employee is provided a copy of the physician's written opinion will



ensure that the employee is informed of the results of the medical examination.

### **Recordkeeping, Objective Data (§ 1915.1001(n)(1)(i)-(iii))**

§ 1915.1001(n)(1)(i) – Where the employer has relied on objective data that demonstrates that products made from or containing asbestos or the activity involving such products or material are not capable of releasing fibers of asbestos in concentrations at or above the permissible exposure limit and/or excursion limit under the expected conditions of processing, use, or handling to satisfy the requirements of paragraph (f) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

§ 1915.1001(n)(1)(ii) – The record shall include at least the following information:

§ 1915.1001(n)(1)(ii)(A) – The product qualifying for exemption;

§ 1915.1001(n)(1)(ii)(B) – The source of the objective data;

§ 1915.1001(n)(1)(ii)(C) – The testing protocol, results of testing, and/or analysis of the material for the release of asbestos;

§ 1915.1001(n)(1)(ii)(C) – A description of the operation exempted and how the data support the exemption; and

§ 1915.1001(n)(1)(ii)(E) – Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

§ 1915.1001(n)(1)(iii) – The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

**Purpose:** Requiring an employer to document objective data determinations and retain them is meant to discourage abuse of this provision since employees and their representatives are permitted access to this information. Access enables employees and their representatives to ensure that the exemption determination is reasonable, thereby encouraging use of objective data determinations only in cases where the data warrants such use. Maintaining a record of the objective data determinations will permit OSHA to ascertain whether compliance with the standard has been achieved.

### **Exposure Measurements (§ 1915.1001(n)(2)(i),(ii))<sup>9</sup>**

§ 1915.1001(n)(2)(i) – The employer shall keep an accurate record of all measurements taken to monitor employee exposure to asbestos as prescribed in paragraph (f) of this section. Note: The employer may utilize the services of qualified organizations such as industry trade associations and employee associations to maintain the records required by this section.

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<sup>9</sup> As part of the SIP-IV rule, OSHA removed the requirements for the employer to collect and record social security numbers from the Standard.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

§ 1915.1001(n)(2)(ii) – This record shall include at least the following information:

§ 1915.1001(n)(2)(ii)(A) – The date of measurement;

§ 1915.1001(n)(2)(ii)(B) – The operation involving exposure to asbestos that is being monitored;

§ 1915.1001(n)(2)(ii)(C) – Sampling and analytical methods used and evidence of their accuracy;

§ 1915.1001(n)(2)(ii)(D) – Number, duration, and results of samples taken;

§ 1915.1001(n)(2)(ii)(E) – Type of protective devices worn, if any; and

§ 1915.1001(n)(2)(ii)(F) – Name and exposure of the employees whose exposures are represented.

§ 1915.1001(n)(2)(iii) – The employer shall maintain this record for at least thirty (30) years, in accordance with 29 CFR 1910.1020.

### **Medical Surveillance (§ 1915.1001(n)(3)(i) - (iii))**

§ 1915.1001(n)(3)(i) – The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by paragraph (m) of this section, in accordance with 29 CFR 1910.1020.

§ 1915.1001(n)(3)(ii) – The record shall include at least the following information:

§ 1915.1001(n)(3)(ii)(A) – The name of the employee;

§ 1915.1001(n)(3)(ii)(B) – A copy of the employee's medical examination results, including the medical history, questionnaire responses, results of any tests, and physician's recommendations;

§ 1915.1001(n)(3)(ii)(C) – Physician's written opinions;

§ 1915.1001(n)(3)(ii)(D) – Any employee medical complaints related to exposure to asbestos; and

§ 1915.1001(n)(3)(ii)(E) – A copy of the information provided to the physician as required by paragraph (m) of this section.

§ 1915.1001(n)(3)(iii) – The employer shall ensure that this record is maintained for the duration of employment plus thirty (30) years, in accordance with 29 CFR 1910.1020.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

**Purpose:** The records required by this standard will aid the employee and their physician in determining whether treatment is needed for occupational asbestos exposure and, if so, what level of treatment is necessary. The employer benefits by keeping these records because it enables them to better ensure that employees are not being overexposed; such information may alert the employer that steps must be initiated to reduce exposures.

The standard requires that exposure records be kept for at least 30 years and that medical records be kept for the duration of employment plus 30 years. It is necessary to keep these records for extended periods because of the long latency period commonly associated with carcinogenesis.

#### **Training Records (§ 1915.1001(n)(4))**

The employer shall maintain all employee training records for one (1) year beyond the last date of employment by that employer.

**Purpose:** The maintenance of training materials provides a resource for employees should they need to be retrained throughout the year.

#### **Records to Rebut PACM (§ 1915.1001(n)(5)(i))**

Where the building owner and employer have relied on data to demonstrate that PACM is not asbestos-containing, such data shall be maintained for as long as they are relied upon to rebut the presumption.

**Purpose:** This provision ensures that all PACMs are properly distinguished from ACMs. This is important in the communication of asbestos hazards to both employers and employees.

#### **Records of Required Notification (§ 1915.1001(n)(6)(i))**

Where the building/vessel owner has communicated and received information concerning the identity, location[,], and quantity of ACM and PACM, written records of such notification and their content shall be maintained by the owner for the duration of ownership and shall be transferred to successive owners of such buildings/facilities/vessels.

**Purpose:** This provision ensures that any new owners of such buildings/facilities/vessels are made aware of the hazards of asbestos.

#### **Availability (§ 1915.1001(n)(7)(ii),(iii))**

§ 1915.1001(n)(7)(ii) – The employer, upon request, shall make any exposure records required by paragraphs (f) and (n) of this section available for examination and copying to affected employees, former employees, designated representatives, and the Assistant Secretary, in accordance with 29 CFR 1910.1020(a) through (e) and (g) through (i).

§ 1915.1001(n)(7)(iii) – The employer, upon request, shall make employee medical records

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

required by paragraphs (m) and (n) of this section available for examination and copying to the subject employee, anyone having the specific written consent of the subject employee, and the Assistant Secretary, in accordance with 29 CFR 1910.1020.

**Note:** The agency has determined that the requirement for employers to make records available upon request to the Assistant Secretary is no longer considered a collection of information. OSHA typically requests access to records during an inspection, and information collected by the agency during the investigation is not subject to the Paperwork Reduction Act (PRA) under 5 CFR 1320.4(a)(2). While NIOSH may use records collected from employers for research purposes, the agency does not anticipate NIOSH requesting employers to make available records during the approval period. Therefore, the burden for the employer to make this information available to NIOSH is zero.

### **Qualified Person, Training for Competent Person (§ 1915.1001(o)(4))**

§ 1915.1001(o)(4)(i) – For Class I and II asbestos work the qualified person shall be trained in all aspects of asbestos removal and handling, including: Abatement, installation, removal[,] and handling; the contents of this standard; the identification of asbestos; removal procedures, where appropriate; and other practices for reducing the hazard. Such training shall be obtained in a comprehensive course for supervisors, that meets the criteria of EPA's Model Accreditation Plan (40 CFR part 763, subpart E, appendix C), such as a course conducted by an EPA-approved or state-approved training provider, certified by EPA or a state, or a course equivalent in stringency, content, and length.

§ 1915.1001(o)(4)(ii) – For Class III and IV asbestos work, the qualified person shall be trained in aspects of asbestos handling appropriate for the nature of the work, to include procedures for setting up glove bags and mini-enclosures, practices for reducing asbestos exposures, use of wet methods, the contents of this standard, and the identification of asbestos. Such training shall include successful completion of a course that is consistent with EPA requirements for training of local education agency maintenance and custodial staff as set forth at 40 CFR 763.92(a)(2), or its equivalent in stringency, content, and length. Qualified persons for Class III and Class IV work may also be trained pursuant to the requirements of paragraph (o)(4)(i) of this section.

**Note:** The agency removed the training requirements under this section as a paperwork burden because it is no longer considered a collection of information. Training is conducted and documented by EPA-approved and state-approved providers.

- 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.**

Employers may use automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of

responses) when establishing and maintaining the required records. OSHA wrote the paperwork requirement of the standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data).

**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 A.2 above.**

The information collection requirement of the standard is specific to each employer and worker involved, and no other source or agency duplicates this requirement. The required information is available only from employers. Currently, there is no indication that any alternate source is available.

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

The requirement burdens are an equal obligation for all affected employers. The collections of information do not have a significant economic 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 frequencies specified by this standard are the minimum that OSHA believes are necessary to ensure that the employer and OSHA can effectively monitor the exposure and health status of workers working with asbestos in shipyards, thereby, fulfilling its mandate "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" as specified by the OSH Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collection, or delay in providing this information, workers may be at risk of serious injuries or death.

OSHA's recordkeeping requirements are designed to ensure that employers are complying with applicable standards and that protection of workers exposed to asbestos is provided to the full extent required. Occupational safety and health compliance officers examine the records for this purpose when conducting inspections. Additionally, the data contained in exposure measurement records are useful to employers in pinpointing areas of their operations that may require additional efforts to reduce occupational exposure.

Records of previous medical examinations are used by physicians who must periodically examine workers exposed to asbestos. Without records of previous medical examinations, the physician may not be able to determine whether a worker has suffered an adverse health effect since their last examination. Further, when symptoms of organic damage appear, the physician often needs information as to the patient's previous medical condition to make an accurate diagnosis of the new problem, its apparent cause, and the course of treatment required.

**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;**
- **Requiring the use of 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 prove that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Following paragraph (k)(3)(iii), once an employer has completed work subject to this standard, the employer must inform the building/vessel or facility owner and any employers whose employees may be working in the area of the current location and quantity of PACM and/or ACM that is remaining in the former regulated area and final monitoring results if any, within 10 days of completion of such work.

Paragraph (k)(4) requires all employers who discover ACM and/or PACM on a worksite must convey information concerning the presence, location, and quantity of the newly discovered ACM and/or PACM to the owner and other employers of employees working at the worksite, within 24 hours. This is also to ensure that everyone is aware that the toxin is present.

As discussed in Item 2 under § 1915.1001(n)(2) and (3), exposure records must be kept for at least 30 years. It is necessary to keep these records for extended periods because of the long

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

latency period commonly associated with carcinogenesis. Cancer often cannot be detected until 20 or more years after the first exposure.

Finally, under OSHA's Access to Employee Exposure and Medical Records Standard (§ 1910.1020), employers must maintain the exposure monitoring results for 30 years. OSHA accounts for the burden hours and costs related to the retention of these records under the information collection request for § 1910.1020, OMB Control No. 1218-0065, Exp. Date: 10/31/2023.

- 8. If applicable, provide a copy and identify the data 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 by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency 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.**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on March 31, 2023 (88 FR19329) (Docket No. OSHA-2012-0009) soliciting comments from the public and other interested parties on the information collection requirements contained in the Asbestos in Shipyards Standard (29 CFR 1915.1001). This notice is part of a preclearance consultation program that provides those interested parties the opportunity to comment on extension request. The agency did not receive any comments submitted in response to this notice.

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

The agency will not provide payments or gifts to the respondents.

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

As employee medical records contain information that may be considered private, OSHA has taken steps to ensure that the data are kept private to the extent allowed by law. Rules of agency

practice and procedure governing OSHA access to worker medical records are contained in 29 CFR 1913.10 (“Rules of agency practice and procedure concerning OSHA access to employee medical records”). The legal authority for these procedural regulations is found in sections 8(c) (1) and 8(g)(2) of the Occupational Safety and Health Act, 29 U.S.C. 657; in section (e) of the Privacy Act, 5 U.S.C. 522(a)(e); in 29 CFR part 70(a); and in 5 U.S.C. 301.

- 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 reason 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.**

While there are no provisions in this standard requiring questions of a sensitive nature to be asked, perceived questions of a sensitive nature may be included in medical questionnaires. Information from medical questionnaires is necessary for the physician or licensed health care provider (PLHCP), or employer, to determine what protections an employer must take to ensure that the employee will have minimal occupational exposure to hazards.

- 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.**

## **Burden Hour and Cost Determinations**

### **Wage Rates**

The agency determined the wage rate from mean hourly wage earnings to represent the cost of employee time. For the relevant standard occupational classification category, OSHA used the



Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

wage rates reported in the Bureau of Labor Statistics (BLS), U.S. Department of Labor, *Occupational Employment and Wage Statistics* (OEWS), May 2021, last accessed on November 8, 2022. (OEWS data is available at <https://www.bls.gov/oes/tables.htm>. To access a wage rate, select the year, “Occupational Profiles,” and the Standard Occupational Classification (SOC) Code).

To derive the loaded hourly wage rate presented in the table below, the agency used data from the OEWS, as described in the paragraph above. Then, the agency applied to the wage rate a fringe benefit markup from the following BLS release: *Employer Costs for Employee Compensation News Release* text; released 10:00 AM (EDT), December 15, 2022 ([https://www.bls.gov/news.release/archives/ecec\\_12152022.pdf](https://www.bls.gov/news.release/archives/ecec_12152022.pdf)), last accessed on November 8, 2022. BLS reported that for civilian workers, fringe benefits accounted for 31.0% of total compensation and wages accounted for the remaining 69.0%. To calculate the loaded hourly wage for each occupation, the Agency divided the mean hourly wage rate by 1 minus the fringe benefits.

Table 1, below, is a summary of how the wage rate estimates were derived for the information collection requirements specified in the Standard.

<b>Table 1 – Wage Hour Estimates</b>				
<b>Occupational Title</b>	<b>Standard Occupational Classification</b>	<b>Mean Hourly Wage (a)</b>	<b>Fringe Benefits (b)</b>	<b>Loaded Hourly Wage Rate (c) = (a)/(1-(b))</b>
Shipyards Supervisor	11-3071	\$50.76	0.31	\$73.57
Maintenance and Repair Employees	49-9071	\$21.60	0.31	\$31.30
Office Clerk	43-9061	\$18.75	0.31	\$27.17

### **Number of Establishments**

The agency assumes that shipyard workers may be exposed to ACM and PACM while repairing older and foreign vessels. Of the 515 shipyards in operation,<sup>10</sup> OSHA assumes that the five largest shipyards contract their services out and that their employees do not directly repair vessels that may contain ACM or PACM.

OSHA assumes that half of the remaining 510 establishments (255 establishments) focus on the repair of barges and other small craft and would not engage in asbestos removal or be subjected to these requirements. The agency assumes that each of the 255 remaining shipyards employs on average three employees (765 employees in total).

<sup>10</sup> Source: U.S. Census Bureau, 2020 County Business Patterns. <https://data.census.gov/table?q=CBP2020.CB2000CBP&n=336611>.

<b>Table 2 – Affected Establishments and Employees by Size</b>			
<b>Industry Code</b>	<b>Industry Name</b>	<b>Size Class</b>	<b>Affected Establishments</b>
336611 <sup>11</sup>	Shipyards	> 1,000	10
		500 – 999	8
		250 – 499	21
		100 – 249	61
		20 – 99	152
		< 19	263
<b>Total</b>			<b>515</b>

### **Multi-employer worksites (§ 1915.1001(d))**

OSHA estimates that 20% of the 255 employers (51 employers) conduct sampling three times annually. As a clerical employee may not be present at a multi-employer worksite, OSHA assumes a manager takes 5 minutes (5/60 hour) to post each notification.

**Burden hours:** 51 employers x 3 notifications x 5/60 hour = 13 hours (rounded)

**Cost:** 13 hours x \$73.57 = \$956.41

### Regulated Areas (§ 1915.1001(e))

All Class I, II, and III asbestos work occurs within demarcated and regulated areas. Employers may use signs as prescribed in section (k) of the standard. The burden for this activity is, therefore, addressed in that paragraph.

### **Exposure Assessments and Monitoring (§ 1915.1001(f))**

#### Initial Assessment/Monitoring

The agency estimates 20% of the 255 employers (51 employers) conduct exposure monitoring on job sites.<sup>12</sup> The employers conducting exposure monitoring take an average of three samples annually and each sample takes one hour of supervisor time to collect and mail the samples for analysis.

**Burden hours:** 51 employers x 3 samples annually x 1 hour per sample = 153 hours

**Cost:** 153 hours x \$73.57 = \$11,256.21

#### Periodic Monitoring

<sup>11</sup> Source: U.S. Census Bureau, 2020 County Business Patterns. <https://data.census.gov/table?q=CBP2020.CB2000CBP&n=336611>.

<sup>12</sup> The agency assumes that the remaining 80% of these employers use means other than exposure-monitoring sampling (e.g., objective data, prior sampling, etc.) to demonstrate compliance with the PEL.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

In addition to initial monitoring, employers must conduct periodic monitoring at various times when workers are being exposed above the PEL. Despite this requirement, OSHA assumes that no periodic monitoring occurs. Monitoring is expensive; it is more beneficial for employers to take other measures to ensure compliance with the PEL such as equipping employees with supplied-air respirators and following control methods outlined in the standard.

The agency assumes employers will use the least burdensome method to comply with exposure provisions. Therefore, no burden has been taken for periodic monitoring.

#### Notification of Monitoring Results (§ 1915.1001(f)(5))

The agency assumes that employers participating in exposure monitoring will post results in a central location, the least costly method to comply with this requirement. Posting requires 5 minutes (5/60 hour) of office clerk time.

**Burden hours:** 51 employers x 3 samples per year x 5/60 hour = 13 hours (rounded)

**Cost:** 13 hours x \$27.17 = \$353.21

#### **Methods of Compliance (§ 1915.1001(g))**

The provisions in this paragraph require employers to use prescribed engineering controls and work practices, including the monitoring and notification of employees. The burdens for this requirement are included under the "Exposure Assessments and Monitoring" section of this paperwork package. Therefore, no additional burden is taken in this section.

Employers involved in Class I and II operations may choose to use an alternate control method. If chosen, the burden for those alternative methods is not included in the "Exposure Assessments and Monitoring" section and is further detailed below:

#### Alternative Control Methods for Class I Work

OSHA has received, on average, seven notifications annually from employers who choose new or modified control technology to reduce exposures in Class I asbestos operations and assumes that the trend will remain constant. OSHA estimates it takes a supervisor, on average, 110 minutes (110/60 hours) to develop each alternative control method.

**Burden hours:** 7 notifications x 110/60 hours = 13 hours (rounded)

**Cost:** 13 hours x \$73.57 = \$956.41

#### Alternative Controls for Class II Work

The Regulatory Impact Analysis (RIA)<sup>13</sup> assumed that work in shipyards would be

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<sup>13</sup> The Final Regulatory Impact and Flexibility Analysis of the Revised Asbestos Standard for Construction, General Industries, and Shipyards under docket number OSHA-H033E-2006-0915-1077.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

predominately Class I work. Accordingly, no burden is being taken for the use of alternative control methods in Class II operations.

### **Respiratory Protection (§ 1915.1001(h))**

#### Respirator Program (§ 1915.1001(h)(3)(i))

Employers must institute a respiratory protection program under § 1910.134. This burden is taken in the “Respiratory Protection” information collection request (OMB Control Number 1218-0099) and is therefore not calculated in this paperwork package.

#### Emergency-Use Respirators (§ 1915.1001(f))

The respiratory protection standard, incorporated by reference in the asbestos standard, requires that emergency-use respirators be inspected monthly and again after each emergency use. This burden is taken in the “Respiratory Protection” information collection request (OMB Control Number 1218-0099) and is therefore not calculated in this paperwork package.

#### Respirator Fit Testing (Appendix C to § 1915.1001)

OSHA estimates that 20% of the 765 affected employees (153 employees) exposed above the PEL are fit-tested with negative pressure respirators.

The agency assumes that it will take 30 minutes (30/60 hour) of employee time and 30 minutes (30/60 hour) of supervisory time to conduct and record the results of each respirator fit testing, which occurs twice annually.

**Burden hours:** 153 employees x 2 tests per year x 30/60 hour = 153 hours

**Cost:** 153 hours x \$73.57 = \$11,256.21

**Burden hours:** 153 employees x 2 tests per year x 30/60 hour = 153 hours

**Cost:** 153 hours x \$31.30 = \$4,788.90

### **Protective Clothing (§ 1915.1001(i)(2)(ii))**

The standard requires that employers inform any person who launders or cleans asbestos-contaminated protective clothing of potential asbestos hazards. In the RIA, OSHA assumes that all affected employers will provide their employees with disposable clothing which requires no laundering. Therefore, no burden has been taken for this provision.

### **Communication of Hazards (§ 1915.1001(k))**

Paragraph (k) requires building, vessels, and facility owners, along with employers of potentially exposed employees, to convey specific information to building tenants, employees, and other employers/contractors regarding the location of ACM and PACM in their work environments.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

The associated burdens for these activities follow:

Duties of Building and Facility Owners (§ 1915.1001(k)(1))

OSHA estimates that 12 projects a year (22% of 52.5 projects, rounded) are involved in potential exposures. The RIA breaks out the notification and evaluation burden as follows:

*Identification of ACM/PACM and notification by building owners to their employees and tenants*

For the 12 projects, OSHA estimates a building owner will take 45 minutes (45/60 hour) to evaluate high-risk jobs and an additional five minutes (5/60 hour) to notify necessary persons. In total, this burden requires 50 minutes (50/60 hour) of a supervisor's time.

**Burden hours:** 12 projects x 50/60 hour = 10 hours

**Cost:** 10 hours x \$73.57 = \$735.70

*Notification by building owners to contractors (other employers)*

For the 12 projects, the agency estimates building owners take 5 minutes (5/60 hour) to notify contractors.

**Burden hours:** 12 projects x 5/60 hour = 1 hour (rounded)

**Cost:** 1 hour x \$73.57 = \$73.57

Duties of Employers (§ 1915.1001(k)(2)-(3))

*Notification by contractors to building owners*

The agency recognizes that there might be some overlap in the counting of building owners' notification to contractors (covered under § 1915.1001(k)(1)) and this provision. Taking these assumptions into account, the RIA estimates that the weighted time to identify, document, and notify owners of ACM/PACM in high-risk projects is 30 minutes (30/60 hour).

The number of projects and compliance rate are the same as above.

**Burden hours:** 12 projects x 30/60 hour = 6 hours

**Cost:** 6 hours x \$73.57 = \$441.42

*Notification by contractors to employees and employers*

A supervisor takes approximately 5 minutes (5/60 hour) to notify employees and other employers of ACM/PACM in high-risk projects at the project site.

The number of projects and compliance rate remains the same as above.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

**Burden hours:** 12 projects x 5/60 hour = 1 hour

**Cost:** 1 hour x \$73.57 = \$73.57

*Notification by contractors to owners on asbestos remaining in the building*

Within ten days after a job is completed the employers whose employees have performed the asbestos work are required to inform the building owners of any remaining asbestos. OSHA assumes it takes a contractor approximately 5 minutes (5/60 hour) to perform this notification.

The number of projects and the compliance rate are the same as above.

**Burden hours:** 12 projects x 5/60 hour = 1 hour

**Cost:** 1 hour x \$73.57 = \$73.57

*Notification by contractors to owners and employers of post-project discoveries*

In addition to the above requirements, within 24 hours of discovery, all employers who discover ACM/PACM on a worksite shall convey information concerning the presence, location, and quantity of the newly discovered ACM/PACM to the owner and other employers of employees working at the work site.

The burden for this activity is accounted for in the above notification estimates.

Criteria to Rebut the Designation of Installed Material as PACM (§ 1915.1001(k)(5))

An employer or owner may demonstrate that PACM does not contain asbestos by conducting inspections and tests of the suspected materials. If the material is not ACM, building owners and/or employers must retain the testing results but are not required to communicate the information to other parties.

This one-time evaluation was to be conducted for buildings constructed before 1981 and was taken in a previous information collection request; because this is not a recurring requirement, no burden is being taken here.

Warning Signs (§ 1915.1001(k)(6),(8))

Under this section, warning signs must be posted and displayed in each regulated area. The standard provides the language to be included on the signs; therefore, no burden is assumed for this provision.

Labels (§ 1915.1001(k)(7))

Under this section, warning labels are to be affixed to all products containing asbestos and to all containers containing such products. The standard provides the language to be included on the labels; therefore, no burden is assumed for this provision.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

### **Medical Surveillance (§ 1915.1001(m))**

#### Medical Examinations (§ 1915.1001(m)(2))

Medical examinations take 90 minutes (90/60 hours) of employee time.<sup>14</sup> OSHA estimates 20% of the 765 employees (153 employees) require examinations annually.

The agency additionally estimates a 30% annual turnover rate of employees. For this calculation, OSHA assumes an additional 46 employees (30% of the 153 required examinees, rounded) will require medical examinations due to the turnover rate (199 required examinations in total).

**Burden hours:** 199 examinations x 1 time per year x 90/60 hours = 299 hours (rounded)

**Cost:** 299 hours x \$31.30 = \$9,358.70

#### Medical Questionnaire (Part I) (§ 1915.1001(m)(2)(ii)(B))

As part of the initial examination for new employees, Part I of a medical questionnaire is administered. The agency estimates that completing the questionnaire takes 30 minutes (30/60 hour). The number of new employees is based on a 30% turnover rate of the 153 employees requiring annual examinations (46 employees, rounded).

**Burden hours:** 46 employees x 1 annual examination x 30/60 hour = 23 hours

**Cost:** 23 hours x \$31.30 = \$719.90

#### Medical Questionnaire (Part II) (§ 1915.1001(m)(2)(ii)(B))

As part of the annual examination, a follow-up medical questionnaire is administered to each employee. The agency assumes that the abbreviated questionnaire takes each of the 153 employees 10 minutes (10/60 hour) to complete.

**Burden hours:** 153 examinations x 1 annual examination x 10/60 hour  
= 26 hours (rounded)

**Cost:** 26 hours x \$31.30 = \$813.80

#### Information Provided to the Physician (§ 1915.1001(m)(3))

Employers provide information for the 153 annual examinations and 46 initial examinations administered to new employees (199 total examinations). OSHA assumes it takes a clerical worker 5 minutes (5/60 hour) to provide the needed information to the examining physician.

**Burden hours:** 199 examinations x 5/60 hour = 17 hours (rounded)

**Cost:** 17 hours x \$27.17 = \$461.89

#### Physician's Written Opinion (§ 1915.1001(m)(4))

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<sup>14</sup> This estimation includes 30 minutes of travel time.

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

A physician will write an opinion for all 199 administered examinations (153 annual examinations and 46 initial examinations for new employees). The agency assumes it will take a clerical worker 5 minutes (5/60 hour) to obtain the results for each examination.

**Burden hours:** 199 examinations x 5/60 hour = 17 hours (rounded)

**Cost:** 17 hours x \$27.17 = \$461.89

### **Recordkeeping (§ 1915.1001(n))**

A clerical worker is tasked with maintaining various records associated with workplace objective data, exposure monitoring, and other medical records for workers. A breakdown of the associated burdens follows:

#### Objective Data

It is assumed that 80% of the 255 employers (204 employers) use objective data to exempt themselves from performing exposure monitoring. OSHA further estimates that it takes a clerical worker 5 minutes (5/60 hour) to maintain records associated with objective data.

**Burden hours:** 204 employers x 1 annual sample x 5/60 hour = 17 hours

**Cost:** 17 hours x \$27.17 = \$461.89

#### Exposure Monitoring

The remaining 20% of employers that do not use objective data (51 employers) must then engage in exposure monitoring three times annually. OSHA estimates that it takes a clerical worker 5 minutes (5/60 hour) to maintain records associated with exposure monitoring.

**Burden hours:** 51 employers x 3 samples per year x 5/60 hour = 13 hours (rounded)

**Cost:** 13 hours x \$27.17 = \$353.21

#### Medical Records

The agency estimates it takes a clerical worker 5 minutes (5/60 hour) to maintain the 199 employees' records developed during annual and initial medical examinations.

**Burden hours:** 199 medical examinations x 5/60 hour = 17 hours (rounded)

**Cost:** 17 hours x \$27.17 = \$461.89

#### Training Records

Employers must conduct and maintain records of EPA- or state-approved training for all employees dealing with ACM/PACM. While the agency has determined that the training requirement itself does not incur a burden, records maintenance does.



Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

OSHA continues to assume a 30% annual turnover rate of the 765 affected employees (230 new employees, rounded, a total of 995 employees). It will take a clerical worker 5 minutes (5/60 hour) to maintain the 995 records developed.

**Burden hours:**  $995 \text{ records} \times 1 \text{ per year} \times 5/60 \text{ hour} = 83 \text{ hours (rounded)}$

**Cost:**  $83 \text{ hours} \times \$27.17 = \$2,255.11$

#### Records of Notifications by Building Owners

OSHA estimates that it will take a clerical worker 5 minutes (5/60 hour) to maintain records of notifications by building owners for the 12 annual projects associated with potential exposures.

**Burden hours:**  $12 \text{ projects} \times 1 \text{ time per year} \times 5/60 \text{ hour} = 1 \text{ hour (rounded)}$

**Cost:**  $1 \text{ hour} \times \$27.17 = \$27.17$

#### Employee Access to Records

The agency estimates that 10% of the 995 affected employees (100 employees, rounded) will request to see their records annually, and that it will take a clerical worker five minutes (5/60 hour) to make those records available.

**Burden hours:**  $100 \text{ employees} \times 5/60 \text{ hour} = 8 \text{ hours (rounded)}$

**Cost:**  $8 \text{ hours} \times \$27.17 = \$217.36$

Table 3, below, is a summary of the estimated burden hours and cost per response.

Asbestos in Shipyards Standard (29 CFR 1915.1001)  
 OMB Control Number 1218-0195  
 Expiration Date: July 31, 2023

<b>Table 3 – Summary of Estimated Burden Hours and Cost per Response</b>							
<b>Information Collection Requirement</b>	<b>No. of Respondent</b>	<b>Frequency per response</b>	<b>Responses</b>	<b>Time (hours)</b>	<b>Requested Burden (hours)</b>	<b>Hourly Wage Rate</b>	<b>Cost</b>
<b>Multi-Employer Worksites (§ 1915.1001(d))</b>							
	51	3	153	5/60	13	\$73.57	\$956.41
Subtotal	---	---	153	---	13	---	\$956.41
<b>Exposure Assessment and Monitoring (§ 1915.1001(f))</b>							
<i>Initial Assessment</i>	51	3	153	60/60	153	\$73.57	\$11,256.21
<i>Notification of Monitoring Results</i> (§ 1915.1001(f)(5))	51	3	153	5/60	13	\$27.17	\$353.21
Subtotal	---	---	306	---	166	---	\$11,609.42
<b>Methods of Compliance (§ 1915.1001(g))</b>							
<i>Alternative Controls for Class I Work</i>	7	1	7	110/60	13	\$73.57	\$956.41
Subtotal	---	---	7	---	13	---	\$956.41
<b>Respirator Protection (§ 1915.1001(h))</b>							
<i>Respirator Fit Testing</i> (§ 1915.1001, Appendix C)	153	2	306	30/60	153	\$73.57	\$11,256.21
	153	2	306	30/60	153	\$31.30	\$4,788.90
Subtotal	---	---	612	---	306	---	\$16,045.11
<b>Communication of Hazards (§ 1915.1001(k))</b>							
<i>Duties of Bldg. and Facility Owners (§ 1915.1001(k)(1))</i>							
<u>Notify Own Employees</u>	12	1	12	50/60	10	\$73.57	\$735.70
<u>Notify Others</u>	12	1	12	5/60	1	\$73.57	\$73.57
<i>Duties of Employers (§ 1915.1001(k)(2)-(3))</i>							
<u>Notify Building Owners</u>	12	1	12	30/60	6	\$73.57	\$441.42
<u>Notify Employees</u>	12	1	12	5/60	1	\$73.57	\$73.57

Asbestos in Shipyards Standard (29 CFR 1915.1001)  
 OMB Control Number 1218-0195  
 Expiration Date: July 31, 2023

<u>Notify Others</u>	12	1	12	5/60	1	\$73.57	\$73.57
Subtotal	---	---	60	---	19	---	\$1,397.83
<b>Medical Surveillance (§ 1915.1001(m))</b>							
Medical Examinations (§ 1915.1001(m)(2))	199	1	199	90/60	299	\$31.30	\$9,358.70
Medical Questionnaires, Part I (§ 1915.1001(m)(2)(ii)(B))	46	1	46	30/60	23	\$31.30	\$719.90
Medical Questionnaires, Part II (§ 1915.1001(m)(2)(ii)(B))	153	1	153	10/60	26	\$31.30	\$813.80
Information Provided to Physician (§ 1915.1001(m)(3))	199	1	199	5/60	17	\$27.17	\$461.89
Physicians Written Opinion (§ 1915.1001(m)(4))	199	1	199	5/60	17	\$27.17	\$461.89
Subtotal	---	---	796	---	382	---	\$11,816.18
<b>Recordkeeping (§ 1915.1001(n))</b>							
<i>Objective Data</i>	204	1	204	5/60	17	\$27.17	\$461.89
<i>Exposure Monitoring</i>	51	3	153	5/60	13	\$27.17	\$353.21
<i>Medical Records</i>	199	1	199	5/60	17	\$27.17	\$461.89
<i>Training Records</i>	995	1	995	5/60	83	\$27.17	\$2,255.11
<i>Records of Notification</i>	12	1	12	5/60	1	\$27.17	\$27.17
<i>Employee Access</i>	100	1	100	5/60	8	\$27.17	\$217.36
Subtotal	---	---	1,663	---	139	---	\$3,776.63
<b>Total</b>	---	---	<b>3,597</b>	---	<b>1,038</b>	---	<b>\$46,558 (rounded)</b>

**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 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.**
- **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.**

The agency estimates a total annual cost burden of \$34,639, explained below:

### **Exposure Monitoring**

The agency estimates that employers will incur costs for analyzing and supplies used in monitoring their employees. As previously mentioned, the agency estimates that 20% of the 255 employers (51 employers) conduct exposure monitoring three times annually. OSHA further estimates a cost of \$30 per sample, covering supplies and associated analyses.

**Cost:** 51 employers x 3 annual samples x \$30.00 = \$4,590.00

### **Medical Examinations**

OSHA estimates that each employee's medical exam (199 employees), including the physician's

written opinion, costs the employer \$151.

**Cost:** 199 examinations x \$151.00 = \$30,049.00

Table 4, below, is a summary of the total annual cost burdens.

<b>Table 4 - Summary of Total Annual Cost Burden</b>					
<b>Information Collection Requirement</b>	<b>Respondents</b>	<b>Frequency per response</b>	<b>Responses</b>	<b>Expense</b>	<b>Total Cost</b>
Exposure Monitoring	51	3	153	\$30.00	\$4,590.00
Medical Examinations	199	1	199	\$151.00	\$30,049.00
<b>Total</b>	---	---	<b>352</b>	---	<b>\$34,639</b>

- 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 are no costs to the Federal Government associated with this information collection request.

- 15. Explain the reasons for any program changes or adjustments.**

OSHA is requesting a 199 hour decrease adjustment in the burden hours (from 1,237 hours to 1,038). This decrease is due to a decrease in the number of shipyard employees in the preceding paperwork package.

There was also a decrease in the total annual cost burden, explained under item 13 of this document, for the exposure monitoring and medical examinations. The estimated burden decreased by \$9,939 (from \$44,578 to \$34,639). This decrease is due to a decrease in the number of shipyard employees in the preceding package.

Table 5, below, summarizes the requested burden hour adjustment.

<b>Table 5 – Summary of Adjustment in Requested Burden Hours</b>			
<b>Information Collection Requirement</b>	<b>Current Burden Hours</b>	<b>Requested Burden Hours</b>	<b>Adjustment</b>
<b>Multi-Employer Worksites (§ 1915.1001(d))</b>	17	13	(4)
<b>Exposure Assessment and Monitoring (§ 1915.1001(f))</b>			

## Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

<i>Initial Assessment</i>	197	153	(44)
Notification of Monitoring Results (§ 1915.1001(f)(5))	16	13	(3)
<b>Methods of Compliance (§ 1915.1001(g))</b>			
<i>Alternative Controls for Class I Work</i>	13	13	0
<b>Respirator Protection (§ 1915.1001(h))</b>			
Respirator Fit Testing (§ 1915.1001, Appendix C)	394	306	(88)
<b>Communication of Hazards (§ 1915.1001(k))</b>			
<i>Duties of Bldg. and Facility Owners (§ 1915.1001(k)(1))</i>			
<u>Notify Own Employees</u>	10	10	0
<u>Notify Others</u>	1	1	0
<i>Duties of Employers (§ 1915.1001(k)(2)-(3))</i>			
<u>Notify Building Owners</u>	6	6	0
<u>Notify Employees</u>	1	1	0
<u>Notify Others</u>	1	1	0
<b>Medical Surveillance (§ 1915.1001(m))</b>			
Medical Examinations (§	355	299	(56)
Medical Questionnaires, Pt. I (§ 1915.1001(m)(2)(ii)(B))	30	23	(7)
Medical Questionnaires, Pt. II (§ 1915.1001(m)(2)(ii)(B))	33	26	(7)
Information Provided to Physician (§ 1915.1001(m)(3))	21	17	(4)
Physicians Written Opinion (§ 1915.1001(m)(4))	21	17	(4)
<b>Recordkeeping (§ 1915.1001(n))</b>			
<i>Objective Data</i>	22	17	(5)
<i>Exposure Monitoring</i>	37	13	(24)
<i>Medical Records</i>	29	17	(12)
<i>Training Records</i>	21	83	62
<i>Records of Notification</i>	1	1	0
<i>Employee Access</i>	11	8	(3)
<b>Total</b>	<b>1,237</b>	<b>1,038</b>	<b>(199)</b>

Asbestos in Shipyards Standard (29 CFR 1915.1001)

OMB Control Number 1218-0195

Expiration Date: July 31, 2023

- 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 beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The information collected under this Standard will not be published for statistical use.

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection.**

OSHA lists current valid control numbers in §§ 1910.8, 1915.8, 1917.4, 1918.4, and 1926.5 and publishes the expiration date in the Federal Register notice announcing OMB approval of the information collection requirement (*See* 5 CFR 1320.3(f)(3)). OSHA believes that this is the most appropriate and accurate mechanism to inform interested parties of these expiration dates.

- 18. Explain each exception to the certification statement.**

OSHA is not requesting an exception to the certification statement.

## **B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

The supporting statement does not contain any collection of information requirements that employ statistical methods.