

**SUPPORTING STATEMENT FOR THE  
COLLECTION OF INFORMATION REQUIREMENTS IN THE  
HAZARDOUS WASTE OPERATIONS AND EMERGENCY  
RESPONSE (HAZWOPER) STANDARD (29 CFR 1910.120)  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0202**

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 of 1970 (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). Specifically, the Act states that “[t]he Secretary shall set the standard which most adequately assures, to the extent feasible . . . that no worker will suffer material impairment of health or function capacity . . .” (29 U.S.C. 655).

The OSH Act specifies that “[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure 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). This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655).

With regard to recordkeeping, the Act mandates that “[e]ach employer shall make, keep and preserve, and make available to the Secretary [of Labor] . . . such records regarding [their]

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 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. 657).

Moreover, Section 126(e) of the "Superfund Amendments and Reauthorization Act of 1986" (SARA) (Public Law 99-499), which became law on October 17, 1986, required the Secretary of Labor, pursuant to Section 6 of the Act, to promulgate standards for the safety and health protection of employees engaged in hazardous waste operations and emergency response. Section 126(a) also specified that those standards were to become effective a year after publication. Section 126(b) lists 11 worker protection provisions that the Secretary of Labor had to include in OSHA's final standard. Those provisions require OSHA to address the preparation of various written programs, plans and records; the training of workers; the monitoring of airborne hazards; the conduct of medical surveillance; and the distribution of information to workers. The provisions also require the collection of information from employers engaged in hazardous waste operations and their emergency response to such operations. The standard covers the provisions mandated in SARA.

Under the authority granted by the SARA and the OSH Acts, the Occupational Safety and Health Administration (OSHA or agency) published a standard for general industry regulating the operation of hazardous waste operations (HAZWOPER or standard) (29 CFR 1910.120).

Items 2 and 12, below, describe the specific collection requirements of the standard.<sup>1</sup>

**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 standard specifies several collections of information (paperwork) requirements. Each provision is described in detail in Item 12 below. Employers can use the information collected under the HAZWOPER rule to develop the various programs that the standard requires and to ensure that their workers are trained properly about the safety and health hazards associated with hazardous waste operations and emergency responses to hazardous waste releases. The

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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 the provisions of this standard that contain paperwork requirements; it does not provide information or guidance on how to comply with, or how to enforce, the standard.

employer's failure to collect and distribute the information required in this standard will significantly affect OSHA's effort to control and reduce injuries and fatalities. Such failure would also be contrary to the direction Congress provided in SARA.

- 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 burdens.**

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. The agency wrote the collections of information requirements of the standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data).

Electronic copies permits the storage of collected information at locations other than the place of inspection if the employer can deliver the data quickly to the place of inspection (i.e., e-mail, fax, or other electronic data transfer method).

- 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.**

When OSHA developed the HAZWOPER Rule, in order to prevent duplication of effort, OSHA coordinated appropriate individuals from Federal OSHA, state OSHA programs, the U.S. Department of Transportation (DOT), and the U.S. Environmental Protection Agency (EPA). OSHA reviewed standards addressing similar hazardous waste operations and emergency response in industries regulated by other parts of Title 29 (i.e., 29 CFR part 1926, Safety and Health Regulations for the Construction Industry) and parts of Title 40 (EPA) and Title 49 (DOT) of the Code of Federal Regulations (CFR) to ensure no duplication of effort. The employer may use efforts to comply with other Federal regulations to comply with this regulation. OSHA also reviewed the various state plan program regulations for hazardous waste operations and emergency response to ensure no duplication of effort by employers is necessary or required. EPA regulations addressing similar operations for worker populations not covered by OSHA (i.e., 40 CFR 311) are identical to OSHA's requirement but not duplicative due to the worker populations regulated by the EPA. The EPA regulates state and local government

workers engaged in hazardous waste operations and emergency response in those states that have Federal OSHA jurisdiction (i.e., non-state-plan states). OSHA will recognize any applicable information the employer develops or collects under other Federal regulations as acceptable in meeting the requirements of this standard.

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

The information collection requirements specified by the standard do not have a significant impact on a substantial number of small entities.

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

The agency believes that the information collection frequencies required by the standard are the minimum frequencies necessary to effectively regulate hazardous waste operations, and thereby, fulfill 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” (29 U.S.C. 651). The frequencies of the collections in the OSHA rule are sometimes less than those mandated by SARA. There is a provision in SARA that permitted OSHA to reduce the frequency of collection based upon information derived from public comments presented during the rulemaking process. The associated record supported certain reductions. Accordingly, if employers do not perform the required information collections, or delay in providing this information, workers may be at risk of serious injuries or death, and employers would be in violation of SARA reporting mandates.

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

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirements are within the guidelines set forth in 5 CFR 1320.5.

- 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.**

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on September 7, 2023 (88 FR 61619) soliciting comments from the public and other interested parties on the information collection requirements contained in the Hazardous Waste Operation Operations Standard (29 CFR 1910.120) under Docket Number OSHA-2011-0862. The notice was part of a preclearance consultation program that provides interested parties with an opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the above standard.

The agency received one comment on November 3, 2023, in response to this notice from Joseph Heal, a private citizen under docket number OSHA-2011-0862-0013. The commenter stated that:

“This might be a good estimate of reduced burden hours because there has been a reduction in emergency response organizations, however there could be a concern of minimizing work hours allocated among employees inside the reporting organization when such a large number of hours is cut from the budget. This could lead to increased stress among employees and decrease performance in the workforce. Hazardous Waste Operations (Joseph Heal private citizen).”

In paragraph 1910.120(l)(1)(i), the employer is required to develop and implement an emergency action plan to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan must be in writing and available for inspection and copying by workers, their representatives, OSHA personnel, and other government agencies with relevant responsibilities. As discussed under TYPE 1 of item 12, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is accounting for a 10% turnover rate for new employers (for a total of 55 sites, rounded) and estimating those sites will take 8 hours to prepare and maintain emergency action plans.

In paragraph 1910.120(q)(1), the employer is required to develop and implement an emergency response plan to handle anticipated emergencies prior to the commencement of emergency response operations. The plan must be in writing and available for inspection and copying by

workers, their representatives, and OSHA personnel. Employers who evacuate their workers from a dangerous area when an emergency occurs and who do not permit any of their workers to assist in handling the emergency are exempt from the requirements of this paragraph if they provide an emergency action plan complying with 29 CFR 1910.38(a).

The agency estimates that of the 27,186 emergency response organizations, 50% are not covered by OSHA because they solely employ state and local employees (13,593 organizations). Of the remaining organizations, 10% are assumed to be required to develop a new emergency response plan (1,359 organizations) and will take 8 hours each to do so.

Under both requirements, the agency estimates that the time it takes to prepare an emergency response plan is eight hours. These estimates are required for the new employers because OSHA assumes that existing employers are already in compliance with the Standard. The decrease in the burden hours is from the decrease in the number of new employers needing compliance. OSHA thanks you and appreciates your concerns for workplace safety and health of employees.

**9. Explain any decision to provide any payments 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.**

The paperwork requirements specified by the standard do not involve the collection of confidential information.

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

None of the collection of information requirements in the standard require the collection of sensitive information.

**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.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

**Respondent Burden Hour and Cost Determinations**

The following sections summarize the burden hour and cost determinations for the information collection requirements specified in the standard. The data used for these determinations are based upon information sourced through the Environmental Protection Agency (EPA), the Bureau of Labor Statistics (BLS), the National Fire Protection Association (NFPA), and the Regulatory Flexibility Analysis (RFA) prepared for development of the standard (dated December 14, 1988).

**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 wage rates reported in the Bureau of Labor Statistics (BLS), U.S. Department of Labor, *Occupational Employment and Wage Statistics* (OEWS), September 2022, last accessed:



October 18, 2022 (OEWS data is available at <https://www.bls.gov/oes/tables.htm>. To access a wage rate, select the year, “Occupation 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 mean hourly wage rate the fringe benefit markup from the following BLS release: *Employer Costs for Employee Compensation News Release* text; released 10:00 AM (EDT), September 20, 2022 ([https://www.bls.gov/news.release/archives/ecec\\_09202022.htm](https://www.bls.gov/news.release/archives/ecec_09202022.htm).) last accessed on November 8, 2022. BLS reported that for civilian workers, fringe benefits accounted for 29.5% of total compensation and wages accounted for the remaining 70.5%. The loaded hourly wage for each occupation is derived by taking the mean hourly wage rate and dividing it by one minus the fringe benefit.

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

<b>Table A: Wage Hour Estimates</b>				
<b>Occupational Title</b>	<b>Standard Occupation Code</b>	<b>Mean Hourly Wage Rate (a)</b>	<b>Fringe Benefits (b)</b>	<b>Loaded Hourly Wage Rate (c) = (a) / (1-(b))</b>
Occupational Safety and Health Specialist	19-5011	\$37.86	0.295	\$53.70

The HAZWOPER rule applies to employers engaged in three types of operations:

**Type 1:** clean-up sites covered by paragraphs (b) through (o);

**Type 2:** treatment, storage, and disposal (TSD) sites (Resource Conservation and Recovery Act) (RCRA) sites covered by paragraph (p); and

**Type 3:** emergency responders (police and fire departments) covered by paragraph (q).

**TYPE 1:** In preparing the burden hour estimates for the collection of information requirements in the HAZWOPER rule, OSHA still assumes that employers now engaged in operations at 90 percent of the cleanup sites are performing this type of work during the period covered when the last burden hour estimates were made in 2019. Therefore, they have already completed a number of collections of information activities that were “one time” activities such as developing a written safety and health program; however, they may have to modify or update their program. OSHA assumes that employers at 10 percent of the clean-up sites will have to modify or update their programs, and employers at another 10 percent will prepare a program for the first time.

**TYPE 2:** OSHA estimates that employers on 65 percent of the sites classified as TSD sites (RCRA) have already performed the information collection activities required in paragraph (p). This rate is less than the rate (90 percent) estimated for clean-up sites because OSHA believes that there may be some non-permitted TSD sites, i.e., sites for which EPA has yet to issue a permit for work to begin. Employers at those sites most likely still need to complete all of the information collection activities required by paragraph (p) of the HAZWOPER rule.

**TYPE 3:** OSHA estimates that 90 percent of the employers covered by the requirements applicable to emergency response operations in paragraph (q) have completed their obligations for information collection activities. The majority of requirements under paragraph (q) address training and education standards that the emergency response community (police and fire) implements as a usual and customary activity and, therefore, would have performed these activities prior to promulgation of 29 CFR 1910.120.

### Estimating the Number of Sites

The numbers of actual sites covered by this rule have been taken from EPA’s figures in Exhibit 1-1 in “Cleaning Up the Nation’s Waste Sites: Markets and Technology Trends,” 2004 Edition, supplemented where possible with more recent figures, as indicated below. Accordingly, OSHA estimates that there are 131,821 sites remaining to be remediated. EPA has estimated that the current inventory of uncontrolled waste sites could be remediated within 70 years and that the current inventory of RCRA remediation sites could be remediated within 30 years. Without a detailed analysis of how many sites will be active during each of the next 70 years, OSHA has decided to take the total number of sites to be remediated in each category and to divide that figure by either 70 or 30 to determine the average number of active sites/year/categories over the estimated remediation time. OSHA will use that average figure in ascertaining its estimated annual information collection burden for each category of sites.

**TYPE 1:** Based on EPA, there is 1,334 current National Priorities List (NPL) sites undergoing remediation.<sup>2</sup> OSHA recognizes that there are far more Superfund clean-up sites that have been identified and that will eventually be placed on the NPL; however, OSHA is only using the NPL figure for this estimate since this figure represents more accurately the actual number of sites that are or will become active during the approval period for this notice. In addition, it is estimated that there are 6,400 Department of Defense sites, 5,000 Department of Energy sites, more than 3,000 other civilian Federal agency sites, and 23,000 state-identified sites that OSHA would consider covered by paragraphs (b) through (o) of the rule. As stated above, EPA estimates that it will take approximately 70 years to remediate these sites. Therefore, the total number of uncontrolled hazardous waste sites upon which OSHA could impose a collection burden is now 38,734. Since EPA estimates that it will take 70 years to remediate this total inventory of sites, OSHA is dividing 38,734 by the 70-year figure to estimate an average annual number of potential worksites at 553 per year over the next 70 years.

**TYPE 2:** Similarly, EPA estimates that there are 3,779 potential RCRA corrective action sites<sup>3</sup> and 87,983 RCRA Underground Storage Tank remediation sites<sup>4</sup> that OSHA would consider covered by paragraph (p) of this rule. The total potential RCRA remediation sites covered by OSHA would be 91,762. EPA estimates that it will take about 30 years to remediate these sites. Using the same method described above, OSHA has determined that there will be approximately 3,059 RCRA sites under remediation each year (91,762/30).

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2 Source: U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response, National Priorities List, as of October 25, 2011, [https://www.epa.gov/superfund/superfund-national-priorities-list-npl\(9-21\)EPAUpdatesSuperfundNationalPrioritiesListtoCleanUpPollutionandAddressPublicHealthRisks|USEPA\(10-22\)](https://www.epa.gov/superfund/superfund-national-priorities-list-npl(9-21)EPAUpdatesSuperfundNationalPrioritiesListtoCleanUpPollutionandAddressPublicHealthRisks|USEPA(10-22))

3Source: U.S. Environmental Protection Agency, Office of Solid Waste and Emergency Response. 2020 Corrective Action Universe, EPA estimates that Federal facilities comprise approximately 5 percent of a total of 3,779 facilities that are expected to require corrective action. [https://www.epa.gov/hw/baselines-resource-conservation-and-recovery-act-rcra-corrective-action-sites#2020BaselinesforResourceConservationandRecoveryAct\(RCRA\)CorrectiveActionFacilities|USEPA\(10-22\)](https://www.epa.gov/hw/baselines-resource-conservation-and-recovery-act-rcra-corrective-action-sites#2020BaselinesforResourceConservationandRecoveryAct(RCRA)CorrectiveActionFacilities|USEPA(10-22))

4Source: U.S. Environmental Protection Agency, Office of Underground Storage Tanks. FY 2010 Annual Report on the Underground Storage Tank Program, page 4, [http://www.epa.gov/oust/pubs/fy10\\_annual\\_ust\\_report\\_3-11.pdf](http://www.epa.gov/oust/pubs/fy10_annual_ust_report_3-11.pdf)

Underground Storage Tanks (USTs) | US EPA (10-22)

\*\*[https://www.epa.gov/sites/production/files/2014-02/documents/fy10\\_annual\\_ust\\_report\\_3-11.pdf](https://www.epa.gov/sites/production/files/2014-02/documents/fy10_annual_ust_report_3-11.pdf)

**TYPE 3:** With respect to the requirements for emergency response, OSHA uses the figures of 27,186 emergency response units and 1,728,640 emergency response workers for this submission.<sup>5</sup> It should be noted that at least half of these workers are employed by state and local governments of states that do not have a state plan in effect, or they are paid volunteers. These workers are not covered by the OSHA rules, and the burden associated with their numbers is being eliminated in this paperwork submission.

**(A) TYPE 1 -- Clean Up Sites**

**1. Written Safety and Health Program**

Paragraph 1910.120(b)(1)(i) requires employers to develop and implement a written safety and health program for their workers involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards, and provide for emergency response to hazardous waste operations. The following elements of the program are specified in 1910.120(b)(1)(ii): (A) an organizational structure (1910.120(b)(2)(i) and (ii)); (B) a comprehensive work plan (1910.120(b)(3)(iv), (v), and (vi)); (C) a site-specific safety and health plan that need not repeat the employer's standard operating procedures required in paragraph (b)(1)(ii)(F) of this section (1910.120(b)(4)(i) and (ii), (c)(1), (d)(2) and (d)(3), (g)(5), and (p)(1)); (D) the safety and health training program (1910.120(e)(1)); (E) the medical surveillance program (1910.120(f)(1), (f)(3), and (f)(4)); (F) the employer's standard operating procedures for safety and health; and (G) any necessary interface between general program and site specific activities.

(A) Estimated time to develop an organizational structure: 0.5 hour per site

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<sup>5</sup>According to the National Fire Protection Association, in 2010, the total number of fire departments was 27,186 30,052 and the total number of firefighters was 1,064,000. Source: <http://www.nfpa.org/itemDetail.asp?categoryID=955&itemID=23688&URL=Research%20%20Reports/Fire%20statistics/The%20U.S.%20fire%20service>. According to BLS, there were 642,190 police officers (SOC 33-3051 and 33-3052) employed in 2010. Source: May 2014, National Occupational Employment Statistics, [http://www.bls.gov/oes/current/oes\\_nat.htm#33-0000](http://www.bls.gov/oes/current/oes_nat.htm#33-0000). Therefore, OSHA estimates that there are a total of 1,782,940 1,729,380 emergency response employees (1,140,750 1,064,000 firefighters and 642,190 665,380 [Police and Sheriff's Patrol Officers \(bls.gov\)](http://www.bls.gov) 10-22

\*\* <https://www.nfpa.org/News-and-Research/Fire-statistics-and-reports/Fire-statistics/The-fire-service/Administration/US-fire-department-profile> (fire fighters)

1`1234567890- [National Fire Department Registry Quick Facts \(fema.gov\)](http://www.fema.gov)(10-22) USFA

<https://apps.usfa.fema.gov/registry/summary#:~:text=The%20majority%20of%20the%20registered%20departments,departments%20are%20located%20in%20U.S.%20territories.&text=The%20majori> 10 - 22

(B)	Estimated time to develop a comprehensive work plan:	0.5 hour per site
(C)	Estimated time to develop a site-specific safety and health plan:	2 hours per site
(D)	Estimated time to develop a safety and health training program:	8 hours per site
(E)	Estimated time to develop a medical surveillance program:	4 hours per site
(F)	Estimated time to develop SOP for safety and health:	4 hours per site
(G)	Estimated time for any necessary interface between general program and site-specific activities:	4 hours per site
	<b>(TOTAL)</b>	<b>23 hours</b>

Burden hours: 553 sites × 10% of employers preparing program for first time  
 × 23 hours = 1,272 hours (rounded)

Cost: 1,272 hours x \$53.70= \$68,306.40

OSHA estimates that 10% of the 553 sites will spend 5.5 hours (330/60 hours) to update the following components of their safety and health plans.

(B)	Estimated time to develop a comprehensive work plan:	0.5 hour per site
(C)	Estimated time to develop a site-specific safety and health plan:	1 hour per site
(G)	Estimated time for any necessary interface between	4 hours per site
	<b>(TOTAL)</b>	<b>5.5 hours</b>
	<b>per site</b>	

Burden hours: 553 sites × 10% modifying/updating × 330/60 hours  
 = 304 hours (rounded)

Cost: 304 hours x \$53.70= \$16,324.80

**Subtotal Burden hours: 1,272 + 304 = 1,576 hours**

**Subtotal Cost: \$68,306.40 + \$16,324.80 = \$84,631.20**

## 2. Informing contractors and subcontractors of emergency response procedures

Paragraph 1910.120(b)(1)(iv) requires employers who retain contractor or subcontractor services for work in hazardous waste operations to inform those contractors, subcontractors, or their representatives of the site emergency response procedures and any potential fire, explosion, health, safety or other hazards of the hazardous waste operation identified by the employer, including those identified in the employer's information program.

Paragraph 1910.120(b)(1)(v) requires the employer to make available the written safety and health program (required by #1 above) to any contractor or subcontractor or their representative who will be involved with the hazardous waste operation; to employees; to employee designated representatives; to OSHA personnel; and to personnel of other Federal, state, or local agencies with regulatory authority over the site.

Burden hours: 553 sites × 1 hour to inform of the site emergency response procedures  
and to make the written safety and health program available  
= 553 hours (rounded)  
Cost: 553 hours x \$53.70= \$29,696.10

### **3. Pre-entry briefings on safety and health programs**

Paragraph 1910.120(b)(4)(iii) requires that employers conduct pre-entry briefings prior to site entry, and at such other times as necessary to ensure that workers are aware of the site safety and health plan and that this plan is being followed. The information and data obtained from site characterization and analysis work required in paragraph (c) of this section shall be used to prepare and update the site safety and health plan.

OSHA believes that it is a usual and customary practice at all sites to have briefings; however, because the briefing required in this rule is based on a safety and health program that may contain information that is not usual and customary, OSHA estimates the burden for this provision at one hour. In addition, OSHA estimates it will take 8 hours to conduct a site characterization and analysis in accordance with paragraph 1910.120(o).

Burden hours: 553 sites × 1 hour to conduct pre-entry briefings = 553 hours  
Cost: 553 hours x \$53.70 = \$29,696.10

Burden hours: 553 sites × 8 hours to evaluate hazardous waste sites = 4,424 hours  
Cost: 4,424 hours x \$53.70 = \$237,568.80

**Subtotal Burden hours: 553 hours + 4,424 hours = 4,977 hours**  
**Subtotal Cost: \$29,969.10 + \$237,568.80 = \$267,264.90**

### **4. Certification of training**

Paragraph 1910.120(e)(6) requires a written certification for employees and supervisors who have received and successfully completed the training and field experience specified in paragraphs (e)(1) through (e)(4).

OSHA estimates that there are a total of 11,060 clean-up workers (553 sites x an average of 20 workers per site), of which 10% (1,106 workers) would be considered “new” workers and require initial training.

The agency estimates that it will take one minute (1/60 hour) to maintain training records for the existing 11,060 clean-up workers and 3 minutes (3/60 hour) to generate and maintain records for the 1,106 new workers.

Burden hours: 11,060 existing workers x 1/60 hour to maintain and provide the written certificate to each certified person = 184 hours (rounded)  
Cost: 184 hours x \$53.70 = \$9,880.80

Burden hours: 1,106 new workers x 3/60 hour to generate, maintain, and provide the written certificate to each certified person = 55 Hours (rounded)  
Cost: 55 hours x \$53.70 = \$2,953.30

**Subtotal Burden hours: 184 hours + 55 hours = 239 hours**  
**Subtotal Cost: \$9,880.80 + \$2,953.30 = \$12,834.30**

## 5. Certification of refresher training

Paragraph 1910.120(e)(8) requires that workers specified in paragraph (e)(1) of this section, and managers and supervisors specified in paragraph (e)(4) of this section, shall receive refresher training annually on the items specified in paragraphs (e)(2) and/or (e)(4) of this section, any critique of incidents that have occurred in the past year that can serve as training examples of related work, and other relevant topics. Employers must certify that workers receive refresher trainings and the agency estimates that it takes one minute (1/60 hour) to maintain records for existing workers and 3 minutes (3/60 hour) to generate and maintain the certification records for new workers.

Burden hours: 11,060 existing workers x 1/60 hour = 184 hours (rounded)

Cost: 184 hours x \$53.70 = \$9,880,80

Burden hours: 1,106 new workers x 3/60 hour = 55 hours (rounded)

Cost: 55 hours x \$53.70 = \$2,953.50

**Subtotal Burden hours: 184 hours + 55 hours = 239 hours**

**Subtotal Cost: \$9,880,80 + \$2,953.50 = \$12,834.30**

## 6. Medical exam frequency

Paragraph 1910.120(f)(3) requires certain workers to receive medical exams based on the criteria in the medical surveillance program of the safety and health program (*See* (b)(1) above).

Paragraph 1910.120(f)(4) details the content of the medical exam and paragraph 1910.120(f)(6) requires that certain information be provided to the attending physician and to each worker.

Based on the above calculations, OSHA estimates that there are 11,060 clean-up workers. OSHA estimates that it will take 1.5 hours (90/60 hours) for a medical exam, including travel time, and 15 minutes (15/60 hours) for the employer to provide the necessary information to the physician for a total of 1.75 hours (105/60 hours). According to the Regulatory Impact Analysis (RIA), it was estimated that 75% of employees and supervisors were receiving annual medical examinations as a usual and customary business practice.

Burden hours: 11,060 workers × 25% needing medical exams × 105/60 hours  
= 4,839 hours (rounded)

Cost: 4,839 hours x \$53.70 = \$ 259,854.30

## 7. Written physician opinion to the employee

Paragraphs 1910.120(f)(7) and (f)(8)(i) requires the employer to provide the employee with a copy of the physician's written opinion. The information given to the physician in (f)(6) must be maintained.

The agency estimates that it will take 10 minutes (10/60 hour) to furnish the employee with the written opinion and to develop and maintain the employee's medical record.

Burden hours: 11,060 workers × 10/60 hours = 1,843 hours (rounded)

Cost: 1,843 hours x \$53.70 = \$98,969.10



## 8. Monitoring program requirements

Paragraph 1910.120(h) requires employers to develop a monitoring program. The program specifies the: (1) type of monitoring, (2) frequency of monitoring, and (3) the workers to be monitored. The standard prescribes the criteria for the three elements. This information is used in the safety and health program elements required in 1910.120(b)(1) described above. This information is also used in the briefings required in 1910.120 (b)(4)(iii) and to fulfill the requirements of 1910.120(c)(7). Based on the RIA, it takes four hours to conduct the monitoring<sup>6</sup> at each site.

Burden hours:  $553 \text{ sites} \times 4 \text{ hours for employers to develop a monitoring program}$   
 $= 2,212 \text{ hours}$   
Cost:  $2,212 \text{ hours} \times \$53.70 = \$ 118,784.40$

## 9. Decontamination procedures

Paragraph 1910.120(k)(2)(i) requires employers to develop a decontamination procedure, communicate it to employees, and implement it before any workers or equipment may enter areas on site where a potential for exposure to hazardous substances exists.

Burden hours:  $553 \text{ sites} \times 6 \text{ hours to develop a decontamination procedure and to}$   
 $\text{communicate it to employees} = 3,318 \text{ hours}$   
Cost:  $3,318 \text{ hours} \times \$53.70 = \$178,176.60$

## 10. Emergency action plan

Paragraph 1910.120(l)(1)(i) requires that employers develop and implement an emergency action plan to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by workers, their representatives, OSHA personnel, and other government agencies with relevant responsibilities.

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<sup>6</sup> Note that most monitoring is done by automatic machines (monitors) which record the results or by a personal badge worn by workers.

As discussed under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is accounting for a 10% turnover rate for new employers (for a total of 55 sites, rounded). Those sites will take 8 hours to prepare and maintain emergency action plans.

For the existing 553 sites, OSHA estimates that it takes one minute (1/60 hour) to maintain the ongoing emergency action plan.

Burden hours:  $55 \text{ sites} \times 8 \text{ hours to prepare and maintain emergency action plan}$   
 $= 440 \text{ hours}$   
Cost:  $440 \text{ hours} \times \$53.70 = \$23,628.00$

Burden hours:  $553 \text{ existing plans} \times 1/60 \text{ hour} = 9 \text{ hours}$   
Cost:  $9 \text{ hours} \times \$53.70 = \$ 483.30$

*Subtotal Burden hours:  $440 + 9 = 449 \text{ hours}$*   
*Subtotal Cost:  $\$23,628.00 + \$483.30 = \$24,111.30$*

## **11. Marking water containers as containing drinking water**

Paragraph 1910.120(n)(1)(iii) requires that any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

OSHA assumes that employers have completed developing appropriate language to fulfill the requirement for existing containers, and that each new site (55 sites, rounded) will require 10 containers (550 containers in total). OSHA assumes this task will take 10 minutes (10/60 hour).

Burden hours:  $55 \text{ sites} \times 10 \text{ containers per site} \times 10/60 \text{ hours} = 92 \text{ hours, rounded}$   
Cost:  $92 \text{ hours} \times \$53.70 = \$4,940.40$

## **12. Marking of outlets for non-potable water**

Paragraph 1910.120(n)(2)(i) requires that outlets for non-potable water, such as water for firefighting purposes, be identified to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

OSHA assumes that employers have completed developing appropriate language to fulfill the requirement for existing outlets, and that each new site (55 sites, rounded) will require 10 outlets be marked (550 outlets in total). OSHA assumes this task will take 10 minutes (10/60 hour).

Burden hours: 55 sites × 10 outlets per site × 10/60 hour = 92 hours, rounded  
Cost: 92 hours x \$53.70 = \$4,922.50

### **13. New technology requirements**

Paragraph 1910.120(o) requires employers develop and implement procedures for the introduction of new technologies and equipment developed for improved worker protection.

As discussed above under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. OSHA estimates that it takes the 55 new sites 6 hours to develop and implement the procedures.

Burden hours: 55 sites × 6 hours = 330 hours  
Cost: 330 hours x \$53.70 = \$17,721.00

### **(B) TYPE 2-- RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) (EPA-PERMITTED (TSD) SITES**

### **14. Safety and health program**

Paragraph 1910.120(p)(1) requires RCRA TSD-site employers to develop and implement a safety and health program. As part of this safety and health program, employers are required to develop a training program as specified in paragraph 1910.120(p)(7)(i), and an emergency response plan as specified in paragraph 1910.120(p)(8).

As stated under the TYPE 2 discussion above, OSHA estimates that 65% of the sites have already completed this requirement. OSHA is assuming that it takes the remaining 35% of the sites (3,059 sites x 35% = 1,071 sites, rounded) 6 hours to develop the required programs.

Burden hours: 1,071 sites × 6 hours = 6,426 hours  
Cost: 6,426 hours x \$53.70 = \$345,076.20

In addition, the agency estimates that at some point 10% of all sites (306 sites, rounded) may need to update or modify their plans, and that it will take each site 2 hours to do so.

Burden hours:  $306 \text{ sites} \times 2 \text{ hours} = 612 \text{ hours}$   
Cost:  $612 \times \$53.70 = \$32,864.40$

*Subtotal Burden hours:  $6,426 + 612 = 7,038 \text{ hours}$*   
*Subtotal Cost:  $\$345,076.20 + \$32,864.40 = \$377,940.60$*

### **15. Hazard communication program**

Paragraph 1910.120(p)(2) requires RCRA TSD-site employers to develop a hazard communication program. As stated under the TYPE 2 discussion above, OSHA estimates that 65% of the sites have already completed this requirement. OSHA is assuming that it takes the remaining 35% sites ( $3,059 \text{ sites} \times 35\% = 1,071 \text{ sites}$ , rounded) 6 hours to develop the required programs.

Burden hours:  $1,071 \text{ sites} \times 6 \text{ hours} = 6,426 \text{ hours}$   
Cost:  $6,426 \text{ hours} \times \$53.70 = \$345,076.20$

In addition, the agency estimates that 10% of the sites (306 sites, rounded) may need to update or modify their plans, and that it will take 2 hours to do so.

Burden hours:  $306 \text{ sites} \times 2 \text{ hours} = 612 \text{ hours}$   
Cost:  $612 \times \$53.70 = \$32,864.40$

*Subtotal Burden hours:  $6,426 + 612 = 7,038 \text{ hours}$*   
*Subtotal Cost:  $\$345,076.20 + \$32,864.40 = \$377,940.60$*

### **16. Medical surveillance program**

Paragraph 1910.120(p)(3) requires RCRA TSD-site employers to provide worker medical exams as specified in paragraph 1910.120(f). Based on previous paperwork packages and using the same methodology as was used to calculate the number of employees in Type 1, OSHA estimates that there are 45,885 TSD-site employees ( $3,059 \text{ sites} \times 15 \text{ workers per site}$ ).

OSHA also estimates that it will take 90 minutes (90/60 hours) to conduct a medical exam, including employee travel time; 15 minutes (15/60 hour) for the employer to provide the necessary information to the physician; and 10 minutes (10/60 hour) to furnish the employee with the written opinion and to develop and maintain the employee's medical record. In total, the medical surveillance program will take 115 minutes (115/60 hours).

Based on the RIA, it is estimated that, on average, 70% of the RCRA employees and supervisors receive annual medical reexaminations as a usual and customary business practice and the remaining 30% of employees (45,885 x 30% = 13,766 employees, rounded) are subjected to this requirement.

Burden hours: 13,766 employees × 115/60 hours = 26,385 hours  
Cost: 26,385 hours x \$53.70 = \$1,416,874.50

### **17. Decontamination program**

Paragraph 1910.120(p)(4) requires RCRA TSD-site employers to develop a decontamination program. The agency assumes that 65% of sites will have already completed this requirement and the remaining 1,071 sites (3,059 x 35%) will require 6 hours to develop their programs.

Burden hours: 1,071 sites × 6 hours = 6,426 hours  
Cost: 6,426 hours x \$53.70 = \$345,076.20

### **18. New technology program**

Paragraph 1910.120(p)(5) requires the employer to develop and implement procedures meeting the requirements of paragraph (o) of this section (i.e., introducing new and innovative equipment into the workplace). The agency assumes that 65% of sites will have already completed this requirement and the remaining 1,071 sites (3,059 x 35%) will require 6 hours to develop their programs.

Burden hours: 1,071 sites × 6 hours per site = 6,426 hours  
Cost: 6,426 hours x \$53.70 = \$345,076.20

### **19. Material handling program**

Paragraph 1910.120(p)(6) requires employers whose employees will be handling drums or containers to develop and implement procedures meeting the requirements of paragraphs 1910.120(j)(1)(ii) through (viii), (j)(1)(xi), (j)(3) and (j)(8) of this section prior to the employees starting such work. The agency assumes that existing sites will have already completed this requirement and the 1,071 new sites (3,059 x 35%) will require 6 hours to develop their programs.

Burden hours: 1,071 sites × 6 hours per site = 6,426 hours  
Cost: 6,426 hours x \$53.70 = \$345,076.20

### **Updating plans and procedures**

In addition, the agency estimates that 10% of new employers (306 employers) will need to update their decontamination plans (Item 19), their new technology program procedures (Item 20), and/or their material handling program procedures (Item 21), and that it will take 2 hours to do so.

Burden hours: 306 x 2 hours = 612 hours  
Cost: 612 hours x \$53.70 = \$32,864.40

*Subtotal Burden hours: 6,426 + 612 = 7,038 hours*  
*Subtotal Cost: \$345,076.20 + \$32,864.40 = \$377,940.60*

## **20. Certification of training program**

Paragraph 1910.120(p)(7)(i) requires the employer to develop a training program, which is part of the employer's safety and health program, for new workers exposed to health hazards or hazardous substances at TSD operations. The purpose of this program is to ensure the workers are able to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. It is estimated that 45,885 TSD employees will require training.<sup>7</sup>

Workers who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training. This certificate

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<sup>7</sup> Workers referenced in paragraphs 1910.120(p)(8)(iii)(A), (training for emergency response workers) and paragraph 1910.120(p)(8)(iii)(B) (training employee members of TSD facility emergency response organizations) are included in the 45,885 TSD workers.

will also fulfill employer obligations under paragraph 1910.120(p)(8)(iii)(C), which requires the employer to certify that each covered worker has attended and successfully completed the training required in paragraph (p)(8)(iii) of this section or shall certify the employee's competency at least yearly. The method used to demonstrate competency for certification of training shall be recorded and maintained by the employer. The agency estimates that it will take 1 minute (1/60 hour) to maintain records for current workers and 10% of the employees will be new and therefore, the time will take 3 minutes (3/60 hour) to generate and maintain each record.

Burden hours: 45,885 current TSD workers  $\times$  1/60 hours to maintain existing certification/competency records = 765 hours, rounded  
Cost: 765 hours  $\times$  \$53.70 = \$41,080.50

Burden hours: 4,589 new workers  $\times$  3/60 hour to generate and maintain certification/competency records = 229 hours, rounded  
Cost: 229 hours  $\times$  \$53.70 = \$12,297.30

*Subtotal Burden hours:* 765 + 229 = 994 hours  
*Subtotal Cost:* \$41,080.50 + \$12,297.30 = \$53,377.80

### **(C) TYPE 3 -- EMERGENCY RESPONSE WORKERS**

#### **21. Emergency response plan**

Paragraph 1910.120(q)(1) requires that an emergency response plan be developed and implemented to handle anticipated emergencies prior to the commencement of emergency response operations. The plan shall be in writing and available for inspection and copying by workers, their representatives, and OSHA personnel. Employers who evacuate their workers from a dangerous area when an emergency occurs and who do not permit any of their workers to assist in handling the emergency are exempt from the requirements of this paragraph if they provide an emergency action plan complying with 29 CFR 1910.38(a).

The agency estimates that of the 27,186 emergency response organizations, 50% are not covered by OSHA because they solely employ state and local employees (13,593 organizations). Of the remaining organizations, 10% are assumed to be required to develop a new emergency response plan (1,359 organizations) and will take 8 hours each to do so.

Burden hours: 1,359 organizations  $\times$  8 hours to prepare plan = 10,872 hours

Cost: 10,872 hours x \$53.70 = \$ 583,826.40

## **22. First responder training “at the awareness level”**

Paragraph 1910.120(q)(6)(i) describes “first responders at the awareness level” as individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release. First responders at the awareness level shall have sufficient training or have had sufficient experience to demonstrate competency objectively.

As indicated above for other training requirements and upon further analysis, this requirement that employers provide training to workers under (q)(6)(i) is not considered to be a collection of information and is being removed from this ICR.

## **23. First responder certification of training “at the operations level”**

Paragraph 1910.120(q)(6)(ii) describes “first responders at the operations level” as individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond defensively without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposure. First responders at the operations level shall have received training or have had sufficient experience to objectively demonstrate competency in several areas, in addition to those listed for the awareness level; the employer shall so certify their competency.

As indicated above for other training requirements and upon further analysis, this requirement that employers provide training to workers under (q)(6)(ii) is not considered to be a collection of information and is being removed from this ICR. However, the burden hours associated with the employer generating and/or maintaining the training and competency records are being accounted for.

The agency estimates that there are a total 1,728,640 emergency response workers. However, OSHA assumes that half of these workers (864,320 workers) are state and local government workers and are not covered by the standard. Of the 864,320 remaining workers, the agency estimates that 41% (354,371 workers, rounded) would require training “at the operations level”



and that it would take 1 minute (1/60 hour) for an employer to maintain those training certifications and competency records.

Burden hours: 354,371 workers × 1/60 hour = 5,906 hours, rounded  
Cost: 5,906 hours x \$53.70 = \$317,152.20

The agency estimates a 10% turnover rate within the industry, and further, that 35,437 workers (354,371 workers x 10% turnover rate) would require initial training to comply with the standard. OSHA assumes it will take 3 minutes (3/60 hour) to generate and maintain the associated certifications and competency records.

Burden hours: 35,437 new hires x 3/60 hour = 1,767 hours, rounded  
Cost: 1,767 hours x \$53.70 = \$94,887.90

*Subtotal Burden hours: 5,906 hours + 1,767 hours = 7,673 hours*  
*Subtotal Cost: \$317,152.20 + \$94,887.90 = \$412,040.10*

#### **24. Hazardous material personnel -- certification of training**

Paragraph 1910.120(q)(6)(iii) describes “hazardous materials technicians” as individuals who respond to releases or potential releases of hazardous substances for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch, or otherwise stop the release of a hazardous substance. Hazardous materials technicians shall have received training equal to the first responder operations level and, in addition, have competency in several additional areas; the employer shall so certify their competency.

Paragraph 1910.120(q)(6)(iv) describes “hazardous materials specialists” as individuals who respond with and who provide technical support to hazardous materials technicians. Their duties parallel those of the hazardous materials technician; however, their duties require a more directed or specific knowledge of the various substances they may be called upon to contain. The hazardous materials specialist would also act as the site liaison with Federal, state, local and other government authorities in regard to site activities. Hazardous materials specialists shall have received training at the technician level and have competency in several additional areas; the employer shall so certify their competency.

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Paragraph 1910.120(q)(6)(v) describes “incident commanders” as individuals who will assume control of the incident scene beyond the first responder awareness level. Incident commanders shall receive training equal to the first responder operations level and have competency in several additional areas; the employer shall so certify their competency.

The preceding three categories, combined, account for approximately 3% of the total 864,320 emergency response workers (25,930 workers, rounded).

Written Training Certification:

The agency estimates that it takes 1 minute (1/60 hour) for an employer to maintain each of the 25,390 written training certification records.

Burden hours: 25,390 existing workers x 1/60 hour = 423 hours, rounded  
Cost: 423 hours x \$53.70 = \$22,715.10

The agency estimates a 10% turnover rate; within the industry, and further, that 2,593 workers would require an initial training certification record to comply with the standard. OSHA assumes it will take 3 minutes (3/60 hour) to generate and maintain the associated record.

Burden hours: 2,539 existing workers x 3/60 hour = 127 hours, rounded  
Cost: 127 hours x \$53.70 = \$6,819.90

*Subtotal Burden hours: 423 + 127 = 550 hours*  
*Subtotal Cost: \$22,715.10 + \$6,819.90 = \$29,535.00*

**25. Refresher training**

Paragraph 1910.120(q)(8)(i) requires that those workers who are trained in accordance with paragraph (q)(6) of this section receive annual refresher training of sufficient content and duration to maintain their competencies, or that they demonstrate competency in those areas at least yearly.

As indicated earlier and upon further analysis, the requirements that employers provide training to workers are not considered to be collections of information and are being removed from this ICR. However, the burden hours associated with the requirement for the employer to generate

and/or maintain a certification record will be retained. The burden hours for this provision are taken under paragraph 1910.120(q)(8)(ii) (Item 26 below).

## **26. Statement of competency**

Paragraph 1910.120(q)(8)(ii) requires that a statement be made of the training or competency required by paragraph 1910.120(q)(8)(ii) and that the employer shall keep a record of the methodology used to demonstrate competency.

The agency assumes that it will require an employer 10 minutes (10/60 hour) to record the statement of competency and document the methodologies used for each of the 864,320 emergency response workers affected by this requirement.

$$\begin{aligned} \text{Burden hours: } & 864,320 \text{ emergency response workers} \times 10/60 \text{ hour} \\ & = 144,053 \text{ hours, rounded} \\ \text{Cost: } & 144,053 \text{ hours} \times \$53.70 = \$7,735,646.10 \end{aligned}$$

## **27. Baseline physical exams for members of organized and designated HAZMAT team and hazardous materials specialists**

Paragraph 1910.120(q)(9) requires that members of an organized and designated hazardous materials management (HAZMAT) team and hazardous materials specialists receive a baseline physical examination.

Based on the RIA, OSHA estimates that 3,000 HAZMAT employees will take 90 minutes (90/60 hours) for a medical exam (including travel time), 15 minutes (15/60 hour) for the employer to provide the necessary information to the physician, and 10 minutes (10/60 hour) to furnish the worker with the written opinion and to develop and maintain the employee medical record. In total, the agency estimates that each baseline physical exam will require 115 minutes (115/60 hour) of time.

$$\begin{aligned} \text{Burden hours: } & 3,000 \text{ workers} \times 115/60 \text{ hours} = 5,750 \text{ hours} \\ \text{Cost: } & 5,750 \text{ hours} \times \$53.70 = \$308,775.00 \end{aligned}$$

## **28. Disclosure of written safety and health programs, emergency action plans, emergency response plans and training certification records**

Customarily, OSHA requests access to records during an inspection. The agency has determined that information collected by the agency during an investigation is not subject to the PRA under 5 CFR 1320.4(a)(2). Therefore, OSHA takes no burden or cost for the disclosure of records under this requirement.

<b>Table B -- Estimated Annualized Respondent Hour and Cost Burden Table</b>								
<b>Information Collection Requirement</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Costs</b>
<b>A. Type 1 – Clean Up Sites</b>								
1) Written Safety & Health	Occupational Safety and Health Specialist	553	1/10	55	23	1,272	\$53.70	\$68,306.40
	Occupational Safety and Health Specialist	553	1/10	55	330/60	304	\$53.70	\$16,324.80
<b>Subtotal</b>		1,106	---	110	---	1,576	---	\$84,631.20
2) Informing contractors & subcontractors	Occupational Safety and Health Specialist	553	1	553	1	553	\$53.70	\$29,696.10
-	-	-	-	-	-	-	-	-
3) Pre-entry briefings	Occupational Safety and Health Specialist	553	1	553	1	553	\$53.70	\$29,696.10
	Occupational Safety and Health Specialist	553	1	553	8	4,424	\$53.70	\$237,568.80
<b>Subtotal</b>				1,106		4,977		\$267,264.90
4) Certificate of training	Occupational Safety and Health Specialist	11,060	1	11,060	1/60	184	\$53.70	\$9,880.80

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<b>Table B -- Estimated Annualized Respondent Hour and Cost Burden Table</b>								
<b>Information Collection Requirement</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Costs</b>
	Occupational Safety and Health Specialist	1,106	1	1,106	3/60	55	\$53.70	\$2,953.50
<b>Subtotal</b>	---	---	---	12,166	---	239	---	\$12,834.30
5) Certificate of refresher training	Occupational Safety and Health Specialist	11,060	1	11,060	1/60	184	\$53.70	\$9,880.80
	Occupational Safety and Health Specialist	1,106	1	1,106	3/60	55	\$53.70	\$2,953.50
<b>Subtotal</b>	---	---	---	12,166	---	239	---	\$12,834.30
6) Medical Exam freq.	Occupational Safety and Health Specialist	2,765	1	2,765	105/60	4,839	\$53.70	\$259,854.30
7) Written physician opinion to employee	Occupational Safety and Health Specialist	11,060	1	11,060	1/60	1,843	\$53.70	\$98,969.10
8) Monitoring program req.	Occupational Safety and Health Specialist	553	1	553	4	2,212	\$53.70	\$118,784.40
9) Decontamination	Occupational Safety and Health Specialist	553	1	553	6	3,318	\$53.70	\$178,176.60

<b>Table B -- Estimated Annualized Respondent Hour and Cost Burden Table</b>								
<b>Information Collection Requirement</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Costs</b>
10) Emergency action Plan	Occupational Safety and Health Specialist	55	1	55	8	440	\$53.70	\$23,628.00
	Occupational Safety and Health Specialist	553	1	553	1/60	9	\$53.70	\$483.30
<b>Subtotal</b>	---	---	---	608	---	449	---	\$24,111.30
11) Marking H2O containers	Occupational Safety and Health Specialist	55	10	550	1/60	92	\$53.70	\$4,940.40
12) Marking of outlets non potable H2O	Occupational Safety and Health Specialist	55	10	550	1/60	92	\$53.70	\$4,922.50
13) New Technology Requirements	Occupational Safety and Health Specialist	55	1	55	6	330	\$53.70	\$17,721.00
<b>Section Subtotal</b>	---	---	---	42,795	---	20,758	---	1,114,740.40
<b>B) Type 2 Resource Conservation &amp; Recovery</b>								
14) Safety & Health Program	Occupational Safety and Health Specialist	1,071	1	1,071	6	6,426	\$53.70	\$345,076.20
	Occupational Safety and Health	306	1	306	2	612	\$53.70	\$32,864.40

<b>Table B -- Estimated Annualized Respondent Hour and Cost Burden Table</b>								
<b>Information Collection Requirement</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Costs</b>
	Specialist							
<b>Subtotal</b>	---	---	---	1,377	---	7,038	---	\$377,940.60
15) Hazard Communication Program	Occupational Safety and Health Specialist	1,071	1	1,071	6	6,426	\$53.70	\$345,076.20
	Occupational Safety and Health Specialist	306	1	306	2	612	\$53.70	\$32,864.40
<b>Subtotal</b>	---	---	---	1,377	---	7,038	---	\$377,940.60
16) Medical Surveillance	Occupational Safety and Health Specialist	13,766	1	13,766	115/60	26,385	\$53.70	\$1,416,874.50
17) Decontamination	Occupational Safety and Health Specialist	1,071	1	1,071	6	6,426	\$53.70	\$345,076.20
18) New Technology	Occupational Safety and Health Specialist	1,071	1	1,071	6	6,426	\$53.70	\$345,076.20
19) Material Handling	Occupational Safety and Health Specialist	1,071	1	1,071	6	6,426	\$53.70	\$345,076.20
	Occupational Safety and Health Specialist	306	1	306	2	612	\$53.70	\$32,864.40

<b>Table B -- Estimated Annualized Respondent Hour and Cost Burden Table</b>								
<b>Information Collection Requirement</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Costs</b>
<b>Subtotal</b>	---	---	---	1,377	---	7,038	---	\$377,940.60
20) Certification of Training	Occupational Safety and Health Specialist	45,885	1	45,885	1/60	765	\$53.70	\$41,080.50
	Occupational Safety and Health Specialist	4,589	1	4,589	3/60	229	\$53.70	\$12,297.30
<b>Subtotal</b>	---	---	---	50,474	---	994	---	\$53,377.80
<b>Section Subtotal</b>	---	---	---	70,513	---	61,345	---	3,294,226.50
<b>C) Type 3 Emergency Response Workers</b>								
21) Emergency Response Plan	Occupational Safety and Health Specialist	1,359	1	1,359	8	10,872	\$53.70	\$583,826.40
22) First Responders Training	Occupational Safety and Health Specialist	0	0	0	0	0	\$53.70	\$0.00
23) First Responder Certification	Occupational Safety and Health Specialist	354,371	1	354,371	1/60	5,906	\$53.70	\$317,152.20
	Occupational Safety and Health Specialist	35,347	1	35,347	3/60	1,767	\$53.70	\$94,887.90
<b>Subtotal</b>	---	---	---	389,718	---	7,673	---	\$412,040.10



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<b>Table B -- Estimated Annualized Respondent Hour and Cost Burden Table</b>								
<b>Information Collection Requirement</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Costs</b>
24) Hazardous material	Occupational Safety and Health Specialist	25,390	1	25,390	1/60	423	\$53.70	\$22,715.10
	Occupational Safety and Health Specialist	2,539	1	2,539	3/60	127	\$53.70	\$6,819.90
<b>Subtotal</b>	---	---	---	27,929	---	550	---	\$29,535.00
25) Refresher Training	Occupational Safety and Health Specialist	0	0	0	0	0	\$53.70	\$0.00
26) Statement of Competency	Occupational Safety and Health Specialist	864,320	1	864,320	10/60	144,053	\$53.70	\$7,735,664.00
27) Baseline Physical exams	Occupational Safety and Health Specialist	3,000	1	3,000	115/60	5,750	\$53.70	\$308,775.00
28) Disclosure of Written safety & health program	Occupational Safety and Health Specialist	0	0	0	0	0	\$53.70	\$0.00
<b>Section Subtotal</b>	---	---	---	1,286,326	---	168,898	---	9,069,840.50
<b>Grand Total</b>		<b>27,186*</b>		<b>1,399,634</b>		<b>251,002</b>		<b>\$13,478,807</b>

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<b>Table B -- Estimated Annualized Respondent Hour and Cost Burden Table</b>								
<b>Information Collection Requirement</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Costs</b>
								<b>(rounded)</b>

\*=non-cululative

**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.**

**Cost Determinations**

**Medical Exams**

Medical exams cost \$193 each. OSHA estimates that all workers will receive annual medical exams.

**TYPE 1:** 2,765 workers (25% of the 11,060 total workers)

**TYPE 2:** 13,766 workers (30% of the 45,885 total workers)

**TYPE 3:** 3,000 HAZMAT workers

**Cost:** (2,765 + 13,766 + 3,000) workers × \$193 per exam = \$3,769,483

**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. The agency has no annualized costs associated with enforcing the standard. OSHA would only review records in the context of an investigation of a particular employer to determine compliance with the standard. These activities are outside the scope of the PRA (*See* 5 CFR 1320.4(a)(2)).

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

The agency is requesting an adjustment decrease of 9,293 burden hours from the previous submission (from 260,295 hours to 251,002 hours). This adjustment is due, primarily, to a slight decline in the number of emergency response organizations from 29,727 to 27,186, a decrease of 2,541 organizations. There also is a cost adjustment increase of \$469,589 under Item 13 (from \$3,299,894 to \$3,769,483). The increase was due to an increase in the individual medical exam costs, from \$169 to \$193.

**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 to be collected under the standard will not have results that will be published for statistical use.

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

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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 MEHTODS**

There are no information collection requirements employing statistical methods.

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