

**SUPPORTING STATEMENT FOR THE INFORMATION-COLLECTION
REQUIREMENTS OF THE HAZARDOUS WASTE
OPERATIONS AND EMERGENCY RESPONSE (HAZWOPER) STANDARD
(29 CFR 1910.120)¹
(OMB CONTROL NO. 1218-0202 (JUNE 2002))**

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 (i.e., “the 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 Act authorizes “the development and promulgation of occupational safety and health standards.” (29 U.S.C. 651.)

Section 6(b)(7) of the 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 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.” 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 specifies 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.) **The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment.” (29 U.S.C. 657.)**

In addition, 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 Occupational Safety and Health Act of 1970 (the Act), to promulgate standards for the safety and health protection of employees

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and cost associated with provisions of this standard that contain paperwork requirements; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, these provisions.

engaged in hazardous waste operations and emergency response. Section 126(a) of SARA 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 employees; the monitoring of airborne hazards; the conduct of medical surveillance; and the distribution of information to employees. The provisions also require the collection of information from employers engaged in hazardous waste operations and their emergency response to such operations. The final standard covers the provisions mandated in SARA.

Therefore, under the authority granted by the SARA and the OSH Act, the Occupational Safety and Health Administration (i.e., "OSHA" or "the Agency") published at 29 CFR 1910.120 a standard for general industry regulating the operation of hazardous waste operations (i.e., "the Standard"). Items 2 and 12 below describe in detail the specific information-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 Standard specifies a number of collection of information (paperwork) requirements. Each provision is described in detail in #12 below. **Employers can use the information collected under the HAZWOPER rule to develop the various programs the standard requires and to ensure that their employees are trained properly about the safety and health hazards associated with hazardous waste operations and emergency response to hazardous waste releases. OSHA will use the records developed in response to this standard to find adequate compliance with the safety and health provisions. The employer's failure to collect and distribute the information required in this standard will affect significantly 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 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. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data). The standard encourages electronic submissions through the requirement for new technology programs in paragraph (i) of 29 CFR 1910.120. Advanced data processing programs permit easier accessibility to collected information during OSHA inspections. They also permit 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, telefax, 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 purpose(s) described in 2 above.

To prevent duplication of effort, OSHA coordinated the preparation of this rule with appropriate individuals from Federal OSHA, state OSHA programs, 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 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 EPA. The EPA regulates state and local government employees engaged in hazardous waste operations and emergency response in those states that have Federal OSHA jurisdiction (i.e., non-state-plan states). OSHA does not cover state and local government employees under Federal OSHA programs. OSHA will recognize any applicable information the employer develops or collects under other Federal regulations as being acceptable in meeting the requirements of this standard.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe the methods used to reduce the burden.

The information-collection requirements specified by the Standard do not have a significant impact on a substantial number of small entities. The final standard uses performance language whenever possible to provide compliance flexibility to employers and reduce the impact on small businesses. Performance language may require the use of a level of safety and health technical competence not always available to small business employers. To reduce this burden upon small businesses or other small entities, OSHA developed and uses non-mandatory appendices to this standard to provide useful compliance information and guidance to small businesses and other small entities. Further, many states, through Federal grants, provide consultation programs to assist small businesses in their compliance efforts.

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

as specified in the Act at 29 U.S.C. 651. The frequencies of the collections in the OSHA rule are sometimes less than those mandated originally by SARA. There is a provision in SARA that permitted OSHA to reduce the frequency of collection based upon public comment presented during rulemaking. The record supported certain reductions. Any frequency less than what OSHA requires in the final rule would render the standard ineffective and would be in violation of SARA.

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.

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 date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection before submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments specifically address comments received on cost and hour burdens.

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, revealed, 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 three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against 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 will publish a notice in the **Federal Register** requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information-collection requirements specified by the Standard. This notice is part of a preclearance consultation program that provides the general public and government agencies with an opportunity to comment on this request.

9. Explain any decision to provide any payments or gift to respondents, other than reenumeration 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 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 provisions in the Standard require 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 and aggregate the hour burdens in Item 13 of OMB Form 83-I.**
- **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

Estimates of the burden hours and annual costs for each information collection requirement are shown below. Data are based upon information from the Environmental

Protection Agency (EPA), the Bureau of Labor Statistics (BLS), the National Fire Protection Association (NFPA), and from the Regulatory Flexibility Analysis (December 14, 1988) prepared for the rule. For example, the number of sites is based upon data provided by the EPA at various web sites cited. In the absence of circa 2000 data, OSHA relied on EPA's 1997 publication, "Cleaning Up the Nation's Waste Sites." The estimated number of hours for each required task is based upon OSHA's estimate of the time it would take an average safety or health professional to perform the required task. The final estimated burden hours are based upon simple multiplication of the estimated number of hours needed for each task times the estimated number of sites or individuals regulated by the specific requirement. Costs were determined by multiplying burden hours by an average Year 2000 compensation rate (\$29.45) including fringe benefits computed at 38 percent for SOC 29-9010, "Occupational Health and Safety Specialists and Technicians." The mean hourly wage for this SOC is \$21.34 before fringes and is found in 2000 National Occupational Employment and Wage Estimates.

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: storage, treatment and disposal (STD) 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 assumed that employers now engaged in operations at 90 percent of the cleanup sites were performing this type of work during the period covered when the last burden hour estimates were made in 1999. Therefore, they have already completed a number of collection 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 STD 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 STD sites; i.e., sites for which EPA has yet to issue a permit for work to begin. Employers at those sites most likely have not completed any 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 with respect to 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," supplemented as indicated below. Based upon current figures, approximately 212,968 waste sites appear to be covered by OSHA's HAZWOPER standard and its reporting burden. However, not all 212,968 sites are in the process of active remediation. Although they have been identified, they are not actively being remediated and, therefore, there are no employees working at these sites. OSHA has been unable to determine the exact number of active remediation projects ongoing at this time. However, 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 25 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 25 to determine the average number of active sites/year/category 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: At the beginning of 2,000, there were 597 NPL sites that were not yet designated by EPA as construction complete.² 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 9,171 formerly-used Department of Defense sites,³ 10,500 Department of Energy sites, more than 700 other civilian Federal agency sites, and 29,000 state-identified sites that OSHA would consider covered by paragraphs (b) through (o) of this rule.⁴ 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 potentially impose a collection burden is now 49,968. Since EPA estimates that it will take 70 years to remediate this total inventory of sites, OSHA is dividing 49,968 by the 70-year figure to estimate an average annual number of potential worksites at 714 per year over the next 70 years.

²Katherine Probst, et al, 2001, Superfund's Future: What Will It Cost?, Resources for the Future. Also, www.epa.gov/superfund/action/process/mgmt/rpt.htm presents Superfund cleanup data.

³US General Accounting Office, "Cleanup Actions at Formerly Used Defense Sites," July 2001.

⁴Exhibit 1-1, EPA, Cleaning Up the Nation's Waste Sites, 1997.

TYPE 2: Similarly, EPA estimates that there are 3,000 potential RCRA corrective sites⁵ and 160,000 RCRA Underground Storage Tank remediation sites⁶ that OSHA would consider covered by paragraph (p) of this rule. The total potential RCRA remediation sites covered by OSHA would be 163,000. EPA estimates that it will take about 25 years to remediate these sites. Using the same method described above, OSHA has determined that there will be approximately 6,520 RCRA sites under remediation each year.

TYPE 3: With respect to the requirements for emergency response, OSHA believes that the number of emergency response units has remained constant over the past several years. Based upon this assumption, OSHA believes that the total number of emergency response units and employees remains unchanged from the last submission. OSHA will be using the figures of 30,528 emergency response units and 1,691,200 emergency response employees for this submission. 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. Paragraph 1910.120(b)(1)(i) requires employers to develop and implement a written safety and health program for their employees 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 -- .5 hour per site*
- (B) *Estimated time to develop a comprehensive work plan -- .5 hour per site*
- (C) *Estimated time to develop a site-specific safety and*

⁵Ibid.

⁶Office of Underground Storage Tanks (OUST), EPA, "How Much Work Remains to be Done."
<http://www.epa.gov/swrust1/faqs/remain.htm>

<i>health plan</i>	--	<i>2 hours per site</i>
(D) <i>Estimated time to develop a safety and health training program</i>	--	<i>8 hours per site</i>
(E) <i>Estimated time to develop a medical surveillance program</i>	--	<i>4 hours per site</i>
(F) <i>Estimated time to develop standard operating procedures for safety and health</i>	--	<i>4 hours per site</i>
(G) <i>Estimated time for any necessary interface between general program and site specific activities</i>	--	<i><u>4 hours per site</u></i>
		<i>23 hours (Total)</i>

- *714 sites x 10% of employers preparing program for first time x 23 hours = 1,642 burden hours*

(B) <i>Estimated time to develop a comprehensive work plan</i>	--	<i>.5 hour per site</i>
(C) <i>Estimated time to develop a site-specific safety and health plan</i>	--	<i>1 hour per site</i>
(G) <i>Estimated time for any necessary interface between general program and site specific activities</i>	--	<i><u>4 hours per site</u></i>
		<i>5.5 hours (Total)⁷</i>

- *714 sites x 10% modifying/updating x 5.5 hours = 393 burden hours*

$$1,642 + 393 = \underline{2,035 \text{ burden hours}}$$

2. 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.

- *714 sites x 1 hour to inform of the site emergency response procedures and to make the written safety and health program available = 714 burden hours*

⁷ OSHA has identified these activities as ones that may require updating.

3. 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 employees are aware of the site safety and health plan and that this plan is being followed.

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.

- *714 sites x 1 hour to conduct pre-entry briefings = 714 burden hours*
- *714 sites x 8 hours to evaluate hazardous waste sites = 5,712 burden hours*

$$714 + 5,712 = \underline{6,426 \text{ burden hours}}$$

4. Paragraphs 1910.120(e)(1) and (e)(3) require that all employees working on a site which contains hazardous substances, health hazards, or safety hazards, as well as supervisors and management responsible for the site, receive training before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards.

Paragraph (e)(3)(i) requires that general site workers (such as equipment operators, general laborers and supervisory personnel) engaged in hazardous substance removal or other activities which expose or potentially expose workers to hazardous substances and health hazards shall receive a minimum of 40 hours of instruction off the site, and a minimum of three days actual field experience under the direct supervision of a trained experienced supervisor.

Paragraph (e)(3)(ii) requires that workers on site only occasionally for a specific limited task (such as, but not limited to, ground water monitoring, land surveying, or geophysical surveying) and who are unlikely to be exposed over permissible exposure limits and published exposure limits shall receive a minimum of 24 hours of instruction off the site, and a minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

Paragraph (e)(3)(iii) requires that workers who regularly work in areas which have been monitored and fully characterized (indicating that exposures are under permissible exposure limits and published exposure limits, and where respirators are not necessary), and the characterization indicates that there are no health hazards or the possibility of an emergency developing, shall receive a minimum of 24 hours of instruction off the site, and a minimum of one day actual field experience under the direct supervision of a trained, experienced supervisor.

Paragraph (e)(3)(iv) requires that workers with 24 hours of training who are covered by paragraphs (e)(3)(ii) and (e)(3)(iii) of this section, and who become general site workers or who are required to wear respirators, have an additional 16 hours or two days of off-site training to total the 40 hours of training specified in (e)(3)(i).

OSHA estimates that there are a total of 14,280 clean-up employees (an average of 20 per site) of which 10 percent or 1,428 would be new employees requiring the aforementioned initial training. The Agency assumes that 70 percent of the 1,428 would be routine site employee laborers who would require 64 hours of training, and 25 percent would be routine site employees with minimal exposure, requiring 32 hours of initial training.

- $1,428 \times 70\% \times 64 \text{ hours} = 63,974 \text{ burden hours}$
- $1,428 \times 25\% \times 32 \text{ hours} = 11,424 \text{ burden hours}$

$$63,974 + 11,424 = \underline{75,398 \text{ burden hours}}$$

Paragraph (e)(4) requires that on-site management and supervisors directly responsible for, or who supervise employees engaged in hazardous waste operations receive 40 hours initial training and three days of supervised field experience (the training may be reduced to 24 hours and one day if the only area of their responsibility is employees covered by paragraphs (e)(3)(ii) and (e)(3)(iii)) and at least eight additional hours of specialized training at the time of job assignment on such topics as, but no limited to, the employer's safety and health program, personal protective equipment program, spill containment program, and health hazard monitoring procedure and techniques.

OSHA assumes that the remaining 5% of the new 1,428 employees would be supervisors:

- $1,428 \times .05 \times 64 \text{ hours} = \underline{4,570 \text{ burden hours}}$

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). A written certificate shall be given to each person so certified.

- $1,428 \text{ employees} \times 5 \text{ min. (0.08 hour)} = \underline{114 \text{ burden hours}}$

Paragraph 1910.120(e)(8) requires that employees specified in paragraph (e)(1) of this section, and managers and supervisors specified in paragraph (e)(4) of this section, shall receive eight hours of refresher training annually on the items specified in paragraph (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.

- $14,280 \text{ employees} \times 8 \text{ hours of refresher training} = \underline{114,240 \text{ burden hours}}$

5. Paragraph 1910.120(f)(3) requires certain employees 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 employee.

As OSHA previously estimated, there are 14,280 clean-up employees. OSHA estimates that it will take 1.5 hours for a medical exam, including travel time, and 15 minutes (0.25 hr.) for the employer to provide the necessary information to the physician. According to the RIA, it was estimated that 75 percent of employees and supervisors were receiving annual medical examinations as a usual and customary business practice.

- *14,280 employees x 25% need medical exams x 1.75 hrs. to perform exam = 6,248 burden hours*

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

The Agency estimates that it will take 10 minutes (0.17 hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record.

- *14,280 employees x 0.17 hr. = 2,428 burden hours*

7. Paragraph 1910.120(h) requires employers to develop a monitoring program. The program specifies the: (1) Type of monitoring, (2) the frequency, and (3) the employees to be monitored. The HAZWOPER standard prescribes the criteria for the three elements. This information is used in the elements of the safety and health program 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 at each site. Note that most monitoring is done by automatic machines (monitors) which record the results or by a personal badge worn by employees.

- *714 of sites x 4 hours for employers to develop a monitoring program = 2,856 burden hours*

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

- *714 sites x 6 hours to develop a decontamination procedure and to communicate it to employees = 4,284 burden hours*

9. 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 employees,

their representatives, OSHA personnel and other government agencies with relevant responsibilities.

As discussed under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is using a 10 percent turnover rate to account for new employers (sites). For the existing 714 sites, OSHA estimates that it takes two minutes (.03 hr.) to maintain the plan and one minute (.02 hr.) to disclose it upon request.

- *714 sites x 10% x 8 hours to prepare emergency action plan and to maintain and disclose it upon request = 571 burden hours*
- *714 existing plans x .05 hr. to maintain and disclose plan = 36 burden hours*

$$571 + 36 = \underline{607 \text{ burden hours}}$$

10. 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. OSHA assumes this task will take 10 minutes (.17 hours).

- *714 sites x 10% new x 10 containers per site x .17 hour to mark = 121 burden hours*

11. Paragraph 1910.120(n)(2)(i) requires that outlets for nonpotable 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.

- *714 sites x 10% new x 10 outlets per site x .17 hr. to mark = 121 burden hours*

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

As discussed above under TYPE 1, OSHA assumes that all employers are already in compliance with this provision. However, OSHA is using a 10 percent turnover rate to account for new employers (sites) and estimates that it takes 6 hours to develop and implement procedures for the introduction of new technologies and equipment for improved employee protection.

- *714 sites x 10% new x 6 hours to develop and implement procedures = 428 burden hours*

(B) TYPE 2-- RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) (EPA-PERMITTED STD) SITES

13. Paragraph 1910.120(p)(1) requires RCRA (STD) 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 percent of the sites have already completed this requirement.

- $6,520 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = \underline{13,692 \text{ burden hours}}$

In addition, the Agency estimates that 10 percent of the sites may need to update/modify their plans, and that it will take 2 hours to update or modify their plans.

- $6,520 \text{ sites} \times 10\% \times 2 \text{ hours} = \underline{1,304 \text{ burden hours}}$

$$13,692 + 1,304 = \underline{14,996 \text{ burden hours}}$$

14. Paragraph 1910.120(p)(2) requires RCRA (STD) sites employers to develop a hazard communication program.

- $6,520 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = \underline{13,692 \text{ burden hours}}$

15. Paragraph 1910.120(p)(3) requires RCRA (STD) site employers to provide employee medical exams as specified in paragraph 1910.120(f).

Based on the previous paperwork packages, and using the same methodology for employees in Type 1, OSHA estimates that there are an estimated 97,800 STD site employees (15 per site). OSHA also estimates that it will take 1.5 hours for a medical exam, including travel time, and 15 minutes (0.25 hr.) for the employer to provide the necessary information to the physician. The Agency also estimates that it will take 10 minutes (.17 hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record. Based on the RIA, it is estimated that, on average, 70 percent of the RCRA employees and supervisors receive annual medical reexaminations as a usual and customary business practice.

- $97,800 \times 30\% \times 1.92 \text{ hrs.} = \underline{56,333 \text{ burden hours}}$

16. Paragraph 1910.120(p)(4) requires RCRA (STD) site employers to develop a decontamination program.

- $6,520 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = \underline{13,692 \text{ burden hours}}$

17. 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).

- $6,520 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = \underline{13,692 \text{ burden hours}}$

18. 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.

- $6,520 \text{ sites} \times 35\% \text{ new sites} \times 6 \text{ hours per site} = \underline{13,692 \text{ burden hours}}$

19. 1910.120(p)(7)(i) requires the employer to develop and implement a training program, which is part of the employer's safety and health program, for new employees exposed to health hazards or hazardous substances at STD operations to enable the employees to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for 24 hours and refresher training shall be for eight hours annually. It is estimated that 97,800 STD employees will need training⁸.

Employees 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 will also fulfill employer obligations under paragraph 1910.120(p)(8)(iii)(C) which requires the employer to certify that each covered employee 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.

Based on the RIA, the Agency estimates, on average, initial training of new employees will involve training 2 new employees per session

- $(97,800 \text{ STD employees} \times 10\% \text{ new employees}) / 2 \times 24 \text{ hours of training} = 117,360 \text{ burden hours}$

The Agency estimates, on average, refresher training of current employees will involve training 10 employees per session.

⁸ Employees referenced in paragraphs 1910.120(p)(8)(iii)(A), (training for emergency response employees) and paragraph 1910.120(p)(8)(iii)(B) (training employee members of STD facility emergency response organizations) are included in the 97,800 STD employees.

- *97,800 current STD employees/10 x 8 hours of refresher training = 78,240 burden hours*
- *97,800 STD employees x 10% new employees x 5 minutes (0.08 hr.) to generate, maintain, and disclose certification record = 782 burden hours*
- *97,800 current STD employees x 3 minutes (0.05 hr.) to maintain and disclose certification records = 4,890 burden hours*

$$117,360 + 78,240 + 782 + 4,890 = \underline{201,272 \text{ burden hours}}$$

(C) TYPE 3 -- EMERGENCY RESPONSE WORKERS

20. 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 employees, their representatives, and OSHA personnel. Employers who will evacuate their employees from the danger area when an emergency occurs, and who do not permit any of their employees 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).

- *30,528 emergency response organizations x 50% not covered by OSHA (state and local employees) x 10% required to develop new emergency response plan x 8 hours to prepare plan = 12,211 burden hours*

21. 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 objectively demonstrate competency.

The Agency estimates that there is a total of 1,691,200 emergency response employees. However, OSHA assumes that half of these employees are state and local government employees not covered by the standard. Therefore, of the 1,691,200 emergency response employees, only 845,600 employees would be impacted by the standard

While the Agency has an estimated number of emergency response employees who would be affected by the provisions under 1910.120(q), the Agency has no clear means to categorize these employees into the various training categories specified under 1910.120(q)(6)(i)-(v).

To determine the number of employees in the various training categories, OSHA reviewed the RIA to develop a percentage of total emergency response employees for each of the training categories.

OSHA estimates that 56% of the total 845,600 employees covered by OSHA, or 473,536 employees, would be first responders at the awareness level.

For initial training, the Agency estimates a 10 percent turnover rate; therefore, 47,354 employees would require initial training. The Agency estimates that it would take 3 hours of training.

- *47,354 employees x 3 hours of training = 142,062 burden hours*

22. Paragraph 1910.120(q)(6)(ii): “First responders at the operations level” are 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 in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures. First responders at the operational level shall have received at least eight hours of training or have had sufficient experience to objectively demonstrate competency in six areas, in addition to those listed for the awareness level; the employer shall so certify their competency.

The Agency estimates that 41% of the 845,600 employees, or 346,696 employees, would require first operations level training.

For initial training, the Agency estimates a 10% turnover rate; therefore, 34,670 employees would require initial training. The standard states that first responder operations training requires at least 8 hours of training.

- *34,670 employees x 8 hours of training = 277,360 burden hours*

The Agency also estimates another 5 minutes (0.08 hour) to generate, maintain, and disclose the certification record upon request.

- *34,670 employees x 0.08 hours = 2,774 burden hours*

23. Paragraph 1910.120(q)(6)(iii): “Hazardous materials technicians” are individuals who respond to releases or potential releases 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 at least 24 hours of training equal to the first responder operations level and, in addition, have competency in nine additional areas; the employer shall so certify their competency.

Paragraph 1910.120(q)(6)(iv): “Hazardous materials specialists” are individuals who respond with, and who provide, technical support to, hazardous materials technicians. Their duties parallel those of the hazardous materials technician; however, those 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 regards to site activities. Hazardous materials specialists shall have received at least 24 hours of training at the technician level, and have competency in nine additional areas; the employer shall so certify their competency.

Paragraph 1910.120(q)(6)(v): “Incident commanders,” who will assume control of the incident scene beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder operations level and have competency in six additional; the employer shall so certify their competency.

As these three categories all require at least 24 hours of training, they have been combined; they account for approximately 3 percent of the total 845,600 emergency response employees, or 25,368 employees.

For initial training, the Agency estimates a 10 percent turnover rate; therefore, 2,537 employees would require initial training. The standard states these training categories would require at least 24 hours of training.

- *2,537 employees x 24 hours = 60,888 burden hours*

Written Training Certification:

- *2,537 emergency response employees x 5 minutes (0.08 hr.) to generate, maintain and disclose record = 203 burden hours*

24. Paragraph 1910.120(q)(8)(i) requires that those employees 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.

The Agency estimates that the refresher training time, on average, is 2.5 hours per sessions of 10 employees.

- *845,600 emergency response employees/10 sessions x 2.5 = 211,400 burden hours*

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

- *845,600 emergency response employees x 10 minutes (0.17 hour) per responder = 143,752 burden hours*

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

Based on the RIA, OSHA estimates that 3,000 HAZMAT employees will take 1.5 hours for a medical exam, including travel time, and 15 minutes (0.25 hr.) for the employer to provide the necessary information to the physician. The Agency also estimates that it will take 10 minutes (0.17 hour) to furnish the employee with the written opinion, and to develop and maintain the employee medical record.

- *3,000 employees x 1.92 hours = 5,760 burden hours*

Total Burden Hours: 1,404,369

Total Cost: \$41,358,667

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 service 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 respondent (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.**

Costs under this item for complying with the Hazardous Waste Operations and Emergency Response standard are included under those costs in Item 12, except for the costs of medical

exams. Medical exams cost \$130.00 each. OSHA estimates that 36,745 employees will receive annual medical exams.

TYPE 1: 14,280 employees x .25 = 3,570

TYPE 2: 97,800 employees x .30 = 29,340

TYPE 3: HAZMAT employees = 3,000

35,910 employees x \$130/exam = \$4,668,300

14. Provide estimates of the 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), 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 into a single table.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$30.24, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will inspect about 113 employers who are regulated by the Standard during each year covered by this ICR based on information derived from recent OSHA enforcement data, dated October 1, 1997 through September 30, 1998. OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirements specified by the Standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 113 inspections x .08 hour x \$30.24 = \$273.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

The Agency reports an adjustment decrease of 8,546 hours from the previous submission. This decrease is primarily a result of slight net changes in the number of sites to be remediated. See Table 1 below for the rationale of burden hour changes.

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 information, completion of report, publication dates, and other actions.

OSHA will not publish the information collected under the Standard.

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.

No forms are available for the Agency to display the expiration date.

18. Explain each exception to the certification statement identified in Item 19 per "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

OSHA is not seeking an exception to the certification statement specified by Item 19 of the OMB 83-I.

TABLE 1
Hazardous Waste Operations and Emergency Response
Rationale for Burden Hour Changes⁹

	<i>Collection of Information</i>	<i>Current Burden Hours</i>	<i>Proposed Burden Hours</i>	<i>Reason for change: # 15 of the Supporting Statement</i>
CLEAN-UP SITES				
1	Written safety and health program -- 1910.120(b)(1)(i)	1,998	2,035	Slight increase in the number of sites.
2	Informing contractors, subcontractors emergency response procedures -- 1910.120(b)(1)(iv)	701	714	Change in number of sites. Combined with (b)(1)(v)
3	Pre-entry briefings on S&H programs -- 1910.120(b)(4)(iii)	6,309	6,426	Increase in the number of sites.
4	Preparation training/providing training -- 1910.120(e)(1)(i)	74,026	75,398	1910.120(e)(1)(i), (e)(3), (e)(3)(i), (e)(3)(ii), (e)(3)(iii), and (e)(3)(iv) have been combined. Burden hours covers them all.
5	Supervisor training -- 1910.120(e)(4)	4,486	4,570	Reflects number of supervisors requiring training.
6	Certification of training -- 1910.120(e)(6)	112	114	
7	Refresher training -- 1910.120(e)(8)	112,160	114,240	Previous package calculates 14,020 employees requiring 8 hours each of refresher training. This package uses 14,280
8	Medical exam frequency -- 1910.120(f)(3)	8,763	6,248	RIA estimated that 75% of employees and supervisors were receiving annual medical exams as a usual and customary practice. Twenty-five percent require annual medical exams. Previous package incorporated time

⁹ 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: storage, treatment and disposal (STD) 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).

	Collection of Information	Current Burden Hours	Proposed Burden Hours	Reason for change: # 15 of the Supporting Statement
9	Written physician opinion to the employee -- 1910.120(f)(7)(i)	2,383	2,428	for provision of information for all employees.
10	Monitoring program requirements -- 1910.120(h)	2,804	2,856	This package reflects 714 sites x 4 hours = 2,856
11	Decontamination procedures -- 1910.120(k)(2)(i)	4,206	4,284	This package reflects 714 sites x 6 hours = 4,284
12	Emergency action plan -- 1910.120(l)(1)(i)	596	607	
13	Marking water containers as containing drinking water -- 1910.120(n)(1)(iii)	119	121	
14	Marking of outlets for nonpotable water -- 1910.120(n)(2)(i)	119	121	
15	New technology requirements -- 1910.120(o)	421	428	This package reflects 714 sites x 10% required to develop and implement procedures x 6 hours = 428
RCRA (STD) SITES				
16	<i>Safety and Health Program</i> 1910.120(p)(1)	15,456	14,996	Burden taken for 35% of 6,520 sites to develop and implement a safety and health program at 6 hours/site. Burden also taken for 10% of the sites to update/modify their plans at 2 hours/site.
17	<i>Hazard communication program</i> -- 1910.120(p)(2)	14,112	13,692	Burden taken for 35% of 6,250 sites to develop a hazard communication program at 6 hours/site.
18	<i>Medical surveillance program</i> -- 1910.120(p)(3)	58,061	56,333	Previously approved package calculated burden based on number of sites. This package calculates burden based on percentage of employees requiring medical exams.
19	<i>Decontamination program</i> -- 1910.120(p)(4)	14,112	13,692	Number of sites having to develop a decontamination program has decreased.

	Collection of Information	Current Burden Hours	Proposed Burden Hours	Reason for change: # 15 of the Supporting Statement
20	<i>New technology program -- 1910.120(p)(5)</i>	14,112	13,692	Number of sites having to develop the program has decreased.
21	<i>Material handling program 1910.120(p)(6)</i>	14,112	13,692	Number of sites having to develop the program has decreased.
22	<i>Implementation of training program -- 1910.120(p)(7)(i)</i>	207,446	201,272	
EMERGENCY RESPONSE OPERATIONS				
23	Emergency response plan -- 1910.120(q)(1)	12,103	12,211	OSHA only calculated the burden for half of the 30,528 emergency response organizations. The other half is not covered by OSHA (state and local employees).
24	First responder training "at the awareness level" -- 1910.120(q)(6)(i)	142,061	142,061	OSHA estimates that there are a total of 1,691,200 emergency response employees. However, OSHA assumes that half of these employees are state and local government employees not covered by the standard. Therefore, OSHA estimates that only 845,000 employees would be impacted by the standard. Based on the RIA 56% of the 845,000 employees (or 473,536 employees) would be first responders at the awareness level. However, OSHA estimated that only 10% or (47,354 employees would require initial training). OSHA has estimates the time for this training at 3 hours.
25	First responder training "at the operations level" -- 1910.120(q)(6)(ii) Certification of training	277,360	277,360	Currently approved ICR calculated a burden for all 1,691,200 emergency response employees at 5 minutes to certify at a 90% compliance rate.
26	Hazardous material technician training -- 1910.120(q)(6)(iii)	60,888	60,888	In this ICR, OSHA has combined 1910.120(q)(6)(iii), (q)(6)(iv), and (q)(6)(v) since these three categories all require at least 24 hours of training annually. OSHA calculated the burden using 3% of the 845,000 emergency response employers (25,368 employees) at 24 hours of training each.

	<i>Collection of Information</i>	<i>Current Burden Hours</i>	<i>Proposed Burden Hours</i>	<i>Reason for change: # 15 of the Supporting Statement</i>
	Certification of training.	203	203	OSHA calculated the burden in this ICR based on 25,368 employees at 5 minutes to generate, maintain, and disclose the certification record.
27	Refresher training -- 1910.120(q)(8)(i)	211,400	211,400	In this ICR, OSHA calculates the burden by estimating that the 845,600 emergency response employees could receive refresher training in sessions of 10 and that it would take, on average, 2.5 hours per session.
28	Statement of competency -- 1910.120(q)(8)(ii)	143,752	143,752	
29	Baseline physical exams for members of organized and designated HAZMAT team and hazardous materials specialists -- 1910.120(q)(9)	5,760	5,760	Based on the RIA for the standard, there are approximately 3,000 HAZMAT employees who will require the exam. Employees will take 1.5 hours for the exam, including travel time, and 15 minutes for the employer to provide the necessary information to the physician. OSHA also estimates that it will take another 10 minutes to furnish the employee with the written opinion, and to develop and maintain the employee medical record.
		1,412,915	1,404,369	