

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. ICR 1218-0189(2006)]

**Standard on Lead in Construction; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Request for public comment.**SUMMARY:** OSHA solicits public comment concerning its request for an extension of the information collection requirements contained in 29 CFR 1926.62.**DATES:** Comments must be submitted by the following dates:*Hard copy:* Your comments must be submitted (postmarked or received) by December 27, 2005.*Facsimile and electronic transmission:* Your comments must be received by December 27, 2005.**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218-0189(2006), by any of the following methods:*Regular mail, express delivery, hand delivery, and messenger service:* Submit your comments and attachments to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m., ET.*Facsimile:* If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693-1648.*Electronic:* You may submit comments through the Internet at <http://ecomments.osha.gov>. Follow instructions on the OSHA Web page for submitting comments.*Docket:* For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR) (containing the Supporting Statement, OMB-83-I Form, and attachments), go to OSHA's Web page at <http://www.OSHA.gov>. In addition, the ICR, comments and submissions are available for inspection and copying at the OSHA Docket Office at the address above. You may also contact Todd Owen at the address below to obtain a copy of the ICR. For additional information on submittingcomments, please see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section of this document.**FOR FURTHER INFORMATION CONTACT:** Todd Owen, Directorate of Standards and Guidance, OSHA, Room N-3609; 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-2222.**SUPPLEMENTARY INFORMATION:****I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

On January 5, 2005, OSHA published the Standards Improvement Project—Phase II, Final rule (70 FR 1112). The final rule removed and revised provisions of standards that were outdated, duplicative, unnecessary, or inconsistent and clarified or simplified regulatory language. The final rule contained several revisions to collections of information contained in the Lead in Construction Standard.<sup>1</sup> These revisions included: allowing employers the option to post employee exposure-monitoring results instead of requiring individual notification and updating compliance plans annually. Those changes reduced paperwork burden hours while maintaining worker protection and improving consistency among standards. The reductions in burden hours were taken in the prior

<sup>1</sup> OMB approved the reduction of 1,938 burden hours after reviewing the Information Collection Request for the Standards Improvement Project—Phase-II Notice of Proposed Rulemaking, published October 31, 2002 (67 FR 66494). On January 5, 2005, when the Final rule was published (70 FR 1112) documentation was submitted to OMB revising the reduction of 1,938 hours to 1,220 hours to reflect the decrease in time to conduct exposure monitoring.

ICR. The following is a brief description of the current collection of information requirements contained in the Lead in Construction Standard.

The purpose of the Lead in Construction Standard and its information collection requirements is to reduce occupation lead exposure in the construction industry. Lead exposure can result in both acute and chronic effects and can be fatal in severe cases of lead toxicity. Some of the health affects associated with lead exposure include brain disorders which can lead to seizures, coma, and death; anemia; neurological problems; high blood pressure; kidney problems; reproductive problems; and decreased red blood cell production. The Standard requires that employers: establish and maintain a training program; review the compliance program annually; provide exposure-monitoring, and medical surveillance programs; and maintain exposure-monitoring and medical surveillance records. The records are used by employees, physicians, employers and OSHA to determine the effectiveness of the employer's compliance efforts. The Standard seeks to reduce disease by requiring exposure-monitoring to determine if lead exposures are too high, by requiring medical surveillance to determine if employee blood lead levels are too high, and by requiring treatment to reduce blood lead levels.

**II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

**III. Proposed Actions**

OSHA proposes to request OMB's approval to extend the collection of information (paperwork) requirements necessitated by the Standard on Lead in Construction (29 CFR 1926.62). The Agency will include this summary in its request to OMB to extend the approval of these collection of information requirements.

*Type of Review:* Extension of currently approved information collection requirements.

*Title:* Lead in Construction (29 CFR 1962.62).

*OMB Number:* 1218-0189.

*Affected Public:* Business or other for-profits; Federal Government; State, Local or Tribal Government.

*Frequency:* On occasion.

*Average Time Per Response:* Varies from 1 minute (.02 hour) for a clerical employee to notify employees of their right to seek a second medical opinion to 8 hours to develop a compliance plan.

*Estimated Total Burden Hours:* 1,560,718.

*Estimated Cost (Operation and Maintenance):* \$68,576,683.

#### IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments and supporting materials in response to this notice by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA Web page. Because of security-related problems, there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY) (877) 889-5627 for information about security procedures concerning the delivery of submissions by express delivery, hand delivery and courier service.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions posted on OSHA's Web page are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance using the Web page to locate docket submissions. Electronic copies of this **Federal Register** notice as well as other relevant documents are available on OSHA's Web page. Since all submissions become public, private information such as social security numbers should not be submitted.

#### V. Authority and Signature

Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC, on October 21, 2005.

**Jonathan L. Snare,**

*Acting Assistant Secretary of Labor.*

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**BILLING CODE 4510-26-M**

#### DEPARTMENT OF LABOR

##### Occupational Safety and Health Administration

[Docket No. ICR 1218-0202 (2006)]

##### Hazardous Waste Operations and Emergency Response (HAZWOPER); Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request for an extension of the information collection requirements contained in its Standard on Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120).

**DATES:** Comments must be submitted by the following dates:

*Hard copy.* Your comments must be submitted (postmarked or received) by December 27, 2005.

*Facsimile and electronic transmission.* Your comments must be received by December 27, 2005.

**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218-0202 (2006), by any of the following methods:

*Regular mail, express delivery, hand delivery, and messenger service:* Submit your comments and attachments in the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m., ET.

*Facsimile:* If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Electronic:* You may submit comments through the Internet at <http://ecomments.osha.gov>. Follow instructions on the OSHA Web page for submitting comments.

*Docket:* For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR)(containing the Supporting Statement, OMB-83-I Form, and

attachments), go to OSHA's Web page at <http://OSHA.gov>. In addition, the ICR, comments, and submissions are available for inspection and copying at the OSHA Docket Office at the address above. You also may contact Theda Kenney at the address below to obtain a copy of the ICR. For additional information on submitting comments, please see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-2222.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing efforts to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The standard specifies a number of collection of information (paperwork) requirements. 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 Superfund Amendments