

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

[Docket No. ICR-1218-0134 (2006)]

**Asbestos in Construction Standard; 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 comments concerning its request for an extension of the information collection requirements contained in the Asbestos in Construction Standard (29 CFR 1926.1101). The standard protects employees from adverse health effects from occupational exposure to Asbestos, including lung cancer, mesothelioma, asbestosis (an emphysema-like condition) and gastrointestinal cancer.

**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-1218-0134(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 also may contact Todd Owen 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:**

Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, 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 cost) 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 final rule for the Standards Improvement Project—Phase II (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 two revisions to collections of information contained in the Asbestos in Construction Standard. The revisions included modifying the time the employer has to provide their employees with exposure-monitoring results in 1926.1101(f)(5)(ii) from "as soon as possible following receipt of the results" to "as soon as possible but no later than 5 working days after the receipt of the results," and removing the requirement to send the certification and evaluation documentation required under § 1926.1101(g)(6)(iii) to OSHA's Directorate of Technical Support. The

reduction in burden hours was taken in the prior ICR.

The information collection requirements specified in the Asbestos in Construction Standard protect employees from the adverse health effects that may result from asbestos exposure. The major information collection requirements of the Asbestos in Construction Standard include: Implementing an exposure-monitoring program that informs employees of their exposure-monitoring results; and at multi-employer worksites, notification of other onsite employers by employers establishing regulated areas for the type of work performed with asbestos-containing materials (ACMs) and/or presumed asbestos-containing materials (PACMs); the requirements that pertain to regulated areas; and the measures they can use to protect their employees from asbestos overexposure. Other provisions associated with paperwork requirements include: evaluating and certifying alternative control methods for Class I and Class II asbestos work and informing laundry personnel of the requirement to prevent release of airborne asbestos above the time-weighted average and excursion limit; notification by employers and building/facility owners of designated personnel and employees regarding the presence, location, and quantity of ACMs and/or PACMs; using information, data, and analyses to demonstrate that PACM does not contain asbestos; posting signs in mechanical rooms/areas that employees may enter and that contain ACMs and PACMs, informing them of the identity and location of these materials and work practices that prevent disturbing the materials; posting warning signs demarcating regulated areas; and affixing warning labels to asbestos-containing products and to containers holding such products. Additional provisions of the Standard that contain paperwork requirements include: Developing specific information and training programs for employees; providing medical surveillance for employees potentially exposed to ACMs and/or PACMs, including administering an employee medical questionnaire, providing information to the examining physician, and providing the physician's written opinion to the employee; maintaining records of objective data used for exposure determinations, employee exposure-monitoring and medical surveillance records, training records, the record (i.e., information, data, and analyses) used to demonstrate that PACM does not contain asbestos, and notifications made and received by

building/facility owners regarding the content to ACMs and PACMs; making specified records (e.g., exposure-monitoring and medical surveillance records) available to designated parties; and transferring exposure-monitoring and medical surveillance records to the National Institute for Occupational Safety and Health on cessation of business.

These paperwork requirements permit employers, employees and their designated representatives, OSHA, and other specified parties to determine the effectiveness of an employer's asbestos-control program. It provides notification to building owners, subsequent building owners, contractors and employees of the presence of asbestos so that precautions can be taken to protect workers. It provides for monitoring and medical surveillance to assure that exposures are kept low and early symptoms are detected. Accordingly, the requirements ensure that employees exposed to asbestos receive all of the protection afforded by the Standard.

## II. Special Issues for Comment

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

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency'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 is requesting that OMB extend approval of the collection of information requirements necessitated by the Asbestos in Construction Standard (29 CFR 1926.1101). The agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of these information collection requirements.

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

*Title:* Asbestos in Construction Standard (29 CFR 1926.1101).

*OMB Number:* 1218-0134.

*Affected Public:* Business or other for-profit organizations; Federal

government; State, local or tribal governments.

*Number of Respondents:* 286,821.

*Frequency:* On occasion.

*Total Responses:* 53,719,202.

*Average Time per Response:* Varies from 5 minutes of maintain records to 17.3 hours to train a competent person.

*Estimated Total Burden Hours:* 5,569,658.

*Estimated Cost (Operation and Maintenance):* \$30,730,200.

## 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-1218-0195 (2006)]

#### The Asbestos in Shipyards Standard; Extension of the Office of Management and Budget's Approval of Information Collection (Paperwork) Requirements

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

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comment concerning its request for an extension of the information collection requirements contained in the Asbestos in Shipyards Standard (29 CFR 1915.1001). This Standard regulates occupational exposure to Asbestos, thereby preventing serious illness (e.g., asbestosis, an emphysema-like condition, mesothelioma, and gastrointestinal cancer) among shipyard employees.

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

*Hard copy:* Your comment 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-1218-0195 (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.

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*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