

Hazard Communication (HazCom), 30 CFR 47

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.

Section 101(a)(7) of the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173 as amended by Pub. L. 95-164) (Mine Act)) requires, in part, that mandatory standards—

*** prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure.

MSHA collected evidence from the National Institute for Occupational Safety and Health's (NIOSH) Occupational Health Survey of Mining and other sources indicating that there is chemical exposure occurring in every type of mine, although every miner may not be exposed. We are concerned that miners being exposed to chemicals may not know the hazards of those chemicals or the appropriate precautions to prevent injury or illness caused by exposure to a hazardous chemical.

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 HazCom standard involves third-party information sharing. It requires mine operators and/or contractors to assess the hazards of chemicals they produce or use and provide information to their miners concerning the chemicals' hazards. The mine operators and/or contractors must develop a written hazard communication program that describes how they will inform miners of chemical hazards and safe handling procedures through miner training, labeling containers of hazardous chemicals, and providing miners access to material safety data sheets (MSDSs).

The purpose of the information sharing is to provide miners with the right to know the hazards and identities of the chemicals they are exposed to while working, as well as the measures they can take to protect themselves from these hazards. Through HazCom mine operators and/or contractors also have the necessary information regarding the hazards of chemicals present at their mines, so that work methods are improved or instituted to minimize exposure to these chemicals. HazCom provides miners with access to this information, so that they can take action to protect themselves.

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.

In order to comply with the Government Paperwork Elimination Act, mine operators may retain the written HazCom program in whatever medium they choose, which may include utilizing computer technology. HazCom also allows for the electronic storage and retrieval of information where such use does not interfere with the miner's right to ready access to the information in an emergency. Computer access can be used for the requirements in this package, with the exception of the provision that requires mine operators to label containers. MSHA does not know the extent to which mine operators will utilize computer technology to comply with the requirements in this package. However, with respect to the particular provision that requires mine operators to have copies of MSDSs for all hazardous chemicals present at the mine site, MSHA has estimated that roughly half of these responses will be done with internet access. The final rule also allows operators to use fax-on-demand services to provide readily available MSDSs. No other improved information technology has been identified that would reduce the burden.

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 2 above.

- Several existing MSHA regulations had required mine operators and/or contractors to inform miners of specific chemical hazards. MSHA revised those existing standards in 30 CFR Parts 56, 57, and 77 to eliminate duplication with HazCom, 30 CFR Part 47.
- MSHA made conforming amendments to 30 CFR Parts 46 and 48, MSHA's existing training standards, to incorporate HazCom training and, thus, eliminate the duplication of training requirements. (Note that these revisions/amendments do not change the paperwork burden.)
- MSHA's HazCom standard exempts consumer products and hazardous substances labeled under regulations issued by the Consumer Products Safety Commission and pesticides labeled under Environmental Protection Agency regulations, as well as chemicals regulated by other Federal agencies. These specific exemptions are listed in the final rule.

Some states may have enforced their state's hazard communication standard in the mining industry. MSHA regulations do not pre-empt state requirements, except when state requirements are in conflict with the Mine Act or its regulations. States may have more stringent health and safety standards.

- A significant number of mine operators have implemented hazard communication programs as company policy. While some of these company programs adopt a cursory approach to the problem, many are comprehensive and effective.
- Contractors are covered by the Occupational Safety and Health Administration's (OSHA's) Hazard Communication Standard (HCS) when they work at sites other than mines.

There are no other duplicate Federal requirements for hazard communication in the mining industry. MSHA's HazCom standard for the mining industry establishes uniform Federal requirements for hazard communication. We designed our standard to be consistent with OSHA's so that a mine operator in compliance with OSHA's standards would also be in compliance with MSHA's.

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

This information collection does not have a significant impact on small businesses or other small entities. MSHA has made available on our web-site various sources of information, such as "Technical Assistance," "Best Practices," and an "Accident Prevention" site. To assist with compliance, these sources provide tips and general information on a number of various topics. Additionally, our HazCom home page offers templates for a HazCom written program and sample MSDSs for various common small mine commodities. We also provide HazCom training videos for miners and mine operators and our health specialists offer hands-on assistance on request.

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.

Section 101(a)(9) of the Federal Mine Safety and Health Act of 1977 provides that no new mandatory health or safety standard shall reduce the protection afforded miners by an existing mandatory safety or health standard. Parts 46 and 48 of 30 CFR contain mandatory training standards promulgated under section 101. Elimination of the training records would hamper MSHA's ability to ascertain mine operator compliance with the training provisions. MSHA would no longer be able to ascertain the degree of frequency with which mine operators are training miners on the health and safety hazards to which they may be exposed. Thus, eliminating training records would be contrary to the language and intent of the Mine Act.

This collection or sharing of chemical hazard information is required on an as-needed basis. HazCom does not require periodic updates of the information if the hazards do not change. Most written HazCom programs would need only occasional, minor revisions to keep them up-to-date. Inaccurate labels or MSDSs can contribute to injuries or illnesses related to the improper use or handling of hazardous chemicals. The purpose of the HazCom is to share hazard information with miners. The burden is as low as feasible without compromising the purpose of the standard.

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.**

This collection of information complies with 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.

In accordance with 5 CFR 1320.8 (d), MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

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

MSHA has decided not to provide payments or gifts to respondents.

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

MSHA would expect few trade secret claims under this rule. We believe that most operators produce single substances and are marketing their products by specific name and not under some unidentified proprietary name.

HazCom permits operators to withhold specific chemical identity information if it is a *bona fide* trade secret. However, HazCom also requires operators to disclose this information to health professionals under certain conditions of need and confidentiality. In medical emergencies, a treating health professional is entitled to receive the information immediately. After the emergency is abated, the holder of the trade secret could require the treating health professional to sign a written statement of need and a confidentiality agreement; but the determination would be left to the health professional as to whether an emergency exists which necessitates disclosure. HazCom does not require disclosure of the percentage of various chemicals in a mixture or details of the industrial process in which it is used.

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.

There are no questions of a sensitive nature.

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. 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.**

HazCom will be applicable to 1,972 surface and underground coal mines employing 70,407 miners; 2,633 coal contracting firms employing 28,868 contractor workers; 12,419 surface and underground metal and nonmetal (M/NM) mines employing 148,606 miners; and 3,989, M/NM contracting firms employing 39,493 contract workers. These figures are for the 2003 calendar year based on data obtained from MSHA's Program Evaluation and Information Resources (PEIR) branch.

Differences in total figures shown in the following charts are due to rounding. The data were taken from the Regulatory Economic Analysis for the 2002 final rule and updated using the most recent MSHA data. Salaries and wages are taken from *2003 Wages and Benefits Survey Results*, Otto L. Schumacher, Ed., Western Mine Engineering, Spokane, WA.

12.1. Section 47.31 Requirement for a HazCom Program. - Annual Burden Hours and Costs for Existing Operations to Update HazCom Program

Under this provision, mine operators and contractors working on mine property would need to update their HazCom programs.

With respect to coal operations, MSHA estimates that 3,374 operations employing fewer than 20 workers, 933 operations employing 20 to 500 workers, and 1 operation employing more than 500 workers, will update their HazCom program annually. With respect to M/NM operations, MSHA estimates that 14,010 operations employing fewer than 20 workers, 1,532 operations employing 20 to 500 workers, and 3 operations employing more than 500 workers will update their HazCom program annually.

On average, the estimated time to update the HazCom program is: 1 hour of a supervisor's time and 0.5 hours of a clerical worker's time for operations employing fewer than 20 workers; 2 hours of a supervisor's time and 1 hour of a clerical worker's time for operations employing 20 to 500 workers; and 4 hours of a supervisor's time and 2 hours of a clerical worker's time for operations employing more than 500 workers.

The hourly wage rate is \$59.10 for a supervisor and \$22.04 for a clerical worker at coal operations. The hourly wage rate is \$45.73 for a supervisor and \$21.15 for a clerical worker at M/NM operations.

Listed below are the annual burden hours and related costs to update the HazCom program.

COAL OPERATIONS

Burden Hours for Supervisor's Time

3,374 respondents employing <20 x 1 response x 1 hour of supervisor's time	= 3,374 hours
933 respondents employing 20 to 500 x 1 response x 2 hours of supervisor's time	= 1,866 hours
1 respondent employing >500 x 1 response x 4 hours of supervisor's time	= 4 hours

Burden Costs for Supervisor's Time

3,374 hours x \$59.13 supervisor's wage/hour	= \$199,505
1,866 hours x \$59.13 supervisor's wage/hour	= \$110,336
4 hours x \$59.13 supervisor's wage/hour	= \$ 236

Burden Hours for Clerical Worker's Time

3,374 respondents employing <20 x 1 response x 0.5 hours of clerical worker's time	= 1,687 hours
933 respondents employing 20 to 500 x 1 response x 1 hour of clerical worker's time	= 933 hours

1 respondent employing >500 x 1 response
x 2 hours of clerical worker's time = 2 hours

Burden Costs for Clerical Workers Time

1,687 hours x \$22.04 clerical worker's wage/hour = \$37,181
933 hours x \$22.04 clerical worker's wage/hour = \$20,563
2 hours x \$22.04 clerical worker's wage/hour = \$ 44

M/NM OPERATIONS

Burden Hours for Supervisor's Time

14,010 respondents employing <20 x 1 response x
1 hour of supervisor's time = 14,010 hours
1,532 respondents employing 20 to 500 x 1 response
x 2 hours of supervisor's time = 3,064 hours
3 respondents employing >500 x 1 response
x 4 hours of supervisor's time = 12 hours

Burden Costs for Supervisor's Time

14,010 hours x \$45.73 supervisor's wage/hour = \$640,677
3,064 hours x \$45.73 supervisor's wage/hour = \$140,117
12 hours x \$45.73 supervisor's wage/hour = \$ 549

Burden Hours for Clerical Worker's Time

14,010 respondents employing <20 x 1 response x
0.5 hours of clerical worker's time = 7,005 hours
1,532 respondents employing 20 to 500 x 1 response
x 1 hour of clerical worker's time = 1,532 hours
3 respondents employing >500 x 1 response
x 2 hours of clerical worker's time = 6 hours

Burden Costs for Clerical Workers Time

7,005 hours x \$21.15 clerical worker's wage/hour = \$148,156
1,532 hours x \$21.15 clerical worker's wage/hour = \$ 32,402
6 hours x \$21.15 clerical worker's wage/hour = \$ 127

**Total Burden Hours for Existing Operations
to Update HazCom Plan**

= 33,495 hours

**Total Burden Costs for Existing Operations
to Update HazCom Plan**

= \$1,329,893

**12.2. Section 47.31 Requirement for a HazCom Program. - Annual Burden Hours and
Costs for New Operations to Develop a HazCom Program**

All new mine operators will need to develop a HazCom program under this provision.

With respect to coal operations, MSHA estimates that 227 new operations employing fewer than 20 workers, and 73 new operations employing 20 to 500 workers will need to develop a HazCom program annually. With respect to M/NM operations, MSHA estimates that 570 new operations employing fewer than 20 workers, and 19 new operations employing 20 to 500 workers will need to develop a HazCom program annually.

On average, the estimated time to develop a HazCom program is: 8 hours of a supervisor's time and 4 hours of a clerical worker's time for operations employing fewer than 20 workers and 16 hours of a supervisor's time and 8 hours of a clerical worker's time for operations employing 20 to 500 workers.

The hourly wage rate is \$59.13 for a supervisor and \$22.04 for a clerical worker at coal mine operations. The hourly wage rate is \$45.73 for a supervisor and \$21.15 for a clerical worker at M/NM operations.

Listed below are the annual burden hours and costs for new operations to develop a HazCom program.

COAL OPERATIONS

Burden Hours for Supervisor's Time

227 respondents employing <20 x 1 response	
x 8 hours of supervisor's time	= 1,816 hours
73 respondents employing 20 to 500 x 1 response	
x 16 hours of supervisor's time	= 1,168 hours

Burden Costs for Supervisor's Time

1,816 hours x \$59.13 supervisor's wage/hour	= \$107,380
1,168 hours x \$59.13 supervisor's wage/hour	= \$ 69,064

Burden Hours for Clerical Worker's Time

227 respondents employing <20 x 1 response	
x 4 hours of clerical worker's time	= 908 hours
73 respondents employing 20 to 500 x 1 response	
x 8 hours of clerical worker's time	= 584 hours

Burden Costs for Clerical Workers Time

908 hours x \$22.04 clerical worker's wage/hour	= \$20,012
584 hours x \$22.04 clerical worker's wage/hour	= \$12,871

M/NM OPERATIONS

Burden Hours for Supervisor's Time

570 respondents employing <20 x 1 response
x 8 hours of supervisor's time = 4,560 hours
19 respondents employing 20 to 500 x 1 response
x 16 hours of supervisor's time = 304 hours

Burden Costs for Supervisor's Time

4,560 hours x \$45.73 supervisor's wage/hour = \$208,529
304 hours x \$45.73 supervisor's wage/hour = \$ 13,902

Burden Hours for Clerical Worker's Time

570 respondents employing <20 x 1 response
x 4 hours of clerical worker's time = 2,280 hours
19 respondents employing 20 to 500 x 1 response
x 8 hours of clerical worker's time = 152 hours

Burden Costs for Clerical Workers Time

2,280 hours x \$21.15 clerical worker's wage/hour = \$48,222
152 hours x \$21.15 clerical worker's wage/hour = \$ 3,215

**Total Burden Hours for New Mines
to Develop HazCom Plan = 11,772 hours**
**Total Burden Costs for New Mines
to Develop HazCom Plan = \$483,195**

12.3. Section 47.41 Requirement for Container Labels - Annual Burden Hours and Costs to Label Containers

The operator must ensure that all containers of hazardous chemical are labeled. With respect to coal operations, MSHA estimates that 1,336 operations employing fewer than 20 workers, 248 operations employing 20 to 500 workers, and 1 operation employing more than 500 workers will need to label containers annually. With respect to M/NM operations, MSHA estimates that 3,723 operations employing fewer than 20 workers, 364 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers will need to label containers annually. For all operations in each size category, MSHA estimates it will take a supervisor 0.2 hours to verify or fill-out the label information and apply it to a container.

It is estimated that of 50% of containers at coal and M/NM operations employing fewer than 20 workers; 35% of containers at operations employing between 20 and 500 workers; and 25% of containers at operations employing more than 500 workers will need labeling. On average, there are 4 containers at a coal operation employing fewer than 20 workers; 52 containers at a coal operation employing 20 to 500 workers; and 567

containers at a coal operation employing more than 500 workers. At M/NM operations, there are about 5 containers at an operation employing fewer than 20 workers; 50 containers at an operation employing 20 to 500 workers; and 855 containers at an operation employing more than 500 workers.

The hourly wage rate for supervisory health and safety personnel is \$59.13 at coal operations, and \$45.73 at M/NM operations.

Listed below are the annual burden hours and related costs to label containers.

COAL OPERATIONS

Burden Hours for Supervisor's Time

1,336 respondents employing <20 x 2 containers x 0.2 hours/response	= 534.40 hours
248 respondents employing 20 to 500 x 18.2 containers x 0.2 hours/response	= 902.72 hours
1 respondent employing >500 x 141.75 containers x 0.2 hours/response	= 28.35 hours

Burden Costs for Supervisor's Time

534.40 hours x \$59.13 supervisor's wage/hour	= \$31,599
902.72 hours x \$59.13 supervisor's wage/hour	= \$53,378
28.35 hours x \$59.13 supervisor's wage/hour	= \$ 1,676

M/NM OPERATIONS

Burden Hours for Supervisor's Time

3,723 respondents employing <20 x 2.5 containers x 0.2 hours/response	= 1,861.50 hours
364 respondents employing 20 to 500 x 17.5 containers x 0.2 hours/response	= 1,274.00 hours
2 respondents employing >500 x 213.75 containers x 0.2 hours/response	= 85.50 hours

Burden Costs for Supervisor's Time

1,861.50 hours x \$45.73 supervisor's wage/hour	= \$85,126
1,274.00 hours x \$45.73 supervisor's wage/hour	= \$58,260
85.50 hours x \$45.73 supervisor's wage/hour	= \$ 3,910

Total Burden Hours to Label Containers	= 4,686 hours
Total Burden Costs to Label Containers	= \$233,949

12.4. Section 47.51 Requirement for an MSDS – Annual Burden Hours and Costs to Develop MSDSs for Chemicals Produced at Existing Operations

Mine operators must develop an MSDS for each hazardous chemical that they produce or use.

With respect to coal operations, MSHA estimates that 3,278 operations employing fewer than 20 workers, 890 operations employing 20 to 500 workers, and 1 operation employing more than 500 workers will need to update MSDSs for the chemicals they produce or use at the mine annually. With respect to M/NM operations, MSHA estimates that 7,114 operations employing fewer than 20 workers, 638 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers will need to update MSDSs for chemicals they produce or use at the mine annually.

On average, the estimated number of produced at coal operations are as follows: 0.25 chemicals for an operation employing fewer than 20 workers; 0.5 chemicals for an operation employing 20 to 500 workers; and 0.75 chemicals for an operation employing more than 500 workers. On average, the estimated number of chemicals produced at M/NM operations are as follows: 0.25 chemicals for an operation employing fewer than 20 workers; 1 chemical for an operation employing 20 to 500 workers; and 1.5 chemicals for an operation employing more than 500 workers.

On average, MSHA estimates that it takes 1 hour of a supervisor’s time, and 0.5 hours of a clerical worker’s time to update MSDSs. The hourly wage rate is \$59.13 for a supervisor and \$22.04 for a clerical worker at coal mine operations. The hourly wage rate is \$45.73 for a supervisor and \$21.15 for a clerical worker at M/NM operations.

Listed below are the annual burden hours and costs for updating MSDSs.

COAL OPERATIONS

Burden Hours for Supervisor’s Time

3,278 respondents employing <20 x 0.25 MSDS to update/respondent x 1 hour to update MSDS	= 819.50 hours
890 respondents employing 20 to 500 x 0.5 MSDSs to update/respondent x 1 hour to update MSDS	= 445.00 hours
1 respondent employing >500 x 0.75 MSDSs to update/respondent x 1 hour to update MSDS	= 0.75 hours

Burden Costs for Supervisor’s Time

819.50 hours x \$59.13 supervisor’s wage/hour	= \$48,457
445.00 hours x \$59.13 supervisor’s wage/hour	= \$26,313
0.75 hours x \$59.13 supervisor’s wage/hour	= \$ 44

Burden Hours for Clerical Worker's Time

3,278 respondents employing <20 x 0.25 MSDS to update/respondent x 0.5 hours to update MSDS	= 409.75 hours
890 respondents employing 20 to 500 x 0.5 MSDSs to update/respondent x 0.5 hours to update MSDS	= 225.50 hours
1 respondent employing >500 x 0.75 MSDSs to update/respondent x 0.5 hours to update MSDS	= 0.38 hours

Burden Costs for Clerical Worker's Time

409.75 hours x \$22.04 clerical worker's wage/hour	= \$9,031
225.50 hours x \$22.04 clerical worker's wage/hour	= \$4,904
0.38 hours x \$22.04 clerical worker's wage/hour	= \$ 8

M/NM OPERATIONS

Burden Hours for Supervisor's Time

7,114 respondents employing <20 x 0.25 MSDS to update/respondent x 1 hour to update MSDS	= 1,778.5 hours
638 respondents employing 20 to 500 x 1 MSDSs to update/respondent x 1 hour to update MSDS	= 638.0 hours
2 respondents employing >500 x 1.5 MSDSs to update/respondent x 1 hour to update MSDS	= 3.0 hours

Burden Costs for Supervisor's Time

1,778.5 hours x \$45.73 supervisor's wage/hour	= \$81,331
638.0 hours x \$45.73 supervisor's wage/hour	= \$29,176
3.0 hours x \$45.73 supervisor's wage/hour	= \$ 137

Burden Hours for Clerical Worker's Time

7,114 respondents employing <20 x 0.25 MSDS to update/respondent x 0.5 hours to update MSDS	= 889.25 hours
638 respondents employing 20 to 500 x 1 MSDS to update/respondent x 0.5 hour. to update MSDS	= 319.00 hours
2 respondents employing >500 x 1.5 MSDSs to update/respondent x 0.5 hours to update MSDS	= 1.50 hours

Burden Costs for Clerical Worker's Time

889.25 hours x \$21.15 clerical worker's wage/hour	= \$18,807
319.00 hours x \$21.15 clerical worker's wage/hour	= \$ 6,747
1.5 hours x \$21.15 clerical worker's wage/hour	= \$ 32

Total Burden Hours to Update MSDSs	= 5,527 hours
Total Burden Costs to Update MSDSs	= \$224,987

12.5. Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for MSDS Development of Chemicals Produced at New Mines

All new mine operators must create an MSDS for each hazardous chemical produced at their mine site. With respect to coal mines, MSHA estimates that 227 mines employing fewer than 20 workers, and 73 mines employing between 20 and 500 workers will open annually. With respect to M/NM mines, 570 mines employing fewer than 20 workers, and 19 mines employing between 20 and 500 workers will open annually.

On average, MSHA estimates that it will take a supervisor 2 hours to develop an MSDS and a clerical worker 1 hour to prepare it. On average, the Agency estimates that there will be 1 chemical created at each new small coal and M/NM mine; 2 chemicals for each new coal mine employing 20-500 workers; and 4 chemicals for each new M/NM mine employing 20-500 workers annually.

The hourly wage rate is \$59.13 for a supervisor and \$22.04 for a clerical worker at coal mine operations. The hourly wage rate is \$45.73 for a supervisor and \$21.15 for a clerical worker at M/NM operations.

Listed below are the annual burden hours and costs for MSDS development of chemicals produced at new mines.

COAL OPERATIONS

Burden Hours for Supervisor's Time

227 respondents employing <20 x 1 response	
x 2 hours/response	= 454 hours
73 respondents employing 20 to 500 x 2 responses	
x 2 hours/response	= 292 hours

Burden Costs for Supervisor's Time

454 hours x \$59.13 supervisor's wage/hour	= \$26,845
292 hours x \$59.13 supervisor's wage/hour	= \$17,266

Burden Hours for Clerical Worker's Time

227 respondents employing <20 x 1 response	
x 1 hour/response	= 227 hours
73 respondents employing 20 to 500 x 2 responses	
x 1 hour/response	= 146 hours

Burden Costs for Clerical Worker's Time

227 hours x \$22.04 clerical worker's wage/hour	= \$5,003
146 hours x \$22.04 clerical worker's wage/hour	= \$3,218

M/NM OPERATIONS

Burden Hours for Supervisor's Time

570 respondents employing <20 x 1 response x 2 hours/response	= 1,140 hours
19 respondents employing 20 to 500 x 4 responses x 2 hours/response	= 152 hours

Burden Costs for Supervisor's Time

1,140 hours x \$45.73 supervisor's wage/hour	= \$52,132
152 hours x \$45.73 supervisor's wage/hour	= \$ 6,951

Burden Hours for Clerical Worker's Time

570 respondents employing <20 x 1 response x 1 hour/response	= 570 hours
19 respondents employing 20 to 500 x 4 responses x 1 hour/response	= 76 hours

Burden Costs for Clerical Worker's Time

570 hours x \$21.15 clerical worker's wage/hour	= \$12,055
76 hours x \$21.15 clerical worker's wage/hour	= \$ 1,607

Total Burden Hours for New Mines to Develop MSDSs	= 3,057 hours
Total Burden Costs for New Mines To Develop MSDSs	= \$125,077

12.6(a). Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for New Mines, With Internet Access, to Obtain MSDSs

This provision requires mine operators to have copies of MSDSs for all hazardous chemicals present at the mine. Not all new mine operators keep copies of MSDSs supplied by manufacturers, suppliers, or distributors.

For each year, MSHA estimates that, with respect to coal mines with internet access, 114 new mines employing fewer than 20 workers, and 66 new mines employing 20-500 workers, will need to obtain MSDSs. With respect to M/NM mines with internet access, 285 new mines employing fewer than 20 workers and 17 new mines employing 20-500 workers will need to obtain MSDSs annually.

MSHA estimates that it takes about 30 minutes for a supervisor and another 30 minutes for a clerical worker to establish access to an MSDS database at each of these new mines with internet access.

Listed below are the burden hours and related costs for new mines, with internet access, to obtain access to an MSDS database.

COAL OPERATIONS

Burden Hours for Supervisor's Time

114 respondents employing <20 x 1 response
x 0.5 hours/response = 57 hours

66 respondents employing 20 to 500 x 1 response
x 0.5 hours/response = 33 hours

Burden Costs for Supervisor's Time

57 hours x \$59.13 supervisor's wage/hour = \$3,370

33 hours x \$59.13 supervisor's wage/hour = \$1,951

Burden Hours for Clerical Worker's Time

114 respondents employing <20 x 1 response
x 0.5 hours/response = 57 hours

66 respondents employing 20 to 500 x 1 response
x 0.5 hours/response = 33 hours

Burden Costs for Clerical Worker's Time

57 hours x \$22.04 clerical worker's wage/hour = \$1,256

33 hours x \$22.04 clerical worker's wage/hour = \$ 727

M/NM OPERATIONS

Burden Hours for Supervisor's Time

285 respondents employing <20 x 1 response
x 0.5 hours/response = 142.5 hours

17 respondents employing 20 to 500 x 1 response
x 0.5 hours/response = 8.5 hours

Burden Costs for Supervisor's Time

142.5 hours x \$45.73 supervisor's wage/hour = \$6,516

8.5 hours x \$45.73 supervisor's wage/hour = \$ 389

Burden Hours for Clerical Worker's Time

285 respondents employing <20 x 1 response
x 0.5 hours/response = 142.5 hours

17 respondents employing 20 to 500 x 1 response
x 0.5 hours/response = 8.5 hours

Burden Costs for Clerical Worker's Time

142.5 hours x \$21.15 clerical worker's wage/hour = \$3,014
 8.5 hours x \$21.15 clerical worker's wage/hour = \$ 180

**Total Burden Hours for New Mines, with
 Internet Access, to Obtain MSDSs = 482 hours**

**Total Burden Costs for New Mines, with
 Internet Access, to Obtain MSDSs = \$17,403**

**12.6(b). Section 47.51 Requirement for an MSDS - Annual Burden Hours and
 Costs for New Mines, without Internet Access, to Obtain MSDSs**

For each year, with respect to coal mines, without internet access, MSHA estimates that 114 new mines employing fewer than 20 workers, and 7 new mines employing 20-500 workers, will need to obtain MSDSs. With respect to M/NM mines, without internet access, MSHA estimates that 285 new mines employing fewer than 20 workers, and 2 new mines employing 20-500 workers will need to obtain MSDSs annually.

For each year, for either a new coal or M/NM mine without internet access, that employs fewer than 20 employees, MSHA estimates that a supervisor takes 2 hours and a clerical worker 4 hours to obtain and assemble MSDSs. Also, for each year, for either a new coal or M/NM mine without internet access, that employs with 20-500 workers, MSHA estimates that a supervisor takes 4 hours and a clerical worker 8 hours to obtain and assemble MSDSs.

Listed below are the burden hours and associated costs for mine operators without internet access to obtain MSDSs.

COAL OPERATIONS

Burden Hours for Supervisor's Time

114 respondents employing <20 x 1 response
 x 2 hours/response = 228 hours

7 respondents employing 20 to 500 x 1 response
 x 4 hours/response = 28 hours

Burden Costs for Supervisor's Time

228 hours x \$59.13 supervisor's wage/hour = \$13,482

28 hours x \$59.13 supervisor's wage/hour = \$ 1,656

Burden Hours for Clerical Worker's Time

114 respondents employing <20 x 1 response
 x 4 hours/response = 456 hours

7 respondents employing 20 to 500 x 1 response
 x 8 hours/response = 56 hours

<u>Burden Costs for Clerical Worker's Time</u>	
456 hours x \$22.04 clerical workers' wage/hour	= \$10,050
56 hours x \$22.04 clerical worker's wage/hour	= \$ 1,234

M/NM OPERATIONS

<u>Burden Hours for Supervisor's Time</u>	
285 respondents employing <20 x 1 response x 2 hours/response	= 570 hours
2 respondents employing 20 to 500 x 1 response x 4 hours/response	= 8 hours

<u>Burden Costs for Supervisor's Time</u>	
570 hours x \$45.73 supervisor's wage/hour	= \$26,066
8 hours x \$45.73 supervisor's wage/hour	= \$ 366

<u>Burden Hours for Clerical Worker's Time</u>	
285 respondents employing <20 x 1 response x 4 hours/response	= 1,140 hours
2 respondents employing 20 to 500 x 1 response x 8 hours/response	= 16 hours

<u>Burden Costs for Clerical Worker's Time</u>	
1,140 hours x \$21.15 clerical workers' wage/hour	= \$24,111
16 hours x \$21.15 clerical worker's wage/hour	= \$ 338

Total Burden Hours For New Mines, Without Internet Access, To Obtain MSDSs	= 2,502 hours
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Total Burden Costs For New Mines, Without Internet Access, To Obtain MSDSs	= \$77,303
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12.7(a). Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for Coal operations, with Internet Access, to Maintain MSDSs

Under this provision, mine operators are required to maintain MSDSs. With respect to coal operations with internet access, MSHA estimates that 1,639 operations employing fewer than 20 workers, 810 operations employing 20 to 500 workers, and 1 operation employing more than 500 workers will need to maintain MSDSs annually. With respect to M/NM operations with internet access, MSHA estimates that 3,557 operations employing fewer than 20 workers, 574 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers will need to maintain MSDSs annually.

For either a coal or M/NM operations with internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 15 minutes (0.25 hours) annually to maintain MSDSs. The hourly wage rate is \$22.04 for a clerical worker at a coal operation and \$21.15 for a clerical worker at a M/NM operation.

Listed below are the annual burden hours and related costs for operations, with internet access, to maintain MSDSs.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

1,639 respondents employing <20 x 1 response x 0.25 hours/response	= 409.75 hours
810 respondents employing 20 to 500 x 1 response x 0.25 hours/response	= 202.50 hours
1 respondent employing >500 x 1 response x 0.25 hours/response	= 0.25 hours

Burden Costs for Clerical Worker's Time

409.75 hours x \$22.04 clerical workers' wage/hour	= \$9,031
202.50 hours x \$22.04 clerical worker's wage/hour	= \$4,463
0.25 hours x \$22.05 clerical worker's wage/hour	= \$ 6

M/NM OPERATIONS

Burden Hours for Clerical Worker's Time

3,557 respondents employing <20 x 1 response x 0.25 hours/response	= 889.25 hours
574 respondents employing 20 to 500 x 1 response x 0.25 hours/response	= 143.50 hours
2 respondents employing >500 x 1 response x 0.25 hours/response	= 0.50 hours

Burden Costs for Clerical Worker's Time

889.25 hours x \$21.15 clerical workers' wage/hour	= \$18,808
143.50 hours x \$21.15 clerical worker's wage/hour	= \$ 3,035
0.50 hours x \$21.15 clerical worker's wage/hour	= \$ 11

Total Burden Hours for Operations, with Internet Access, to Maintain MSDSs	= 1,646 hours
Total Burden Costs for Operations, with Internet Access, to Maintain MSDSs	= \$35,354

12.7(b). Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for Coal Operations, without Internet Access, to Maintain MSDSs

With respect to coal operations without internet access, MSHA estimates that 1,639 operations employing fewer than 20 workers, and 89 operations employing 20 to 500 workers will need to maintain MSDSs annually. With respect to M/NM operations without internet access, MSHA estimates that 3,557 operations employing fewer than 20 workers, and 64 operations employing 20 to 500 workers will need to maintain MSDSs annually.

For either coal or M/NM operations without internet access in all mine size categories, MSHA estimates that it takes a clerical worker about 3 minutes (0.05 hours) to maintain an MSDS. On average, the Agency estimates there are 40 MSDSs per coal or M/NM operation that employs fewer than 20 workers and 70 MSDSs per coal or M/NM operation that employs 20 to 500 workers. The hourly wage rate is \$22.04 for a clerical worker at a coal operation and \$21.15 for a clerical worker at a M/NM operation.

Listed below are the annual burden hours and related costs for maintaining MSDSs at operations, without internet access.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

1,639 respondents employing <20 x 40 responses	
x 0.05 hours/response	= 3,278 hours
89 respondents employing 20 to 500 x 70 responses	
x 0.05 hours/response	= 311.5 hours

Burden Costs for Clerical Worker's Time

3,278 hours x \$22.04 clerical workers' wage/hour	= \$72,247
311.5 hours x \$22.04 clerical worker's wage/hour	= \$ 6,865

M/NM OPERATIONS

Burden Hours for Clerical Worker's Time

3,557 respondents employing <20 x 40 responses	
x 0.05 hours/response	= 7,114 hours
64 respondents employing 20 to 500 x 70 responses	
x 0.05 hours/response	= 224 hours

Burden Costs for Clerical Worker's Time

7,114 hours x \$21.15 clerical workers' wage/hour	= \$150,461
224 hours x \$21.15 clerical worker's wage/hour	= \$ 4,738

Total Burden Hours for Operations, without Internet Access, to Maintain MSDSs	= 10,927 hours
Total Burden Costs for Operations, without Internet Access, to Maintain MSDSs	= \$234,311

12.7(c). Section 47.51 Requirement for an MSDS - Annual Burden Hours and Costs for Coal Operations, without Internet Access, to Remove MSDSs

Under §47.55 operators must notify miners at least 3 months before disposing of an MSDS. MSHA assumes that only operators without Internet access will remove MSDSs. (Operations with Internet access will simply retain all the MSDSs in their electronic database.)

With respect to coal operations without internet access, MSHA estimates that 1,639 operations employing fewer than 20 workers, and 89 operations employing 20 to 500 workers will prepare MSDS removal announcements annually. With respect to M/NM operations without internet access, MSHA estimates that 3,557 operations employing fewer than 20 workers, and 64 operations employing 20 to 500 workers will prepare MSDS removal announcements annually.

For all coal or M/NM operations, without internet access, in all size categories, MSHA estimate that it takes a supervisor 3 minutes (0.05 hours) to prepare an MSDS removal announcement. On average, each year, for either coal or M/NM operations, MSHA estimates that operations employing fewer than 20 workers will remove 10 MSDSs, and operations employing between 20 and 500 workers will remove about 18 MSDSs. The hourly wage rate for a supervisor is \$59.13 at a coal operation, and 45.73 at a M/NM operation.

Listed below are the annual burden hours and related costs for operators to prepare MSDS removal announcements without internet access.

COAL OPERATIONS

Burden Hours for Supervisor's Time

1,639 respondents employing <20 x 10 responses	
x 0.05 hours/response	= 819.5 hours
89 respondents employing 20 to 500 x 18 responses	
x 0.05 hours/response	= 80.1 hours

Burden Costs for Supervisor's Time

819.5 hours x \$59.13 clerical workers' wage/hour	= \$48,457
80.1 hours x \$59.13 clerical worker's wage/hour	= \$ 4,736

M/NM OPERATIONS

Burden Hours for Supervisor's Time

3,557 respondents employing <20 x 10 responses
x 0.05 hours/response = 1,778.5 hours
64 respondents employing 20 to 500 x 18 responses
x 0.05 hours/response = 57.6 hours

Burden Costs for Clerical Worker's Time

1,778.5 hours x \$45.73 clerical workers' wage/hour = \$81,331
57.6 hours x \$45.73 clerical worker's wage/hour = \$ 2,634

Total Burden Hours for Operations, Without Internet

Access, to Prepare MSDS Removal Announcements = 2,736 hours

Total Burden Costs for Operations, Without Internet

Access, to Prepare MSDS Removal Announcements = \$137,158

12.8. Section 47.61 Requirement for HazCom Training - Annual Burden Hours and Costs to Administer HazCom Training Program

Mine operators need time to manage and administer the HazCom training program each year.

With respect to coal operations, MSHA estimates that 3,131 operations employing fewer than 20 workers, 699 operations employing 20 to 500 workers, and 3 operations employing more than 500 workers will need to administer a HazCom training program annually. With respect to M/NM operations, MSHA estimates that 11,680 operations employing fewer than 20 workers, 1,193 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers will need to administer a HazCom training program annually.

On average, with respect to either coal or M/NM, MSHA operations, MSHA estimates that to administer the training program takes: 1 hour of a supervisor's time and 0.5 hours of a clerical worker's time for operations employing fewer than 20 workers; 2 hours of a supervisor's time and 1 hour of a clerical worker's time for operations employing 20 to 500 workers; and 3 hours of a supervisor's time and 1.5 hours of a clerical worker's time for operations employing more than 500 workers.

For coal operations, the hourly wage rate is \$59.13 for a supervisor and \$22.04 for a clerical worker. For M/NM operations, the hourly wage rate is \$45.73 for a supervisor and \$21.15 for a clerical worker.

Listed below are the annual burden hours and related costs to administer a HazCom training program.

COAL OPERATIONS

Burden Hours for Supervisor's Time

3,131 respondents employing <20 x 1 response x 1 hour/response	= 3,131 hours
699 respondents employing 20 to 500 x 1 response x 2 hours/response	= 1,398 hours
3 respondents employing >500 x 1 response x 3 hours/response	= 9 hours

Burden Costs for Supervisor's Time

3,131 hours x \$59.13 supervisor's wage/hour	= \$185,136
1,398 hours x \$59.13 supervisor's wage/hour	= \$ 82,664
9 hours x \$59.13 supervisor's wage/hour	= \$ 532

Burden Hours for Clerical Worker's Time

3,131 respondents employing <20 x 1 response x 0.5 hours/response	= 1,565 hours
699 respondents employing 20 to 500 x 1 response x 1 hour/response	= 699 hours
3 respondents employing >500 x 1 response x 1.5 hours/response	= 4.5 hours

Burden Costs for Clerical Worker's Time

1,565 hours x \$22.04 clerical worker's wage/hour	= \$34,504
699 hours x \$22.04 clerical worker's wage/hour	= \$15,406
4.5 hours x \$22.04 clerical worker's wage/hour	= \$ 99

M/NM OPERATIONS

Burden Hours for Supervisor's Time

11,680 respondents employing <20 x 1 response x 1 hour/response	= 11,680 hours
1,193 respondents employing 20 to 500 x 1 response x 2 hours/response	= 2,386 hours
2 respondents employing >500 x 1 response x 3 hours/response	= 6 hours

Burden Costs for Supervisor's Time

11,680 hours x \$45.73 supervisor's wage/hour	= \$534,126
2,386 hours x \$45.73 supervisor's wage/hour	= \$109,112
6 hours x \$45.73 supervisor's wage/hour	= \$ 274

Burden Hours for Clerical Worker's Time

11,680 respondents employing <20 x 1 response x 0.5 hours/response	= 5,840 hours
1,193 respondents employing 20 to 500 x 1 response x 1 hour/response	= 1,193 hours
2 respondents employing >500 x 1 response x 1.5 hours/response	= 3 hours

Burden Costs for Clerical Worker's Time

5,840 hours x \$21.15 clerical worker's wage/hour	= \$123,516
1,193 hours x \$21.15 clerical worker's wage/hour	= \$ 25,232
3 hours x \$21.15 clerical worker's wage/hour	= \$ 63

**Total Burden Hours To Administer Annual
HazCom Training = 27,915 hours**

**Total Burden Costs To Administer Annual
HazCom Training = \$1,110,664**

12.9. Section 47.61 Requirement for HazCom Training - Annual Burden Hours and Costs for New Operations to Develop a HazCom Training Program and Prepare Materials for Initial HazCom Training

New mine operators will need to develop a HazCom training program and to prepare materials for initial HazCom training.

With respect to coal operations, MSHA estimates that 227 new operations employing fewer than 20 workers, and 73 new operations employing 20 to 500 workers, will need to develop a HazCom training program and prepare materials for initial HazCom training annually. With respect to M/NM operations, MSHA estimates that 570 new operations employing fewer than 20 workers, and 19 new operations employing 20 to 500 workers will need to develop a HazCom training program and prepare materials for initial HazCom training annually.

On average, for either coal or M/NM operations, MSHA estimates that it takes 6 hours of a supervisor's time (4 hours to develop a HazCom training program and 2 hours to prepare lesson materials for initial HazCom training) and 2 hours of a clerical worker's time to help develop the HazCom training program for new operations employing fewer than 20 workers; and 12 hours of a supervisor's time (8 hours to develop a HazCom training program and 4 hours to prepare lesson materials for initial HazCom training) and 4 hours of a clerical worker's time to help develop the HazCom training program for new operations employing 20 to 500 workers.

For coal operations the hourly wage rate is \$59.13 for a supervisor and \$22.04 for a clerical worker. For M/NM operations the hourly wage rate is \$45.73 for a supervisor and \$21.15 for a clerical worker.

Listed below are the annual burden hours and related costs for HazCom training preparation for new operations.

COAL OPERATIONS

Burden Hours for Supervisor's Time

227 respondents employing <20 x 1 response
x 6 hours/response = 1,362 hours
73 respondents employing 20 to 500 x 1 response
x 12 hours/response = 876 hours

Burden Costs for Supervisor's Time

1,362 hours x \$59.13 supervisor's wage/hour = \$80,535
876 hours x \$59.13 supervisor's wage/hour = \$51,798

Burden Hours for Clerical Worker's Time

227 respondents employing <20 x 1 response
x 2 hours/response = 454 hours
73 respondents employing 20 to 500 x 1 response
x 4 hours/response = 292 hours

Burden Costs for Clerical Worker's Time

454 hours x \$22.04 clerical worker's wage/hour = \$10,006
292 hours x \$22.04 clerical worker's wage/hour = \$ 6,436

M/NM OPERATIONS

Burden Hours for Supervisor's Time

570 respondents employing <20 x 1 response
x 6 hours/response = 3,420 hours
19 respondents employing 20 to 500 x 1 response
x 12 hours/response = 228 hours

Burden Costs for Supervisor's Time

3,420 hours x \$45.73 supervisor's wage/hour = \$156,397
228 hours x \$45.73 supervisor's wage/hour = \$ 10,426

Burden Hours for Clerical Worker's Time

570 respondents employing <20 x 1 response
x 2 hours/response = 1,140 hours
19 respondents employing 20 to 500 x 1 response
x 4 hours/response = 76 hours

Burden Costs for Clerical Worker's Time

1,140 hours x \$21.15 clerical worker's wage/hour = \$24,111
76 hours x \$21.15 clerical worker's wage/hour = \$ 1,607

**Total Burden Hours for New Operations to Develop
HazCom Training Plans and Prepare Material
for Initial Training = 7,848 hours**

**Total Burden Costs for New Operations to Develop
HazCom Training Plans and Prepare Material
for Initial Training = \$341,316**

**12.10. Section 47.71 Access to HazCom Materials - Annual Burden Hours and Costs for
Providing Copies of HazCom Information to Miners and Designated Representatives**

Mine operators must make copies of HazCom information available to miners and designated representatives who request the information.

With respect to coal operations, MSHA estimates that 3,416 operations employing fewer than 20 workers, 1,134 operations employing 20 to 500 workers, and 8 operations employing more than 500 workers will need to provide copies of HazCom information to miners who request them, annually. With respect to M/NM operations, 13,283 operations employing fewer than 20 workers, 1,175 operations employing 20 to 500 workers, and 6 operations employing more than 500 workers will need to provide copies of HazCom information to miners who request them, annually.

On average, for either coal or M/NM operations, in all size categories, MSHA estimates that it takes an average of 0.2 hours of a clerical worker's time to process a HazCom information request from each miner. The Agency also estimates that 2 percent of miners (including designated representatives) in each size category will request such information. The average numbers of miners per operation are as follows: 5 miners per coal operation and 5 miners per M/NM operation employing fewer than 20 workers; 64 miners per coal operation and 49 miners per M/NM operation employing 20 to 500 workers; 589 miners per coal operation and 696 miners per M/NM operation employing more than 500 workers.

For coal operations the hourly wage rate is \$22.04 for a clerical worker. For M/NM operations the hourly wage rate is \$21.15 for a clerical worker.

Listed below are the annual burden hours and related costs for providing copies of HazCom information to miners.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

3,416 respondents employing <20 x 0.10 responses x 0.20 hours/response	= 68.32 hours
1,134 respondents employing 20 to 500 x 1.32 responses x 0.20 hours/response	= 299.38 hours
8 respondents employing >500 x 11.78 responses x 0.20 hours/response	= 18.85 hours

Burden Costs for Clerical Worker's Time

68.32 hours x \$22.04 clerical worker's wage/hour	= \$1,506
299.38 hours x \$22.04 clerical worker's wage/hour	= \$6,598
18.85 hours x \$22.04 clerical worker's wage/hour	= \$ 415

M/NM OPERATIONS

Burden Hours for Clerical Worker's Time

13,283 respondents employing <20 x 0.10 responses x 0.20 hours/response	= 265.66 hours
1,175 respondents employing 20 to 500 x 0.98 responses x 0.20 hours/response	= 230.30 hours
11 respondents employing >500 x 13.92 responses x 0.20 hours/response	= 30.62 hours

Burden Costs for Clerical Worker's Time

265.66 hours x \$21.15 clerical worker's wage/hour	= \$5,619
230.30 hours x \$21.15 clerical worker's wage/hour	= \$4,871
30.62 hours x \$21.15 clerical worker's wage/hour	= \$ 648

**Total Burden Hours for Operations to Provide
Information to Workers = 913 hours**

**Total Burden Costs for Operations to Provide
Information to Workers = \$19,657**

12.11. Section 47.73 Providing Labels and MSDSs to Customers - Annual Burden Hours and Costs for Operations to Distribute Copies of HazCom Labeling Information and MSDSs to Customers

Mine operators must distribute copies of HazCom labeling information and MSDSs to customers who request them.

With respect to coal operations, MSHA estimates that 3,416 operations employing fewer than 20 workers, 1,134 operations employing 20 to 500 workers, and 8 operations employing more than 500 workers, will need to provide copies of HazCom labeling information and MSDSs to customers annually. With respect to M/NM operations, MSHA estimates that 13,283 operators employing fewer than 20 workers, 1,175

operations employing 20 to 500 workers, and 11 operations employing more than 500 workers will need to provide copies of HazCom labeling information and MSDSs to customers annually.

On average, for either coal or M/NM operations, in all size categories, MSHA estimates that it takes 0.2 hours of a clerical worker's time to copy and distribute HazCom labeling information or MSDSs to a customer.

On average, with respect to coal operations, MSHA estimates the number of customers making requests is: 12 for operations employing fewer than 20 workers; 24 for operations employing 20 to 500 workers; and 52 for operations employing more than 500 workers. On average, with respect to M/NM, MSHA estimates the number of customers making requests is: 24 for operations employing fewer than 20 workers; 52 for operations employing 20 to 500 workers; and 104 for operations employing more than 500 workers.

For coal operations the hourly wage rate is \$22.04 for a clerical worker. For M/NM operations the hourly wage rate is \$21.15 for a clerical worker.

Listed below are the annual burden hours and related costs for operations to provide copies of HazCom information to customers.

COAL OPERATIONS

Burden Hours for Clerical Worker's Time

3,416 respondents employing <20 x 12 responses	
x .2 hrs/response	= 8,198.40 hours
1,134 respondents employing 20 to 500 x 24 responses	
x .2 hrs/response	= 5,443.20 hours
8 respondents employing >500 x 52 responses	
x .2 hrs/response	= 83.20 hours

Burden Costs for Clerical Worker's Time

8,198.40 hours x \$22.04 clerical worker's wage/hour	= \$180,693
5,443.20 hours x \$22.04 clerical worker's wage/hour	= \$119,968
83.20 hours x \$22.04 clerical worker's wage/hour	= \$ 1,834

M/NM OPERATIONS

Burden Hours for Clerical Worker's Time

13,283 respondents employing <20 x 24 responses	
x .2 hrs/response	= 63,758.40 hours
1,175 respondents employing 20 to 500 x 52 responses	
x .2 hrs/response	= 12,220.00 hours

11 respondents employing >500 x 104 responses
x .2 hrs/response = 228.80 hours

Burden Costs for Clerical Worker's Time

63,758.40 hours x \$21.15 clerical worker's wage/hour = \$1,348,490

12,220.00 hours x \$21.15 clerical worker's wage/hour = \$ 258,453

228.80 hours x \$21.15 clerical worker's wage/hour = \$ 4,839

**Total Burden Hours for Operations to Distribute Labeling
and MSDS Information to Customers = 89,932 hours**

**Total Burden Costs for Operations to Distribute Labeling
and MSDS Information to Customers = \$1,914,277**

TOTAL BURDEN HOURS FOR QUESTION 12 = 203,438 hours

TOTAL BURDEN COSTS FOR QUESTION 12 = \$6,284,544

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.

Numbered sections correspond with numbered section in Question 12.

SECTION 47.31 HAZCOM PROGRAM

13.1. Annual Burden Material Costs For Operations Without a HazCom Program in 2002 to Update

Under this section operations without a HazCom Program in 2002 will need to update their program annually.

With respect to coal operations, MSHA estimates that: 3,374 operations employing fewer than 20 workers; 933 operations employing 20 to 500 workers; and 1 operation employing more than 500 workers will need to update their HazCom program annually. With respect to M/NM operations, MSHA estimates that: 14,010 operations employing fewer than 20 workers, 1,532 operations employing 20 to 500 workers, and 5 operations employing more than 500 workers, will need to update their HazCom program annually.

Material costs for updating the HazCom program are estimated to be: \$1.20 per operation that employ fewer than 20 workers; \$2 per operation that employs 20 to 500 workers; and \$3.20 per operation that employs more than 500 workers.

COAL OPERATIONS

(<20)	3,374 x \$1.20	= \$ 4,049
(20-500)	933 x \$2.00	= \$ 1,866
(>500)	1 x \$3.20	= \$ 3

M/NM OPERATIONS

(<20)	14,010 x \$1.20	= \$16,812
(20-500)	1,532 x \$2.00	= \$ 3,064
(>500)	3 x \$3.20	= \$ 10

COAL AND M/NM TOTAL = \$25,804

13.2. Annual Burden Material Costs For New Operations to Develop a HazCom Program

Under this section, each year, new operations will need to develop a HazCom Program. With respect to coal operations, MSHA estimates that: 227 operations employing fewer than 20 workers; and 73 operations that employ 20 to 500 workers, will need to update their HazCom program annually. With respect to M/NM operations, MSHA estimates

that: 570 operations employing fewer than 20 workers, and 19 operations employing 20 to 500 workers, will need to update their HazCom program.

Material costs for updating the HazCom program are estimated to be \$2.40 per operation that employ fewer than 20 workers, and \$4 per operation that employs 20 to 500 workers.

COAL OPERATIONS

(<20)	227 x \$2.40	= \$545
(20-500)	73 x \$4.00	= \$292

M/NM OPERATIONS

(<20)	570 x \$2.40	= \$1,368
(20-500)	19 x \$4.00	= \$ 76

COAL AND M/NM TOTAL = \$2,281

SECTION 47.41 - LABELING

13.3. Annual Burden Costs for Materials to Label Containers

The operator of a mine must ensure that each container of a hazardous chemical has a label.

With respect to coal operations, MSHA estimates that: 1,336 operations employing fewer than 20 workers; 248 operations employing 20 to 500 workers; and 1 operation employing more than 500 workers, will need to label containers annually. With respect to M/NM operations, MSHA estimates that: 3,723 operations employing fewer than 20 workers; 408 operations employing 20 to 500 workers; and 4 operations employing more than 500 workers will need to label containers.

Material costs for labeling are estimated to be \$0.10 per container labeled. MSHA estimates that of the 4 containers in the average coal operation employing fewer than 20 workers, 50 percent (or 2 containers) need to be labeled. Of the 52 containers in the average coal operation employing 20 to 500 workers, 35 percent (or 18.2 containers) need to be labeled. Of the 567 containers in the average coal operation employing more than 500 workers, 25 percent (or 141.75 containers) need to be labeled.

Of the 5 containers in the average M/NM operation employing fewer than 20 workers, 50 percent (or 2.5 containers) need to be labeled. Of the 50 containers in the average M/NM operation employing 20 to 500 workers, 35 percent (or 17.5 containers) need to be labeled. Of the 855 containers in the average M/NM operation employing more than 500 workers, 25 percent (or 213.75 containers) need to be labeled.

COAL OPERATIONS

(<20)	1,336 x \$0.10 x (4 x 0.50)	= \$267
(20-500)	248 x \$0.10 x (52 x 0.35)	= \$451
(>500)	1 x \$0.10 x (567 x 0.25)	= \$ 14

M/NM OPERATIONS

(<20)	3,723 x \$0.10 x (5 x 0.50)	= \$931
(20-500)	364 x \$0.10 x (50 x 0.35)	= \$637
(>500)	2 x \$0.10 x (855 x 0.25)	= \$ 43

COAL AND M/NM TOTAL = \$2,343

SECTION 47.51 MATERIAL SAFETY DATA SHEETS

13.4. Annual Burden Costs to Update New Material Safety Data Sheets

For each hazardous chemical produced at the mine that has an MSDS, the operator of a mine must update the MSDS annually.

With respect to coal operations, MSHA estimates that 3,278 operations employing fewer than 20 workers, 890 operations employing 20 to 500 workers, and 1 operation employing more than 500 workers, will need to update material safety data sheets annually. With respect to M/NM operations, MSHA estimates that 7,144 operations employing fewer than 20 workers, 638 operations employing 20 to 500 workers, and 2 operations employing more than 500 workers, will need to update material safety data sheets annually.

Material costs for updating MSDS are estimated to be \$1 per MSDS. On average, with respect to coal operations, the number of MSDS that will need to be developed are estimated to be: 0.25 sheets in operations employing fewer than 20 workers, 0.50 sheets in operations employing 20 to 500 workers, and 0.75 sheets in operations employing more than 500 workers. On average, with respect to M/NM operations, the number of MSDS that will need to be developed are estimated to be: 0.25 sheets in operations employing fewer than 20 workers, 1 sheet in operations employing 20 to 500 workers, and 1.5 sheets in operations employing more than 500 workers.

COAL OPERATIONS

(<20)	3,278 x 0.25 x \$1	= \$820
(20-500)	890 x 0.50 x \$1	= \$445
(>500)	1 x 0.75 x \$1	= \$ 1

M/NM OPERATIONS

(<20)	7,114 x 0.25 x \$1	= \$1,779
(20-500)	638 x 0.50 x \$1	= \$ 319
(>500)	2 x 0.75 x \$1	= \$ 2

COAL AND M/NM TOTAL = \$3,366

13.5. Annual Burden Costs to Update New Material Safety Data Sheets Created at New Mines Starting

For each hazardous chemical produced at a new operation, the new operation must prepare a material safety data sheet (MSDS).

Annually, the number of new coal operations that will need to develop material safety data sheets are estimated to be 227 new operations employing fewer than 20 workers, and 73 new operations employing 20 to 500 workers. Annually, the number of new M/NM operations that will need to develop material safety data sheets are estimated to be 570 new operations employing fewer than 20 workers, and 19 new operations employing 20 to 500 workers.

Material costs for developing MSDS are estimated to be \$2 per MSDS. The number of MSDS that will need to be developed at new operations are estimated to be: 1 MSDS for either a coal or M/NM operation employing fewer than 20 workers; 2 MSDS for a coal operation employing 20 to 500 workers; and 4 MSDS for a M/NM operation employing 20 to 500 workers.

COAL OPERATIONS

(<20)	227 x 1 x \$2	= \$ 454
(20-500)	73 x 2 x \$2	= \$ 292

M/NM OPERATIONS

(<20)	570 x \$2 x 1	= \$1,140
(20-500)	19 x \$2 x 4	= \$ 152

COAL AND M/NM TOTAL = \$2,038

SECTION 47.61 TRAINING

13.6. Annual Burden Costs for Materials for New Miners that Need to Take Initial HazCom Training Program

New miners will need materials to take the HazCom training. With respect to coal operations, MSHA estimates that: 3,131 operations employing fewer than 20 workers; 699 operations employing 20 to 500 workers; and 3 operations employing more than 500 workers, will need to give HazCom training to new miners annually. With respect to M/NM operations, MSHA estimates that: 11,680 operations employing fewer than 20

workers; 1,193 operations employing 20 to 500 workers; and 2 operations employing more than 500 workers, will need to give HazCom training to new miners annually.

The turnover rate is estimated to be 7 percent for coal operations, and 19 percent for M/NM operations. With respect to coal operations, the number of miners per operations is estimated to be: 7 miners for operations employing fewer than 20 workers; 68 miners for operations employing 20 to 500 workers; and 590 for operations employing more than 500 workers. With respect to M/NM operations, the number of miners per operations is estimated to be: 5 miners for operations employing fewer than 20 workers; 48 miners for operations employing 20 to 500 workers; and 695 for operations employing more than 500 workers.

HazCom Training materials are estimated to cost \$5 per miner.

COAL OPERATIONS

(<20)	$3,131 \times (7 \times 0.07) \times \5	= \$ 7,671
(20 - 500)	$699 \times (68 \times 0.07) \times \5	= \$16,636
(>500)	$3 \times (590 \times 0.07) \times \5	= \$ 619

M/NM OPERATIONS

(<20)	$11,680 \times (5 \times 0.19) \times \5	= \$55,480
(20 - 500)	$1,193 \times (48 \times 0.19) \times \5	= \$54,401
(>500)	$2 \times (695 \times 0.19) \times \5	= \$ 1,321

COAL AND M/NM TOTAL = \$ 136,128

13.7. Annual Burden Costs for Materials for New Operations to Develop and Prepare HazCom Training

New operations must prepare before HazCom training is given to miners. Annually, the new coal operations that will need to prepare to give the HazCom training program are estimated to be: 227 new operations employing fewer than 20 workers; and 73 new operations employing 20 to 500 workers. Annually, the new M/NM operations that will need to prepare to give the HazCom Training program are estimated to be: 570 new operations employing fewer than 20 workers; and 19 new operations employing 20 to 500 workers.

HazCom Training materials are estimated to cost \$5 per miner. The number of miners per coal operation to be trained is: 7 miners for operations employing fewer than 20 workers; and 68 miners for operations employing 20 to 500 workers. The number of miners per M/NM operation to be trained is: 5 miners for operations employing fewer than 20 workers; and 48 miners for operations employing 20 to 500 workers.

COAL OPERATIONS

(<20)	227 x (7 x \$5)	= \$ 7,945
(20-500)	73 x (68 x \$5)	= \$24,820

M/NM OPERATIONS

(<20)	570 x (5 x \$5)	= \$14,250
(20-500)	19 x (48 x \$5)	= \$ 4,560

COAL AND M/NM TOTAL = \$51,575

SECTION 47.71 PROVIDING INFORMATION

13.8. Annual Burden Costs for Providing Copies of HazCom Information to Miners

Operations must provide copies of HazCom labeling information to miners that request them.

With respect to coal operations, MSHA estimates that: 3,416 operations employing fewer than 20 workers; 1,134 operations employing 20 to 500 workers; and 8 operations employing more than 500 workers, will need to provide copies of HazCom labeling information to miners that request them, annually. With respect to M/NM operations, MSHA estimates that: 13,283 operations employing fewer than 20 workers; 1,175 operations employing 20 to 500 workers; and 11 operations employing more than 500 workers, will need to provide copies of HazCom labeling information to miners that request them, annually.

Photocopy costs are estimated to be \$0.60 per request. MSHA estimates that 2 percent of miners in each size category will make a request. With respect to coal operations, the amount of miners per operation are estimated to be: 7 miners per operation employing fewer than 20 workers; 68 miners per operation employing 20 to 500 workers; and 590 miners per operation employing more than 500 workers. With respect to M/NM operations, the amount of miners per operation are estimated to be: 5 miners per operation employing fewer than 20 workers; 48 miners per operation employing 20 to 500 workers; and 695 miners per operation employing more than 500 workers.

COAL OPERATIONS

(<20)	3,416 x (7 x 0.02) x \$0.60	= \$287
(20-500)	1,134 x (68 x 0.02) x \$0.60	= \$925
(>500)	8 x (590 x 0.02) x \$0.60	= \$ 57

M/NM OPERATIONS

(<20)	13,283 x (5 x 0.02) x \$0.60	= \$797
(20-500)	1,175 x (48 x 0.02) x \$0.60	= \$677
(>500)	11 x (695 x 0.02) x \$0.60	= \$ 92

COAL AND M/NM TOTAL = \$2,835

13.9. Annual Burden Costs for Distribution of HazCom Labeling Information and MSDSs to Customers

Operations must provide copies of HazCom labeling information to customers that request them.

With respect to coal operations, MSHA estimates that: 3416 operations employing fewer than 20 workers; 1,134 operations employing 20 to 500 workers; and 8 operations employing more than 500 workers, will need to provide copies of HazCom labeling information to customers annually. With respect to M/NM operations, MSHA estimates that: 13,283 operations employing fewer than 20 workers; 1,175 operations employing 20 to 500 workers; and 11 operations employing more than 500 workers, will need to provide copies of HazCom labeling information to customers annually.

Photocopy costs are estimated to be \$0.60 per request. MSHA estimates that the number of customers making requests in coal operations will be: 12 in operations employing fewer than 20 workers; 24 in operations employing 20 to 500 workers; and 52 in operations employing more than 500 workers. In addition, MSHA estimates that the number of customers making requests in M/NM operations will be: 24 in operations employing fewer than 20 workers; 52 in operations employing 20 to 500 workers; and 104 in operations employing more than 500 workers.

COAL OPERATIONS

(<20)	3,416 x 12 x \$0.60 = \$24,595
(20-500)	1,134 x 24 x \$0.60 = \$ 6,330
(>500)	8 x 52 x \$0.60 = \$ 250

M/NM OPERATIONS

(<20)	13,283 x 24 x \$0.60 = \$191,275
(20-500)	1,175 x 52 x \$0.60 = \$ 36,660
(>500)	11 x 104 x \$0.60 = \$ 686

COAL AND M/NM TOTAL = \$269,796

TOTAL ANNUAL BURDEN COSTS = \$496,166

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 to continue to implement this rule.

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

The number of mines and contractors has been updated using 2003 figures. Also, hourly wage rates were updated in all applicable calculations by using 2003 figures. The number of mines and contracting firms responding increased, which caused an increase in the number of hours for this submission. An increase in the wages and number of mines also caused the increase in costs for this renewal package.

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.

MSHA does not intend to publish the results of this information collection.

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

MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

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

MSHA is not seeking an exception to compliance with 5 CFR 1320.9 or the related provisions of 5 CFR 1320.8(b)(3).

B. Collection of Information Employment Statistical Methods

This collection of information does not employ statistical methods.

Federal Mine Safety & Health Act of 1977,
Public Law 91-173,
as amended by Public Law 95-164

An Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Federal Mine Safety and Health Act of 1977".

TITLE I--GENERAL

MANDATORY SAFETY AND HEALTH STANDARDS

SEC. 101. (a) The Secretary shall by rule in accordance with procedures set forth in this section and in accordance with section 553 of title 5, United States Code (without regard to any reference in such section to sections 556 and 557 of such title), develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

7) Any mandatory health or safety standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners 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. Where appropriate, such mandatory standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring miner exposure at such locations and intervals, and in such manner so as to assure the maximum protection of miners. In addition, where appropriate, any such mandatory standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the operator at his cost, to miners exposed to such hazards in order to most effectively determine whether the health of such miners is adversely affected by such exposure. Where appropriate, the mandatory standard shall provide that where a determination is made that a miner may suffer material impairment of health or functional capacity by reason of exposure to the hazard covered by such mandatory standard, that miner shall be removed from such exposure and reassigned. Any miner transferred as a result of such exposure shall continue to receive compensation for such work at no less than the regular rate of pay for miners in the classification such miner held immediately prior to his transfer. In the event of the transfer of a miner pursuant to the preceding sentence, increases in wages of the transferred miner shall be based upon the new work classification. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of examinations or tests made pursuant to the preceding sentence shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the miner, to his designated physician.

(9) No mandatory health or safety standard promulgated under this title shall reduce the protection afforded miners by an existing mandatory health or safety standard.

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart D_HazCom Program

Sec. 47.31 Requirement for a HazCom program.

Each operator must--

- (a) Develop and implement a written HazCom program,
- (b) Maintain it for as long as a hazardous chemical is known to be at the mine, and
- (c) Share relevant HazCom information with other on-site operators whose miners can be affected.

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart E_Container Labels and Other Forms of Warning

Sec. 47.41 Requirement for container labels.

(a) The operator must ensure that each container of a hazardous chemical has a label. If a container is tagged or marked with the appropriate information, it is labeled.

(1) The operator must replace a container label immediately if it is missing or if the hazard information on the label is unreadable.

(2) The operator must not remove or deface existing labels on containers of hazardous chemicals.

(b) For each hazardous chemical produced at the mine, the operator must prepare a container label and update this label with any significant, new information about the chemical's hazards within 3 months of becoming aware of this information.

(c) For each hazardous chemical brought to the mine, the operator must replace an outdated label when a revised label is received from the chemical's manufacturer or supplier. The operator is not responsible for an inaccurate label obtained from the chemical's manufacturer or supplier.

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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart F_Material Safety Data Sheets (MSDS)

Sec. 47.51 Requirement for an MSDS.

Operators must have an MSDS for each hazardous chemical which they produce or use. The MSDS may be in any medium, such as paper or electronic, that does not restrict availability.

(a) For each hazardous chemical produced at the mine, the operator must prepare an MSDS, and update it with significant, new information about the chemical's hazards or protective measures within 3 months of becoming aware of this information.

(b) For each hazardous chemical brought to the mine, the operator must rely on the MSDS received from the chemical manufacturer or supplier, develop their own MSDS, or obtain one from another source.

(c) Although the operator is not responsible for an inaccurate MSDS obtained from the chemical's manufacturer, supplier, or other source, the operator must--

(1) Replace an outdated MSDS upon receipt of an updated revision, and

(2) Obtain an accurate MSDS as soon as possible after becoming aware of an inaccuracy.

(d) The operator is not required to prepare an MSDS for an intermediate chemical or by-product resulting from mining or milling if its hazards are already addressed on the MSDS of the source chemical.

[Code of Federal Regulations]
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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart H_Making HazCom Information Available

Sec. 47.71 Access to HazCom materials.

Upon request, the operator must provide access to all HazCom materials required by this part to miners and designated representatives, except as provided in Sec. 47.81 through Sec. 47.87 (provisions for trade secrets).

[Code of Federal Regulations]
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TITLE 30--MINERAL RESOURCES

CHAPTER I--MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 47_HAZARD COMMUNICATION (HazCom)--Table of Contents

Subpart H_Making HazCom Information Available

Sec. 47.73 Providing labels and MSDSs to customers.

For a hazardous chemical produced at the mine, the operator must provide customers, upon request, with the chemical's label or a copy of the label information, and the chemical's MSDS.