



Battery Council International
2001 K Street NW, 3rd Floor N
Washington DC 20006

June 13, 2025

Seleda Perryman
Directorate of Standards and Guidance
OSHA
U.S. Department of Labor

VIA *Regulations.gov*

RE: Lead in General Industry Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements; FR Doc. 2025-06265 (Docket No. OSHA-2012-0013)

Dear Ms. Perryman:

Battery Council International (“BCI”) appreciates the opportunity to respond to the Occupational Safety and Health Administration’s (“OSHA”) request in the April 14, 2025 *Federal Register* for comments on its planned submission to the Office of Management and Budget (“OMB”) for an extension of Approval of the Information Collection Requirements (“ICR”) in the Lead in General Industry Standard (29 C.F.R. 1910.1025) (hereinafter, “Lead Standard”). As discussed more fully below, BCI questions the accuracy of OSHA’s estimate of the burdens resulting from the information collection requirements.

BCI is a non-profit trade association whose members are engaged in the manufacture, distribution, and recycling of rechargeable batteries around the world. BCI’s manufacturing members manufacture lead batteries and battery components for automotive low voltage applications (*e.g.*, combustion-engine SLI and EV auxiliary batteries); marine, recreational, and powersports vehicle power; stationary back-up power applications; grid-connected energy storage; industrial vehicle motive power (*e.g.*, forklifts, mining vehicles); military applications; and innumerable other critical applications.

BCI members account for over 98% of U.S. lead battery production. The lead battery manufacturing industry is the single largest user of lead in the nation, with lead battery production accounting for approximately 92% of the lead consumed in the United States each year.

BCI’s battery recycler members also represent 100% of the U.S. lead battery recycling (*i.e.*, secondary lead smelting) capacity, which itself accounts for 100% of U.S. lead metal production. Battery recyclers are responsible for the facilities and processes that ensure that approximately 99% of used lead batteries are recycled to reclaim their various lead components as raw materials to manufacture new lead batteries.

Our industry promotes lead battery recycling by collecting and recycling lead batteries, encouraging the enactment of mandatory lead battery recycling laws, and supporting ongoing consumer and industry education efforts. BCI's members employ 106,000 direct jobs in the U.S. They are located in every state and employed in battery manufacturing, sales, distribution, maintenance, and recycling.

Through BCI members' considerable efforts, and unwavering commitment to understanding and controlling lead exposures, they have implemented a highly effective voluntary program to achieve employee occupational health goals significantly more protective than those required by OSHA's Lead Standard. Notwithstanding this voluntary effort and the extraordinary impact it has had in controlling lead exposures to workers in the industry, BCI members, of course, nonetheless, are required to continue to comply with all aspects of the Lead Standard as well. Compliance with the standard poses significant paperwork burdens on the industry that do not seem to be accurately recognized in OSHA's paperwork burden analysis.

Under the Paperwork Reduction Act of 1980 (the "PRA"), federal agencies have an obligation to minimize the paperwork burden related to information collection from the government. 44 U.S.C. § 3501(1). The term "burden" refers to the "time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency." 44 U.S.C. § 3502(2); 5 C.F.R. § 1320.3(b)(1). The creation of recordkeeping requirements also must be consistent with other federal laws including those related to privacy and confidentiality, security of information, and access to information. 44 U.S.C. § 3501(8). Moreover, an agency must certify to OMB that the information request is necessary and will have practical utility, that the information is not duplicative of other information reasonably accessible to the agency and is implemented in a manner consistent and compatible with existing requirements and practices of the respondents. 5 C.F.R. § 1320.9(a),(b), and (e).

OSHA has acknowledged that, among other provisions, the exposure monitoring, medical surveillance, training and information, and recordkeeping requirements of the Lead Standard impose paperwork burdens on employers, including obligations related to the following mandated activities:

instituting programs for exposure monitoring and medical surveillance (including medical examinations); notifying workers of exposure levels and biological monitoring results; the option available to employees to have multiple physician review under the medical surveillance program providing information to physicians; obtaining written medical opinions; implementing worker information and training programs; recording medical removals; maintaining and transferring records of exposure monitoring and medical surveillance results, medical removals, and objective data used for the initial exposure monitoring exemption; and making records available to specified parties.

Lead in General Industry Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements (Aug. 10, 2012).

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Lead in General Industry Standard. Specifically, the agency is requesting an adjusted increase in burden hours, from 1,134,438 hours to 1,250,537 hours, a difference of 116,099 hours. OSHA states that the adjustment increase is due to an increase in the number of employers (56,906 to 60,569 employers) and an increase in the number of exposed workers (346,894 to 366,629 exposed workers), based on updated data. In addition, due to the increase in the estimated number of initial exposure monitoring, initial medical examinations, as well as increased costs to perform biological monitoring and medical examinations under the standard, OSHA requests an increase in total operation and maintenance costs of \$51,775,260 (from \$145,080,120 to \$196,201,192).

Though OSHA's recognition, as outlined in Lead in General Industry Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements, that an increase in the recognized administrative burden hours and costs associated with compliance with the Lead Standard is welcome, BCI questions the accuracy of the "updated data," the source of which is undisclosed, that purportedly prompted this realization. OSHA asserts that the numbers of affected workers and employers has increased, but BCI's members report that consolidation in the industry has actually reduced those numbers. At the same time, the increases the agency proposes are insufficient and do not reflect the actual cost burden imposed on BCI members. For example, OSHA estimates that the approximately 60,569 employers it says are covered by the Lead Standard will need to expend a total of 1,250,537 burden hours to comply with the Lead Standard, or about 20.6 hours per employer per year. A recent survey of BCI's members reveals, however, that each of its individual employer-members is required to invest nearly 4,000 man hours per year to complete the administrative work required to comply with the biological monitoring requirements of the Lead Standard alone.

Similarly, OSHA estimates that operation and maintenance costs for covered employers will increase to \$196,201,192 (from \$145,080,120) due to increased quantities of exposure monitoring, initial medical examinations, and increased costs to perform biological monitoring and medical examinations under the standard. Even with the increased values, the estimate is belied by the experiences of BCI's members, who spend an average of \$320 per employee per year just on biological monitoring costs. Assuming that there are, as OSHA claims, 366,629 affected employees, the cost for a year of biological monitoring for employees in this industry, at \$320 per employee totals, \$117,321,280, sixty percent of OSHA's total cost estimate for operations and maintenance costs. It defies logic to assume that the 40 percent remaining (\$78,879,912) accurately captures the full remainder of total costs expended by the industry to conduct initial exposure monitoring and initial medical examinations, let alone the other medical examinations required throughout the year. In fact, the costs to provide initial annual medical examinations to each covered employee alone likely exceeds that amount.

In sum, there are significant reasons to question the accuracy of OSHA's estimation of the burden incurred by affected employers in complying with the information-collection requirements of the Lead Standard. Thus, BCI recommends that OSHA reevaluate and recalculate its estimated



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burden times and costs to ensure that they accurately reflect the number of affected workers and employers and the substantial impact on affected employers, taking into consideration the above comments.

Thank you for allowing us the opportunity to comment on OSHA's proposed ICR for the Lead Standard. We hope you find this input helpful in complying with the provisions of the Paperwork Reduction Act of 1995. We appreciate OSHA's consideration of these comments and would be pleased to respond to any questions the agency may have on this important matter.

Respectfully submitted,

Susan E. Bernard

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