

Table VIII-13. Incremental Benefits: Benefits, Costs, Net Benefits, and Cost/Cancer Avoided from a Reduction in Exposure to Hexavalent Chromium

Change in PEL:	20 to 10	10 to 5	5 to 1	1 to 0.5	0.5 to 0.25
3% Discount Rate:					
Change in Benefits	\$165.4	\$173.9	\$268.7	\$63.2	\$52.0
Change in Costs	\$56.0	\$108.0	\$279.0	\$444.0	\$766.0
Change in Net Benefits (Δ Benefits - Δ Costs)	\$109.4	\$65.9	-\$10.3	-\$380.8	-\$714.0
Difference in Avg. Cancers Avoided	36	34	55	13	11
Change in Costs/Additional Cancers Avoided	\$1.6	\$3.2	\$5.1	\$34.2	\$69.6
7% Discount Rate:					
Change in Benefits	\$88.6	\$93.4	\$144.6	\$34.1	\$26.9
Change in Costs	\$58.0	\$112.0	\$288.0	\$463.0	\$782.0
Change in Net Benefits (Δ Benefits - Δ Costs)	\$30.6	-\$18.6	-\$143.4	-\$428.9	-\$755.1
Difference in Avg. Cancers Avoided	36	34	55	13	11
Change in Costs/Additional Cancers Avoided	\$1.6	\$3.3	\$5.2	\$35.6	\$71.1

Source: U.S. Dept. of Labor, OSHA, Office of Regulatory Analysis, 2006.

G. Summary of the Final Regulatory Flexibility Analysis

The full final regulatory flexibility analysis is presented in Chapter VII of the FEA. Many of the topics discussed there, such as the legal authority for the rule; the reasons OSHA is going forward with the rule; and economic impacts on small business have been presented in detail elsewhere in the Preamble. As a result, this section focuses on two issues: duplicative, overlapping, or conflicting rules; and alternatives OSHA considered.

Federal Rules That May Duplicate, Overlap, or Conflict With the Final Rules

OSHA's SBREFA panel for this rule suggested that OSHA address a number of possible overlapping or conflicting rules: EPA's Maximum Achievable Control Technology (MACT) standard for chromium electroplaters; EPA's standards under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for Chromium Copper Arsenate (CCA) applicators; and state use of OSHA PELs

for setting fence line air quality standards. The Panel was also concerned that, in some cases, other OSHA standards might overlap and be sufficient to assure that a new final standard would not be needed, or that some of the final standard's provisions might not be needed.

OSHA has thoroughly studied the provisions of EPA's MACT standard and has also consulted with EPA. The standards are neither duplicative nor conflicting. The rules are not duplicative because they have different goals—environmental protection and protection against occupation exposure. It is quite possible, as many electroplaters are now doing, to achieve environmental protection goals without achieving occupational protection goals. The regulations are not conflicting because there exist controls that can achieve both goals without interfering with one another. However, it is possible that meeting the final OSHA standard would cause someone to incur additional costs for the MACT standard. If an employer has to make major changes to install LEV, this could result

in significant expenses to meet EPA requirements not accounted for in OSHA's cost analysis. In its final cost estimates, OSHA has included costs for additional MACT testing in cases where it may be needed. OSHA has also allowed all facilities four years to install engineering controls, with the result that electroplaters can better coordinate their EPA and OSHA requirements and avoid the need for extra testing.

OSHA examined the potential problem of overlapping jurisdiction for CCA applicators, and found that there would indeed be overlapping jurisdiction. As a result, OSHA had excluded CCA applicators from the scope of the coverage of the rule. OSHA has been unable to find a case where a state, as a matter of law, bases fence line standards on OSHA PELs. OSHA notes that the OSHA PEL is designed to address the risks associated with life long occupational exposure only.

OSHA has also examined other OSHA standards, and where standards are overlapping, referred to them by reference in the final standard in order to eliminate the possibility of