

**THE INFORMATION COLLECTION REQUEST FOR  
PERSONAL PROTECTIVE EQUIPMENT (PPE) STANDARDS  
FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET  
(OMB) CONTROL NO. 1218-0205 (September 2006)**

## 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.**

The main objective of the Occupational Safety and Health Act of 1970 (OSH Act) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the OSH Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, the OSH Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary appropriate for enforcement of this Act . . .” (29 U.S.C. 657). The OSH Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with inspection of an employer’s establishment” (29 U.S.C. 657).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA) issued personal protective equipment (PPE) standards for general industry at 29 CFR part 1910, subpart I (subpart I). Section 1910.132(a) requires that PPE, including equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact. Items 2 and 12 below describe in detail the specific information collection requirements of subpart I that this Supporting Statement addresses.

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<sup>1</sup> The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with provisions of this standard that contain paperwork requirements; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, these provisions. This Supporting Statement and information collection request (ICR) does not include burden hours and costs associated with the information collection requirements in the subpart I standard on Respiratory Protection (29 CFR 1910.134) and Electrical Protective Equipment (29 CFR 1910.137), both of which have been addressed in separate ICRs. See, OMB Control Nos. 1218-0099 (December 2004) and 1218-0190 (September 2003), respectively.

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.

Subpart I specifies several paperwork requirements. The following describes the information collection requirements in subpart I and addresses who will use the information.

### **Hazard Assessment and Verification (§1910.132(d))**

Paragraph (d)(1) requires employers to perform a hazard assessment of the workplace to determine if hazards are present, or likely to be present, that make the use of PPE necessary. Where such hazards are present, employers must communicate PPE selection decisions to each affected employee (paragraph (d)(1)(ii)). Paragraph (d)(2) requires employers to certify in writing that they have performed the hazard assessment. The certification must include the date and the person certifying that the hazard assessment was conducted, and the identification of the workplace evaluated (area or location).<sup>2</sup>

The hazard assessment assures that potential workplace hazards necessitating PPE use have been identified and the PPE selected is appropriate for those hazards and the affected employees. The required certification of the hazard assessment verifies that the required hazard assessment was conducted.

### **Training and Verification (§1910.132(f))**

Section 1910.132(f) requires that employers provide training for each employee who is required to wear PPE. Paragraph (f)(3) requires that employers also provide retraining when there is reason to believe that any previously trained employee does not have the understanding and skill to use PPE properly. Circumstances where such retraining is required include changes in the workplace that render prior training obsolete, changes in the types of PPE used, and inadequacies in the employee's knowledge or use of PPE that indicate the employee had not retained the requisite understanding and skill.

Paragraph (f)(4) requires that employers certify that employees have received and understood the PPE training required in §1910.132(f). The training certification must include the name of the employee(s) trained, the date(s) of training, and the subject of the certification (i.e., a statement identifying the document as a certification of training in the use of PPE).

The training certification verifies that employees have received the necessary training and know how to properly use PPE. OSHA compliance officers may require employers to disclose the certification records during an Agency inspection.

The standards on PPE protection for the eyes and face (29 CFR 1910.133), head (29 CFR 1910.135, feet (29 CFR 1910.136)), and hands (29 CFR 1910.138) do not contain any separate information collection requirements.

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<sup>2</sup> Paragraph (g) of §1910.132 specifies that the section's hazard assessment (paragraph (d)) and training (paragraph (f)) requirements only apply to PPE for the eyes and face, head, feet, and hands.

**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.**

Employers may use automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of responses), when reporting or maintaining records associated with the information collection requirements in subpart I. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data).

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.**

The information collection requirements in subpart I are specific to each employer and employee involved, and no other source or agency duplicates the requirement or can make the required information available to OSHA (i.e., the required information is available only from employers).

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

The information collection requirements specified by subpart I do not have a significant impact on a substantial number of small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is or is not conducted less frequently and any technical or legal obstacles to reducing the burden.**

The collections of information are for the purpose of employee safety and health in the workplace and are the minimum amount necessary and appropriate.

**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 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 prove that it has instituted procedures to protect the information's confidentially to the extent permitted by law.**

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirement is within the guidelines set forth in 5 CFR 1320.5.

**8. If applicable, provide a copy and identify the date 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 before submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments specifically address comments received on cost and hour burdens.**

**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, revealed, 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 three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on July 26, 2006 (71 FR 42419, Docket No. ICR-1218-0205(2006)) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements found in 29 CFR part 1910, subpart I (Personal Protective Equipment (PPE) Standards for General Industry). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received no comments in response to its notice.

**9. Explain any decision to provide any payments or gift to respondents, other than reenumeration of contractors or grantees.**

The Agency will not provide payments or gifts to the respondents.

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

The paperwork requirements specified by subpart I do not require the collection of confidential information.

**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.**

The provisions in subpart I do not require the collection of sensitive information.

**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.**

### **Burden-Hour and Cost Determinations**

As a preliminary matter, OSHA is increasing the number of establishments affected by the information collection requirements in subpart I. Using U.S. Census Bureau’s 2003 County Business Patterns, OSHA estimates that there are 3.4 million establishments and with 33.7 million affected workers. In determining the wage rates for the various occupations that perform the paperwork requirements, OSHA used the most recent data from *Employer Costs for Employee Compensation, September 2005*, Bureau of Labor Statistics (BLS), U.S. Department of Labor. The specific rate of hourly compensation for each occupation, including fringe benefits, is as follows:

Management and Professional:	\$42.84
Office and administrative support:	\$20.78

#### **(A) Initial Hazard Assessments, Reassessments, and Certification of Hazard Assessments (§1910.132(d)).**

Paragraph (d) requires that all affected employers conduct a hazard assessment and make a determination regarding their need for PPE. In the Regulatory Impact Analysis (RIA) of OSHA’s final rule revising subpart I (59 FR 16334 (4/6/1994)), the Agency estimated that the time to perform a hazard assessment ranged from 3 to 29 hours, based on the number of employees per establishment. Establishments with 1-19 employees take 3 hours; establishments with 20-99 employees take 10 hours; establishments with 100-249 employees take 19 hours; and establishments with 250 or more employees take 29 hours. These times include the time to communicate PPE selection decisions to affected employees and to generate and maintain the certification record.

Data from the Census Bureau indicates that there is a 12.4 percent annual establishment turnover rate in the private sector.<sup>3</sup> Therefore, for purposes of this ICR, 421,600 establishments (3.4 million x 12.4 percent) are considered “new” and will need to conduct an initial hazard assessment. The RIA noted that 47 percent of establishments were conducting the initial hazard assessment as a usual and customary practice, thus, 53 percent of the 421,600 establishments (or 223,448 establishments) would incur a burden.

OSHA believes that 90 percent of the 223,448 new establishments (or 201,103 establishments) are equally divided between firms that have either 1-19 or 20-99 employees. OSHA also believes the remaining 10 percent (22,345 establishments) are larger firms that are equally divided between firms that have either 100-249 employees or 250 or more employees. The total burden for this activity is calculated as follows:

<b>Burden hours:</b>	<b>201,103 establishments x .50 x 3 hours</b>	<b>=</b>	<b>301,655 hours</b>
	<b>201,103 establishments x .50 x 10 hours</b>	<b>=</b>	<b>1,005,515 hours</b>
	<b>22,345 establishments x .50 x 19 hours</b>	<b>=</b>	<b>212,278 hours</b>
	<b>22,345 establishments x .50 x 29 hours</b>	<b>=</b>	<b><u>324,003 hours</u></b>
			<b>1,843,451 hours</b>
<b>Cost:</b>	<b>1,843,451 hours x \$42.84</b>	<b>=</b>	<b>\$78,973,441</b>

OSHA estimates that all establishments will need to conduct PPE hazard reassessments an average of once every five years (20 percent per year). This estimate is based on the assumption that firms change production processes, incorporate new technologies or open new facilities at this rate. OSHA estimates that it will take one hour for an establishment to perform this hazard reassessment; communicate the PPE selection decisions to affected employees; and to generate and maintain the certification record.

<b>Burden hours:</b>	<b>3.4 million establishments x .20 x 1 hour</b>	<b>=</b>	<b>680,000 hours</b>
<b>Cost:</b>	<b>680,000 hours x \$42.84</b>	<b>=</b>	<b>\$29,131,200</b>

**(B) Training and Verification (§ 1910.132(f)(4)).**

OSHA believes that all current affected employees in General Industry (33.7 million) have been trained in the use of PPE and that employers will take one minute (.02 hour) to maintain the certification record for each employee. (Because the training is performance-oriented it is not subject to review under the PRA. Therefore, no burden for training has been calculated.)

BLS estimates the employee turnover rate is 40.8 percent. The Agency will use this rate to account for both new hires (at existing and new establishments) and employees requiring retraining. Thus, the Agency estimates 13,749,600 employees (40.8% of 33.7 million) to be the annual number of new hires and those requiring retraining in any given year. In addition, a

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<sup>3</sup> Technically, this is referred to as the “birth” rate of establishments. 2001-2002 Statistics of U.S. Business dynamic data at <http://www.census.gov/csd/subs/susbdyn.htm>.

written certification must be maintained for all existing employees which the Agency estimates to take 1 minute (.02 hour) each, and that it will take 3 minutes (.05 hour) to generate and maintain the training documentation for each new/retrained employee.

**Burden hours: 33,700,000 existing employees x .02 hour to maintain training documentation = 674,000 hours**

**Cost: 674,000 hours x \$20.78 = \$14,005,720**

**Burden hours: 13,749,600 new/retrained employees x .05 hour to generate and maintain training documentation = 687,480 hours**

**Cost: 687,480 hours x \$20.78 = \$14,285,834**

In addition, OSHA estimates, based on the RIA, that technology or job changes within an establishment will require that all employees be retrained every five years (20 percent annually). These employees can be trained in groups of five. A certification record will have to be generated and maintained for each group.

**Burden hours: 33,700,000 employees/5 x .20 retrained annually x .05 hour to generate and maintain training documentation = 67,400 hours**

**Cost: 67,400 hours x \$20.78 = \$1,400,572**

Additionally, the Agency believes that approximately 47,600 employers will be subject to an OSHA inspection and required to disclose training certification records annually (see Item 14 below) which is estimated to take 2 minutes (.03 hour).

**Burden hours: 47,600 inspections x .03 hour to disclose training documentation = 1,428 hours**

**Cost: 1,428 hours x \$42.84 = \$61,176**

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 service 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 respondent (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.

The cost determinations made under Item 12 account for the total annual cost burden to respondents or recordkeepers resulting from these collection of information requirements.

**14. Provide estimates of the 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), 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 into a single table.**

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$35.32, spends about 15 minutes (.25 hour) during an inspection reviewing hazard assessment and training certification documents. The Agency has determined that its compliance officers will conduct about 47,600 inspections during each year covered by this ICR.<sup>4</sup> OSHA considers other expenses, such as equipment, overhead, and support staff salaries to be normal operating expenses that would occur without the paperwork requirements specified by the Standard. Therefore, the total cost of these paperwork requirements to the Federal government is:

$$\text{Cost: } 47,600 \text{ inspections} \times .25 \text{ hour} \times \$35.32 = \$420,308$$

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.**

OSHA is requesting to increase the burden hours of the paperwork requirements in subpart I from 3,169,344 burden hours to 3,953,759 hours, for a total increase of 784,415 burden hours. Table 1 below describes each of the requested burden hour adjustments.

**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 information, completion of report, publication dates, and other actions.**

OSHA will not publish the information collected under PPE subpart I.

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

No forms are available for the Agency to display the expiration date.

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<sup>4</sup> OSHA estimated the number of inspections by determining the inspection rate (1.4%) for the number of employers covered by this ICR (3.4 million), and then multiplying this number by 1.4% (i.e., 3,400,000 million employers x 1.4% = 47,600 inspections).

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

OSHA is not seeking an exception to the certification statement specified by Item 19 of OMB 83-I.

**Table 1: Requested Burden-Hour Adjustments**

<b>Information Collection Requirement</b>	<b>Requested Burden Hours</b>	<b>Current Burden Hours</b>	<b>Adjustment</b>	<b>Cost Under Item 12</b>	<b>Responses</b>	<b>Explanation of Adjustment</b>
Initial Assessment and Reassessment of Workplace for Hazards (1910.132(d)(1))  Written Certification of Assessment (1910.132(d)(2))	1,843,451	1,399,200	444,251	\$78,973,441	223,448	The adjustment increase is due to an increase in the number of establishments since the currently approved ICR. Based on updated information, the number of establishments is 3.4 million (up from 3.2 million).
	680,000	640,000	40,000	\$29,131,200	680,000	
Certification of PPE Training and Retraining (1910.132(f)(4))	674,000	664,000	10,000	\$14,005,720	33,700,000	The adjustment increase is due to an increase in the number of affected employees since the currently approved ICR. Based on updated information, the number of employees is 33.7 million (up from 33.2 million).
	687,480	398,400	289,080	\$14,285,834	13,749,600	The adjustment increase is due to new data showing that the “civilian new hire rate (aka turnover)” is 40.8 percent of the total number of employees; much higher than the 24 percent used in the currently approved ICR.
	67,400	66,400	1,000	\$1,400,572	1,348,000	The adjustment increase is due to an increase in the number of affected employees since the currently approved ICR. Based on updated information, the number of employees is 33.7 million (up from 33.2 million).
	1,428	1,344	84	\$61,176	47,600	The adjustment increase is due to a rise in the number of employers who may be subject to an OSHA inspection.
<b>TOTALS</b>	<b>3,953,759</b>	<b>3,169,344</b>	<b>784,415</b>	<b>\$137,857,943</b>	<b>49,748,648</b>	

