

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
ELECTRICAL PROTECTIVE EQUIPMENT STANDARD (29 CFR 1910.137)
AND THE ELECTRIC POWER GENERATION, TRANSMISSION, AND
DISTRIBUTION STANDARD (29 CFR 1910.269)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NUMBER 1218-0190 (NOVEMBER 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 Occupational Safety and Health Act's (OSH Act) main objective 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 specifically authorizes "the development and promulgation of occupational safety and health Standards" (29 U.S.C. 651). In addition, 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 or appropriate for the enforcement of this Act . . ." (29 U.S.C. 657).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration ("OSHA" or "the Agency") published the Electrical Protective Equipment Standard at 29 CFR 1910.137 and the Electric Power Generation, Transmission, and Distribution Standard at 29 CFR 1910.269 to prevent employee exposure to electrical hazards. Items 2 and 12 below describe the specific information collection requirements of these Standards.

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.

Electrical Protective Equipment Standard (§ 1910.137)

Testing Certification (§ 1910.137(b)(2)(xii))

Employers must certify that the electrical protective equipment used by their employees have passed the tests specified in paragraphs (b)(2)(viii), (b)(2)(ix), and (b)(2)(xi) of the standard. The certification must identify the equipment that passed the tests and the dates of the tests. This provision ensures that electrical protective equipment is reliable and safe for employee use and will provide adequate protection against electrical hazards. In addition, certification enables

¹The purpose of this supporting statement is to analyze and describe the burden hours and costs associated with provisions of the Standards that contain paperwork requirements, and does not provide information or guidance on how to comply with or to enforce the Standards.

OSHA to determine if employers are in compliance with the equipment-testing requirements of the standard.

Electric Power Generation, Transmission, and Distribution Standard (§ 1910.269)

Training Certification (§ 1910.269(a)(2)(vii))

This provision requires employers to certify that each employee received the training specified in paragraph (a)(2) of the standard. Employers must provide certification after an employee demonstrates proficiency in the work practices involved.

The training conducted under paragraph (a)(2) of the standard must ensure that: employees are familiar with the safety-related work practices, safety procedures, and other procedures, as well as any additional safety requirements in the standard that pertain to their respective job assignments; employees are familiar with any other safety practices, including applicable emergency procedures (such as pole top and manhole rescue), addressed specifically by this standard that relate to their work and are necessary for their safety; and qualified employees have the skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment, can determine the nominal voltage of the exposed live parts, know the minimum approach distances specified by the standard for voltages when exposed to them, and understand the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools for working on or near exposed and energized parts of electric equipment.

Employees must receive additional training or retraining if: the supervision and annual inspections required by the standard indicate that they are not complying with the required safety-related work practices; new technology or equipment, or revised procedures, require the use of safety-related work practices that differ from their usual safety practices; and they use safety-related work practices that are different than their usual safety practices while performing job duties.

The training requirements of this standard inform employees of the safety hazards of electrical exposure and provide them with the understanding required to minimize these safety hazards. In addition, employees receive proper training in safety-related work practices, safety procedures, and other safety requirements specified in the standard. The required training, therefore, provides information to employees that enable them to recognize how and where electrical exposures occur, and what steps to take, including work practices, to limit such exposure. The certification requirement specified by paragraph (a)(2)(vii) of the standard helps employers monitor the training their employees received and helps OSHA determine if employers provided the required training to their employees.

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.

OSHA wrote the information collection requirements of these Standards in performance-oriented language, i.e., in terms of what data to collect, not how to collect the data. Thus, employers may use “information technology” when establishing and maintaining the required records.

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.

The requirements to collect and maintain information are specific to each employer and employee involved, and no other source or agency duplicates these requirements 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 any methods used to minimize burden.

The information collection requirements of the Standards 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 not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information collection requirements and their frequencies specified by the Standards are the minimum necessary to help (1) ensure that employers can determine the effectiveness of electrical protective equipment and electrical safety training, and (2) OSHA ascertain whether employers are in compliance with the equipment testing and training requirements.

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.**

No special circumstances exist that require employers to collect information in the manner or using the procedures described in this item.

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 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.

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 September 14, 2006 (71 FR 54309, Docket No. ICR-1218-0190(2006)) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in the Standards on Electrical Protective Equipment (29 CFR 1910.137) and Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269). 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 payment 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.

None of the information collection requirements in the Standards 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 reason 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.

None of the information collection requirements in these Standards 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

OSHA estimates that there are 20,765 establishments with 227,683 employees² covered by these Standards.

Estimates of the burden hours and annual costs for each information collection requirement are shown below. Costs were tabulated by multiplying the burden hours by the average year 2004 compensation rate, which includes the fringe benefits computed at 29.6 percent of the Standard Occupational Classification (SOC) 49-1011. The mean hourly wage for this SOC can be found in the *2004 National Occupational Employment and Wage Estimates, Installation, Maintenance, and Repair Occupations*.

First Line Supervisory/Managers of Mechanics, Installers and Repairers	\$33.29
Electrical Power Line Installers and Repairers	\$30.26
Clerical Worker	\$14.46

²The number of establishments and employees was taken from the 2004 Regulatory Impact Analysis (RIA) on the Preliminary Economic Analysis for Proposed Standards for Work on Electric Power Generation, Transmission, and Distribution Lines and Equipment (29 CFR 1910.269 and 29 CFR part 1926, subpart V).

(A) Electrical Protective Equipment Standard (§ 1910.137)

Testing Certification (§ 1910.137(b)(2)(xii))

Employers must certify that the electrical protective equipment used by their employees (e.g., insulating gloves and blankets) passed the tests specified in paragraphs (b)(2)(viii), (b)(2)(ix), and (b)(2)(xi) of the standard. The certification must identify the protective equipment that passed the tests and the dates of the tests.

Paragraphs (b)(2)(viii), (b)(2)(ix), and (b)(2)(xi) of the standard require testing twice a year for protective gloves, and every 12 months for protective blankets. Stamping the test date on the protective equipment is the usual and customary method used to certify testing.

The Regulatory Impact Analysis (RIA) for the final standard found that employers engaged in power-line installation and repairs are the primary users of electrical protective equipment. OSHA estimates that there are 103,160 power-line installers and repairers³ who each use 2 insulating blankets, 1 set of sleeves, and 1 set of gloves.

Prior to testing, the protective sleeves, gloves and blankets must be packed and sent to a test facility. (Note: The testing facility is frequently a part of the employer's overall facility.) After testing, the test facility must stamp the protective equipment that passed the tests, and then repack the protective equipment and return it to the employer. OSHA estimates that these pre- and post-testing procedures take 2 minutes (.03 hour) per batch (with a batch consisting of 5 sets of protective gloves, 5 sets of sleeves, or 2 protective blankets). The Agency estimates that the testing procedure takes about 3 minutes (.05 hour), which includes configuring the protective equipment for testing and removing it from the testing device; in addition, each batch of gloves and sleeves requires 10 minutes (.17 hour) to dry. Therefore, the total testing procedure (including pre-testing and post-testing procedures, testing, and drying) would take 15 minutes (.25 hour) for each batch of protective gloves and sleeves, and 5 minutes (.08 hour) for each batch of blankets. As stated above, protective gloves must be tested twice per year.

Burden hours: Blankets: 103,160 employees x 2 blankets per employee/2 blankets per batch x 1 test per year x .08 hour = 8,253 hours

Gloves: 103,160 employees x 1 set of gloves per employee/5 sets of gloves per batch x 2 tests per year x .25 hour = 10,316 hours

Sleeves: 103,160 employees x 1 set of sleeves per employee/5 sets of sleeves per batch x 1 test per year x .25 hour = 5,158 hours

8,253 hours + 10,316 hours + 5,158 hours = 23,727 burden hours

³The number of electrical power-line installers and repairers was obtained from the *November 2004 National Occupational Employment Wage Estimates, Installation, Maintenance, and Repair Occupations*, Occupational Employment Statistics, Bureau of Labor Statistics, U.S. Department of Labor.

Cost: 23,727 burden hours x \$30.26⁴ = \$717,979

(B) Electric Power Generation, Transmission, and Distribution Standard (§ 1910.269)

Training Certification (§ 1910.269(a)(2)(vii))

This provision requires employers to certify that each employee has received the training specified in paragraph (a)(2) of the standard. Employers must provide certification after an employee demonstrates proficiency in the work practices involved. While OSHA accounts for the regulatory burden of this certification requirement, it takes no burden hours or costs for the training requirements specified in paragraph (a)(2) of the standard because these requirements are performance-oriented.

OSHA estimates that there are approximately 20,765 affected establishments within the scope of this standard with an estimated 227,683 employees. OSHA assumes that employers met the initial training requirements specified by paragraph (a)(2) of the standard prior to, or soon after, the Agency published the standard. OSHA estimates that it takes 1 minute (.02 hour) for a clerical worker to maintain the training certification for employees who have received prior training (existing employees).

However, training is required for newly-hired employees or those employees requiring training in new work practices, retraining, or refresher training (collectively referred to as “retraining/refresher training”).

To determine the number of newly-hired employees and those requiring retraining/refresher training, the Agency estimated the total number of employees covered by the standard — 227,683. The RIA for the final standard determined that line-clearance tree trimmers, who accounted for 9.5 percent (21,630) of the employees covered by the standard, had the highest annual turnover rate at 73 percent (15,790 newly-hired employees), while the annual turnover rate for the remaining employees is 13 percent (26,787 newly-hired employees). Therefore, OSHA estimates the total number of new employees annually (both tree trimmers and remaining employees) is 42,577. In addition, the Agency estimates one percent of the 227,683 employees (2,277) will require retraining/refresher training.

The Agency estimates that it takes 1 minute (.02 hour) for a clerical to maintain training certification records for each existing employee and 3 minutes (.05 hour) to generate and maintain certification records for newly hired employees and those requiring retraining/refresher training.

Burden hours: 227,683 existing employees x .02 hour to maintain = 4,554 hours

Cost: 4,554 burden hours x \$14.46 = \$65,851

⁴The Agency assumes that the wage rate for a tester is very close to that of an Electrical Installer and Repairer and is, thus using the same wage rate of \$30.26.

Burden hours: $(42,577 + 2,277) = 44,854$ newly-hired employees and those requiring retraining/refresher training x .05 hour to generate and maintain training certification records = 2,243 hours

Cost: 2,243 burden hours x \$14.46 = \$32,434

Total Burden Hours for (B): 6,797 hours

Cost: \$ 98,285

(C) Certification Disclosure for §1910.269 and §1910.134

OSHA believes that approximately 291 establishments covered by the Standards⁵ will be subject to an OSHA inspection and required to disclose certification records annually (see Item 14 below). This is estimated to take 2 minutes (.03 hour) for a first line supervisor/manager to disclose the records if requested.

Burden hours: 291 inspections x .03 hour = 9 hours

Cost: 9 burden hours x \$33.29 = \$300

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.**

Costs under this item for complying with the information collection requirements of the Standards are set forth under Item 12.

⁵OSHA estimated the number of inspections by multiplying OSHA's inspection rate (1.4%) by the number of establishments covered by this ICR (20,765) (i.e., 20,765 establishments x 1.4% = 291).

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.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$35.32, spends about 5 minutes (.08 hour) during an inspection reviewing the documents required by the Standards. The Agency has determined that its compliance officers will conduct about 291 inspections during each year covered by this ICR (see footnote 5). OSHA considers other expenses, such as equipment, overhead, and support staff salaries to be normal operating expenses that would occur without the information collection requirements specified by the Standards. Therefore, the total cost of these information collection requirements to the Federal government is:

$$\text{Cost: } 291 \text{ inspections} \times .08 \text{ hour} \times \$35.32 = \$822$$

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 information collection requirements in the Standards from 22,685 burden hours to 30,533, for a total increase of 7,848 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 the Standards.

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.

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

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
Testing certification of electrical protective equipment (1910.137(b)(2)(xii))	11,160	23,727	12,567	\$717,979	103,160	In previous ICRs, the Agency did not delineate the burden hours between protective gloves and sleeves. The burden was taken for the two together. The Agency is now calculating separate burden hours for the testing of gloves and sleeves. This is in addition to there being an increase in the number of power-line installers and repairers from 62,000 to 103,160 who use this protective equipment.
					41,264	
					20,632	
Training certification (1910.269(a)(2)(vii)) -- Maintaining certification records for all existing employees.	7,718	4,554	-3,164	\$65,851	227,683	The number of all affected employees decreased from 385,894 to 227,683.
-- Generating and maintaining certification records for new employees and those requiring retraining/ refresher training.	3,802	2,243	-1,559	\$32,434	44,854	
Disclosure of certification records.	5	9	4	\$300	291	Increase is a result of increasing the number of inspections from 171 to 291.
TOTALS	22,685	30,533	7,848	\$816,564	437,884	