

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
STANDARD ON THE STORAGE AND HANDLING
OF ANHYDROUS AMMONIA (29 CFR 1910.111)¹
(OFFICE OF MANAGEMENT AND BUDGET
(OMB)) CONTROL NO. 1218-0208 (October 2007)**

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 purpose of the Occupational Safety and Health Act (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 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).

Section 6(b)(7) of the Act specifies that [a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees 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. This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published the Anhydrous Ammonia Standard (the “Standard”; 29 CFR 1910.111). Paragraphs (b)(3) and (b)(4) of the Standard have paperwork requirements that apply to nonrefrigerated containers and systems, and refrigerated containers, respectively; employers use these containers and systems to store and transfer anhydrous ammonia in the

¹The 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, the standard.

workplace. Items 2 and 12 below describe the specific information collection requirements of these paragraphs.

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.

Paragraph (b)(3) of the Standard specifies that containers and systems have nameplates if required, and that these nameplates “be permanently attached to the system (as specified by paragraph (b)(3)(ii)(j)) so as to be readily accessible for inspection” In addition, this paragraph requires that markings on containers and systems covered by paragraphs (c) (“Systems utilizing stationary, nonrefrigerated storage containers”), (f) (“Tank motor vehicles for the transportation of ammonia”), (g) (“Systems mounted on farm vehicles other than for the application of ammonia”), and (h) (“Systems mounted on farm vehicles for the application of ammonia”) provide information regarding nine specific characteristics of the containers and systems. Similarly, paragraph (b)(4) of the Standard specifies that refrigerated containers be marked with a nameplate on the outer covering in an accessible place which provides information regarding eight specific characteristics of the container.

The required markings ensure that employers use only properly designed and tested containers and systems to store anhydrous ammonia, thereby preventing accidental release of, and exposure of employees to, this highly toxic and corrosive substance. In addition, these requirements provide the most efficient means for an OSHA compliance officer to ensure that the containers and systems are safe.

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 any available technology to provide the required information.

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 information collection requirements in the Standard are specific to each employer 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 specified by the Standard 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.

Employers need to collect the required information only if it becomes unreadable because of equipment damage or use, or because it no longer represents the operational characteristics of the equipment. Any reduction in frequency would eliminate the requirements entirely.

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 confidentiality to the extent permitted by law.**

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirements are 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 August 16, 2007 (72 FR 46097), Docket No. OSHA-2007-0019) requesting public comment on its proposed request that the Office of Management and Budget approve the information collection requirements specified by the Standard on the Storage and Handling of Anhydrous Ammonia (29 CFR 1910.111). This notice was part of a preclearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by OMB of a previous approval of the information collection requirements found in the above Standard. The Agency received no comments in response to its notice to comment on this request.

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.

The paperwork requirements specified by the Standard do not involve 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.

The paperwork requirements specified by the Standard do not involve 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.**

The Agency estimates that there are approximately 203,000 refrigerated and nonrefrigerated anhydrous ammonia containers covered by the Standard. A leading manufacturer of this equipment informed the Agency that employers place about 1,000 units into service each year, and that manufacturers and suppliers of this equipment provide the markings required by

paragraphs (b)(3) and (b)(4) of the Standard. A representative from the Fertilizer Institute corroborated this information. Accordingly, during the three-year period covered by this Supporting Statement, employers would place about 3,000 new containers into service, for a total of 206,000 containers. OSHA notes that the 206,000 estimate is likely an overestimate since it does not take into account tanks going out of service.

While manufacturers and suppliers of this equipment provide the markings initially, employers must subsequently replace or revise some of these markings because they become unreadable due to equipment damage or use, or because they no longer represent the operational characteristics of the equipment. OSHA believes it very unlikely that new tanks would need to have replacement markings since the “new” tanks have the markings securely affixed. In this regard, OSHA assumes no burden for the 3,000 new tanks; however, the Agency estimates that each year employers will replace or revise 1 percent of the markings on the current 203,000 anhydrous ammonia containers or systems and that it will take a manufacturing employee, at a wage rate of \$23.00 an hour,² 10 minutes (.17 hour) to perform this task on each container or system. Additionally, since the markings would be readily visible, disclosure of the information to an OSHA compliance officer imposes no burden on employers. The estimated burden hours and cost associated with this provision are:

Burden hours: 203,000 containers x .01 x .17 hours = 345 hours

Cost: 345 hours x \$23.00 = \$7,935

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.)

Item 12 above provides the total cost of the information collection requirements associated with permanently marking anhydrous ammonia containers.

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.

The Agency estimates that a compliance officer (GS-12/5), at an hourly wage rate of \$36.26, spends about 5 minutes (.08 hour) during an inspection reviewing the permanent markings on anhydrous ammonia containers and systems. OSHA has determined that its compliance officers

²The Agency adopted the mean wage rates from *National Compensation Survey: Occupational Wages in the United States, June 2005*, pp. 21, Table 2-2, U.S. Department of Labor, Bureau of Labor Statistics, <http://stats.bls.gov/home.htm>. Total compensation for this occupational category includes an adjustment of 29.5 percent (*Employer Costs for Employee Compensation, December 2006*, pp.4) for fringe benefits; this figure represents the average level of fringe benefits in the private sector. The costs of labor used in this analysis are; therefore, estimates of total hourly compensation.

would conduct approximately 28 such inspections.³ The Agency considers other expenses, such as equipment, overhead, and support staff salaries, as normal operating expenses that would occur without the collection of information requirements specified by the Standard. Therefore, the total cost of these paperwork requirements to the Federal government is:

$$\text{Cost: } 28 \text{ inspections} \times .08 \text{ hour} \times \$36.26 = \$81$$

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

The Agency is not requesting any adjustment increases or decreases and wishes to retain its previous estimate of 345 burden hours

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 29 CFR 1910.111.

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.

There are no forms on which 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 requesting an exception to the certification statement in Item 19.

³OSHA determined the number of inspections by calculating an overall inspection rate of 1.4% (.014) for all anhydrous ammonia containers under its jurisdiction, then applying this percentage to the number of anhydrous ammonia containers requiring new markings (203,000 x .01 x .014 = 28).