

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENT OF THE
LOGGING OPERATIONS STANDARD (29 CFR 1910.266)¹
(OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0198 (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) (29 U.S.C. 651 *et seq.*) 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 Logging Operations Standard (the “Standard”) (29 CFR 1910.266). Paragraph (i)(10)(i) of the Standard specifies that employers must provide written certification that employees and supervisors completed the required training, including first-aid training, while paragraph (i)(10)(ii) mandates that employers retain these certificates until replaced by more recent certificates. 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 (f)(1)(iii) of the Standard requires the employer to assure that operating and maintenance instructions are available on machines or in the area where the machine is being operated. Paragraph (g)(3) requires the employer to assure that operating and maintenance instructions are available in each vehicle.

Paragraph (i)(1) of the Standard requires employers to provide training for each employee, including supervisors. To meet this requirement, employers must conduct the training at the frequencies specified by paragraph (i)(2). Paragraph (i)(3) specifies that an employee’s/ supervisor’s training must consist of the following elements: Safe work practices, including 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.

use, operation, and maintenance of tools, machines, and vehicles the employee/supervisor uses or operates, as well as procedures, practices, and requirements of the employer's worksite; recognition and control of health and safety hazards associated with the employee's/supervisor's specific work tasks and logging operations in general; and the requirements of the Standard.

Paragraph (i)(10)(i) specifies that employers must verify that they are in compliance with the training requirements in paragraph (i). This certification must be in writing and provide the following information: The name/identifier of the employee/supervisor; the date(s) of the training; and either the signature of the employer or the individual who conducted the training. Paragraph (i)(10)(ii) requires employers to maintain the most recent certification for training completed by an employee/supervisor.

Training employees/supervisors in safe work practices and to recognize and control the safety and health hazards associated with their work tasks and overall logging operations enables them to prevent serious accidents by using specific procedures and equipment in a safe manner to avoid or to control dangerous exposures to these hazards.

Establishing and maintaining written certification of the training that each employee/supervisor has received (i.e., job and first-aid) assures the employer that the training specified by the Standard has been conducted, and at the required frequencies. With regard to first aid training, the certification assures that the employee's/supervisor's training certificate is currently valid. In addition, these records provide the most efficient means for an OSHA compliance officer to determine whether an employer performed the required training at the necessary and appropriate frequencies.

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 improved information technology when establishing and maintaining the required record. OSHA wrote the paperwork requirements of the Standard in performance-oriented language, i.e., in terms of what data to record, 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 purposes described in Item 2 above.

The information collection requirements in the Standard are specific to each employer and employee involved, and no other source or agency duplicates the 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.

The information collection frequency specified by the Standard (i.e., retention of the written training certification records until replaced) is the minimum frequency that the Agency believes is necessary to assure employers and OSHA compliance officers that employees/supervisors received the required training at the appropriate frequencies. Removing this frequency requirement would eliminate any documentation of the training completed by an employee/supervisor.

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 specified by this item. The information collection requirements are consistent with the guidelines provided 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 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 August 22, 2007 (72 FR 47081), Docket No. OSHA-2007-0018) requesting public comment on its proposed extension of the information collection requirements contained in the Logging Operations Standard (29 CFR 1910.266). 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 the Office of Management and Budget (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 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.

The paperwork requirements specified by the Standard 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

The following sections summarize the burden hour and cost determinations for the information collection requirements specified by the Standard. In determining the burden hours and cost

associated with these requirements, OSHA estimates that the logging industry, including timber tract operations, currently has 74,030 employees/supervisors and 11,447 logging establishments.²

The Agency determined average wage rates using average hourly earnings. For the relevant occupational categories, OSHA adjusted the mean hourly earnings from the *May 2006 National Industry-Specific Occupational Employment and Wage Estimates*, Occupational Employment Statistics, Bureau of Labor Statistics, U.S. Department of Labor, to allow for fringe benefits, which comprise about 29.4 percent of total compensation in the private sector. With wages comprising 70.6 percent of employee compensation, the Agency multiplied wages by 1.4 (1/0.706) to derive total hourly employee compensation. Therefore, the costs of labor used in this analysis are estimates of total hourly compensation. These estimates are:

- Material-Moving Machine and Vehicle Operator (Supervisory) \$25.89
- Logging Equipment Operator \$21.03
- Secretary \$16.84

(A) Maintenance and Operating Instructions (§§ 1910.266(f)(1)(iii) and (g)(3))

Under paragraphs (f)(1)(iii) and (g)(3) of the Standard, employers must assure that operating and maintenance instructions are available on machines or in the area where the machine is being operated, and in vehicles. Based on the Regulatory Impact Analysis (RIA) for the Revisions to the Standard, equipment manufacturers include operator's manuals with new logging machines. For those machines with no operating instructions in the cab, the employer will be required to obtain and retain a manual within the immediate work area of each machine. Vehicles, however, have special compartments to hold manuals which make the likelihood of loss or destruction of manuals a rare event. Since the Logging Operations final rule has been in effect since 1995, OSHA assumes that all employers are in compliance with the provision to have operating and maintenance instructions available on machines or in the areas where the machines are being operated.

However, OSHA realizes that there may be incidents where the instructions might be lost, misplaced, or destroyed and need to be replaced. Therefore, for purposes of calculating burden hours, the Agency estimates that approximately 10 percent of the establishments (1,145) will have at least one machine manual replaced annually and that it will take a logging equipment operator with an hourly wage rate of \$21.03 approximately 10 minutes (.17 hour) to locate the manual either on the premises or by calling the manufacturer for a replacement manual, and placing the instructions in the equipment.³

² Source: County Business Patterns, United States: 2004, U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau, June 2006.

³ *Regulatory Impact Analysis for the Revisions to the Pulpwood Logging Standard (29 CFR 1910.266)*, pp. III-9-10, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis,

Accordingly, the annual burden hours and cost of the paperwork requirement for 1910.266(f)(1)(iii) are:

Burden hours: 1,145 establishments x .17 hour = 195

Cost: 195 hours x \$21.03 = \$4,101

(B) Training Requirement, Frequency, and Content (§§ 1910.266(i)(1), (i)(2), and (i)(3))

Under paragraph (i)(1) of the Standard, employers must provide training to each employee, including supervisors, at no cost to the employee/supervisor, while paragraph (i)(2) specifies the frequency of the required training. In this regard, employers must train employees/supervisors: Prior to their initial work assignment (i.e., new employee training); before they start a new work task or operate a new tool, equipment, machine, or vehicle (i.e., new job assignment training); and if they demonstrate unsafe job performance (i.e., retraining).

Paragraph (i)(3) specifies that an employee's/supervisor's training must consist of the following elements: Safe work practices, including the use, operation, and maintenance of tools, machines, and vehicles the employee/supervisor uses or operates, as well as procedures, practices, and requirements of the employer's worksite; recognition and control of health and safety hazards associated with the employee's/supervisor's specific work tasks and logging operations in general; and the requirements of the Standard. If a new employee/supervisor received prior training consistent with the requirements of the Standard, the subsequent employer must train that employee/supervisor only on those training elements for which they received no training or those elements for which they require retraining.

Based on the Regulatory Impact Analysis (RIA) for the Standard, there is an estimated turnover rate in the industry of 32 percent or approximately 23,690 (74,030 x .32 = 23,690). Only some of these new employees will require complete new employee training because they already have worked in the industry and the Standard requires only that they receive training in those areas in which they have not been trained (e.g., the new employer's worksite procedures and requirements). Based on the RIA, approximately 25 percent of these new employees will require complete training and the rest will need only limited training before initial assignment with a new employer. The Standard also requires that current employees receive training in certain situations: when they are assigned to a new job or tasks (e.g., operate a different type of logging machine) or when they demonstrate unsafe work practices necessitating retraining. According to the RIA, OSHA estimated that the remaining 75 percent of current employees will need these types of training in any given year.

According to the RIA, OSHA estimated that training will take 3 hours for employees who have never been trained (initial training for new employees) and one-half hour for training for employees who already have received some training, who have a change in job or task assignment, or who have demonstrated unsafe work practices necessitating retraining. The RIA estimated that new employee training could be conducted in groups. Since most establishments are small, the RIA estimated that new employee training would be given in groups of three. The

Agency believes that employers have developed the necessary training materials earlier and, as a result, do not need to revise this material during the period covered by this ICR. Therefore, the Agency is taking no burden hours or cost for employers to develop or revise the training materials required by the Standard. Accordingly, the annual burden hours and cost of these paperwork requirements are:

New employee training

Burden hours: 23,690 employees x 25% requiring complete new employee training/3 x 3 hours = 5,923

23,690 employees x 75% requiring limited new employee training/
3 x .50 hour = 2,961

Cost: (5,923 + 2,961) = 8,884 hours x \$25.89 = \$230,007

Current employee training/retraining

Burden hours: (74,030 employees – 23,690 (new employee (turnover))) = 50,340 existing employees x 75% requiring training/retraining x .50 hour = 18,878 hours

Cost: 18,878 hours x \$25.89 = \$488,751

(C) Certification of Training (§ 1910.266(i)(10)(i) and (i)(10)(ii))

Paragraph (i)(10)(i) requires employers to certify in writing that an employee/supervisor received the training the Standard requires. Under paragraph (i)(10)(ii), employers need only maintain the most recent certification for training (job training and first aid training) that an employee/supervisor has received.

Based on the determinations made in section (B) above, each year employers must maintain 12,585 (74,030 – 61,445) training certifications for already trained employees/supervisors, as well as generate and maintain 61,445 new training certifications for the employees/supervisors who require initial training, new training, or retraining (23,690 new employees + 37,755 current employees). Accordingly, OSHA estimates that a secretary at an hourly wage rate of \$16.84 will take one minute (.02 hour) to maintain each existing 12,585 training certifications (74,030 – 61,445) and three minutes (.05 hour) to generate and maintain each new training certification. Therefore, the annual burden hours and cost of these paperwork requirements are:

Burden hours: 12,585 existing training certifications x .02 hour = 252

Cost: 252 hours x \$16.84 = \$4,244

Burden hours: 61,445 new training certifications x .05 hour = 3,072

Cost: 3,072 hours x \$16.84 = \$51,732

(D) Disclosure of Training Certification Records

OSHA estimates that approximately 160 employers covered by the Standard⁴ will be subject to an OSHA inspection and required to disclose training certification records annually (see Item 14 below). OSHA estimates that it will take a supervisor 2 minutes (.03 hour) to disclose the requested information.

Burden hours: 160 inspections x .03 hour = 5

Cost: 5 burden hours x \$25.89 = \$129

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 determined under Item 12 accounts for the total annual cost burden to respondents or recordkeepers resulting from these collections of information requirements.

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), at an hourly wage rate of \$36.26, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will conduct about 160 such inspections of employers regulated by the Standard 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 paperwork requirements specified by the Standard. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 160 inspections x .08 hour x \$36.26 = \$464

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

OSHA is requesting an adjustment increase in the number of burden hours from 30,751 to 31,286 hours for a total increase of 535 hours. Based on updated data, the Agency found that the number of establishments decreased; however, the number of employees increased. Table 1 below explains the proposed increase in burden hours.

⁴OSHA determined the number of inspections by calculating an overall inspection rate of (1.4%) for all employers under its jurisdiction, then applying this percentage to the number of establishments (11,447) covered by these paperwork requirements (11,447 x .014 = 160).

- 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 Standard.

- 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 an 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.

Table 1: Requested Burden-Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment to Hours	Cost Under Item 12	Responses	Explanation of Adjustment
Maintenance and Operating Instructions (§§ 1910.266 (f)(1)(iii) and (g)(3))	206	195	-11	\$4,101	1,145	Adjustment decrease based on updated data; the number of establishments decreased from 12,098 to 11,447.
Training Requirement, Frequency, and Content (§§ 1910.266(i)(1), (i)(2), and (i)(3))	27,275	27,762	487	\$718,758	45,652	Adjustment increase based on updated data; the number of employees increased from 72,732 to 74,030.
Certification of Training (§§ 1910.266(i)(10)(i) and (i)(10)(ii))	247	252	5	\$4,244	12,585	Adjustment increase based on updated data; the number of employees increased from 72,732 to 74,030.
	3,018	3,072	54	\$51,732	61,445	Adjustment increase based on updated data; the number of employees increased.
Disclosure of Training Certification Records	5	5	0	\$129	160	OSHA estimates that approximately 164 employers/establishments covered by the Standard will be subject to an OSHA inspection and required to disclose training certification records annually (see Item 14). OSHA estimates that it will take a supervisor 2 minutes (.03 hour) to disclose the requested information.
TOTALS	30,751	31,286	535	\$778,964	120,987	