

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
STANDARD ON GEAR CERTIFICATION (29 CFR PART 1919)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0003 (December 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 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 Sections 4, 6, 8 of the OSH Act (29 U.S.C. 653, 655, 657), and Section 941 of the Longshore and Harbor Workers' Compensation Act (44 Stat.1424), the Occupational Safety and Health Administration (OSHA) published a standard on Gear Certification at 29 CFR part 1919 (the "Standard"). This supporting statement addresses the burden hours associated with gathering information to complete the OSHA 70 Form. The OSHA 70 Form is used by applicants seeking accreditation from OSHA to be able to test or examine certain equipment and material handling devices, as required under the maritime regulations, part 1917 (Marine Terminals), and part 1918 (Longshoring). The OSHA 70 Form application for accreditation provides an easy means for companies to apply for accreditation.

The collection of the information needed to complete this form is necessary to provide an effective and efficient means of enabling employers and employees to determine if cargo gear, equipment and/or other material handling devices are safe to use.

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.

The information is utilized by employers, employees, OSHA Compliance Officers, and OSHA's National Office in order to provide a simplified and swift means for determining if certain cargo handling devices are safe for use. The information is collected every time a maritime material

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

handling device is tested or examined. Proof-load examinations are conducted every four years, while visual examinations are conducted yearly.

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 is not making the Form 70 available electronically. The OSHA 70 form is an application for accreditation and is also used for renewal of current accredited agencies. Renewal is required by regulation every three years. Before sending this form to a potential applicant, OSHA speaks with the applicant to determine their credibility. This process saves the Agency's limited resources by not having to review numerous OSHA 70 Forms. It also saves the public burden by not having to unnecessarily complete the OSHA 70 Form. By using this process, less than 50 forms are completed by potential applicants and current accredited agencies annually.

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 requirement in the Standard is 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 any methods used to minimize burden.

The information collection requirement specified by the Standard does 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 collection of information is for the purpose of employee safety and health in the workplace and is 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 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.

This information request is 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 September 17, 2007 (72 FR 52912, Docket No. OSHA-2007-0061) requesting public comment on its proposed extension of the information collection requirement contained in the Gear Certification Standard (29 CFR part 1919). 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 requirement specified by the Standard does 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 requirement specified by the Standard does 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.

The following information for determining burden hours was obtained from OSHA's Office of Maritime Enforcement. The wage rates are from the 2007 Preliminary Economic Analysis for the proposed rule to revise Subpart F, General Working Conditions in Shipyard Employment.

Burden Hours for the OSHA 70 Form

OSHA, on average, receives 50 requests (35 for renewals and 15 new applicants) seeking accreditation to perform inspections under 29 CFR part 1919. Based on consultation with such applicants, it takes, on average, 45 minutes (.75 hour) to complete the OSHA 70 Form.

Burden hours: 50 OSHA 70 Forms x .75 = 38
Cost: 38 burden hours x \$32.98 = \$1,253

Disclosing Certifications

Based on information from OSHA's Office of Maritime Enforcement, the Agency conducts nearly 400 maritime inspections annually and it is estimated that it takes approximately five minutes (.08 hour) for an employer to disclose certifications.

Burden hours: 400 inspections x .08 hour = 32
Cost: 32 burden hours x \$32.98 = \$1,055

Maintaining Certification Records:

Employers have an accredited agency conduct an annual visual examination and a thorough quadrennial examination of cargo gear or other material handling devices. The accredited Agency either issues a certificate to the owner that the piece of equipment passed the examination or issues a certificate to the owner of any deficiencies found during the examination. Approximately 746 marine terminals and approximately half of the 639 shipyards (320 shipyards for a total 1,066) will have cranes that are required to be certificated. The Agency estimates that 4,512 visual examinations and 1,504 quadrennial examinations are conducted annually resulting in the issuance of 6,016 certifications. OSHA assumes that it takes a clerical staff one minute (.02 hour (rounded)) per year to maintain the certificate.

Burden hours: 6,016 certifications x .02 hour = 120 hours
Cost: 120 hour x \$17.53 = \$2,104

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

Employers pay an accredited agency to conduct an annual visual examination and a thorough quadrennial examination of cargo gear or other material handling devices. Based on information from staff familiar with these examinations, employers, on average, pay accredited agencies \$150 to perform the annual visual examination and \$300 to perform the quadrennial examinations.

4,512 visual examinations x \$150 = \$676,800

1,504 quadrennial examinations x \$300 = \$451,200

TOTAL ANNUAL COST BURDEN: \$1,128,000

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 \$36.26, spends about 5 minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will conduct an estimated 400 inspections during each year covered by this ICR. 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: 400 inspections x .08 hour x \$36.26 = \$1,160

In addition, OSHA assumes that it takes a Safety Specialist (GS-13, step 5), at an hourly wage rate of \$43.12, three hours to review 15 new OSHA 70 forms, and 1.5 hours to review the 35 renewals.

Cost: 15 new forms x 3 hours = 45 x \$43.12 = \$1,904
35 renewals x 1.5 hour = 53 x \$43.12 = \$2,264

Thus, the total cost of the paperwork requirements to the Federal government is:

$$(\$1,160 + \$1,904 + \$2,264) = \$5,328$$

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

There was an overall increase in burden hours from 81 to 190 as a result of the following:

A decrease from 80 to 50 in the number of requests for accreditation resulting in a 22 hour reduction;

An increase in the number of OSHA maritime inspections from 260 to 400 resulting in an 11 hour increase;

Including time for respondents to maintain certificates, one minute per certificate resulting in a 120 hour increase.

In addition, there is an adjustment decrease in the cost burden from \$1,452,000 to \$1,128,000 (a total decrease of \$324,000). This was a result of a decrease in the number of quadrennial examinations conducted annually (from 1,805 to 1,504) and in the number of annual examinations (from 6,070 to 4,512).

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 part 1919.

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.

The Agency is continuing to seek approval to not display the expiration date of OMB's approval on the OSHA 70 Form. In previous years, the Agency has published a number of these forms at the beginning of the three-year approval period and has found that it has an excess number of forms which could be used if not for the expiration date being displayed on them.

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 such an exception.