

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
FIRE BRIGADES STANDARD (29 CFR 1910.156)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
Control No. 1218-0075 (January 2008)**

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” or “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 regarding . . . activities relating to this Act 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 Fire Brigades Standard (the “Standard;” 29 CFR 1910.156). The Standard imposes the following paperwork requirements on each employer who establishes a fire brigade: Write an organizational statement; ascertain the fitness of employees with specific medical conditions to participate in fire related operations; and provide appropriate training and information to fire brigade members. Items 2 and 12 below describe the specific information collection requirements of the Standard.

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.

Although OSHA does not mandate that employers establish fire brigades, if they do so, they must comply with the provisions of the Standard. The provisions of the Standard, including the paperwork requirements, apply to fire brigades, industrial fire departments, and private or contract fire departments, but not to airport crash rescue units or forest fire-fighting operations. Paragraphs (b)(1), (b)(2), (c)(1), (c)(2), and (c)(4) contain the paperwork requirements of the Standard.

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.

Under paragraph (b)(1) of the Standard, employers must develop and maintain an organizational statement that establishes the: Existence of a fire brigade; the basic organizational structure of the brigade; type, amount, and frequency of training provided to brigade members; expected number of members in the brigade; and functions that the brigade is to perform. This paragraph also specifies that the organizational statement must be available for review by employees, their designated representatives, and OSHA compliance officers. The organizational statement delineates the functions performed by the brigade members and, therefore, determines the level of training and type of personal protective equipment (PPE) necessary for these members to perform their assigned functions safely. Making the statement available to employees, their designated representatives, and OSHA compliance officers ensures that the elements of the statement are consistent with the functions performed by the brigade members and the occupational hazards they experience, and that employers are providing training and PPE appropriate to these functions and hazards.

To permit an employee with known heart disease, epilepsy, or emphysema to participate in fire brigade emergency activities, paragraph (b)(2) of the Standard requires employers to obtain a physician's certificate of the employee's fitness to do so. This provision provides employers with a direct and efficient means of ascertaining whether or not they can safely expose employees with these medical conditions to the hazards of firefighting operations.

Paragraph (c)(1) of the Standard requires employers to provide training and education for fire brigade members commensurate with the duties and functions they perform, with brigade leaders and training instructors receiving more comprehensive training and education than employers provide to the general membership. Under paragraph (c)(2) of the Standard, employers must conduct training and education frequently enough, but at least annually, to assure that brigade members are able to perform their assigned duties and functions satisfactorily and safely; employers must provide brigade members who perform interior structural firefighting with educational and training sessions at least quarterly. In addition, paragraph (c)(4) specifies that employers must: Inform brigade members about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water-reactive substances that may be present during fires and other emergencies; advise brigade members of changes in the special hazards; and develop written procedures that describe the actions brigade members must take when special hazards are present, and make these procedures available in the education and training program and for review by the brigade members.

Providing appropriate training to brigade members at the specified frequencies, informing them about special hazards, developing written procedures on how to respond to special hazards, and making these procedures available for training purposes and review by the members enables them to use operational procedures and equipment in a safe manner to avoid or control dangerous exposures to fire-related hazards. Therefore, the training and information requirements specified by paragraphs (c)(1), (c)(2), and (c)(4) of the Standard prevent serious injuries and death among members of fire brigades.

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 purpose(s) described in 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 83-1), describe the methods used to reduce the 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 or is not conducted less frequently, and any technical or legal obstacles to reducing the burden.

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to fulfill its mandate “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” as specified in the OSH Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collections, or delay in providing this information, fire brigade members will be at increased risk of serious injuries or death while exposed to fire related hazards.

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.

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 November 21, 2007 (72 FR 65608, Docket No. OSHA-2007-0079) requesting public comment on its proposed extension of the information collection requirements contained in the Fire Brigades Standard (29 CFR 1910.156). 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 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 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 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 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.**

Burden Hour and Cost Determinations

The following sections describe the burden hour and cost estimates for the information collection requirements specified by the Standard. These sections determine burden hours and cost separately for the written organizational statement, and for providing appropriate training and information for fire brigade members. OSHA estimates that these information collection requirements result in a total of **5,048** hours and a total cost of **\$179,204**.

(A) Organizational Statement (§ 1910.156(b)(1))

The previous ICR estimated that a total of 55,939 establishments had fire brigades. This statistic was based on an earlier estimate of 55,000 establishments with fire brigades. The Agency derived this figure from a 1978 JRB Associates report (using 1972 U.S. Census Bureau (Census) data) that estimated all 34,442 manufacturing facilities with more than 100 employees would have fire brigades. The resulting ratio between total establishments with fire brigades and those manufacturing facilities with 100 or more employees was 1.6 (i.e., $55,000 \div 34,442$). Census data for 2005 indicate that **29,208** facilities have 100 or more employees.² Applying the 1.6 ratio to the 2005 data, OSHA estimates that a total of **46,733** establishments currently have fire brigades (i.e., $1.6 \times 29,208$). Additionally, the agency assumes that, each year, five percent (i.e., 2,337) of the total establishments either develop new or revised organizational statements for their fire brigades. OSHA estimates that a fire prevention manager, at a wage rate of **\$35.50**,³ spends an average of two hours developing or revising a statement. Therefore, the annual burden hour and cost estimates for this recordkeeping requirement are:

Burden hours: 2,337 statements x 2 hours = **4,674**

Cost: **4,674** hours x \$35.50 = \$165,927

² Source: *County Business Patterns 2005*, U.S. Department of Commerce, Bureau of the Census, August 22, 2007.

³ Source: *National Compensation Survey: Occupational Wages in the United States, June 2005*, U.S. Department of Labor, Bureau of Labor Statistics, July 2006. Wage rate derived from: Blue collar: Service: Protective Service: Supervisors, firefighters and fire prevention. Wage rate includes benefits of 29 percent.

(B) Physician Certification (§ 1910.156(b)(2))

Based on the expert knowledge of its staff, the Agency assumes that the average fire brigade consists of 10 members. Therefore, OSHA estimates that the 46,733 fire brigades have about **467,330** members. However, the Agency has no data to determine the number of brigade members with known heart disease, epilepsy, or emphysema who need a physician's certificate of fitness to perform interior structural fire fighting; thus, for the purposes of this determination, OSHA assumes employers will obtain physician certificates from one percent (i.e., 4,673) of brigade members. The Agency estimates that it will take a manager five minutes (.08 hour) to obtain the certificate from the employee, resulting in the following yearly burden hour and cost estimates:

Burden hours: 4,673 certificates x .08 hour = **374**

Cost: 374 hours x \$35.50 = \$13,277

(C) Training and Information (§ 1910.156(c)(1), (c)(2), and (c)(4))

OSHA finds that paragraphs (c)(1) and (c)(2) of the Standard are written in performance-oriented language and; thus, are not subject to the implementing rules and guidelines of PRA-95. Therefore, the Agency will incur no burden hours or cost for the paperwork requirements associated with these paragraphs.

The first paperwork requirement specified by paragraph (c)(4) of the Standard requires employers to inform fire brigade members regarding special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water-reactive substances that may be present during fires and other emergencies, as well as any changes in the special hazards. Under the second paperwork requirement in this paragraph, employers must develop written procedures describing the actions that brigade members are to take when special hazards are present, and to make these procedures available in the education and training program and for review by brigade members. Regarding the first paperwork requirement, the Agency believes that it is a usual and customary practice for employers with fire brigades to provide this information to brigade members; employers meet the second paperwork requirement when they develop or update organizational statements under paragraph (b)(1) of the Standard. Accordingly, OSHA is taking no burden hours or cost for either of these paperwork requirements.

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 determined under Item 12 accounts 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), 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 into a single table.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$36.26, spends about five minutes (.08 hour) during an inspection reviewing the paperwork requirements of the Standard. OSHA has determined that its compliance officers will conduct 654 such inspections during each year covered by this ICR.⁴ 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:

$$\text{Cost: } 654 \text{ inspections} \times .08 \text{ hour} \times \$36.26 = \$1,897$$

15. Explain the reasons for any program changes or adjustments reported in Items 12 and 13 of the Justification?

The Agency is requesting an adjustment decrease from 6,042 hours to 5,048 hours for a total decrease of 994 hours. The decrease is a result of updated data estimating that the total number of establishments requiring new or revised organizational statements has declined from 2,797 to 2,337; and that the number of fire brigade members has declined from 559,390 to 467,330.

⁴The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all facilities under the jurisdiction of the OSH Act (including both Federal OSHA and approved state-plan agencies), and then multiplying the total number of establishments having fire brigades (i.e., 46,733) by this percentage (i.e., 46,733 establishments x 1.4% = 654 inspections).

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.

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 83-1.

OSHA is not requesting an exception to the certification statement in Item 19.

Requested Burden Hours

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Number of Respondents	Explanation of Adjustment
(A) Organizational Statement (§ 1910.156(b)(1))	5,594	4,674	-920	\$165,927	2,337	The decrease is a result of updated data estimating the total number of establishments requiring new or revised organizational statements has declined from 2,797 to 2,337.
(B) Physician Certification (§ 1910.156(b)(1))	448	374	-74	\$13,277	4,673	The decrease is a result of updated information estimating the number of fire brigade members has declined from 559,390 to 467,330.
(C) Training and Information (§ 1910.156(c)(1), (c)(2), and (c)(4))	0	0	0	\$0	0	No change.
TOTALS	6,042	5,048	-994	\$179,204	7,010	