

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
CONSTRUCTION STANDARDS ON POSTING
EMERGENCY TELEPHONE NUMBERS AND FLOOR LOAD LIMITS
(29 CFR 1926.50(f) AND 1926.250(a)(2))¹
(Office of Management and Budget (OMB) Control No. 1218-0093(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) 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 standard” (29 U.S.C. 651). Accordingly, section 6(b)(7) of the OSH Act specifically authorizes 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 apprized of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure” (29 U.S.C. 655).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published paragraph (f) of § 1926.50 (Standard on Medical Services and First Aid) requiring employers to post emergency telephone numbers at the worksite if the 911 emergency telephone service is not available, and paragraph (a)(2) of § 1926.250 (Standard on General Requirements for Storage) specifying that employers must post the maximum safe load limits of floors located in storage areas inside buildings or other structures, unless the floors are on grade. 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.

Two construction standards, § 1926.50 (“Medical Services and First Aid”) and § 1926.250 (“General Requirements for Storage”), contain posting provisions. Paragraph (f) of § 1926.50 requires employers to post emergency telephone numbers for physicians, hospitals, or ambulances at the worksite if the 911 emergency telephone service is not available; in the event an employee has a serious injury at the worksite, this posting requirement expedites emergency

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

medical treatment of the employee. Under § 1926.250, paragraph (a)(2) specifies that employers must post the maximum safe load limits of floors located in storage areas inside buildings or other structures, unless the floors are on grade. This provision prohibits employers from overloading floors in areas used to store material and equipment in multi-story units that are under construction, thereby preventing the floors from collapsing and seriously injuring 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.

Employers may use any available technology to meet the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2). The Agency wrote these provisions in performance-oriented language, i.e., in terms of what information to provide, not how to provide it.

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 § 1926.50(f) and § 1926.250(a)(2) are specific to each employer involved, and no other sources or agencies duplicate 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 § 1926.50(f) and § 1926.250(a)(2) 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 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 information collections required by § 1926.50(f) and § 1926.250(a)(2), or delay in providing this information, emergency treatment of employees seriously injured at the worksite may not be available in a timely fashion, or employers may overload floors in storage areas of buildings and structures that are under construction. Employees would be at increased risk of serious injury and death if emergency treatment is not available when needed, or they are on, under, or near a collapsing floor.

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 specified by this item; the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2) are within the guidelines set forth in 5 CFR 1320.6.

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 *Federal Register* notice on December 14, 2007, (72 FR 71162 Docket No. OSHA-2007-0084, requesting public comment on its proposed extension of the information collection requirements contained in the Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits. This notice was part of a preclearance consultation program intended to provide interested parties with an opportunity to comment on OSHA's request for an

extension by the Office of Management and Budget (OMB) of a previous approval on the information collection requirements found in the Standard. The Agency received one electronic comment from Mr. Walter B. Tucker, Jr. for Petra Construction Corp. on the proposed information collection request.

Comment Info: One commenter provided a comment for posting emergency telephone numbers and another posting floor load limits:

The Agency estimated 2 minutes to retrieve, transcribe and post emergency numbers.

Comment (1): Emergency contact numbers must be determined (sometimes 15 min.), written on a poster (2 min.), then walked to appropriate posting areas and posted (5 min. per area). Sometimes the information must be posted in several areas per project.

Response: While some employers may have taken steps to use a particular medical provider for emergency response at their construction projects, that is not the requirement.

Emergency response telephone numbers are listed in the front of telephone books. While in practice it probably takes less than two minute to look up the number, transcribe and post it, the Agency considers two minutes (.03 hours) to be sufficient on average.

The Agency estimated 15 minutes to retrieve, transcribe and post floor load limits.

Comment (2): Floor loading information is vastly more complicated. On new construction it is possible to determine floor loading based on the design-basis for the occupancy and the applicable building codes (15 min.). On renovation, if this information is to be reliable, the project manager must write and transmit a Request for Information to the engineer of record (15 min.), the engineer must inspect the site(s) and transmit the information to the PM (? hours), and the information must be written on a poster (2 min.) then walked to the appropriate area (5 min. per area). Moreover, the floor loading posting information is nearly useless, because laborers and others loading a storage area are rarely aware of the weight of the material they're loading in, and almost never aware of the loads already imposed on the floor.

Response: For new construction as the commenter indicated floor load limits are readily available and the Agency's estimate of 15 minutes (.25 hours) is an accurate average time for completing the required floor load limit posting task.

OSHA disagrees with the commenter's position that the Agency understates the amount of time necessary to comply with its floor load posting requirements. It is the Agency's position that as a sound business and as a usual and customary construction industry practice contractors bidding demolition and/or remodeling work on existing structures will determine prior to submitting their bids if the structure will support their work activities, materials, personnel, tools and equipment.

For purely demolition jobs since 29 CFR 1926 Subpart T regulates the projects; therefore OSHA is not addressing those requirements in this Information Collection Review. For instance Section 1926.800(a) requires a competent person to make "an engineering survey ... of the

structure to determine the condition of the framework, floors, walls and possibility of unplanned collapse” prior to permitting the start of demolition operations. The Agency stands by its estimate that on average the floor load limit posting requirements for construction work on existing structures is no more burdensome than for work on new structures, 15 minutes (.25 hours).

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 § 1926.50(f) and § 1926.250(a)(2) 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 § 1926.50(f) and § 1926.250(a)(2) 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 § 1926.50(f) and § 1926.250(a)(2); these sections determine burden hours and cost separately for posting emergency telephone numbers and floor load limits.

OSHA estimates that these information collection requirements result in a total of 197,819 burden hours and cost a total of \$5,760,489.

(A) Posting Emergency Telephone Numbers (§ 1926.50(f))

The Dodge Construction Potentials Bulletin for December 2006 (Dodge 2006) showed total construction projects for 2006 as 1,549,231, a decline of almost 300,000 projects from 2005, for which Dodge reported 1,844,533 projects. The Dodge Bulletin reported that single family houses made up 1,330,055 of that number, and that two family houses and apartment buildings made up an additional 50,479 of that number). Also the report showed that there were 95,714 non-residential building projects and an additional 63,983 non-building projects (e.g. dams, roads, etc.). The Agency determined that construction contractors build approximately half of the single family houses at single residence sites (i.e., 1 unit per site), while they build the other 665,028 single family houses at multiple-unit sites (i.e., 2 or more houses per site). Assuming the most burdensome case scenario, that the multiple-unit sites each only hold two houses, the total number of multiple residential-unit sites is 332,514 (i.e., 665,028 houses ÷ 2 houses per site). Therefore, the total number of worksites covered by this provision is: 1.2 million projects (665,028 single residential unit sites + 332,514 multiple residential unit sites + 95,714 non-residential projects + 63,983 non-building projects = 1,157,239) projects.

OSHA finds that 99% of the population is covered by the 911 service.² Therefore, OSHA assumes 99% of the 1.2 million worksites have access to the 911 emergency telephone service, while the remaining 12,000 projects; employers must post emergency telephone numbers. The Agency assumes that an average construction worker at an hourly wage rate of \$29.12³ takes 2 minutes (.03 hour) to obtain the emergency phone number, write the information on excess material available at the worksite (e.g., cardboard, stiff paper), and then post the information at a conspicuous location as required by § 1926.50(f). Therefore, the estimated burden hours and cost of this paperwork requirement are:

Burden hours: 12,000 sites x .03 hour = 360 hours

Cost: 360 hours x \$29.12 = \$10,483

(B) Posting Floor Load Limits (§ 1926.250(a)(2))

OSHA believes that during construction of multi-story buildings and structures, employers usually store building materials on elevated floors. Prior to using elevated floors for this purpose, §1926.250(a)(2) requires employers to post the load limits of the floors to prevent overloading and possible collapse. The Agency finds that, as a usual and customary business

² U.S. Government Printing Office, *Telecommunications States' Collection and Use of Funds for Enhanced 911 Services* (March 2006), p. 5.

³ The Agency used the Bureau of Labor Statistics "Employer Costs for Employee Compensation" "Total Compensation" for private industry 2007 Second Quarter data extracted on November 19, 2007 for this information.

practice, floor load limits are readily available from engineering drawings maintained at the worksite. These figures are required by building codes.

The Agency determines that construction contractors at single-story sites store building materials on the ground, or on the floors and slabs on grade (supported directly by the earth). At projects where the structures are built over basements or crawl spaces, contractors who store materials on the floors are required to post load limits. The Agency estimates that during the construction of each building or structure, employers store building materials on average in only two specified areas, and that an average construction worker spends a total of 15 minutes per project (.25 hour) retrieving the floor load limit data for the storage areas from engineering drawings, preparing an average of two signs using material readily available at the worksite and then posting the signs in the storage area as required by §1926.250(a)(2). The Agency estimates that there are 1,579,674 locations on construction projects that require floor load limit posting. This number is based on there being 789,837 multi-story projects and single story projects built over basements or crawl spaces subject to §1926.250(a)(2).

The project number is reached using estimates based on the Dodge 2006 Data and on U.S. Census Bureau residential housing characteristic data, as well as staff knowledge of the construction industry the Agency revises its past estimates of the impact of §1926.250(a)(2) on construction projects. Dodge 2006 reports a total of 159,697 non-residential and non-building projects for 2006; Agency staff estimate that, at most, 74,330 (approximately 47% [rounded]) of these projects are subject to its floor load posting requirements. The Bureau of Census data for 2006 indicate 44% of new one-family houses completed in 2006 had either basements or crawl spaces under their first floors. In addition, The Bureau of Census data indicate that 57% of new one-family houses were two or more stories tall. Their data does not indicate the percentage of new one-family houses, which were single story built over basements or crawl spaces and, therefore, subject to the posting requirement. Agency staff estimate that 50% of the 1,330,055 one-family houses (665,028) and that all 50,479 multi-family houses and apartments are subject to §1926.250(a)(2) requirements. 74,330 non-residential and non-building projects plus 665,028 one-family house projects plus 50,479 multi-family and apartment projects total 789,837 floor load-limit-posting required projects. The Agency estimates, that on average, each project will have two storage areas; this produces 1,579,674 required posting locations.

Accordingly, the yearly burden hour and cost estimates for this requirement are:

Burden hours: 789,837 load limit posting required projects x .25 hour
developing and posting two signs = 197,459 hours

Cost: 197,459 hours x \$29.12 = \$5,750,006

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.

Item 12 above provides the total cost of the information collection requirements specified by §1926.50(f) and § 1926.250(a)(2).

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, step 5), at an hourly wage rate of \$37.89, spends about 5 minutes (.08 hour) during an inspection reviewing the information posted as required by § 1926.50(f) and § 1926.250(a)(2). In Fiscal Year 2007, the latest year for which data is available, OSHA conducted 112 inspections resulting in 129 citations of §1926.50 and 30 inspections resulting in 31 citations of §1926.250. Since the construction industry, by commercially available estimates, is contracting (the number of projects is decreasing overall) OSHA estimates that these inspection numbers will likely remain about the same. In revising this burden calculation the Agency allows for a slight increase to 200 inspections of these standards combined per year of the ICR. 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 § 1926.50(f) and § 1926.250(a)(2). Therefore, the total cost of these paperwork requirements to the Federal Government is:

Cost: 200 inspections x .08 hour x \$37.89 = \$606

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

Based on new data, the Agency reduced the number of sites that do not have access to wire line 911 service from 44,000 sites to 12,000 sites. This resulted in a 960 hour reduction from 1,320 hours to 360 hours.

In addition, after updating data and reviewing previous assumptions the Agency increased the number sites requiring posting from 30,325 to 789,837. The previous ICR inadvertently failed to include residential construction units. It contained the assumption that only one posting per multi-story unit was required. This ICR proposes two posting at sites (including residential unit sites) that have single and multi-story units. However, the Agency maintains the 15 minutes per site to develop and post signs. The additional posting will impose no additional burden per site since obtaining the information comes from the same source, building plans. The resultant burden hour increase of 189,878 hours increased the total floor load posting burden from 7,581 hours to 197,459.

Therefore, the Agency is requesting an overall increase of 188,918 hours from 8,901 hours to 197,819 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 § 1926.50(f) and § 1926.250(a)(2).

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 requesting an exception to the certification statement in Item 19.