

**SUPPORTING STATEMENT FOR THE INFORMATION COLLECTION
REQUIREMENTS OF THE STANDARD ON
SERVICING MULTI-PIECE AND SINGLE PIECE
RIM WHEELS (29 CFR 1910.177)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0219 (September 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 objective of the Occupational Safety and Health Act of 1970 (i.e., “the 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 Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, the 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). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 657).

Under the authority granted by the Act, the Occupational Safety and Health Administration (i.e., “OSHA” or “the Agency”) published at 29 CFR 1910.177 a safety standard for general industry regulating restraining devices for servicing multi-piece and single piece rim wheels (i.e., “the Standard”). The paperwork provisions of the Standard includes a requirement that the manufacturer or a Registered Professional Engineer certify that repaired restraining devices and barriers meet the strength requirements specified in the Standard and a requirement that defective wheels and wheel components be marked or tagged. Items 2 and 12 below describe the specific information collection requirement 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.

The Standard specifies two paperwork requirements. The following sections describe who uses the information collected under the requirements, as well as how they use it. The purpose of the

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with a provision of this Standard that contains a paperwork requirement; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, the provision.

requirements is to reduce employees' risk of death or serious injury by ensuring that restraining devices used by them during the servicing of multi-piece rim wheels are in safe operating condition.

Certification of repair (1910.177(d)(3)(iv). This paragraph requires that when restraining devices and barriers are removed from service because they are defective, they shall not be returned to service until they are repaired and reinspected. If the repair is structural, the manufacturer or a Registered Professional Engineer must certify that the strength requirements specified in (d)(3)(i) of the Standard have been met.

The certification records are used to assure that equipment has been properly repaired. The certification records also provide the most efficient means for OSHA compliance officers to determine that an employer is complying with the Standard.

Marking or tagging of wheel components (1910.177(e)(2). This paragraph requires that defective wheels and wheel components "be marked or tagged unserviceable and removed from the service area." Under this requirement, OSHA is providing employers with sufficient information from which they can derive the wording to use in marking the object or constructing a tag. Therefore, this provision imposes no paperwork burden because it falls within the portion of 5 CFR 1320(c)(2) that states, "The public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within this definition [of 'collection of information']".

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 automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, 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 purpose(s) described in 2 above.

The requirements to collect and maintain information are specific to each employer and employee involved, and no other source or agency duplicates these requirements or can make the required information available to OSHA (i.e., the required information is available only from employers).

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe 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 effectively regulate restraining devices and barriers, and thereby 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 Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collection, or delay in providing this information, employees may inadvertently repair multi-piece and single piece rim wheels using unsafe restraining devices and barriers, thus increasing their risk of death and serious injury.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can prove that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirements are within the guidelines set forth in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection before submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments specifically address comments received on cost and hour burdens.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, revealed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on August 8, 2008 (73 FR 45250, Docket No. OSHA-2008-0025) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in its Standard on Servicing Multi-Piece and Single Piece Rim Wheels (29 CFR 1910.177). This notice was part of a preclearance consultation program 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 Standard. The Agency received no comments in response to its notice.

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.

None of the provisions in the Standard require 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

OSHA estimates that approximately 80 servicing accidents occur annually while inflating large tires that damage restraining devices and barriers. In the past, Agency staff contacted the Tire Industry Association (TIA) in an effort to update this data. The TIA stated that while the Agency's estimate was probably low, they were unaware of any other organization that might track damage to restraining devices and, thus, could not provide OSHA with updated information. Given the low number of estimated accidents, minimal paperwork burden, and lack of comments received during previous ICR updates, the Agency will continue to use its estimate of 80 accidents. To determine the cost of the paperwork requirements specified by the Standard, the Agency used a wage rate of \$30.47 for a supervisory manufacturing worker.² This wage has been adjusted to reflect the fact that fringe benefits comprise roughly 29.3 percent of total employee compensation in the private sector.³ The costs of labor used in this analysis are; therefore, estimates of total hourly compensation.

Repair Certification Records (paragraph (d)(3)(iv))

OSHA estimates that approximately 80 servicing accidents occur each year during the inflation of large tires that damage restraining devices and barriers. Based on information supplied to OSHA from a representative of the TIA, few, if any, devices and barriers are repaired. The TIA does not endorse repairing restraining devices and barriers, and takes the position that a damaged cage should be replaced. In addition, Agency staff spoke with a representative of a manufacturer of restraining devices. The representative stated that they do not repair restraining devices.

The Agency believes that the cost in time and money of repairing a restraining device or barrier is almost equal to replacing the equipment. However, for purposes of this Supporting Statement, OSHA assumes that approximately 10 percent (8) of the damaged devices and barriers are repaired; all of the repairs are assumed to involve structural-component replacement or re-welding. Once the restraining device or barrier has been repaired, the manufacturer or a Registered Professional Engineer must certify the repair.

OSHA believes no burden is associated with a manufacturer or Registered Professional Engineer certificate of repair. The manufacturer or Registered Professional Engineer, as a normal and customary practice, for liability purposes, provides the necessary certification of the repair

²Source: Bureau of Labor Statistics. National Compensation Survey, Occupational Wages in the United States, June 2005. To estimate updated wage rates, the Agency compared mean hourly wage rates for occupation categories from the July 2003 and June 2005 National Compensation Surveys. The resulting 4.9% wage increase evidenced over this period was applied to those wages in the previous ICR to determine updated wage rates for each occupation.

³Source: Bureau of Labor Statistics. Employer Costs for Employee Compensation – December 2007, March 12, 2008.

indicating the capacity of the restraining device or barrier. However, burden occurs for an employer to maintain the certificate and to disclose it to an OSHA compliance officer. OSHA estimates it will take a supervisory manufacturing worker about 3 minutes (.05 hour) to perform these tasks. As noted in the previous paragraph, OSHA assumes that employers repair 8 damaged restraining devices and barriers each year. The Agency also is assuming that employers will disclose the certificates for all 8 of the repaired restraining devices and barriers to an OSHA compliance officer upon request.

Burden hours: 8 repairs × .05 hour = 1 burden hour (rounded up)
Cost: 1 hour × \$30.47 = \$30

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 services 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 respondents (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 the Standard.

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), 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 \$37.89, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will review the certificates for the 8 restraining devices and barriers repaired each year. 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 this paperwork requirement to the Federal government is:

$$\text{Cost: } 8 \text{ certificates} \times .08 \text{ hour} \times \$37.89 = \$24$$

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

There are no adjustments or program changes associated with this information collection request.

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 "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

OSHA is not seeking an exception to the certification statement specified by Item 19 of OMB Form 83-I.