

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENT OF
THE TELECOMMUNICATIONS STANDARD
(29 CFR 1910.268)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0225 (November 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 1910.268 a safety standard for general industry titled “Telecommunications” (i.e., “the Standard”). Paragraph 1910.268(c) requires that training certification records be generated and maintained for all employees covered by the standard. Items 2 and 12 below describe in detail 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 one information collection requirement. The following section describes who uses the information collected under the requirement, as well as how they use it. The purpose of this requirement is to ensure that employees have been trained as required by the standard to prevent risk of death or serious injury.

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and cost associated with the 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.

Training (paragraph (c)). Under the paperwork requirement specified by paragraph (c) of the Standard, employers must certify that his or her employees have been trained as specified by the performance-language training provision of the standard. Specifically, employers must prepare a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the employee's employment. The information collected would be used by employers as well as compliance officers to determine whether employees have been trained according to the requirements set forth in 29 CFR 1910.268(c).

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 requirement 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 requirement to collect and maintain information is 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 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 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 telecommunications systems, 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 involved in repairing, maintaining, and installing telecommunication systems have an increased probability 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 September 29, 2008 (73 FR 56615, Docket No. OSHA-2008-0023) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirement contained in its Standard on Telecommunications (29 CFR 1910.268). 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 requirement 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 requirement specified by the Standard does 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

The Agency estimates that there are 47,749 establishments employing 355,560 employees covered by the Standard.²

²Source: *Industries at a Glance: Telecommunications: NAICS 517*, Bureau of Labor Statistics, U.S. Department of Labor, 2007. The Agency assumed half of the customer service representatives (139,970/2 = 69,985); all telecommunications equipment installers and repairers, except installers (124,750); and all telecommunications lines installers and repairers (90,840) (for a total of 355,560 employees) would be covered by this Standard.

To determine the cost of the paperwork requirement specified by the Standard, the Agency used a wage rate of \$35.84 for a telecommunications worker.³

Training Certification Record (§ 1910.268(c))

OSHA assumes that all employees have been trained as required in the performance-oriented training requirements of the Standard and that the training certification records have been generated (except for new hires) and are being maintained. Further, the employer will be required to disclose the training certification records upon request to an OSHA Compliance Officer. OSHA assumes that 1.4% of all establishments in the telecommunications industry may be subject to potential inspections and; therefore, is using that number to determine the number of employers who would be asked to disclose their training records.⁴ OSHA estimates it will take an employer two minutes (.03 hour) to disclose the training certification record. In addition to disclosing records of previously trained employees, there may be new hires and some employees will receive refresher training. Records will have to be generated for this group of employees. Consistent with the rate used in other paperwork packages, OSHA is using an estimate of 10 percent of the total number of employees (35,556) to represent the number of new employees and employees receiving refresher training. OSHA estimates that it takes two minutes (.03 hour) to generate the certification record for these employees.

Burden hours: 668 establishments x .03 hour to disclose records = 20 hours

Cost: 20 hours x \$35.84 = \$717

Burden hours: 35,556 new hires/employees receiving refresher training x .03 hour to generate training record = 1,067 burden hours

Cost: 1,067 hours x \$35.84 = \$38,241

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

³*Employer Costs for Employee Compensation*, U.S. Department of Labor, Bureau of Labor Statistics, December 2007 (released March 12, 2008).

⁴The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all establishments under the jurisdiction of the OSH Act (including both Federal OSHA and approved state-plan agencies), and then multiplying the total number of establishments covered by the Standard by this percentage (i.e., 47,749 establishments x 1.4% = 668).

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 requirement 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 inspect about 668 establishments covered under the Standard during each year covered by this ICR (see footnote number 3). 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 Standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

$$\text{Cost: } 668 \text{ establishments inspected} \times .08 \text{ hour} \times \$37.89 = \$2,025.$$

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

OSHA is proposing to decrease the existing burden hour estimate for the collection of information requirement specified by the Standard from 4,202 hours to 1,087 hours, for a total decrease of 3,115 hours. In the existing ICR, the Agency calculated burden hours and cost for the training certification record for all employees working in the telecommunications industry. After further research, the Agency has found that this is not the case; approximately half of the customer service representatives and all telecommunications equipment installers and repairers, and all telecommunications line installers and repairers would be subject to the training required by the Standard. The remaining employees who consist of electronics engineers, first-line supervisors/managers of office and administrative support workers, and telephone operators

would not be subject to the required training (see Table 1 for an explanation of the requested burden 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 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-I.

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

Table 1

Proposed Burden Hour Adjustments

Information Collection Requirement	Current Burden Hours	Proposed Burden Hours	Adjustment (Hours)	Cost Under Item 12	Responses	Explanation of Adjustment
Training Certification Record (§ 1910.268(c))						
Disclosure of existing employees' training certification record	20	20	0	\$717	668	No change in burden hours. Very slight increase in the number of establishments from 46,529 to 47,749.
Generate training certification records for new employees and those requiring refresher training	4,182	1,067	3,115	\$38,241	35,556	In the current ICR, the Agency based the training certification record on the "universe" of employees involved in telecommunications. Upon research by staff, it was obvious that not all employees in the telecommunication industry are subject to the provision to have training; therefore, no certification record would be required.
TOTALS	4,202	1,087	3,115	\$38,958	36,224	