

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS OF
VERTICAL TANDEM LIFTS FOR THE STANDARDS FOR
MARINE TERMINALS (29 CFR PART 1917)
AND SAFETY AND HEALTH REGULATIONS
FOR LONGSHORING (29 CFR PART 1918)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0250 (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 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 standards” (29 U.S.C. 651).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) is publishing a final rule on Vertical Tandem Lifts (VTLs) in Longshoring and Marine Terminals Standards. A VTL means the lifting of two intermodal containers that are coupled together vertically (one on top of the other). The Standard permits VTLs of two empty containers. The information collection requirements in the final rule require employers to develop and implement a terminal plan for transporting VTLs inside the terminal. Items 2 and 12 below list and describe the specific information collection requirement contained in 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 collection of information required by the Standards is used by employers to ensure that employees are informed properly about the safety hazards associated with VTL operations, and the proper use of twistlocks when performing a VTL. The collection of information is necessary to prevent employee injuries and fatalities associated with lifting cargo.

The requirements are listed below by section. The specific paragraphs that have been identified as being a collection of information requirement are listed in brackets directly below the title for each section. The text of the paragraphs requiring information collection is underlined.

PART 1917 – Marine Terminals

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

Terminals handling intermodal containers or roll-on roll-off operations

[(§1917.71 (i)(8)(iv),(v), and (vi)]

§1917.71

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(i) **Vertical tandem lifts.** The following requirements apply to operations involving the lifting of two or more intermodal containers by the top container (vertical tandem lifts or VTLs).

* * *

(8) The employer shall ensure that each interbox connector used in a VTL operation:

* * *

(iv) Has been tested and certificated by a competent authority authorized under §1918.11 of this chapter (for interbox connectors that are part of a vessel's gear) or §1917.50 (for other interbox connectors):

(A) as having a load-bearing surface area of 800 mm² when connected to a corner casting with an opening that is 65.0 mm wide; and

(B) as having a safe working load of 98 kN (10,000 kg) with a safety factor of five when the load is applied by means of two corner castings with openings that are 65.0 mm wide or equivalent devices;

(v) Has a certificate that is available for inspection and that attests that the interbox connector meets the strength criteria given in paragraph o of this section; and

(vi) Is clearly and durably marked with its safe working load for lifting and an identifying number or mark that will enable it to be associated with its test certificate.

Manufacturers of interbox connectors include certificates with connectors designed for use in VTLs; therefore, there are no burden hours or costs for this requirement. In addition, shipowners purchase the interbox connectors; longshoring establishments would incur no burden hours or costs for this requirement.

Transporting vertically coupled containers
[§ 1917.71(j)(2) and (k)(2)]

§ 1917.71(j)

* * *

(2) The employer shall develop, implement, and maintain a written plan for transporting vertically connected containers. The written plan shall establish procedures to ensure safe operating and turning speeds and shall address all conditions in the terminal that could affect the safety of VTL-related operations, including communication and coordination among all employees involved in these operations.

(k) Safe work zone.

* * *

(2) The written transport plan required by paragraph (j)(2) of this section shall include the safe work zone and procedures to ensure that employees are not in this zone when a VTL is in motion.

Purpose: The written plan for transporting vertically connected containers is necessary for the safe transport of VTLs in the marine terminal where the mentioned factors affect the stability of a VTL which has a higher center of gravity than a single container. Without a VTL terminal plan, containers handled as a VTL could overturn. The safe work zone and procedures ensure employees are not in this zone when a VTL is in motion.

Part 1918 - Longshoring

§1918.85 Containerized cargo operations.

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(m) **Vertical tandem lifts.** Operations involving the lifting of two or more intermodal containers by the top container shall be performed following §§1917.71(i) and (k)(1) of this chapter.

See discussion under 1917 Marine Terminals.

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 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 these standards in performance-oriented language, i.e., in terms of what data to collect, not how to record the data. The Agency has written the paperwork requirements of these standards in performance-oriented language 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 purposes described in Item 2 above.

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

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The VTLs information collection requirement in the Standards does not have a significant impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The Agency believes that the information collection frequency required by the Standard is the minimum frequency necessary to prevent employee injuries and fatalities associated with lifting cargo. The Agency believes that failure of the employer to collect and distribute the information required by the information collection requirement in the regulation will affect significantly the cooperative effort between OSHA and the employer to ensure employee safety through controlling or reducing injuries and fatalities in marine terminal operations and longshoring. Any Federal program or policy activities or decisions that would reduce or eliminate the collections of information required in these standards would also affect OSHA's efforts to ensure employee safety and health in the workplace.

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 information collection requirement is consistent with the guidelines provided in 5 CFR 1320.5.

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

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

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years, even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(B), 5 CFR 1320.5, 29 CFR 1320.8(d)(3), and 5 CFR 1320.11), OSHA submitted an Information Collection Request to the Office of Management and Budget (OMB) for the new proposed paperwork requirements in Vertical Tandem Lifts – Marine Terminals (29 CFR Part 1917); Longshoring (29 CFR Part 1918) on September 16, 2003. OMB assigned Control Number 1218-0250 to these collections of information.

In the NPRM OSHA proposed that employers rely on the vessel's cargo stowage plan for the location and characteristics (weight and content) of the VTL units being handled and to provide a copy of the plan to the crane operator. Based on the rulemaking record, OSHA has concluded that this requirement is unnecessary (see the discussion of the proposed stowage plan requirement in Final Rule section V. Summary and Explanation; H. 4. , Stowage plan,).

The final VTL Standard contains one collection of information requirement. Paragraph (j)(2) of §1917.71 requires the employer to develop, implement, and maintain a written plan for transporting vertically connected containers in the terminal. The transport plan helps ensure the

safety of terminal employees and enhances productivity. Paragraph (k)(2) of §1917.71 requires that the written transport plan include the safe work zone and procedures to ensure that employees are not in the zone when a VTL is in motion. The Agency did receive public comments favoring the written plan. A full discussion the written plan maybe found in the Final Rule, section V. Summary and Explanation; E. Coordinated transportation.

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.

None of the information collection requirements in the standards require the collection of confidential information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the 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 regulations require sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Show 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 burdens, and explain the reasons for the variance. General estimates should not include burden hours 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 burden in Item 13 of OMB Form 83-1.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Burden Hour and Cost Determinations:

The following hourly wage rates for the relevant occupational categories have been derived from the National Compensation Survey (NCS), published by the Bureau of Labor Statistics.² These

²Source: Bureau of Labor Statistics, National Compensation Survey: Occupational Wages in the United

wages have been adjusted to reflect the fact that fringe benefits comprise roughly 29.4 percent³ of total employee compensation in the private sector. The costs of labor used in this analysis are therefore estimates of total hourly compensation. The hourly wage rate for a First-Line Supervisor/Manager is \$61.89.

§ 1917.71(j)(2) and (k)(2) Written Plan for Transporting VTLs and Establishing a Safe Work Zone for Employees and Containerized cargo operations § 1918.85 (m)

Based on the VTL rulemaking record, OSHA estimates that 20 establishments currently use VTLs. OSHA assumes that a manager, earning \$61.89 an hour, will take four hours to develop and implement the written plan including identification of safe work zone and procedures.

Burden hours: 20 establishments x 4 hours = 80 hours
Cost: 80 hours x \$61.89 = \$4,951

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 determinations made under Item 12 account for the total annual cost burden to respondents or recordkeepers resulting from these collection of information requirements.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$37.89, spends about 30 minutes (0.5 hour) during an inspection reviewing the documents required by these Standards. The Agency determines that its compliance officers will inspect 1 facility regulated by these standards during each year covered by this ICR.⁴ 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 these standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 1 inspection x 0.5 hour x \$37.89 = \$19

States, June 2007 Supplementary Tables. Published July 2007. Supplementary Table 1.1: United States, selected occupations: Mean hourly earnings and percentiles, all workers, National Compensation Survey, June 2007.

³ Source: Bureau of Labor Statistics. *Employer Costs for Employee Compensation – December 2007*.

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 facilities covered by these standards (20 x 1.4% = 1 inspection (rounded))

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

The Agency is requesting a program change of 80 burden hours to its existing inventory as a result of new requirements for vertical tandem lifts under 29 CFR Parts 1917 and 1918.

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 these standards.

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 of OMB 83-I.

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