

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS OF
ON-SITE CONSULTATION AGREEMENTS (29 CFR PART 1908)¹
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NO. 1218-0110 (May 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.

Section 7(c)(1) of the Occupational Safety and Health Act (i.e., “the OSH Act” or “the Act”) authorizes the Secretary of Labor to, “with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement.” Section 21(c) of the Act authorizes the Secretary of Labor to “consult with and advise employers and employees . . . as to effective means of preventing occupational illnesses and injuries.” To satisfy the intent of these and other sections of the Act, the Occupational Safety and Health Administration (OSHA) codified the terms that govern cooperative agreements between OSHA and State governments whereby State agencies provide On-site consultation services to private employers to assist them in complying with the requirements of the Act. The terms were codified as the Consultation Program regulations (29 CFR Part 1908).

The Consultation Program regulations specify services to be provided, and practices and procedures to be followed by the State On-site Consultation Programs. Information collection requirements set forth in the On-site Consultation Program regulations are in two categories: State Responsibilities and Employer Responsibilities. Eight regulatory provisions require information collection activities by the State. The Federal government provides 90 percent of funds for On-site consultation services delivered by the States, which result in the collection of information. Four requirements apply to employers and specify conditions for receiving the free On-site consultation services.

OSHA’s Compliance Assistance Authorization Act of 1998 (CAAA) amended Section 21 of the OSH Act by adding paragraph (d), authorizing the Secretary of Labor to enter into agreements with the States to provide On-site consultation services, and established rules under which employers may qualify for an inspection exemption. To achieve the intent of the CAAA, OSHA published a final rule to amend 29 CFR Part 1908. The rule became effective on December 26, 2000. Information collection requirements under 29 CFR part 1908 are described in item 12. Following is a brief description and explanation of each of the requirements.

a. State Responsibilities.

(1) 1908.6(e)(3): State’s authorization to provide safety and health program assistance

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, these provisions.

within the scope of the employer's request.

Requirement. Input data on employer's safety and health program in the web-based Safety and Health Program Assessment Worksheet.

OSHA's experience has shown that employers who maintain an effective safety and health management system are more likely to identify and correct hazards in the workplace and, therefore, prevent injuries and illnesses to their employees. This section provides the mechanism that authorizes the On-site Consultation Projects to assist employers in developing effective safety and health management systems. To assist the States in delivering this service, OSHA, in partnership with the States, has developed a web-based worksheet. The worksheet is the basis for evaluating the effectiveness of safety and health programs. (A copy of this worksheet is attached.)

(2) 1908.6(e)(8): State's obligation to prepare and transmit the "List of Hazards".

Requirement. Generate and transmit a list of all serious hazards and correction due dates to the employer for posting. The State provides a copy of the list to an employee representative who participates in the visit.

When posted, the list of serious hazards and correction due dates serves to notify (and warn) employees of the presence of those hazards. It also serves as a reminder of the employer's obligation to correct hazards in a timely manner.

(3) 1908.6(f)(1) and (4): State's obligation to inform OSHA of an employer's refusal to correct hazards.

Requirement. Notify the appropriate OSHA enforcement authority and provide relevant information on imminent danger situations and serious hazards, which the employer has failed to correct within established time frames.

This requirement is necessary to protect employees from imminent danger situations and serious injury or illness or death. Employers who request On-site consultation must agree to protect employees from all serious hazards identified by the consultant. When an employer receives this free consultative assistance but refuses to correct serious hazards identified, the State is obligated to make a referral to assure the correction of those hazards. This notification is required by section 21(d)(3) of the OSH Act.

- (4) 1908.6(g)(1): State’s obligation to prepare and submit a written report to the employer.

Requirement. Prepare and transmit to the employer a written report relating to each On-site consultation visit which results in substantive findings and recommendations. All limited and comprehensive visits will result in substantive findings and recommendations. Prepare and transmit to the employer a list of serious hazards and correction due dates for posting.

The written report serves as the employer's official notification of the consultant's findings and recommendations. This record of the On-site consultation visit also serves as a mechanism for the employer to track and correct identified serious hazards. The list of hazards and correction due dates, when posted, serves to notify employees of the existence of any serious hazards.

Employers who request On-site consultation services must agree to correct all serious hazards which are identified by the consultant. The written report provides a clear, formal statement of the results of the On-site consultation visit: serious hazards identified; corrective methods recommended; and specific correction dates agreed upon by the consultant and the employer. It also provides guidance on the employer's safety and health program.

- (5) 1908.7(b)(1): State’s obligation to inform compliance officers of consultation “visit in progress.”

Requirement. Inform any OSHA or State compliance officer who arrives during an On-site consultative visit that a consultation visit is “in progress.”

This requirement is necessary to prevent duplication of effort between On-site consultation and enforcement. On-site consultation visits in progress take priority over OSHA or State programmed inspections. Without this stipulation, an employer receiving consultation would be subject to a concurrent enforcement inspection. By eliminating this potential duplication between On-site consultation and enforcement, the employer is given the opportunity to voluntarily comply, while Federal and State costs are reduced and resources are conserved.

- (6) 1908.9(b): State’s obligation to monitor consultant performance.

Requirement. Establish and maintain an organized consultant performance monitoring system.

Performance monitoring of consultants is necessary to ensure that employers who request and receive On-site consultation services are provided quality assistance and that the skill levels of consultants are sufficient to perform the tasks required.

- (7) 1908.9(c): State’s obligation to report data.

Requirement. Compile and submit factual and statistical data.

The On-site Consultation Projects gather factual data from all of the employers who utilize their services and input the data into a computer system. OSHA does not require the On-site Consultation Projects to segregate or apply any statistical criteria to the data; nor are they required to perform any specific statistical analysis using the data. The On-site Consultation Projects are the repository of the source data, but OSHA has access to the data through a

computer program. For example, the On-site Consultation Projects develop case files from all consultation visits and input the data into a computer system for use by the States in managing their programs. OSHA has access to the data through the computer program, which it then uses to perform annual monitoring and periodic electronic-tracking of each On-site Consultation Project's performance as specified in the cooperative agreement. Additionally, because the consultation program and the services it provides is mandated by Congress and receives up to 90 percent of its funding from the Federal government, OSHA from time-to-time uses the information collected under this requirement to report on the performance of the On-site Consultation Projects to Congress.

(8) 1908.10(c): Contents of cooperative agreement.

Requirement. Prepare the annual cooperative agreement detailing budget information and program activities proposed for Federal funding each fiscal year.

This section provides the mechanism for funding consultation programs operated by the States. The cooperative agreement, and the funding mechanism, is required by CAAA.

b. Employer Responsibilities.

(1) 1908.6(e)(8): Employer's obligation to post the "List of Hazards" and make information on corrective methods proposed by the consultant available to employees and their representatives.

Requirement: If serious hazards are identified by a consultant, the employer must post a list of all serious hazards and correction due dates. The list of hazards must be posted unedited in a prominent place, where it is readily observable by all affected employees, for three working days, or until the hazards are corrected, whichever is later. A copy of the list of hazards must also be available to the employee representative who participates in the visit.

This requirement is necessary to ensure that employees are made aware of, and are able to avoid serious hazards, which could otherwise result in serious injury, illness, or death. The House Report (H.R. 105-444) accompanying the CAAA encouraged the Secretary of Labor to include assurances of employee notification of hazards in 29 CFR part 1908.

(2) 1908.6(f)(5): Employer's obligation to notify the On-site Consultation Project manager when hazards are corrected.

Requirement. Following the correction of serious hazards, the employer must provide the State On-site Consultation Project manager with written confirmation of the hazards corrected, unless the consultant directly verifies the correction of those hazards. Since electronic mail (e-mail) is a form of legal, written correspondence, employers may notify the Consultation Project regarding the correction of hazards via e-mail if they so choose.

This requirement is necessary to ensure that all hazards, which could result in serious injury, illness, or death, are corrected in a timely manner.

(3) 1908.7(b)(1): Employer's right to inform compliance officers of consultation

“visit in progress.”

Requirement. Inform any OSHA or State compliance officer who arrives during an On-site consultative visit that a consultation visit is “in progress.”

This requirement is necessary to prevent duplication of effort between On-site consultation and enforcement. It avoids wasting the employer’s time and conserves State and Federal government resources.

On-site consultation visits in progress take priority over OSHA or State programmed inspections. Without this stipulation, an employer receiving consultation would be subject to a concurrent enforcement inspection. By eliminating this potential duplication between On-site consultation and enforcement, the employer is given the opportunity to voluntarily comply, while Federal and State costs are reduced and resources are conserved.

(4) 1908.7(b)(4) Employer’s Right to apply for recognition and exemption status.

Requirement. If an employer wishes to be removed from OSHA’s Programmed Inspection Lists the employer must apply for Inspection Deferral and SHARP status. To receive this benefit, employers need to complete and sign the required forms provided by the State.

This requirement is necessary to identify those employers who wish to pursue SHARP status and receive their removal from Programmed Inspection Lists. In order to achieve SHARP, an employer must undergo a consultation visit, correct all hazards, begin to implement the elements of a safety and health management system, and agree to request a subsequent consultation visit if major working changes occur. Once these requirements have been met, the employer can then request their removal from the programmed inspection lists.

By following this requirement an employer will be eligible for removal from OSHA’s Programmed Inspection Lists. The states will be able to inform the Area Offices of those employers who have made that election, thus avoiding a visit by a compliance officer to a site which has been removed, and eliminating unnecessary trips by that compliance officer.

By cooperating with the State On-site Consultation Program and voluntarily complying with OSHA standards, the employer prevents injury, illness and death to employees and avoids costs associated with such incidents as well as penalties resulting from violations of OSHA standards.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use.

This is a request for continuation of a previously approved collection. The requirements specified in the On-site consultation regulations for cooperative agreements are necessary to ensure uniform delivery of On-site consultation services nationwide. The regulatory procedures specify the activities to be carried out on the part of State On-site Consultation Programs funded by the Federal government, as well as the responsibilities of employers who receive the On-site consultation services. Clearance is requested for 12 activities set forth in the regulations; eight involve the responsibilities of State On-site Consultation Projects and four involve the responsibilities of employers.

a. State Responsibilities.

- (1) The primary product of the On-site consultation visit conducted by the State On-site Consultation Projects is the written report to the employer. This report provides the employer with the results of the hazard survey conducted at the worksite and details what actions must be taken, within specified time frames, to correct the hazard and steps necessary to establish a high level of long-term occupational safety and health protection for workers at the establishment. Because of the importance of the written report, certain criteria are set forth in the On-site consultation regulations.

The written report to the employer is an important business communication between the On-site Consultation Project and the employer, and is not routinely provided to OSHA. Thousands of written reports have been generated by the States and transmitted to employers nationwide. The reports have been the basis for correction of innumerable serious hazards, and the improvement of thousands of safety and health programs. A list of serious hazards and correction due dates is also produced by the consultant and transmitted to the employer for posting.

- (2) Within the scope of the employer's request, State consultants provide advice on developing and/or improving the employer's safety and health management system. In the past, consultants have used paper-based safety and health program evaluation worksheets as a guide in assessing the employer's system and as a basis for providing advice for improving the system. In cooperation with its State partners, OSHA contracted with the University of Alabama to conduct a validity and prediction study of the worksheet used by the States. Based on that study, OSHA developed a web-based application of the worksheet and has provided a repository for the data. OSHA has conducted training for State consultants to use the new software application. As a result, State consultants are now able to perform very useful data analysis and provide specific injury and illness reduction strategies to employers who use the On-site consultation service.
- (3) The State generates and transmits a list of hazards to the employer. The list is to be posted by the employer for three days or until hazards on the list have been corrected.
- (4) On-site Consultation Program managers must orally inform an OSHA inspector who arrives to do a programmed inspection during a consultation visit that a consultation is "in progress." On-site consultation visits in progress take priority over OSHA or State programmed inspections. Without this stipulation, an employer receiving consultation would be subject to a concurrent enforcement inspection. By eliminating this potential duplication between On-site consultation and enforcement, the employer is given the opportunity to voluntarily comply, while Federal and State costs are reduced and resources are conserved.
- (5) On-site Consultation Program managers report unmitigated imminent danger situations as well as uncorrected serious hazards to the appropriate enforcement authority to ensure abatement of the hazard. This action is required by the CAAA

to ensure protection of employees from hazards identified by consultants. Because the use of the On-site consultation service is voluntary (and because the States work cooperatively with employers), referrals occur on very rare occasions.

- (6) State Consultation Program managers conduct annual monitoring of performance in order to ensure that consultants continue to meet the six major qualification requirements set forth in the On-site consultation regulations. These requirements include:
- i. Ability to identify hazards;
 - ii. Ability to assess employee exposure and risk;
 - iii. Knowledge of OSHA standards;
 - iv. Knowledge of hazard correction techniques and practices;
 - v. Knowledge of workplace safety and health program requirements; and
 - vi. Ability to effectively communicate, both orally and in writing.

Because individual State personnel systems establish their own employment criteria for hiring consultants, a standard level of On-site consultant competency in the areas of expertise which have been deemed critical to the effective delivery of On-site consultation services is principally achieved through continuous monitoring and training to improve areas of deficiency.

The On-site consultation regulation requires that States accomplish annual self-monitoring activities by conducting performance evaluations of consultants, by accompanying consultants during On-site consultation visits, and by preparing quarterly summaries of their efforts in these areas. The consultant performance evaluation is a confidential State personnel record and is not reviewed by OSHA. Federal monitors may, however, ask to review the summaries of State self-monitoring activities and the accompanied visit reports. These evaluations have assisted the States in determining training needs. OSHA pays for continuing education training of consultants at the OSHA Training Institute and at other institutions.

- (7) Case files are the source of factual and statistical information reported to OSHA and, ultimately, to Congress on the progress and effectiveness of the On-site Consultation Program. Additionally, maintenance of occupational safety and health case files on employers receiving On-site consultation is critical to the delivery of this professional service. This is especially true for employers who meet all requirements of the Safety and Health Achievement Recognition Program (SHARP), and for employers working toward SHARP status who are granted deferrals from OSHA's programmed inspections. The States submit an average of 500 applications for recognition in SHARP on behalf of qualifying employers annually.

Further, State On-site Consultation Program managers plan and schedule On-site consultation visits on the basis of establishment size (number of employees), and North American Industrial Classification System

(NAICS) code group (high hazard or non-high hazard). Case files are valuable resources in determining the size and hazardousness of an establishment previously visited, and in prioritizing new requests for assistance received from that establishment. Case file information has served as the basis for tracking On-site Consultation Project workloads and for monitoring and evaluating the impact of On-site consultation programs nationwide.

- (8) On-site Consultation Program managers prepare and submit annual cooperative agreements, including detailed budget and basic performance projections, in order to ensure that adequate funding is available to provide On-site consultation services throughout the fiscal year, and to ensure conformance with fiscal year budgetary allowances. Information from the cooperative agreements has been used to gauge performance, and to make projections of future activity.

b. Employer Responsibilities.

The employer is not required to complete any paperwork as a precondition to receiving consultative assistance. However, the employer must agree to: (1) inform the State consultation project manager when all serious hazards have been corrected; (2) orally inform an OSHA inspector who arrives during a consultation visit that a consultation visit is in progress; (3) post the list of serious hazards and correction due dates; and (4) they must apply for this designation if they wish to voluntarily participate in inspection deferral and SHARP.

These operating requirements have ensured the smooth functioning of the consultation program in its interface with OSHA's enforcement activity.

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.

Much of the information collected and reported by the On-site Consultation Projects are qualitative. As a result, information collection, for the most part, cannot be automated. However, since the inception of the On-site Consultation Program, OSHA has worked closely with the State On-site Consultation Projects to automate the collection and reporting of those data elements that can be automated. To that end, OSHA has continuously funded the purchase of computer equipment and provided support in tools development, network maintenance, and staff training. OSHA coordinated the effort to standardize the consultants' written report, thereby easing the States' burden of report creation and also streamlining the report received by the employer.

Also, OSHA is using the web to simplify the On-site consultation process. For example, information about the quality of a site's safety and health program is routinely collected as a part of the On-site consultation process. In the past, the information was entered on paper-based forms and kept by the States as part of the visit file. With the web-based application, the

information gathering process does not change. Consultants now enter the data collected on the Form 33 directly on-line either to the web-based host database which resides on the OSHNet Intranet Limited Access Web Page or through an On-site laptop PC workstation, which is then translated to the host database. An added advantage of automation is that OSHA is able to run periodic reports of On-site consultation activities without causing any burden to the On-site Consultation Projects.

OSHA also utilizes an Oracle Database Standalone Personal Computer (desktop/laptop) consultant application. The program: (a) facilitates workflow; (b) allows consultants more workplace flexibility; (c) allows easy access to other sites for information retrieval; and (d) simplifies report preparation over the previous system.

Additionally, OSHA now requires that State On-site Consultation Projects submit their annual grant applications electronically using the Grants.gov (www.grants.gov) system. The applications can be up to 100 pages long and require review by the OSHA Regional and National Offices. The electronic submission will streamline the process and reduce the need for copies.

Every consultant has access to a laptop or a personal computer for entering case information. These computers are currently connected to the NCR as dumb terminals. OSHA is working with the On-site Consultation Projects to ensure that, in the future, every consultant has access to a laptop computer to be used in conjunction with an Oracle stand alone program where case information will be uploaded directly to the NCR from the field. This will eliminate both the need to collect information on forms and the duplication of inputting the same information into the computer when the consultant arrives at the office. OSHA believes that when this program is fully functional, the Oracle application will improve the information collection and reporting process, as well as reduce time spent on this endeavor.

The Wisconsin Occupational Health Laboratory, which provides laboratory services in support of the On-site Consultation Projects, has developed a system for uploading data on all sample collection media before they are shipped to the projects for field use. The sample media are bar-coded to ensure ease of information retrieval for analysis and reporting of sample results to the Projects. The lab has also established an access database (sample result data 1984-1994) and an on-line database (sample result data 1994 to date), to give the States access to historical data. This reduces the time spent by the States on paperwork preparation and records retention. Additionally, the laboratory sends sample results through email. Although the lab still sends paper copies of the results, they are exploring with their information systems group, methods for sending the results only through email, unless specifically requested otherwise.

Another electronic feature made available to the States is the Department of Health and Human Services – Payment Management system. The system is responsible for managing reimbursement to the States for On-site consultation and consultation-related services. The payment system is fully automated and allows the grantees to submit their request and receive payments electronically. This also reduces the paperwork burden on the States.

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.

Communications between the On-site Consultation Projects and enforcement programs specified in the On-site consultation regulations are designed to inform OSHA inspectors of the presence

of a consultant. This prevents duplication of effort between OSHA's On-site Consultation Projects and enforcement programs.

One purpose of the written report to the employer is to provide the employer with sufficient written documentation of identified hazards and recommended safety and health program improvements. This enables employers working with the On-site Consultation Projects to be recognized for their exemplary programs, and to be potentially exempted from programmed inspections, thus eliminating the need for OSHA to inspect establishments which have received a thorough consultation hazard evaluation survey, corrected all hazards identified, and established an effective workplace safety and health program.

The case files on employers, who are provided On-site consultative assistance, record unique information on the needs of employers scheduled for consultation, and the field notes include identified hazards, information on the services provided, and a description of recommendations made. Maintaining these files reduces duplication of employers' efforts by preserving historical data needed by On-site Consultation Project managers to make decisions on providing additional assistance to employers who were previously provided consultation services.

The regulations for the consultation program do not duplicate other agency programs.

Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2.

There is no similar information available.

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.

Participation in the On-site Consultation Program is completely voluntary. There is no Federal requirement that forces participation. The employer is not required to complete any paperwork to request or receive On-site consultation services. The employers' requirements (i.e., providing written confirmation to the State On-site Consultation Project manager that serious hazards have been corrected, orally informing an OSHA inspector that an On-site consultation visit is in progress, and posting the list of serious hazards and correction due dates) are minimal actions.

This information collection 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.

All activities specified in this report occur as a natural function or corollary of the On-site consultation process. None of the activities specified could be consolidated into a single activity because each is linked to a unique consultation visit. This is because every small business is different and distinct from all others. For example, even companies within the same industry regularly employ different work methods and processes. Therefore, every piece of information collected is important for the consultant to have because that data enables the consultation program to render effective services.

(1) State Responsibilities.

The State On-site Consultation Projects must:

- i. **Input safety and health program assistance data into the web-based Safety and Health Program Assistance Worksheet:** State consultants provide safety and health program assistance within the scope of the employer's request. In the past consultants have used various (paper-based) worksheets as a guide to assess the employer's safety and health management system. In partnership with State On-site Consultation Projects, OSHA has developed a web-based application that can be accessed by consultants from any location. The database developed in conjunction with this application will provide valuable information to consultants in making specific recommendations to employers to ensure reduction in injuries and illnesses and cost savings. This web-based application is essential for improving the quality of safety and health program assistance provided to small employers. Without this collection of data, the Consultant will be unable to perform their primary function, evaluate and improve the safety and health program of the participating employer.

- ii. **Produce a written report of the findings and recommendations of the On-site consultation visit:** The written report is needed to provide the employer with clear identification of hazardous workplace conditions which require correction and improvement. In the absence of a written report to the employer (i.e., reliance on oral communications only), effective demonstration that the employer was notified of identified hazards and of the correction dates for those hazards would be precluded. As a result, the On-site Consultation Program would not be able to verify the elimination of serious hazards and therefore would not be able to carry out its primary functions.

Furthermore, the written report is the primary product that On-site consultative assistance delivers to employers. If OSHA were simply to fund the States to orally communicate suggestions for workplace safety and health improvements, there would be no assurance that employers were receiving a uniform quality of service nationwide. Without a written report of consultant findings and recommendations, the employer would not have a useful reference to guide decision-making on workplace safety and health improvements.

- iii. **Provide the employer with the list of serious hazards and correction due dates:** This requirement goes to the core of section 21(c) of the OSH Act in advising employers and employees of serious hazards in the workplace and methods of effective abatement. The absence of this requirement could result in employees not being informed or educated about hazards in the workplace and therefore could result in injury and illness to employees.

- iv. **Report any failure to correct serious hazards to OSHA:** Serious hazards are defined as hazards which cause, or have the potential to cause, serious injury, illness or death. This provision is considered the minimum necessary requirement to accomplish the OSHA On-site Consultation Program's goal of ensuring safe

and healthful work and working conditions for employees.

- v. **Inform any OSHA or State compliance officer who arrives that an On-site consultation visit is in progress.** This notification requirement of a “visit in progress” applies to any employer using the free consultation service and is designed to prevent a duplication of effort between On-site consultation and OSHA enforcement.
- vi. **Require On-site Consultation Projects to monitor and upgrade their consultants' performance.** Because the individual State personnel systems establish their own employment criteria for hiring consultants, the only way to maintain some consistency in the quality of service delivered is to ensure that consultants have, and maintain, the mandatory skill requirements identified in item 2.a.(5) above. The consultant monitoring and training activities are designed to assist the States in achieving the level of consultant competency deemed critical to the effective delivery of On-site consultation services. The absence of this requirement would result in increased disparity in consultant skills and greater variability of consultant competencies and service delivery among States.
- vii. **Maintain case files on establishments served:** On-site Consultation Projects establish case files on establishments requesting On-site consultative assistance. Initial information collected for the file identifies the requesting employer by name, mailing address and telephone number. A description of the nature of the employer’s establishment by business type and the operations to be covered by the On-site consultation visit are also entered in the case file. The request is then evaluated and priority assigned for scheduling. Subsequently, the case file is updated to include a description of services provided, the workplace conditions examined, and the mutually agreed upon due dates for correction of identified serious hazards. Without these case files, there would be no record of the On-site consultation services provided, no means for the State On-site Consultation Project manager to effectively manage workloads, and no record of the correction of serious hazards. Furthermore, without these case files On-site Consultation Programs would lack information on the program accomplishments needed to support continued Federal funding, and the monitoring and evaluation of the On-site Consultation Program on a national level would be impossible.
- viii. **Submit an Annual Cooperative Agreement (with a budget of anticipated expenditures) to request Federal funding each fiscal year.** The Cooperative Agreement is the document that establishes, in each fiscal year, the relation between States and OSHA to provide On-site consultative services at no cost to employers. OSHA does not mandate a one-size-fits-all cooperative agreement. The application package consists of financial documents, agreements to perform the mandated activities (discussed in section A.1.a(1) through (8) above), assurances to meet some specific requirements of Federal law, and the Consultation Annual Program Plan (CAPP). The CAPP is negotiated between each State and the OSHA Regional Office which has jurisdiction. It defines the States’ objectives and projected activities for the fiscal year. The CAPP is the basis for evaluating the performance of the State On-site Consultation Projects.

The financial documents are the basis for audits and for other reporting requirements. These financial documents consist of the OSHA 110, the SF 424, and SF 424A. Without these requirements, it will be difficult for OSHA and the On-site Consultation Projects to meet Congressional mandates or to justify its funding. It will also be difficult to ensure that the On-site consultation service is appropriately targeted.

(2) Employer Responsibilities.

- i. **Employers must notify the consultation program when they have corrected serious hazards.** Without the requirement for the employer receiving On-site consultation services to notify the State On-site Consultation Project manager when serious hazards were corrected, there would be no assurance that hazards, (which could result in serious injury, illness or death to employees,) have been corrected. The only acceptable alternative is to require follow-up visits to verify correction of all serious hazards. This would be more burdensome, both for the State and the employer.
- ii. **Employers must post a list of hazards and correction due dates for all serious hazards identified by the consultants.** The list of hazards must be posted unedited in a prominent place, where it is readily observable by all affected employees, for three working days, or until the hazards are corrected, whichever is later. A copy of the list of hazards must also be available to the employee representative who participates in the visit.
- iii. **Employers must inform any OSHA or State compliance officer who arrives that an On-site consultation visit is in progress.** This requirement applies to any employer using the free consultation service and is designed to prevent a duplication of effort between On-site consultation and OSHA enforcement.
- iv. **Employers who wish to voluntarily participate in Inspection Deferral and SHARP must apply for this designation.** The purpose of this section is for the granting of inspection deferral to employers intending to pursue SHARP. The application form is furnished by the State. It is signed and dated by the employer and witnessed by the consultant.

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.

There are no special circumstances for information collection. This collection of information complies with the requirements of 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 (U.S.C. 3507 (d)(1)), OSHA published a notice in the Federal Register on June 30th 2008, (73 FR 36905, Docket Number OSHA-2008-0019) requesting public comment on its proposal to extend the Office of Management and Budget's (OMB) approval of the information-collection requirements contained in On-site Consultation Agreements. 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 OMB of a previous approval of the information collection requirements found in On-Site Consultation Agreements. The Agency received no comments in response to this notice.

9. Explain any decision to provide any payments or gift to respondents, other than reenumeration of contractors or grantees.

No payments were or will be made relative to this request.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The primary respondents in this information collection activity are the State On-site Consultation

Projects, which do not require and do not receive assurances of confidentiality.

Employer safeguards extend to preserving the confidentiality of the identity of employers receiving On-site consultation services. Specifically, the employer's name or establishment is not revealed to OSHA routinely for use in any enforcement action, as stipulated in 1908.7(a)(3). Also, 1908.6(h)(1) requires that consultants preserve the confidentiality of information obtained as a result of any consultative visit which contains or might reveal a trade secret of the employer.

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.

No questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private are associated with the regulations for On-site consultation agreements.

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. 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.**

OSHA's requirement for information collection is largely inseparable from the normal business practice of information collection associated with this type of professional service. Similar information would be collected by the State if the service was provided without a Federal grant. Further, private sector concerns (e.g., insurance companies, private consultants, in-house safety and health staff) providing professional occupational safety and health services routinely collect and report similar information.

There are two groups of respondents affected by the 1908 regulation:

- i. State On-site Consultation Projects and;
- ii. Employers receiving consultation assistance

i. Burden Hour Estimates for State On-site Consultation Projects:

The following regulations require information collection and/or reporting on the

part of the State On-site Consultation Projects:

A. 1908.6(e)(3):

Last year, OSHA estimates that approximately 27,800 consultation visits were conducted throughout the United States and the Territories. Of this total, approximately 11,500 visits were limited in scope; 16,300 visits were comprehensive in nature; and approximately 40 visits resulted in referrals for enforcement.

For each On-site consultation visit, consultants input data regarding the employers' safety and health management program in the web-based Safety and Health Program Assessment Worksheet. This function is performed by every consultant. Information about the quality of a site's safety and health program is routinely collected as a part of the On-site consultation process. In the past, the information was entered on paper-based forms and kept by the States as part of the visit file. With the introduction of the web-based application, the information gathering process does not change. However, consultants will now enter the data on the web. The time estimates below do not include the time for developing information about the safety and health management systems, since that is done as a corollary of the On-site consultation process.

Consultants are only required to perform this function to the extent that data is available. OSHA estimates that, after an On-site consultation visit that does not involve comprehensive program assistance, 12 to 18 entries will be made on the Form 33. (A hard copy of the web-based Form 33 is attached.) This estimate is liberally construed on the assumption that hazards are identified on all visits, and that consultants are able to make professional judgments about the employer's safety and health management system on the basis of hazards identified, interviews, and review of related documents. OSHA estimates that 12 to 18 entries can be made on the web-based Form 33 in 10 minutes (.17 hours). Assuming there are 11,500 limited visits annually, and they require 10 minutes (.17 hour) per visit, the total annual burden hours for limited visits is **1,955 hours**.

During all On-site consultation visits related to SHARP, Inspection Deferral, or comprehensive program assistance, 58 entries will be made. In recent years a greater emphasis has been placed on providing comprehensive visits, and consequently a higher percentage of all visits involve a comprehensive analysis of the safety and health management system. OSHA estimates that 58 entries can be made on the web-based Form 33 in 30 minutes (.5 hour). Assuming there are 16,300 comprehensive visits annually, each requiring 30 minutes (.5 hours), the total annual burden hours for comprehensive visits is **8,150 hours**.

The breakdown of burden hours for completing the web-based Form 33 is as follows (See Table 1. Estimate of Cost to the States):

Table 1 - Estimate of Cost to the States

Burden Hour and Cost Estimates for State Consultation Projects

Section	Information	Performed By	Estimated Activities	Time Per Activity	Total Burden Hours	Hourly Rate^{1/}	Total Cost
1908.6(e)(3)	Safety and Health Program Assessment Worksheet – Limited	Consultant	11,500	10 minutes	1,955	29.16	\$57,007.80
1908.6(e)(3)	Safety and Health Program Assessment Worksheet - Comprehensive	Consultant	16,300	30 minutes	8,150	29.16	237,654
1908.6(e)(8)	Prepare list of hazards	Consultant	27,800	5 minutes	2,224	29.16	64,851.84
1908.6(f)(1) and (4)	Referral to enforcement	Project Manager	40	30 minutes	20	31.35	627
1908.6(g)(1)	Prepare written report describing all serious hazards	Consultant	27,800	7.5 hours	208,500	29.16	6,079,860
1908.7(b)(1)	Inform OSHA Compliance Officer there is a Consultation "Visit in Progress"	Project Manager	1,390	6 minutes	139	31.35	4,357.65
1908.9(c)	Preparation for Federal Project Officer review	Clerical	1,890	30 minutes	945	20.47	19,344.15
1908.10(c)	Annual cooperative agreement	Project Manager	54	32 hours	1,728	31.35	54,172.80
1908.10(c)	Annual cooperative agreement	Clerical	54	8 hours	432	20.47	8,843.04
				Total Hours	224,093	Subtotal	6,526,718.28

Total **\$6,526,718.28**

1/ National Compensation Survey by the Bureau of Labor Statistics, June 2006

2/ Bureau of Labor Statistics, Employer Cost for Employee Compensation, March 2008

B. 1908.6(e)8:
Prepare and transmit a list of serious hazards and their correction due dates. It is estimated that it takes the consultant an average of five minutes (.08 hour) to compile the list. Assuming that serious hazards are identified in each of the 27,800 consultation visits, the resulting burden hours will be **2,224 hours**.

C. 1908.6(f)(1) and (4):
Inform enforcement authority if the employer fails to take action to correct serious hazard and/or fails to comply with the requirement to post report of serious hazards. The On-site Consultation Project manager is responsible for making referrals to the enforcement authority.

OSHA predicts that 40 visits result in referrals for enforcement. OSHA expects that this level of employer cooperation will continue. Therefore, assuming there are forty referrals annually, and 30 minutes (0.5 hour) per referral, the total annual burden hours for referrals is **20 hours**.

D. 1908.6(g)(1):
Prepare and transmit a written report to the employer for each consultation visit which results in substantive findings or recommendations. The report consists of: a) a restatement of the employer's request for a consultation visit and a description of the working conditions; b) a description of all hazards identified during the consultation including a reference to the applicable standards and codes; c) an evaluation of the employer's safety and health management plan and suggestions to improve upon it; d) suggested means or approaches to correcting the identified hazards; e) references to additional sources of assistance to correct a hazard; and f) completion dates for the correction of all hazards. It is estimated that it takes a consultant an average of 7.5 hours to complete such a written report. Assuming that serious hazards are identified in 27,800 consultation visits, the resulting burden hours for this activity will be **208,500 hours**.

E. 1908.7(b)(1):
Inform any OSHA or State compliance officer who arrives that an On-site consultation visit is in progress. This requirement applies to any employer using the free consultation service and is designed to prevent a duplication of effort between On-site consultation and OSHA enforcement.

OSHA estimates that 5 percent of all high hazard employers eligible for inspections are actually inspected in any given year. Priority for consultation visits are given to small, high-hazard companies. By extension of the fact that both OSHA and the On-site Consultation Projects place a higher priority on high hazard companies, and the fact that five percent of companies receive compliance inspections, OSHA estimates that a compliance officer will arrive at a facility receiving a consultation visit on five percent of all consultation visits (i.e. 1,390 employers). It takes approximately six minutes (.10 hour) to inform a compliance officer that a consultation visit is in progress. This function is performed by the Project Manager and results in a maximum of **139 burden hours**.

F. 1908.9(b):

Establish and maintain an organized consultant performance monitoring system.

It is a usual and customary business practice for employers to establish performance standards, and to evaluate employee performance against the standard. The States will perform this function without a requirement from OSHA; therefore, the Agency is not assigning any burden hours for this activity.

G. 1908.9(c):

Compile and submit factual and statistical information.

Currently, the statistical information is entered as part of the report preparation process and is one of the major tools used by the States in the management of their programs. OSHA electronically extracts this information periodically (without assistance from the States) for use in program monitoring and evaluation. During annual evaluations, the On-site Consultation Projects are required to provide access to some randomly selected files. The files are reviewed by Federal Project Officers for quality of content only. Preparation of files for review is a function performed by clerical employees of the State. There are 54 projects and 35 reports reviewed per project per year. It takes 30 minutes (.5 hour) to prepare each file for review. The burden hours are 17.5 per project, resulting in **945 total hours**.

H. 1908.10(c):

Prepare and submit Annual Cooperative Agreement.

Each of the 54 State On-site Consultation Projects prepares and submits an annual cooperative agreement.

This function is performed on an annual basis by On-site Consultation Project managers. It takes an average of 32 hours of an On-site Consultation Project manager's time, and 8 hours of clerical time annually for a total of 40 hours per agreement. The total burden hours for this function, (which consists of 1,728 for project managers and 432 clerical), is **2,160 hours**.

OSHA estimates a total of 224,093 burden hours for the States to comply

with the information collection and reporting requirements of 29 CFR 1908.

Cost to the States:

This request is for a continuation of an existing program, so there is no capital or start-up cost component. Ninety percent of the program cost is borne by the Federal government including the cost of capital equipment such as computers. OSHA also reimburses 90 percent of the States' cost for operation and maintenance, as well as any cost of purchase of service, such as computer equipment repair. Such costs are included in the annual cooperative agreement which is the mechanism for funding the On-site Consultation Programs. OSHA considers information collection as incidental and integral to the total consultation service. The cost of information collection is therefore limited to costs that can be attributed to the proportion of time spent on information collection and/or transmittal. This time component was calculated above in Table 1 (Estimate of Cost to the States).

Cost to the States was calculated by segregating the hours of work performed by specific State employee occupational groups for collection, processing or transmitting information. The Agency determined average wage rates using average hourly earnings. For the relevant occupational categories, OSHA adjusted the mean hourly earnings from the June 2006 *National Compensation Survey by the Bureau of Labor Statistics* to allow for fringe benefits, which comprise about 29.3% of total compensation in the private sector. With wages comprising 70.7% of employee compensation, the Agency multiplied wages by 1.4 (1/0.707) to derive total hourly employee compensation. Therefore, the costs of labor used in this analysis are estimates of total hourly compensation.

The estimated cost for this activity is **\$6,526,718.28**. The derivation is shown above in Table 1 (Estimate of Cost to the States).

ii. Estimate of Burden Hours to Employers:

OSHA estimates the burden hours to employers using the free consultation services as follows (See below Table 2. Estimate of Cost to Employers):

**Table 2 - Estimate of Cost to Employers
Burden Hour and Cost Estimates for Employers**

Section	Information	Performed By	Estimated Activities	Time Per Activity	Total Burden Hours	Hourly Rate^{1/}	Total Cost
1908.6(e)(8) and 1908.6(f)(5)	Hazard posting and abatement notification to consultation	Employer/ Plant Manager	27,800	15 minutes	6,950	\$45.05	\$313,097.50
1908.7(b)(1)	Inform OSHA Compliance Officer there is a Consultation "Visit in Progress"	Employer/ Plant Manager	1,390	6 minutes	139	45.05	6,261.95
1908.7(b)(4)	Employer signs and dates a SHARP application	Employer/ Plant Manager	500	3 minutes	25	45.05	1,126.25
				Total Hours	7,114	Subtotal	320,485.70

Total **\$320,485.70**

1/ *National Compensation Survey by the Bureau of Labor Statistics, June 2006*

2/ *Bureau of Labor Statistics, Employer Cost for Employee Compensation, March 2008*

A. 1908.6(e)(8); 1908.6(f)(5):

Employers must post the list of serious hazards and correction due dates, and notify the On-site Consultation Project manager in writing when serious hazards are corrected. This requirement is necessary to ensure that employees are informed of the hazards in the workplace, and to ensure that employers take the necessary action to correct those hazards.

Some hazards are corrected or abated while the consultant is still at the employer's worksite, so the consultant can view them before leaving the place of business. For those that are not corrected immediately, OSHA estimates that it takes 15 minutes for an employer to notify the consultation service when serious hazards are corrected. Since the list to be posted by the employer is provided by the On-site Consultation Project, there is no information collection burden to the employer. However, OSHA estimates a total of 0.25 hours to comply with this requirement on every visit. The total burden for 27,800 visits is **6,950 hours**.

B. 1908.7(b)(1):

Inform any OSHA or State compliance officer who arrives that an On-site consultation visit is in progress. This requirement applies to any employer using the free consultation service and is designed to prevent a duplication of effort between On-site consultation and OSHA enforcement.

OSHA estimates that 5 percent of all high hazard employers eligible for inspections are actually inspected in any given year. Priority for consultation visits are given to small, high-hazard companies. By extension of the fact that both OSHA and the On-site Consultation Projects place a higher priority on high hazard companies, and the fact that five percent of companies receive compliance inspections, OSHA estimates that a compliance officer will arrive at a facility receiving a consultation visit on five percent of all consultation visits (i.e. 1,390 employers). It takes approximately 0.1 hours to inform a compliance officer that a consultation visit is in progress. This function is performed by a management employee, or by owner, and results in a maximum of **139 burden hours** nationwide.

C. 1908.7(b)(4):

Employers must apply for voluntary participation in Inspection Deferral and SHARP. The purpose of this section is for the granting of inspection deferral to employers intending to pursue SHARP. The application form is furnished by the State. It is signed and dated by the employer and witnessed by the consultant. It takes approximately 3 minutes to sign and date the SHARP application. OSHA anticipates that about 1100 employers participate in the program annually, and with the multi-year nature of our program resulting in 500 annual activities. The total burden hours for this activity are **25 hours**.

The cost to the employers was calculated on the basis of burden hours established above in Table 2. The Agency determined average wage rates using average hourly earnings. For the relevant occupational categories, OSHA adjusted the mean hourly earnings from the June 2006 *National Compensation Survey by the Bureau of Labor Statistics* to allow for fringe benefits, which comprise about 29.3% of total compensation in the private sector. With wages comprising 70.7% of employee compensation, the Agency multiplied wages by 1.4 (1/0.707) to derive total hourly employee compensation. Therefore, the costs of labor used in this analysis are estimates of total hourly compensation. The derivation of cost to private sector employers is shown above in Table 2 (Estimate of Costs to Employers). The total cost to private sector employers is **\$320,485.70**.

The total estimated burden hours for all employers using the free consultation service, which is calculated above in Table 2 (Estimate of Costs to Employers) is 7,114 hours.

Cost to the Employer: \$320,485.70.

The total respondent burden, which is comprised of the States plus private

sector employers, is 231,207 hours.

The total cost burden to respondents, which consists of the States plus private sector employers, is \$6,847,203.98.

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.
 - a. This is a continuation of an existing program; therefore there are no capital or start-up cost components.
 - b. Ninety percent of the program cost is borne by the Federal Government including the cost of capital equipment such as computers. OSHA also reimburses 90 percent of the cost for operation and maintenance as well as any cost of purchase of service, such as computer equipment repair. Such costs are included in the annual cooperative agreement, which is the mechanism for funding the consultation programs. OSHA considers information collection as incidental and integral to the total consultation service. The cost of information collection is therefore limited to the cost that can be attributed to the proportion of time spent on information collection and/or transmittal. This time component was calculated in Table 2 (Estimate of Cost to Employers) in question 12 above.

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 performs three categories of consultation project performance review and monitoring, and a fourth category for review of annual cooperative agreements that result in cost to the Federal government. The reviews are performed on an annual or quarterly basis. All reviews are conducted by Program Officers in the Regional Office. Depending on the complexity of the review, the Program Officer may be assisted by a Program Analyst and/or clerk. The quarterly review consists solely of extraction of mandatory activity measure (MAMs) data, and review of

data to identify potential problem areas (as compared to the CAPP). The program officer holds an informal phone conference with the consultation project manager to discuss his/her findings. The quarterly review is a process quality check, and is a way to identify and correct problems before the annual review. There are no site visits or formal reports associated with the quarterly review.

There are two types of annual reviews: a comprehensive biennial review and an interim biennial review (conducted between comprehensive reviews). The comprehensive biennial review is an On-site review of MAMs, randomly selected case files, consultant training, and application of technology. The interim review is a scaled down version of the comprehensive review. It has all the elements of a comprehensive review except for the On-site component. The Region prepares either a comprehensive or interim report that is submitted to the National Office for approval. A copy of the final report is sent to the consultation project for use in program improvement as necessary. Upon request, copies of the report are made available to Members of Congress.

The computation of cost to the Federal Government is as follows:

i. **Cost Associated with Quarterly Review:**

The cost was derived by establishing the categories of Federal government employees involved with the task of evaluating the consultation programs. An hourly rate was established for each employee category by dividing the annual salary (using the mid level of the salary scale) by the number of hours in 52 weeks. The hourly rate established for each employee category was multiplied by the hours of work performed by that category in the evaluation process. Based on the *National Compensation Survey by the Bureau of Labor Statistics*, June 2006, a factor of 40 percent was added for fringe benefits. The sum of the cost of labor and benefits was multiplied by 54 (the number of consultation projects) and the total sum multiplied by 4 (since this function is performed 4 times per year).

The estimated cost for this unit of activity is **\$48,081.60**. Its derivation is shown below in Table 3 (Cost to the Federal Government).

ii. **Cost Associated with Interim Biennial Review:**

The cost was derived by establishing the categories of Federal government employees involved with the task of evaluating the consultation programs. An hourly rate was established for each employee category by dividing the annual salary (using the mid level of the salary scale) by the number of hours in 52 weeks. The hourly rate established for each employee category was multiplied by the hours of work performed by that category in the evaluation process. Based on the *National Compensation Survey by the Bureau of Labor Statistics*, June 2006, a factor of 40 was added for fringe benefits. The sum of the cost of labor and benefits was multiplied by 54 (the number of consultation projects) and divided by 2 (since this function is performed every other year).

The estimated cost for this unit of activity is **\$38,367**. Its derivation is shown in Table 3 (Cost to the Federal Government).

iii. **Cost Associated with Comprehensive Biennial Review:**

The cost was derived by establishing the categories of Federal government employees involved with the task of evaluating the consultation programs. An hourly rate was established for each employee category by dividing the annual salary (using the mid level of the salary scale) by the number of hours in 52 weeks. The hourly rate established for each employee category was multiplied by the hours of work performed by that category in the evaluation process. Based on the *National Compensation Survey by the Bureau of Labor Statistics*, June 2006, a factor of 40 was added for fringe benefits. The sum of the cost of labor and benefits was multiplied by 54 (the number of consultation projects) and divided by 2 (since this function is performed every other year).

The estimated cost for this unit of activity is **\$140,427**. Its derivation is shown in Table 3 (Cost to the Federal Government).

iv. **Cost Associated with Review of Annual Cooperative Agreement:**

The cost was derived by establishing the categories of Federal government employees involved with the task of reviewing the cooperative agreement. An hourly rate was established for each employee category by dividing the annual salary (using the mid level of the salary scale) by the number of hours in 52 weeks. The hourly rate established for each employee category was multiplied by the hours of work performed by that category in the evaluation process. Based on the *National Compensation Survey by the Bureau of Labor Statistics*, June 2006 a factor of 40 was added for fringe benefits. The sum of the cost of labor and benefits was multiplied by 54 (the number of consultation projects).

The estimated cost for this unit of activity is **\$12,096**. Its derivation is shown in Table 3 (Cost to the Federal Government).

v. **Total Cost:**

The costs described above were added together to establish the cost to the Federal government. Table 3 shows (Cost to the Federal Government) the derivation of cost to the Federal government. The total estimated cost is \$238,971.60.

The Federal Government employee hours total is given by the sum of hours involved in each category of review multiplied by the number of consultation agreements. It must be noted that the quarterly review hours were multiplied by four (function performed four times a year), and the hours for biennial interim and biennial comprehensive reviews were divided by two (functions performed in alternate years). The total annual review hours are **4,698**.

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

This is a request for continuation of an existing approval. There is a total net increase of 209,436 hours resulting from several factors.

- Previously, a large percentage (over 90%) of all visits were deemed to be limited in scope. Over half of all visits are now comprehensive in nature due to the States continued emphasis on providing comprehensive advice on safety and health management systems.
- We had previously estimated that only visits that were comprehensive in nature would provide a written report. Now all visits, whether comprehensive or limited in scope provide a written report to the employer, in accordance with our Consultation Policies and Procedures Manual.
- We had previously estimated that it took only 0.5 hours to complete a written report. As we have received input from our stakeholders in updating the Consultation Program policies and procedures, our small employers requested specific guidelines and information in order to implement the recommended safety and health improvements noted during our On-site Consultation visits. A recent survey of our Consultation Projects indicated that approximately 7.5 hours are spent on these technical assistance reports (a range of 6-9 hours).

These three factors resulted in an increase from 21,771 hours (submitted in 2005) to 231,207 hours.

All of these changes are an adjustment with no new requirements taking place.

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 has no plans to publish information that is collected.

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.

OSHA will display the OMB control and the expiration date on Form 33. Other collections of information by State consultation programs from employers addressed in this report do not involve forms. Consequently, that information is assembled in a way that the display of an OMB control number and expiration date is not possible.

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 OMB 83-I.

Table 3 - Estimate of Cost to the Federal Government

Activity	Position	Tasks	Salary 1/	Hourly Pay	Hours	Total Per Review (Rounded)	
Comprehensive Biennial Review	GS-13 Program Officer	Monitoring & Report Preparation	\$82,961	\$39.75	48	\$1,908	\$3,715
	GS-13 Program Officer	National Office Review	82,961	39.75	2	80	
	GS-12 Program Analyst	Monitoring & Report Preparation	69,764	33.43	48	1,605	
	GS-05 Clerk	Extraction of Data	31,751	15.21	8	122	
Interim Biennial Review	GS-13 Program Officer	Monitoring & Report Preparation	82,961	39.75	24	954	1,015
	GS-05 Clerk	Extraction of Data	31,751	15.21	4	61	
Quarterly Review	GS-13 Program Officer	Extraction and Review of Data	82,961	39.75	16 (4 hrs./Quarter)	636	636
Cooperative Agreements Review	GS-13 Program Officer	Regional Office Review	82,961	39.75	2	80	160
	GS-13 Program Officer	National Office Review	82,961	39.75	2	80	

Grand Total Calculations:

	<u>Comprehensive</u>	<u>Interim</u>	<u>Quarterly</u>	<u>Cooperative Agreements</u>	TOTAL COSTS FEDERAL GOVERNMENT:
Labor Costs	\$ 3,715.00	\$ 1,015.00	\$ 636.00	\$ 160.00	
40% for Fringe Benefits ^{2/}	x 1.40	x 1.40	x 1.40	x 1.40	Comprehensive: \$140,427.00
Total Labor Costs	5,201.00	1,421.00	890.40	224.00	Interim: 38,367.00
Number of Programs	x 54	x 54	x 54	x 54	Quarterly: 48,081.60
	<u>280,854.00</u>	<u>76,734.00</u>	.48,081.60	12,096.00	Cooperative Agreements: <u>12,096.00</u>
Conducted Every 2 Yrs.	2	2			
Totals (rounded)	<u>\$140,427.00</u>	<u>38,367.00</u>	48,081.60	12,096.00	Grand Total: <u>\$238,971.60</u> (rounded)

1/ Office of Personnel Management Salary and Wages Table, General Schedule, Calendar Year 2008

2/ National Compensation Survey by the Bureau of Labor Statistics, June 2006