

## **Supporting Statement for Emergency ICR Approval: Petition and Investigative Forms used to Assess Eligibility**

### **A. Justification.**

#### **A-1. Reasons for Data Collection**

On February 17, 2009, the President signed into law the Trade and Globalization Adjustment Assistance Act of 2009 as part of the American Recovery and Reinvestment Act (ARRA). This statute provides for new eligibility criteria designed to expand the number of petitioning worker groups assessed as adversely affected by trade and therefore determined eligible to apply for Trade Adjustment Assistance.

In the revision, ETA is modifying the forms in OMB 1205-0342 to accommodate the amended Trade Act. Consequently, both the number of forms and information gathered have been revised.

Section 221 (a) of Title II, Chapter 2 of the Trade Act of 1974, as amended (19 USC § 2271 et seq.) authorizes the Secretary of Labor and the Governor of each State to accept petitions for certification of eligibility to apply for adjustment assistance. The petitions may be filed by a group of workers, state workforce office, their certified or recognized union or duly authorized representative, employers of such workers, one-stop operators or one-stop partners. ETA Form 9042, Petition for Trade Adjustment Assistance, and its Spanish translation, ETA Form 9042a, establish a format that may be used for filing such petitions. Regulations regarding petitions for worker adjustment assistance may be found at 29 CFR 90.

The remaining 9 forms in the revision are undertaken in accordance with Sections 222, 223 and 249 of the Trade Act of 1974 (19 USC § 2272, 2273 et seq.), as amended, which require the Secretary of Labor to certify groups of workers as eligible to apply for worker trade adjustment assistance (TAA). A determination of eligibility is reached after reviewing all the information obtained for each petition for worker adjustment assistance filed with the Department. The information collected in these data collections is necessary for the Secretary to specifically determine to what extent, if any, foreign competition has impacted the selling market of petitioning workers' firm, or a shift in production outside the United States, and thus determine whether the statutory criteria of eligibility to apply for TAA is met. These forms, which are used to investigate whether the petitioning worker group may be adversely affected by trade, are submitted to companies that are connected to the petitioning worker group, either as direct employers, or as some part of the petitioning worker group's customer base. These forms are listed below with italicized headings providing the current collection format (totaling 3 forms), and then bulleted underneath according to the revision format (totaling 9 forms):

#### *ETA-9043a Business Confidential Data Request*

- *ETA-9043a Business Confidential Data Request – Firms That Produce an Article (CDR-A)*
- *ETA-9043b Business Confidential Data Request – Firms That Supply a Service (CDR-S)*

- ETA-9043c Business Confidential Data Request Firms Who Work on a Contractual Basis

*ETA-8562a Business Confidential Customer Survey*

- ETA-8562a Business Confidential Customer Survey – First Tier Purchasers of Articles
- ETA-8562a-1 Business Confidential Customer Survey – Second Tier Purchasers of Articles
- ETA-8562b Business Confidential Customer Survey – Services
- ETA-8562c Business Confidential Customer Survey – Article Related Projects
- ETA-8562d Business Confidential Customer Survey– Service Related Contracts

*ETA-9118 Business Confidential Non-Production Questionnaire*

- ETA 9118 Business Confidential Information Request

This collection is submitted on an emergency clearance basis, because ARRA (Section 1891) mandates the implementation of the new criteria listed in Section 222 of the Trade Act (19 USC § 2271, 2272, 2273 et seq.), as amended, by May 18, 2009.

A-2. Users, Purposes, and Consequences of Failure to Collect the Information.

The submissions will only be used by Employment and Training Administration (ETA) staff who will review the collected information in order to assess whether the petitioning worker group meets the statutorily mandated criteria for group eligibility under 19 USC § 2272 and 2273 et seq. Failure to do the collection would prevent the administration of TAA benefits and services as provided in 19 USC § 2274 et seq.

A-3. Technology and Obstacles Affecting Reporting Burden.

There are no obstacles. Respondents may use email, fax, couriers, U.S. Postal Service or a number of express delivery services to provide the correspondence.

In addition, an electronic petition filing application has been developed that will allow for users to go to the DTAA website, complete the application online, sign the petition electronically and then click a button that will result in simultaneous transmission of the petition to both the Department of Labor and the relevant State agency. It should be noted that the electronically filed petition application will not replace the paper petition, but will be available to provide an additional paperless option for those users who prefer it.

A-4. Duplication.

There is no duplication for this collection.

A-5. Small Business.

The collection of this information does not significantly impact small business or small entities.

In order to minimize the burden placed on small businesses or other small entities by the 9043a Business Confidential Data Request, ETA 8562a Business Confidential Customer Survey, ETA 9118 Business Confidential Non-Production Questionnaire, DTAA staff assist, by telephone, firms or entities experiencing difficulty in completing the forms.

A-6. Consequences of Less Frequent Data Collection.

The petition and its Spanish translation are designed to be as simple as possible, taking only a few minutes to complete, and generally to be filled out by workers, employers or firm representatives.

For the remaining forms, only 40 days are statutorily permitted from the receipt of the workers' petition to make a determination of worker eligibility to apply for TAA. In order for the 40-day statutory time limit to be met, DTAA must not only issue the Business Confidential Data Requests, Business Confidential Customer Surveys and Business Confidential Non-Production Questionnaires in successive order, but must obtain responses as quickly as possible after receipt of the petition. Thus, if the surveys were conducted less frequently, the Secretary would not be able to make the determinations as required by law.

A-7. Special Circumstances Involved in Collection of Data.

The ETA Form 9042A Petition for Trade Adjustment Assistance and Alternative Trade Adjustment Assistance and its Spanish translation are consistent with the guidelines in 5 CFR 1320.5.

The ETA 9043a Business Confidential Data Request, ETA 8562a Business Confidential Customer Survey, and ETA 9118 Business Confidential Non-Production Questionnaire are not consistent with the guidelines in 5 CFR 1320.5, because the requested information is to be returned in less than 30 days. This is necessary in order to meet the 40-day statutory requirement discussed in Item number 6 above. Frequently, several different forms must be administered within the same 40 day period. Since these data collections are undertaken sequentially, respondents need to complete and return the form in less than 30 days.

A-8. Preclearance Notices and Responses.

The revision of OMB 1205-0342 incorporates the data collected under the current collection and incorporates new elements for expanding the means through which trade affected workers are established by the Recovery Act of 2009. The statutory deadline for implementation of Section 222 of the Recovery Act of 2009 (19 USC § 2271, 2272, 2273 et seq.) is May 18, 2009; an emergency clearance is necessary for this collection because there is not sufficient time for the processing of the standard three year OMB clearance. It is ETA's intention to proactively seek out comprehensive feedback on the usability and associated burden of the forms once they are put into use. As a result, the forms submitted for the subsequent three year clearance will be the product of further refinement based on input from the target audience. An emergency review

notice will be published in the Federal Register to allow the public to comment on these proposed revisions.

A-9. Payments to Respondents.

There are no payments to respondents.

A-10. Confidentiality.

This information, in the form of a confidentiality statement, is provided to respondents on the information collection instruments:

“All information submitted under this request will be used only to determine whether the criteria for certification of the workers covered by the petition have been satisfied. The U.S. Department of Labor will protect the confidentiality of the information you provide to the full extent of the law, in accordance with the Trade Act, 19 USC 2272 (e)(3)(c), the Trade Secrets Act, 18 USC 1905, the Freedom of Information Act, 5 U.S.C. 552, and 29 CFR Parts 70 and 90.”

A-11. Questions of a Sensitive Nature.

The data collection includes no questions of a sensitive nature.

A-12. Respondents' Burden and Cost of Collecting Information.

**INFORMATION COLLECTION #I: INVESTIGATIVE DATA COLLECTION  
REQUIREMENTS AS AMENDED BY 19 USC § 2271, ETA 9042 and ETA-9042a  
PETITION FORMS**

It is estimated that in calendar year 2009 the Department will receive approximately 3,198 ETA-9042 petition forms. Since receipt of this form will trigger the issuance of all subsequent forms authorized under OMB 1205-0342, this number (3,198) is used as part of the calculation in establishing the burden hours and costs for all of the forms.

During the year, it is estimated that each ETA 9042A or ETA 9042a (Spanish version) or 9042a-1 (electronic petition) will require an average time burden of 25 minutes per petition. This total includes the estimated 20 minutes that it will take the respondent to complete the petition, and an additional 5 minute burden per petition for state agencies, including time to review petition for completeness.

3198 respondents x .416 hours (25 minutes) = 1326.21 hours

The annual cost to respondents for submitting the ETA 9042 and its variants is estimated at \$39,846.66. The petition form may be filed by 3 workers, a union representative, a company

official or a community based organization. Therefore, the salaries could range from about \$7. for a minimum wage employee to \$300 per hour for a CEO, with an estimated average of \$32.00.

The annual cost for the 3,198 petitions for State agency review is estimated at \$6,075.78. This estimate is based on estimates on the \$22.95 average hourly earnings for managerial and professional workers as reported in the Employment and Earnings Journal.

The annual cost for the 3,198 petitions for petitioners is estimated at \$33,770.88. The petition form may be filed by 3 workers, a union representative, a company official or a community based organization. Therefore, the salaries could range from about \$7.00 for a minimum wage employee to \$300 per hour for a CEO, with an estimated average of \$32.00.

For a more detailed breakdown of cost burden for ETA-9042, 9042a and 9042a-1, see Table 12a below:

<b>TABLE 12a: SUMMARY OF BURDEN COST TO RESPONDENTS</b>					
A	B	C	D	E	F
Role of individual(s) regarding petition	Estimated number of responses	Individual Time burden	Time Burden for all forms (B*C)	Hourly Salary	Cost Burden for all forms (D*E)
Petition filers	3198	.33 hours (20 minutes)	1055.34 hours	\$32.00	\$33,770.88
State Reviewers		.083 hours (5 minutes)	265.4 hours	\$22.89	\$6,075.78
<b>TOTAL PETITION BURDEN</b>		.416 hours (25 minutes)	1332.29 hours		\$39,846.66

**BREAKOUT OF FOUR TYPES OF RESPONDENTS WHO FILL OUT ETA-9042 and 9042a**

The table below further delineates the distribution of hour burden by breaking out categories of people filling out TAA petitions in English and Spanish (ETA-9042, 9042a). In calendar year 2008, the latest year for which we have such data, a management information system maintained by the Department of Labor calculated that 9042 and the 9042a submissions totaled 2,452. In order to obtain an annualized estimate of future submissions, each of the most recent year's numbers should be increased by 30%, which reflects estimates the expanded population of worker groups from the service sector which may be deemed eligible from service industries. As a result, the annualized estimates for petition activity in the proposed 9042 and 9042a, totals 3,198. This number includes 1,785 from the private sector (including 1,440 company officials and 345 unions), 569 filed by the public sector (or state /local government staff), and 844 filed by individuals (groups of three or more workers). For further elaboration, please see Table 12B below:

<b>TABLE 12B: Breakout of Petitioner Types for ETA-9042</b>					
Type of Petitioner	CY 2008 petition activity	Projected increase of 30% more activity	Audience	Projected petition activity	Percent of Projected petition activity
Company official	1108	1440	Private	<b>1785</b>	55.2%
Unions	265	345			
State/Local	438	569	Public	<b>569</b>	17.8%
Workers	649	844	Individuals	<b>844</b>	27 %
<i>Total</i>	<b>2452</b>	3198		<b>3198</b>	100%

NOTE: A similar table is not provided for the subsequent information collections below because all forms in Information Collection #II are filled out by company officials or their representatives and are mandatory.

**INFORMATION COLLECTION #II; BUSINESS CONFIDENTIAL DATA REQUESTS, BUSINESS CONFIDENTIAL INFORMATION REQUESTS, BUSINESS CONFIDENTIAL CUSTOMER SURVEYS**

Business Confidential Data Requests: ETA 9043a, 9043b, and 9043c

It is estimated that for submissions of 9042 or 9042a that are received, a 9043a will be issued to the petitioning worker group's company 50% of the time (in cases where the worker group produces an article), while the 9043b will be submitted to the other 50% (in cases where the worker groups provide a service). The 9043c, (which is to serve as an addendum to either the 9043a or 9043b in cases where the company solicits a significant portion of its business through a bid process), is estimated to be necessary in 5% of all petition investigations. To estimate the burden hours, DTAA used a random sample of past responses to TAA confidential data responses. It is estimated that the revised form 9043a and 9043b should take 4 hours per response, while the 9043c should take 30 minutes. Using the average, ETA estimates a total of 6,376 hours for ETA-9043a, 6,376 for ETA-9043b and 159.5 hours for ETA-9043c. For further elaboration, see Table 12C:

<b>Table 12C: Time Burden for ETA 9043a, 9043b and 9043c</b>			
A	B	C	D
ETA Form Number	Number of Responses/ % of 3,198	Time Burden per response	Total Time Burden (B*C)
9043a	1,599/50%	4 hours	6,396 hours
9043b	1,599/50%	4 hours	6,396 hours
9043c	160/5%	.5 hours	79.95 hours
	3,358/NA		12,872 hours

In order to determine the annualized cost, DTAA estimates an hourly salary of company officials to be completing the forms to be \$30 an hour. The resulting calculations are noted below:

<b>TABLE 12D: SUMMARY OF BURDEN COST TO RESPONDENTS</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
ETA Form Number	Total Time Burden (See Table 12b, Column "D")	Estimated Hourly Salary for Staff	Total Burden Cost (B*C)
9043a	6396 hours	\$30.00	\$191,880.00
9043b	6396 hours		\$191,880.00
9043c	80 hours		\$2,398.50
			\$386,158.50

Customer Surveys: ETA 8562a, 8562a-1, 8562b, 8562c, 8562d

Based on the most recent annualized activity, it is estimated that the customer survey information collected by the current 8562 is needed in 50% of all petitioning worker group investigations, or 1,599 of 3,198 ETA 9042 petition forms that are anticipated annually. Using a sample of cases requiring customer surveys, DTAA approximates that about 4 customer surveys will be sent for each petitioning worker group, leading to a total of 6,396 survey questionnaires to be sent. (Four customers reducing purchases from the subject firm represents an average number used to represent the subject firm’s sales decline). This estimate is upward biased as it considers the number of surveys sent to customers, not the number of respondents.

To estimate time burden, ETA estimates that the responses required in the current ETA-8562 are slightly less in weight to those solicited in the proposed ETA-8562a-1 (Business Confidential Customer Survey Second Tier Purchases of Articles), 8562b (Business Confidential Customer Survey Services), 8562c ( Business Confidential Customer Survey Article Related Projects) and 8562d (Business Confidential Customer Survey Service Related Contracts). Therefore, each of



these proposed forms will carry a similar weight as that of the current 8562a, or 2 hours (which is slightly higher than the 1.78 hour burden listed in the current collection). The proposed 8562a (Business Confidential Customer Survey First Tier Purchases of Articles) has a longer time burden estimate (2.5 hours per response), taking into account additional questions regarding respondent's customers, in order to identify possible impact in cases where the petitioning workers sell a component to a company that is sold to another entity for incorporation into another potentially trade affected article.

In terms of frequency that each of the above mentioned forms will be issued, it is anticipated that the 8562a and 8562b will *each* be issued in 22.5% of all cases where an ETA 9042 has been filed on behalf of a worker group, or 719.55 each of 3,198 initiating petitions. In turn, it is assumed that a customer survey for those businesses that solicit work through a bid process (ETA-8562c and 8562d) will be necessary in five percent total with half for articles and half for service, each of all cases that are initiated by the ETA 9042, or 160 each. The ETA 8562a-1, which will only be issued to the customers of the petitioning worker groups' customers, is only collected cases where the ETA-8562a is first issued and is estimated to be collected in 50% of all cases where an ETA-8562a is involved, or 11.25 of all 3,198 petition investigations.

<b>TABLE 12E: SUMMARY OF TIME BURDEN FOR ETA 8562a, 8562b, 8562c, 8562d, 8562a-1</b>			
A	B	C	D
Form Number	Estimated Percent of 3,198/ Number of Responses	Individual Time Burden for Each Form	Sum of Time Burden for forms (B*C)
8562a	22.5%/719.55	2.5 hours	1798.88 hours
8562b	22.5%/719.55	2 hours	1,439.10 hours
8562c	2.5%/79.95	2 hours	159.90 hours
8562d	2.5%/79.95	2 hours	159.90 hours
8562a-1	11.25%/359.78	2 hours	719.55 hours

NA/1958.78	4277.33
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In order to determine the annualized cost, DTAA estimates an hourly salary of company officials to be completing the forms to be \$30 an hour. The resulting calculations are noted in Table 12F below:

<b>TABLE 12E: SUMMARY OF BURDEN COST FOR ETA 8562a, 8562b, 8562c, 8562d, 8562a-1</b>			
A	B	C	D
Form Number	Time Burden (see TABLE 12E, Column "D")	Estimated Hourly Salary for Staff	Total Cost Burden (B*C)
8562a	1798.88 hours	\$30.00	\$53,966.25
8562b	1,439.10 hours		\$43,173.00
8562c	159.90 hours		\$4,797.00
8562d	159.90 hours		\$4,797.00
8562a-1	719.55 hours		\$21,586.50
	4277.33 hours		

ETA 9118

The proposed ETA 9118 Supplemental Confidential Information Request for Contract Workers (named Non-Production Questionnaire in current collection) is submitted to the employer of a

petitioning worker group that exclusively provides contract support for companies that may produce an article or supply a service that is adversely affected by trade. It is estimated that contracting petitioning worker groups file ETA 9042 petition forms in 5% of the estimated annual submission of 3,198 petitions, for a total of 159.9 possible situations.

<b>TABLE 12G: SUMMARY OF TIME BURDEN FOR ETA 9118</b>			
A	B	C	D
Form Number	Percent of 3,198/Number of Responses	Individual Time Burden	Total Burden Hours
ETA-9118	.05%/159.9	1 Hour	159.9 Hours

In order to determine the annualized cost, DTAA estimates an hourly salary of company officials to be completing the forms to be \$30 an hour. The resulting calculations are noted in Table 12H below:

<b>TABLE 12H: SUMMARY OF BURDEN COST FOR ETA 9118</b>			
A	B	C	D
Form Number	Total Burden Hours (See TABLE 12G, Column "D")	Hourly Staff Salary	Total Cost Burden
ETA-9118	159.9 Hours	\$30.00	\$4,797.00

A-13. There are no capital or start-up costs involved in the collection of the data for the petition form. The burden hours associated with editing, analyzing, validating in inputting the data are described in Item 12.

A-14. The annualized cost to the Federal Government for the ETA 9042 and 9042A is \$0. Currently the TAA petition is made available exclusively by download on its website.

The annualized cost of the 9043a to the federal government is estimated at \$2.25, or 5 minutes of staff time at a rate of \$27 an hour. This estimate is based on the assumption that entering correct petitioning worker group information and updating the relevant time periods on the form requires five minutes of staff time at an approximate salary of \$27 per hour.

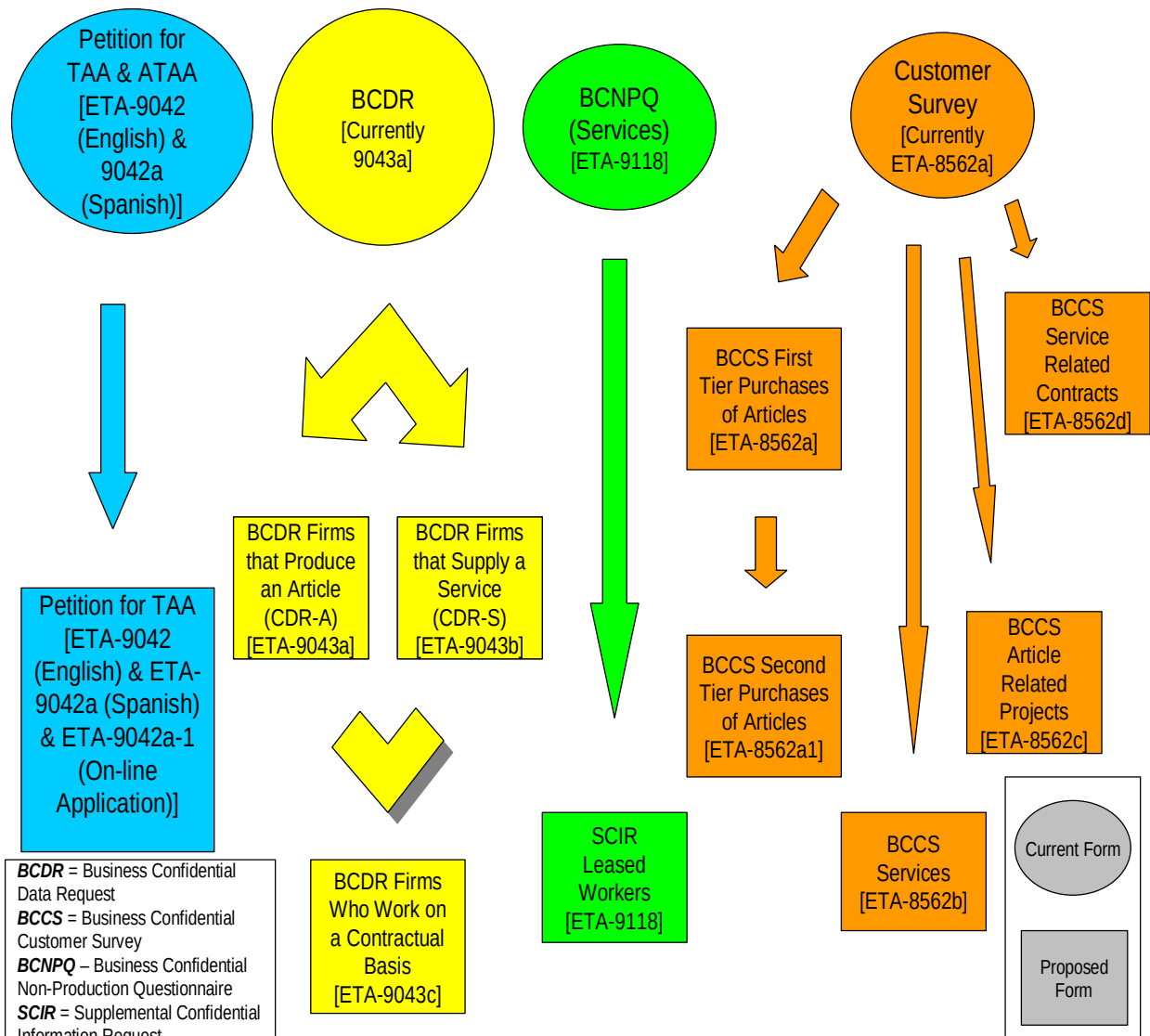
The annualized cost to the federal government for each 8562 questionnaire is estimated at \$2.25 for each form, or a total of \$4,407.24. This is based on the assumption that it takes approximately 5 minutes of staff time to modify the form to reflect accurate contact information, product description and relevant time periods, at a salary estimated at \$27.00 per hour.

Form Number	Staff Salary/Cost	Number of responses	Total (Staff Cost multiplied by Number of Responses)
ETA 9042 & ETA 9042A	\$0	3198	\$0.00
ETA 9043a, 9043b and 9043c	\$2.25	3357.90	\$7,555.28
ETA 8562a, 8562a-1, 8562b, 8562c,	\$2.25	1958.78	\$4,407.26

8562d			
ETA 9118	\$2.25	159.90	\$359.78
TOTALS			\$12,322.32

A-15. Changes in the data collection proposed under 1205-0342 are made for the following two reasons:

1. **Amendments to the Trade Act of 1974 (19 USC § 2271, 2272, 2273 et seq. ) created new paths to certification of eligibility for petitioning worker groups, and therefore require modification to data collection under 1205-0342 including:**
  - Assessment of whether service workers and public agencies may be adversely affected by competitive services provided by foreign firms (see ETA-9042, ETA-9043b, ETA-9043c, ETA-8562b, and ETA-8562d.)
  - Assessment of whether articles that incorporate articles produced by the petitioning worker group may be trade impacted, thereby establishing the petitioning worker group as adversely affected by trade (see ETA-8562a-1)
  - Assessment of whether foreign firms (as well as domestic firms) that serve as the major declining customers of the petitioning worker group’s company or subdivision are increasing their purchases of foreign products or services that are competitive with those provided by the petitioning worker group’s company or division.
2. **The program’s recognition that a new form and data fields added to existing forms are required to adequately assess petitioning group eligibility for Trade Adjustment Assistance. These include:**
  - Leased worker identification (ETA-9118)
  - Detaching an existing discreet data collection from a larger existing form to create a new form because the data is rarely applicable to the respondent (ETA-9043c)
  - Questions tailored to address a specific type of customer of petitioning worker groups that solicit work through a bid process (ETA-8562c, and ETA-8562d)
  - Data based on discreet production/services provided by uniquely identifiable groups within petitioning worker groups (ETA-9043a and ETA-9043b)



**PETITION CHANGES**

The Petition for TAA & ATAA [ETA-9042 and ETA-9042A] is revised as the Petition for TAA [ETA-9042] and its Spanish translation [ETA 9042a]. The revision drops the term “ATAA”, as Alternative Trade Adjustment Assistance is a benefit available to older workers who are eligible for TAA, because there are no longer any distinct group eligibility requirements for ATAA, and therefore there is no identification needed on forms designed to assess group eligibility. An online application will also be available to collect the same information online as the ETA-9042. (Both the currently approved and revised form states that this form can be electronically submitted, though this is not currently functional on the website.)

*Specific Data Elements*

- Section 1 – “A Union official completing this petition form should provide the name of

the Union” is placed at the end of the first paragraph. The Union name must also be given.

- Section 2 –
  - Workers employed by a public agency has been added for eligibility for TAA benefits
  - Asks for “service supplied” as well as articles produced to be described
  - If the workers work at a different location than what is listed under the Employer Information, then that information should be listed. (Basically, workers who do not necessarily work at the direct site of their firm or public agency are now eligible for benefits.)

## INVESTIGATIVE FORM CHANGES

### ETA 9043A

All questions regarding the age of the participants, and whether the worker group possesses skills that may be transferred to comparable work in the local area have also been removed, as they relate to group eligibility for Alternative Trade Adjustment Assistance. As group eligibility requirements have been removed by the most recent statutory change, they are no longer to be collected. The Business Confidential Data Request (or BCDR, currently known as ETA 9043A) is proposed to be expanded into two different forms to address two disparate groups, as well as a supplemental form for both groups:

1. For petitioning worker groups who produce an article,  
*Business Confidential Data Request – Firms That Produce an Article (CDR-A) [ETA 9043a]*
2. For petitioning worker groups who supply a service,  
*Business Confidential Data Request – Firms That Supply a Service (CDR-S) [ETA 9043b]* .  
As service workers were not previously eligible for TAA group certification, all of the questions to respondents in the service sector are new on this form, but only those question that are interpreted as dissimilar from those in the currently approved ETA-9043a for manufacturers have been noted below.
3. A supplemental form for petitioning worker companies who have lost business due to lower bidding from foreign firms, *Business Confidential Data Request Firms Who Work on a Contractual Basis [ETA 9043c]*. This form, while technically new, contains data elements that were previously part of the currently approved ETA 9043a, and was developed into a separate form because it is used in a very small percentage of investigations. It should be sent along with ETA 9043a or ETA 9043b if it is revealed that a subject firm works on a contractual basis in the initial verification made by the investigator.
4. *Specific Data Elements to BCDR Forms that Produce an Article [ETA-9043a]*
  - Requires the subject firm to not only describe the articles produced, but also their end uses. If the firm does not produce an article, they are required to stop and contact their DOL investigator assigned to their case.

- Under *Recent Employment Activities of \_\_\_\_\_*, it asks the firm to describe how the separations were caused by the effects of foreign trade
- Under *Total Employment*, any leased or temporary workers should be included in the numbers
- For petitioning worker groups that may be further divided as a result of engaging in separate production lines, the currently approved collection that asks the respondent to photocopy a single table to list the employment, sales, and production history of each separately identifiable article; in contrast, the revision contains a multi-rowed table that allows the respondent to list out the individual articles.
- Recent Shifts in Production or Imports:
  - Asks if subject firm, branches, etc., has imported any finished products that use an article that competes directly with articles produced at subject firm
  - If subject firm has contracted to have an article to be produced outside the U.S.
  - If subject firm is experiencing a decline in sales caused by customers purchasing imported articles
  - If subject firm is experiencing a decline in sales to a customer located outside U.S. and whether this customer incorporates the articles produced by the subject firm into a product that is then imported into the U.S.
  - If subject firm has lost bids for contracts to manufacture articles in past 2 years
- Under *Subject Firm Sales, Production and Imports*, export information is now required for a DOL investigation. Also, Imports Firm-wide of finished articles incorporating articles like or directly competitive with articles produced by subject firm data is requested
- Under *Sales to Customers*, the articles produced with the use of a finished article into which a firm's article is incorporated should be identified
- Contact information is requested for follow-up questions – if different from the company official signing the affirmation

*Specific Data Elements to BCDR Firms that Supply a Service [ETA-9043b]*

- Requires the subject firm to describe the services supplied by the subject firm. If the firm does not supply a service, they are required to stop and contact their DOL investigator assigned to their case
- For petitioning worker groups that may be further divided as a result of engaging in separate production lines, the currently approved collection that asks the respondent to photocopy a single table to list the employment, sales, and production history of each separately identifiable article; in contrast, the revision contains a multi-rowed table that allows the respondent to list out the individual articles.
- Recent Shifts in Services or Imports
  - If subject firm has contracted to have a service supplied outside the U.S., and if so, a description is needed of the arrangement and the services that will be provided



- o If services supplied by the subject firm are supplied to another division or parent company or affiliate that is producing an article, as well as their name
- o If worker separations are caused in any part by subject firm, etc. importing any articles that compete with articles produced using the services supplied by the workers at the subject firm
- o If subject firm has lost bids for contracts to supply services in past 2 years
- Under *Subject Firm Sales, Production and Imports*, export information of quantity and dollars for previous two years is required for a DOL investigation. Also, Imports Firm-wide of articles produced using services, and Imports Firm-wide of finished articles incorporating articles like or directly competitive with articles produced by subject firm data is requested
- Under *Sales to Customers*, the articles produced with the use of a service into which a firm's article is incorporated should be identified
- Contact information is requested for follow-up questions – if different from the company official signing the affirmation

*Specific Data Elements to BCDR Firms Who Work on a Contractual Basis [ETA-9043c]*

- Contact information is requested for follow-up questions – different from the company official signing the affirmation

## ETA 9118

The Business Confidential Non-Production Questionnaire [ETA 9118] is proposed to be updated to the Supplemental Confidential Information Request [ETA 9118]. Questions collected in the currently approved ETA-9118 were designed to assess if the worker group provided supportive services to a company or division that produced a potentially trade affected article. The proposed ETA-9118 is designed to solicit new information about leased workers who support a company or division that produces an article or provides a service that may be adversely affected by foreign competition.

*Specific Data Elements*

- Determine whether employing firm workers are performing work under contract for the job site firm during the relevant time period and if the work done was performed on-site
- Determine whether workers are under the control of the job site firm (and thereby may be considered part of an eligible petitioning worker group) by determining the following:
  - o Whether the contract workers perform only tasks that are independent, discrete projects for the job site firm
  - o Whether job site firm has the discretion to hire, fire and discipline the contract workers
  - o Whether the job site firm has the ability to terminate the contract workers' employment with the job site firm through the employing firm

- o Whether the job site firm exercises the authority to supervise the contract workers' daily work activities and determining how, where and when the work of individual workers takes place
- o Whether the services of the contract workers offered on the open market
- o Whether the contract workers work exclusively for the job site firm
- o Whether the job site firm is responsible for establishing wage rates and the payment of salaries to individual contract workers
- o Whether the job site firm provides skills training to the contract workers
- o Whether there are other facts indicating that the job site firm exercises control over the contract workers

### ETA 8562A

The Business Confidential Customer Survey [currently known as ETA 8562A] is proposed to be expanded to five separate forms:

1. For customers who purchase one or more articles produced by petitioning worker groups, *Business Confidential Customer Survey – First Tier Purchasers of Articles [ETA 8562a]*
2. To be completed by a customer of the customer who completed ETA 8562a to identify what their firm is purchasing from foreign firms and whether articles being supplied up the supply chain are being affected by foreign trade. *Business Confidential Customer Survey – Second Tier Purchasers of Articles [ETA 8562a1]*
3. For customers who purchase a service, produced by petitioning worker groups, *Business Confidential Customer Survey – Services [ETA 8562b]*
4. To be completed by a customer if they filled out a Business Confidential Data Request – Firms Who Work on a Contractual Basis Form, for Articles, *Business Confidential Customer Survey – Article Related Projects [ETA 8562c]*
5. To be completed by a customer if they filled out a Business Confidential Data Request – Firms Who Work on a Contractual Basis Form, for Services, *Business Confidential Information Request – Service Related Contracts [ETA 8562d]*

#### *Specific Data Elements to Business Confidential Customer Survey – First Tier Purchasers of Articles [ETA 8562a]*

- Explain why company's purchases from subject have declined
- Identify any articles which directly incorporate the articles purchases from the subject firm
- Verify and indicate percentage of non-U.S.-manufactured finished articles incorporating subject firm component parts
- Verify that the subject firm has experienced a decrease in sales of articles previously identified during the previous time period

#### *Specific Data Elements to Customer Survey – Second Tier Purchasers of Articles [ETA 8562a1]*

- Determine whether company purchases any non-U.S.-manufactured finished articles that incorporate U.S.-manufactured subject firm's component parts and their percentage purchased

*Specific Data Elements to Business Confidential Customer Survey – Services [ETA 8562b]*

- Explain why company's purchases from subject have declined
- Determine whether the services supplied by the subject firm are directly used to produce an article
  - Identify articles produced using services supplied by subject firm
  - Identify if the decline in purchases from subject firm caused by your company importing articles that compete with articles produced using the services supplied by the subject firm
  - Determine if decline in purchases from subject firm is caused by company's customers importing articles that compete with the articles produced using the services supplied by the subject firm
- Report firm's data for imports of articles produced using the services supplied by subject firm(or those in competition with) for the last two full years

*Specific Data Elements to Business Confidential Customer Survey – Article Related Projects [ETA 8562c]*

- This is a new form designed to address a specific type of customer that solicits business through a bid process, and so all the data elements are new in this revision. Regarding bid projects:
  - Identify the successful awardees and the U.S. dollar value associated with the project
  - Date the project was awarded to the firm
  - Dates of first and last shipment
  - If other than the in the U.S., indicate where product was produced
  - Identify the lowest domestic bidder (if other than the awardee), the U.S. dollar value of the bid entered, and their address
  - Identify the ranking of the five lowest bidders
  - Identify whether the bidding competition was designed for the lowest bidder to receive the award and explain other qualifying criteria
  - Identify whether it would have been possible for more than one firm to participate in the award
  - Identify whether any major portions of the successful award subcontracted out and the names and location of the subcontractors

*Specific Data Elements to Business Confidential Information Request – Service Related Contracts [ETA 8562d]*

- This is a new form, and all of the data elements are new under this revision:
  - Identify the successful awardees and the U.S. dollar value associated with the contract
  - Date the contract was awarded to the firm

- o Beginning and expiration dates of contract
- o If other than the in the U.S., indicate where service was supplied
- o Identify the lowest domestic bidder (if other than the awardee), the U.S. dollar value of the bid entered, and their address
- o Identify the ranking of the five lowest bidders
- o Identify whether the bidding competition was designed for the lowest bidder to receive the award and explain other qualifying criteria
- o Identify whether it would have been possible for more than one firm to participate in the award
- o Identify whether any major portions of the successful award subcontracted out and the names and location of the subcontractors

**Notes on Total Number of Respondents for ETA 9042A, ETA 9043a, ETA 9118 and ETA 8562a**

This section explains why the number of “unique” respondents in the revision differs from the total number of responses in several forms.

The ETA 9042 Petition for Trade Adjustment Assistance and its variants serves as the initiating document in all investigations for TAA group eligibility, and is completed and submitted by unique respondents. Similarly, the customers that complete the ETA 8562a, 8562a-1, 8562b, 8562c, or 8562d do not complete any of the other forms authorized under OMB 1205-0342. As a result, the number of responses for each of these forms matches the number of respondents.

In contrast, it is estimated that 45% of the respondents to the ETA-9043a also complete the 9042, or one of its variants. That is because historical data shows that 45% of ETA 9042 petition forms are completed and submitted by the companies that employ the petitioning workers, and these same companies will be required to complete ETA-9043a or the ETA-9043b (depending on whether the petitioning worker group produced a product or performed a service).

Because 45% of the respondents that complete the 9042 will also complete ETA-9043a or ETA-9118, there is a resultant reduction in the number of respondents indicated for these two forms. The reduction is established by multiplying 3,198 (petitions received) by 55% (the proportion of unique respondents to the ETA-9043a and ETA-9043b combined).

Further, the ETA 9043a is completed by companies whose petitioning worker groups produce a product, while the ETA 9043b is completed by companies whose worker groups provide a service. It is estimated that 50% of all petitions submitted will be on behalf of workers producing a product, and the remaining 50% of petitions represent worker groups that provide a service.

$3198 \times .55 = 1758.9$  unique respondents for ETA 9043a, ETA 9043a-1 and ETA 9118 combined

$1758.9 \times .50 = 879.5$  unique respondents for ETA 9043a

1758.9 x .50 = 879.5 unique respondents for ETA 9043b

Further, the ETA-9043c and ETA-9118 are only issued as an addendum to ETA 9043a and 9043b, so it has no unique respondents.

The table below incorporates the numbers above in order to provide:

- a comparison of responses and unique respondents for each form, and
- relevant data that reveals how the total burden hours is a direct result of the formula:

*# of responses x average time per response = hour burden*

Form Number	Responses	Unique Respondents	Average Time per Response	Total Requested Burden
ETA 9042 & ETA 9042a	3198	3198	0.4166 hours (25 minutes)	1332.5 hours
ETA 9043a, 9043b, 9043c and ETA 9118 (combined total)	3517.8****	<b>1758.9*</b>		
ETA 9043a	1599	<b>879.5**</b>	4 hours	6396 hours
ETA 9043b	1599	<b>879.5**</b>	4 hours	6396 hours
ETA 9043c	159.90	<b>0</b>	.5 hours	159.90

ETA 9118	159.90	0	1 hour	159.90
ETA 8562a	719.55	719.55	2.5 hours	1798.88 hours
ETA 8562a-1	359.78	359.78	2 hours	719.55 hours
ETA 8562b	719.55	719.55	2 hours	1,439.10 hours
ETA 8562c	79.95	79.95	2 hours	159.90 hours
ETA 8562d	79.95	79.95	2 hours	159.90 hours
TOTALS	8674.58	6915.68		18641.46 hours

\* 1758.9 is 55% of 3198

\*\* 879.5 is 50% of 1758.9

\*\*\*forms collected for:

- o ETA-9043a = 1599 +
- o ETA-9043b = 1599 +
- o ETA-9043c = 159.9 +
- o ETA-9118 = 159.9
- o Sums to 3517.8

The reviewer will note that the ETA-9042A, ETA 8562a, ETA-8562a-1, ETA-8562b, ETA-8562c, and ETA-8562d have the same number of respondents as responses, while the ETA 9043a, 9043b, 9043c, and 9118 do not.

Notes on Change in Burden for Revised 1205-0342 vs. Currently Approved 1205-0342

The revised collection for 1205-0342 reflects a net decrease burden of 5639.54 hours. Note that:

- ETA-9042 and ETA9042a reflect increased burden because in increased petition activity,
- ETA-9043 and its variants reflect increased burden because of both increased petition activity and increased burden for individual response due to new avenues to certification that require more data,
- ETA-8562 and its variants reflect a large decrease, despite increased individual burden and petition activity, because of the dramatic difference in the estimated percentage in the number petition investigations that require one of the ETA-8562 Business Confidential Customer Surveys; the currently approved collection estimated 100% of all petition investigations require this form, but survey results reveal them to be used slightly less than half the time, or 45% (this revision).
- ETA-9118 (revised) reflects a decrease in burden: the revised form collects different information than the currently approved version, and is expected to be used much less frequently.

<b>Change in Hour Burden between revised 1205-0342 and currently approved 1205-0342</b>			
<b>ETA Form #</b>	<b>Total Hour Burden for 1205-0342 revision</b>	<b>Total Hour Burden for 1205-0342 currently approved</b>	<b>Difference</b>
9042	1332.29	917	415.29
9043 (revised to 3 forms)	12871.95	5775	7096.95
8562 (revised to 5 forms)	4277.33	15664	-11386.68
9118	159.90	1925	-1765.10
<b>TOTAL</b>	<b>18641.46</b>	<b>24281</b>	<b>-5639.54</b>

A-16. Publication Information.

There are no plans to publish the data for this collection of information.

A-17. Display of OMB Expiration Date.

The expiration date for OMB approval of the information collection will be displayed on the report form.

A-18. Exceptions to the Certification Statement.

There are no exceptions to the certification statement.

**B. Use of Statistical Methods**

This collection does not employ statistical methods.