

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS IN
THE TEMPORARY LABOR CAMPS STANDARD (1910.142)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0096 (February 2009)**

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et. seq.*) authorizes the promulgation of such health and safety standards as will be necessary to ensure that employees will be furnished “employment and a place of employment . . . free from recognized hazards that are causing or likely to cause death or serious physical harm.”

The statute specifically authorizes recordkeeping by employers as “necessary or appropriate for the enforcement of the Act or for developing information regarding causes and prevention of occupational accidents and illness.” This authority extends to medical and monitoring records, compliance, emergency plans, and employee training programs. The OSH Act further makes appropriate provisions for the Occupational Safety and Health Administration (OSHA) to have access to these records to effectively determine whether or not employees are adversely affected by exposures (29 U.S.C. 651(b)(12); 657(c)(1)).

Pursuant to its statutory authority, OSHA promulgated an occupational health standard covering living conditions in temporary labor camps (29 CFR 1910.142). A copy of the regulation is attached to this supporting statement. The specific information collection provisions of the Temporary Labor Camps Standard require employers to report to the local public health officer the name and address of any individual in the camp known to have, or suspected of having, a communicable disease. Employers are also required to notify local public health authorities of each occurrence of a suspected case of food poisoning or of an unusual prevalence of any illnesses in which fever, diarrhea, sore throat, vomiting, or jaundice is a prevalent symptom. These reporting requirements are necessary to minimize the possibility of communicable disease epidemics spreading throughout the camps and endangering the health of the camp residents. In addition, the Standard requires marking “for men” and “for women” on certain toilet rooms.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

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

The major purpose of these requirements is to limit the incidence of communicable disease outbreaks in temporary labor camps. Compliance with this aspect of the Standard is necessary for the maintenance of a safe and healthful work environment.

Reporting Communicable Disease (§ 1910.142(l))

The standard requires the camp superintendent to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease. Whenever there is a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, employers must report this to the local health authority by telegram, telephone, electronic mail or any method that is equally as fast.

Toilet Facilities (§ 1910.142(d))

The Standard requires that where the toilet rooms are shared, separate toilet rooms must be provided for each sex. These rooms must be marked “for men” and “for women” by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understandable pictures or symbols.

OSHA is taking no burden for marking the toilet rooms with “for men” and “for women.” Regulation 5 CFR 1320.3(c) exempts “public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public” from the definition of a collection of information. OSHA believes any additional marking of toilets indicating for use by men or women is a usual and customary 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 burdens.**

To comply with the requirement to report outbreaks immediately, it is expected, but not required, that employers will use the telephone to report the necessary information to local health officials. For informing health authorities of food poisoning or certain symptoms of illness the Standard states that the camp supervisor shall inform health authorities by telegram, telephone, electronic mail or any method that is equally as fast.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

No other Federal agency requires the reporting of this type of health information by labor camp superintendents.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The burden of the requirements is an equal obligation for all employers who operate temporary labor camps. The collections of information do not have significant economic impact on a substantial number of small entities.

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

The reporting frequencies specified in the Standard are the minimum necessary to protect the safety and health of employees and, in particular, to assure that the camp superintendent alerts local health authorities regarding potential communicable disease out-breaks among temporary labor camp residents.

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

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

No special circumstances exist that require the employer to collect information in the manner discussed in item 7.

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

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping,

disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

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

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a **Federal Register** on March 20, 2009 (74 FR 11975, Docket No. OSHA-2008-0003) soliciting public comment on its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified by the Standard. This notice was part of a preclearance consultation program intended 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 the above standard. The Agency did not receive any comments in response to its notice.

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

No payments or gifts will be provided to the respondents.

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

As this regulation does not require the submission of any confidential information to the Federal government, assurances of confidentiality are not applicable.

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.

There are no provisions in this Standard requiring that questions of a sensitive nature be asked.

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.**

- **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.**

The burden hours and costs are for the temporary labor camp superintendent to report to local health officials the names and addresses of persons known to have, or suspected of having, a communicable disease; and to report the occurrence of any case of suspected food poisoning or an unusual prevalence of any illnesses in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom among residents of temporary labor camps.

To estimate the burden hours for temporary labor camp superintendents to report the information described above to local public health officials, the Agency determined how frequently migrant workers would have a communicable disease or any of the health symptoms mentioned above. To determine this frequency, OSHA used data from the Centers for Disease Control and Prevention (CDC) publication *Morbidity and Mortality Weekly Report* (MMWR). According to the MMWR, the total reported incidence of notifiable diseases in the United States in 2006 was 612.72 per 100,000 people.² To estimate burden hours and costs associated with the Temporary Labor Camps Standard, OSHA is using this value even though the list of CDC notifiable diseases is more inclusive than reportable “communicable diseases.” This overestimate, however; is partially offset by the fact that labor camp superintendents must also report the unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prevalent symptom. These symptoms may be a result of illnesses or diseases that may not be reported to CDC.

While some States have individual data on farm labor camps frequently cited in reports, the Agency could not find one estimate for the total number of temporary labor camps, or the number of workers living in such camps. According to the National Agricultural Workers Survey (NAWS) and the U.S. Department of Labor, there are approximately 135,830 migrant workers living in employer owned or administered housing.³ While

²Source: Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report, Summary of Notifiable Diseases--United States, 2006*. March 21, 2008, Vol. 55 (23): 74-75. “Table 7: Reported Incidence of Notifiable Diseases--United States, 1996-2006” [<http://www.cdc.gov/mmwr/PDF/wk/mm5553.pdf>]. The Agency calculated the total reported incidence of each notifiable disease per 100,000 to determine this total rate. Because no updates for HIV or AIDS were provided in this summary, OSHA used 2005 data to estimate the incidence of AIDS in 2006.

³Source: U.S. Department of Labor, Employment and Training Administration. *National Agricultural Workers Survey*. Data was derived from personal correspondence with members of the Office of Policy Development and Research. It was assumed that 1.7 million persons are employed at least one day per year on U.S. crop or nursery farms. Of the 1.7 million persons, approximately 34 percent, or 578,000 are migrant workers (NAWS data, fiscal years 2004 – 2007. A migrant worker is defined as someone who traveled at least 75 miles for a farm job; an overnight stay away from permanent residence is not required for this definition of migrant). Of the 578,000 migrants, 23.5 percent, or 135,830, lived in employer (or contractor) owned or administered housing (NAWS data, fiscal years 2004 – 2007).

OSHA has no means to determine how many of these migrant workers actually live in temporary labor camps, the Agency assumed that all 135,830 workers discussed above do so. While this method likely overestimates the number of migrant workers living in temporary labor camps, this is partially offset by the likely underestimate of the number of non-migrant workers living in temporary labor camps.

Reporting Communicable Disease (§1910.142(i))

OSHA assumes that approximately 833 cases of such disease and symptoms (.613% of 135,830) are reported by temporary labor camp supervisors each year. The time required to report each incident to local public health authorities has been estimated to be five minutes (.08 hour) of superintendent time. To estimate costs, the Agency is using an hourly wage rate of \$38.42 derived from the *National Compensation Survey (NCS)*, published by the Bureau of Labor Statistics.⁴ This wage has been adjusted to reflect the fact that fringe benefits comprise roughly 29.4 percent of total employee compensation in the private sector.⁵ The costs of labor used in this analysis are, therefore, estimates of total hourly compensation. The estimated burden hours and costs for this requirement are as follows:

Burden hours: 833 reports × .08 hours per report = 67 hours

Costs: 67 hours × \$38.42 = \$2,574

13. **Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**
 - **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
 - **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic**

⁴Source: Bureau of Labor Statistics. *National Compensation Survey: Occupational Wages in the United States, June 2008 Supplementary Tables*. July 2008, Table 1.1. The wage rate used in this analysis was derived from the following occupational category: Supervisor--agriculture-related workers. This wage rate has been adjusted to reflect the fact that fringe benefits comprise roughly 29.4 percent of total employee compensation in the private sector. The costs of labor used in this analysis are therefore estimates of total hourly compensation.

⁵Source: Bureau of Labor Statistics. *Employer Costs for Employee Compensation – March 2008*, June 11, 2008.

or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

All costs are listed under item #12.

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

The cost to the Federal Government associated with the collection of information requirement described in this supporting statement is minimal. During a temporary labor camp inspection, the Department does not request information regarding the communication between the camp superintendent and the local public health official, especially since camp superintendents typically do not keep records of such communications. The Agency estimates that an OSHA compliance officer will contact the local health authorities regarding communicable diseases or symptoms twice a year. The Agency estimates that an OSHA compliance officer (GS-12, step 5), with an hourly wage rate of \$39.70⁶ will spend about 10 minutes (.17 hour) to discuss the temporary labor camp with local health authorities. Therefore, the cost to the Federal Government related to these discussions is as follows:

Burden hours: 2 contacts with local health officials × .17 hour = 1 hour

Cost: 1 hour × \$39.70 = \$39.70

- 15. Explain the reasons for any program changes or adjustments.**

The Agency is requesting an increase of 10 burden hours from 57 to 67 hours. Using updated data, the Agency identified an increase in the number of “incident of notifiable diseases” from 711 cases to 833 cases. Additionally, based on data from the National Agricultural Statistics Service, the Agency increased the number of migrant workers from 134,643 to 135,830 workers.

- 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 of information, completion of report, publication dates, and other actions.**

⁶This rate represents the average 2009 Salary Table, General Schedule (GS) hourly wage rate for a compliance officer (GS-12, Step 5) in each of the 32 geographic regions as specified by the U.S. Office of Personnel Management.

The information collected under the Temporary Labor Camps Standard will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no forms associated with this collection of information on which to display an expiration date.

18. Explain each exception to the certification statement in ROCIS.

OSHA is not requesting an exception to the certification statement in ROCIS.