

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE CRAWLER
LOCOMOTIVE AND TRUCK CRANES STANDARD (29 CFR 1910.180)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0221 (June 2010)**

JUSTIFICATION

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

The main objective of the Occupational Safety and Health Act of 1970 (i.e., “the Act”) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

Section 6(b)(7) of the Act specifies that “[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure.” This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655).

With regard to recordkeeping, the Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . .” (29 U.S.C. 657). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 657).

Under the authority granted by the Act, the Occupational Safety and Health Administration (i.e., “OSHA” or “the Agency”) published at 29 CFR 1910.180 a safety standard for general industry regulating the operation of crawler locomotive and truck cranes (i.e., “the Standard”). The

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

paperwork provisions of this Standard specify requirements for developing, maintaining, and disclosing inspection records for cranes and ropes, as well as disclosing written reports of rated load tests. Items 2 and 12 below describe in detail the specific information-collection requirements of the Standard.

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

The Standard specifies several paperwork requirements. The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of each of these requirements is to prevent workers from using unsafe cranes and ropes, thereby, reducing their risk of death or serious injury caused by a crane or rope failure during material handling.

(A) Inspection of and Certification Records of Cranes (§ 1910.180(d)(4) and (d)(6))

Paragraph 1910.180(d) specifies that employers must prepare a written record to certify that the monthly inspection of critical items in use on cranes (such as brakes, crane hooks, and ropes) has been performed. The certification record must include the inspection date, the signature of the person who conducted the inspection, and the serial number (or other identifier) of the inspected crane. Employers must keep the certificate readily available. The certification record provides employers, workers, and OSHA compliance officers with assurance that critical items on cranes have been inspected, and that the equipment is in good operating condition so that the crane and rope will not fail during material handling. These records also enable OSHA to determine that an employer is complying with the Standard.

(B) Rated Load Tests (§ 1910.180 (e)(2))

This provision requires employers to make available written reports of load-rating tests showing test procedures and confirming the adequacy of repairs or alterations, and to make readily available any rerating test reports. These reports inform the employer, workers, and OSHA compliance officers of a crane's lifting limitations, and provide information to crane operators to prevent them from exceeding these limits and causing crane failure.

(C) Inspection of and Certification Records for Ropes (§ 1910.180(g)(1) and (g)(2)(ii))

Paragraph (g)(1) requires employers to thoroughly inspect any rope in use at least once a month. The authorized person conducting the inspection must observe any deterioration resulting in appreciable loss of original strength and determine whether or not the condition is hazardous. Before reusing a rope that has not been used for at least a month because the crane housing the rope is shutdown or in storage, paragraph (g)(2)(ii) specifies that employers must have an appointed or authorized person inspect the rope for all types of deterioration. Employers must prepare a certification record for the inspections required by paragraphs (g)(1) and (g)(2)(ii). These certification records must include the inspection date, the signature of the person

conducting the inspection, and the identifier for the inspected rope; paragraph (g)(1) states that employers must keep the certificates “on file where readily available,” while paragraph (g)(2)(ii) requires that certificates “be . . . kept readily available.” The certification records assure employers, workers, and OSHA that the inspected ropes are in good condition.

(D) Disclosure of Crane and Rope Inspection Certification Records

The disclosure of certification records provide the most efficient means for OSHA compliance officers to determine that an employer is complying with the Standard.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Employers may use automated, electronic, mechanical, or other technological information-collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.

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

5. If the collection of information impacts small businesses or other small entities, describe the methods used to reduce the burden.

The information collection requirements specified by the Standard do not have a significant impact on a substantial number of small entities.

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

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to regulate crawler, locomotive, and truck cranes effectively, and thereby fulfill its mandate “to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources” as specified in the Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collections, or delay in providing this information, workers may inadvertently use unsafe cranes and ropes, thereby increasing their risk of death or serious injury caused by crane or rope failure during material lifting.

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

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

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirements are within the guidelines set forth in 5 CFR 1320.5.

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

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on April 16, 2010 (75 FR 20005, Docket No. OSHA-2010-0015) requesting public comments on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in the Standard on Crawler, Locomotive, and Truck Cranes (29 CFR 1910.180). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received no comments in response to its notice.

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

The Agency will not provide payments or gifts to the respondents.

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

The paperwork requirements specified by the Standard do not involve confidential information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the provisions in the Standard require sensitive information.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Burden-Hour and Cost Determinations

According to the Preliminary Economic Analysis for the proposed rule on Cranes and Derricks in Construction (73 FR 59714), there are 34,994 cranes operating in the general industry sector annually. OSHA estimates that, at most, 10% of these cranes are crawler, locomotive, and truck cranes. Therefore; only 3,499 of these cranes are operating in general industry on an annual basis.

The Agency used wage rates of \$24.90 for a crane and tower operator and \$31.12 for a supervisory crane and tower operator in determining the cost of the paperwork requirements specified by the Standard. The Agency determined average wage rates using average hourly earnings. For the relevant occupational categories, OSHA adjusted the mean hourly earnings from the *September 2009 National Compensation Survey* issued by the Bureau of Labor Statistics to allow for fringe benefits, which comprise about 29.2 percent of total compensation in the private sector. With wages comprising 70.6 percent of worker compensation, the Agency multiplied wages by 1.4 (1/0.706) to derive total hourly worker compensation. Therefore, the costs of labor used in this analysis are estimates of total hourly compensation.

(A) **Inspection of and Certification Records of Cranes (§§ 1910.180(d)(4) and (d)(6))**

The Agency assumes that 95% (3,324) of the cranes will be fully operational and that a crane operator spends 15 minutes (.25 hour) performing each monthly inspection and preparing and maintaining a written certificate for the inspection. Therefore, the total annual burden hour and cost estimates for §§ 1910.180(d)(4) and (d)(6) are:

Burden hours: 3,324 cranes x 12 monthly inspections x .25 hour = 9,972 hours
Cost: 9,972 hours x \$24.90 = \$248,303

(B) **Rated Load Tests (§ 1910.180 (e)(2))**

Written reports shall be available showing test procedures and confirming the adequacy of repairs or alterations. Rerating may also be necessary and the reports shall be readily available. Such tests are required when cranes are repaired or altered. The tests would be conducted by either a crane operator or engineer. OSHA estimates it will take about 1 hour to conduct the test and prepare the report. The number of cranes or hooks that may be subjected to testing is estimated at no more than .2% (7), of the total number of cranes in use.

Burden hours: 7 cranes x 1 hour = 7 hours
Cost: 7 hours x \$24.90 = \$174

(C) **Inspection of and Certification Records for Ropes (§ 1910.180(g)(1) and (g)(2)(ii))**

If 3,324 cranes are fully operational each year, then employers must inspect the ropes attached to these cranes at least once a month. In addition, the Agency estimates that employers will use the remaining 175 cranes part-time (i.e., six times a year). Accordingly, employers must inspect the ropes on these cranes prior to use. OSHA assumes that a crane operator takes 30 minutes (.50 hour) to inspect each rope and to develop and maintain a written certificate for each inspection, resulting in total annual burden hour and cost estimates of:

Burden hours: 3,324 fully operational cranes x 12 monthly rope inspections x .50 hour
= 19,944 hours

175 part-time cranes x 6 monthly rope inspections x .50 hour = 525 hours

Cost: 19,944 hours +525 hours = 20,469 hours x \$24.90 = \$509,678

(D) Disclosure of Crane and Rope Inspection Certification Records

OSHA believes that approximately 49 cranes covered by the Standards² will be subject to an OSHA inspection and the employer required to disclose certification records annually (see Item 14 below). OSHA estimates that it will take a supervisory crane operator 5 minutes (.08 hour) to gather and disclose the requested information.

Burden hours: 49 inspections x .08 hour = 4 hours

Cost: 4 burden hours x \$31.12 = \$124

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

Item 12 above provides the total cost of the information collection requirements specified by the Standard.

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

²OSHA estimated the number of inspections by multiplying OSHA's inspection rate (1.4%) by the number of cranes covered by this ICR (i.e., 3,499 x 1.4% = 49 cranes).

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$32.25,³ spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will inspect approximately 49 employers who use cranes regulated by the Standard during each year covered by this ICR (see footnote 2). OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirements specified by the Standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 49 inspections x .08 hour x \$32.25 = \$126

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

The Agency is requesting an adjustment decrease in the burden hours associated with the Crawler, Locomotive, and Truck Cranes Standard (29 CFR 1910.180) from 174,062 burden hours to 30,452 hours (a total adjustment decrease of 143,610 burden hours). The decrease occurred when more recent data showed that there were fewer cranes used in general industry than estimated in the previous Information Collection Request. Table 1 below describes each of the requested burden hour adjustments.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

OSHA will not publish the information collected under the Standard.

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

No forms are available for the Agency to display the expiration date.

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

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

³The Agency used the *Salary Table 2009-GS*, Salary and Wages, U.S. Office of Personnel Management to obtain the hourly rate of base pay for a compliance officer (http://www.opm.gov/oca/10tables/html/gs_h.asp).

Table 1: Requested Burden Hours and Adjustments

	Information Collection Requirements	Requested Burden Hours	Current Burden Hours	Adjustment	Cost Under Item 12	Responses
(A)	<u>Inspection of and Certification Records of Cranes (§§ 1910.180(d)(4) and (d)(6))</u>	9,972	57,000	-47,028	\$248,303	39,888
(B)	<u>Rated Load Tests (§ 1910.180 (e)(2))</u>	7	40	-33	\$174	7
(C)	<u>Inspection of and Certification Records for Ropes (§ 1910.180(g)(1) and (g)(2)(ii))</u>	20,469	117,000	-96,531	\$509,578	40,938
(D)	<u>Disclosure of Crane and Rope Inspection Certification Records</u>	4	22	-18	\$126	49
	Totals	30,452	174,062	-143,610	\$758,180	80,882