

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENT OF THE
LOGGING OPERATIONS STANDARD (29 CFR 1910.266)¹
(OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0198 (December 2010))**

A. JUSTIFICATION

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

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

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published the Logging Operations Standard (the “Standard”) (29 CFR 1910.266). Paragraph (i)(10)(i) of the Standard specifies that employers must provide written certification that workers and supervisors completed the required training, including first-aid training, while paragraph (i)(10)(ii) mandates that employers retain these certificates until replaced by more recent certificates. Items 2 and 12 below describe the specific information collection requirements of these paragraphs.

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.

Paragraph (f)(1)(iii) of the Standard requires the employer to assure that operating and maintenance instructions are available on machines or in the area where the machine is being operated. Paragraph (g)(3) requires the employer to assure that operating and maintenance instructions are available in each vehicle.

Paragraph (i)(1) of the Standard requires employers to provide training for each worker, including supervisors. To meet this requirement, employers must conduct the training at the frequencies specified by paragraph (i)(2). Paragraph (i)(3) specifies that a worker’s/ supervisor’s training must consist of the following elements: Safe work practices, including the use,

¹ The 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, the Standard.

operation, and maintenance of tools, machines, and vehicles the worker/supervisor uses or operates, as well as procedures, practices, and requirements of the employer's worksite; recognition and control of health and safety hazards associated with the worker's/supervisor's specific work tasks and logging operations in general; and the requirements of the Standard.

Paragraph (i)(10)(i) specifies that employers must verify that they are in compliance with the training requirements in paragraph (i). This certification must be in writing and provide the following information: The name/identifier of the worker/supervisor; the date(s) of the training; and either the signature of the employer or the individual who conducted the training. Paragraph (i)(10)(ii) requires employers to maintain the most recent certification for training completed by an worker/supervisor.

Training workers/supervisors in safe work practices and to recognize and control the safety and health hazards associated with their work tasks and overall logging operations enables them to prevent serious accidents by using specific procedures and equipment in a safe manner to avoid or to control dangerous exposures to these hazards.

Establishing and maintaining written certification of the training that each worker/supervisor has received (i.e., job and first-aid) assures the employer that the training specified by the Standard has been conducted, and at the required frequencies. With regard to first aid training, the certification assures that the worker's/supervisor's training certificate is currently valid. In addition, these records provide the most efficient means for an OSHA compliance officer to determine whether an employer performed the required training at the necessary and appropriate frequencies.

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 improved information technology when establishing and maintaining the required record. OSHA wrote the paperwork requirements of the Standard in performance-oriented language, i.e., in terms of what data to record, not how to record the data.

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

The information collection requirements in the Standard are specific to each employer and worker involved, and no other source or agency duplicates the 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 any methods used to minimize 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 not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information collection frequency specified by the Standard (i.e., retention of the written training certification records until replaced) is the minimum frequency that the Agency believes is necessary to assure employers and OSHA compliance officers that workers/supervisors received the required training at the appropriate frequencies. Removing this frequency requirement would eliminate any documentation of the training completed by a worker/supervisor.

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

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

No special circumstances exist that require employers to collect information in the manner or using the procedures specified by this item. The information collection requirements are consistent with the guidelines provided in 5 CFR 1320.5.

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

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

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

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 October 15, 2010 (75 FR 63506) requesting public comment on its proposed extension of the information collection requirements contained in the Logging Operations Standard (29 CFR 1910.266) (Docket No. OSHA-2010-0041). This notice is 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 Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the above standard. No comments were received.

9. Explain any decision to provide any payment 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 require the collection of confidential information.

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

The paperwork requirements specified by the Standard do not require the collection of 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.

Burden Hour and Cost Determinations

The following sections summarize the burden hour and cost determinations for the information collection requirements specified by the Standard. In determining the burden hours and cost

associated with these requirements, OSHA estimates that the logging industry, including timber tract operations, currently has 61,400 workers/supervisors and 10,086 logging establishments.²

The Agency determined average wage rates using average hourly earnings. For the relevant occupational categories, OSHA adjusted the mean hourly earnings from the *May 2009 National Occupational Employment and Wage Estimates*, Occupational Employment Statistics, Bureau of Labor Statistics, U.S. Department of Labor, to allow for fringe benefits, which comprise about 30.3 percent of total compensation in the private sector. With wages comprising 69.7 percent of worker compensation, the Agency multiplied wages by 1.4 (1/0.706) to derive total hourly employee compensation. Therefore, the costs of labor used in this analysis are estimates of total hourly compensation. These estimates are:

- Logging Managers (Supervisory) \$33.51
- Logging Equipment Operator \$20.59
- Secretary \$19.41

(A) Maintenance and Operating Instructions (§§ 1910.266(f)(1)(iii) and (g)(3))

Under paragraphs (f)(1)(iii) and (g)(3) of the Standard, employers must assure that operating and maintenance instructions are available on machines or in the area where the machine is being operated, and in vehicles. Based on the Regulatory Impact Analysis (RIA) for the Revisions to the Standard, equipment manufacturers include operator’s manuals with new logging machines. For those machines with no operating instructions in the cab, the employer will be required to obtain and retain a manual within the immediate work area of each machine. Vehicles, however, have special compartments to hold manuals which make the likelihood of loss or destruction of manuals a rare event. Since the Logging Operations final rule has been in effect since 1995, OSHA assumes that all employers are in compliance with the provision to have operating and maintenance instructions available on machines or in the areas where the machines are being operated.

However, OSHA realizes that there may be incidents where the instructions might be lost, misplaced, or destroyed and need to be replaced. Therefore, for purposes of calculating burden hours, the Agency estimates that approximately 10 percent of the establishments (1,004) will have at least one machine manual replaced annually and that it will take a logging equipment operator with an hourly wage rate of \$20.59 approximately 10 minutes (.17 hour) to locate the manual either on the premises or by calling the manufacturer for a replacement manual, and placing the instructions in the equipment.³ Accordingly, the annual burden hours and cost of the paperwork requirement for 1910.266(f)(1)(iii) are:

² Source: U.S. Census Bureau, Statistics of U.S. Businesses:2006, NAICS 1133-Logging, United States.

³*Regulatory Impact Analysis for the Revisions to the Pulpwood Logging Standard (29 CFR 1910.266)*, pp. III-9-10, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis, June 30, 1994.

Burden hours: 1,004 establishments x .17 hour = 171

Cost: 171 hours x \$20.59 = \$3,521

(B) Training Requirement, Frequency, and Content (§§ 1910.266(i)(1), (i)(2), and (i)(3))

Under paragraph (i)(1) of the Standard, employers must provide training to each worker, including supervisors, at no cost to the worker/supervisor, while paragraph (i)(2) specifies the frequency of the required training. In this regard, employers must train workers/supervisors: Prior to their initial work assignment (i.e., new worker training); before they start a new work task or operate a new tool, equipment, machine, or vehicle (i.e., new job assignment training); and if they demonstrate unsafe job performance (i.e., retraining).

Paragraph (i)(3) specifies that an worker's/supervisor's training must consist of the following elements: Safe work practices, including the use, operation, and maintenance of tools, machines, and vehicles the worker/supervisor uses or operates, as well as procedures, practices, and requirements of the employer's worksite; recognition and control of health and safety hazards associated with the worker's/supervisor's specific work tasks and logging operations in general; and the requirements of the Standard. If a new worker/supervisor received prior training consistent with the requirements of the Standard, the subsequent employer must train that worker/supervisor only on those training elements for which they received no training or those elements for which they require retraining.

Based on the Regulatory Impact Analysis (RIA) for the Standard, there is an estimated turnover rate in the industry of 32 percent or approximately 19,648 workers ($61,400 \times .32 = 19,648$). Only some of these new workers will require complete new worker training because they already have worked in the industry and the Standard requires only that they receive training in those areas in which they have not been trained (e.g., the new employer's worksite procedures and requirements). Based on the RIA, approximately 25 percent of these new workers will require complete training and the rest will need only limited training before initial assignment with a new employer. The Standard also requires that current workers receive training in certain situations: when they are assigned to a new job or tasks (e.g., operate a different type of logging machine) or when they demonstrate unsafe work practices necessitating retraining. According to the RIA, OSHA estimated that the remaining 75 percent of current workers will need these types of training in any given year.

According to the RIA, OSHA estimated that training will take 3 hours for workers who have never been trained (initial training for new workers) and one-half hour for training for workers who already have received some training, who have a change in job or task assignment, or who have demonstrated unsafe work practices necessitating retraining. The RIA estimated that new worker training could be conducted in groups. Since most establishments are small, the RIA estimated that new worker training would be given in groups of three. The Agency believes that employers have developed the necessary training materials earlier and, as a result, do not need to revise this material during the period covered by this ICR. Therefore, the Agency is taking no burden hours or cost for employers to develop or revise the training materials required by the Standard. Accordingly, the annual burden hours and cost of these paperwork requirements are:

New employee training

Burden hours: 19,648 workers x 25% requiring complete new worker training/3 x 3 hours = 4,912

19,648 workers x 75% requiring limited new worker training/
3 x .50 hour = 2,456

Cost: (4,912 + 2,456) = 7,368 hours x \$33.51 = \$246,902

Current employee training/retraining

Burden hours: (61,400 workers – 19,648 (new worker (turnover))) = 41,752
existing workers x 75% requiring training/retraining x .50 hour =
15,657 hours

Cost: 15,657 hours x \$33.51 = \$524,666

(C) Certification of Training (§ 1910.266(i)(10)(i) and (i)(10)(ii))

Paragraph (i)(10)(i) requires employers to certify in writing that a worker/supervisor received the training the Standard requires. Under paragraph (i)(10)(ii), employers need only maintain the most recent certification for training (job training and first aid training) that a worker/supervisor has received.

Based on the determinations made in section (B) above, each year employers must maintain 10,438 (61,400 – 50,962) training certifications for already trained workers/supervisors, as well as generate and maintain 50,962 new training certifications for the workers/supervisors who require initial training, new training, or retraining (19,648 new workers + 31,314 current workers). Accordingly, OSHA estimates that a secretary at an hourly wage rate of \$19.41 will take one minute (.02 hour) to maintain each existing 10,438 training certifications (61,400 – 50,962) and three minutes (.05 hour) to generate and maintain each new training certification. Therefore, the annual burden hours and cost of these paperwork requirements are:

Burden hours: 10,438 existing training certifications x .02 hour = 209

Cost: 209 hours x \$19.41 = \$4,057

Burden hours: 50,962 new training certifications x .05 hour = 2,548

Cost: 2,548 hours x \$19.41 = \$49,457

(D) Disclosure of Training Certification Records

OSHA estimates that approximately 141 employers covered by the Standard⁴ will be subject to an OSHA inspection and required to disclose training certification records annually (see Item 14 below). OSHA estimates that it will take a supervisor 2 minutes (.03 hour) to disclose the requested information.

Burden hours: 141 inspections x .03 hour = 4

Cost: 4 burden hours x \$33.51 = \$134

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 determined under Item 12 accounts for the total annual cost burden to respondents or recordkeepers resulting from these collections of information requirements.

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

OSHA estimates that a compliance officer (GS-12, step 5), at an hourly wage rate of \$37.37,⁵ spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will conduct about 141 such inspections of employers regulated by the Standard during each year covered by this ICR (see footnote 5). 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 Standard. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 141 inspections x .08 hour x \$37.37 = \$422

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

OSHA is requesting an adjustment decrease in the number of burden hours from 31,286 hours to 25,957 for a total decrease of 5,329 hours. Based on updated data, the Agency found that the number of establishments decreased and the number of workers decreased as well. Table 1, *Requested Burden-Hour Adjustments* below explains the proposed decrease in burden hours.

⁴OSHA determined the number of inspections by calculating an overall inspection rate of (1.4%) for all employers under its jurisdiction, then applying this percentage to the number of establishments (10,038) covered by these paperwork requirements (10,038 x .014 = 141).

⁵ Source: U.S. Office of Personnel Management, *General Schedule and Locality Tables, Salary Table 2010-RUS*, http://www.opm.gov/oca/10tables/pdf/rus_h.pdf.

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.

There are no forms on which to display an expiration date.

18. Explain each exception to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This Supporting Statement does not contain any collection of information requirements that employ statistical methods.

Table 1: Requested Burden-Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment to Hours	Cost Under Item 12	Responses	Explanation of Adjustment
Maintenance and Operating Instructions (§§ 1910.266 (f)(1)(iii) and (g)(3))	195	171	-24	\$3,521	1,004	Adjustment decrease based on updated data; the number of establishments decreased from 11,447 to 10,086.
Training Requirement, Frequency, and Content (§§ 1910.266(i)(1), (i)(2), and (i)(3))	27,762	23,025	-4,737	\$771,568	50,962	Adjustment decrease based on updated data; the number of workers decreased from 74,030 to 61,400.
Certification of Training (§§ 1910.266(i)(10)(i) and (i)(10)(ii))	252	209	-43	\$4,057	10,438	Adjustment decrease based on updated data; the number of workers decreased from 74,030 to 61,400.
	3,072	2,548	-524	\$49,457	50,962	Adjustment decrease based on updated data; the number of workers decreased.
Disclosure of Training Certification Records	5	4	-1	\$134	141	OSHA estimates that approximately 141 employers/establishments covered by the Standard will be subject to an OSHA inspection and required to disclose training certification records annually (see Item 14). OSHA estimates that it will take a supervisor 2 minutes (.03 hour) to disclose the requested information.
TOTALS	31,286	25,957	-5, 329	\$828,737	113,507	