

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
CONSTRUCTION STANDARDS ON POSTING
EMERGENCY TELEPHONE NUMBERS AND FLOOR LOAD LIMITS
(29 CFR 1926.50(f) and 1926.250(a)(2))¹
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NO. 1218-0093 (April 2011)**

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) 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). Accordingly, section 6(b)(7) of the OSH Act specifically authorizes 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 apprized of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure” (29 U.S.C. 655).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published paragraph (f) of § 1926.50 (Standard on Medical Services and First Aid) requiring employers to post emergency telephone numbers at the worksite if the 911 emergency telephone service is not available, and paragraph (a)(2) of § 1926.250 (Standard on General Requirements for Storage) specifying that employers must post the maximum safe load limits of floors located in storage areas inside buildings or other structures, unless the floors are on grade. 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.

Two construction standards, § 1926.50 (“Medical Services and First Aid”) and § 1926.250 (“General Requirements for Storage”), contain posting provisions. Paragraph (f) of § 1926.50 requires employers to post emergency telephone numbers for physicians, hospitals, or ambulances at the worksite if the 911 emergency telephone service is not available; in the event a worker has a serious injury at the worksite, this posting requirement expedites emergency

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

medical treatment of the worker. Section 1926.250, paragraph (a)(2) specifies that employers must post the maximum safe load limits of floors located in storage areas inside buildings or other structures, unless the floors are on grade. This provision prohibits employers from overloading floors in areas used to store material and equipment in multi-story units that are under construction; thereby, preventing the floors from collapsing and seriously injuring workers.

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 any available technology to meet the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2). The Agency wrote these provisions in performance-oriented language, i.e., in terms of what information to provide, not how to provide it.

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 A.2 above.

The information collection requirements in § 1926.50(f) and § 1926.250(a)(2) are specific to each employer involved, and no other sources or agencies duplicate 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 any methods used to minimize burden.

The information collection requirements specified by § 1926.50(f) and § 1926.250(a)(2) 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 Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to 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 OSH Act at 29 U.S.C. 651. Accordingly, if employers do not perform the information collections required by § 1926.50(f) and § 1926.250(a)(2), or delay in providing this information, emergency treatment of workers seriously injured at the worksite may not be available in a timely fashion, and employers may catastrophically overload floors in storage areas of buildings and structures where construction activities are taking place. Workers would be at increased risk of serious injury and death if emergency treatment is not available when needed, or they are on, under, or near a collapsing floor.

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 employers to collect information in the manner or using the procedures specified by this item; the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2) are within the guidelines set forth in 5 CFR 1320.6.

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 *Federal Register* notice on February 15, 2011 (76 FR 8778, Docket No. 2011-0032) soliciting comments from the public and other interested parties on the information collection requirements contained in the Construction Standards on Posting Emergency Telephone

Numbers and Floor Load Limits (29 CFR 1926.50(f) and 1926.250(a)(2)). This notice was part of a preclearance consultation program that provided interested parties with the opportunity to comment on OSHA's request for an extension by OMB of these previously approved information collection requirements. The Agency received no comments on this request.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration 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 § 1926.50(f) and § 1926.250(a)(2) 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 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 § 1926.50(f) and § 1926.250(a)(2) do not involve 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 describe the burden hour and cost estimates for the information collection requirements specified by § 1926.50(f) and § 1926.250(a)(2); these sections determine burden hours and cost separately for posting emergency telephone numbers and floor load limits.
OSHA

estimates that these information collection requirements result in a total of 139,078 burden hours and a cost of \$4,172,340.

(A) Posting Emergency Telephone Numbers (§ 1926.50(f))

The Dodge Construction Potentials Bulletin for December 2009 (Dodge 2009) showed total construction projects for 2009 as 594,554, a decline of almost 950,000 projects from 2006, for which Dodge reported 1,549,231 projects. Dodge 2009 reported that one family houses made up 434,266 of that number, and that two family houses and apartment buildings made up an additional 17,581 of that number). Also the Dodge 2009 showed that there were 43,524 non-residential building projects (e.g., warehouses, plants, schools, etc.) and an additional 27,495 non-building projects (e.g., dams, roads, sewer, water, etc.). The Agency determined that construction contractors build approximately half of the one family houses at single house project sites, or 217,133 project sites. Additionally, they build the other 217,133 one family houses at multiple-house projects (i.e., 2 or more houses per project). Assuming the most burdensome case scenario, that the multiple-house projects each only hold two houses, the total number of these projects is 108,567 (i.e., 217,133 houses ÷ 2 houses per project). Therefore, the total number of worksites covered by this provision is: 414,240 projects (217,133 one family house projects + 108,567, multiple house one family house projects + 17,521 two family house and apartment projects + 43,524 non-residential projects + 27,495 non-building projects = 414,240 projects)

OSHA finds that 99% of the population is covered by the 911 service.² Therefore, OSHA assumes 99% of the 414,240 worksites have access to the 911 emergency telephone service, while at the remaining 4,142 projects employers must post emergency telephone numbers. The Agency assumes that an average construction worker at an hourly wage rate of \$30.00³ takes 2 minutes (.03 hour) to obtain the emergency phone number, write the information on excess material available at the worksite (e.g., cardboard, stiff paper), and then post the information at a conspicuous location as required by § 1926.50(f). Therefore, the estimated burden hours and cost of this paperwork requirement are:

Burden hours: 4,142 project sites x .03 hour = 124 hours

Cost: 124 hours x \$30.00 = \$3,720

(B) Posting Floor Load Limits (§ 1926.250(a)(2))

OSHA believes that during construction of multi-story buildings and structures, employers usually store building materials on elevated floors. Prior to using elevated floors for this

² U.S. Government Printing Office, *Telecommunications States' Collection and Use of Funds for Enhanced 911 Services* (March 2006), p. 5.

³ *Source:* The Bureau of Labor Statistics, *Occupational Employment Statistics, May 2009 National Occupational Employment and Wage Estimates United States.*

purpose, §1926.250(a)(2) requires employers to post the load limits of the floors to prevent overloading and possible collapse. The Agency finds that, as a usual and customary business practice, floor load limits are readily available from engineering drawings maintained at the worksite. These figures are required by building codes.

The Agency determines that construction contractors at single-story sites store building materials on the ground, or on floors often called “slabs on grade” (supported directly by the earth). At projects where the structures are built over basements or crawl spaces, contractors who store materials on the floors are required to post load limits. The Agency estimates that during the construction of each building or structure, employers store building materials on average in only two specified areas, and that an average construction worker spends a total of 15 minutes per project (.25 hour) retrieving the floor load limit data from engineering drawings, preparing an average of two signs using materials readily available at the worksite and then posting the signs in the storage areas as required by §1926.250(a)(2). The Agency estimates that there are 555,816 locations on construction projects that require floor load limit posting. This number is based on there being 277,908 multi-story projects and single story projects built over basements or crawl spaces subject to §1926.250(a)(2) that average 2 postings per project.

The project number is reached using estimates based on the Dodge 2009 Data and on 2009 U.S. Census Bureau residential housing characteristic data, as well as staff knowledge of the construction industry. Based on this, the Agency revises its past estimates of the impact of §1926.250(a)(2) on construction projects. The Dodge 2009 data shows a total of 43,524 non-residential building projects for 2009. The Agency estimates that all of them are subject to floor load posting requirements. The Agency does not include any non-building construction in this calculation because of the nature of the work sites. The Bureau of Census data indicate 48% of new one-family houses completed in 2009 had either basements or crawl spaces under their first floors. In addition, the Bureau of Census data indicate that 53% of new single-family houses were two or more stories tall. The data does not indicate the overlap of these two characteristic sets (basement/crawl space or multiple floors). Therefore, Agency staff estimate that 50% of the 434,266 one-family houses (217,133) and all 17,521 two-family houses and apartments are subject to §1926.250(a)(2) requirements. The 43,524 non-residential building projects plus the 217,133 one-family house projects plus 17,251 multi-family and apartment projects total 277,908 floor load-limit-posting required projects. The Agency estimates, that on average, each project will have two storage areas; this produces 555,816 required postings.

Accordingly, the yearly burden hour and cost estimates for this requirement are:

Burden hours: 555,816 load limit posting required projects x .25 hour
developing and posting signs = 138,954 hours

Cost: 138,954 hours x \$30.00 = \$4,168,620

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 §1926.50(f) and § 1926.250(a)(2).

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 Agency estimates that a compliance officer (GS-12, step 5), at an hourly wage rate of \$37.37⁴ spends about 5 minutes (.08 hour) during an inspection reviewing the information posted as required by § 1926.50(f) and § 1926.250(a)(2). In Fiscal Year 2010, the latest year for which data is available, OSHA conducted 103 inspections resulting in no citations of §1926.50(f) and 26 inspections resulting in 2 citations of §1926.250(a)(2). Since the construction industry, by commercially available estimates has been contracting, the number of projects has decreased significantly since 2007's burden calculation. OSHA estimates that these inspection numbers will likely remain about the same or increase slightly during the next three year period. In revising this burden calculation, the Agency allows for a slight increase to 200 inspections annually of these requirements. The Agency considers other expenses, such as equipment, overhead, and support staff salaries, as normal operating expenses that would occur without the collection of

⁴SOURCE: U.S. Office of Personnel Management, *General Schedule and Locality Tables, Salary Table 2011-RUS*.

information requirements specified by § 1926.50(f) and § 1926.250(a)(2). Therefore, the total cost of these paperwork requirements to the Federal Government is:

Cost: 200 inspections x .08 hour x \$37.37 = \$598

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

The Agency is requesting an adjustment decrease of 58,741 burden hours (from 197,819 hours to 139,078 hours) as a result of a decline in the number of construction projects. In the previous ICR, there were a reported 1,549,231 construction projects; however, new data indicates that in 2009, there were only 594,554 projects.

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 § 1926.50(f) and § 1926.250(a)(2).

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 requesting an exception to the certification statement in ROCIS.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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