

**Revision to the
Personal Protective Equipment (PPE) Standard
For General Industry (29 CFR Part 1910, Subpart I)
Supporting Statement**

The Standards Improvement Project–Phase III (SIP-III) is the third in a series of rulemaking actions to improve and streamline OSHA standards. The Standard Improvement Projects remove and revise individual requirements in standards that are confusing, outdated, duplicative or inconsistent. In May 2011, OSHA published the SIP-III final rule.

The SIP-III final rule removed the requirement for employers to develop and maintain employee training records in four standards. OSHA is revising these four corresponding ICRs to provide the burden-hour and cost reductions for developing and maintaining these training records.

Edits to this supporting statement consists of strikethroughs and highlighted yellow text. These edits indicate removal of the requirement for employers to develop and maintain employee training-certification records. Language deleted from this Supporting Statement is struck-through. Language added to the supporting statement appears highlighted in yellow.

**THE INFORMATION COLLECTION REQUEST FOR
PERSONAL PROTECTIVE EQUIPMENT (PPE) STANDARDS
FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0205 (May 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 objective of the Occupational Safety and Health Act of 1970 (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 authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, 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 appropriate for enforcement of this Act . . .” (29 U.S.C. 657). The OSH 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 inspection of an employer’s establishment” (29 U.S.C. 657).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA) issued personal protective equipment (PPE) standards for general industry at 29 CFR part 1910, subpart I. Section 1910.132(a) requires that PPE, including equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact. Items 2 and 12 below describe in detail the specific information collection requirements of subpart I.

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, these provisions. This Supporting Statement and information collection request (ICR) does not include burden hours and costs associated with the information collection requirements in the subpart I standard on Respiratory Protection (29 CFR 1910.134) and Electrical Protective Equipment (29 CFR 1910.137), both of which have been addressed in separate ICRs. See OMB Control Nos. 1218-0099 and 1218-0190, respectively.

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.

Subpart I specifies several paperwork requirements. The following describes the information collection requirements in subpart I and addresses who will use the information.

Hazard Assessment and Verification (§1910.132(d))

Paragraph (d)(1) requires employers to perform a hazard assessment of the workplace to determine if hazards are present, or likely to be present, that make the use of PPE necessary. Where such hazards are present, employers must communicate PPE selection decisions to each affected worker (paragraph (d)(1)(ii)).

Paragraph (d)(2) requires employers to certify in writing that they have performed the hazard assessment. The certification must include the date and the person certifying that the hazard assessment was conducted, and the identification of the workplace evaluated (area or location).²

The hazard assessment assures that potential workplace hazards necessitating PPE use have been identified and the PPE selected is appropriate for those hazards and the affected workers. The required certification of the hazard assessment verifies that the required hazard assessment was conducted.

Training and Verification (§1910.132(f))

Section 1910.132(f) requires that employers provide training for each worker who is required to wear PPE. Paragraph (f)(3) requires that employers also provide retraining when there is reason to believe that any previously trained worker does not have the understanding and skill to use PPE properly. Circumstances where such retraining is required include changes in the workplace that render prior training obsolete, changes in the types of PPE used, and inadequacies in the worker's knowledge or use of PPE that indicate the worker had not retained the requisite understanding and skill.

~~Paragraph (f)(4) requires that employers certify that workers have received and understood the PPE training required in §1910.132(f). The training certification must include the name of the worker(s) trained, the date(s) of training, and the subject of the certification (i.e., a statement identifying the document as a certification of training in the use of PPE).~~

~~The training certification verifies that workers have received the necessary training and know how to properly use PPE. OSHA compliance officers may require employers to disclose the certification records during an Agency inspection.~~

² Paragraph (g) of §1910.132 specifies that the section's hazard assessment (paragraph (d)) and training (paragraph (f)) requirements only apply to PPE for the eyes and face, head, feet, and hands.

The standards on PPE protection for the eyes and face (29 CFR 1910.133), head (29 CFR 1910.135, feet (29 CFR 1910.136)), and hands (29 CFR 1910.138) do not contain any separate information collection requirements.

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 reporting or maintaining records associated with the information collection requirements in subpart I. 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 information collection requirements in subpart I are specific to each employer and worker involved, and no other source or agency duplicates the requirement 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 reduce the burden.

The information collection requirements specified by subpart I 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, as well as any technical or legal obstacles to reducing burden.

The collections of information are for the purpose of worker safety and health in the workplace and are the minimum amount necessary and appropriate.

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 requirement is 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 prior to 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 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 three 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.

The SIP-III notice of proposed rulemaking (NPRM; 75 FR 38645) proposed to revoke existing collection-of-information (paperwork) requirements contained in 27 existing Information Collection Requests (ICRs) approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA-95). OSHA prepared and submitted one ICR for the SIP-III proposal to the OMB for the review in accordance with 44 U.S.C. 3507(d). For the SIP-III final, OSHA is submitting separate ICRs to OMB.

In the proposal, OSHA proposed removing paragraph (f)(4) of the general industry PPE standard, §1910.132; paragraph (e)(4) of the shipyard employment PPE standard §1915.152; and paragraph (n)(4) of the general industry and construction Cadmium standards, §§1910.1027 and 1926.1127, respectively, all of which require employers to prepare and maintain a written record certifying compliance with the training requirements of these sections. In the NPRM, OSHA stated that it believed that the training-certification records do not provide a safety or health benefit sufficient to justify the burden hours and costs to employers, and that employers ensure that work practices and use of PPE are consistent with the training received by observing employees as they work, not through maintaining training-certification records.

Three commenters opposed the removal of these written training-record requirements. The BCTD, AFL-CIO (ID 0156.1) stated that "the importance of the written certification [is] to reinforce the requirement that employers satisfy themselves that their employees are

appropriately trained.” Similarly, the AFL-CIO (ID 0160.1) said that “documentation of training is an important element of the training process. It not only serves to provide written assurance that the training was, in fact, provided but also serves to reinforce and remind the employer that training is required to be provided in the first place.” 3M (ID 0154.1) expressed concern that eliminating the requirement to document training may convey to employers that OSHA is loosening employer obligations for providing PPE and training for employees.

OSHA considered the above arguments and does not agree with the commenters. OSHA does not believe that removal of training-certification record requirements indicates a weakening of PPE training requirements as suggested by these commenters. OSHA believes that worker training on the proper use of PPE is essential to ensure its effectiveness, and OSHA is not deleting any requirements that employers train workers appropriately in the use of PPE. OSHA also believes that the workers can demonstrate knowledge of the proper use of PPE, and employers can observe easily such use in the workplace, without the need for paper certifications. If a worker is not using the PPE properly, the employer can retrain the worker as necessary, thereby ensuring that the employee obtains the maximum benefit for the PPE. Removing the certification requirements of these standards will not change the requirements for employers to provide effective training.

OSHA has removed paragraph (f)(4) of the general industry PPE standard (§1910.132), and is removing the burden hours and costs associated with this paragraph from this package.

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 subpart I 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 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.

The provisions in subpart I 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.
- 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

As a preliminary matter, OSHA is increasing the number of establishments and workers affected by the information collection requirements in subpart I. OSHA's PPE Cost Survey provides estimates of the percentage of establishments in each affected industry where some kind of PPE is used and of the percentage of workers who use one or more kinds of PPE. Applying these percentages to industry-specific establishment and employment totals from the 2006 County Business Patterns, OSHA estimates that there are 3.5 million establishments, with 43.6 million workers affected by the PPE standards.

In determining the wage rates for the various occupations that perform the paperwork requirements, OSHA used the most recent data from *Employer Costs for Employee Compensation, June 2009*, Bureau of Labor Statistics (BLS), U.S. Department of Labor. The specific rate of hourly compensation for each occupation, including fringe benefits, is as follows:

Management and Professional:	\$48.87
Office and administrative support:	\$23.04

(A) Initial Hazard Assessments, Reassessments, and Certification of Hazard Assessments (§1910.132(d)).

Paragraph (d) requires that all affected employers conduct a hazard assessment and make a determination regarding their need for PPE. In the Regulatory Impact Analysis (RIA) of OSHA's final rule revising subpart I (59 FR 16334 (April 6, 1994)), the Agency estimated that the time to perform a hazard assessment ranged from 3 to 29 hours, based on the number of workers per establishment. Establishments with 1-19 workers take 3 hours; establishments with 20-99 workers take 10 hours; establishments with 100-249 workers take 19 hours; and establishments with 250 or more workers take 29 hours. These times include the time to communicate PPE selection decisions to affected workers and to generate and maintain the certification record.

Data from the Census Bureau indicates that there is a 12.4 percent annual establishment turnover rate in the private sector.³ There are, therefore, 434,000 "new establishments" (3.5 million x

³ Technically, this is referred to as the "birth" rate of establishments. 2005-2006 Statistics of U.S. Business dynamic data at <http://www.census.gov/csd/subd/susbdyn.htm>.

12.4 percent) that will need to conduct an initial hazard assessment. The RIA noted that 47 percent of establishments were conducting the initial hazard assessment as a usual and customary practice, thus, 53 percent of the 434,000 establishments (or 230,020 establishments) would incur a burden.

Based on 2006 County Business Patterns data, OSHA estimates that 85.1 percent of the affected establishments (195,747) have fewer than 20 workers, 12.4 percent (28,523) have between 20 and 99 workers, 1.9 percent (4,370) have between 100 and 249 workers, and .6 percent (1,380) have 250 or more workers.⁴ The total burden for this activity is calculated as follows:

Burden hours:	195,747 establishments x 3 hours = 587,241 hours
	28,523 establishments x 10 hours = 285,230 hours
	4,370 establishments x 19 hours = 83,030 hours
	1,380 establishments x 29 hours = <u>40,020 hours</u>
	995,521 hours
Cost:	995,521 hours x \$48.87 = \$48,651,111

OSHA estimates that all establishments will need to conduct PPE hazard reassessments an average of once every five years (20 percent per year). This estimate is based on the assumption that firms change production processes, incorporate new technologies or open new facilities at this rate. OSHA estimates that it will take one hour for an establishment to perform this hazard reassessment; communicate the PPE selection decisions to affected workers; and to generate and maintain the certification record.

Burden hours:	3.5 million establishments x .20 x 1 hour = 700,000 hours
Cost:	700,000 hours x \$48.87 = \$34,209,000

(B) Training and Verification (§ 1910.132(f)(4)).

~~OSHA believes that all current affected workers in general industry (43.6 million) have been trained in the use of PPE and that employers will take one minute (.02 hour) to maintain the certification record for each worker. (Because the training is performance-oriented it is not subject to review under the PRA. Therefore, no burden for training has been calculated.)~~

~~BLS estimates the worker turnover rate is 41.1 percent.⁵ The Agency will use this rate to account for both new hires (at existing and new establishments) and workers requiring retraining. Thus, the Agency estimates 17,919,600 workers (41.1% of 43.6 million) to be the annual number of new hires and those requiring retraining in any given year. In addition, a written certification must be maintained for all existing workers which the Agency estimates to take 1 minute (.02~~

⁴ Estimates based on the distribution of establishments by employment size for industries affected by the PPE standard.

⁵ See BLS, Job Openings and Labor Turnover Survey (January 2009).

hour) each, and that it will take 3 minutes (.05 hour) to generate and maintain the training documentation for each new/retrained worker.

Burden hours: ~~43,600,000 existing workers x .02 hour to maintain training documentation = 872,000 hours~~

Cost: ~~872,000 hours x \$23.04 = \$20,090,880~~

Burden hours: ~~17,919,600 new/retrained workers x .05 hour to generate and maintain training documentation = 895,980 hours~~

Cost: ~~895,980 hours x \$23.04 = \$20,643,379~~

In addition, OSHA estimates, based on the RIA, that technology or job changes within an establishment will require that all workers be retrained every five years (20 percent annually). These workers can be trained in groups of five. A certification record will have to be generated and maintained for each group.

Burden hours: ~~43,600,000 workers/5 x .20 retrained annually x .05 hour to generate and maintain training documentation = 87,200 hours~~

Cost: ~~87,200 hours x \$23.04 = \$2,009,088~~

Additionally, the Agency believes that approximately 49,000 employers will be subject to an OSHA inspection and required to disclose hazard assessment documentation and/or training certification records annually (see Item 14 below) which is estimated to take 2 minutes (.03 hour).

Burden hours: 49,000 inspections x .03 hour to disclose **training** documentation = 1,470 hours

Cost: 1,470 hours x \$48.87 = \$71,839

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.

The cost determinations made under Item 12 account for the total annual cost burden to respondents or recordkeepers resulting from these collection of information requirements.

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), 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 into a single table.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$40.66, spends about 15 minutes (.25 hour) during an inspection reviewing hazard assessment ~~and training certification documents~~. The Agency has determined that its compliance officers will conduct about 49,000 inspections during each year covered by this ICR.⁶ 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:

$$\text{Cost: } 49,000 \text{ inspections} \times .25 \text{ hour} \times \$40.66 = \$498,085$$

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

OSHA removed the requirement that employers develop and maintain employee training records as specified by paragraph 1910.132(f), under the Standards Improvement Project – Phase III final rulemaking. As a result of this rulemaking, the Agency requests a program change reduction of 1,855,180 hours.

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.

OSHA will not publish the information collected under this subpart.

⁶ OSHA estimated the number of inspections by determining the inspection rate (1.4%) for the number of employers covered by this ICR (3.5 million), and then multiplying this number by 1.4% (i.e., 3,500,000 employers x 1.4% = 49,000 inspections).

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.

OSHA is not seeking an exception to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The supporting statement does not contain any collection of information requirements that employs statistical methods.

Table 1: Requested Burden Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
Initial Assessment and Reassessment of Workplace for Hazards (1910.132(d)(1))	995,521	995,521	0	\$48,651,111	230,020	
Written Certification of Assessment (1910.132(d)(2))	700,000	700,000	0	\$34,209,000	700,000	
Certification of PPE Training and Retraining (1910.132(f)(4))	872,000	0	872,000	\$0	0	As a result of the SIP-III Final, OSHA has removed the burden hours for the training certification.
	895,980	0	895,980	\$0	0	As a result of the SIP-III Final, OSHA has removed the burden hours for the training certification.
	87,200	0	87,200	\$0	0	As a result of the SIP-III Final, OSHA has removed the burden hours for the training certification.
	1,470	1,470	0	\$71,839	49,000	
TOTALS	3,552,171	1,696,991	1,855,180	\$82,931,950	979,020	