

**Revision to the
Personal Protective Equipment (PPE) Standard
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 The Standard Improvement Projects remove and revise individual requirements in standards that are confusing, outdated, duplicative or inconsistent.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 also 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.

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS OF
THE STANDARD ON PERSONAL PROTECTIVE EQUIPMENT (PPE)
FOR SHIPYARD EMPLOYMENT (29 CFR PART 1915, SUBPART I)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0215
(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 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).

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 or appropriate for the 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 the 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) published at 29 CFR part 1915, subpart I, the standard on Personal Protective Equipment (PPE) for Shipyard Employment. Subpart I requires employers to provide and ensure that each affected worker uses the appropriate personal protective equipment (PPE) for the eyes, face, head, extremities, torso, and respiratory system, including protective clothing, protective shields, protective barriers, life-saving equipment, personal fall arrest systems, and positioning device systems that meets the applicable provisions of this subpart, whenever workers are exposed to hazards that require the use of PPE. Items 2 and 12 below describe in detail the specific information collection requirements of subpart I.

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

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with provisions of the subpart 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 does not include burden hours and costs associated with the information collection requirements for subpart I, Respiratory Protection (29 CFR 1915.154), which OSHA addressed in a separate ICR. See OMB Control No. 1218-0099.

Subpart I specifies several paperwork requirements, which are described below. These collections of information are needed to determine, during an OSHA inspection by a compliance safety and health officer, if employers are in compliance with subpart I. Less frequent information collections will seriously hinder the Agency's ability to ensure that workers are protected as required by subpart I.

(A) Hazard Assessment and Verification (§1915.152(b)). Section 1915.152(b) requires the employer to assess work activities to determine whether there are hazards present, or likely to be present, which necessitate the worker's use of PPE. If such hazards are present, or likely to be present, the employer must: (1) select the type of PPE that will protect the affected worker from the hazards identified in the occupational hazard assessment; (2) communicate selection decisions to affected workers; (3) select PPE that properly fits each affected worker; and (4) verify that the required occupational hazard assessment has been performed. The verification must contain the following information: occupation or trade assessed, the date(s) of the hazard assessment, and the name of the person performing the hazard assessment.

(B) Training and Verification (§1915.152(e)). Section 1910.152(e) requires that employers provide training for each worker who is required to wear PPE (§1915.152(e)(1)).² Paragraph (e)(3) requires that employers also provide retraining when there are certain changes in workplace conditions or there is reason to believe that any previously trained worker does not have the understanding or skill to use PPE properly. Circumstances where such retraining is required include changes in the workplace that render prior training obsolete, certain 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 or skill.

~~Paragraph (e)(4) requires that the employer verify that each affected worker has received the required PPE training. The verification must contain the following information: name of each worker trained, the date(s) of training, and the type of training the worker received.~~

The standards on PPE protection for the eyes and face (§1915.153), head (§1915.155), feet (§1915.156), hands and body (§1915.157), lifesaving equipment (§1915.158), personal fall arrest systems (§1915.159), and positioning device systems (§1915.160) 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 or 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 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 subpart I paperwork requirements in performance-oriented language, i.e., in terms of what data to collect, not how to record the data.

²Training about personal fall arrest and positioning device systems is covered by 29 CFR 1915.159 and .160 respectively. However, OSHA assumes that the retraining and training verification requirements in §1915.152(e) also apply to these systems.

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 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 any methods used to minimize burden.

The information collection requirements in 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 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 subpart I are the minimum frequencies necessary to effectively monitor the use of PPE by shipyard employers 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 by the OSH Act (29 U.S.C. 651).

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 information collection requirements are consistent with 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 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.

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 (e)(4) of the general industry PPE standard (§1915.152), and is removing the burden hours and costs associated with this paragraph from this package.

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.

No elements of confidentiality are involved.

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 subpart I 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

OSHA estimates that there are 86,764 shipyard workers potentially exposed to workplace hazards that may require the use of PPE. The number of establishments is estimated to be 639. These estimates were taken from the Proposed Rule on General Working Conditions in Shipyard Employment; Executive Summary of the Preliminary Economic and Initial Regulatory Flexibility Screening Analysis (PEA), published on December 20, 2007, at 72 FR 72504, or estimates determined by OSHA's Office of Regulatory Analysis. Table 1 provides a comparison of shipyard establishments by size:

Table 1
Comparison by Size of Establishments

Size of Establishment	
1-9 workers	307
10-19 workers	108
20-99 workers	133
100-499 workers	70
500-999 workers	12
1000 + workers	<u>9</u>
Total establishments	639

Wage Rates

The wage rates, which include benefits, are also from the PEA.

Employment categories and wages used are:

- o Supervisors (\$32.98 per hour)
- o Secretary (\$17.53 per hour)

(A) Hazard Assessment and Verification Record (1915.152(b)). Subpart I requires that employers conduct a hazard assessment and make a determination regarding their need for PPE. Employers must assess work activities to determine whether there are hazards present, or likely to be present, which necessitate the worker's use of PPE. If such hazards are present, or likely to be present, the employer must: (1) select the type of PPE that will protect the affected worker from the hazards identified in the occupational hazard assessment; (2) communicate selection decisions to affected workers; (3) select PPE that properly fits each affected worker; and (4) verify that the required occupational hazard assessment has been performed. The verification must contain the following information: Occupation, the date(s) of the hazard assessment, and the name of the person performing the hazard assessment.

The final rulemaking record showed that shipyards were already performing hazard assessments and reassessments as a normal and routine shipyard practice; however, they were not documenting these assessments. Therefore, the ICR only includes burden hours and costs for documenting assessments and reassessments. The Summary of Final Economic Analysis, Regulatory Flexibility Certification, and Environmental Impact Assessment (Final Economic Analysis) in the final rule (61 FR 26322 (5/24/1996)) estimated it takes 5 minutes (.08 hour) to record the hazard assessment for each occupation covered.

The initial hazard assessment is a one-time obligation unless new or different workplace hazards arise or changes in workplace conditions are such that such hazards are likely to be present in the workplace, in which case the employer must perform an updated or revised hazard reassessment. Thus, for purposes of this ICR, the Agency assumes that all 639 establishments have conducted their initial assessments. In addition, because the number of establishments in this industry is declining, OSHA estimates that there is virtually no establishment turnover rate in this industry.

OSHA estimates that 10 percent of the original number of hazard assessments per establishment will be reassessed in a given year. The total number of hazard assessments is determined by multiplying the number of establishments by the number of hazard assessments for that size of establishment. The number of hazard assessments per establishment is based on the Final Economic Analysis, which stated that assessments and reassessments would be conducted for occupations at the shipyard.

Burden hours: (307 establishments x 5 assessments) x .10 x .08 hour = 12 hours
(108 establishments x 5 assessments) x .10 x .08 hour = 4 hours
(133 establishments x 10 assessments) x .10 x .08 hour = 11 hours
(70 establishments x 30 assessments) x .10 x .08 hour = 17 hours
(12 establishments x 30 assessments) x .10 x .08 hour = 3 hours
(9 establishments x 40 assessments) x .10 x .08 hour = 3 hours
50 hours

Cost: 50 burden hours x \$32.98 = \$1,649

~~**(B) Training and Verification Record (1915.152(e)(4)).** The training is performance-oriented; thus, not subject to review under the PRA. Therefore, no burden for conducting training has been calculated. OSHA believes that all current shipyard workers (86,764) have been trained in the use of PPE, and that a secretary will take one minute (.02 hour) to maintain the certification record for each of these workers.~~

~~**Burden hours:** 86,764 existing workers x .02 hour to maintain = 1,735~~

~~**Cost:** 1,735 burden hours x \$17.53 = \$30,415~~

~~To account for new workers and workers needing retraining, the Agency is using an worker turnover rate of 24 percent³ of the 86,764 affected workers (20,823). OSHA estimates that it will take a secretary 3 minutes (.05 hour) to generate and maintain the training documentation for each new/retrained worker.~~

³The 24 percent turnover rate was taken from the PEA.

~~**Burden hours:** 20,823 new/retrained workers x .05 hour to generate and maintain record
= 1,041~~

~~**Cost:** 1,041 burden hours x \$17.53 = \$18,249~~

~~**Subtotal of Burden Hours:** 1,735 + 1,041 = 2,776~~

~~**Subtotal of Costs:** \$30,415 + \$18,249 =~~

~~**\$48,664**~~

(C) Disclosure of Certification Records.

The Agency believes that approximately nine employers will be subject to an OSHA inspection annually and be required to disclose hazard assessment certification records ~~and/or training certification records~~ (see Item 14 below). Such disclosure is estimated to take 2 minutes (.03 hour).

Burden hours: 9 inspections x .03 hour = 1 hour (rounded up)

Cost: 1 x \$32.98 = \$33

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 determinations made under Item 12 account for the total annual cost burden to respondents or record keepers resulting from these collection 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), with an hourly wage rate of \$39.70, spends about five minutes (.08 hour) during an inspection reviewing the documents required by subpart I. The Agency has determined that its compliance officers will conduct approximately nine inspections under subpart I during each year covered by this ICR.⁴ 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 subpart I. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 9 inspections x .08 hour x \$39.70 = \$29

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

⁴OSHA estimated the number of inspections by determining the inspection rate (1.4%) for all establishments under the jurisdiction of the Act (including both Federal OSHA and approved state-plan agencies) and then multiplying the total number of establishments covered by the Standard (i.e., 639) by this percentage (i.e., 639 establishments x 1.4% = 9 inspections).

OSHA removed the requirement for employers to develop and maintain employee training records as specified by paragraph 1915.152(e). As a result of this rulemaking, the Agency requests a program change reduction of 2,776 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 information, completion of report, publication dates, and other actions.

OSHA will not publish the information collected under subpart I.

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 2: Requested Burden Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Program Change	Cost Under Item 12	Responses	Explanation of Adjustment
Hazard Assessment and Verification (1915.152(b))	50	50	0	\$1,649	623	No change in burden hours.
Training and Verification (1915.152(e))	2,776	0	-2,776	\$48,664 \$0	0	The decrease in burden hours can be attributed to the removal of training verification requirement.
					0	
Disclosure of Hazard Assessment and Training Certification Records	1	1	0	\$33	9	No change in burden hours.
TOTALS	2,827	51	-2,776	\$1,682	632	