

**SUPPORTING STATEMENT FOR  
THE INFORMATION COLLECTION REQUIREMENT  
OF VERTICAL TANDEM LIFTS (VTLs) FOR  
MARINE TERMINALS (29 CFR PART 1917)<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0260 (September 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).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published a final rule on Vertical Tandem Lifts (VTLs) in Longshoring and Marine Terminals. A VTL means the lifting of two intermodal containers that are coupled together vertically (one on top of the other). The Standard permits VTLs of two empty containers. The information collection requirements in the standard requires employers to develop and implement a terminal plan for transporting VTLs inside the terminal.

Items 2 and 12 below list and describe the specific information collection requirements contained in the Standard.

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

The collections of information required by the Standard are used by employers to ensure that workers are informed properly about the safety hazards associated with VTL operations, and the proper use of twistlocks when performing a VTL. The collections of information are necessary to prevent worker injuries and fatalities associated with lifting cargo.

**Develop and Implement Written Plan for Transporting Vertically Coupled Containers**

**(§ 1917.71(j)(2))**

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

Paragraph (j)(2) of §1917.71 requires the employer to develop and implement a written plan for transporting vertically coupled containers in a terminal. The plan shall include: safe operating speeds for drivers doing VTLs; safe turning speeds; special conditions in the terminal that could affect VTL operations (such as uneven surfaces); and any other conditions that the employer feels is necessary for safe VTL movement. It is necessary for the safe handling of VTLs as they are moved from the vessel to the terminal storage area and vice versa. The Agency feels this requirement is necessary for the safe transport of VTLs in the marine terminal where the mentioned factors affect the stability of a VTL which has a higher center of gravity than a single container. Without a VTL terminal plan, containers handled as a VTL could overturn.

**(§ 1917.71(k)(2))**

Paragraph (k)(2) of §1917.71 requires the employer to include the safe work zone and procedures in the written transport plan to ensure that employees are not in this zone when a VTL is in motion.

The written plan for transporting vertically connected containers is necessary for the safe transport of VTLs in the marine terminal where the mentioned factors affect the stability of a VTL which has a higher center of gravity than a single container. Without a VTL terminal plan, containers handled as a VTL could overturn. The safe work zone and procedures ensure employees are not in this zone when a VTL is in motion.

**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 collection techniques, or other forms of information technology (e.g., electronic submission of responses), when establishing and maintaining the required records. The Agency wrote the paperwork requirements of these standards in performance-oriented language, i.e., in terms of what data to collect, not how to record the data. The Agency has written the paperwork requirements of these standards in performance-oriented language 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 purposes described in Item A.2 above.**

The requirement to collect and maintain information are specific to each employer 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 minimize burden.**

The VTL information collection requirements in 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 Agency believes that the information collection frequency required by the Standard is the minimum frequency necessary to prevent employee injuries and fatalities associated with lifting cargo. The Agency believes that failure of the employer to collect and distribute the information required by the information collection requirement in the regulation will affect significantly the cooperative effort between OSHA and the employer to ensure employee safety through controlling or reducing injuries and fatalities in marine terminal operations and longshoring. Any Federal program or policy activities or decisions that would reduce or eliminate the collections of information required in these standards would also affect OSHA's efforts to ensure employee safety and health in the workplace.

**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 requirement is 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 July 12, 2011, (76 FR 40935) under Docket Number OSHA-2011-0066, soliciting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in its Standard on VTLs for Marine Terminals (29 CFR part 1917). This notice was part of a preclearance consultation program to provide those interested parties the opportunity to comment. The Agency received no comments in response to this notice.

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

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

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

None of the information collection requirements in the standards 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.**

None of the provisions in the regulations require sensitive information.

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

- **Show 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 burdens, and explain the reasons for the variance. General estimates should not include burden hours 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 burden in Item 13.
- 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:

The burden-hour and estimated cost determinations are based on the industrial profile of the VTLs' Final Rule (73 FR 75245). The industrial profile identifies 1,020 establishments affected by the VTL Standard. This includes port and harbor operations (NAICS 488310), deep sea freight transportation (NAICS 483111), and coastal and great lakes freight transportation (NAICS 483113). However, 50% of employers, based on the West coast, are covered under the International Longshore and Warehouse Union (ILWU). The ILWU contracts prohibit these employers from using VTLs. Thus, only the East coast and gulf employers are using VTLs in their shore based operations.

In the information collection requirement specified in the VTL standard for Marine Terminals, employers are to develop and implement a written plan for transporting vertically coupled containers in a terminal. OSHA estimates that the 50% (510) of employers located on the East coast and gulf are generating, developing, and maintaining a written plan for VTLs. In addition, the Agency uses the following wage rate<sup>2</sup> listed in making the cost determinations:

· General and Operation Managers	\$79.85
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#### **§ 1917.71(j)(2) and (k)(2) Written Plan for Transporting VTLs and Establishing a Safe Work Zone for Employees**

OSHA estimates that 510 establishments currently use VTLs. Previously, OSHA estimated that 20 establishments would develop and implement a written plan. OSHA assumes that a manager, earning \$79.85 an hour, will take two hours to update, maintain, and implement this plan.

**Burden hours:** 20 establishments x 2 hours = 40 hours

**Cost:** 40 hours x \$79.85 = \$3,194

OSHA estimates that the remaining 490 newly identified establishments currently using VTLs will have to develop and implement a written plan. OSHA assumes that a manager, earning \$79.85 an hour, will take four hours to develop and implement the written plan including identification of a safe work zone and procedures.

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<sup>2</sup> Source: [2010 National Industry-Specific Occupational Employment and Wage Estimates](#) for employees under NAICS 483000-- Water Transportation, U.S. Department of Labor, Bureau of Labor Statistics. Wage rate includes fringe benefits of 29.4 percent.

**Burden hours:** 490 establishments x 4 hours = 1,960 hours  
**Cost:** 1,960 hours x \$79.85 = \$156,506

**Total Burden hours:** 40 hours + 1,960 hours = 2,000 hours;  
**Total Cost:** \$3,194 + \$156,506 = \$159,700

**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 recordkeepers 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 \$37.37,<sup>3</sup> spends about 30 minutes (.5 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will inspect about 7 facilities regulated by the Standard during each year covered by this ICR.<sup>4</sup> 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 these standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

**Cost:** 7 inspections x .5 hour x \$37.37 = \$131

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

OSHA is proposing to increase the existing burden hour estimate for the collection of information requirements specified by the Standard from 80 hours to 2,000 hours, a total increase of 1,920 hours. The increase is a result of the Agency estimating that more establishments are using VTLs.

**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 these standards.

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<sup>3</sup> Source: U.S. Office of Personnel Management; *2011 General Schedule (GS) Locality Pay Tables*; Salary Table 2011-RUS, [http://www.opm.gov/oca/11tables/pdf/rus\\_h.pdf](http://www.opm.gov/oca/11tables/pdf/rus_h.pdf).

<sup>4</sup>The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all facilities under the jurisdiction of the OSH Act (including both Federal OSHA and approved state-plan agencies), and then multiplying the total number of facilities covered by these standards (510 x 1.4% = 7 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**

This collection of information requirement employs no statistical methods.