

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENT OF
THE VEHICLE-MOUNTED ELEVATING AND ROTATING
WORK PLATFORMS (AERIAL LIFTS) STANDARD (29 CFR 1910.67)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0230 (December 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 (i.e., “the 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 Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, the 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 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 Act, the Occupational Safety and Health Administration (i.e., “OSHA” or “the Agency”) published at 29 CFR 1910.67 a safety standard for general industry regulating the use of aerial lifts (i.e., “the Standard”). The paperwork provision of the Standard specifies requirements for certification records. Items 2 and 12 below describe in detail the specific information collection requirement of 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 Standard specifies one paperwork requirement. The following section describes who uses the information collected under the requirement, as well as how they use it. The purpose of the requirement is to reduce employees’ risk of death or serious injury by ensuring that aerial lifts are in safe operating condition.

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with the provision of the Standard that contains a paperwork requirement; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, the provision.

Manufacturer's Certification of Modifications (paragraph (b)(2)). The Standard requires that when aerial lifts are "field modified" for uses other than those intended by the manufacturer, the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, must certify in writing that the modification is in conformity with all applicable provisions of ANSI A92.2-1969 and the OSHA standard and that the modified aerial lift is at least as safe as the equipment was before modification. Employers are to maintain the certification record and make it available to OSHA compliance officers. This record provides assurance to employers, employees, and compliance officers that the modified aerial lift is safe for use, thereby, preventing failure while employees are being elevated. The certification record also provides the most efficient means for the compliance officers to determine that an employer is complying with the Standard.

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 establishing and maintaining the required records. 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 A.2 above.

The requirements to collect and maintain information are specific to each employer and employee 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 the methods used to reduce the burden.

The information collection requirement specified by the Standard does 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, and any technical or legal obstacles to reducing the burden.

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to effectively regulate aerial lifts, 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 in the Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collections or delay in providing this information, employees may use aerial lifts that are in unsafe operating condition.

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 requirements are 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 before 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 burdens.

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, revealed, 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 mitigate against consultation in a specific situation. These circumstances should be explained.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on October 5, 2011 (76 FR 61750) requesting public comment on its proposed request that the Office of Management and Budget approve the information collection requirement specified by the Vehicle-Mounted Elevating and Rotating Work Platforms (Aerial Lifts) Standard (29 CFR 1910.67) (Docket No. OSHA 2011-0185). This notice was part of a preclearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by OMB of a previous approval of the information collection requirement found in the above Standard. The Agency received one comment from Mr. James L. Buie of Tinker AFB VPP VSP Rep Aircraft.

Mr. Buie commented “I understand the need to go electronic format, my worry is that the need for checks and balances between management and certified maintenance repair technician performing the upkeep needs to have pass codes to ensure that the maintenance is correctly performed on time and that it never becomes a arm chair process. I feel that this is a step in the right direction to ensuring effective and safe manner for aerial lifts in the work place.”

OSHA’s Response: The recordkeeping provision at §1910.67(b)(2) requires that, when aerial lifts are “field modified” for uses other than those intended by the manufacturer, the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, certify in writing that the modification is in conformity with all applicable provisions of ANSI A92.2-1969 and the OSHA standard and that the modified aerial lift is at least as safe as the equipment was before modification. This provision requires the certification to be in writing rather than in electronic format. Therefore, the concerns expressed by Mr. Buie are unfounded.

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.

The paperwork requirement specified by the Standard does 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 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 provision in the Standard does not require 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

Based on previous information provided by a manufacturer of aerial lifts, it was estimated that there are approximately 100,000 aerial lifts in use today in general industry (most of which are sold to rental companies). The Agency has been unable to identify updated data regarding the number of aerial lifts covered by the Standard, yet does not suspect that these figures have changed significantly since the prior ICR update. Additionally, given the minimal paperwork and cost burden imposed by the Standard, it seems reasonable to retain estimates contained in previous updates. Under the provision of the OSHA standard that requires the collection of information, 29 CFR 1910.67, the certification of modification by the manufacturer is required only when the aerial lift is “field modified” and the modification is to allow the lift to be used for other than its intended purpose. The manufacturer indicated that very few, if any, aerial lifts are modified, however; for purposes of this ICR, OSHA estimates that no more than 1% of the aerial lifts (1,000) are modified in any one year. To determine the cost of the paperwork requirements specified by the Standard, the Agency used wage rates of \$21.18 for a manufacturing worker and \$35.22 for a supervisory manufacturing worker.² This wage has been adjusted to reflect the fact that fringe benefits comprise roughly 30.4 percent of total worker compensation in the private sector.³ The costs of labor used in this analysis are, therefore, estimates of total hourly compensation.

OSHA does not believe that there is any burden associated with the manufacturer's certificate of the field modification of the aerial lift because the manufacturer, as a normal and customary practice, would certify the equipment to be at least as safe as the equipment was before modification. However, there is a burden for the employer to maintain the manufacturer-supplied certificate. OSHA estimates that it takes one minute (.02 hour) to maintain the certification record. Additionally, OSHA believes that approximately 14 of these aerial lifts covered by the Standard may be subject to an OSHA inspection and the employer may be required to disclose the manufacturer's certification record annually.⁴ OSHA estimates that it will take a supervisory manufacturing worker 2 minutes (.03 hour) to disclose the manufacturer's certification record.

Burden hours: 1,000 modified aerial lifts × .02 hour to maintain certification record = 20 hours

Cost: 20 burden hours × \$21.18 = \$424

² These mean hourly wage rates correspond to SOC code 51-1011, “First-Line Supervisors/Managers of Production and Operating Workers and SOC code 51-0000, “Production Occupations.” (Source: *May 2010 National Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.

³ Source: This fringe-benefit rate comes from the total benefits percentage for private industry from *Employer Costs for employee Compensation*, March 2011, U.S. Department of Labor, Bureau of Labor Statistics.

⁴ The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all aerial lifts under the jurisdiction of the Act (including both Federal OSHA and approved state-plan agencies), and then multiplying the total number of estimated “modified” aerial lifts by this percentage (i.e., 1,000 aerial lifts × 1.4% = 14 aerial lifts inspected).

Burden hours: 14 modified aerial lifts × .03 hour to disclose the certification record = 1 hour
Cost: 1 burden hour × \$35.22 = \$35

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 requirement specified by the Standard.

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), 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 \$37.37⁵, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will inspect about 14 aerial lifts during each year covered by this ICR (see footnote number 4). OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirement specified by the Standard. Therefore, the total cost of the paperwork requirement to the Federal government is:

Cost: 14 inspections x .08 hour x \$37.37 = \$42

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

There are no program changes or adjustments associated with this information collection request.

⁵Source: 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.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

OSHA will not publish the information collected under the Standard.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be appropriate.

No forms are available for the Agency to display the expiration date.

18. Explain each exception to the certification statement.

OSHA is not requesting an exception to the certification statement in Item 19.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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