

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS CONTAINED IN
BLASTING AND THE USE OF EXPLOSIVES
(29 CFR PART 1926, SUBPART U)¹
OMB CONTROL NO. 1218-0217 (April 2012)**

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that require 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” or “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). 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. 651).

To protect employee health, the OSH Act authorizes the Occupational Safety and Health Administration (“OSHA” or “Agency”) to develop standards that provide for “monitoring or measuring employee exposure” to occupational hazards and “prescribe the type and frequency of medical examinations and other tests which shall be made available [by the employer] to employees exposed to such hazards . . . to most effectively determine whether the health of such employees is adversely affected by such exposure” (29 U.S.C. 655). Moreover, the Act directs OSHA to “issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or other harmful physical agents which are required to be monitored and measured . . . ” (29 U.S.C. 657). In addition, the OSH Act mandates that “[e]ach employer shall make, keep and preserve, and make available to the Secretary [of Labor] . . . such records regarding [the employer’s] activities relating to this Act as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . . ” (29 U.S.C. 657).

The Act authorizes the Agency to issue standards that “prescribe use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure” (29 U.S.C. 655). Additionally, the OSH Act mandates 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

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with provisions of this 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.

or appropriate for the enforcement of this Act . . .” (29 U.S.C. 657).

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

Subpart U contains several information collection requirements. Each of the following paragraphs lists and describes the information collection requirements contained in Subpart U, Blasting Operations.

§ 1926.900(d)

The employer must ensure that explosives not in use are kept in a locked magazine and are unavailable to persons not authorized to handle the explosives. The employer must maintain an inventory and use record of all explosives; in use and not in use. The employer must contact the appropriate authorities in the event of loss, theft, or unauthorized entry into a magazine.

This requirement ensures that all explosives are accounted for and that they are being kept in a safe and secure place, away from unauthorized users. This level of control is necessary to prevent unintended or unlawful detonation of explosives and resultant injuries to and fatalities of working men and women.

The language was adopted from ANSI M28.1 – 1969 paragraph 7.1.5 (modified) and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA’s creation and continuing through today. Storage and inventory requirements are also found under the Treasury Department, Bureau of Alcohol, Tobacco and Firearms in 27 CFR 555.

§ 1926.900(i)

Employees authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution including, but not limited to, visual and audible warning signals, flags, or barricades, to ensure employee safety.

OSHA does not believe this imposes a burden since employers may use physical means such as barricades, which is not an information collection, to ensure employee safety.

In addition, this language was adopted from ANSI A10.7-1970 paragraph 6.1.8 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA’s creation and continuing through today. See 5 CFR 1320.3(b)(2).

§ 1926.900(k)(3)(i)

Employers must prominently display adequate signs warning against the use of mobile radio transmitters on all roads within 1,000 feet of blasting operations. Whenever adherence to the 1,000-foot distance would create an operational handicap, a competent person shall be consulted to evaluate the particular situation, and alternative provisions may be made which are adequately

designed to prevent any premature firing of electric blasting caps. A description of any such alternatives shall be reduced to writing and shall be certified as meeting the purposes of this subdivision by the competent person consulted. The description shall be maintained at the construction site during the duration of the work, and shall be available for inspection by representatives of the Secretary of Labor.

This information is needed to protect the working men and women from exposure to premature detonation of blasting operations on their roadside construction projects.

The language was adopted from ANSI A10.7–1970 paragraph 6.1.13 (2 & 3) (modified) and reflects the national consensus. In addition, the US Department of Transportation’s Manual of Uniform Traffic Control Devices-2000, including errata (MUTCD) at chapter 6F paragraph 6F.37, 38, 39 and 40, requires signs specifying the “Blasting Zone Ahead,” “End of Blasting Zone,” and “Turn Off 2-way Radio and Phone.” *Id.*

In the past, the Agency has used estimates that perhaps as many as 3,000 contractors a year include blasting operations in their projects. The Agency has received informal, oral reports from the industry that the number of construction sites that perform blasting operations is 10,000 to 50,000 sites a year. No matter the magnitude of the number of sites nationally, the subset of that number where signage would create an operational handicap and require the employer to consult a competent person who creates and certifies an alternative is extremely small. Technology has evolved since the time this requirement was first promulgated. The Agency has received anecdotal information from industry indicating that the vast majority of blasting operations, if not all in construction today, use non-electric blasting methods. Mobile radio transmitters cannot cause the premature firing of such non-electric blasting methods.

The Agency estimates that, even though the number of sites overall is far larger than earlier estimates indicated, the number of sites experiencing the operational handicap and requiring a certified alternative remain the same, 160 sites nationwide. The Agency has heard no information anecdotal or otherwise suggesting that this number has increased and some indication that it may have decreased or disappeared.

§ 1926.900(o)

Employers must notify the operators and/or owners when blasting operations are in the proximity of overhead power lines, communication lines, utility lines, or other services and structures in order to protect working men and women from the unintended damage and collapse of, as well as contact with, such things. Blasting operations shall not be carried on until measures for safe control have been taken.

This standard is necessary to protect working men and women from the hazards associated with the unintended destruction of power, communication, and utility lines, as well as other related services and structures.

OSHA believes that this requirement does not create an additional burden on employers. The language was adopted from ANSI A10.7 (1970) paragraph 6.1.10(modified) and reflects the

national consensus as well as the usual and customary industry practices in existence since before the time of OSHA's creation and continuing through today. Similar language is also found in the US Army Corps of Engineers regulation, 25.A.6 of 03/1967. *See* 5 CFR 1320.3(b)(2).

§ 1926.901(d)

Blasters shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required. This requirement is of primary importance for protecting working men and women including the blasters themselves when construction work involves the use of explosives and blasting agents.

OSHA believes that this requirement creates no additional burden on employers. It is usual and customary for employers to obtain the assurances discussed in this section from blasters as a condition of employment. This language came from ANSI A10.7 (1970) paragraph 6.2.5 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA's creation and continuing through today. *See* 5 CFR 1320.3(b)(2).

§ 1926.902(h)

Employers must ensure that every vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front, and the rear with the word "Explosives" in red letters. The lettering shall be placed on a white background and be not less than 4 inches in height. In addition to the marking or placarding, the motor vehicle or conveyance may display a red flag, readily visible in all directions, 18 inches by 30 inches, with the word "explosives" painted, stamped, or sewed thereon, in white letters, at least 6 inches in height.

These markings and placards serve to warn employees, who may otherwise not know, that they are entering an area where explosives are present or working next to a vehicle used to transport explosives on their construction site. OSHA does not believe this is a collection of information since the Standard provides specific information to the employer to disclose to the public (5 CFR 1320.3(c)(1)).

This language was adopted from ANSI A10.7–1970 paragraph 4.1.4 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA's creation and continuing through today. This language is also found in the US Army Corps of Engineers regulation, 25.D.02 of 03/1967 (modified). In addition, Department of Transportation regulations at 49 CFR 516-527 holds specific requirements for placarding motor vehicles transporting explosives outside of private facilities. *See* 5 CFR 1320.3(b)(2).

§ 1926.903(d)

The employer must notify the hoist operator prior to transporting explosives or blasting agents in a shaft conveyance. Notification ensures that the hoist operator uses all necessary precautions when transporting explosives and blasting agents thus preventing accidental explosions and injuries.

This requirement is necessary to protect working men and women, including hoist operators, from the hazards associated with moving explosives on hoists.

This requirement was adopted from ANSI A10.7-1970 paragraph 4.2.4 and reflects the national consensus, as well as the usual and customary industry practices, in existence since before the time of OSHA's creation and continuing through today. *See* 5 CFR 1320.3(b)(2). The Agency has received no information describing the frequency of this occurrence other than it was extremely limited.

Additionally, OSHA's underground construction standard, **§ 1926.800(e) Notification** facilitates the notice required in **§1926.903(d)**. The underground construction standard states that the employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the jobsite affect or may affect the safety of employees underground (§1926.800(e)(2)).

§ 1926.903(e)

Employers must perform weekly inspections on the electrical system of trucks used for underground transportation of explosives. The weekly inspection is to detect any failure in the system which would constitute an electrical hazard. The most recent certification of inspection must be maintained and must include the date of inspection, a serial number or other identifier of the truck inspected, and the signature of the person performing the inspection.

This requirement is necessary to protect workers underground from electrical system hazards associated with underground transportation of explosives in trucks.

This language was adopted from the US Army Corps of Engineers regulation 25.D.03 of 03/1967. The Agency has received no information anecdotal or otherwise suggesting its estimate of only one project a year using trucks to transport explosives underground is erroneous. It has received anecdotal suggestions that the industry has not used trucks for explosives transportation for decades and does not use trucks in this manner underground today.

§ 1926.903(m)

Each powder car or conveyance built for the purpose of transporting explosives and blasting agents shall bear a reflectorized sign on each side with the word "Explosives" in letters, not less than 4 inches in height; upon a background of sharply contrasting color.

These signs serve to warn employees, who may otherwise not know, that explosives and blasting agents are present.

OSHA does not believe that this paragraph falls in the range of a collection of information since the Standard provides specific information to the employer (5 CFR 1320.3(c)(1)) for protecting working men and women on the site.

In addition, this language was adopted from ANSI A10.1–1970 paragraph 4.2.11 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA’s creation and continuing through today. *See* 5 CFR 1320.3(b)(2).

§ 1926.905(a)

Procedures that permit safe and efficient loading shall be established before loading is started.

This requirement ensures the protection of men and women working on construction sites where blasting operations are conducted.

OSHA believes that this requirement is essential to employee protection and safe blasting operations while imposing no PRA burden. It is usual and customary for blasting employers to have the required procedures in place as part of their knowledge, practice and experience. This language was adopted from ANSI A10.7 (1970) paragraph 6.2.5 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA’s creation and continuing through today. *See* 5 CFR 1320.3(b)(2).

§ 1926.905(p)

Paragraph (p) requires the employer to post warning signs indicating a blast area. These signs must be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

OSHA does not believe this is a collection of information since the Standard provides sufficient information to the employer (5 CFR 1320.3(c)(1)) for protecting working men and women on the site.

This requirement ensures the protection of men and women working on construction sites where blasting operations are conducted.

The language was adopted from ANSI A10.7–1970 paragraph 6.3.16 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA’s creation and continuing through today. *See* 5 CFR 1320.3(b)(2).

§ 1926.905(t)

Under §1926.905(t), the employer blaster must maintain an accurate and up-to-date record of explosives, blasting agents, and blasting supplies used in a blast. In addition, the employer must also maintain a running inventory of all explosives and blasting agents stored on the operation. These records will ensure that all explosives, blasting agents and blasting supplies are accounted for.

This requirement is necessary to protect working men and women in the proximity of blasting operations from hazards of misplaced explosives, the unintended detonation of duds, and the hazards of temporary storage of explosives; however, it imposes no burden.

This requirement was adopted from language in ANSI A10.7 (1970) paragraph 6.3.20 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA's creation and continuing through today. In addition the Department of the Treasury and Bureau of Alcohol, Tobacco and Firearms require inventory and recordkeeping at 27 CFR 555. Section 107 requires that a licensee or permittee keep records of all acquisitions and dispositions of explosive materials and section 127 requires them to maintain a daily summary of magazine transactions (27 CFR 555.107 & 127). *See* 5 CFR 1320.3(b)(2).

§ 1926.909(a)

Employers must post a code of blasting signals, similar to Table U-1 below, on one or more conspicuous places at the operation. Additionally, all employees shall familiarize themselves with the code and conform to it at all times. Danger signs shall also be placed at suitable locations.

TABLE U-1

WARNING SIGNAL – A 1-minute series of long blasts 5 minutes prior to blast signal.

BLASTING SIGNAL – A series of short blasts 1 minutes prior to the shot.

ALL CLEAR SIGNAL – A prolonged blast following the inspection of blast area.

OSHA does not believe this is a collection of information since the Standard provides specific information to the employer for disclosure to (5 CFR 1320.3(c)(1)) employees in proximity to blasting operations.

Further, the posting of blasting signals and dangers signs are adopted from ANSI A10.7–1970 paragraph 7.1 and reflects the national consensus as well as the usual and customary industry practices in existence since before the time of OSHA's creation and continuing through today. Therefore, the Agency is not taking burden hours or costs for these provisions. *See* 5 CFR 1320.3(b)(2).

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technical collection techniques or other forms of information**

technology, e.g., permitting electronic submission of responses, and the basis for the decision of adopting that means of collection. Also, describe any consideration of using information technology to reduce the burden.

Employers may use any available technology to establish and maintain the documents specified by the Subpart. The Agency wrote the paperwork requirements 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 of the purposed described in item A.2 above.**

OSHA has examined related information collection requirements of other agencies involved in the regulation of explosives and has determined that OSHA's information collection requirements in this Subpart do not require the employer to duplicate information requested by other agencies. The information collection requirements of the Subpart are specific to each employer involved and the required information is available only from the parties designated in the Subpart.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The information collection requirements specified by the Subpart 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 and any technical or legal obstacles to reducing the burden.**

The Agency believes that the information-collection frequencies required by the Subpart are the minimum frequencies necessary to fulfill its mandate "to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources" as specified in the OSH Act at 29 U.S.C. 651. Accordingly, if employers do not perform the information collection required by 29 CFR part 1926, subpart U or delay in providing this information, employees are at risk of serious injuries or death while working with or around blasting operations.

- 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 in the manner or using the procedures specified by this item; the paperwork requirements in the Subpart conform to 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 (PRA-95) (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on February 17, 2012 (77 FR 9703) soliciting comments on its proposal to extend the Office of Management and Budget's approval of the information collection requirements specified by the Standard on Blasting Operations and the Use of Explosives (29 CFR part 1926, subpart U). This notice was a part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received one comment from Ms. Rebecca Kopps of NIU College of Law in Illinois. Ms. Kopps' comment included suggestions for providing greater protections for employees affected by the ICR, but did not provide any data or information about the appropriateness of the paperwork burden calculation in the proposal. Finally, Ms. Kopps made several general recommendations regarding means to improve OSHA's overall collections of information. These recommendations, such as "submitting required information at the last minute" are not applicable to the collections of information contained in the Blasting Standard.

In fact, OSHA only has a few such reporting requirements; mainly, the OSHA Data Initiative. However, this information is not entered into a public data base. The Agency, as stated in the Fall 2012 Semiannual Agenda, is proposing changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data and would improve the accuracy and availability of the

relevant records and statistics. This proposal involves modification to 29 CFR 1904.41 to expand OSHA's legal authority to collect and make available injury and illness information required under part 1904.

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

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

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

The paperwork requirements specified by the Subpart do not involve confidential information.

11. **Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the 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 paperwork requirements specified by the Subpart do not involve sensitive information.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Below is a summary of the annual burden hour and cost estimates for the two-paragraphs of the Subpart that contain a paperwork requirements described under Item 2 above. OSHA is not listing those collections of information that are usual and customary under Item 12 since these provisions do not create an additional burden on employers.²

The Agency adopted the mean wage rates from *May 2010 National Occupational Employment and Wage Estimates, United States*, Bureau of Labor Statistics, U.S. Department of Labor,

² Rules implementing the Paperwork Reduction Act are found at 5 CFR Part 1320. 5 CFR 1320.3(b)(2) states, "The time, effort and financial recourse necessary to comply with a collection of information that would be incurred by a person in the normal course of their activities will be excluded from the definition of "burden" if the Agency demonstrates that the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary."

http://www.bls.gov/oes/current/oes_nat.htm. Total compensation for these occupational categories includes an adjustment of 29.6 percent (*Employer Costs for Employee Compensation, June 2011*) for fringe benefits; this figure represents the average level of fringe benefits in the private sector. The costs of labor used in this analysis are; therefore, estimates of total hourly compensation.

The Agency is using a wage rate of \$38.89 for a construction supervisor, \$22.57 for a construction worker, \$29.35 for a truck mechanic, and \$17.60 for a clerical worker.

§ 1926.900(k)(3)(i)

This Subpart requires a prominent display of adequate warning signs against the use of mobile transmitters. If the signs are infeasible, an alternative method needs to be developed to prevent premature detonation. OSHA staff familiar with this industry has, in the past, estimated that there would be 3,000 construction employers with sites where blasting operations are covered by the Standard. As indicated above, the estimates of the number of blasting operations nationally is between 10,000 and 50,000. In spite of such numbers, the agency has received no information, anecdotal or otherwise, that more blasting operations than its earlier estimate would need an alternative method. Therefore, the Agency maintains its estimate that only 160 of these sites would require an alternative method to be developed (i.e., closing roads completely to vehicular traffic). OSHA estimates that it would take 8 hours to develop and certify an alternative plan. It estimates that maintaining the plan on site and producing it for inspection by the Agency are clerical functions taking a minimum amount of time. A search of Agency records indicate that 29 CFR 1926.900(k)(3)(i) has been cited 20 times in the last 10 years or approximately 1.8 times a year. For the sake of estimation, the Agency agrees that more employers than those cited were asked to produce the certified alternative plan and uses 5 requests a year as its frequency estimate. The Agency estimates that filing, retrieving, and photocopying these several sheets of paper would take a file clerk only 5 minutes (0.08 hrs).

Burden hours to create and certify: 160 sites x 8 hours = 1,280 hours.

Costs: 1,280 hours x \$38.89 = \$49,779

Burden hours to maintain/produce at jobsite: 5 (sites) x .08 hours = 1 hour rounded

Costs: 1 hour x \$17.60 = \$18

Total Burden Hours: 1,280 (create/certify) + 1 hour (maintain/produce) = 1,281 hours

Total Costs: \$49,779 (create/certify) + \$18 (maintain/produce) = \$49,797

§ 1926.903(e)

Paragraph (e) requires the employer to perform weekly inspections on the electrical system of trucks used for underground transportation of explosives. The employer must also maintain the most recent certification record.

OSHA staff with explosives background believes there is only one employer using a truck to transport explosives underground. It is estimated that it takes a truck mechanic 10 minutes (0.17 hour) a week to have the truck's electrical system checked and prepare the certification records. Upon inspection, it will take 5 minutes (0.08 hour) per week to file and maintain the most recent certified inspection record. Therefore, the employer will expend 15 minutes weekly to check the electrical system and to prepare, file, and maintain the necessary certification.

Burden hours: 1 employer 52 weeks x .25 hours = 13 hours

Costs: 13 hours x \$29.35 = \$381

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 services 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 respondents (fewer than 10), use 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.**

Costs under this item for complying with the information collection requirements of the Standard are set forth under Item 12.

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.

The Agency estimates that a compliance officer (GS-12, step 5), at an hourly wage rate of \$37.37³ spends about 60 minutes (1 hour) during an inspection reviewing the documents required by Subpart U. OSHA determines that its compliance officers will conduct 10 such inspections

³Source: 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.

during each year covered by this ICR.⁴ In making this cost determination, the Agency does not account for other occupational costs (e.g., equipment, overhead, and support staff expenses) because it considers these costs to be normal expenses that would occur without the collection of information requirements specified by Subpart U. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 10 (inspections) x 1 hour x \$37.37 = \$374

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

There are no changes to the burden hours which remain at 1,281. However, the Agency is removing the previous estimated \$800,000 cost for signs under Item 13. As discussed under sections 1926.900(i), 1926.902(h), 1926.903(m), 1926.905(p), and 1926.909(a) of Item 2 of this supporting statement, the Agency concluded that these requirements, which require posting of signs, are considered usual and customary industry practices. The language in these requirements was adopted from ANSI standards which have been in existence since before the time of OSHA's creation. After reconsideration, the Agency has determined that if these requirements are usual and customary, it should be considered a usual and customary activity for the employer to purchase the signs; therefore, the Agency removed the calculated \$800,000 for purchasing signs. In addition, the Agency has decreased the number of responses from 217 to 166 due to a miscalculation in the previous package.

16. For collections of information whose results will be published, outline plans for tabulations, 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 the Subpart.

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

There are no forms on which to display the expiration date.

18. Explain each exception to the certification statement.

OSHA is not requesting an exception to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.

This supporting statement does not contain any collection of information requirements that employ statistical methods.

⁴OSHA estimated the number of inspections by researching the IMIS data for Agency inspection experience over the last 10 years and by estimating that trend would continue for the life of this ICR. There were 97 inspections where 29 CFR part 1926, subpart U was cited between October 1, 1994 and July 31, 2005. Allowing for a few non-compliance inspections, the Agency estimates for 29 CFR part 1926, subpart U at 10 inspections per year.