

NOTE TO REVIEWERS

REVISION TO:

SUPPORTING STATEMENT FOR THE INFORMATION COLLECTION REQUIREMENTS OF REGULATIONS CONTAINING PROCEDURES FOR HANDLING OF RETALIATION COMPLAINTS OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NO. 1218-0236 (September 2012)

OSHA is requesting a non-substantive change to the currently approved collection of information requirements contained in “Regulations Containing Procedures for Handling of Retaliation Complaints,” to add a recently enacted whistleblower statute to this Information Collection Request (ICR).

OSHA anticipates an increase in burden hours due to the recent enactment of Section 31307 of the Moving Ahead for Progress in the 21st Century Act (MAP-21), P.L. 112-141, “Whistleblower Protections for Motor Vehicle Manufacturers, Part Suppliers, and Dealership Employees,” codified at 49 U.S.C. 30171, “Protection of employees providing motor vehicle safety information.” Although OSHA has not yet received a complaint for investigation under this statute, OSHA estimates that an additional 4 employees will take 1 hour to file complaints under this statute annually. OSHA is therefore requesting a program increase of 4 burden hours.

As indicated in the January 2011 ICR, the Agency estimates that it receives 2,503 retaliation complaints annually. With the addition of the 4 burden hours, OSHA estimates that employees file 2,507 complaints annually.

The Agency anticipates promulgating a procedural regulation for investigations conducted under this statute at a later date. Historically, OSHA has added burden hours to this ICR using the OMB 83-C worksheet at the same time the Agency promulgated the procedural rule for each of the whistleblower statutes delegated to the Agency for enforcement. (See, for example, ICR Reference No. 200306-1218-003 (06/02/03) and ICR Reference No. [200204-1218-003](#) (04/02/02).) However, because whistleblower statutes are effective upon enactment, OSHA begins to enforce the laws on the date of enactment using its statutory authority and general procedures. Thus, the Agency is seeking OMB approval prior to the promulgation the procedural rule for handling complaints under the MAP-21 statute.