

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
ELECTRICAL PROTECTIVE EQUIPMENT STANDARD (29 CFR 1910.137)
AND THE ELECTRIC POWER GENERATION, TRANSMISSION,
AND DISTRIBUTION STANDARD (29 CFR 1910.269)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NUMBER 1218-0190 (March 2013)**

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 Occupational Safety and Health Act's (OSH Act) main objective 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). In addition, 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).

Therefore, the Electrical Protective Equipment Standard at 29 CFR 1910.137 and the Electric Power Generation, Transmission, and Distribution Standard at 29 CFR 1910.269 addresses safety procedures for the use of electrical protective equipment and the installation and maintenance of electric lines and on equipment for workers in the workplace. Items 2 and 12 below describe in detail the specific information collection requirements of these Standards.

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.

OSHA is revising this information collection request to reflect the changes recognized. Each collection of information is described in detail below.

¹The purpose of this supporting statement is to analyze and describe the burden hours and costs associated with provisions of the Standards that contain paperwork requirements, and does not provide information or guidance on how to comply with or to enforce the Standards.

Power Generation, Transmission, and Distribution Standard; and Electrical Protective Equipment:

Electrical Protective Equipment Standard (§ 1910.137)

Testing Certification (§ 1910.137(c)(2)(xii))

Employers must certify that the electrical protective equipment used by their workers have passed the tests specified in paragraphs (c)(2)(viii), (c)(2)(ix), and (c)(2)(xi) of the standard. The certification must identify the equipment that passed the tests and the dates of the tests. This provision ensures that electrical protective equipment is reliable and safe for worker use and will provide adequate protection against electrical hazards.

Based on the review by Agency staff, OSHA has determined that these specifications are recognized under the current ASTM standards stated in the note of 1910.137 (ASTM D 120-87, ASTM D 1051—87, ASTM F 496-93b). The Agency has referenced these ASTM standards for years and continues to do so.

Therefore, OSHA has determined that it is a usual and customary practice for employers to have or stamp the test date on the electrical protective equipment. This collection of information does not pose any burden on the employer since this is usual and customary practice for the equipment to be certified based on the ASTM standards.

Electric Power Generation, Transmission, and Distribution Standard (§ 1910.269)

Training Certification (§ 1910.269(a)(2)(vii))

This provision requires employers to certify that each worker received the training specified in paragraph (a)(2) of the standard. Employers must provide certification after a worker demonstrates proficiency in the work practices involved.

The training conducted under paragraph (a)(2) of the standard must ensure that: workers are familiar with the safety-related work practices, safety procedures, and other procedures, as well as any additional safety requirements in the standard that pertain to their respective job assignments; workers are familiar with any other safety practices, including applicable emergency procedures (such as pole top and manhole rescue), and qualified workers have the skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment, can determine the nominal voltage of the exposed live parts, know the minimum approach distances specified by the standard for voltages when working on or near exposed and energized parts of electric equipment.

OSHA assumes that employers met the initial training requirements specified by paragraph (a) (2) of the standard prior to, or soon after, the Agency published 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.

OSHA wrote the information collection requirements of these Standards in performance-oriented language, i.e., in terms of what data to collect, not how to collect the data. Thus, employers may use “information technology” when establishing and maintaining the required records.

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 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 of the Standards 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 information collection requirements and their frequencies specified by the Standards are the minimum necessary to help: (1) to ensure that employers can determine the effectiveness of electrical protective equipment and electrical safety training, and (2) OSHA ascertain whether employers are in compliance with the equipment testing and training requirements.

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 described in this item.

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 January 23, 2013 (78 FR 4873) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in the Standards on Electrical Protective Equipment (29 CFR 1910.137) and Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency did not receive any comments in response to this notice.

9. Explain any decision to provide any payment 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 reason 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 information collection requirements in these Standards 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 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

OSHA estimates that there are 20,765 establishments and 275,000 workers² covered by these Standards.

Estimates of the burden hours and annual costs for each information collection requirement are shown below. Costs were tabulated by multiplying the burden hours by the average year September 2012 compensation rate, which includes the fringe benefits computed at 30.8 percent of the Standard Occupational Classification (SOC). The mean hourly wage for this SOC can be found in the *May 2011 National Occupational Employment and Wage Estimates, Installation, Maintenance, and Repair Occupations*.

Clerical Worker (Receptionists and information clerks) (SOC 43-4171)

\$16.81

Testing Certification (§ 1910.137(b)(2)(xii))

Based on the analysis and the staff expertise of the Agency, the test certification of electrical protective equipment is zero burden hours.

²The number of establishments was taken from the 2005 Preliminary Regulatory Impact Analysis (PRIA) on the for Proposed Standards for Work on Electric Power Generation, Transmission, and Distribution Lines and Equipment (29 CFR 1910.269 and 29 CFR part 1926, subpart V) and the number of workers was taken from the 2008-09 Edition, Occupational Outlook Handbook at <http://www.bls.gov/oco/ocos195.htm>.

Training Certification (§ 1910.269(a)(2)(vii))

This provision requires employers to certify that each worker has received the training specified in paragraph (a)(2) of the standard. Employers must provide certification after a worker demonstrates proficiency in the work practices involved. While OSHA accounts for the regulatory burden of this certification requirement, it takes no burden hours or costs for the training requirements specified in paragraph (a)(2) of the standard because these requirements are performance-oriented.

OSHA estimates that there are approximately 20,765 affected establishments within the scope of this standard with an estimated 275,000 workers. OSHA assumes that employers met the initial training requirements specified by paragraph (a)(2) of the standard prior to, or soon after, the Agency published the standard. OSHA estimates that it takes 1 minute (.02 hour) for a clerical worker to maintain the training certification for workers who have received prior training (existing workers).

However, training is required for newly-hired workers or those workers requiring training in new work practices, retraining, or refresher training (collectively referred to as “retraining/refresher training”).

To determine the number of newly-hired workers and those requiring retraining/refresher training, the Agency estimated the total number of workers covered by the standard -- 275,000. The RIA for the final standard determined that line-clearance tree trimmers, who accounted for 9.5 percent (26,125) of the workers covered by the standard, had the highest annual turnover rate at 73 percent (19,071 newly-hired workers), while the annual turnover rate for the remaining workers is 13 percent (32,354 newly-hired workers). Therefore, OSHA estimates the total number of new workers annually (both tree trimmers and remaining workers) is 51,425. In addition, the Agency estimates one percent of the 275,000 workers (2,750) will require retraining/refresher training.

The Agency estimates that it takes 1 minute (.02 hour) for a clerical to maintain training certification records for each existing worker and 3 minutes (.05 hour) to generate and maintain certification records for newly hired workers and those requiring retraining/refresher training.

Burden hours: 275,000 existing workers x .02 hour to maintain = 5,500 hours

Cost: 5,500 burden hours x \$16.81 = \$92,455

Burden hours: (51,425 + 2,750) = 54,175 newly-hired workers and those requiring retraining/refresher training x .05 hour to generate and maintain training certification records = 2,709 hours

Cost: 2,709 burden hours x \$16.81 = \$45,538

Total Burden Hours: 8,209 hours

Cost: \$ 137,993

Certification Disclosure for §1910.269 and §1910.134

OSHA believes that approximately 291 establishments covered by the Standards³ will be subject to an OSHA inspection and required to disclose certification records annually (see Item 14 below). This is estimated to take 2 minutes (.03 hour) for a first line supervisor/manager to disclose the records if requested.

Burden hours: 291 inspections x .03 hour = 9 hours

Cost: 9 burden hours x 39.11 = \$352

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), 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.**

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

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.

³OSHA estimated the number of inspections by multiplying OSHA's inspection rate (1.4%) by the number of establishments covered by this ICR (20,765) (i.e., 20,765 establishments x 1.4% = 291).

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$37.37,⁴ spends about 5 minutes (.08 hour) during an inspection reviewing the documents required by the Standards. The Agency has determined that its compliance officers will conduct about 291 inspections during each year covered by this ICR (see footnote 3). OSHA considers other expenses, such as equipment, overhead, and support staff salaries to be normal operating expenses that would occur without the information collection requirements specified by the Standards. Therefore, the total cost of these information collection requirements to the Federal government is:

$$\text{Cost: } 291 \text{ inspections} \times .08 \text{ hour} \times \$37.37 = \$870$$

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

OSHA is requesting to decrease the burden hours of the information collection requirements in the Standards from 34,208 hours to 8,218 hours, a total difference of 25,990 burden hours. Table 1 below describes each of the requested burden hour adjustments.

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 Standards.

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

These collection of information requirements employ no statistical methods.

⁴Source: 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.

Table 1: Requested Burden Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost under Item 12	Responses	Explanation of Adjustment
Testing Certification of Electrical Protective Equipment 1910.137(b)(2)(xii))	25,990	0	-25,990	\$0	0	Testing certification has become usual and customary for employers to have or stamp the test date on electrical protective equipment.
Training Certification (1910.269(a)(2)(vii)) --Maintaining of certification records for existing workers	5,500	5,500	0	\$92,455	275,000	No change.
--Generating and Maintaining certification records for new workers and those requiring retraining/refreshers training	2,709	2,709	0	\$45,538	54,175	No change.
Disclosure of Certification Records	9	9	0	\$352	291	No change.
TOTALS	34,208	8,218	-25,990	\$138,345	329,466	