

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENT OF THE
STANDARD ON DIPPING AND COATING OPERATIONS
(DIP TANKS) (29 CFR 1910.126(g)(4))¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NUMBER 1218-0237 (August 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).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA) published a Standard on Dipping and Coating Operations (Dip Tanks) (the "Standard"). Section 1910.126(g)(4) is to ensure that employers make workers aware of the minimum distance between goods being electrostatically deteared. Items 2 and 12 below list and describe 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.

Dipping and Coating Operations (Dip Tanks) (§ 1910.126(g)(4))

As specified in paragraph (g)(4), employers must conspicuously post on a sign the minimum safe distance of at least twice the sparking distance between goods being electrostatically deteared and the electrodes or conductors of the electrostatic equipment.

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 improved information technology when establishing and maintaining the required record. OSHA wrote the paperwork requirement of the Standard in performance-oriented language, i.e., in terms of what data to collect, not how to collect the data.

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, and does not provide information or guidance on how to comply with or to enforce the Standard.

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 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 information collection requirement of 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 not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information collection frequencies specified by the Standard are the minimum frequencies necessary to ensure that employers inform workers of the minimum safe sparking distance between goods being electrostatically deteared and the electrodes or conductors of the electrostatic equipment.

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 April 9, 2013 (78 FR 21159) soliciting comments on its proposal to extend the Office of Management and Budget's approval of the information collection requirement specified by the Standard on Dipping and Coating Operations (29 CFR 1910.126(g)(4)). 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.

The paperwork requirement in the Standard does not 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.

The paperwork requirement in the Standard does not 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.

- **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 should be included in Item 14.**

Burden Hour and Cost Determinations

Displaying the Minimum Safe Distance (§ 1910.126(g)(4))

This provision requires the employer to determine how far away goods being electrostatically deteared should be separated from electrodes or conductors. This distance is called the “safe distance.” This minimum distance must be displayed conspicuously on a sign located near the equipment.

OSHA has determined that where electrostatic equipment is being used, the information has already been ascertained and that the “safe distance” has been displayed on a sign in a permanent manner. The Agency does not believe that this equipment is currently being manufactured or used due to changes in technology. OSHA does not believe there is any burden associated with the information collection requirement in the provision; however, in accordance with regulations 5 CFR 1320.3(c)(4)(i), which deems any rule of general applicability to involve 10 or more persons, DOL is claiming a burden of 10 responses that each impose a burden of 5 minutes. In the absence of more precise information, the value of a respondent’s time has been calculated by increasing the average hourly earnings of employees on private nonfarm payrolls for April 2013 (\$23.89 per hour) by 40 percent to account for fringe benefits (a total of \$33.45 per hour). See *The Employment Situation—June 2013*, at 32, U.S. Department of Labor, Bureau of Labor Statistics, http://www.bls.gov/news.release/archives/empst_07052013.pdf. The monetized value of respondent time is estimated to be \$33.45.

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.)

Costs under this Item for complying with this Standard are included under those costs in 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.

There are no costs to the Federal Government because new technology has eliminated the need to manufacture or use electrostatic paint detearing equipment.

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

There are no program changes or adjustments associated with this Information Collection Request. While no responses have in fact been received, DOL has increased the number of responses from “1” to “10” in order to have the ICR comport to regulations 5 CFR 1320.3(c)(4)

(i), which deems any rule of general applicability to involve at least 10 respondents. The Agency has correspondingly adjusted the per response burden to maintain a time burden as close as is possible to the actual time of no hours.

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 inappropriate.

OSHA is not seeking such approval. There are no forms on which to display the expiration for the information collection requirement.

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