

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS OF
THE LOGGING OPERATIONS STANDARD (29 CFR 1910.266)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0198 (February 2014)**

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 purpose of the Occupational Safety and Health Act of 1970 (OSH 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). 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” or “the Agency”) published the Logging Operations Standard (“the Standard”) (29 CFR 1910.266). Paragraph (i)(10)(i) of the Standard specifies that employers must provide written certification that workers and supervisors completed the required training, including first-aid training, while paragraph (i)(10)(ii) mandates that employers retain these certificates until replaced by more recent certificates. Item 2 and 12 below describe the specific information collection requirements of these paragraphs.

- 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.**

Paragraph (f)(1)(iii) of the Standard requires the employer to assure that operating and maintenance instructions are available on machines or in the area where the machine is being

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

operated. Paragraph (g)(3) requires the employer to assure that operating and maintenance instructions are available in each vehicle.

Paragraph (i)(10)(i) specifies that employers must verify that they are in compliance with the training requirements in paragraph (i). This certification must be in writing and provide the following information: the name/identifier of the worker/supervisor; the date(s) of the training; and either the signature of the employer or the individual who conducted the training. Paragraph (i)(10)(ii) requires employers to maintain the most recent certification for training completed by a worker/supervisor.

Establishing and maintaining written certification of the training that each worker/supervisor has received (i.e., job and first aid) assures the employer that the training specified by the Standard has been conducted, and at the required frequencies. With regard to first aid training, the certification assures that the worker's/supervisor's training certificate is currently valid. In addition, these records provide the most efficient means for an OSHA compliance officer to determine whether an employer perform the required training at the necessary and appropriate frequencies.

- 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 records. OSHA 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 Item A.2 above.**

The information collection requirements in the Standard are specific to each employer and worker 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 the methods used to minimize burden.**

The information collection requirements specified by the Standard 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 the burden.**

The information collection frequency specified by the Standard (i.e., retention of the written training certification records until replaced) is the minimum frequency that the Agency believes is necessary to assure employers and OSHA compliance officers that workers/supervisors received the required training at the appropriate frequencies. Removing this frequency requirement would eliminate any documentation of the training completed by a worker/supervisor.

- 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 information collection requirements are consistent with the guidelines provided 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 December 5, 2013 (78 FR 73206) requesting public comment on its proposed extension of the information collection requirements contained in the Logging Operations Standard (29 CFR 1910.266). 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 the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the above Standard. The Agency did not receive any comments on this request.

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 requirements specified by the Standard do 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 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 does not involve 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 estimate for each form and aggregate the hour burdens.
- Provide estimates of annualized cost to respondents for the hour burdens for collection of information, identifying and using appropriate wage-rate categories.

Burden-Hour and Cost Determination

The following sections summarize the burden hour and cost determinations for the information collection requirements specified by the Standard. In determining the burden hours and cost associated with these requirements, OSHA estimated that the logging industry, including timber tract operations, currently has 49,959 workers/supervisors and 8,286 logging establishments.²

The Agency determined average wage rates using average hourly earnings. For the relevant occupational categories, OSHA adjusted the mean hourly earnings from the *May 2012 National Occupational Employment and Wage Estimates*, Occupational Employment Statistics, Bureau of Labor Statistics, U.S. Department of Labor, to allow for fringe benefits, which comprise about 30.9 percent of total compensation in the private sector. With wages comprising 69.1 percent of worker compensation, the Agency multiplied wages by 1.45 (1/0.691) to derive total hourly employee compensation. Therefore, the costs of labor used in this analysis are estimates of total hourly compensation. These estimates are:

- Logging Managers (Supervisory) (45-1011) \$33.35
- Logging Equipment Operators (45-4022) \$23.79
- Secretary (43-6014) \$23.39

(A) Maintenance and Operating Instructions (§§ 1910.266(f)(1)(iii) and (g)(3))

Under paragraphs (f)(1)(iii) and (g)(3) of the Standard, employers must assure that operating and maintenance instructions are available on machines or in the area where the machine is being operated, and in vehicles. Based on the Regulatory Impact Analysis (RIA) for the Revisions to the Standard, equipment manufacturers include operator's manuals with new logging machines. For those machines with no operating instructions in the cab, the employer will be required to

²Source: U.S. Census Bureau, Statistics of U.S. Businesses: 2012, NAICS 1133-Logging, United States.

obtain and retain a manual within the immediate work area of each machine. Vehicles, however, have special compartments to hold manuals which make the likelihood of loss or destruction of manuals a rare event. Since the Logging Operations final rule has been in effect since 1995, OSHA assumes that all employers are in compliance with the provision to have operating and maintenance instructions available on machines or in the areas where the machines are being operated.

However, OSHA realizes that there may be incidents where the instructions might be lost, misplaced, or destroyed and need to be replaced. Therefore, for purposes of calculating burden hours, the Agency estimates that approximately 10 percent of the establishments (829) will have at least one machine manual replaced annually and that it will take a logging equipment operator with an hourly wage rate of \$21.48 approximately 10 minutes (.17 hour) to locate the manual either on the premises or by calling the manufacturer for a replacement manual, and placing the instructions in the equipment.³ Accordingly, the annual burden hours and cost of the paperwork requirement for 1910.266(f)(1)(iii) are:

Burden hours: 829 establishments x .17 hour = 141

Cost: 141 hours x \$23.79 = \$3354

(B) Certification of Training (§ 1910.266(i)(10)(i) and (i)(10)(ii))

Paragraph (i)(10)(i) requires employers to certify in writing that a worker/supervisor received the training the Standard requires. Under paragraph (i)(10)(ii), employers need only maintain the most recent certification for training (job training and first aid training) that a worker/supervisor has received.

Based on the Regulatory Impact Analysis (RIA) for the Standard, there is an estimated turnover rate in the industry of 32 percent or approximately 15,987 workers ($49,959 \times .32 = 15,987$). Each year employers must maintain 33,972 ($49,959 - 15,987$) training certifications for already trained workers/supervisors, as well as generate and maintain 15,987 new training certifications for the worker/supervisors who require initial training, new training, or retraining. Accordingly, OSHA estimates that a secretary at an hourly wage rate of \$23.39 will take one minute (.02 hour) to maintain each existing (33,972) training certifications and three minutes (.05 hour) to generate and maintain each new (15,987) training certification. The Agency believes that employers have developed the necessary training materials earlier and, as a result, do not need to revise this material during the period covered by this ICR. Therefore, the Agency is taking no burden hours

³Regulatory Impact Analysis for the Revisions to the Pulpwood Logging Standard (29 CFR 1910.266), pp. III-9-10, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis, June 30, 1994.

or cost for employers to develop or revise the training materials required by the Standard. Therefore, the annual burden hours and cost of these paperwork requirements are:

Burden hours: 33,972 existing training certifications x .02 hour = 679

Cost: 679 hours x \$23.39 = 15,882

Burden hours: 15,987 new training certifications x .05 hour = 799

Cost: 799 hours x \$23.39 = \$18,689

(C) Disclosure of Training Certification Records

OSHA estimates that approximately 116 employers covered by the Standard⁴ will be subject to an OSHA inspection and required to disclose training certification records annually (see Item 14 below). OSHA estimates that it will take a supervisor 2 minutes (.03 hour) to disclose the requested information.

Burden hours: 116 inspections x .03 hours = 3

Cost: 3 burden hours x \$33.35 = \$100

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 determined under Item 12 accounts for the total annual cost burden to respondents or recordkeepers resulting from these collections of information requirements.

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 Item 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 116 such

⁴ OSHA determined the number of inspections by calculating an overall inspection rate of 1.4% for all employers under its jurisdiction, then applying this percentage to the number of establishments (8,286) covered by these paperwork requirements (8,286 x .014 = 116).

⁵Source: U.S. Office of Personnel Management, *General Schedule and Locality Tables, Salary Table 2013-RUS*, <http://www.opm.gov>.

inspections of employers regulated by the Standard during each year covered by this ICR (see footnote 4). OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirements specified by the provision. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 116 inspections x .08 hour x \$37.37 = \$347

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

OSHA is requesting an adjustment decrease in the number of burden hours for the information collection requirements in the Standard from 25,957 hours to 1,622 hours for a total decrease of 24,335 burden hours. Based on updated data, the Agency found that the number of establishments decreased and the number of workers decreased as well. Also, upon further analysis, the requirements that employers provide training to workers are not considered collections of information and are being removed from this ICR. Table 1, Requested Burden-Hour Adjustments below explains the proposed decrease in burden 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 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 in ROCIS.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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

Table 1: Requested Burden-Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Requested Cost Under Item 12	Total Responses	Explanation of Adjustment
Maintenance and Operating Instructions (§§ 1910.266(f)(1)(iii) and (g)(3)	171	141	-30	\$3,354	829	Adjustment decrease based on updated data; the number of establishments decreased from 10,086 to 8,286.
Training Requirement, Frequency, and Content (§§ 1910.266(i)(1), (i)(2), and (i)(3))	23,025	0	-23,025	\$0	0	Upon further analysis, the requirements that employers provide training to workers are not considered collections of information and are being removed from this ICR.
Certification of Training (§§ 1910.266(i)(10)(i) and (i)(10)(ii))	209	679	470	\$15,882	33,972	An overall adjustment decreased based on updated data; the number of workers decreased from 61,400 to 49,959. Burden hour increase of 470 results from correcting burden hour methodology.

	2,548	799	-1,749	\$18,689	15,987	
Disclosure of Training Certification Records	4	3	-1	\$100	116	OSHA estimates that approximately 116 employers/establishments covered by the Standard will be subject to an OSHA inspection and required to disclose training certification records annually (see Item 14). OSHA estimates that it will take a supervisor 2 minutes (.03 hour) to disclose the requested information.
TOTAL	25,957	1,622	-24,335	\$38,025	50,904	