

**SUPPORTING STATEMENT FOR THE  
INFORMATION COLLECTION REQUIREMENTS OF THE  
FIRE BRIGADES STANDARD (29 CFR 1910.156)<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
Control No. 1218-0075 (July 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 (“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). In addition, the OSH Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records regarding . . . 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). OSH Act specifically authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published the Fire Brigades Standard (the “Standard;” 29 CFR 1910.156). The Standard imposes the following paperwork requirements on each employer who establishes a fire brigade: Write an organizational statement; ascertain the fitness of workers with specific medical conditions to participate in fire related operations; and provide appropriate training and information to fire brigade members. Items 2 and 12 below describe the specific information collection requirements 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.**

Although OSHA does not mandate that employers establish fire brigades, if they do so, they must comply with the provisions of the Standard. The provisions of the Standard, including the paperwork requirements, apply to fire brigades, industrial fire departments, and private or contract fire departments, but not to airport crash rescue units or forest fire-fighting operations. Paragraphs (b)(1), (b)(2) and (c)(4) contain the paperwork requirements of the Standard.

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

Under paragraph (b)(1) of the Standard, employers must develop and maintain an organizational statement that establishes the: Existence of a fire brigade; the basic organizational structure of the brigade; type, amount, and frequency of training provided to brigade members; expected number of members in the brigade; and functions that the brigade is to perform. This paragraph also specifies that the organizational statement must be available for review by workers, their designated representatives, and OSHA compliance officers. The organizational statement delineates the functions performed by the brigade members and, therefore, determines the level of training and type of personal protective equipment (PPE) necessary for these members to perform their assigned functions safely. Making the statement available to workers, their designated representatives, and OSHA compliance officers ensures that the elements of the statement are consistent with the functions performed by the brigade members and the occupational hazards they experience, and that employers are providing training and PPE appropriate to these functions and hazards.

To permit a worker with known heart disease, epilepsy, or emphysema to participate in fire brigade emergency activities, paragraph (b)(2) of the Standard requires employers to obtain a physician's certificate of the worker's fitness to do so. This provision provides employers with a direct and efficient means of ascertaining whether or not they can safely expose workers with these medical conditions to the hazards of firefighting operations.

Under (c)(4) of the standard, the employer shall inform fire brigade members about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The fire brigade members shall also be advised of any changes that occur in relation to the special hazards. The employer shall develop and make available for inspection by fire brigade members, written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.

**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 burdens.**

Employers may use any available technology to provide the required information.

**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 A.2 above.**

The information collection requirements in the Standard are specific to each employer 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 the methods used to reduce the 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 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 Standard 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 required information collections, or delay in providing this information, fire brigade members will be at increased risk of serious injuries or death while exposed to fire related hazards.

**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 using the procedures specified by this item. The requirements are within 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.**

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c) (2) (A)), OSHA published a notice in the *Federal Register* on May 23, 2014, (79 FR 29803) soliciting public comments on its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Fire Brigades Standard (29 CFR 1910.156). This notice was a part of a preclearance consultation program that provides interested parties, the general public, and government agencies with an opportunity to comment by submitting their comments to OSHA's docket; docket number OSHA-2011-0009. The Agency received one comment in response to its notice from a Aaron Adamczyk, Private Citizen, docket exhibit number (ID OSHA-2011- 0009-0007) .

Mr. Aaron Adamczyk did not comment on any aspect of the collection of information requirements contained in the Standard. Rather he referenced the NFPA 1971 "Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting," 2013 Edition. OSHA notes that the Standard does not reference the latest NFPA standard; however, the outdated NFPA standard does not impact the collection of information requirements contained in the Standard; therefore, the Agency will retain its burden hour and cost estimates.

OSHA recognizes that its regulations do not reflect the latest editions of consensus standards and has undertaken a multi-year project to update these standards. A notice describing the project was published in November 2004 (69 FR 68283). Additional information about this project may be found in the spring 2014 Regulatory Agenda (Regulatory Action Titled: Updating OSHA Standards Based on National Consensus Standards Eye and Face Protection, RIN: 1218-AC87).

**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 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 Standard 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.**

## **Burden Hour and Cost Determinations**

The following sections describe the burden hour and cost estimates for the information collection requirements specified by the Standard. These sections determine burden hours and cost separately for the written organizational statement, and for providing appropriate information for fire brigade members. According to the 2011 United States Census Bureau County Business Patterns,<sup>2</sup> there are 23,247 manufacturing facilities with 100 or more workers. OSHA estimates that these information collection requirements result in a total of 2,510 burden hours.

### **(A) Organizational Statement (§ 1910.156(b)(1))**

As mentioned above, the US Census Bureau estimates that there are 23,247 manufacturing facilities with 100 or more workers. The Agency estimates that all of these facilities would have fire brigades. Additionally, the Agency assumes that each year, five percent (i.e., 1,162) of the total establishments either develop new or revised organizational statements for their fire brigades. OSHA estimates that a fire prevention manager, at a wage rate of \$45.31,<sup>3</sup> spends an average of two hours developing or revising a statement. Therefore, the annual burden hour and cost estimates for this recordkeeping requirement are:

**Burden hours:** 1,162 statements x 2 hours = 2,324

**Cost:** 2,324 hours x \$45.31 = \$105,300

### **(B) Physician Certification (§ 1910.156(b)(2))**

Based on staff expertise, the Agency assumes that the average fire brigade consists of 10

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<sup>2</sup><http://censtats.census.gov/cgi-bin/cbpnaic/cbpsect.pl> (US Census Bureau County Business Patterns)

<sup>3</sup>Source: *National Compensation Survey: Occupational Wages in the United States, September 2013*, U.S. Department of Labor, Bureau of Labor Statistics, December 2013. Wage rate derived from: Blue collar: Service: Protective Service: Supervisors, firefighters and fire prevention. Wage rate includes benefits of 30.9 percent.

members. Therefore, OSHA estimates that the 23,247 fire brigades have about 232,470 members. This figure estimates 10 members per fire brigade. However, the Agency has no data to determine the number of brigade members with known heart disease, epilepsy, or emphysema who need a physician's certificate of fitness to perform interior structural firefighting; thus, for the purposes of this determination, OSHA assumes employers will obtain physician certificates from one percent (i.e., 2,325) of brigade members. The Agency estimates that it will take a manager five minutes (.08 hour) to obtain the certificate from the worker, resulting in the following yearly burden hour and cost estimates:

**Burden hours:** 2,325 certificates x .08 hour = 186

**Cost:** 186 hours x \$45.31 = \$8,428

**(C) Information (§ 1910.156(c)(4))**

Upon further reflection, the Agency has determined that the training requirements found in §§ 1910.156(c)(1) and (c)(2) are not subject to the implementing rules and guidelines required by the Paperwork Reduction Act of 1995 (PRA-95). Therefore, the Agency will incur no burden hours or cost for these paragraphs.

Paragraph (c)(4) of the Standard requires employers to inform fire brigade members regarding special hazards such as storage and the use of flammable liquids and gases, toxic chemicals, radioactive sources, and water-reactive substances that may be present during fires and other emergencies, as well as any changes in the special hazards. It also requires that employers develop written procedures describing the actions that brigade members are to take when special hazards are present, and to make these procedures available in the education and training program and for review by brigade members. The Agency believes that it is a usual and customary practice for employers with fire brigades to provide information to brigade members. OSHA believes that employers meet the requirement when they develop or update organizational statements under paragraph (b)(1) of the Standard. Accordingly, OSHA is taking no burden hours or cost for either of these paperwork requirements.

**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 service 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 respondent (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.

The cost determined under Item 12 accounts for the total annual cost burden to respondents or recordkeepers resulting from these collection 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), 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.**

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$37.74,<sup>4</sup> spends about five minutes (.08 hour) during an inspection reviewing the paperwork requirements of the Standard. OSHA has determined that its compliance officers will conduct 816 such inspections during each year covered by this ICR.<sup>5</sup> The Agency considers other expenses, such as equipment, overhead, and support staff salaries, as normal operating expenses that would occur without the collection of information requirements specified by the Standard. Therefore, the total cost of these paperwork requirements to the Federal government is:

$$\text{Cost: } 325 \text{ inspections} \times .08 \text{ hour} \times \$37.74 = \$981$$

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

There is an overall adjustment decrease of burden hours for this ICR. The burden hours have decreased by 3,782 hours (from 6,292 to 2,510 hours). The adjustment primarily is due to a decrease in the estimated number of manufacturing facilities with 100 or more workers. The total number of manufacturing facilities decreased since the last ICR from 58,250<sup>6</sup> to 23,247, a decrease of 35,003 facilities.

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<sup>4</sup>SOURCE: U.S. Office of Personnel Management, *General Schedule and Locality Tables, Salary Table 2014-RUS*, [http://www.opm.gov/oca/11tables/pdf/rus\\_h.pdf](http://www.opm.gov/oca/11tables/pdf/rus_h.pdf).

<sup>5</sup>The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all facilities under the jurisdiction of the OSH Act (including both Federal OSHA and approved state-plan agencies), and then multiplying the total number of establishments having fire brigades (i.e., 23,247 by this percentage (i.e., 23,247 establishments x 1.4% = 325 inspections).

<sup>6</sup>OSHA's 2011 ICR inadvertently overestimated the number of relevant manufacturing establishments by referencing not all manufacturing establishments with 100 or more employees, but all establishments in *firms* with 100 or more employees. Many such firms have multiple smaller establishments. The number of manufacturing facilities with 100 or more workers should have been 28,519.

**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.**

OSHA lists current valid control numbers in §§1910.8, 1915.8, 1917.4, 1918.4, and 1926.5 and publishes the expiration date in the Federal Register notice announcing OMB approval of the information collection requirement. (See 5 CFR 1320.3(f)(3).) OSHA believes that this is the most appropriate and accurate mechanism to inform interested parties of these expiration dates.

**18. Explain each exception to the certification statement.**

OSHA is not requesting an exception to the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

There are no collections of information employing statistical methods.

**Requested Burden Hours**

<b>Information Collection Requirement</b>	<b>Current Burden Hours</b>	<b>Requested Burden Hours</b>	<b>Difference</b>	<b>Cost Under Item 12</b>	<b>Number of Responses</b>
(A) Organizational Statement (§ 1910.156(b)(1))	5,826	2,324	-3,502	\$105,300	1,162
(B) Physician Certification (§ 1910.156(b)(1))	466	186	-280	\$8,428	2,325
(C) <u>Information (§1910.156 (c) (4))</u>	0	0	0	\$0	0
<b>TOTALS</b>	<b>6,292</b>	<b>2,510</b>	<b>-3,782</b>	<b>\$113,728</b>	<b>3,487</b>



