

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
CONSTRUCTION STANDARDS ON POSTING
EMERGENCY TELEPHONE NUMBERS AND FLOOR LOAD LIMITS
(29 CFR 1926.50(f) and 1926.250(a)(2))¹
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NO. 1218-0093 (August 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) 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). Accordingly, section 6(b)(7) of the OSH Act specifically authorizes that “[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure” (29 U.S.C. 655).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published paragraph (f) of §1926.50 (Standard on Medical Services and First Aid) requiring that employers must post emergency telephone numbers at worksites if 911 emergency telephone service is not available. Additionally the Agency published paragraph (a)(2) of §1926.250 (Standard on General Requirements for Storage) specifying that employers must post maximum safe load limits for floors in storage areas inside buildings or other structures under construction, unless the floors rest on grade (sit on the ground). Items 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.

Two construction standards, § 1926.50 (“Medical Services and First Aid”) and §1926.250 (“General Requirements for Storage”), contain posting provisions. Paragraph (f) of §1926.50 requires employers to post emergency telephone numbers for physicians, hospitals, or

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

ambulances at the worksite if 911 emergency telephone service is not locally available. In the event a worker is seriously injured at the worksite, posting the emergency telephone number expedites emergency medical treatment for the worker. Section 1926.250, paragraph (a)(2) specifies that employers must post the maximum safe load limit of floors located in storage areas inside buildings or other structures under construction, unless the floors are on grade. This provision prohibits employers from exceeding the maximum safe load limit for off-the-ground storage-area floors and avoids catastrophic collapses. Direct ground support keeps the floors from collapsing and seriously or fatally injuring workers.

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 any available technology to meet the paperwork requirements specified by §1926.50(f) and § 1926.250(a)(2). The Agency wrote these provisions in performance-oriented language, i.e., in terms of what information to provide, not how to provide it.

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 information collection requirements in §1926.50(f) and § 1926.250(a)(2) are specific to each employer involved, and no other sources or agencies duplicate these requirements or can make the required information available to OSHA, i.e., the required information is available only from the 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 specified by §1926.50(f) and §1926.250(a)(2) 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 Agency believes that the information collection frequencies required by the Standards 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 information collections required by § 1926.50(f) and §1926.250(a)(2), or delay in providing this information, emergency treatment of workers seriously injured at the worksite may not be available in a timely fashion, and employers may catastrophically overload floors in storage areas of buildings and structures under construction. Construction workers would face increased risk of serious injury and death, if emergency treatment is not readily available, or if floors over, under, or near them collapse.

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 specified by this item; the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2) are within the guidelines set forth in 5 CFR 1320.6.

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 June 10, 2014 (79 FR 33216) soliciting comments on its proposal to extend the Office of Management Budget's (OMB) approval of the information collection requirements specified in the Construction Standards on Posting Emergency

Telephone Numbers and Floor Maximum Safe Load Limits (29 CFR 1926.50(f) and 1926.250(a)(2) respectively). This notice was a part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received one comment in response to this notice from Mr. Aaron Adamczyk (ID: OSHA 2011-0032).

Mr. Adamczyk simply listed the ANSI standard on ANSI/ISEA.1 Z308.1 “American National Standard-Minimum Requirements for Workplace First Aid Kits and Supplies and the International Safety Equipment Association. OSHA notes that the Standard does not reference the latest ANSI standard; however, the outdated ANSI 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 payment or gift to respondents, other than remuneration 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 §1926.50(f) and §1926.250(a)(2) 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 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 requirements specified by §1926.50(f) and §1926.250(a)(2) 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 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

The following sections describe the burden hour and cost estimates for the information collection requirements specified by §1926.50(f) and §1926.250(a)(2); these sections determine burden hours and cost separately for posting emergency telephone numbers and floor load limits. OSHA estimates that these information collection requirements result in a total of 106,179 burden hours and a wage hour cost of \$2,286,035.

(A) Posting Emergency Telephone Numbers (§ 1926.50(f))

OSHA determines the burden hours and wage hour costs for employers to post emergency telephone numbers and emergency information based on the number of construction project sites. To estimate the number of project sites, OSHA first reviewed the Dodge Construction Potentials Bulletin (“The Bulletin”) for December 2013 published by McGraw Hill Construction. The Bulletin shows that the industry started a total of 50,727 non-residential building construction projects in 2013 and an additional 65,171 non-building projects in the same year.

Second, OSHA reviewed U.S. Commerce Department reports through the Census Bureau that identified 483,000 single family homes were completed in 2012 and that an additional 9,000 multifamily buildings were completed that year. OSHA notes that more than one single family home may be built at a project site requiring the posting of emergency telephone numbers. The Agency determined that construction contractors build approximately half of the single family houses at single house project sites, or 241,500 project sites. Additionally, they build the other 241,500 one family houses at multiple-house project sites. (i.e., 2 or more houses per job site.). Assuming the most burdensome case scenario, that multiple-house project sites each only hold two houses, the total number multi-house project sites is 120,750 (241,500 ÷ 2 houses per project site = 120,750).

Therefore, the total number of construction project sites covered by this provision is: 487,148.

Non-Residential Building	50,727
Non-building Construction	65,171
Projects	
One family house sites	241,500

More than one family house per site	120,750
Multi-family Building Sites	9,000
Total	487,148

The Government Printing Office Report shows that 99% of the country's population is covered by wireline 911 service.² Therefore, OSHA assumes 99% of the 487,148 worksites have access to wireline 911 emergency telephone service. Notably the Report shows that 98% of the population is covered by phase one wireless 911 service and that 97% has phase two wireless coverage by at least one cellphone carrier. (Phase one provides call centers with calling telephone numbers and receiving cellphone tower locations. Phase two service additionally provides geographic location coordinates usually to within 50-300 meters of the caller.³) Since the Agency has no data indicating coverage overlaps among the three systems, wireline, wireless phase one and wireless phase two, OSHA will continue to estimate that 99% of construction-sites have 911 service coverage. It follows that the remaining 1% of project sites rounded up (or 4,872 sites) must post emergency telephone numbers. The Agency assumes that on average a non-supervisory construction worker earning \$21.53 per hour⁴ takes 3 minutes (.05 hour) to obtain the emergency phone number(s), write the information on material, and then to post the information at a conspicuous location as required by §1926.50(f).

Therefore, the estimated burden hours and wage hour cost of this paperwork requirement are:

Burden hours: 4,872 project sites x .05 hour = 244 hours
Cost: 244 hours x \$21.53 = \$5,254

(B) Posting Floor Load Limits (§ 1926.250(a)(2))

OSHA believes that during construction of multi-story buildings and structures, employers usually store building materials on elevated floors as the structure climbs. Section 1926.250(a)(2) requires that employers post the maximum safe load limits in pounds per square foot for floors used for elevated storage. The standard requires the posting be done prior to storage use in order to prevent overloading and possible floor collapse. The Agency finds that, as a usual and customary business practice, floor load limits are readily available from

² U.S. Government Printing Office, *Telecommunications States' Collection and Use of Funds for Enhanced 911 Services*, p. 5.

³ U.S. Government Printing Office, *911 SERVICES Most States Used 911 Funds for Intended Purposes, but FCC Could Improve Its Reporting on States' Use of Funds* (April 2013), pp. 6-8.

⁴ *Source:* The wage rate is for a non-supervisory construction worker is taken from the most recent data from *Employer Cost for Employee Compensation--June 2013*, Bureau of Labor Statistics, U.S. Department of Labor. The wage rate includes fringe benefits of 29.9 percent.

engineering drawings maintained at the worksite. Many jurisdictions require these figures by building code.

The Agency determines that construction contractors at single-story sites store building materials on the ground, or on floors often called “slabs on grade” (supported directly by the ground). At projects where the single story structures are built over basements, partial basements or crawl spaces, contractors that store materials on the floors not supported by the ground must acquire and post the safe load limits as done for multi-story structures. The Agency estimates that during the construction of each building or structure, employers store building materials on average at two specified, elevated areas. OSHA estimates on average that a non-supervisory construction worker spends a total of 15 minutes per project (.25 hour) retrieving the floor load limit data, preparing two signs using readily available materials, and then posting the signs as required by §1926.250(a)(2). The Agency assumes here, as above, that on average a non-supervisory construction worker earns \$21.53 per hour.

The Agency estimates that there are 423,737 locations on construction projects that require floor storage area load limit posting. This number is estimated using Dodge 2013 contract bulletin data and U.S. Commerce Department Census Bureau 2012 residential building completion data. Agency staff bases its estimates on the published Dodge 2013 and Census Bureau 2012 data using its knowledge of the industry and conversations with knowledgeable industry representatives.

The Agency attributes changes since the last review to variations experienced by the construction industry over the last few years. The Dodge 2013 bulletin data show a total of 50,727 non-residential building project contracts for 2013. The Agency conservatively estimates that all of them are subject to floor load posting requirements. The Agency does not include any Dodge bulletin non-building construction data in this calculation because of the nature of the work sites. They are largely considered horizontal construction (roads, highways, sewerage, etc.) and are on the ground.

The Commerce Department’s Bureau of Census 2012 report estimated there are 213,000 single family one story houses. The Report estimates thirty percent of these houses (63,900) have full or partial basements. Also, another 16% (34,080) of these houses are over crawl spaces. Because their floors are not resting on the ground these 97,980 one story homes are subject to the storage-floor load posting requirements. In addition, the Bureau of Census 2012 report data indicate that 266,000 new one-family houses have two or more stories above ground, which makes them subject to storage-floor load limit postings as well. Therefore, Agency staff estimate that 372,980 (266,000 two story houses plus 97,980 one story houses plus all 9,000 multifamily houses) are subject to §1926.250(a)(2) requirements. The 50,727 non-residential building projects plus the 372,980 residential projects total 423,737 storage-floor maximum safe load-limit-posting required projects.

Accordingly, the yearly burden hour and wage hour cost estimates for this requirement are:

Burden hours: 423,737 pairs of signs x .25 hour to develop and post = 105,934 hours

Cost: 105,934 hours x 21.53 = \$2,280,759.

**Summary of Burden Hours and Cost Under Item 12 for Posting
Emergency Telephone Numbers and Floor Load Limits (29 CFR
1926.50(f) and 1926.250(a)(2))**

Collections of Information	Current Burden Hours	Requested Burden Hours	Adjustments	Cost Under Item 12	Responses
(A) Posting Emergency Telephone Numbers (§1926.50(f))	124	244	120	\$5,254	4,872
(B) Posting Floor Load Limits (§ 1926.250(a)(2))	138,954	105,934	-33,020	\$2,280,759	423,737
Total	0	0	0	0	0

13. Provide an estimate of the total annual cost burden to respondents or record-keepers 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.

Item 12 above provides the total cost of the information collection requirements specified by §1926.50(f) and §1926.250(a)(2).

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.

The Agency estimates that a compliance officer (GS-12, step 5), at an hourly wage rate of 37.74⁵ spends about 5 minutes (.08 hour) during an inspection reviewing the information posted as required by §1926.50(f) and § 1926.250(a)(2). In Fiscal Year 2010, the latest year for which data is available, OSHA conducted 103 inspections resulting in no citations of §1926.50(f) and 26 inspections resulting in 2 citations of §1926.250(a)(2). Since the construction industry, by commercially available estimates has been contracting, the number of projects has decreased significantly since 2009's burden calculation. OSHA estimates that these inspection numbers will likely remain about the same or increase slightly during the next three year period. In revising this burden calculation, the Agency allows for a slight increase to 200 inspections annually of these requirements. 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 §1926.50(f) and §1926.250(a)(2). Therefore, the total cost of these paperwork requirements to the Federal Government is:

Cost: 200 inspections x .08 hour x \$37.74= \$604 (rounded)

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

The Agency is requesting an adjustment decrease of 32,900 burden hours (from 139,078 hours to 106,178 hours) as a result of a decline in construction projects. In the previous ICR, there were a reported 594,554 construction projects; however, new data indicates that in 2012-2013, there were only 487,148 construction projects subject to these posting requirements.

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 §1926.50(f) and §1926.250(a)(2).

⁵Source: U.S. Office of Personnel Management, *General Schedule and Locality Tables, Salary Table 2014-RUS*, <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/salhr1.pdf>.

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

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