

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS OF
THE STANDARD ON MATERIAL HOISTS,
PERSONNEL HOISTS, AND ELEVATORS (29 CFR 1926.552)¹
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NO. 1218-0231 (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 objective of the Occupational Safety and Health Act of 1970 (i.e., the OSH Act) is to “assure as 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 Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, the OSH Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health and Human Services, such records as the [Secretaries] may prescribe by regulation as necessary or appropriate for the enforcement of this Act [...]” (29 U.S.C. 657). The Act states further that “[t]he Secretary and Secretary of Health and Human Services shall each prescribe such rules and regulations as [they] may deem necessary to carry out [their] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (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 Material Hoists, Personnel Hoists, and Elevators Standard (29 CFR 1926.552) (the “Standard”) to protect workers who operate and work around the hoists and elevators. Items 2 and 12 below list and describe the specific information collection requirements of this 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.

¹ The purpose of this supporting statement is to analyze and describe the burden hour and cost 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, these provisions.

Posting, Inspecting, Testing and Records Certification Requirements

Section 1926.552 requirements were largely usual and customary practices being followed by the industry at the time of the Agency's creation. Section 1926.552 is comprised of four subsections: Subsection (a) is generally applicable requirements. It consolidates posting, inspection and testing requirements for each of the other subsections (b), (c), and (d). The requirements echo those found in ANSI standards A10.4-1963, Safety Requirements for Workmen's Hoists, ANSI A10.5-1969, Safety Requirements for Material Hoists, and A17.1, Elevators, Dumbwaiters, Escalators and Moving Walks, and A17.2, Practice for the Inspection of Elevators: Inspector's Manual.

Although §1926.552 expressly requires hoist or elevator information postings and inspections and tests, much of the industry follows these as continuing customary practices from early ANSI standard days. The Agency recognizes them as usual and customary practices for the construction industry and accordingly takes a limited burden hour charge for the §1926.552 requirements.

Posting Requirements

Subsection 1926.552(a)(2) is a general requirement that applies to all material hoists, personnel hoists and elevators. It requires that "[r]ated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be posted on cars and platforms." Equipment type specific requirements supplement the general requirements.

Subsection 1926.552(b)(1)(i) specifies that "Operating rules shall be established and posted at the operator's station of the [material] hoist. Such rules shall include signal system and allowable line speed for various loads. Rules and notices shall be posted on the car frame or crosshead in a conspicuous location, including the statement "No Riders Allowed."

Subsection 1926.552(c)(10) requires that personnel hoist cars be provided with a capacity and data plate secured in a conspicuous place on the car or crosshead. This requirement more specifically identifies where to post capacity and data information for personnel hoists only.

Subsection 1926.552(d) relies on subsection (a) for requirements.

Operators, passengers as well as inspection, test and maintenance crews use the required postings to determine how to safely use the hoists or elevators. Posted information includes safe material and passenger capacities, as well as safe speeds, warnings or other instructions and signal information. The particular postings depend on each machine's particular configuration. Proper and accurate postings facilitate correct machine use and help avoid catastrophic failures. Such failures would endanger employees in the immediate vicinity as well as ones using or on the machines themselves.

Inspections, Tests, and Records Certification Requirements

Section 1926.552(c)(15) requires that after assembly and erection, and before being put into service all personnel hoist functions and safety devices be inspected and tested. Also the section requires that a competent person supervise the inspection and testing. A similar inspection and test is required following major alteration of an existing personnel hoist installation. This section also requires that all personnel hoists be inspected and tested at “not more than 3-month intervals.” Additionally §1926.552(c)(15) requires that a certification record of the most recent inspection and test must be kept on file. The record must include the inspection and test completion date, the hoist identification, and the signature of the person who performed the inspection and test.

Subsection 1926.552(c)(17)(iii) requires that personnel hoists used in bridge tower construction “[...]be inspected and maintained on a weekly basis [and additionally inspected whenever] exposed to winds exceeding 35 miles per hour.

Subsection 1926.552(d) does not expressly require inspection and testing but relies on subsection 1926.552(a)(2) as discussed above and, mostly on local code inspection requirements.

In sum, the inspections, testing and certification requirements ensure that the hoists or elevators are regularly evaluated and found fit for use on construction sites. The certification ensures that hoists have been inspected, tested and found fit for safe operation. The certified record facilitates the inspection process as well as repair and maintenance activity and in turn improves safety against devastating collapses or failures.

Disclosure of Inspection and Test Certification Records

OSHA Compliance Safety and Health Officers (CSHO) will request inspection/test records during OSHA site inspections to ensure that appropriate care and oversight of hoist and elevator use has taken place and continues to take place. The Agency inspects sites for safety compliance to protect workers from being exposed to hoist or elevator hazards.

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 automated, electronic, mechanical, or other technological information-collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The agency wrote 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 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). The requirements for much of this information are recognized by the industry as a customary and usual practice, which frequently may be required by state or local authorities. Therefore, OSHA is taking a charge of 10% across the board for cases that are not covered by state or local authorities, nor considered usual and customary.

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 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 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 information collection required by §1926.552 or delay in providing this information, workers are at risk of serious injuries or death.

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 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 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.

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 19, 2014 (79 FR 35187) soliciting comments on its proposal to extend the Office of Management Budget's (OMB) approval of the information collection requirements specified in the Material Hoists, Personnel Hoists, and Elevators Standard (29 CFR 1926.552). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received two comments from Mr. Aaron Adamczyk, a private citizen, (ID: OSHA 2010-0052) in response to its notice to comment on this request. Mr. Adamczyk's first comment (ID: OSHA-2010-0052-0007) listed a number of consensus standards which were not related to material hoists.

Mr. Adamczyk's second comment (ID: OSHA-2010-0052-0008) listed the following consensus standards: "ANSI A10.5--Safety Requirements for Material Hoists, 2013"; "ANSI A10.4--Personnel Hoists and Employee Elevators on Construction and Demolition Sites American National Standard for Construction and Demolition Operations, 2007;"; "ASME A17.1--Safety Code for Elevators and Escalators, 2013 (Supersedes ANSI A17.1);" and "ANSI A 17.2--Guide for Inspection of Elevators, Escalators, and Moving Walks, 2012 (Supersedes ANSI A17.2)."

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).

The outdated consensus standards do not impact the collection of information requirements contained in the Standard; therefore, the Agency will retain its burden hour and cost estimates.

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 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 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 provisions in the standard require 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.**

Estimated Burden Hours and Costs

In 2009, OSHA estimated that there were 9,186 hoist and elevators on domestic construction sites affected by § 1926.552. The December 2010 Dodge Construction Potentials Bulletin reported 79,415 non-residential construction contract starts for “last year”, 2009, and the 2013 December bulletin reported 50,727 non-residential project starts for 2013. Residential and non-building construction numbers are not included because their site characteristics are not conducive to hoist and elevator use. Using the proportion of 9,186 hoists and elevators to 79,415 building projects as to an unknown quantity of hoist and elevators to 50,727 non-residential building projects, yields an estimated 5,868 hoists and elevators operating in 2013. This estimate is well within industry anecdotal estimates that there are 20,000 hoists in inventory in the United States among owner operators, and rental or leasing houses. Anecdotally the industry recognizes because of the state of recovery in construction that a substantial number are not being used.

Wage Rate Costs

The Agency uses average hourly earnings, including benefits, to represent the cost of employee time. For the relevant occupational category, mean hourly earnings from the *June 2013 National Compensation Survey* issued by the Bureau of Labor Statistics have been adjusted to reflect the fact that fringe benefits comprise about 30.9% of total compensation in the private sector. Since wages are the remaining 69.1% of employee compensation wage was multiplied by 1.42 to estimate full employee hourly compensation.

Non-supervisory construction worker	\$24.15
First-Line Supervisor Construction	\$33.65

(A) Posting Requirements--1926.552(a)(2), (b)(1)(i), (c)(10)

All manufactured equipment has the required documentation attached or included when the equipment is delivered. If, for some reason, the manufacturer's specifications are unavailable, or if they have been lost or damaged, the employer must obtain a replacement set of specifications from the manufacturer. In the event the equipment manufacturer is not available or cannot provide the information, the equipment must be evaluated and tested by a qualified engineer to obtain the required information.

Hoists and Elevators

Hoist and elevator manufacturers establish the rated load capacities, operating speeds, special hazards warning, allowable line speeds for various loads and other required information stated in these provisions. This information is permanently affixed to the hoist when delivered. However, the manufacturer is unlikely to be the installer, operator, or user of the equipment, which is erected and installed at the construction project.

As required by the standard, employers must also post the information at each landing and operator's station. Additionally employers incur the burden for this information collection activity when, the information needs to be re-posted. OSHA estimates that on average it would take a non-supervisory construction worker 60 minutes (1.0 hour) to obtain and post the necessary information on landings and at operator stations.

Some members of the industry suggest and OSHA staff agrees that hoists and elevators are not used on average below 6 floors or stories. Using a conservative overestimate the Agency calculates that on average the 5,868 hoists and elevators are operating in pairs on buildings that are 50 stories or floors high. Paired machines then require postings at two landings on the 6th through 50 floors inclusive or 90 landings per building (45 postings per hoist x 5,868 machines = **264,060** postings). Also each of the operator stations requires posting. The total annual burden is **269,928** postings (264,060 machine postings + 5,868 operator station postings = 269,928 total postings) or 46 postings per machine annually (269,928 ÷ 5,868 = 46). The Agency takes an across the board burden for 10% of hoists and elevators needing these postings each year under these circumstances or 587 – rounded hours (5,868 x 0.10 = 586.8 hours).

Additionally the Agency estimates that 1% or 59 crossheads or hoist cars, and elevators need re-posting each year (01% of 5,868 hoists and elevators = 59 machines-rounded)

Burden hours: (587 + 59) x 1 hour = 646 hours
Cost: 646 hours x \$ 24.15 = \$15,601 (rounded)

(B) Inspections, Tests, and Records Certification Requirements

Section 1926.552(c)(15) requires that after assembly and erection, and before being put into service all hoist functions and safety devices be inspected and tested. A similar inspection and test is required following major alteration of an existing personnel hoist installation. From discussions with industry members OSHA estimates that usually two machines are used on each

project. One is used for material and the other for personnel or they are both used for both at different times. As mentioned earlier from observation of the industry and discussion with industry members most employers consider hoist and elevator inspection, testing, certification and records' maintenance usual and customary or required by local building codes.

The Agency takes a 10% across the board burden charge for the instances when the practice is not so universal. The Agency estimates that the 5,868 hoists and elevators undergo inspections, tests or certification at least 4 times a year and additionally that 10% will require a second inspection each quarter due to repair work. The Agency estimates that it takes a non-supervisory construction worker approximately 15 minutes (.25 hour) to conduct the test and inspection, and to generate and maintain the certification record of the most recent test and inspection.

Burden hours: 5,868 machines x 4 inspections x .25 hour = 5,868 hours
5,868 machines x 10% requiring 2nd inspection x 4 inspections annually x .25 hour = 587-rounded hours

Costs: (5,868 hours + 587 hours) = 6,455 hours x \$24.15 = \$155,888

(C) Disclosure of Test and Inspection Certification Records--1926.552(c)(15)

OSHA estimates that approximately 82 hoists covered by the Standard will be subject to an OSHA inspection where the employer will be required to disclose certification records annually (see Item 14 below). This is estimated to take a supervisor 2 minutes (.03 hour).

Burden hours: 82 inspections x .03 hour = 2 hours

Cost: 2 burden hours x \$33.65 = \$67 (rounded)

Total Burden Hours: 7,103

Total Cost: \$171,556

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:**

(13296) 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 the Standard.

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.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$37.74² spends about 5 minutes (.08 hour) during an inspection reviewing the document required by the Standard. The Agency determines that its compliance officers will inspect 82 personnel hoists which are regulated by this Standard during each year covered by this ICR³. 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 Standard. Therefore, the total cost of this paperwork requirement to the Federal government is:

$$\text{Cost: } 82 \text{ inspections} \times .08 \text{ hour} \times \$37.74 = \$248$$

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

OSHA has reduced the estimated number of material hoists, personnel hoists and elevators covered by the Standard. The reductions are taken because of the nationwide down-turn experienced by the construction industry. Also, because the Agency understands that site-built hoists are not used any longer, and because hoist and elevator inspections are mostly a matter of usual and customary practice or a requirement of local jurisdiction building codes. For the cases where customary practice and code requirements are not in effect, OSHA takes a 10% share across the board. As a result, the Agency is requesting an adjustment decrease of 13,854 hours (from 20,957 hours to 7,103 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.

²Source: 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/salhrl.pdf> .

³ OSHA estimated the number of inspections by multiplying OSHA's inspection rate (1.4%) by the number of hoists covered by this ICR (i.e., 5,868 hoists x 1.4% = 82).

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 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.

Table 1
Summary of Burden Hours and Costs

Information Collection Requirements	Current Burden Hours	Requested Burden Hours	Adjustments	Cost under (Item 12)	Responses
A) Posting Requirements					
i) Factory and Site Built Hoist and Elevator, Title changed to "Posting Requirements Hoists and Elevators"	740	646	-94	\$15,601	646
B) Test and Inspection Certification Records	20,209	6455	-13,754	\$155,888	25,819
C) Disclosure of Tests and Inspection Certification Records	8	2	-6	\$67	82
Totals	20,957	7,103	-13,854	\$171,556	26,547