

**Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement**

**SUPPORTING STATEMENT FOR  
THE INFORMATION COLLECTION REQUIREMENTS OF  
THE TELECOMMUNICATIONS STANDARD (29 CFR 1910.268)<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0225 (January 2015)**

**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 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 Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, the 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). The Act states further that “[t]he Secretary . . . shall . . . prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] 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 Act, the Occupational Safety and Health Administration (i.e., “OSHA” or “the Agency”) published at 29 CFR 1910.268 a safety standard for general industry titled “Telecommunications” (i.e., “the Standard”). Paragraph 1910.268(c) requires that training certification records be generated and maintained for all workers covered by the standard. Items 2 and 12 below describe in detail the specific information collection requirement of the Standard.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The Telecommunication Standard specifies information collection requirements. The following section describes who uses the information collected under the requirement, as well as how they use it. The purpose of this requirement is to ensure that workers have been trained as required by the Standard to prevent risk of death or serious injury.

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<sup>1</sup>The purpose of this Supporting Statement is to analyze and describe the burden hours and cost associated with the provision of this Standard that contains a paperwork requirement; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, the provision.

Training (paragraph (c)). Under the paperwork requirement specified by paragraph (c) of the Standard, employers must certify that his or her workers have been trained as specified by the training provision of the Standard. Specifically, employers must prepare a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification record shall be prepared at the completion of training and shall be maintained on file for the duration of the worker's employment. The information collected would be used by employers as well as compliance officers to determine whether workers have been trained according to the requirements set forth in 29 CFR 1910.268(c).

**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 the paperwork requirement 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 A.2 above.**

The requirement to collect and maintain information is 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).

**5. If the collection of information impacts small businesses or other small entities, describe the methods used to reduce the burden.**

The information collection requirement specified by the Standard does not have a significant impact on a substantial number of small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is 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 effectively regulate telecommunications systems, and thereby 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 Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collection, or delay in providing this information, workers involved in repairing, maintaining, and installing telecommunication systems have an increased probability of death and serious injury.

**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 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, 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.**

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register (79 FR 57584) on September 25, 2014 under Docket number OSHA-2010-0057, on its proposal to extend the Office of Management and Budget's approval of the collection of information requirement specified by the Standard on Telecommunications (29 CFR 1910.268). This notice is a part of a preclearance consultation program that provides the general public and government agencies with an opportunity to comment.

The Agency received one comment in response to this notice from Aaron Adamczyk, Private Citizen, Docket number OSHA-2010-0057-0006 on October 2, 2014. In the comment received from Mr.

Adamczyk, he did not comment on any aspect of the collection of information requirements contained in the standard. Rather he cited six national consensus standards in reference to the Telecommunication Standard, 29 CFR 1910.268. The national consensus standards are: ASTM B1117 2011, ANSI Z 89.1 2014, ASME B30.6 2010, ASTM D120 2014, ASTM D1048 2012, and SAIA A92.2 2009. OSHA notes that the Standard does not reference the latest national consensus standards; however, the outdated consensus standards do not impact the collection of information requirements contained in this notice; therefore, the Agency will retain its burden hour and cost estimates. The Agency appreciates Mr. Adamczyk providing updated references.

**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 requirement specified by the Standard does 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.**

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. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.

## **Burden-Hour and Cost Determinations**

The Agency estimates that there are 39,840 establishments employing 215,810 workers covered by the Standard.<sup>2,3</sup>

In determining the wage rates for a Secretary<sup>4</sup> to develop and maintain the required training records, OSHA used the most recent data from *Occupational Employment Statistics*, Bureau of Labor Statistics (BLS), U.S. Department of Labor (DOL), May 2013. The specific wage rate for a Secretary is \$21.29. This wage rate includes which includes a fringe-benefit rate of 30.2 percent of total compensation<sup>5</sup>.

### **Training Certification Record (§ 1910.268(c))**

OSHA assumes that all workers have been trained as required in the training requirements of the Standard and that the training certification records have been generated (except for new hires) and are being maintained.

There are 215,810 workers that are affected by the Standard and 90% (194,229) of these workers are not new workers or will not be receiving new or refresher training. These are the existing workers that need their training records to be maintained. OSHA estimates that it will take one minute (.02 hours) for a secretary to maintain these records.

**Burden hours:** 194,229 existing workers x 0.02 hours to maintain existing training records = 3,885 burden hours

**Cost:** 3,885 hours x \$21.29 = \$82,712

There may be new hires and some workers will receive refresher training. Records will have to be generated and maintained for this group of workers. Consistent with the rate used in other paperwork packages, OSHA is using an estimate of 10 percent of the total number of workers (21,581) to represent the number of new workers and workers receiving refresher training. OSHA estimates that it takes two minutes (.03 hour) to generate the certification record for these workers.

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<sup>2</sup> Source: *Industries at a Glance: Telecommunications: NAICS 517*, Bureau of Labor Statistics, U.S. Department of Labor, 2013. The Agency used; all telecommunications equipment installers and repairers, except line installers (146,830); and all telecommunications lines installers and repairers (68,980) (for a total of 215,810 workers) would be covered by this Standard.

<sup>3</sup>The number of workers for training certification only include telecommunication installers and repairers for lines and equipment not customer service representatives.

<sup>4</sup>This mean hourly wage rate (\$16.35) corresponds to SOC code 43-6014, "Secretaries, Except Legal, Medical, and Executive." (Source: *May2013 National Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2013 <http://www.bls.gov/oes/2013/may/oes436014.htm> . Archived Data: [http://www.bls.gov/oes/oes\\_arch.htm](http://www.bls.gov/oes/oes_arch.htm)

<sup>5</sup>This fringe-benefit rate comes from the total benefits percentage for private industry from *Employer Costs for Employee Compensation*, December 2014, <http://www.bls.gov/news.release/ecec.toc.htm>

**Burden hours:** 21,581 new hires/workers receiving refresher training x .03  
hour to generate and maintain training record = 647 burden hours

**Cost:** 647 hours x \$21.29 = \$13,775

**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 services 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 respondents (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 requirement specified by the Standard.

**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 Items 12, 13, and 14 into a single table.**

There are no costs to the Federal Government.

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

OSHA is proposing an adjustment increase to the existing burden hour estimate for the collection of information requirement specified by the Standard from 1,077 hours to 4,532 hours, for a total increase of 3,455 hours. The increase in the number of burden hours is due to the additional time required for employers to maintain existing certification records. (See Table 1 for an explanation of the requested burden hours and cost). The number of response increased from 35,884 to 215,810. The large increase in the number of responses results from this ICR counting each employee training certification record being maintained as a response. OSHA removed burden hours for employers to disclose information to OSHA during an inspection. Such activities are outside the scope of the PRA.

**16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.**

OSHA will not publish the information collected under the Standard.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

OSHA lists current valid control numbers in 1910.8, 1915.8, 1917.4, 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**

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

**Table – 1  
Burden Hours and Cost Adjustment**

<b>Collection of Information</b>	<b>Current Burden Hours</b>	<b>Requested Burden Hours</b>	<b>Adjustment</b>	<b>Cost Under Item 12</b>	<b>Responses</b>	<b>Explanation</b>
Disclosure of Training Certification Record 1910.268(c)	20	0	-20	0	0	OSHA opens an individual case file prior to an OSHA inspection; therefore requesting information from an employer is outside the scope of the PRA
Maintaining Training Certification Record 1910.268(c)	0	3,885	3,885	\$82,712	194,229	Time has been added for employers to maintain existing employee certification records.
Generate and Maintain of Certification Training Records	1,057	647	-410	\$13,775	21,581	There is a decrease in the number of hours from 1,057 to 647 due to the reduction in the number of telecommunication

						installers and repairers for lines and equipment.
Total	1,077	4,532	3,455	\$96,487	215,810	