

**OMB Control No. 1205-0342: Supporting Statement for  
Three Year Extension with Minor Revisions of the  
Petition and Investigative Forms Used to Assess Eligibility**

**A. Justification**

A-1. Reasons for Data Collection

On October 21, 2011, the President signed into law the Trade Adjustment Assistance Extension Act of 2011 (TAAEA). Under the amendments contained in that Act, workers covered by petitions filed on or after that date (and certain other petitions) would be eligible to apply for benefits and services that were generally at the level and conditions offered under the 2009 Program with some modifications. As such, the TAAEA did not require the Office of Trade Adjustment Assistance (OTAA) to make changes to the petition and investigative forms. Therefore, OTAA seeks OMB approval for a three year extension with minor revisions of the petition and investigative forms.

Section 221 (a) of Title II, Chapter 2 of the Trade Act of 1974, as amended (19 USC § 2271 et seq.) authorizes the Secretary of Labor and the Governor of each State to accept petitions for certification of eligibility to apply for adjustment assistance. The petitions may be filed by a group of workers, state workforce office, their certified or recognized union or duly authorized representative, employers of such workers, one-stop operators or one-stop partners. ETA Form 9042, Petition for Trade Adjustment Assistance, and its Spanish translation, ETA Form 9042a, establish a format that may be used for filing such petitions. Regulations regarding petitions for worker adjustment assistance may be found at 29 CFR 90.

The remaining forms are undertaken in accordance with Sections 222, 223 and 249 of the Trade Act of 1974 (19 USC § 2272, 2273 et seq.), as amended, which require the Secretary of Labor to certify groups of workers as eligible to apply for worker trade adjustment assistance (TAA). A determination of eligibility is reached after reviewing all the information obtained for each petition for worker adjustment assistance filed with the Department. The information collected in these data collections is necessary for the Secretary to specifically determine to what extent, if any, foreign competition has impacted the selling market of petitioning workers' firm, or a shift in production outside the United States, and thus determine whether the statutory criteria of eligibility to apply for TAA is met. These forms, which are used to investigate whether the petitioning worker group may be adversely affected by trade, are submitted to companies that are connected to the petitioning worker group, either as direct employers, or as some part of the petitioning worker group's customer base. These forms are listed below with italicized headings providing the collection format (totaling 6 forms):

- *ETA-9043a Business Data Request – Article*
- *ETA-9043b Business Data Request – Service*
- *ETA-8562a Business Customer Survey*

- *ETA-8562a-1 Business Second Tier Customer Survey*
- *ETA-8562b Business Bid Survey*
- *ETA 9118 Business Information Request*

#### A-2. Users, Purposes, and Consequences of Failure to Collect the Information.

The submissions will only be used by Employment and Training Administration (ETA) staff who will review the collected information in order to assess whether the petitioning worker group meets the statutorily mandated criteria for group eligibility under 19 USC § 2272 and 2273 et seq. Failure to do the collection would prevent the administration of TAA benefits and services as provided in 19 USC § 2274 et seq.

#### A-3. Technology and Obstacles Affecting Reporting Burden

There are no obstacles. Respondents may use email, fax, couriers, U.S. Postal Service or a number of express delivery services to provide the correspondence.

In addition, an electronic petition filing application has been developed that will allow for users to go to the OTAA website, complete the application online, sign the petition electronically and then click a button that will result in simultaneous transmission of the petition to both the Department of Labor and the relevant State agency. It should be noted that the electronically filed petition application will not replace the paper petition, but will be available to provide an additional paperless option for those users who prefer it.

#### A-4. Duplication

There is no duplication for this collection.

#### A-5. Small Business

The collection of this information does not significantly impact small business or small entities.

In order to minimize the burden placed on small businesses or other small entities by the 9043a Business Data Request, ETA 8562a Business Customer Survey, ETA 9118 Business Information Request – Controlled Workers, OTAA staff assist, by telephone, firms or entities experiencing difficulty in completing the forms.

#### A-6. Consequences of Less Frequent Data Collection

The petition and its Spanish translation are designed to be as simple as possible, taking only a few minutes to complete, and generally to be filled out by workers, employers or firm representatives.

For the remaining forms, only 40 days are statutorily permitted from the receipt of the workers' petition to make a determination of worker eligibility to apply for TAA. In order for the 40-day statutory time limit to be met, OTAA must not only issue the Business Data Requests, Business Customer Surveys and Business Information Request Questionnaires in successive order, but must obtain responses as quickly as possible after receipt of the petition. Thus, if the surveys were conducted less frequently, the Secretary would not be able to make the determinations as required by law.

#### A-7. Special Circumstances Involved in Collection of Data

The ETA Form 9042A Petition for Trade Adjustment Assistance and its Spanish translation are consistent with the guidelines in 5 CFR 1320.5.

The ETA 9043a Business Data Request, ETA 8562a Business Customer Survey, and ETA 9118 Business Information Request are not consistent with the guidelines in 5 CFR 1320.5, because the requested information is to be returned in less than 30 days. This is necessary in order to meet the 40-day statutory requirement discussed in Item number 6 above. Frequently, several different forms must be administered within the same 40 day period. Since these data collections are undertaken sequentially, respondents need to complete and return the form in less than 30 days.

#### A-8. Preclearance Notices and Responses

The agency's notice soliciting sixty days comments on the information collection prior to submission to OMB was published in the Federal Register on September 6, 2012 (Vol. 77, p 54929). No comments were submitted.

#### A-9. Payments to Respondents

There are no payments to respondents.

#### A-10. Confidentiality

This information is provided to respondents on the information collection instruments:

“All information submitted under this request will be used to determine whether the criteria for certification of the workers covered by the petition have been satisfied. The U.S. Department of Labor will protect the the information you provide to the full extent of the law, in accordance with the Trade Act, 19 USC 2272 (e)(3)(c), the Trade Secrets Act, 18 USC 1905, the Freedom of Information Act, 5 U.S.C. 552, and 29 CFR Parts 70 and 90.”

#### A-11. Questions of a Sensitive Nature

The data collection includes no questions of a sensitive nature.

A-12. Respondents' Burden and Cost of Collecting Information

**INFORMATION COLLECTION #I: INVESTIGATIVE DATA COLLECTION  
REQUIREMENTS AS AMENDED BY 19 USC § 2271, ETA 9042 and ETA-9042a  
PETITION FORMS**

It is estimated, the Department will receive approximately 3,198 ETA-9042 petition forms on an annual basis. Since receipt of this form will trigger the issuance of all subsequent forms authorized under OMB 1205-0342, this number (3,198) is used as part of the calculation in establishing the burden hours and costs for all of the forms.

During the year, it is estimated that each ETA 9042 or ETA 9042a (Spanish version) or 9042a-1 (electronic petition) will require an average time burden of 25 minutes per petition. This total includes the estimated 20 minutes that it will take the respondent to complete the petition, and an additional 5 minute burden per petition for state agencies, including time to review petition for completeness.

3198 respondents x .416 hours (25 minutes) = 1326.21 hours

The annual cost to respondents for submitting the ETA 9042 and its variants is estimated at \$39,846.66. The petition form may be filed by 3 workers, a union representative, a company official or a community based organization. Therefore, the salaries could range from about \$7.00 for a minimum wage employee to \$300 per hour for a CEO, with an estimated average of \$32.00.

The annual cost for the 3,198 petitions for State agency review is estimated at \$6,075.78. This estimate is based on estimates on the \$22.95 average hourly earnings for managerial and professional workers as reported in the Employment and Earnings Journal.

The annual cost for the 3,198 petitions for petitioners is estimated at \$33,770.88. The petition form may be filed by 3 workers, a union representative, a company official or a community based organization. Therefore, the salaries could range from about \$7.00 for a minimum wage employee to \$300 per hour for a CEO, with an estimated average of \$32.00.

For a more detailed breakdown of cost burden for ETA-9042, 9042a and 9042a-1, see Table 12a below:

<b>TABLE 12a: SUMMARY OF BURDEN COST TO RESPONDENTS</b>					
A	B	C	D	E	F
Role of individual(s) regarding petition	Estimated number of responses	Individual Time burden	Time Burden for all forms (B*C)	Hourly Salary	Cost Burden for all forms (D*E)
Petition filers	3198	.33 hours (20 minutes)	1055.34 hours	\$32.00	\$33,770.88
State Reviewers		.083 hours (5 minutes)	265.4 hours	\$22.89	\$6,075.78
<b>TOTAL PETITION BURDEN</b>		.416 hours (25 minutes)	1332.29 hours		\$39,846.66

**BREAKOUT OF FOUR TYPES OF RESPONDENTS WHO FILL OUT ETA-9042 and 9042a**

The table below further delineates the distribution of hour burden by breaking out categories of people filling out TAA petitions in English and Spanish (ETA-9042, 9042a). The annualized estimates for petition activity in the proposed 9042 and 9042a, totals 3,198. This number includes 1,785 from the private sector (including 1,440 company officials and 345 unions), 569 filed by the public sector (or state /local government staff), and 844 filed by individuals (groups of three or more workers). For further elaboration, please see Table 12B below:

<b>TABLE 12B: Breakout of Petitioner Types for ETA-9042</b>				
Type of Petitioner	Estimated Petition Activity	Audience	Estimated petition activity	Percent of Estimated Petition Activity

Company official	1440			
Unions	345	Private	<b>1785</b>	55.2%
State/Local	569	Public	<b>569</b>	17.8%
Workers	844	Individuals	<b>844</b>	27 %
<i>Total</i>	3198		<b>3198</b>	100%

NOTE: A similar table is not provided for the subsequent information collections below because all forms in Information Collection #II are filled out by company officials or their representatives and are mandatory.

**INFORMATION COLLECTION #II; BUSINESS DATA REQUESTS, BUSINESS CONFIDENTIAL INFORMATION REQUESTS, BUSINESS CUSTOMER SURVEYS**

Business Data Requests: ETA 9043a and 9043b

It is estimated that for submissions of 9042 or 9042a that are received, a 9043a will be issued to the petitioning worker group's company 50% of the time (in cases where the worker group produces an article), while the 9043b will be submitted to the other 50% (in cases where the worker groups provide a service). Previously, the 9043c, (which served as an addendum to either the 9043a or 9043b in cases where the company solicits a significant portion of its business through a bid process), was estimated to be necessary in 5% of all petition investigations. That information has been integrated into the 9043a and 9043b forms, so 9043c is no longer necessary and is estimated to not add any time burden. To estimate the burden hours, OTAA used a random sample of past responses to TAA data responses. It is estimated that the revised form 9043a and 9043b should take 4 hours per response. Using the average, ETA estimates a total of 6,376 hours for ETA-9043a and 6,376 for ETA-9043b. For further elaboration, see Table 12C:

<b>Table 12C: Time Burden for ETA 9043a and 9043b</b>			
A	B	C	D
ETA Form Number	Number of Responses/ % of 3,198	Time Burden per response	Total Time Burden (B*C)

9043a	1,599/50%	4 hours	6,396 hours
9043b	1,599/50%	4 hours	6,396 hours
	3,198/NA		12,792 hours

In order to determine the annualized cost, OTAA estimates an hourly salary of company officials to be completing the forms to be \$30 an hour. The resulting calculations are noted below:

<b>TABLE 12D: SUMMARY OF BURDEN COST TO RESPONDENTS</b>			
A	B	C	D
ETA Form Number	Total Time Burden (See Table 12b, Column "D")	Estimated Hourly Salary for Staff	Total Burden Cost (B*C)
9043a	6396 hours	\$30.00	\$191,880.00
9043b	6396 hours		\$191,880.00
			\$383,760.00

Customer Surveys: ETA 8562a, 8562a-1, 8562b, 8562c, 8562d

Based on the most recent annualized activity, it is estimated that the customer survey information collected by the current 8562 is needed in 50% of all petitioning worker group investigations, or 1,599 of 3,198 ETA 9042 petition forms that are anticipated annually. Using a sample of cases requiring customer surveys, OTAA approximates that about 4 customer surveys will be sent for each petitioning worker group, leading to a total of 6,396 survey questionnaires to be sent. (Four customers reducing purchases from the subject firm represents an average number used to represent the subject firm's sales decline). This estimate is upward biased as it considers the number of surveys sent to customers, not the number of respondents.

It is anticipated that the 8562a will be issued in 45% of all cases where an ETA 9042 has been filed on behalf of a worker group, or 1439.1 each of 3,198 initiating petitions. In turn, it is assumed that a customer survey for those businesses that solicit work through a bid process

(ETA-8562b) will be necessary in five percent total, each of all cases that are initiated by the ETA 9042, or 160 each. The ETA 8562a-1, which will only be issued to the customers of the petitioning worker groups' customers, is only collected in cases where the ETA-8562a is first issued and is estimated to be collected in 25% of all cases where an ETA-8562a is involved, or 11.25% of all 3,198 petition investigations.

<b>TABLE 12E: SUMMARY OF TIME BURDEN FOR ETA 8562a, 8562b and 8562a-1</b>			
A	B	C	D
Form Number	Estimated Percent of 3,198/ Number of Responses	Individual Time Burden for Each Form	Sum of Time Burden for forms (B*C)
8562a	45%/1439.1	2 hours	2878.2 hours
8562b	5%/159.9	2 hours	319.8 hours
8562a-1	11.25%/359.78	2 hours	719.55 hours
			3917.55 hours

In order to determine the annualized cost, OTAA estimates an hourly salary of company officials to be completing the forms to be \$30 an hour. The resulting calculations are noted in Table 12F below:

<b>TABLE 12E: SUMMARY OF BURDEN COST FOR ETA 8562a, 8562b, 8562c, 8562d, 8562a-1</b>			
A	B	C	D



Form Number	Time Burden (see TABLE 12E, Column “D”)	Estimated Hourly Salary for Staff	Total Cost Burden (B*C)
8562a	2878.2 hours	\$30.00	\$86,346.00
8562b	319.8 hours		\$9,594.00
8562a-1	719.55 hours		\$21,586.50
	3917.55 hours		\$117,526.50

ETA 9118

ETA 9118 Business Information Request is submitted to the employer of a petitioning worker group that exclusively provides contract support for companies that may produce an article or supply a service that is adversely affected by trade. It is estimated that contracting petitioning worker groups file ETA 9042 petition forms in 5% of the estimated annual submission of 3,198 petitions, for a total of 159.9 possible situations.

<b>TABLE 12G: SUMMARY OF TIME BURDEN FOR ETA 9118</b>			
A	B	C	D
Form Number	Percent of 3,198/Number of Responses	Individual Time Burden	Total Burden Hours
ETA-9118	.05%/159.9	1 Hour	159.9 Hours

In order to determine the annualized cost, OTAA estimates an hourly salary of company officials to be completing the forms to be \$30 an hour. The resulting calculations are noted in Table 12H below:

<b>TABLE 12H: SUMMARY OF BURDEN COST FOR ETA 9118</b>			
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Form Number	Total Burden Hours (See TABLE 12G, Column “D”)	Hourly Staff Salary	Total Cost Burden
ETA-9118	159.9 Hours	\$30.00	\$4,797.00

A-13. There are no capital or start-up costs involved in the collection of the data for the petition form. The burden hours associated with editing, analyzing, validating in inputting the data are described in Item 12.

A-14. The annualized cost to the Federal Government for the ETA 9042 and 9042a is \$0. Currently the TAA petition is made available exclusively by download on its website.

The annualized cost of the 9043a to the federal government is estimated at \$2.25, or 5 minutes of staff time at a rate of \$27 an hour. This estimate is based on the assumption that entering correct petitioning worker group information and updating the relevant time periods on the form requires five minutes of staff time at an approximate salary of \$27 per hour.

The annualized cost to the federal government for each 8562 questionnaire is estimated at \$2.25 for each form, or a total of \$4,407.24. This is based on the assumption that it takes approximately 5 minutes of staff time to modify the form to reflect accurate contact information, product description and relevant time periods, at a salary estimated at \$27.00 per hour.

Form Number	Staff Salary/Cost	Number of Responses	Total (Staff Cost Multiplied by Number of Responses)
ETA 9042 & 9042a	\$0.00	3,198	\$0.00
ETA 9043a & 9043b	\$2.25	3,198	\$7,195.50
ETA 8562a, 8562a-1 & 8562b	\$2.25	1,958.78	\$4,407.26

+ETA 9118	\$2.25	159.90	\$359.78
Totals			\$11,962.53

A-15. ETA is requesting a regular three year extension with minor revisions to the current information collection. The proposed minor revisions to the collection consist of a request: 1) to align petitions (ETA-9042) with the American Job Center network branding initiative, 2) to include additional citations to the appropriate regulations and guidance in the investigative data collection processing instructions page, and 3) to provide clarifying language within the investigative data collection requirements.

### PETITION CHANGES

The Petition for TAA [ETA-9042] and its Spanish translation [ETA 9042a]

*Specific Changes to the Petition for TAA [ETA-9042] and its Spanish translation [ETA 9042a]:*

- References to “One Stop Career Center” and “One-Stop Operator/Partner” are replaced by “American Job Center” throughout.
- “American Job Center (also known as a One-Stop Career Center or by a different name)” replaces “One Stop Career Center.”
- “TAA Coordinator” is replaced by “State TAA Coordinator” throughout.
- The following sentence is added to the filing instructions: “To file with both the U.S. Department of Labor and the State TAA Coordinator, electronically file the Petition Form on-line at <http://www.etareports.doleta.gov/petition>.”
- In the section regarding Assistance in Preparing a Petition, “request” is replaced by “receive” “Firms” replaces “locations” in the filing instructions and the citation to 29 CFR Part 90.11 is added to the paragraph.
- In the Public Burden Statement, “and 2271” and “U.S.” are added to the paragraph.
- The reference to “job location” is replaced by “firm” in Section 1. Petition Information.
- The addition of “, one of whom should be a dislocated worker’s supervisor” to Section 2. Trade Effects on Separations.

### INVESTIGATIVE FORM CHANGES

ETA 9043a, 9043b, 8562a, 8562a1, 8562 b, and 9118

*Specific Changes to Business Data Request - Article [ETA-9043a], Business Data Request – Service [ETA 9043b], Business Customer Survey [ETA 8562a], Business Second Tier Customer Survey [ETA 85622a-1], Business Bid Survey [ETA-8562b], and Business Information Request [ETA 9118]*

- A reference to 19 USC 2272(d)(3)(B) is added to the Processing Instructions.
- The second sentence in the Background is revised and now reads, “After receiving a TAA petition, the U.S. Department of Labor must investigate and analyze the facts to determine

whether increased imports or shifts in production or services contributed importantly to the workers' actual or threatened layoffs or work reductions and to determine whether the required minimum proportion of the workforce has either been laid off or is threatened with layoffs.”

- “A petition has been granted and workers are” is replaced by “the worker group is” in the Background.
- The following references are added to the section regarding Confidentiality: “Executive Order 13392, dated December 14, 2005 (70 FR 75373, December 19, 2005); Presidential Memorandum for the Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (74 FR 4683, January 21, 2009); and Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies Concerning the Freedom of Information Act (March 19, 2009), available at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>.”
- A reference to 19 USC 2272(d)(3)(B) is added to the Public Burden Statement.

#### ETA 9043a, 9043b, and 8562a1

##### *Specific Changes to Business Customer Survey – Article [ETA-9043a] and Business Customer Survey – Service [ETA 9043b]*

- Question A.(4) under Part 1 is revised and now reads, “Provide the names and addresses of all companies supplying leased or temporary workers under the operational control of the subject firm to supplement the firm’s workforce in the past year and describe their functions.”
- The instructions attached to Part 1 B. Organizational Structure is revised and reads, “(Please attach any existing diagrams of organizational structure and any website providing information on the organizational structure.)”
- Under Part II, “actual or expected” is added and “the” is deleted in Question A.(2).
- The “IMPORTANT!” notice is moved from the end of Section A to the end of Section B.
- The instructions under B. Subject Firm Employment, Sales, Production, and Imports is revised and reads, “If more than one product is produced at this location, reproduce this page and complete the page for each product.”

#### ETA 8562a1

##### *Specific Changes to Business Second Tier Customer Survey [ETA-8562a1]*

- Question 2 is revised and now reads, “For U.S. Purchases (identified in Question 1), was the product wholly or partially manufactured in a foreign country?”
- “If known” is removed from Question 2(a).

#### **Notes on Total Number of Respondents for ETA 9042A, ETA 9043a, ETA 9118 and ETA 8562a**

This section explains why the number of “unique” respondents in the revision differs from the total number of responses in several forms.

The ETA 9042 Petition for Trade Adjustment Assistance and its variants serves as the initiating document in all investigations for TAA group eligibility, and is completed and submitted by unique respondents. Similarly, the customers that complete the ETA 8562a, 8562a-1 or 8562b do not complete any of the other forms authorized under OMB 1205-0342. As a result, the number of responses for each of these forms matches the number of respondents.

In contrast, it is estimated that 45% of the respondents to the ETA-9043a also complete the 9042, or one of its variants. That is because historical data shows that 45% of ETA 9042 petition forms are completed and submitted by the companies that employ the petitioning workers, and these same companies will be required to complete ETA-9043a.

Because 45% of the respondents that complete the 9042 will also complete ETA-9043a or ETA-9118, there is a resultant reduction in the number of respondents indicated for these two forms. The reduction is established by multiplying 3,198 (petitions received) by 55% (the proportion of unique respondents to the ETA-9043a and ETA-9043b combined).

$3198 \times .55 = 1758.9$  unique respondents for ETA 9043a, ETA 9043a-1 and ETA 9118 combined

Further, ETA-9118 is only issued as an addendum to ETA 9043a, so it has no unique respondents.

The table below incorporates the numbers above in order to provide:

- a comparison of responses and unique respondents for each form, and
- relevant data that reveals how the total burden hours is a direct result of the formula:

*# of responses x average time per response = hour burden*

Form Number	Responses	Unique Respondents	Average Time per Response	Total Requested Burden
ETA 9042 & ETA 9042a	3198	3198	0.4166 hours (25 minutes)	1332.5 hours
ETA 9043a, 9043b, 9043c and ETA 9118 (combined total)	3517.8***	<b>1758.9*</b>		
ETA 9043a	1599	<b>879.5**</b>	4 hours	6396 hours
ETA 9043b	1599	<b>879.5**</b>	4 hours	6396 hours
ETA 9118	159.90	<b>0</b>	1 hour	159.90
ETA 8562a	719.55	719.55	2 hours	1439.1 hours
ETA 8562a-1	359.78	359.78	2 hours	719.55 hours

ETA 8562b	719.55	719.55	2 hours	1,439.10 hours
TOTALS	8354.78	6755.88		17882.15 hours

\* 1758.9 is 55% of 3198

\*\* 879.5 is 50% of 1758.9

\*\*\*forms collected for:

- o ETA-9043a = 1599 +
- o ETA-9043b = 1599 +
  
- o ETA-9043c = 159.9 +
  
- o ETA-9118 = 159.9
  
- o Sums to 3517.8

Note: ETA-9042, ETA 8562a, ETA-8562a-1 and ETA-8562b have the same number of respondents as responses, while the ETA 9043a, 9043b and 9118 do not.

Finally, an inadvertent discrepancy between ROCIS calculations and the previously approved supporting statement has been corrected.A-16.

Publication Information

There are no plans to publish the data for this collection of information.

A-17. Display of OMB Expiration Date

The expiration date for OMB approval of the information collection will be displayed on the report form.

A-18. Exceptions to the Certification Statement

There are no exceptions to the certification statement.

**B. Use of Statistical Methods**

This collection does not employ statistical methods.