

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS IN
THE TEMPORARY LABOR CAMPS STANDARD (1910.142)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0096 (July 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 purpose of the Occupational Safety and Health Act (“OSH Act or “Act”) is to “assure” so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources’ (29 U.S.C. 651) to achieve this objective, the OSHA Act specifically authorizes the development promulgation of occupational safety and health standards” (29 U.S.C. 651). 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 651).

To protect worker health, the OSH Act authorizes the Occupational Safety and Health Administration (“OSHA” or “Agency”) to develop standards that provide for “monitoring or measuring worker exposure” to occupational hazards and “prescribe the type and frequency of medical examinations and other tests which shall be made available [by the employer] to workers exposed to such hazards . . . to most effectively determine whether the health of such workers is adversely affected by such exposure” (29 U.S.C. 655). Moreover, the Act directs OSHA to “issue regulations requiring employers to maintain accurate records of worker exposures to potentially toxic materials or other harmful physical agents which are required to be monitored and measured . . . ” (29 U.S.C. 657). In addition, the OSH Act mandates that “[e]ach employer shall make, keep and preserve, and make available to the Secretary [of Labor] . . . such records regarding [the employer’s] activities relating to this Act as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . . ” (29 U.S.C. 657).

The Act authorizes the Agency to issue standards that “prescribe use of labels or other appropriate forms of warning as are necessary to insure that workers 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). Additionally, the OSH Act mandates 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).

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

Pursuant to its statutory authority, OSHA promulgated an occupational health standard covering living conditions in temporary labor camps (29 CFR 1910.142). The specific information collection provisions of the Temporary Labor Camps Standard require employers to report to the local public health officer the name and address of any individual in the camp known to have, or suspected of having, a communicable disease. Employers are also required to notify local public health authorities of each occurrence of a suspected case of food poisoning or of an unusual prevalence of any illnesses in which fever, diarrhea, sore throat, vomiting, or jaundice is a prevalent symptom. These reporting requirements are necessary to minimize the possibility of communicable disease epidemics spreading throughout the camps and endangering the health of the camp residents. In addition, the standard requires marking “for men” and “for women” on certain toilet rooms.

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 major purpose of these requirements is to limit the incidence of communicable disease outbreaks in temporary labor camps. Compliance with this aspect of the Standard is necessary for the maintenance of a safe and healthful work environment.

Reporting Communicable Disease (§1910.142(l))

The standard requires the camp superintendent to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease. Whenever there is a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, employers must report this to the local health authority by telegram, telephone, electronic mail or any method that is equally as fast.

Toilet Facilities (§1910.142(d))

The standard requires that where the toilet rooms are shared, separate toilet rooms must be provided for each sex. These rooms must be marked “for men” and “for women” by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understandable pictures or symbols.

OSHA is taking no burden for marking the toilet rooms with “for men” and “for women.” Regulation 5 CFR 1320.3(c) exempts “public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public” from the definition of a collection of information. OSHA believes any additional marking of toilets indicating for use by men or women is a usual and customary activity.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of

information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burdens.

To comply with the requirement to report outbreaks immediately, it is expected, but not required, that employers will use the telephone to report the necessary information to local health officials. For informing health authorities of food poisoning or certain symptoms of illness, the standard states that the camp supervisor shall inform health authorities by telegram, telephone, electronic mail or any method that is equally as fast.

- 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.**

No other Federal agency requires the reporting of this type of health information by labor camp superintendents.

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

The burden of the requirements is an equal obligation for all employers who operate temporary labor camps. The collections of information do not have a significant economic 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 reporting frequencies specified in the standard are the minimum necessary to protect the safety and health of workers and, in particular, to assure that the camp superintendent alerts local health authorities regarding potential communicable disease out-breaks among temporary labor camp residents.

- 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 the employer to collect information in the manner discussed in item 7.

- 8. If applicable, provide a copy and identify the data 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.

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on April 29, 2015 (80 FR 23822) soliciting comments on its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified by the Standard on Temporary Labor Camps (29 CFR 1910.142). 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 did not receive any comments in response to this notice.

- 9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.**

The Agency will not provide any payments or gifts.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

As this regulation does not require the submission of any confidential information to the Federal government, assurances of confidentiality are not applicable.

- 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.**

There are no provisions in this standard requiring that questions of a sensitive nature be asked.

- 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.**

The burden hours and costs are calculated based on provisions contained in paragraphs (1) (1) and (1) (2). The temporary labor camp superintendent must report to local health officials: (1) the names and addresses of persons known to have, or suspected of having, a communicable disease; and (2) the occurrence of any case of suspected food poisoning or an unusual prevalence of any illnesses in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom among residents of temporary labor camps.

To estimate the burden hours for temporary labor camp superintendents to report the information described above to local public health officials, the Agency determined how frequently migrant workers would have a communicable disease or any of the health symptoms mentioned above. To determine this frequency, OSHA used data from the Centers for Disease Control and Prevention (CDC) publication *Morbidity and Mortality Weekly Report* (MMWR). According to the MMWR, the total reported incidents of

notifiable diseases in the United States in 2012 was 716.32 per 100,000 people.² To estimate burden hours and costs associated with the Temporary Labor Camps Standard, OSHA is using this value even though the list of CDC notifiable diseases is more inclusive than reportable “communicable diseases.” This overestimate, however, is partially offset by the fact that labor camp superintendents must also report the unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prevalent symptom. These symptoms may be a result of illnesses or diseases that may not be reported to CDC.

While some States have individual data on farm labor camps frequently cited in reports, the Agency could not find an estimate for the total number of temporary labor camps, or the number of workers living in such camps. According to the National Agricultural Workers Survey (NAWS) and the U.S. Department of Labor, there are approximately 270,000 migrant workers living in employer owned or administered housing.³ OSHA has no means to determine how many of these migrant workers actually live in temporary labor camps; therefore, the Agency estimates that all 270,000 workers discussed above do so. While this method likely overestimates the number of migrant workers living in temporary labor camps, this is partially offset by the likely underestimate of the number of non-migrant workers living in temporary labor camps.

Reporting Communicable Disease (§1910.142(l))

OSHA estimates that approximately 1,933 cases of such disease and symptoms (.00716% of 270,000) are reported by temporary labor camp supervisors each year. The time required to report each incident to local public health authorities has been estimated to be five minutes (.08 hour) of superintendent time. To estimate costs, the Agency is using an hourly wage rate of \$45.57 derived from the *National Compensation Survey (NCS)*,

² Source: Department of Health and Human Services, Centers for Disease Control and Prevention. *Morbidity and Mortality Weekly Report, Summary of Notifiable Diseases--United States, 2012*. September 19, 2014, Vol. 61(53); 1-121. “Table 7: Reported Incidence of Notifiable Diseases--United States, 2002-2012” [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6153a1.htm?s_cid=mm6153a1_w]. The Agency calculated the total reported incidence of each notifiable disease per 100,000 (excluding disease categories for children less than 5 years old) to determine this total rate.

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³Source: U.S. Department of Labor, Employment and Training Administration (ETA), *National Agricultural Workers Survey*. Data was derived from correspondence with ETA’s Office of Policy Development and Research. It was assumed that 1.8 million persons are employed at least one day per year on U.S. crop or nursery farms. Of the 1.8 million persons, approximately 15 percent, or 270,000, are migrant workers (NAWS data, fiscal years 2011 – 2012). A migrant worker is defined as someone who traveled at least 75 miles sometime in the previous 12 months for a farm job; an overnight stay away from the migrant’s normal residence is not required for a survey respondent to be classified as a migrant.

published by the Bureau of Labor Statistics, U.S. Department of Labor.⁴ This wage rate has been adjusted to reflect the fact that fringe benefits comprise roughly 30.6 percent of total worker compensation in the private sector.⁵ The costs of labor used in this analysis are, therefore, estimates of total hourly compensation. The estimated burden hours and costs for this requirement are as follows:

Burden hours: 1,933 reports × .08 hours per report = 155

Costs: 155 hours × \$45.57 = \$7,063

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.**

All costs are listed under item #12.

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**

⁴Source: *Occupational Employment and Wages*, May 2014, Bureau of Labor Statistics, U.S. Department of Labor (<http://www.bls.gov/oes119013.htm>). Based on mean hourly wage rate of \$34.89 for an Agriculture Manager (OSE Code:11-9013) including fringe benefits of 30.6% (10.68) obtained from *Employer Costs for Employee Compensation – December 2015, Employer Costs for Employee Compensation News release (March 2015)*, Bureau of Labor Statistics, U.S. Department of Labor, (http://www.bls.gov/schedule/archives/ecec_nr.htm).

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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.

There is no cost to the Federal Government associated with this information collection request.

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

The Agency is requesting an adjustment increase of 101 burden hours (from 54 hours to 155 hours). Based on data from the National Agricultural Statistics Service, the Agency increased the number of migrant workers from 109,760 to 270,000 workers. Using updated data, the Agency identified an increase in the number of “incidents of notifiable diseases” from 673 cases to 1,933 cases.

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 of information, completion of report, publication dates, and other actions.

The information collected under the Temporary Labor Camps Standard will not be published.

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, 1918.4 and 1926.5 and publishes the expiration dates 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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.

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