

**JUSTIFICATION FOR NON-MATERIAL CHANGE FOR THE INFORMATION
COLLECTION REQUIREMENTS OF REGULATIONS CONTAINING
PROCEDURES FOR HANDLING OF RETALIATION COMPLAINTS
OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NO. 1218-0236
(October 2015)**

OSHA is requesting a non-substantive change to the currently approved collection of information requirements contained in the “Regulations Containing Procedures for Handling of Retaliation Complaints” ICR to incorporate the Interim Final Rule (IFR), 29 CFR Part 1988, Procedures for Handling Retaliation Complaints Under Section 31307 of the Moving Ahead for Progress in the 21st Century Act. As further explained in the next paragraph, the underlying statutory provision already is included as an authority for this collection and the interim final rule does not materially change the information collection process currently in existence. The non-material change process where OSHA is simply adding a citation is outlined in the last paragraph of item 1 of the current ICR justification supporting statement.

The Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405, was enacted on July 6, 2012. Section 31307 of MAP-21, codified at 49 U.S.C. 30171 and referred to throughout the IFR as MAP-21, provides protection to covered employees, and authorized representatives of such employees, against retaliation because they engaged in activity protected by the Act. OSHA began enforcement of MAP-21 on July 6, 2015, using its statutory authority and general procedures. The MAP-21 statute is already referenced in the existing ICR as a statutory authority. In addition, MAP-21 complaints received by OSHA are already accounted for in the 2,872 estimated complaints reported in the existing ICR. Thus, promulgation of the IFR will not change the process, number of responses, burden hours or costs of this ICR.