

**PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR SHIPYARD EMPLOYMENT
(29 CFR PART 1915, SUBPART I)**

1218-0215

February 2016

**SUPPORTING STATEMENT FOR
THE COLLECTION OF INFORMATION REQUIREMENTS OF
THE STANDARD ON PERSONAL PROTECTIVE EQUIPMENT (PPE)
FOR SHIPYARD EMPLOYMENT (29 CFR PART 1915, SUBPART I)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0215
(February 2016)**

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) 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 OSH Act specifically 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 . . . 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 OSH 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 OSH Act, the Occupational Safety and Health Administration (OSHA) published at 29 CFR part 1915, subpart I, the standard on Personal Protective Equipment (PPE) for Shipyard Employment. Subpart I requires employers to provide and ensure that each affected worker uses the appropriate personal protective equipment (PPE) for the eyes, face, head, extremities, torso, and respiratory system, including protective clothing, protective shields, protective barriers, life-saving equipment, personal fall arrest systems, and positioning device systems that meets the applicable provisions of this subpart, whenever workers are exposed to hazards that require the use of PPE. Items 2 and 12 below describe in detail the specific information collection requirements of subpart I.

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.

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with provisions of the subpart that contain paperwork requirements; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, these provisions. This Supporting Statement does not include burden hours and costs associated with the collection of information requirements for subpart I, Respiratory Protection (29 CFR 1915.154), which OSHA addressed in a separate ICR. See OMB Control No. 1218-0099.

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Subpart I contains two collection of information requirements, which are described below.

Hazard Assessment and Verification (§1915.152(b)). Section 1915.152(b) requires the employer to assess work activities to determine whether there are hazards present, or likely to be present, which necessitate the worker's use of PPE. If such hazards are present, or likely to be present, the employer must: (1) select the type of PPE that will protect the affected worker from the hazards identified in the occupational hazard assessment; (2) communicate selection decisions to affected workers; (3) select PPE that properly fits each affected worker; and (4) maintain documentation that verifies that the required occupational hazard assessment has been performed. The verification must contain the following information: occupation or trade assessed, the date(s) of the hazard assessment, and the name of the person performing the hazard assessment.

The hazard assessment assures that potential workplaces hazards necessitating PPE use have been identified and the PPE selected is appropriate for those hazards and the affected workers. The required certification of the hazard assessment verifies that the required hazard assessment was conducted.

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 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 subpart I paperwork requirements 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).

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

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The information collection requirements in subpart I 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 subpart I are the minimum frequencies necessary to effectively monitor the use of PPE by shipyard employers 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 by the OSH Act (29 U.S.C. 651).

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 the extent permitted by law.**

No special circumstances exist that require employers to collect information in the manner or using the procedures specified by this item. The information collection requirements are consistent with 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.

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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.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice on December 10, 2015 in the *Federal Register* (80 FR 76712) under docket number OSHA-2012-0038, soliciting comments on its proposal to extend the Office of Management and Budget's approval of the collection of information requirements specified by the Standard on Personal Protective Equipment (PPE) for Shipyard Employment (29 CFR part 1915, subpart I). This notice was 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 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.

No elements of confidentiality are involved.

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 subpart I require the collection of 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**

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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

OSHA estimates that there are 103,285 shipyard workers potentially exposed to workplace hazards that may require the use of PPE. The number of establishments is estimated to be 2,759. On May 2, 2011, OSHA published a Final Rule on General Working Conditions in Shipyard Employment; (76 FR 24576) which expanded the scope of the standard to include commercial fishing, fish processing, tug and towing services and passenger vessels. The number of establishments affected is based on the final rule and the expertise of the Office of Regulatory Analysis.² Table 1 provides a comparison of shipyard establishments by size:

**Table 1
Affected Establishments and Employees by Size**

Industry Code	Industry Name	Size Class	Affected Establishments	Affected Employees
NAICS 336611	Shipyards	1000 & Up	36	43,148
		500-999	29	4,370
		250-499	34	5,496
		100-249	44	3,097

² OSHA based the number of shipyards (and other establishments) on the numbers estimated in the FEA. OSHA inflated the number of establishments based on the percent change in total establishments in the relevant industries (shipyards – 336611; commercial fishing – 11411; fish processing – 311712; tug and towing services – 488330; and passenger vessels – 483114 and 483212) from the 2007 to the 2011 County Business Patterns data.

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		20-99	30	902
	Offsite	20-99*	82	1,355
		1-19*	384	1,521
NAICS 11411	Commercial Fishing	1000 & Up	7	4,200
		500-999	3	840
		250-499	1	210
		100-249	10	857
		20-99	21	467
		1-19	1,099	1,196
NAICS 311712	Fish Processing	1000 & Up	44	16,740
		500-999	10	1,340
		250-499	8	1,407
		100-249	15	1,360
		20-99	41	1,545
		1-19	96	458
NAICS 488330	Tug & Towing Services	1000 & Up	45	4,282
		500-999	14	1,702
		250-499	5	808
		100-249	16	1,450
		20-99	88	2,437
		1-19	471	1,239
NAICS	Passenger Vessels	20-99	21	532
		1-19	105	326
	TOTAL		2,759	103,285

Wage Rates for Shipyards

The Agency determined average wage rates for PPE for Shipyard Employment using an average hourly earning, including benefits, to represent the cost of employee time. The Agency adopted the mean wages rates from *May 2014 National Industry-Specific Occupational Employment and Wages Estimates*, U.S. Department of Labor, Bureau of Labor Statistics. Total compensation for occupational category includes an adjustment of 30.5 percent (*Employer Costs for Compensation, June 2015*) (http://www.bls.gov/news.release/archives/ecec_09092015.pdf) for fringe benefits; this figure represents the average level of fringe benefits in the private sector. The cost of labor used in this analysis is, therefore, an estimate of total hourly compensation. The

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hourly wage is:

Shipyards Supervisors ³	\$66.05
Commercial Fishing Supervisors ⁴	\$29.83
Fish Processing Supervisors ⁵	\$29.23
Tug & Towing Supervisors ⁶	\$36.77
Passenger Vessel Supervisors ⁷	\$36.77

Hazard Assessment and Verification Record (1915.152(b)). Subpart I requires that employers conduct a hazard assessment and make a determination regarding their need for PPE. Employers must assess work activities to determine whether there are hazards present, or likely to be present, which necessitate the worker's use of PPE. If such hazards are present, or likely to be present, the employer must: (1) select the type of PPE that will protect the affected worker from the hazards identified in the occupational hazard assessment; (2) communicate selection decisions to affected workers; (3) select PPE that properly fits each affected worker; and (4) verify that the required occupational hazard assessment has been performed. The verification

3 The mean hourly wage rate for Shipyards (\$50.61) corresponds to SOC code 11-3071, "Transportation, Storage, and Distribution Managers," (Source: *May2014 National Industry-Specific Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2014 http://www.bls.gov/oes/current/naics4_336600.htm . Archived Data: http://www.bls.gov/oes/oes_arch.htm

4 The mean hourly wage rate for Commercial Fishing (\$22.86) corresponds to SOC code 45-1011, "First-Line Supervisors of Farming, Fishing, and Forestry Workers," (Source: *May2014 National Industry-Specific Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) May Data: <http://www.bls.gov/oes/current/oes451011.htm> . Archived Data: http://www.bls.gov/oes/oes_arch.htm

5 The mean hourly wage rate for Fish Processing (\$22.40) corresponds to SOC code 51-1011, "First-Line Supervisors of Production and Operation Workers," (Source: *May2014 National Industry-Specific Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2014 http://www.bls.gov/oes/current/naics4_311700.htm#51-0000 . Archived Data: http://www.bls.gov/oes/oes_arch.htm

6 The mean hourly wage rate for Tug and Towing Services (\$28.18) corresponds to SOC code 53-0000, "Transportation and Material Moving Machine and Vehicle Operations," (Source: *May2014 National Industry-Specific Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2014; <http://www.bls.gov/oes/current/naics488300.htm#53-0000> . Archived Data: http://www.bls.gov/oes/oes_arch.htm

7 The mean hourly wage rate for Passenger Vessels (\$28.18) corresponds to SOC code 53-0000, "Transportation and Material Moving Machine and Vehicle Operations," (Source: *May2014 National Industry-Specific Occupational Employment and Wage Estimates, United States*, U.S. Department of Labor, Bureau of Labor Statistics.) May Data: 2014; <http://www.bls.gov/oes/current/naics488300.htm#53-0000> . Archived Data: http://www.bls.gov/oes/oes_arch.htm

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must contain the following information: Occupation, the date(s) of the hazard assessment, and the name of the person performing the hazard assessment.

The final rulemaking record showed that shipyards were already performing hazard assessments and reassessments as a normal and routine shipyard practice (61 FR 26345) so no burden is associated with this requirement; however, they were not documenting these assessments. Therefore, the ICR only includes burden hours and costs for documenting assessments and reassessments. The Summary of Final Economic Analysis, Regulatory Flexibility Certification, and Environmental Impact Assessment (Final Economic Analysis) in the final rule (61 FR 26322 (5/24/1996)) estimated it takes 5 minutes (.08 hour) to record the hazard assessment for each occupation covered.

The initial hazard assessment is a one-time obligation unless new or different workplace hazards arise or changes in workplace conditions are such that such hazards are likely to be present in the workplace, in which case the employer must perform an updated or revised hazard reassessment. Thus, for purposes of this ICR, the Agency assumes that all **2,759 establishments** have conducted their initial assessments. In addition, because the number of establishments in this industry is declining, OSHA estimates that there is virtually no establishment turnover rate in this industry.

OSHA estimates that 10 percent of the original number of hazard assessments per establishment will be reassessed in a given year. The total number of hazard assessments is determined by multiplying the number of establishments by the number of hazard assessments for that size of establishment. The number of hazard assessments per establishment is based on the Final Economic Analysis, which stated that assessments and reassessments would be conducted for occupations at the shipyard.

Table 2 Burden Hours and Costs for Recording

	Size Class	Affected Establishments ⁸	Assessments per Establishment	10% per Year	Total Responses	Time in Hours	Total Hours	Supervisor's Wage Rate	Cost
Shipyards	1000 & Up	36	40	10%	144	0.08 hour	12	\$66.05	\$793
	500-999	29	30	10%	87	0.08 hour	7	\$66.05	\$462
	200-499	34	30	10%	102	0.08 hour	8	\$66.05	\$528
	100-199	44	10	10%	44	0.08 hour	4	\$66.05	\$264
	20-99	30	5	10%	15	0.08 hour	1	\$66.05	\$66
Offsite	20 – 99*	82	5	10%	41	0.08 hour	3	\$66.05	\$198
	1 – 19*	384	5	10%	192	0.08 hour	15	\$66.05	\$991
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Commercial Fishing	1000 & Up	7	40	10%	28	0.08 hour	2	\$29.83	\$60
	500-999	3	30	10%	9	0.08 hour	1	\$29.83	\$30
	200-499	1	30	10%	3	0.08 hour	1	\$29.83	\$30
	100-199	10	10	10%	10	0.08 hour	1	\$29.83	\$30
	20-99	21	5	10%	10.5	0.08 hour	1	\$29.83	\$30
	1-19	1099	5	10%	549.5	0.08 hour	44	\$29.83	\$1,313
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Fish Processing	1000 & Up	44	40	10%	176	0.08 hour	14	\$37.83	\$530
	500-999	10	30	10%	30	0.08 hour	2	\$29.23	\$58
	200-499	8	30	10%	24	0.08 hour	2	\$29.23	\$58
	100-199	15	10	10%	15	0.08 hour	1	\$29.23	\$29
	20-99	41	5	10%	20.5	0.08 hour	2	\$29.23	\$58
	1-19	96	5	10%	48	0.08 hour	4	\$29.23	\$117
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Tug & Towing	1000 & Up	45	40	10%	180	0.08 hour	14	\$36.77	\$515

8 The number of authorized employees was estimated based on the number of authorized employees in the FEA and the change in total employment from 2007 to 2001 as reported by County Business Patterns. The number of systems per authorized employee was then estimated using the number of systems per authorized employee based on the FEA.

	Size Class	Affected Establishments	Assessments per Establishment	10% per Year	Total Responses	Time in Hours	Total Hours	Supervisor's Wage Rate	Cost
Services									
	500-999	14	30	10%	42	0.08 hour	3	\$36.77	\$110
	200-499	5	30	10%	15	0.08 hour	1	\$36.77	\$37
	100-199	16	10	10%	16	0.08 hour	1	\$36.77	\$37
	20-99	88	5	10%	44	0.08 hour	4	\$36.77	\$147
	1-19	471	5	10%	235.5	0.08 hour	19	\$36.77	\$699
Passenger Vessels	20-99	21	5	10%	10.5	0.08 hour	1	\$36.77	\$37
	1-19	105	5	10%	52.5	0.08 hour	4	\$36.77	\$147
	TOTAL	2,759			2144		172		\$7,374

Source: Office of Regulatory Analysis, OSHA.

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 determinations made under Item 12 account for the total annual cost burden to respondents or record keepers resulting from these collection of information requirements.

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.

There are no costs to the Federal government.

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

The Agency is requesting an increase of 120 burden hours (from 52 to 172 hours). This increase is mainly the result of identifying additional establishments that have been covered by the shipyard industry. In addition, OSHA updated the number of establishments in the Shipyard Industry, NAICS 226611

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 subpart I.

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.

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

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

Table 2: Requested Burden Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
Hazard Assessment and Verification (1915.152(b))	51	172	121	\$7,374	2,144	There is an increase in the burden hours as a result of including all industries covered under the scope of the Shipyard standard and updating the number of establishments in the Shipyard industry.
Disclosure of Hazard Assessment and	1	n/a	-1	n/a	n/a	This requirement is no longer a collection of information.
TOTALS	52	172	120	\$7,374	2,144	