

SUPPORTING STATEMENT
Petition Requirements and Investigative Data Collection: Trade Act of 1974, as Amended
OMB Control No. 1205-0342

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.*

On October 29, 2015, the President signed into law the Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA). 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 2011 Program. As such, the TAARA 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 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. Form ETA-9042, Petition for Trade Adjustment Assistance, and its Spanish translation, ETA- 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*

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 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.

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.*

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.

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 2 above.*

There is no duplication for this collection.

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

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

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*

The form ETA-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.

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.*

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.

The agency's notice soliciting sixty days comments on the information collection prior to submission to OMB was published in the Federal Register on December 17, 2015 (80 FR 78768). No comments were received.

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

There are no payments to respondents.

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

This information, in the form of a confidentiality statement, 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 confidentiality of 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.”

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.*

The data collection includes no questions of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information.*

It is estimated, the Department will receive approximately 1,635 ETA-9042 petition forms on an annual basis. This estimate is based on average monthly petition activity of 109 petitions per month “plus” an anticipated increase following program marketing

efforts of 20 percent or 21.8 petitions per month for a total monthly average of 130.8 petitions per month. On an annualized basis, this results in:

$$130.8 \text{ petitions} * 12 \text{ months} = 1,635 \text{ petitions annually}$$

Since receipt of this petition form will trigger the issuance of all subsequent forms authorized under OMB 1205-0342, this number (1,635) 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 ETA-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.

$$1,635 \text{ respondents} * .413 \text{ hours (25 minutes)} = 675.26 \text{ hours}$$

The annual cost to respondents for submitting the ETA-9042 and its variants is estimated at \$17,440.00. 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 1,635 petitions for State agency review is estimated at \$3,118.76. This estimate is based on estimates on the \$22.89 average hourly earnings for managerial and professional workers as reported in the Employment and Earnings Journal.

The annual total burden cost for the 1,635 petitions for petitioners and state reviewers is estimated at \$20,558.76.

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

A	B	C	D	E	F
Role of individual(s) regarding petition	Estimated number of responses	Individual Time burden	Time Burden for all forms (hours) (B*C)	Hourly Salary	Total Cost Burden
Petition filers	1,635	.33 hours (20 minutes)	545.00	\$32.00	\$17,440.00
State Reviewers		.083 hours (5 minutes)	136.25	\$22.89	\$3,118.76
TOTAL PETITION BURDEN		.413 hours (25 mins)	675.26		\$20,558.76

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

The table below further delineates the distribution of hour burden by breaking out categories of people filling out TAA petitions in English, Spanish, and provided electronically in English (ETA-9042, ETA-9042a, and ETA-9042a-1), broken out by public sector and private sector:

TABLE 12B: Breakout of Petitioner Types for ETA-9042				
Type of Petitioner	Estimated Petition Activity	Audience	Estimated petition activity	Percent of Estimated Petition Activity
Company official	654	Private	735.75	45%
Unions	81.75			
State/Local	490.5	Public	490.5	30%
Workers	408.75	Individuals	408.75	25%
Total	1,635		1,635	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 ETA-9043b

It is estimated that for submissions of ETA-9042 or ETA-9042a that are received, an ETA-9043a will be issued to the petitioning worker group's company 50 percent of the time (in cases where the worker group produces an article), while the ETA-9043b will be submitted to the other 50 percent (in cases where the worker groups provide a service). To estimate the burden hours, OTAA used a random sample of past responses to TAA data responses. It is estimated that the revised form ETA-9043a and ETA-9043b should take 4 hours per response. Using the average, ETA estimates a total of 4,088 hours for ETA-9043a and 4,088 for ETA-9043b. For further elaboration, see Table 12C:

Table 12C: Time Burden for ETA-9043a and ETA-9043b			
ETA Form Number	Number of Responses/	Time Burden per response	Total Time Burden
A	B	C	D
ETA Form Number	Number of Responses (% of 1,635)	Time Burden per response (hours)	Total Time Burden (hours) (B*C)
ETA-9043a	818	4	3,270
ETA-9043b	818	4	3,270
	1,635		6,540

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:

TABLE 12D: SUMMARY OF BURDEN COST TO RESPONDENTS			
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)
ETA-9043a	3,270	\$30.00	\$98,100.00
ETA-9043b	3,270		\$98,100.00
	6,540		\$196,200.00

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

Based on the most recent annualized activity, it is estimated that the customer survey information collected by the current ETA-8562 is needed in 50 percent of all petitioning worker group investigations, or 817.5 of 1,635 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 4,087.5 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).

It is anticipated that the ETA-8562a will be issued in 50 percent of all cases where an ETA- 9042 has been filed on behalf of a worker group, or 817.5 of 1,635 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 20 percent of all cases that are initiated by the ETA- 9042, or 327 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 once for every 5 instances where an ETA-8562a is involved, or 10 percent of all 1,635 petition investigations (163.5).

A	B	C	D	E	F
ETA Form Number	Number of Petition Investigations requiring this form/Estimated Percent of 1,635 petitions	Number of Responses per Petition	Number of Responses Total (B*C)	Individual Time Burden for Each Form (hours)	Sum of Time Burden (hours) (D*E)
ETA-8562a	817.5/50%	4	3270	2	6,540
ETA-8562b	327/20%	1	327	2	654
ETA-8562a-1	163.5/10%	3	490.5	2	981
	1,308.0/NA		4,087.5		8,175

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:

A	B	C	D
ETA Form Number	Time Burden (see TABLE 12E, Column "F")	Estimated Hourly Salary for Staff	Total Cost Burden (B*C)
ETA-8562a	6,540	\$30.00	\$196,200.00
ETA-8562b	654		\$19,620.00
ETA-8562a-1	981		\$29,430.00
	8,175.00		\$245,250.00

ETA-9118 Business Information Request

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 percent of the estimated annual submission of 1,635 petitions, for a total of 81.75 possible situations.

TABLE 12G: SUMMARY OF TIME BURDEN FOR ETA-9118			
A	B	C	D
ETA Form Number	Percent of 1,635 / Number of Responses	Individual Time Burden	Total Burden Hours
ETA-9118	81.75/5%	1	81.75

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:

TABLE 12H: SUMMARY OF BURDEN COST FOR ETA 9118			
A	B	C	D
Form Number	Total Burden Hours (See TABLE 12G, Column "D")	Hourly Staff Salary	Total Cost Burden
ETA-9118	81.75	\$30.00	\$2,452.50

SUMMARY OF BURDEN TIME & COST FOR ALL FORMS IN OMB No. 1205-0342

Time burden for all estimates provided in Tables 12A-12H are summarized below in Table 12I. Note that, in terms of frequency, all of the forms below are "one time" collections.

TABLE 12I: SUMMARY OF TIME BURDEN AND COST BURDEN FOR ALL FORMS (OMB CONTROL #1205-0342)

ETA Form Numbers	Number of Respondents	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate	Total Cost Burden
ETA-9042, ETA-9042a, ETA-9042a-1	1,635	1,635	25 min/ .42 hours 20 min - company 5 min - state	686.70	\$32- company \$27-state	\$20,558.76
ETA-9043a ETA-9043b	981	1,635	4 hours	6,540.00	\$30.00	\$196,200.00
ETA-8562a ETA-8562b ETA-8562a-1	4,087.5	4,087.5	2 hours	8,175	\$30.00	\$245,250.00
ETA-9118	81.75	81.75	1 hour	81.75	\$30.00	\$2,452.50
Unduplicated Totals	6,785.25	7,439.25		15,483.45		\$464,461.26

The annual cost for the 1,635 petitions for State agency review is estimated at \$3,118.76. This estimate is based on estimates on the \$22.89 average hourly earnings for managerial and professional workers as reported in the Employment and Earnings Journal (<http://www.bls.gov/pub/ee/empear201102.pdf>).

* When petitions are filed by companies that employ TAA petitioning worker groups, the same respondent will complete *both* a TAA Petition form (ETA-9042, ETA-9042a, or ETA-9042a-1), and *either* a Business Data Request Form- Article (ETA-9043a) or a Business Data Request Form – Service (ETA-9043b). As a result, the calculation for the number of unique respondents in the second two forms is as follows:

$$\begin{array}{r}
 1,635 \text{ (number of responses for TAA Petition)} \\
 \text{MINUS } 654 \text{ (number of responses based on company filed petitions)} \\
 \text{EQUALS } 981
 \end{array}$$

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

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.

14. Provide estimates of annualized costs 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.

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

The annualized cost of the ETA-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 8,562 questionnaire is estimated at \$2.25 for each form, or a total of \$4,407.26. 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.

ETA Form Number	Staff Salary/Cost	Number of Responses	Total (Staff Cost Multiplied by Number of Responses)
ETA-9042 & 9042a	\$0.00	1,635	\$0.00
ETA-9043a & 9043b	\$2.25	1,635	\$3,678.75
ETA-8562a, 8562a-1 & 8562b	\$2.25	4,087.50	\$9,196.88
ETA-9118	\$2.25	81.75	\$183.94
Totals			\$13,059.56

15. *Explain the reasons for any program changes or adjustments reported on the burden worksheet.*

The forms in the proposed collection for OMB No. 1205-0342 are identical in number and content to the current collection. However there is a change in burden for: (1) total responses, from 8,675 in the current collection, to 7,439 in the proposed collection, and; (2) total hour burden is changed from 17,883 hours in the current collection, to 15,483 in the proposed collection. The change in the volume of responses and burden hours

changed due to a variety of factors. Specific changes are noted under the form series underlined below.

- TAA Petition (ETA-9042, ETA-9042a, ETA-9042a-1)
The Supporting Statement for the current collection presumed an annualized estimate of 3198 petitions, which reflects both the total number of respondents and the responses. In looking at recent trends of petition activity, this volume was reduced in the proposed collection to 1,635 petitions. This revised estimate impacts the estimated burden of all of the remaining forms in this collection, as the number of investigative forms used each year is contingent on the number initiating petitions received. Hour burden for the different versions of the TAA petition is reduced from 1,332.29 hours to 686.7 hours.
- Business Data Request (ETA-9043a, ETA-9043b)
Due to the reduction in estimate in the collection of the TAA petition, the burden for the ETA-9043a and ETA-9043b in the proposed collection is reduced to 1635 responses versus 3,198 in the current collection for the two forms. Correspondingly the burden hours are reduced from 12,292 hours to 6,540 burden hours collectively for the two forms.
- Customer Surveys (ETA-8562a, ETA-8562b, ETA-8562a-1)
The change in burden hours and responses for the proposed collection for the ETA-8562a, ETA-8562b, and ETA-8562a-1 is affected by three factors.

First the volume of initiating petitions is reduced (as noted above), which affects the volume of the collection of these forms.

However, this reduction is offset by the fact that the current burden estimates for these forms did not take into account the number of times *per petition* that the customer survey forms are collected. For example, the current collection's burden estimate presumes that only *one* ETA-8562a would be collected if it was determined necessary for the petition investigation. In actual practice, an average of *four* ETA-8062a forms are collected per petition investigation. Similarly, the ETA-8562b will be collected an average of *three* times for each time it is used, and not just *one*, as previously estimated.

Last, the percentage of times that these forms are collected per petition investigation has been revised in the proposed collection to reflect changes in current investigation trends.

The result of these factors lead to a net change of responses from 1958.78 in the current collection to 4,087.5 in the proposed collection for the three forms, with a corresponding hour burden total of 8,175 hours in the proposed collection versus 3,917.55 hours in the current collection.

- Business Information Request (ETA-9118)

Due to the reduction in estimate in the collection of the TAA petition, the burden for the ETA-9118 in the proposed collection is reduced to 81.75 responses (versus 159.9 in the current collection), with a corresponding change in burden hours from 159.9 hours in the current collection to 81.75 hours in the proposed collection.

The above changes in response volumes result in a net increase in annualized cost to the federal government itemized in #14 above, from \$11,962.53 in the current collection, to \$13,059.56 in the proposed collection

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.

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

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.*

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

18. *Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."*

There are no exceptions to the certification statement.

- B. This collection does not employ statistical methods.**