

**PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR
PART 1910, SUBPART I))
1218-0205
June 2016**

**THE INFORMATION COLLECTION REQUEST FOR
PERSONAL PROTECTIVE EQUIPMENT (PPE)
FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0205 (June 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 objective of the Occupational Safety and Health Act of 1970 (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 authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651(2)(b)(8)).

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 enforcement of this Act . . .” (29 U.S.C. 657(c)(1)). 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 inspection of an employer’s establishment” (29 U.S.C. 657(g)(2)).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA) issued personal protective equipment (PPE) standards for general industry (29 CFR part 1910, subpart I) (hereafter “subpart I”). Section 1910.132(a) requires that PPE, including equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, be provided, used, and maintained in a sanitary and reliable

¹ The 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, these provisions. This Supporting Statement and information collection request (ICR) does not include burden hours and costs associated with the information collection requirements in the subpart I standard on Respiratory Protection (29 CFR 1910.134) and Electrical Protective Equipment (29 CFR 1910.137), both of which have been addressed in separate ICRs. See OMB Control Nos. 1218-0099 and 1218-0190, respectively.

PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))
1218-0205
June 2016

condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact. 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.

Subpart I specifies two paperwork requirements. The following describes the information collection requirements and addresses who will use the information:

Hazard Assessment Verification and Communication of PPE Selection Decisions (§1910.132(d))

Section 1910.132(d)(1) requires that employers perform a hazard assessment of the workplace to determine if hazards are present, or likely to be present, that necessitate the use of PPE. Where such hazards are present, or likely to be present, employers must select appropriate PPE and communicate those PPE selection decisions to each affected worker (§1910.132(d)(1)(ii)).

Section 1910.132(d)(2) requires that employers certify in writing that they performed the required hazard assessment. The certification must include the name of the person certifying that the hazard assessment was conducted, the date of the assessment, and the identification of the workplace evaluated (area or location).²

The PPE hazard assessment verification/certification assures both employers and workers that potential workplace hazard necessitating the use of PPE have been identified. Communicating PPE selection decisions ensures workers that employers have selected PPE that properly fits them and will provide protection from the hazards identified in the assessment.

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 information collection techniques, or other forms of information technology (e.g., electronic submission of responses), when reporting or maintaining records associated with the information collection

² Section §1910.132(g) specifies that the section's hazard assessment (paragraph (d)) and training (paragraph (f)) requirements only apply to PPE for the eyes and face, head, feet, and hands.

PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))
1218-0205
June 2016

requirements in subpart I. The Agency wrote the paperwork requirements of the Standard 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 purpose(s) described in A.2 above.

The information collection requirements in subpart I are specific to each employer and worker involved, and no other source or agency duplicates the requirement 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 reduce the burden.

The information collection requirements specified 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 or is not conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The collections of information are for the purpose of worker safety and health in the workplace and are the minimum amount necessary and appropriate.

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 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**

PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))
1218-0205
June 2016

- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can prove that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirement is within 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 those 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 three 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 the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)) requires, OSHA published a notice in the *Federal Register* on March 2, 2016 requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in subpart I (81 FR 10918 (3/2/2016); Document ID Number OSHA-2009-0028-0003). This notice was part of a preclearance consultation program that provides the public and government agencies with an opportunity to comment on its proposal to extend approval of information collection requirements. The Agency received one comment from Ms. Susan Dolan, President of the Association for Professionals in Infection Control and Epidemiology (APIC) (Document ID Number OSHA-2009-0028-0005).

Although Ms. Dolan acknowledged "that attestation that a hazard assessment was completed is a necessary quality control to assuring the safety of healthcare workers," she expressed concern that "OSHA has underestimated the time burden." In particular, she was concerned that the burden estimates did not include time for the training of employees in the use of PPE, or the "burden related to monitoring [training] compliance, maintaining education records and updating employee lists." She also stated that it was "unclear from the information included in the request for comment" how OSHA determined that the burden hours decrease from the current authorization.

PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))
1218-0205
June 2016

On Ms. Dolan's first point, OSHA agrees that employees must be trained in the use of PPE in order to ensure that they receive the protection afforded the equipment. In fact OSHA requires employers to train employees in the use of PPE that they wear (see, e.g., 29 CFR 1910.133(f)). However, OSHA did not take any time burden for the actual training time because the training requirements are performance oriented, and such requirements are not covered by the Paperwork Reduction Act. In addition, employers are not required to verify in writing that affected workers have received training (76 FR 33590 (6/8/2011)), and accordingly OSHA has taken no burden for those activities as well.

On her second point, OSHA explains the reasons for the burden decrease in section 15 below.

Ms. Dolan also commented that there "[w]ays to minimize the burden on employers who must comply; for example by using automated or other technological information collection and transmission techniques." She added:

"Instituting an automated system to gather data used in the hazard assessment seems optimal. Working with healthcare institutions to integrate purchasing, finance, and information technology systems to assist with the hazard assessment in a proactive way would be helpful in reducing the ongoing burden of data collection. We note that many smaller and less resourced sites may not be able to institute such a system. Time spent on data collection will potentially impact the time available for education and training of staff on the correct selection and use of, donning, and doffing of PPE."

OSHA encourages employers to use modern methods to improve the quality of generating and maintaining the data, and informing their employees of the policy and procedures to help prevent incidents. Employers may, but are not required, to use automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of responses), when reporting or maintaining records associated with the information collection requirements in subpart I. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data), in part, so that employers may take advantage of such developments when they arise.

9. Explain any decision to provide any payment 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.

**PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR
PART 1910, SUBPART I))
1218-0205
June 2016**

The paperwork requirements specified by subpart I do not require the collection of confidential information.

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 provisions in subpart I do not 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 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.**

PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))
1218-0205
June 2016

Burden Hour and Cost Determinations

As a preliminary matter, OSHA’s PPE Cost Survey provides estimates of the percentage of establishments in each affected industry where some kind of PPE is used and the percentage of workers who use one or more kinds of PPE. Applying these percentages to industry-specific establishment and employment totals from the 2006 County Business Patterns, OSHA estimates that there are 3.5 million establishments, with 43.6 million workers affected by subpart I.

In determining the wage rates, OSHA used the mean hourly wage rates from the *May 2014 National Occupational Employment and Wage Estimates*,³ and the added fringe benefits for the compensation rate from the *Employer Costs for Employee Compensation, June 2015*,⁴ Bureau of Labor Statistics (BLS), U.S. Department of Labor. The mean hourly rate of compensation for an Industrial Production Manager (11-3051), including fringe benefits at 30.5 percent, is:

Industrial Production Manager:	\$63.78
--------------------------------	---------

Hazard Assessment/Reassessment Verification and Communication of PPE Selection Decisions

Section 1910.132(d) requires that all affected employers conduct a hazard assessment and make a determination regarding their need for PPE. In the Regulatory Impact Analysis (RIA) of OSHA’s final rule revising subpart I (59 FR 16334 (4/6, 1994)), the Agency estimated that the time to perform a hazard assessment ranged from 3 to 29 hours, based on the number of workers per establishment. OSHA estimates that establishments with 1-19 workers take 3 hours; establishments with 20-99 workers take 10 hours; establishments with 100-249 workers take 19 hours; and establishments with 250 or more workers take 29 hours. These times include the time to communicate PPE selection decisions to affected workers and generate and maintain the hazards assessment certification record.

Data from the Census Bureau indicates that there is a 12.4 percent annual establishment turnover rate in the private sector.⁵ There are, therefore, 434,000 “new establishments” (3.5 million x 12.4 percent) that will need to conduct an initial hazard assessment each year. The RIA noted that 47 percent of establishments were conducting the initial hazard assessment as a usual and

³ Source for wage rates: http://www.bls.gov/oes/current/oes_nat.htm.

⁴ Source for compensation rate: http://www.bls.gov/news.release/archives/ecec_09092015.pdf

⁵ Technically, this is referred to as the “birth” rate of establishments. *2005-2006 Statistics of U.S. Business* dynamic data at <http://www.census.gov/csd/subs/susbdyn.htm>.

PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))
1218-0205
June 2016

customary practice, thus, 53 percent of the 434,000 establishments (or 230,020 establishments) would incur a burden.

Based on 2006 County Business Patterns data, OSHA estimates that 85.1 percent of the affected establishments (195,747) have fewer than 20 workers, 12.4 percent (28,523) have between 20 and 99 workers, 1.9 percent (4,370) have between 100 and 249 workers, and .6 percent (1,380) have 250 or more workers.⁶ The total burden for this activity is calculated as follows:

Burden hours: 195,747 establishments x 3 hours = 587,241 hours
28,523 establishments x 10 hours = 285,230 hours
4,370 establishments x 19 hours = 83,030 hours
1,380 establishments x 29 hours = 40,020 hours
995,521 hours

Cost: 995,521 hours x \$63.78 = \$63,494,329

OSHA estimates that all establishments will need to conduct PPE hazard reassessments an average of once every five years (20 percent per year). This estimate is based on the assumption that firms change production processes, incorporate new technologies or open new facilities at this rate. OSHA estimates that it will take one hour for an establishment to perform this hazard reassessment, communicate the PPE selection decisions to affected workers, and generate and maintain the certification record. OSHA estimates that 47 percent of the 3.5 million establishments affected already are conducting a fall protection PPE hazard reassessment as a usual and customary practice; thus, 53 percent (1,855,000 establishments) would incur a burden.

Burden hours: 1,855,000 establishments x .20 x 1 hour = 371,000 hours

Cost: 371,000 hours x \$63.78 = \$23,662,380

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 service 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

⁶ Estimates based on the distribution of establishments by employment size for industries affected by the PPE standard.

PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR PART 1910, SUBPART I))
1218-0205
June 2016

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 respondent (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.**

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

14. Provide estimates of the 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 into a single table.

There is no cost to the Federal Government.

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

OSHA is requesting a total adjustment decrease in the burden hours for subpart I from 1,696,991 hours to 1,366,521 hours, a difference of 330,470 hours. The reduction in burden hours is twofold.

First, in reviewing the number of establishments conducting initial and periodic PPE hazard assessments, the existing ICR (April 2013) estimated that 47 % of establishments already were conducting initial hazard assessments as usual and customary business practice; therefore, only 53% of establishments would incur a burden for initial and periodic PPE hazard assessments. However, the existing ICR analysis erroneously included burden hours for hazard reassessments for all affected establishments rather than just the 53% of affected establishments that were not conducting periodic PPE hazard assessments when OSHA published the final rule. This ICR removes the burden hours for the 47% of establishments that already were calculating the burden hours and costs for the PPE hazard reassessment prior to the final rule. This results in a -329,000 reduction.

**PERSONAL PROTECTIVE EQUIPMENT (PPE) FOR GENERAL INDUSTRY (29 CFR
PART 1910, SUBPART I))
1218-0205
June 2016**

Second, the PRA does not cover the disclosure of records during an inspection. Implementing regulation 5 CFR 1320.4 states that the PRA does not apply “during the conduct of a civil action to which the United States or any official or agency thereof is a party, or during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities.” As a result, OSHA removed the burden hours, -1,470 hours associated with employers disclosing records to OSHA during an inspection.

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.

OSHA will not publish the information collected under this subpart.

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 29 CFR 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 (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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The supporting statement does not contain any collection of information requirements that employs statistical methods.

Table 1: Requested Burden Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
Initial Assessment and Reassessment of Workplace for Hazards (§1910.132(d)(1)(ii))	995,521	995,521	0	\$63,494,329	230,020	This ICR removes the burden hours for the 47% of establishments that already were calculating the burden hours and costs for the PPE hazard reassessment prior to the final rule.
Written Certification of Assessment (§1910.132(d)(2))	700,000	371,000	-329,000	\$23,662,380	371,000	
Disclosure of documentation records	1,470	0	-1,470	\$0	0	The disclosure of record to the Federal Government no longer considered a collection of information.
TOTALS	1,696,991	1,366,521	-330,470	\$87,156,709	601,020	

