Note

OSHA is initiating a regulatory review of its existing safety and health standards in response to the President's Executive Order 13563, "Improving Regulations and Regulatory Review" (76 FR 38210). This review, the Standards Improvement Project—Phase IV (SIP IV), is the fourth in a series of rulemaking actions to improve and streamline OSHA standards. OSHA's Standards Improvement Projects remove or revise individual requirements in safety and health standards that are confusing, outdated, duplicative or inconsistent. The goal of the proposed rulemaking is to reduce regulatory burden while maintaining or enhancing worker safety and health.

As part of the SIP IV proposal, OSHA is proposing to add to 29 CFR 1926.50(f) a requirement that when an employer uses a communication system for contacting 911 services, if the communication system is in an area that does not automatically supply the caller's latitude and longitude to the 911 dispatcher, the employer must post or otherwise provide to employees the latitude and longitude of the work site or other information that communicates the location of the worksite. In addition, OSHA is proposing to remove the load limit posting requirement for single family dwellings or townhouses in 29 CFR 1926.250.

SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
CONSTRUCTION STANDARDS ON POSTING
EMERGENCY TELEPHONE NUMBERS AND FLOOR LOAD LIMITS
(29 CFR 1926.50(f) and 1926.250(a)(2))¹
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NO. 1218-0093 (August 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). Accordingly, section 6(b)(7) of the OSH Act specifically authorizes that "[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees 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).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration ("OSHA" or "the Agency") published paragraph (f) of §1926.50 (Standard on Medical Services and First Aid) requiring that employers must post emergency telephone numbers at worksites if 911 emergency telephone service is not available. Additionally the Agency published paragraph (a)(2) of §1926.250 (Standard on General Requirements for Storage) specifying that employers must post maximum safe load limits for floors in storage areas inside buildings or other structures under construction, unless the floors rest on grade (sit on the ground). Items 2 and 12 below describe the specific information collection requirements of these paragraphs.

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.

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

Two construction standards, § 1926.50 ("Medical Services and First Aid") and §1926.250 ("General Requirements for Storage"), contain posting provisions. Paragraph (f) of §1926.50 requires employers to post emergency telephone numbers for physicians, hospitals, or ambulances at the worksite if 911 emergency telephone service is not locally available. In the event a worker is seriously injured at the worksite, posting the emergency telephone number expedites emergency medical treatment for the worker. Under the SIP-IV Proposal, OSHA has proposed to add to the existing paragraph (f) a requirement that when an employer uses a communication system for contacting 911 services, the employer must ensure that the communication system can effectively do so, and, if the system is in an area that does not automatically supply the caller's latitude and longitude to the 911 dispatcher, post or otherwise provide to employees the latitude and longitude of the work site or other information that communicates the location of the worksite. Section 1926.250, paragraph (a)(2) specifies that employers must post the maximum safe load limit of floors located in storage areas inside buildings or other structures under construction, unless the floors are on grade. This provision prohibits employers from exceeding the maximum safe load limit for off-the-ground storage-area floors and avoids catastrophic collapses. Direct ground support keeps the floors from collapsing and seriously or fatally injuring workers. As part of the SIP-IV Proposal, OSHA is proposing to remove the load limit posting requirement for single family dwellings or townhouses in 29 CFR 1926.250(a)(2).

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 any available technology to meet the paperwork requirements specified by §1926.50(f) and § 1926.250(a)(2). The Agency wrote these provisions in performance-oriented language, i.e., in terms of what information to provide, not how to provide 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 A.2 above.

The information collection requirements in §1926.50(f) and § 1926.250(a)(2) are specific to each employer involved, and no other sources or agencies duplicate these requirements or can make the required information available to OSHA, i.e., the required information is available only from the employers.

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

The information collection requirements specified by §1926.50(f) and §1926.250(a)(2) 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 the Standards are the minimum frequencies necessary to 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 in the OSH Act at 29 U.S.C. 651. Accordingly, if employers do not perform the information collections required by § 1926.50(f) and §1926.250(a)(2), or delay in providing this information, emergency treatment of workers seriously injured at the worksite may not be available in a timely fashion, and employers may catastrophically overload floors in storage areas of buildings and structures under construction. Construction workers would face increased risk of serious injury and death, if emergency treatment is not readily available, or if floors over, under, or near them collapse.

- 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 employers to collect information in the manner or using the procedures specified by this item; the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2) are within the guidelines set forth in 5 CFR 1320.6.

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.

In accordance with 5 CFR 1320.11, OSHA submitted a revised Construction Standard on Posting Emergency Telephone Numbers and Floor Load Limits (29 CFR 1926.50(f) and 1926.250(a)(2)) Information Collection Request (ICR) to the Office of Management and Budget (OMB) for the Standards Improvement Project IV proposal. As noted in the Section V. of the preamble, "Paperwork Reduction Act," members of the public who wish to provide comments on this ICR must submit written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, OSHA (RIN–1218 –AC67), Office of Management and Budget, Room 10235, Washington, DC 20503, Fax: 202-395-5806 (this is not a toll-free number), e-mail OIRA_submission@omb.eop.gov. OSHA encourages commenters also to submit their comments on these paperwork requirements to the rulemaking docket, Docket Number OSHA-2012-0007, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210, along with their comments on other parts of the proposed rule. Commenters also may submit their comments to OSHA at http://www.regulations.gov, the Federal eRulemaking portal. Comments submitted in response to the notice are public records; therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. These comments also will become part of the rulemaking record, and will be available for public inspection and copying in the OSHA Docket Office and at http://www.regulations.gov. The Agency will respond to any comments received in response to this notice.

Recognizing the importance of public participation in the SIP process, the Agency published a Request for Information (RFI) on December 6, 2012 (77 Federal Register 72781) asking the public to identify standards that were in need of revision or removal, and to explain how such

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action would reduce regulatory burden while maintaining or increasing the protection afforded to employees. The Agency received 26 comments in response to the RFI. Several of the proposed amendments contained in the proposed rule were recommended in the public comments received in response to the RFI. Other proposed SIP amendments were identified by the Agency's own internal review and by the Advisory Committee for Construction Safety and Health (ACCSH).

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

The Agency will <u>not</u> 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.

The paperwork requirements specified by §1926.50(f) and §1926.250(a)(2) do not involve 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 reason 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 paperwork requirements specified by §1926.50(f) and §1926.250(a)(2) do not involve 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 and aggregate the hour burdens.
 - Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories.

Burden-Hour and Cost Determinations

The following sections describe the burden hour and cost estimates for the information collection requirements specified by §1926.50(f) and §1926.250(a)(2); these sections determine burden hours and cost separately for posting emergency telephone numbers and floor load limits. OSHA estimates that these information collection requirements result in a total of 16,097 burden hours and a wage hour cost of \$393,089.

(A) Posting Emergency Telephone Numbers (§ 1926.50(f))

Part One of 1926.50(f):

OSHA determines the burden hours and wage hour costs for employers to post emergency telephone numbers and emergency information based on the number of construction project sites. To estimate the number of project sites, OSHA first reviewed the Dodge Construction Potentials Bulletin ("The Bulletin") for December 2013 published by McGraw Hill Construction. The Bulletin shows that the industry started a total of 58,754 non-residential building construction projects in 2013 and an additional 63,718 non-building projects in the same year.

Second, OSHA reviewed U.S. Commerce Department reports through the Census Bureau that identified 483,000 single family homes were completed in 2012 and that an additional 21,634 multifamily buildings were completed that year. OSHA notes that more than one single family home may be built at a project site requiring the posting of emergency telephone numbers. The Agency determined that construction contractors build approximately half of the single family houses at single house project sites, or 258,182 project sites. Additionally, they build the other 258,182 one family houses at multiple-house project sites. (i.e., 2 or more houses per job site.). Assuming the most burdensome case scenario, that multiple-house project sites each only hold two houses, the total number multi-house project sites is 129,091 (258,182 ÷ 2 houses per project site = 129,091).

Therefore, the total number of construction project sites covered by this provision is: 531,379.

Non-Residential Building Non-building Construction	58,754 63,718
Projects	05,710
One family house sites	258,182
More than one family house	129,091
per site	
Multi-family Building Sites	21,634
Total	531,379

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The Government Printing Office Report shows that 99% of the country's population is covered by wireline 911 service.² Therefore, OSHA assumes 99% of the 531,379 worksites have access to wireline 911 emergency telephone service. Notably the Report shows that 98% of the population is covered by phase one wireless 911 service and that 97% has phase two wireless coverage by at least one cellphone carrier. (Phase one provides call centers with calling telephone numbers and receiving cellphone tower locations. Phase two service additionally provides geographic location coordinates usually to within 50-300 meters of the caller.³) Since the Agency has no data indicating coverage overlaps among the three systems, wireline, wireless phase one and wireless phase two, OSHA will continue to estimate that 99% of construction-sites have 911 service coverage. It follows that the remaining 1% of project sites rounded up (or 5,727 sites) must post emergency telephone numbers. The Agency assumes that on average a non-supervisory construction worker earning \$24.42 per hour⁴ takes 3 minutes (.05 hour) to obtain the emergency phone number(s), write the information on material, and then to post the information at a conspicuous location as required by §1926.50(f).

Therefore, the estimated burden hours and wage hour cost of this paperwork requirement are:

Burden hours: 5,314 project sites x .05 hour = 266 hours

Cost: 266 hours x \$24.42 = \$6,496

Part Two of 1910.50(f):

Since all 9-1-1 emergency calls made are routed to a PSAP or call center based on the geographic location in which the call was made, for the purpose of this analysis, OSHA is interested in those U.S. counties where enhanced 9-1-1 is neither available by wireline nor wireless device. For this analysis, OSHA assumes that 4.3 percent of all construction project sites (22,849 of 531,379 construction project sites) are located within those counties without wireline and wireless enhanced 9-1-1 capabilities and would therefore be covered by this provision whereby employers must either post the latitude and longitude of the work site or other location-identification information that effectively communicates the location of the work site to

² U.S. Government Printing Office, *Telecommunications States' Collection and Use of Funds for Enhanced 911 Services*, p. 5.

³ U.S. Government Printing Office, 911 SERVICES Most States Used 911 Funds for Intended Purposes, but FCC Could Improve Its Reporting on States' Use of Funds (April 2013), pp. 6-8.

⁴ *Source:* The wage rate is for a non-supervisory construction worker is taken from the most recent data from *Employer Cost for Employee Compensation--June 2013*, Bureau of Labor Statistics, U.S. Department of Labor. The wage rate includes fringe benefits of 29.9 percent.

the 9-1-1 emergency medical service dispatcher.

OSHA estimates that it takes the average construction employee affected by this requirement 3 minutes (.05 hour) to obtain the latitude and longitude of worksite locations, write the information on material, and then to prominently post the information, as required by proposed §1926.50(f).

Therefore, the estimated annual burden hours and wage hour cost of this proposed requirement are:

Burden hours: 22,849 construction project sites x .05 hour = 1,142 hours

Cost: 1,142 hours x \$24.42 = \$27,888

(B) Posting Floor Load Limits (§ 1926.250(a)(2))

OSHA believes that during construction of multi-story buildings and structures, employers usually store building materials on elevated floors as the structure climbs. Section 1926.250(a) (2) requires that employers post the maximum safe load limits in pounds per square foot for floors used for elevated storage. The standard requires the posting be done prior to storage use in order to prevent overloading and possible floor collapse. The Agency finds that, as a usual and customary business practice, floor load limits are readily available from engineering drawings maintained at the worksite. Many jurisdictions require these figures by building code.

The Agency determines that construction contractors at single-story sites store building materials on the ground, or on floors often called "slabs on grade" (supported directly by the ground). At projects where the single story structures are built over basements, partial basements or crawl spaces, contractors that store materials on the floors not supported by the ground must acquire and post the safe load limits as done for multi-story structures. The Agency estimates that during the construction of each building or structure, employers store building materials on average at two specified, elevated areas.

According to the U.S. Commerce Department Census Bureau, in 2012 there were 483,000 single family houses constructed, including townhouses (Census, 2012).⁵ OSHA estimates, that on

⁵ Following the methodology it used in the SIP-IV PEA, OSHA used data from the Dodge report in estimating the number of construction starts for the 911 Emergency Medical Services section above. Included within that total were new home starts. However, as has historically been the case when examining the paperwork burden for 29 CFR 1926.250, the Agency is using U.S. Census data rather than the Dodge report. The Dodge report does not include data on townhomes separate from condominiums; townhomes and condominiums are both grouped together in the Dodge report's multifamily category. For the purposes of analyzing the change to this provision, OS HA needs to be able to separate condominiums from townhomes; the U.S. Census' definition of a single family hom

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average, each project would have one storage area, producing one required posting. The Dodge 2013 bulletin data show a total of 58,754 non-residential building project contracts for 2013. The Agency conservatively estimates that all of them are subject to floor load posting requirements. The Agency does not include any Dodge bulletin non-building construction data in this calculation because of the nature of the work sites. They are largely considered horizontal construction (roads, highways, sewerage, etc.) and are on the ground.

The total number of construction sites that will have to post load limits is 541,754 construction sites (483,000 single family homes plus the non-residential building construction sites). OSHA estimates on average that a non-supervisory construction worker spends a total of 15 minutes per project (.25 hour) retrieving the floor load limit data, preparing two signs using readily available materials, and then posting the signs as required by §1926.250(a)(2). The Agency assumes here, as above, that on average a non-supervisory construction worker earns \$21.53 per hour.

Burden hours: 541,754 signs x 0.25 hours develop and post = 135,439 hours

Cost: 135,439 hours x \$24.42 = \$3,307,420

Removing Posting of Load Limits for Residential:

As part of the SIP-IV Proposal, OSHA is proposing to remove the load limits posting requirement for single family dwellings or townhouses in 29 CFR 1926.250, General Requirements for Storage, paragraph (a)(2). Using the data above, OSHA preliminarily estimates that the yearly burden on employers affected by this proposed revision would be reduced.

Therefore, the estimated reduction in burden hours and wage hour costs of this proposed requirement are:

Reduced burden hours: 483,000 houses x .25 hours = 120,750 hours

Reduced cost: 120,750 hours x \$24.42 = \$2,948,715.

Summary of Burden Hours and Cost Under Item 12 for Posting Emergency Telephone Numbers and Floor Load Limits (29 CFR 1926.50(f) and 1926.250(a)(2)

es identically matches the new home constructions that the Agency needs to measure. Therefore, OSHA believes the data provided from the U.S. Census is the best available for analyzing the proposed update to 29 CFR 1926.250(a) (2).

Collections of Information	Current Burden Hours	Requested Burden Hours	Progra m change	Adjustments	Cost Under Item 12	Responses
(A) Posting Emergency Telephone	244	266	1	22	\$6,496	5,314
Numbers (§1926.50(f))		1,142	1,142		\$27,888	22,849
(B) Posting Floor Load Limits (§	105,934	135,439		29,505	\$3,307,420	541,754
1926.250(a)(2))		-120,750	-120,750		-2,948,715	483,000
Total	106,178	16,097	-119,608	29,527	0	0

- 13. Provide an estimate of 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 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 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.

Item 12 above provides the total cost of the information collection requirements specified by §1926.50(f) and §1926.250(a)(2).

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 is no cost to the Federal Government.

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

The Agency is requesting an adjustment increase of 29,527 and program change decrease of -119,608 a total change in burden hours of -90,081 burden hours (from 106,178 hours to 16,097 hours). The adjustment increase is due to an increase in the number of construction sites. The program change increase of 1,142 hours is due to the additional posting requirement under paragraph (f) of §1926.50 that will require employers to post effectively communication systems in an area that does not automatically supply the caller's latitude and longitude to the 911 dispatcher, post or otherwise provide to employees the latitude and longitude of the work site or other information that communicates the location of the worksite. The program change decrease of 120,750 is the result of the removal of posting load limits in residential homes.

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 §1926.50(f) and §1926.250(a)(2).

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 moist 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. COLLECTIONS OF INFORMATON EMPLOYING STATISTICAL METHODS

This Supporting Statement does not contain any collection of information requirements that employ statistical methods.