

NOTE TO REVIEWERS

REVISION TO:

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF
REGULATIONS CONTAINING PROCEDURES FOR HANDLING OF
RETALIATION COMPLAINTS
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NO. 1218-0236 (August 2019)**

OSHA is requesting a non-substantive change to the currently approved collection of information requirements contained in “Regulations Containing Procedures for Handling of Retaliation Complaints,” to add a recently enacted whistleblower statute to this Information Collection Request (ICR).

OSHA anticipates an increase in burden hours due to the recent enactment of Section 1405(b) of the Taxpayer First Act (TFA), P.L. 116-25, “Protection Against Retaliation,” codified at 26 U.S.C. 7623(d), “Civil Action to Protect Against Retaliation Cases.” Since its enactment, OSHA has received four TFA complaints. As the public becomes more aware of the protections under this statute, OSHA estimates that filings will increase. OSHA estimates that 50 employees will take 1 hour to file complaints under this statute annually. OSHA is therefore requesting a program increase of 50 burden hours.

As indicated in the currently-approved ICR (ICR Reference No. 201705-1218-001(05/31/17), the Agency estimates that it receives 7,516 retaliation complaints annually. With the addition of the 50 burden hours, for purposes of this non-substantive change, OSHA estimates that employees file 7,566 complaints annually.

The Agency anticipates promulgating a procedural regulation for investigations conducted under this statute at a later date. Historically, OSHA has added burden hours to this ICR by submitting a non-substantive change request to OMB at the same time the Agency promulgated the procedural rule for each of the whistleblower statutes delegated to the Agency for enforcement. (See, for example, ICR Reference No.200306-1218-003 (06/02/03) and ICR Reference No. [200204-1218-003](#) (04/02/02).) However, because whistleblower statutes are effective upon enactment, OSHA begins to enforce the laws on the date of enactment using its statutory authority and general procedures. Thus, the Agency is seeking OMB approval prior to the promulgation of the procedural rule for handling complaints under the TFA statute. In 2012, OSHA submitted a similar non-substantive change request to OMB to add a different whistleblower statute delegated to the Agency. (See, ICR Reference No. 201210-1218-001 (01/29/13).)