

Certificate of Electrical Training and Applications for Mine Safety and Health
Administration Approved Tests and State Tests Administered as Part of a Mine Safety
and Health Admin. Approved Program
1219-0001
2019

**Supporting Statement for
Paperwork Reduction Act Submissions**

Information Collection Title: Certificate of Electrical Training and Applications for MSHA Approved Tests and State Tests Administered as Part of an MSHA-approved State Program

OMB No.: 1219-0001

Authority: 30 CFR 75.153 and 77.103

Form(s): MSHA Form 5000-1, Certificate of Electrical Training

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.

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes the Mine Safety and Health Administration (MSHA) to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Section 103(a)(2) of the Mine Act requires authorized representatives of the Secretary or the Secretary of Health and Human Services to make frequent inspections and investigations in coal or other mines each year for the purpose of gathering information with respect to mandatory health or safety standards.

Section 305(g) of the Mine Act requires that all electric equipment must be frequently examined, tested, and properly maintained by a qualified person to ensure safe operating conditions.

Title 30 CFR 75.153(a) and 77.103(a) require that a program be provided for the qualification of certain experienced personnel as mine electricians. A qualified person is

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defined as a person qualified to perform electrical work other than work on energized surface high-voltage lines if:

- 1) The person has been qualified as a coal mine electrician by a State that has a coal mine electrical qualification program approved by MSHA; or
- 2) The person has at least one year of experience performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, in a non-coal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program approved by MSHA or has attained a satisfactory grade on a series of five written tests approved by MSHA.

MSHA Form 5000-1, Certificate of Electrical Training, is used by instructors to report to MSHA those miners who have satisfactorily completed a coal mine electrical training program. MSHA Form 5000-1 is used to verify compliance with sections 75.153(g) and 77.103(g). Based on the information submitted on Form 5000-1, MSHA issues certification cards that identify individuals as qualified to perform certain tasks at the mine. Although the standards do not specify use of the Form 5000-1, MSHA believes the form is the most efficient means for reporting on individuals who have completed the required training.

The Agency is adding a request for approval of applicants meeting requirements under sections 75.153(a)(1) and (a)(3), and 77.103(a)(1), and (a)(3) in this submission. The Agency is also requesting approval for applications for MSHA approved tests and for State tests that are administered as part of an MSHA-approved State program.

MSHA Approved State Programs

MSHA currently has agreements with nine States (Alabama, Colorado, Illinois, Kentucky, Ohio, Tennessee, Utah, Virginia and West Virginia) to qualify persons as coal mine electricians. Under these agreements, the State has the authority to implement and administer the electrical qualification program under sections 75.153(a) and 77.103(a). MSHA issues electrical qualification cards to new applicants based on evidence of one year experience in performing electrical work and the successful completion of the required examinations administered by these States.

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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.

MSHA Form 5000-1 is used by instructors and by States that have a coal mine electrical qualification program approved by MSHA, to report to MSHA those miners who have satisfactorily completed a coal mine electrical training program.

MSHA Form 5000-1 is used for four MSHA-approved training courses:

- Electrical Qualification Initial Training, (Underground);
- Electrical Qualification Retraining, (Underground);
- Electrical Qualification Initial Training, (Surface); and
- Electrical Qualification Retraining, (Surface).

MSHA also requires an applicant, who takes the initial electrical qualification training to submit evidence of at least one year of experience in performing electrical work, including, but not limited to, dates of work, work performed, types of equipment used, and names of supervisors.

Based on the information submitted on Form 5000-1 and the evidence of experience provided by the new applicant, MSHA will issue a qualification card that identifies an individual as qualified to perform certain electrical work at the mine. In order to retain an MSHA qualification, an individual qualified in accordance with sections 75.153 and 77.103 is required to satisfactorily complete a coal mine electrical retraining program approved by MSHA.

MSHA inspectors may ask to see the cards to determine compliance with regulations during routine inspections. Mine operators use the cards to determine a person's qualifications to perform certain tasks and when hiring new personnel. MSHA uses the information to determine mine operators' compliance with approved training plans, to monitor safety-training programs, and in reporting to Congress. Upon request, MSHA also furnishes the information to mine operators and to representatives of miners and to certify annually that the retraining was completed.

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.

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In accordance with the Government Paperwork Elimination Act, MSHA Form 5000-1 is available on MSHA's website for electronic submission. The public may view the electronic form at <https://www.msha.gov/support-resources/forms-online-filing/2015/04/15/certificate-electricalnoise-training>. Approximately 79 percent of the forms are submitted electronically.

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.

MSHA's mandatory safety standards for underground and surface coal mines require qualifying mine electricians based on the satisfactory completion of a MSHA-approved training program. There are no similar or duplicate records that could be used.

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

This information collection does not have a significant impact on small businesses or other 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.

MSHA Form 5000-1 is used to identify those miners who have completed the training requirements and to generate a certificate of qualification/certification. The instructor and the States that have a coal mine electrical qualification program approved by MSHA submit the forms at the completion of each training course. Less frequent information collection would be a violation of the Mine Act and of Federal regulations requiring that persons be qualified and certified to perform important safety and health functions at mines.

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.**

This collection of information is consistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the data 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.

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MSHA published a 60-day Federal Register notice on August 21, 2019 (84 FR 43620).
MSHA received no public comments.

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

MSHA does not provide payments or gifts 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 is in a Privacy Act Systems of Records Notice, (April 8, 2002, 67 FR 16816), DOL/MSHA-15, Health and Safety Training and Examination Records, which governs disclosure of the information. Computer safeguards are consistent with the National Bureau of Standards Booklet, "Computer Security Guidelines for Implementing the Privacy Act of 1974," and procedures developed by MSHA under GSA Circular E-34.

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.

There are no questions of a sensitive nature.

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.**

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- **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 under Item 13.**

MSHA Form 5000-1

In fiscal year 2018, MSHA received 1,967 MSHA Form 5000-1s covering 13,740 miners. MSHA anticipates that the Agency will receive the same number of forms for the fiscal year 2019. These forms include new applicants who have completed the initial training and individuals who have completed the electrical retraining class to maintain MSHA electrical qualification. The form does not report test results. Instructors send these forms to MSHA. States, which have a coal mine electrical qualification program approved by MSHA, administer the examinations and send the forms to MSHA.

MSHA is basing the estimates on the number of forms and the number of miners instead of the number of qualifications issued because the miners may have both underground and surface qualifications and the training covers both surface and underground. The number of courses is based on reports from the MSHA Qualification and Certification system that provide information on electrical courses.

Approximately 30 percent of courses (590) are taught by instructors working directly for the mining companies and approximately 32 percent of courses (629) are taught by instructors working as contractors for mining companies. MSHA estimates that the remaining 38 percent of courses (748) are conducted by State grantees with a MSHA-approved electrical training program. There are 208 respondents that submit the MSHA Form 5000-1. MSHA estimates that the forms are completed by an underground or surface coal mine supervisor earning a composite wage¹ of \$61.00 per hour.² MSHA assumes a similar wage rate for contractors and State grantees. MSHA estimates that, on average, it takes 25 minutes to complete the MSHA Form 5000-1. Below, MSHA shows the cost estimate to complete the forms.

Hour Burden

$$1219 (590 + 629) \text{ instructor/contractor forms} \times 25 \text{ min/form} = 508 \text{ h}$$

1 For all wage rates, MSHA uses the relevant precision throughout the calculation to avoid compound rounding errors and rounds at the final rate value. Displayed intermediate calculation values are presented to explain the calculation and are representative but the final rate value reflects the correct rounding and final estimate.

2 For the supervisor worker hourly wage rate, MSHA used the employment weighted mean hourly wage obtained from the OES May 2018 survey (www.bls.gov/oes) for 4 First-Line Supervisor occupations from Standard Occupational Classification (SOC) major group code 47, 49, 51 and 53 of the North American Industry Classification System (NAICS) codes historically represented in the approval requests. MSHA then adjusted the weighted mean hourly wage rate for benefits and inflation to obtain a fully loaded wage rate of \$61.00 (\$40.14 x 1.49 x 1.020). All subsequent uses of \$61.00 represent a supervisor's hourly wage rate.

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748 State grantee forms x 25 min/form = 312 h
TOTAL = 820 h

Hour Burden Cost

820 hours. x \$61.00/h = \$50,020

Evidence of Eligibility

To be eligible to take State or MSHA-approved electrical qualification exam, new applicants must submit evidence of at least one year of experience in performing electrical work in a coal mine or acceptable related industry experience to MSHA or to the State with a MSHA-approved qualification program.

MSHA estimates that there are 58 new applicants/respondents each year. In addition, MSHA estimates that, on average, it takes an underground or surface coal miner, earning a composite wage of \$40.53 per hour³, 30 minutes to compile and send the information to MSHA or to a State with a MSHA-approved qualification program.

Hour Burden

58 new applicants x 30 min /applicant = 29 h

Hour Burden Cost

29 hrs. x \$40.53/h = \$1,175

³ For the miner hourly wage rate, MSHA used the employment weighted mean hourly wage rate obtained from the OES March 2018 survey (www.bls.gov/oes) for the SOC major group code 47, 49, 51, and 53 of the North American Industry Classification (NAICS) codes historically represented in the approval request. MSHA then adjusted the weighted mean hourly wage rate for benefits and inflation to obtain a fully loaded rate of \$40.53 (\$26.66 x 1.49 x 1.20). All subsequent use of \$40.53 represent the hourly wage rate for a miner.

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Estimated Annual Burden Hours and Cost							
(a) Type of Respondent	(b) Standard/ Data Collection Activity/ Form	(c) No. of Respondents	(d) Frequency of responses per Respondent	(e) Total No. of Responses (rounded to whole numbers) (c x d)	(f) Avg. Burden per Response (in hours)	(g) Total Annual Burden (in hours/ rounded to whole numbers) (e x f)	(i)* Total Annual Respondent Cost
Business or other for- profit	MSHA Form 5000-1	129	9.453	1,219	0.41673	508	\$30,988
State, Local or Tribal Government (State grantees)	MSHA Form 5000-1	79	9.468	748	0.41711	312	\$19,032
Subtotal	MSHA Form 5000-1	208	---	1,967	---		\$50,020
Individuals or households	Evidence of Eligibility	58	1	58	0.50	29	\$1,175
Total		266		2,025		849	\$51,195

* (i) = (g) x wage rate

Question 12

Total Hour Burden Cost = \$51,195
Total Respondents = 266
Total Responses = 2,025
Total Burden Hours = 849

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 already reflected on the burden worksheet).

- **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 services 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 respondents (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.**

Cost Burden for Mailing Form 5000-1

MSHA expects to receive 79 percent of the 1,967 MSHA Form 5000-1s electronically. The remaining 21 percent or 413 forms (instructor, contractor and State grantee forms) will be received by mail. MSHA estimates that the cost of mailing each form to MSHA is \$1.00. Annual postage costs are estimated below.

413 paper forms x \$1.00 per form = **\$413**

Question 13

Total Costs = \$413

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.

The annual costs to the Federal government include the postage to mail a card to each qualified person (13,740) and hours spent by federal staff to operate and maintain MSHA's Standard Information System (MSIS) to process the forms. Mailing costs are:

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13,740 cards to qualified persons x \$1.00 to mail each card = **\$13,740**

MSHA estimates that one employee in its Lakewood, Colorado office will allocate 35 percent of their time to maintain MSHA's MSIS each year. MSHA estimates the average annual salary of a MSHA clerical person (GS-7) to be \$70,131.⁴ MSHA costs are:

Annual salary of \$70,131 x 35 percent = **\$24,546**

The cost for the grantees to file forms has not been estimated because it is a small portion of the overall cost.

Question 14

Total Cost to the Federal Government = \$38,286

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

Cost to Respondents: An increase in the number of forms submitted by respondents has resulted in an increase in the annual cost burden described in Item 13 from \$274 to \$413.

Burden hours: There is an increase in burden hours from 599 to 849. The increase in burden hours is directly attributable to the increased number of submissions by respondents.

Respondents: There was a decrease in the number of total respondents from 289 to 266. This results from a decrease in the number of mines and new individual respondents submitting applications.

Responses: There was an increase in responses from 1,414 to 2,025. This is due to an increase in the expected number of MSHA Form 5000-1s submitted.

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.

⁴ Hourly wage rate developed from Office of Personnel Management (OPM) March 2018 FedScope employment cube, <http://www.fedscope.opm.gov/>. Average annual salary of \$50,129 for a GS-7 secretary/clerical person obtained from DOL-MSHA employees. Data search qualifiers are: agency = DLMS, occupation = 0318 secretary/clerical. In order to include the cost of benefits, the average annual salary was multiplied by a benefit scaler of 1.399. (\$70,131 = \$50,129 x 1.399)

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MSHA does not intend to publish the results of this information collection.

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.

MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection.

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

There are no certification exceptions identified with this information collection.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

There is no statistical methodology involved in this collection.