

**SUPPORTING STATEMENT FOR  
THE COLLECTION OF INFORMATION REQUIREMENTS CONTAINED IN  
THE WALKING-WORKING SURFACES STANDARD (29 CFR PART 1910,  
SUBPART D)  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NUMBER 1218-0199  
(February 2020)**

This ICR seeks to extend authorization for this collection without change.

**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 (i.e., “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(b)). To achieve this objective, the OSH Act authorizes “the Secretary of Labor to set mandatory occupational safety and health standards” (29 U.S.C. 651(b)(3)).

Section 6(b)(7) of the OSH Act specifies 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(b)(7)). This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655(b)(7)).

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

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the agency”) issued the walking and working surfaces standards for general industry (29 CFR part 1910, subpart D) hereafter “existing subpart D.” Items 2 and 12 below describe the specific collection requirements affected by subpart D.<sup>1</sup>

**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.**

In the previously approved ICR, OSHA revised and updated subpart D to provide greater worker protection from slip, trip and fall hazards; increases compliance flexibility for employers; incorporates advances in industry best practices, national consensus standards and technology since OSHA adopted the standard in 1971; and provide greater consistency between subpart D and construction standards. The following describes the collections of information contained in the subpart D of the standard:

**• §1910.23(b)(10)—Ladders—General Requirements for All Ladders.**

§1910.23(b)(10) requires that the employer ensure that any ladder with structural or other defects be immediately tagged with “Dangerous: Do Not Use” or with similar language in accordance with §1910.145 and removed from service until “repaired . . . or replaced.” The information will alert employers and workers that the ladder is not safe and must not be used.

**• §1910.27(b)(1)(i)—Rope Descent Systems—Anchorages.**

§1910.27(b)(1)(i) requires, before any rope descent system is used, that the building owner inform the employer in writing that the building owner has identified, tested, certified, and maintained each anchorage so it is capable of supporting at least 5,000 pounds (2,268 kg), in any direction for each employee attached. The information must be based on an annual inspection by a qualified person and certification of each anchorage by a qualified person, as necessary, and at least every 10 years. The information will assure employers and workers that the building owner has inspected, tested and certified the anchorage, which the employer may not own or have any control over, as safe to use.

**• §1910.27(b)(1)(ii)—Rope Descent Systems—Anchorages.**

§1910.27(b)(1)(ii) requires that the employer ensure no employee uses any anchorage before the employer has obtained written information from the building owner indicating that each anchorage meets the requirements of §1910.27(b)(1)(i). The employer must keep the

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<sup>1</sup>The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with the requested revisions to the collection of information requirements in existing subpart D. This Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, the standards.

information for the duration of the job. The information will assure employers and workers that the anchorage, which the employer may not own or have any control over, is safe to use.

• **§1910.28(b)(1)(ii)-- Protection from fall hazards--Unprotected sides and edges.**

§1910.28(b)(1)(ii) when the employer can demonstrate that it is not feasible or creates a greater hazard to use guardrail, safety net, or personal fall protection systems on residential roofs, the employer must develop and implement a fall protection plan that meets the requirements of 29 CFR 1926.502(k) and training that meets the requirements of 29 CFR 1926.503(a) and (c).

**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.**

With the exception of §1910.23(b)(10), employers may use automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology (e.g., electronic submission of responses), when establishing and maintaining the required records. In general, the agency wrote the paperwork requirements of the standards 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 Item 2 above.**

The subpart D requirements to collect and maintain information are specific to each employer and worker involved, and no other source or agency duplicates these requirements.

**5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

The information collection requirements subpart D specifies 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 for subpart D requires the minimum frequencies necessary to effectively prevent employee exposure to hazards and, thereby, 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” (29 U.S.C. 651(b)).

**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 secrets, 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 using the procedures specified by this item. The information collection requirements in subpart D are 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 burdens.**

**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 preclude consultation in a specific situation. These circumstances should be explained.**

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on July 25, 2019 (84 FR 35888) soliciting public comments on its proposal to extend the Office of Management and Budget's approval of the information collection requirements specified by the Standard on Walking-Working Surfaces (29 CFR part 1910, subpart D) under docket number OSHA-2013-0002-0007. This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The agency did not receive any public comments in response to this notice.

**9. Explain any decision to provide any payments or gift to respondents, other than remuneration 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.**

The paperwork requirements specified by subpart D 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 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.**

None of the provisions in subpart D contain 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 in Item 13 of OMB Form 83-I.**
- **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 13.**

## **RESPONDENT BURDEN-HOUR AND COST BURDEN DETERMINATIONS**

The following sections summarize the burden hour and cost determinations for the information collection requirements specified in subpart D. The data for these determinations are based upon the economic analysis (FEA) for final subpart D published November 18, 2016, and OSHA's estimate of the time it would take a worker to perform the required information collection procedures.<sup>2</sup>

### **Burden Hour and Cost Determinations:**

The cost determinations for the wage rates OSHA used the mean hourly wage rate data from the May 2018 *National Occupational Employment and Wage Estimates*,<sup>3</sup> for the Industrial Production Manager (11-3051) and the Office and Administration Support (43-9199) and added the fringe benefits from *Employer Costs for Employee Compensation-December 2018, released March 19, 2019*, Bureau of Labor Statistics, U.S. Department of Labor, is 31.4 percent<sup>4</sup> The wage rate for each hourly for each occupation, including fringe benefits, is as follows:

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<sup>2</sup>These determinations are from the Final Rule for Subpart D and I that contains information collections (81 FR 82494).

<sup>3</sup> Source for wage rates: [http://www.bls.gov/oes/current/oes\\_nat.htm#11-0000](http://www.bls.gov/oes/current/oes_nat.htm#11-0000)

<sup>4</sup> Employer Costs for Employee Compensation for Fringe Benefits source: [https://www.bls.gov/news.release/archives/ecec\\_03192019.pdf](https://www.bls.gov/news.release/archives/ecec_03192019.pdf)

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<b>Table 1 – Estimated Wage Rates</b>				
<b>Occupation</b>	<b>SOC</b>	<b>Mean hourly wage</b>	<b>Fringe benefit</b>	<b>Loaded wage</b>
Industrial Production Manager	11-3051	\$54.51	31.4% (1.4577)	\$79.46
Office and Administrative Support	43-9199	\$18.02	31.4% (1.4577)	\$26.27

According subpart D, the scope covers 6,855,903 establishments and 112 million workers.

**• §1910.23(b)(10) Ladders—General Requirements for All Ladders.**

§1910.23(b)(10) requires that the employer ensure that “[a]ny ladder with structural or other defects is immediately tagged “Dangerous: Do Not Use” or with similar language in accordance with §1910.145 and removed from service until repaired or replaced.”

The agency assumes that, on average, each of the 6,855,903 establishments in subpart D covered has at least three ladders (6,855,903 x 3 = 20,567,709). According to the FEA, 20% of those establishments (1,371,181) will buy a new ladders (1,371,181) every 5 years, which means that there will be 19,196,528 (20,567,709 – 1,371,181) ladders that will be in use or in need of servicing (i.e., tagged ladders) at any time. OSHA estimates that only three percent of the ladders in use (575,896) (19,196,528 x 3%) will become defective during any given year, and need to be tagged and removed from service. Of that percentage, the agency estimates that only 10 percent (57,590) of the defective ladders will be tagged with a sign that contains language other than “Dangerous: Do Not Use<sup>5</sup>.” The agency estimates that it will take 3 minutes (3/60 hour) for a worker to construct a sign using other language, and to attach it to the ladder.

**Burden hours:** 57,590 ladders x 3/60 hours = 2,880 hours  
**Cost:** 2,880 hours x \$26.27 = \$75,658

**• §1910.27(b)(1)(i) and (ii) Rope Descent System—Anchorages.**

§1910.27(b)(1)(i) requires before any rope descent system is used, the building owner must inform the employer, in writing that the building owner has identified, tested, certified, and

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<sup>5</sup> When the government provides language to employers to use on signs or labels it is considered "public disclosure." According to 5 CFR 1320.5 (c)(2)." The public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within this definition (collection of information).

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maintained each anchorage so it is capable of supporting at least 5,000 pounds (2,268 kg), in any direction, for each employee attached. The information must be based on an annual inspection of each anchorage and certification of each anchorage as necessary and at least every 10 years. A qualified person must perform both the inspection and certification.

According to the FEA of the final rule, there are approximately 750,000 buildings that have windows cleaned annually. Recognizing that in some smaller markets, anchor certification may not be as widespread or frequent, OSHA applied a baseline level of 35 percent for anchor certification and inspection in estimating costs for this requirement. Therefore, 65 percent of the approximately 750,000 buildings that have windows cleaned each year must now comply with the final inspection and certification requirement. OSHA estimates that 487,500 buildings will require annual inspections and decennial certifications. The agency further assumes that a production supervisor will perform the annual inspections, and that it will take this supervisor one hour to perform the inspection.

**Burden hours:** 487,500 inspections x 1 hour = 487,500 hours  
**Cost:** 487,500 hours x \$79.46 = \$38,736,750

§1910.27(b)(1)(ii) requires that the employer keep the written information from the building owner for the duration of the job. OSHA estimates that it will take 1 minute (1/60 hour) for an office and administrative support worker to file and maintain the written information.

**Burden hours:** 487,500 inspections x 1/60 hour = 8,125 hours  
**Cost:** 8,125 hours x \$26.27 = \$213,444

**§1910.28(b)(1)(ii)-- Protection from fall hazards--Unprotected sides and edges.**

§1910.28(b)(1) (ii) when the employer can demonstrate that it is not feasible or creates a greater hazard to use guardrail, safety net, or personal fall protection systems on residential roofs, the employer must develop and implement a fall protection plan that meets the requirements of 29 CFR 1926.502(k) and training that meets the requirements of 29 CFR 1926.503(a) and (c).

According to the FEA of the subpart D final rule, there are 6,000 establishments that are affected by this rule. OSHA estimates that at the baseline, 10 percent (600 establishments) are in compliance, through the use of engineering controls, work practices, personal protective equipment, and administrative controls including the use of training and a fall protection plan, while the remaining 90 percent (5,400 establishments) are currently not in compliance and will need to implement a combination of the controls listed above to achieve compliance. Of the 5,400 establishments, OSHA estimates that on an annual basis, 5 percent (270 establishments) will at any one time encounter work conditions on a residential roof where the use of conventional fall protection is infeasible or creates a greater hazard and consequently will develop a fall protection plan addressing the unique conditions for that type of roofing work. OSHA estimates that it will take 30 minutes (30/60 hour) to write a plan.



**Burden hours:** 270 fall protection plans x 30/60 hour = 135 hours  
**Cost:** 135 hours x \$79.46 = \$10,727

**Table 2 – Summary of Respondents per responses for the burden hours and cost**

Collection of Information	Respondents	Frequency per response	Total responses	Time per response (hours)	Burden hours	Wage rate	Cost
§1910.23(b)(10) Ladders—General Requirements for All Ladders.	575,896	0.10	57,590	3/60	2,880	\$26.27	\$75,658
§1910.27(b)(1)(i) and (ii) Rope Descent System—Anchorages.	750,000	0.65	487,500	1	487,500	\$79.46	\$38,736,750
§1910.27(b)(1)(i) and (ii) Rope Descent System—Anchorages.	750,000	0.65	487,500	1/60	8,125	\$26.27	\$213,444
§1910.28(b)(1)(ii)-- <u>Protection from fall hazards-- Unprotected sides and edges.</u>	5,400	0.05	270	30/60	135	\$79.46	\$10,727
<b>Grand Total</b>			<b>1,032,860</b>		<b>498,640</b>		<b>\$39,039,579</b>

**13. Provide an estimate for 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 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 collections 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.**

#### **Cost of Inspection and Certification:**

OSHA estimates that most building owners may likely hire a professional engineer to perform the decennial certification to ensure that each anchorage is capable of supporting 5,000 pounds (2,268 kg) in any direction. The cost for an inspector to inspect and certify that each anchorage is \$1,122.00. The building owner must inspect the anchorages annually and certify the anchorages can support 5,000 pounds as necessary and at least every 10 years.

$$(487,500 \text{ certifications}/10 \text{ years}) \times \$1,122 = \$54,697,500$$

**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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

There are no costs to the Federal government.

**15. Explain the reasons for any program changes or adjustments reported in Items 13.**

OSHA is requesting an adjustment decrease in the burden hours from 498,803 hours to 498,640 hours, a difference of 163 hours. The change in burden is due to a change in the methodology from decimals to fractions for the time per response. Also, the agency is requesting that the cost remains the same of \$54,697,500.

**Table 3**  
**Subpart D – Walking-Working Surfaces for General Industry**  
**Summary of Burden Hour and Cost**

	<b>Collection of Information Requirements</b>	<b>Current Burden Hours</b>	<b>Revised Burden Hours</b>	<b>Adjustment</b>	<b>Explanation of Adjustment</b>
1	§1910.23 (b)(10)— Ladders with structural or other defects immediately must be tagged "Dangerous: Do Not Use" or with similar language in accordance with §1910.145 and be removed from service until repaired in accordance with §1910.22(d), or replaced.	2,880	2,880	0	No adjustment in burden hours. §1910.23(b)(1) prevents workers from being killed or injured using defective ladders.

	<b>Collection of Information Requirements</b>	<b>Current Burden Hours</b>	<b>Revised Burden Hours</b>	<b>Adjustment</b>	<b>Explanation of Adjustment</b>
2	§1910.27(b)(1)(i) Rope Descent Systems (RDS)—Anchorages - Before any rope descent system is used, the building owner must inform the employer, in writing that the building owner has identified, tested, certified, and maintained each anchorage so it is capable of supporting at least 5,000 pounds (268 kg), in any direction, for each employee attached.	487,500	487,500	0	No adjustment in burden hours. §1910.27(b)(1)(i) is a new requirement. It protects workers from fall hazards on the job.
3	§1910.27(b)(1)(ii) Rope Descent Systems—Anchorages – The employer must ensure that no employee uses any anchorage before the employer has obtained written information from the building owner that each anchorage meets the requirements of paragraph (b)(1)(i) of this section. The employer must keep the information for the duration of the job.	8,288	8,125	-163	This adjustment in burden hours is due to a change in methodology. §1910.27(b)(1)(ii) is a new requirement. It protects workers from fall hazards on the job.

	<b>Collection of Information Requirements</b>	<b>Current Burden Hours</b>	<b>Revised Burden Hours</b>	<b>Adjustment</b>	<b>Explanation of Adjustment</b>
4	§1910.28(b)(1)(ii) when the employer can demonstrate that it is not feasible or creates a greater hazard to use guardrail, safety net, or personal fall protection systems on residential roofs, the employer must develop and implement a fall protection plan that meets the requirements of 29 CFR 1926.502(k) and training that meets the requirements of 29 CFR 1926.503(a) and (c).	135	135	0	No adjustment in burden hours. §1910.28(b)(1)(ii) is a new requirement. It protects workers from fall hazards on the job.
	<b>Total</b>	<b>498,803</b>	<b>498,640</b>	<b>-163</b>	

**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 subpart D.

**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.**

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 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 employ statistical methods.