

**SUPPORTING STATEMENT FOR THE
COLLECTION OF INFORMATION CONTAINED IN THE
AERIAL LIFTS STANDARD (29 CFR 1926.453)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0216 (April 2020)**

This ICR is requesting an extension of a currently approved data collection.

A. JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements 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 (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). In addition, 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).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA) published the Aerial Lifts Standard, “the Standard” at 29 CFR 1926.453 to protect employees who operate, or work near, aerial lifts. Items 2 and 12 below list and describe the specific information collection requirement of this Standard.

- 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.**

The only information collection requirement in the Aerial Lifts Standard is a certification provision, paragraph (a)(2). This provision requires an employer who modifies an aerial lift for a use not intended by the lift manufacturer (“field modified aerial lift”) to obtain from that manufacturer, or an equivalent entity (such as a nationally-recognized laboratory), a written certificate stating that: The modification conforms to the applicable provisions of ANSI A92.2-1969 and OSHA’s Aerial Lifts Standard; and the modified aerial lift is at least as safe as it was before modification.

1

The purpose of this supporting statement is to analyze and describe the burden hours and cost associated with the provisions of the Aerial Lifts Standard that contain the paperwork requirement, and does not provide information or guidance on how to comply with or enforce this Standard.

Employers use the certification required in paragraph (a)(2) of the Standard as a record of equipment modification and to demonstrate to interested parties (e.g., OSHA compliance officers, renters, lessees, owners, workers) that the modified aerial lift remains at least as safe for employees, as the original equipment. Additionally, the certification provides the best means by which an OSHA compliance officer can determine that the manufacturer or an equally-qualified entity assessed a field modified aerial lift and found that it was safe for use by, or near, employees, and would provide employees with a level of protection at least equivalent to the protection afforded by the lift in its original configuration. Finally, workers may review the information on the certificate; such a review will provide them with information that they can use to determine the safety of modified lifts.

- 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 improved information technology when establishing and maintaining the required certification record. OSHA wrote the paperwork requirements of the Standard in performance-oriented language, i.e., in terms of what data to collect, not how to collect 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 purposes described in Item A.2 above.**

The requirement to collect and maintain information is 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 minimize burden.**

The information collection requirement contained in this Standard does 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.**

Employers must have the manufacturer or an equally-qualified entity certify each field modification made to an aerial lift only once. OSHA believes that this frequency is necessary to ensure that modified lifts remain at least as safe as they were in their original configurations.

- 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 using the procedures specified by this item. The requirements 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 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.

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 February 26, 2020 (85 FR 11110) soliciting comments from the public and other interested parties on the information collection requirement contained in the Aerial Lifts Standard (29 CFR 1926.453). The notice is part of a preclearance consultation program that provides interested parties with an opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirement found in the Aerial Lifts Standard. The Agency did not receive any public comments in response to this request.

9. Explain any decision to provide any payment 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 requirement specified in this Standard does 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 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 requirement specified in this Standard does 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 paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.**

Burden-Hour and Cost Determinations

OSHA has determined that where electrostatic equipment is being used, the information has already been ascertained and that the “safe distance” has been displayed on a sign in a permanent manner. The Agency does not believe that this equipment is currently being manufactured or used due to changes in technology. OSHA does not believe there is any burden associated with the information collection requirement in the provision; however, in accordance with regulation 5 CFR 1320.3(c)(4)(i), which deems any rule of general applicability to involve 10 or more persons, OSHA is claiming a burden of 10 responses that each impose a burden of 5 minutes (5/60 hour). OSHA has determined that where electrostatic equipment is being used, the information has already been ascertained and that the “safe distance” has been displayed on a sign in a permanent manner. The Agency does not believe that this equipment is currently being manufactured or used due to changes in technology.

The Agency determined the wage rate from mean hourly wage earnings to represent the cost of employee time. The following hourly wage rate was derived from the *National Occupational Employment and Wage Estimates United States, May 2018*, published by the Bureau of Labor Statistics (BLS), U.S. Department of Labor. For the relevant standard occupational classification category, OSHA used the wage rate reported in BLS’, *Occupational Employment Statistics (OES), May 2018* [date accessed: January 28, 2020]. (OES data is available at <https://www.bls.gov/oes/tables.htm>. To access a wage rate, select the year, “Occupation Profiles,” and the Standard Occupational Classification (SOC) code.)

To account for fringe benefits, the Agency used the Bureau of Labor Statistics’ (BLS) March 2019 National Compensation Survey. Fringe markup is from the following BLS release: *Employer Costs for Employee Compensation* news release text; released 10:00 AM (EDT), September 2020, (<https://www.bls.gov/news.release/pdf/ecec.pdf>). BLS reported that for civilian workers, fringe benefits accounted for (37.7) percent of total compensation and wages accounted for the remaining (62.3) percent. To calculate the loaded hourly wage, the Agency divided the mean hourly wage by 1 minus the fringe benefits.

Table 1 WAGE HOUR ESTIMATE				
Occupational Title	Standard Occupation Code	Mean Hourly Wage Rate (A)	Fringe Benefits (B)	Loaded Hourly Wage Rate (C) = (A)/(1-(B))
Production Worker	51-9199	\$16.58	.377	\$26.61

Certification for modification made to aerial lifts²

OSHA believes that compiling and maintaining the equipment-modification certificates are almost universally viewed as usual and customary business practices performed by employers for equipment maintenance, contractual, rental, leasing, insurance, and liability purposes. To account for the small number of OSH Act covered employers subject to the Standard who would maintain records as a result of the regulatory requirements, OSHA has claimed a burden of ten (10) responses at 6 minutes each for a total of one burden hour response. This estimate would comport to regulation 5 CFR 1320.3(c)(4)(i), which deems any rule of general applicability to involve at least 10 respondents.

Burden hours: 10 worker x 6/60 hour = 1 hour
Cost: 1 hour x \$26.61 = \$26.61

Activity	Number of Respondents	No. of Responses per Respondents	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Avg. Hourly Rate*	Monetized Value of Respondent Time
Aerial Lifts (29 CFR 1926.453)	10	1	10	6/60	1	26.61	\$26.61
Unduplicate d Totals	10		10		1		\$26.61

Number of Inspections

²The Agency conservatively estimates that 200,000 aerial lifts, regulated by 1926.453(a)(2), were used during calendar 2011, and that estimate will be retained for this ICR. The following are sources OSHA considered when updating the number of aerial lifts. The Agency examined census data that was more current than 2011, but did not find more. Using data from the Bureau of Census Manufacturing Profiles (BCMF) annual reports of construction machinery shipped with the United States (MA333D) for the years 2004–2011, the Agency estimated there were of 233,00 aerial lifts in the United States in 2011. Of the 233,000 aerial lifts, OSHA estimated 80%, 187,000 aerial lifts, were being used for construction activities. Industry sources estimated anecdotally about 250,000 aerial lifts or 200,000 for construction (80% x 250,000 = 200,000).

In previous packages, the Agency has taken burden for the time it would take an employer to disclose written certifications to OSHA compliance officers during an inspection. However, the Agency has now determined that information collected by the Agency during an investigation is not subject to the PRA under 5 CFR 1320.4(a)(2). Therefore, OSHA takes no burden or cost for disclosure of records.

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 item 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 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.**

There are no additional costs to the respondents other than their time.

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 single table.

There is no cost to the Federal Government associated with this information collection request.

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

There are no program changes or adjustment associated with this ICR. The Agency is, therefore, using the above per response burden to maintain a time burden as close as is possible to the actual time of one hour (1 hour).

16. For collections of information whose results will be published, outline plans for tabulations, 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 the report, publication dates, and other actions.

OSHA will not publish the information collected under this Standard.

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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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