

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
STANDARD ON GEAR CERTIFICATION (29 CFR PART 1919)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0003 (July 2020)**

This ICR is requesting a revision to an already approved data collection. The cost to the government was not factored in previous requests. This revision factors in the cost of the government to collect data under this program.

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 Occupational Safety and Health Act’s (OSH Act) main objective 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 Sections 4, 6, 8 of the OSH Act (29 U.S.C. 653, 655, 657), and Section 941 of the Longshore and Harbor Workers’ Compensation Act (44 Stat.1424), the Occupational Safety and Health Administration (OSHA) published a standard on Gear Certification at 29 CFR part 1919 (the “Standard”). This supporting statement addresses the burden hours associated with gathering information to complete the OSHA 70 Form. The OSHA 70 Form is used by applicants seeking accreditation from OSHA to be able to test or examine certain equipment and material handling devices, as required under the maritime regulations, part 1915 (Shipyard Employment), part 1917 (Marine Terminals), and part 1918 (Longshoring). The OSHA 70 Form application for accreditation provides an easy means for companies to apply for accreditation.

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

The collection of the information needed to complete this form is necessary to provide an effective and efficient means of enabling employers and workers to determine if cargo gear, equipment and/or other material handling devices are safe for use. Items 2 and 12 below list and describe the specific information collection requirement of the 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 information is utilized by employers, workers, OSHA Compliance Officers, and OSHA's National Office in order to provide a simplified and swift means for determining if certain cargo handling devices are safe for use. The information is collected every time a maritime material handling device is tested or examined. Proof-load examinations are conducted every four years, while visual examinations are conducted yearly.

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.

OSHA is not making the OSHA 70 Form available electronically. The OSHA 70 Form is an application for accreditation and is also used for renewal of current accredited agencies. Renewal is required by regulation every three years. Before sending this form to a potential applicant, OSHA speaks with the applicant to determine their credibility. This process saves the Agency's limited resources by not having to review numerous OSHA 70 Forms. It also saves the public burden by not having to unnecessarily complete the OSHA 70 Form. By using this process, less than 35 forms are completed by potential applicants and current accredited agencies annually.

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.

The information collection requirement in the Standard is specific to each employer and worker involved, and no other source or agency duplicates the requirement nor 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 the methods used to minimize the burden.

The information collection requirement specified by the 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.

The collection of information is for the purpose of worker safety and health in the workplace and is the minimum amount necessary and appropriate.

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 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 information request is consistent with the guidelines provided 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, revealed 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 three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude mitigate against consultation in a specific situation. These circumstances should be explained.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on May 20, 2020 (85 FR 30738, Docket Number OSHA-2010-0042) soliciting public comments on its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Standard on Gear Certification (29 CFR part 1919). This notice is a part of a preclearance consultation program that provides the general public and government agencies with an opportunity to comment. The Agency did not receive any comments in response to this notice.

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 by the 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 by the 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 Agency determined the wage rate from mean hourly wage earnings to represent the cost of employee time. The following hourly wage rates for the relevant occupational categories have been derived from the *National Occupational Employment and Wage Estimates United States, May 2019*, published by the Bureau of Labor Statistics. For the relevant standard occupational classification category, OSHA used the wage rates reported in the Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Employment Statistics (OES), May 2019* [date accessed: May 2020]. Fringe markup is from the following BLS release: *Employer Costs for Employee Compensation* news release text; released 10:00 AM (EDT), March 2019 (https://www.bls.gov/oes/current/oes_nat.htm). BLS reported that for civilian workers, fringe benefits accounted for 29.9 percent of total compensation and wages accounted for the remaining 70.1 percent. To calculate the loaded hourly wage for each occupation, the Agency divided the mean hourly wage by 1 minus the fringe benefits.

WAGE HOUR ESTIMATE				
Occupational Title	Standard Occupation Code	Mean Hourly Wage Rate (A)	Fringe Benefits (B)	Loaded Hourly Wage Rate (C) = (A)/(1-(B))
First Line Supervisor Water Transportation	53-1047	\$27.81	.299	\$39.67
Clerical	43-6014	\$18.84	.299	\$26.88

Burden Hours for the OSHA 70 Form

OSHA, on average, receives 35 requests (30 for renewals and 5 new applicants) seeking accreditation to perform inspections under 29 CFR part 1919. Based on consultation with such applicants, it takes, on average, 45 minutes (45/60 hour) to complete the OSHA 70 Form.

Burden hours: 35 OSHA 70 Forms x 45/60 hour = 26
Cost: 26 burden hours x \$39.67 = \$1,041

Maintaining Certification Records

Employers have an accredited agency conduct an annual visual examination and a thorough quadrennial examination of cargo gear or other material handling devices. The accredited Agency either issues a certificate to the owner that the piece of equipment passed the examination or issues a Notice of Deficiency to the owner of any deficiencies found during the examination.

For purposes of calculating burden hours and costs for this ICR, OSHA estimates there are 335 Port and Harbor Operation “marine terminals” establishments (NAICS 48831), and 588 Shipbuilding and repairing “shipyard” establishments (NAICS 336611)². Approximately 335 marine terminals and half of the 588 Shipbuilding and Repairing Establishments (294) will have cranes that are required to be certificated; a total of 629 establishments. Based on a data search, the Agency estimates that 4,250 annual visual examinations and 750 (3,000/4) quadrennial examinations were conducted resulting in the issuance of 5,000 certifications. OSHA assumes that it takes a clerical one minute (1/60 hour) per year to maintain the certificate.

Burden hours: 629 x 7.95 (5,000 certifications/629) x 1/60 hour = 83 hours
Cost: 83 hours x \$26.88 = \$2,231

Estimated Annualized Respondent Burden Hours and Costs							
Collections of Information	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (In Hrs.)	Total Burden Hours (Rounded)	Mean Wage Rate	Total Burden Costs (Rounded)
OSHA 70 Form	35	1	35	45/60	26	\$39.67	\$1,041

²United States Census Bureau, *Number of Firms, Number Establishments, Employment and Annual payroll by Enterprise Employment Size for, All Industries*: Source: 2017 County Business Patterns. (<https://www.census.gov/data/tables/2017/econ/susb/2017-susb-annual.html>)

Estimated Annualized Respondent Burden Hours and Costs							
Collections of Information	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (In Hrs.)	Total Burden Hours (Rounded)	Mean Wage Rate	Total Burden Costs (Rounded)
Maintaining Certification Records	629	7.95	5,000	1/60	83	\$26.88	\$2,231
Totals	664		05,035		0109		\$3,272

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).

During the period of this ICR, the Agency estimates that 4,250 annual visual examinations and 750 (3,000/4) quadrennial examinations were conducted resulting in the issuance of 5,000 certifications. Employers pay an accredited agency to conduct an annual visual examination or a quadrennial examination of cargo gear or other material handling device. Based upon staff conversations with several employers, the Agency found that, on average, employers pay accredited agencies \$500 to perform the annual visual examination and \$650 to perform the quadrennial examinations.

$$4,250 \text{ annual visual examinations} \times \$500 = \$2,125,000$$

$$750 \text{ quadrennial examinations} \times \$650 = \$487,500$$

TOTAL ANNUAL COST BURDEN: \$2,612,500

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.

Part 1919 Program Execution and Part 1919 Database Execution

Labor Category (GS Grades)³	Quantity	Hourly Rate	Available Hours	% of Time Supporting Maritime Crane	Annual Labor Cost in Support of Maritime Crane (rounded)
1919 SME (GS-14)	1	\$73.63	1,920	80%	\$113,096
1919 Safety Engineer (GS-13)	1	\$62.31	1,920	40%	\$47,854
Program Support Assistant (GS-9)	1	\$36.13	1,920	15%	\$10,405
Office Director (GS-15)	1	\$81.84	1,920	10%	\$15,713
					\$ 187,068
Application Support Specialist (GS-13)	1	\$62.31	1,920	75%	\$89,726
Project Manager (Contractor)	1	\$84.50	1,920	3%	\$4,867
Business Analyst (Contractor)	1	\$64.00	1,920	5%	\$6,144
Java Developer (Contractor)	1	\$80.60	1,920	15%	\$23,313
Quality Assurance Testing (Contractor)	1	\$59.00	1,920	3%	\$3,398
Solutions Architect (Contractor)	1	\$130.00	1,920	3%	\$7,488
	10	--	--	--	\$134,936
Total:					0322,004

***TOTAL ANNUAL COST TO FEDERAL GOVERNMENT: \$322,004**

15. Explain the reasons for any program changes or adjustments

The agency is requesting an adjusted decrease of 94 hours (from 203 to 109 hours) associated with this Information Collection Request. The decrease is primarily attributed to a decline in the issuance of exams from 8,701 to 5,000 and the number of applicants seeking accreditation from 39 to 35. The agency determined that an adjustment is also cited as the result of discovering it had over counted the number of quadrennial exams since they are conducted every 4 years rather than annually. A program change is cited because the cost to the government was not factored in previous requests. The cost of the government to collect data under this program is factored into this request and future requests.

³Source: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf

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 29 CFR part 1919.

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 all current valid control numbers under their corresponding standards (e.g., Parts 1910, 1915, 1917, 1918, and 1926). The current valid control number for the Standard on Gear Certification is provided at §§1917.4 and 1918.4. Expiration dates are published in a Federal Register notice announcing OMB approval of the information collection requirements (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.

OSHA does not make the OSHA 70 Form available electronically. The OSHA 70 Form is an application for accreditation and is also used for renewal of current accredited agencies. Before sending this form to a potential applicant, OSHA speaks with the applicant to determine their credibility. OSHA rarely revises the OSHA 70 forms. OSHA believes it is cost effective not to place an expiration date that covers only a three year period on the forms due to its limited use.

18. Explain each exception to the certification statement.

OSHA is not seeking such an exception.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

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