

NOTE TO REVIEWERS

REVISION TO:

SUPPORTING STATEMENT FOR THE INFORMATION COLLECTION REQUIREMENTS OF REGULATIONS CONTAINING PROCEDURES FOR HANDLING OF RETALIATION COMPLAINTS OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NO. 1218-0236 (February 2021)

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

OSHA anticipates an increase in burden hours due to the recent enactment of the **Criminal Antitrust Anti-Retaliation Act (CAARA)** (Public Law No. 116-257; 15 U.S.C. 7a-3), which became effective December 23, 2020; and the **Anti-Money Laundering Act (AMLA)** (Public Law No: 116-283; 31 U.S.C. 5323(g) & (j)), which became effective January 1, 2021. Since enactment, OSHA has received 0 complaints under the CAARA and 3 complaints under the AMLA. As the public becomes more aware of the protections under this statute, OSHA estimates that filings will increase. OSHA estimates that 45 employees will take 1 hour to file complaints under each statute annually. OSHA is therefore requesting a program increase of 90 burden hours.

In the currently-approved ICR (ICR Reference No. 201911-1218-004), the Agency estimates 10,126 retaliation complaints are received annually. With the addition of the 90 burden hours, for purposes of this non-substantive change, OSHA estimates that employees file 10,216 complaints annually.

The Agency anticipates promulgating procedural regulations for investigations conducted under these statutes at a later date. Historically, OSHA has added burden hours to this ICR by submitting a non-substantive change request to OMB at the same time the Agency promulgated the procedural rule for each of the whistleblower statutes delegated to the Agency for enforcement. (See, for example, ICR Reference No.200306-1218-003 (06/02/03) and ICR Reference No. 200204-1218-003 (04/02/02).) However, because whistleblower statutes are effective upon enactment, OSHA begins to enforce the laws on the date of enactment using its statutory authority and general procedures. Thus, the Agency is seeking OMB approval prior to the promulgation of the procedural rule for handling complaints under CAARA and AMLA.

OSHA submitted similar non-substantive change requests to OMB to add other whistleblower statutes delegated to the Agency. (See, ICR Reference No. 201908-1218-002 (10/08/19) and 201210-1218-001 (01/29/13).)