SUPPORTING STATEMENT FOR THE INFORMATION COLLECTION REQUIREMENTS OF THE CONSTRUCTION STANDARDS ON POSTING EMERGENCY TELEPHONE NUMBERS AND FLOOR LOAD LIMITS (29 CFR 1926.50(f) and 1926.250(a)(2))¹ OFFICE OF MANAGEMENT AND BUDGET (OMB) CONTROL NO. 1218-0093 (May 2022)

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

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 purpose 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). Accordingly, section 6(b)(7) of the OSH Act specifically authorizes that "[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure 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).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration ("OSHA" or "the Agency") published paragraph (f) of §1926.50 (Standard on Medical Services and First Aid) requiring that employers must post emergency telephone numbers at worksites if 911 emergency telephone service is not available. Additionally, the agency published paragraph (a)(2) of §1926.250 (Standard on General Requirements for Storage) specifying that employers must post maximum safe load limits for floors in storage areas inside buildings or other structures under construction, unless the floors rest on grade (sit on the ground).

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.

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

The two construction standards addressed in this ICR, § 1926.50 ("Medical Services and First Aid") and § 1926.250 ("General Requirements for Storage"), contain posting provisions. Paragraph (f) of § 1926.50 requires employers to post emergency telephone numbers for physicians, hospitals, or ambulances at the worksite if 911 emergency telephone service is not locally available. In the event a worker is seriously injured at the worksite, posting the emergency telephone numbers expedites emergency medical treatment for the worker. Under the SIP-IV rulemaking, OSHA added to the existing paragraph (f) a requirement that when an employer uses a communication system for contacting 911 services, the employer must ensure that the communication system can effectively do so. In addition, if the system is in an area, that does not automatically supply the caller's latitude and longitude to the 911 dispatcher, the employer is required to post, in a conspicuous location, the latitude and longitude of the work site or other information that communicates the location of the worksite.

Section 1926.250, paragraph (a)(2), specifies that employers must post the maximum safe load limit of floors located in storage areas inside buildings or other structures under construction, unless the floors are on grade. This provision prohibits employers from exceeding the maximum safe load limit for off-the-ground storage-area floors and avoids catastrophic collapses. Direct ground support keeps the floors from collapsing and seriously or fatally injuring workers. As part of the SIP-IV rulemaking, OSHA removed the load limit posting requirement in 29 CFR 1926.250(a)(2) for all single-family residential structures and wood-framed multi-family residential structures.

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 any available technology to meet the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2). The agency wrote these provisions in performance-oriented language, i.e., in terms of <u>what</u> information to provide, not <u>how</u> to provide it.

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 information collection requirements in §1926.50(f) and § 1926.250(a)(2) are specific to each employer involved, and no other sources or agencies duplicate these requirements or can make the required information available to OSHA, i.e., the required information is available only from

the employers.

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

The information collection requirements specified by § 1926.50(f) and § 1926.250(a)(2) 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 required by the standards addressed in this ICR are the minimum frequencies necessary to 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" as specified in the OSH Act at 29 U.S.C. 651. Accordingly, if employers do not perform the information collections required by § 1926.50(f) and § 1926.250(a)(2), or delay providing this information, emergency treatment of workers seriously injured at the worksite may not be available in a timely fashion, and employers may catastrophically overload floors in storage areas of buildings and structures under construction. Construction workers would face increased risk of serious injury and death if emergency treatment is not readily available, or if floors over, under, or near them collapse.

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 in the manner or using the procedures specified by this item; the paperwork requirements specified by § 1926.50(f) and § 1926.250(a)(2) are within the guidelines set forth in 5 CFR 1320.6.

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.

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 March 2, 2022 (87 FR 11736) requesting public comments on its proposed extension of the information collection requirements contained in the

Posting Emergency Telephone Numbers (29 CFR 1926.50(f)) and Floor Load Limits (29 CFR 1926.250(a)(2)) under Docket Number OSHA-2011-0032. This notice was part of a preclearance consultation program intended to provide those interested parties the 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 requirements found in the above Standards. 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 <u>not</u> 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 § 1926.50(f) and § 1926.250(a)(2) 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 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 requirements specified by § 1926.50(f) and § 1926.250(a)(2) do not involve 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.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories.

Respondent Burden-Hour and Cost Determinations

The Bureau of Labor Statistics' (BLS) May 2020 Occupational Employment and Wage Statistics (OEWS) data, released June 2021, indicated that the most common construction occupation is "construction laborer." Based on the OEWS data, estimates a wage of \$18.70 per hour for the average affected construction worker (BLS, 2021. OSHA also estimated, based on BLS Employer Costs for Employee Compensation data for June 2021, released September 10, 2021, that fringe benefits account for 29.4 percent of total compensation, implying a total employee compensation for construction laborers of \$29.28 per hour in 2021.

Table 1 – Estimated Wage Rate

Occupation	Standard Occupational Code (SOC)	Mean hourly rate (A)	Fringe benefit (B)	Wage rate ² (C)=(A)(1/1- (B))
Construction laborer	47-2061	\$20.67	29.4%	\$29.28

The following sections describe the burden hour and cost estimates for the information collection requirements specified by §1926.50(f) and §1926.250(a)(2); these sections determine burden hours and cost separately for posting emergency telephone numbers and floor load limits.

(A) Posting Emergency Telephone Numbers (§ 1926.50(f))

29 CFR 1926.50(f)(1)

² The wage rate is calculated as 20.67/(1-9.394)=\$29.28

This existing provision requires employers with worksites in areas where 911 emergency dispatch services are not available to post conspicuously, at the worksite, the telephone numbers for physicians, hospitals, or ambulances. OSHA determines the burden hours and wage hour costs for employers to post emergency telephone numbers and emergency information based on the number of construction project sites. To estimate the number of project sites, OSHA first reviewed the Dodge Construction Potentials Bulletin ("The Bulletin" or "Dodge data"), published by McGraw Hill Construction, for December 2020. The Bulletin shows that the industry started a total of 67,053 non-residential building construction projects in 2020 and an additional 68,843 non-building construction projects (e.g., roads, highways, sewerage) in the same year.

The Bulletin also identified 950,619 single-family home starts in 2020 and reflected that an additional 37,061 multifamily buildings were started that year. OSHA notes that more than one single family home may be built at a project site. The agency estimates that construction contractors build approximately half of the single-family houses at single house project sites, or 475,309.5 project sites, and that they build the other 475,309.5 single family houses at multiple-house project sites. (i.e., two or more single family houses per job site.). Assuming the most burdensome case scenario, i.e., that multiple-house project sites each only hold two houses, the total number of multi-house project sites is 237,655 (475,309.5 \div 2 houses per project site = 237,654.75).

Table 2 shows the total number of construction project sites covered by this provision is 885,922.

Type of Construction Site		Number of Construction Projects			
		$(A)^{3}$	$(B)^{4}$	$(C)^{5}$	
Non-Residential Buildings		67,053			
Non-Building Construction Projects		68,843			
Residential Buildings		750,026			
	One Single-Family Home Per		475,310		
	Site				
	Multiple Single-Family		237,655		
	Homes Per Site				

Table 2 – Total Number of Construction Sites

3 Column (A) is the total number of construction projects.

5 Column (C) is the residential buildings for two-family houses and apartments per site.

⁴ Column (B) is the residential buildings for single-family homes, multiple single-family homes, multi-family residential buildings per site.

Type of Construction Site		Number of Co	onstruction Projects	
	Multi-Family Residential		37,061	
	Buildings			
	Two-Family Houses			12,067
	Apartments			24,994
Total Construction Sites		885,922		

In the United States, when a 911 call is made from a traditional telephone or wireline, the call is routed to a Public Safety Answering Point (PSAP) that is responsible for assisting people in a particular geographic area or community. Depending on the type of 911 service available, the telephone number of the caller and the location or address of the emergency is either communicated by the caller to the emergency dispatcher (Basic 911), or automatically displayed to the dispatcher using equipment and database information (Enhanced 911).

With the implementation of the wireless Enhanced 911 program, the total number of U.S. counties with 911 coverage has increased from 93 percent to nearly 97 percent. Therefore, OSHA assumes 97% of the 885,922 worksites have access to 911 emergency telephone service. It follows that the remaining 3% of project sites (26,577.66 sites or 26,578) must post emergency telephone numbers.⁶ The agency assumes that, on average, a non-supervisory construction worker earning \$29.28 per hour takes 3 minutes (.05 hour) to obtain the emergency phone number(s), write the information down, and then to post the information at a conspicuous location as required by §1926.50(f)(1).

Therefore, the estimated burden hours and wage hour cost of the paperwork requirement imposed by 29 CFR 1926.50(f)(1) are:

Burden hours: 26,578 project sites x 3/60 hour = 1,328.9 hours Cost: 1,328.9 hours x \$29.28 = \$38,910.19

29 CFR 1926.50(f)(2)(ii)

This provision requires construction employers to post, in a conspicuous location at the worksite, the latitude and longitude of the worksite or other information that communicates the location of the worksite. This requirement applies to employers that use a communication system for

⁶ U.S. Government Printing Office, *Telecommunications States' Collection and Use of Funds for Enhanced 911 Services*, p. 5. The counties without 911 service, in which worksites must post emergency numbers, are located in underserved rural locations where neither basic nor wireless 911 coverage is available. Source: National Emergency Number Association at <u>www.nena.org/page/911Statistics</u>.

contacting 911 services and that are located in an area where the caller's latitude and longitude are not automatically supplied to 911 dispatchers.

Since all 911 emergency calls made are routed to a PSAP or call center based on the geographic location in which the call was made, for the purpose of this analysis, OSHA is interested in those U.S. counties where enhanced 911 is neither available by wireline nor wireless device. In the analysis, as above, OSHA also assumes that 3 percent of all construction project sites (26,578 of 885,922 construction project sites) are located within those counties without wireline and wireless enhanced 911 capabilities and would, therefore, be covered by this provision requiring the posting of worksite location information.

OSHA estimates that it takes the average construction employee affected by this requirement 3 minutes (3/60 hour=.05 hour) to obtain the latitude and longitude of worksite locations, write the information down, and then prominently post the information, as required by §1926.50(f)(2)(ii).

Therefore, the estimated annual burden hours and wage hour cost of this requirement are:

Burden hours :	26,578 construction project sites x 3/60 hour = 1,328.9 hours
Cost:	1,328.9 hours x \$29.28 = \$38,910.19

(B) Posting Floor Load Limits (§ 1926.250(a)(2))

OSHA believes that during construction of multi-story buildings and structures, employers usually store building materials on elevated floors as the structure climbs. Section 1926.250(a) (2) requires that employers post the maximum safe load limits in pounds per square foot for floors used for elevated storage. The standard requires the posting be done prior to storage use in order to prevent overloading and possible floor collapse. The agency finds that, as a usual and customary business practice, floor load limits are readily available from the Engineering drawings maintained at the worksite. Many jurisdictions require these figures by building code.

The agency has determined that construction contractors at single-story sites store building materials on the ground, or on floors supported directly by the ground (often called "slabs on grade"). At projects where the single-story structures are built over basements, partial basements or crawl spaces, contractors that store materials on the floors not supported by the ground must acquire and post the safe load limits as is required for multi-story structures. The agency estimates that during the construction of each building or structure, employers store building materials on average at two specified, elevated areas.

OSHA estimates, on average, that a non-supervisory construction worker spends a total of 15

minutes per project (15/60 hour=.25 hour) retrieving the floor load limit data, preparing a sign using readily available materials, and then posting the sign as required by § 1926.250(a)(2). The agency assumes here, as above, that a non-supervisory construction worker earns average total compensation of \$29.28 per hour.

According to the U.S. Department of Commerce, Census Bureau, in 2020 there were 912,000 single-family houses (including townhouses), 263,000 wood-framed multi-family residential structures, and 38,000 steel-framed multi-family homes constructed (Census, 2020).⁷ The Dodge Bulletin data showed 67,053 non-residential building project contracts for 2020. The agency conservatively estimates that all of them are subject to floor load posting requirements. The agency does not include any Dodge Bulletin non-building construction data in this calculation because of the nature of the work sites. They are largely considered horizontal construction (roads, highways, sewerage, etc.) and are on the ground.

The total number of construction sites completed that will have to post load limits is 1,280,053. This number includes 912,000 single-family homes, 263,000 wood-framed multi-family homes, 38,000 steel-framed multi-family homes, and the 67,053 non-residential construction sites. OSHA estimates that a non-supervisory construction worker spends an average total of 15 minutes per posting (15/60 hour =.25 hour) retrieving the floor load limit data, preparing one sign using readily available materials, and then posting the sign as required by §1926.250(a)(2). The agency assumes here, as above, that on average a non-supervisory construction worker earns \$29.28 per hour. OSHA estimates, that each single-family house would have one storage area, resulting in one required posting, while other structures would have two storage areas, resulting in two required postings.

⁷ Source: US Census Bureau, "Characteristics of New Housing, Highlights of Annual 2020 Characteristics of New Housing," Found at https://www.census.gov/construction/chars/highlights.html. OSHA used data from the Dodge report in estimating the number of construction starts for the 911 Emergency Medical Services section (29 CRR 1926.50(f)) above. Included within that total were new home starts. However, as has historically been the case when examining the paperwork burden for 29 CFR 1926.250, the agency is using U.S. Census data rather than the D odge report. The Dodge report does not include data on townhomes separate from condominiums; townhomes and c ondominiums are grouped together in the Dodge report's multifamily category. For the purposes of analyzing the change to this provision, OSHA needs to be able to separate condominiums from townhomes; the U.S. Census' defi nition of a single family home identically matches the new home constructions that the agency needs to measure. Therefore, OSHA believes the data provided from the U.S. Census is the best available data for analyzing the propos ed update to 29 CFR 1926.250(a)(2). The total count of residential construction projects in the two reports will not necessary match, in part because the Census data is estimating housing completions, as opposed to housing starts, as estimated by the Dodge data. Alternatively, the Census data does not provide a count of non-residential building activity, provided by the Dodge data, which is relevant for calculating emergency contact numbers, as well as used here for the load limits posting requirements. OSHA used the same two sources of data in the SIP-IV NPRM and received no comments on this.

29 CFR 1926.250(a)(2)

OSHA estimates, that on average, each single-family house would have one storage area, producing one required posting, while other structures would have two storage areas, producing two required postings as required by the standard that leaves the 38,000 steel framed multi-family homes and the 67,053 non-residential buildings. OSHA estimates, on average, that a non-supervisory construction worker spends a total of 15 minutes per project (15/60 hour=.25 hour) retrieving the floor load limit data, preparing one sign using readily available materials, and then posting the sign as required by §1926.250(a)(2). The Agency assumes here, as above, that on average a non-supervisory construction worker earns \$29.28 per hour.

Burden hours:105,053 sites x 2 signs x 15/60 hours = 52,526.50 hoursCost:52,526.50 hours x \$29.28 = \$1,537,975.92

Collections of Information	Total No. of Respondent s	No. of Responses per Respondent	Total No. of Response s	Time per Respons e (in Hrs.)	Total Burden Hours	Avg. Wage Rate	Total Burden Costs
Posting							
Emergency							
Telephone							
Numbers							
(§1926.50(f)				- //-		\$29.2	
(1))	885,922	0.03000038	26,578	3/60	1,328.90	8	\$38,910.19
Posting							
Location							
Information							
(§1926.50(f)						\$29.2	
(2))	885,922	0.03000038	26,578	3/60	1,328.90	8	\$38,910.19
Posting Floor							
Load Limits (§							
1926.250(a)		0.23716083		. – 10	52,526.5	\$29.2	\$1,537,975.9
(2))	885,922	3	210,106	15/60	0	8	2
Total*			263,262		55,184		\$1,615,796

Table 3 – Summary of Estimated Annualized Burden Hours and Costs

*All totals are rounded.

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).

- The cost estimate should be split into two components: (a) a total capital and startup 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 collection 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.

Item 12 above provides the total cost of the information collection requirements specified by § 1926.50(f) and § 1926.250(a)(2). There are no additional costs to the respondent.

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.

There is no cost to the Federal Government.

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

The Agency is requesting an adjustment increase in burden hours from 36,919 hours to 55,184 hours with a difference of 18,265 hours. The burden hours increased due to an increase in the number of construction sites from 707,776 to 885,922 construction sites (respondents). (See Table 4.)

Collections of Information	Current Burden Hours	Requested Burden Hours	Adjustments/ Program Change	Explanation
Posting Emergency Telephone Numbers (§1926.50(f)(1))	1,062	1,328.90	266.90	An increase in the number of construction sites.
Posting Location Information (§1926.50(f)(2))	1,062	1,328.90	266.90	An increase in the number of construction sites.
Posting Floor Load Limits (§ 1926.250(a) (2))	34,795	52,526.50	17,731.50	An increase in the number of construction sites.
Total	36,919	55,184	18,265	

Table 4 – Summary of Burden Hour Changes and Explanation

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 § 1926.50(f) and § 1926.250(a)(2).

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be appropriate.

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 requesting an exception to the certification statement.

B. COLLECTIONS OF INFORMATON EMPLOYING STATISTICAL METHODS

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