

**SUPPORTING STATEMENT FOR THE
COLLECTION OF INFORMATION REQUIREMENTS FOR
THE AERIAL LIFTS STANDARD (29 CFR 1926.453)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0216 (June 2023)**

This is an extension request 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 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 or 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). Specifically, the Act states that “[t]he Secretary shall set the standard which most adequately assures, to the extent feasible . . . that no worker will suffer material impairment of health or functional capacity . . .” (29 U.S.C. 655).

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 ensure that workers 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. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such standards . . .” (29 U.S.C. 655). The Act continues by stating, “[w]here appropriate, any such standard that shall prescribe the type and frequency of medical examinations or other tests . . . in order to most effectively determine whether the health of such workers is adversely affected by such exposure” (29 U.S.C. 655). Finally, the Act requires 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 its statutory authority, the Occupational Safety and Health Administration (OSHA or agency) published a standard on Aerial Lifts (29 CFR 1926.453). This regulation applies to all aerial lift operations conducted by employers involved in procedures that prevent injury and death among workers who operate, or work near, aerial lifts.

Items 2 and 12 below list and describe the specific collection requirements of the standard.

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; it does not provide information or guidance on how to comply with or to enforce 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 following discussion details the collection of information requirement contained in the Aerial Lifts Standard.

General Requirements (§ 1926.453(a)(2))

Aerial lifts may be “field modified” for uses other than those intended by the manufacturer provided the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in conformity with all applicable provisions of ANSI² A92.2-1969 and this section and to be at least as safe as the equipment was before modification.

Purpose: Employers use this certification as a record of equipment modification and to demonstrate to interested parties (e.g., OSHA compliance officers, renters, lessees, owners, workers, etc.) that the modified aerial lift remains at least as safe for employees as the original equipment was.

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 the information they can use to determine the safety of modified lifts.

Number of Inspections

In previous packages, the agency has taken the burden for the time it would take an employer to disclose written certifications to OSHA compliance officers during an inspection. However, the agency has since 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 the disclosure of records.

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 automated, electronic, mechanical, or other technological information

² American National Standards Institute.

collection techniques, or other forms of information technology (e.g., electronic submission of responses) 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 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 purposes described in Item A.2 above.

The information collection requirement of the standard is specific to each employer and worker involved, and no other source or agency duplicates this requirement or can make the required information available to the agency. Currently, there is no indication that any alternate source is available (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 requirement burdens are an equal obligation for all affected employers. 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.

The agency believes that the information collection frequency required by the standard is the minimum frequency necessary to fulfill its mandate “to assure so far as possible every 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 required information collection, or delay in providing this information, workers may be at risk of serious injuries or death during aerial life operations.

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 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.

As required by the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on April 3, 2023 (88 FR 19680) (Docket No. OSHA-2009-0045), 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 intended to provide interested parties with 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 requirement found in the standard. The agency did not receive any public 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 requirements specified in this standard do 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 requirements specified in this standard do 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.**

Respondent Burden Hour and Cost Determinations

The agency determined the wage rate from mean hourly wage earnings to represent the cost of employee time. For the relevant standard occupational classification category, the agency used the wage rates reported in the Bureau of Labor Statistics (BLS), U.S. Department of Labor, Occupational Employment and Wage Estimates (OEWS), May 2021 [date accessed: May 12, 2022]. (OEWS 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 derive the loaded hourly wage presented in the table below, the agency used data from the Bureau of Labor Statistics’ OEWS report, as described in the paragraph above, and applied to the wage rates a fringe benefit markup from the following BLS release: *Employer Costs for Employee Compensation News Release* text, released 10:00 AM (EDT), March 18, 2022, (https://www.bls.gov/news.release/archives/ecec_03182022.htm). BLS reported that for civilian workers, fringe benefits accounted for 31.0 percent of total compensation, and wage rates accounted for the remaining 69.0 percent. To calculate the loaded hourly wage, the agency divided the mean hourly wage by one (1) minus the fringe benefits.

Table A, below, summarizes how the wage rate estimate was derived for the information collection requirements specified in the standard.

Table A -- Wage Hour Estimate				
Occupational Title	Standard Occupation Code	Mean Hourly Wage Rate (A)	Fringe Benefits (B)	Loaded Hourly Wage Rate (C) = A * (1/1-B)
Production Worker	51-9199	\$17.42	.31	\$25.25

Certification for modification made to aerial lifts³

OSHA believes that compiling and maintaining the equipment-modification certificates are

³ The agency conservatively estimates that 200,000 aerial lifts, regulated by 1926.453(a)(2), were used during calendar year 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 recent or updated statistics. 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 233,000 aerial lifts in the United States in 2011. Of the 233,000 aerial lifts, OSHA estimated 80%, or 187,000 aerial lifts, were being used for construction activities. Industry sources estimated, anecdotally, that there were about 250,000 aerial lifts in the United States for the same years, 200,000 of those lifts were being used for construction activities (80% x 250,000 = 200,000).

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 because of the regulatory requirements, OSHA claimed a burden of ten (10) responses at six (6) minutes (6/60 hour) each, for a total of one (1) 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 workers x 6/60 hour = 1 hour

Cost: 1 hour x \$25.25 = \$25.25

Table B – Summary of Burden Hours and Cost Estimates per Response							
Activity	Number of Respondents	Number of Responses per Respondent	Total Number of Responses	Time Per Response	Total Burden Hours	Avg. Hourly Rate	Total Burden Cost
Aerial Lifts (29 CFR 1926.453)	10	1	10	6/60	1	\$25.25	\$25.25
Totals	10	--	10	--	1	--	\$25 (rounded)

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 capital or start-up costs for the collection of information requirements contained in this standard. All other costs for complying with the standard are included under those costs in item 12, above.

- 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 are no costs to the Federal government associated with this information collection request. The agency has no annualized costs associated with enforcing the standard. OSHA would only review records in the context of an investigation of a particular employer to determine compliance with the standard. These activities would be outside the scope of the PRA (*See* 5 CFR 1320.4(a)(2)).

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

The agency is requesting to retain the same burden hour estimate of one (1) hour. There are no program changes or adjustments associated with this information collection requirement.

- 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.**

The information to be collected under this standard will not have results that will be published for statistical use.

- 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

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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 INFORMATION EMPLOYING STATISTICAL METHODS

This supporting statement does not contain any collection of information requirements that employ statistical methods.