

**SUPPORTING STATEMENT FOR THE
COLLECTION OF INFORMATION REQUIREMENTS FOR
THE WALKING-WORKING SURFACES STANDARD
(29 CFR PART 1910, SUBPART D)
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0199 (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 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 objective of the Occupational Safety and Health Act of 1970 (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 function 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 insure 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). This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655).

Regarding recordkeeping, 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). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [they] may deem necessary to carry out [their] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 657).

Under its statutory authority, the Occupational Safety and Health Administration (OSHA or agency) issued the walking and working surfaces standard for general industry (29 CFR part

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1910, subpart D). Subpart D applies to all walking and working surfaces operations conducted by employers involved in procedures that prevent injury and death among workers who work with or near ladders, rope descent systems, and unprotected siding and edging.

Items 2 and 12 below describe the specific collection requirements of the standard.¹

- 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 requirements contained in the standard.

Ladders, General Requirements for All Ladders (§ 1910.23(b)(10))

Any ladder with structural or other defects is immediately tagged “Dangerous: Do Not Use” or with similar language in accordance with § 1910.145 and removed from service until repaired in accordance with § 1910.22(d), or replaced.

Purpose: The information provided through this posting will alert employers and workers that the ladder is not safe and must not be used.

Rope Descent Systems, Anchorages (§ 1910.27(b)(1))

§ 1910.27(b)(1)(i) – Before any rope descent system is used, the building owner must inform the employer, in writing[,] that the building owner has identified, tested, certified, and maintained each anchorage so it is capable of supporting at least 5,000 pounds (2,268 kg), in any direction, for each employee attached. The information must be based on an annual inspection by a qualified person and certification of each anchorage by a qualified person, as necessary, and at least every 10 years.

Purpose: This information will assure employers and workers that the building owner has inspected, tested, and certified the anchorage, which the employer may not own or have any control over, and that the system is safe to use.

§ 1910.27(b)(1)(ii) – The employer must ensure that no employee uses any anchorage before the employer has obtained written information from the building owner that each anchorage meets the requirements of paragraph (b)(1)(i) of this section. The employer must keep the information for the duration of the job.

Purpose: This information will assure employers and workers that the anchorage, which the employer may not own or have any control over, is safe to use.

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

Protection from Fall Hazards, Unprotected Sides and Edges (§ 1910.28(b)(1)(ii))

When the employer can demonstrate that it is not feasible or creates a greater hazard to use guardrail, safety net, or personal fall protection systems on residential roofs, the employer must develop and implement a fall protection plan that meets the requirements of 29 CFR 1926.502(k) and training that meets the requirements of 29 CFR 1926.503(a) and (c).

- 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.**

Except for § 1910.23(b)(10), employers may use automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology (e.g., electronic submission of responses), when establishing and maintaining the required records. In general, the agency wrote the paperwork requirements of the standards 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 purpose(s) described in Item 2 above.**

The information collection requirements contained in subpart D are specific to each employer and worker involved, and no other source or agency duplicates these requirements.

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

The collection of information is an equal obligation to all affected employers. The information collection requirements contained in this standard 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 standard are the minimum frequencies necessary to effectively prevent employee exposure to hazards and, thereby, 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” (29 U.S.C. 651). Accordingly, if employers do not perform the required information collections, or delay in providing this information, workers may be at risk of serious injuries or death.

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 secrets, 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 require employers to collect information using the procedures specified by this item. The requirements in subpart D 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 those comments. Specifically address comments received on cost and hour burdens.

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 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 19681) soliciting comments from the public and other interested parties on its proposal to extend the Office of Management and Budget's approval of the information collection requirements specified by the standard on Walking-Working Surfaces (29 CFR part 1910, subpart D) under docket number OSHA-2013-0002. This notice was part of a preclearance consultation program intended to allow interested parties with an opportunity to comment. The agency did not receive any comments in response to this notice.

9. Explain any decision to provide any payments 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 subpart D do not involve 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 reasons 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.

None of the collection of information requirements in subpart D contain 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 or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Respondent Burden-Hour and Cost Burden Determinations

The following sections summarize the burden hour and cost determinations for the information collection requirements specified in the standard. The data used for these determinations are based upon the final economic analysis (FEA) for final subpart D, published November 18, 2016, and OSHA's estimate of the time it would take a worker to perform the required information collection procedures.²

Wage Rates

The agency determined the wage rate from mean hourly wage earnings to represent the cost of employee's 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: January 26, 2023]. (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), December 15, 2022, (https://www.bls.gov/news.release/archives/ecec_12152022.htm). BLS reported that fringe benefits accounted for 31.0 percent of total compensation for civilian workers, and wage rates accounted for 69.0 percent. The agency divided the mean hourly wage by one (1) minus the fringe benefits to calculate the loaded hourly wage.

² These determinations are from the Final Rule for Subparts D and I that contain information collections (81 FR 82494).

Table 1, below, summarizes how the wage rate estimate was derived for the information collection requirements specified in the standard.

Table 1 – Estimated Wage Rates				
Occupational Title	Standard Occupation Code	Mean Hourly Wage Rate (a)	Fringe Benefits (b)	Loaded Hourly Wage Rate (c) = (a)/(1-(b))
Industrial Production Manager	11-3051	\$56.62	.31	\$82.06
Office and Administrative Support	43-9199	\$20.47	.31	\$29.67

Burden-Hour and Cost Determinations

According to subpart D, the scope of the standard covers 6,855,903 establishments and 112 million workers.

1. Ladders, General Requirements for All Ladders (§ 1910.23(b)(10))

Paragraph (b)(10) requires that the employer ensure that “[a]ny ladder with structural or other defects is immediately tagged “Dangerous: Do Not Use” or with similar language in accordance with § 1910.145 and removed from service until repaired or replaced.”

The agency assumes that, on average, each of the covered establishments has an average of three ladders (20,567,709 ladders), and that 20% of the covered establishments (1,371,181 establishments) will buy a new ladder (1,371,181 ladders) every five years. These assumptions indicate that there will be 19,196,528 (20,567,709 total ladders – 1,371,181 new ladders) ladders that will be in use or need of servicing (i.e., tagged ladders) at any time.

OSHA estimates that only three percent of the ladders in use or in need of servicing (575,896 ladders) will become defective during any given year and need to be tagged and removed from service. The agency estimates that only 10 percent of the defective ladders (57,590 ladders) will be tagged with a sign containing language other than “Dangerous: Do Not Use.”³

The agency estimates that it will take 3 minutes (3/60 hours) for a worker to construct a sign using alternative language, and to attach it to the ladder.

Burden Hours: 57,590 ladders x 3/60 hour = 2,880 hours (rounded)
Cost: 2,880 hours x \$29.67 = \$85,449.60

³ When the government provides language to employers to use on signs or labels it is considered "public disclosure." According to 5 CFR 1320.5 (c)(2). The public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within this definition (collection of information).

2. Rope Descent Systems, Anchorages (§ 1910.27(b)(1))

§ 1910.27(b)(1)(i)

Paragraph (b)(1)(i) requires before any rope descent system is used, the building owner must inform the employer, in writing, that the building owner has identified, tested, certified, and maintained each anchorage so it is capable of supporting at least 5,000 pounds (2,268 kg), in any direction, for each employee attached. The information must be based on an annual inspection of each anchorage and certification of each anchorage as necessary and at least every 10 years. A qualified person must perform both the inspection and certification.

The agency assumes there are approximately 750,000 buildings have windows cleaned annually. Recognizing that anchor certification may not be as widespread or frequent in some smaller markets, OSHA applied a baseline level of 35% for anchor certification and inspection in estimating costs for this requirement. Therefore, 65% of the approximately 750,000 buildings (487,500 buildings) that have windows cleaned yearly must now comply with the annual inspection and decennial certification requirements.

OSHA estimates that 487,500 buildings will require annual inspections and decennial certifications. The agency further assumes that a production supervisor will perform the annual inspections, and it will take this supervisor one hour to perform the inspection.

Burden Hours:	487,500 inspections x 1 hour = 487,500 hours
Cost:	487,500 hours x \$82.06 = \$40,004,250.00

§ 1910.27(b)(1)(ii)

Paragraph (b)(1)(ii) requires that the employer keep the written information from the building owner for the duration of the job.

OSHA estimates it will take one minute (1/60 hour) for an office and administrative support worker to file and to maintain the written information for the duration of the job.

Burden Hours:	487,500 inspections x 1/60 hour = 8,125 hours
Cost:	8,125 hours x \$29.67 = \$241,068.75

3. Protection from Fall Hazards, Unprotected Sides and Edges (§ 1910.28(b)(1)(ii))

The agency assumes there are 6,000 establishments affected by this rule. OSHA estimates that at the baseline, 10 percent (600 establishments) remain in compliance through engineering controls, workplace practices, personal protective equipment, and administrative controls, including the use of training and a fall protection plan. The agency further assumes the remaining 5,400 establishments (90% of the 6,000 affected establishments) are currently not in compliance and will need to implement a combination of the controls listed above to achieve compliance.

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OSHA estimates on an annual basis, 5% of the 5,400 establishments (270 establishments) will at any one-time encounter work conditions on a residential roof where the use of conventional fall protection is infeasible or creates a greater hazard, and consequently, will develop a fall protection plan addressing the unique conditions for that type of roofing work. OSHA estimates it will take a supervisor 30 minutes (30/60 hours) to write a plan.

Burden Hours: 270 fall protection plans x 30/60 hour = 135 hours
Cost: 135 hours x \$82.06 = \$11,078.10

Table 2 – Summary of Estimated Burden Hours and Cost per Response

Information Collection Requirement	Respondents	No. of Responses per Respondents	Total No. of Responses	Burden per Response (In hours)	Total Burden Hours	Loaded Hourly Wage Rate	Total Burden Costs
1. Ladders, General Requirements for All Ladders (§ 1910.23(b)(10))	57,590	1	57,590	3/60	2,880	\$29.67	\$85,449.60
2. Rope Descent System, Anchorages (§ 1910.27(b)(1)(i))	487,500	1	487,500	1	487,500	\$82.06	\$40,004,250
Rope Descent System Anchorages (§ 1910.27(b)(1)(ii))	487,500	1	487,500	1/60	8,125	\$29.67	\$241,068.75
3. Protection from Fall Hazards, Unprotected Sides and Edges (§ 1910.28(b)(1)(ii))	270	1	270	30/60	135	\$82.06	\$11,078.10
Total	---	---	1,032,860	---	498,640	---	\$40,341,846 (rounded)

13. Provide an estimate for 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 Items 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 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 collections 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.**

The agency estimates a total annual cost burden of \$54,697,500, as explained below:

Cost of Decennial Inspection and Certification

OSHA estimates most building owners will likely hire a professional engineer to perform the decennial certification to ensure each anchorage can support 5,000 pounds (2,268 kg) in any direction. Based on the FEA, the agency assumes the cost for an inspector to inspect and certify each anchorage is \$1,122.00. The building owner must inspect the anchorages annually and certify the anchorages can support 5,000 pounds as necessary at least every 10 years.

$$(487,500 \text{ certifications}/10 \text{ years}) \times \$1,122 = \$54,697,500$$

- 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 may also aggregate cost estimates from Items 12, 13, and 14 in a 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 are outside the scope of the PRA (See 5 CFR 1320.4(a)(2)).

15. Explain the reasons for any program changes or adjustments reported in Items 12.

The agency is requesting the burden hours and the cost under item 13 to remain the same.

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 of information, completion of 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 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. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

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