

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS IN THE
LOGGING OPERATIONS STANDARD (29 CFR 1910.266)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0198 (November 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). In addition, the OSH 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).

Pursuant to its statutory authority, the Occupational Safety and Health Administration (OSHA or agency) promulgated a safety standard for general industry, regulating logging operations (29 CFR 1910.266). The paperwork provisions of this standard specify requirements for developing, maintaining, and disclosing inspection records and written reports associated with logging operations. Items 2 and 12 below list and describe in detail the specific information collection requirements 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 standard specifies several paperwork requirements. The purpose of each of these requirements is to prevent workers from using unsafe logging operations, thereby, reducing their risk of death or serious injury caused during material handling. The following sections describe these requirements and specifies who uses the information collected under each requirement.

Machines, General Requirements (§ 1910.266(f)(1)(iii))

¹ The 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 employer shall assure that operating and maintenance instructions are available on the machine or in the area where the machine is being operated. Each machine operator and maintenance employee shall comply with the operating and maintenance instructions.

Vehicles (§ 1910.266(g)(3))

The employer shall assure that operating and maintenance instructions are available in each vehicle. Each vehicle operator and maintenance employee shall comply with the operating and maintenance instructions.

Certification of Training (§ 1910.266(i)(10))

§ 1910.266(i)(10)(i)

The employer shall verify compliance with paragraph (i) of this section by preparing a written certification record. The written certification record shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted prior to the employee's hiring or completed prior to the effective date of this section, the certification record shall indicate the date the employer determined the prior training was adequate.

§ 1910.266(i)(10)(ii)

The most recent training certification shall be maintained.

Purpose: Establishing and maintaining written certification of the trainings that each worker and supervisor has received (e.g., on-the-job and first aid trainings) assures the employer and the agency that training specified by the standard has been conducted fully and validly, and at the required frequencies.

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-collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. 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 purpose(s) described in Item A.2 above.

The information collection requirements in the standard are specific to each employer and worker involved, and no other source or agency duplicates these requirements. The required information is available only from the employers. Currently, there is no indication that any alternate source is available.

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

The requirement burdens are an equal obligation for all affected employers. The collections of information do not have a significant economic 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 the burden.

The reporting frequencies specified in the standard are the minimum necessary to protect the safety and health of workers and, particularly, to regulate logging operations and their associated recurring training requirements effectively. Accordingly, if employers do not perform the required information collections, or delay in providing this information, workers may inadvertently increase their risk of death or serious injury.

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 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 prove 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 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 before 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, 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 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 August 28, 2023 (88 FR 58619), soliciting comments from the public and other interested parties on the information collection requirements in the Logging Operations Standard (29 CFR 1910.266) (Docket No. OSHA-2010-0041). This notice is part of a preclearance consultation program that provides these interested parties the opportunity to comment on OSHA's extension request. The agency did not receive any public 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.

This regulation does not require the submission of any confidential information to the Federal Government; therefore, there are no assurances of confidentiality provided to respondents..

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 provisions in the standard require questions of a sensitive nature be asked.

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 estimate for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collection of information, identifying and using appropriate wage-rate categories.**

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, OSHA used the wage rates reported in the Bureau of Labor Statistics (BLS), U.S. Department of Labor, *Occupational Employment and Wage Statistics* (OEWS), May 2022 [last accessed: July 6, 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 rate presented in the table below, the agency used data from the OEWS, as described in the paragraph above. Then, the agency applied to the wage rate a fringe benefit markup from the following BLS release: *Employer Costs for Compensation News*

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(https://www.bls.gov/news.release/archives/ecec_06162023.htm). BLS reported that for private industry workers, fringe benefits accounted for 29.5% of total compensation and wages accounted for the remaining 70.5%. To calculate the loaded hourly wage for each occupation, the agency divided the mean hourly wage rate by 1 minus the fringe benefits.

Table 1, below, is a summary of how the wage rate estimates were derived for the information collection requirements specified in the standard.

Table 1 – Estimated Wage Rates				
Occupational Title	Standard Occupational Code	Mean Hour Wage Rate (A)	Fringe Benefits (B)	Loaded Hourly Wage Rate (C) = (A)/(1-(B))
Logging Equipment Operators (Operator)	45-4022	\$22.39	.295	\$31.76
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive (Secretary)	43-6014	\$20.87	.295	\$29.60

In determining the burden hours and cost associated with these requirements, OSHA estimated that the logging industry, including timber tract operations, currently has 46,103 workers/supervisors and 7,559 logging establishments.²

(A) Maintenance and Operating Instructions (§§ 1910.266(f)(1)(iii) and (g)(3))

Under paragraphs (f)(1)(iii) and (g)(3) of the standard, employers must assure that operating and maintenance instructions are available on machines or in the area where the machine is being operated, and in vehicles. Based on the Regulatory Impact Analysis (RIA) for the Revisions to the Standard, equipment manufacturers include operator’s manuals with new logging machines. For those machines with no operating instructions in the cab, the employer will be required to obtain and retain a manual within the immediate work area of each machine. Vehicles, additionally, have special compartments to hold manuals which make the likelihood of loss or destruction of manuals a rare event. Since the Logging Operations final rule has been in effect since 1995, OSHA assumes that all employers are in compliance with the provision to have operating and maintenance instructions available on machines or in the areas where the machines are being operated.

However, OSHA realizes that there may be incidents where the instructions might be lost, misplaced, or destroyed and need to be replaced. Therefore, for purposes of calculating burden hours, the agency estimates that approximately 10 percent of the establishments (756, rounded) will have at least one machine manual replaced annually and that it will take a logging

² Source: U.S. Census Bureau, 2020 Statistics of U.S. Businesses (SUSB), County Business Patterns, NAICS 1133-Logging, United States <https://www.census.gov/data/tables/2020/econ/susb/2020-susb-annual.html>.

equipment operator with an hourly wage rate of \$31.76 approximately 10 minutes (10/60 hour) to locate the manual, either on the premises or by calling the manufacturer for a replacement manual, and place the instruction manuals in the equipment.³

Accordingly, the annual burden hours and cost of the requirement for this provision are:

Burden Hours:	756 establishments x 10/60 hour = 126 hours
Cost:	126 hours x \$31.76 = \$4,001.76

(B) Certification of Training (§ 1910.266(i)(10)(i) and (i)(10)(ii))

Paragraph (i)(10)(i) requires employers to certify in writing that a worker/supervisor received the training required under the standard. Under paragraph (i)(10)(ii), employers need only maintain the most recent certification for the job and first aid trainings that a worker/supervisor has received.

Based on the RIA, there is an estimated turnover rate in the industry of 32 percent, or approximately 14,753 workers (32% of 46,103, rounded). Each year employers must maintain 31,350 (46,103 – 14,753) training certifications for already trained workers/supervisors, as well as generate and maintain 14,753 new training certifications for the workers/supervisors who require initial training, new training, or retraining.

Accordingly, OSHA estimates that a secretary at an hourly wage rate of \$29.60 will take 1 minute (1/60 hour) to maintain each existing (31,350) training certifications and 3 minutes (3/60 hour) to generate and maintain each new (14,753) training certification.

The annual burden hours and cost of these paperwork requirements are:

Burden hours:	31,350 existing certifications x 1/60 hour = 523 hours, rounded
Cost:	523 hours x \$29.60 = \$15,466.00
Burden hours:	14,753 new certifications x 3/60 hour = 738 hours, rounded
Cost:	738 hours x \$29.60 = \$21,834.44

The agency believes that employers have previously developed the necessary training materials and, as a result, do not need to revise this material during the period covered by this ICR. Therefore, the agency is taking no burden hours or cost for employers to develop or revise the training materials required by the standard.

³ Regulatory Impact Analysis for the Revisions to the Pulpwood Logging Standard (29 CFR 1910.266), pp. III-9-10, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Regulatory Analysis, June 30, 1994.

Table 2 – Estimated Annualized Respondent Hour and Cost Burden								
Information Collection Requirements	Type of Respondent	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Burden per Response (In hours)	Total Burden Hours	Loaded Hourly Wage Rate	Total Burden Costs
(A) Maintenance and Operating Instructions (§ 1910.266(f)(1)(iii) and (g)(3))	Operator	756	1	756	10/60	126	\$31.76	\$4,001.76
(B) Certification of Training (§ 1910.266(i)(10)(i) and (i)(10)(ii))	Secretary	31,350	1	31,350	1/60	523	\$29.60	\$15,466.00
		14,753	1	14,753	3/60	738	\$29.60	\$21,834.44
Totals	--	7,559*	--	46,859	--	1,387	--	\$41,302 (rounded)

*= not cumulative

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 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 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 the standard. Therefore, there are no costs to the respondents other than their time.

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 Item 12, 13, and 14 into a single table.

There is no cost to the federal government associated with this information request.

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

Based on updated County Business Pattern data, the agency found that the number of establishments decreased from 8,076 to 7,559, and the number of workers decreased from 50,188 to 46,103 which in turn decreased burden hours and responses.

Accordingly, OSHA is requesting an adjustment decrease in the number of burden hours for the information collection requirements in the standard from 1,507 hours to 1,387 hours for a total decrease of 120 burden hours.

Table 3 – Requested Burden Hour Adjustments			
Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment (hours)
Maintenance and Operating Instructions (§ 1910.266(f)(1)(iii) and (g)(3))	135	126	- 9
Certification of Training (§ 1910.266(i)(10)(i) and (i)(10)(ii))	569	523	- 46
	803	738	- 65
Totals	1,507	1,387	- 120

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.

The information required to be collected by the standard will not produce 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 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 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.

18. Explain each exception to the certification statement.

OSHA is not seeking 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.