

**SUPPORTING STATEMENT FOR THE
COLLECTION OF INFORMATION REQUIREMENTS FOR THE
STANDARD ON CONCRETE AND MASONRY CONSTRUCTION
(29 CFR PART 1926, SUBPART Q)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0095 (JUNE 2024)**

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,

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

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including rules and regulations dealing with the inspection of an employer's establishment" (29 U.S.C. 657).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA or agency) published the Standard on Concrete and Masonry Construction (29 CFR 1926, Subpart Q). The standard contains several information collection requirements addressing the limitations of employee access and general safety during concrete and masonry construction operations. Items 2 and 12 below describe the specific 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 warning signs and barriers required by paragraph 1926.701(c)(2) reduce exposure for non-essential workers to the hazards of post-tensioning operations. The principal hazards originate with failure of wire strands or metal rod tendons under tens of thousands of pounds of tension. When strands or tendons fail and contract, they strike with catastrophic force against structures, materials, tools, and workers, causing damage, serious injury, or death. The requirements to lock-out and tag-out bulk-storage ejection systems and other hazardous equipment (e.g., compressors, mixers, screens or pumps used for concrete and masonry construction) as specified by §§1926.702(a)(2), (j)(1), and (j)(2) prevent equipment from being unexpectedly operated and warn workers that others are on/in the equipment or facility performing tasks (e.g., cleaning, inspecting, maintaining, repairing), where unexpected operation could cause serious injury or death.

Construction contractors and workers use the drawings or plans including their revisions, required by §1926.703(a)(2) to be at the jobsite, for instructions on constructing, erecting, bracing, maintaining, and removing shores, form work, working decks, and scaffolds during cast-in-place concrete construction operations.

§1926.701(c)(2) requires signs and barriers to limit employee access to areas where post-tensioning operations will take place,

§§1926.702(a)(2) and (j)(1) require lockout/tagout measures to protect workers from injury associated with entering facilities, or operating or performing maintenance/repairs, on equipment or machinery),

§1926.702(j)(2) requires "[tags to] read *Do Not Start* or similar language to indicate that the equipment is not to be operated."

§1926.703(a)(2) requires that "...drawings or plans including all revisions, for the jack layout, formwork (including shoring equipment), working decks, and scaffolds shall be available at the jobsite." Since these drawings or plans are created and are made available to the various

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contractors engaged during the project at the jobsite as matter of usual and customary business practice, OSHA is not requesting clearance under the Paperwork Reduction Act of 1995) (PRA) for the associated burden.

§1926.705(a) mandates that

Lift-slab operations shall be designed and planned by a registered professional engineer who has experience in lift-slab construction. Such plans and designs shall be implemented by the employer and shall include detailed instructions and sketches indicating the prescribed method of erections. These plans and designs shall also include provisions for ensuring laterals stability of the building/ structure during construction.

The Standard is silent as to where the plans, designs, instructions and sketches must be kept. As a matter of usual and customary business practice, they are maintained at the construction jobsite to be available to the various contractors engaged during the project. Therefore, OSHA is not requesting clearance under the PRA for the burden associated with preparing plans, designs, instructions and sketches and having them available at the jobsite.

§1926.705(b) requires that jacks used for lift-slab operations be marked to indicate their rated capacity. The Jack Manufacturers rate the equipment as a usual and customary practice; therefore, OSHA is not requesting clearance under the PRA for the burden associated with the marking operation.

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 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

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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 has little impact on 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 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 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on March 25, 2024 (89 FR 20706) (Docket No. OSHA-2010-0040), soliciting comments from the public and other interested parties on the information collection requirement contained in the Concrete and Masonry Construction Standard (29 CFR part 1926, subpart Q). The notice was part of a preclearance consultation program intended to allow interested parties to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of previous approval of the information collection requirement found in the standard. 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 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 or paying outside parties for information collections activities should not be included here. Instead, this cost should be included in item 13.**

Respondent Burden Hour and Cost Determinations

Posting signs and using barriers (tapes with warning messages or other messages couched to prevent entry to specific areas of the jobsite §1926.701(c)(2)), except for workers essential to post-tensioning operations and using lockout and tags² to prevent unintended entry or operation

² OSHA is likely overestimating the paperwork burden by assuming that § 1926.702(j)(2) affects all worksites. OSHA made this assumption to simplify the formula, but the agency notes that § 1926.702(j)(2) probably does not

of facilities/equipment (§1926.702(a)(2) and (j)(2)) are common practices on construction jobsites. Information taken from McGraw Hill's FW Dodge Data report³ on residential and non-residential sites and analyzed indicated that for the calendar year 2022, the number of active construction worksites (excluding single-family houses) was approximately 599,000. This figure was compiled from the 2022 non-single-family housing residential construction starts (15,000) and non-single-family housing construction starts (584,000) worksites. According to the U.S. Census Bureau News Joint Release (CB22-210),⁴ single-family housing starts in November 2022 were at a rate of 828,000.⁵ The agency combines the number of non-single-family housing residential worksites and single-family housing starts. Therefore, all housing starts are (599,000 + 828,000) = 1,427,000. OSHA estimates that at least 20 percent of all the worksites (1,427,000) will involve one instance of posting warnings or the use of locks and tags at jobs covered by this collection. This 20% of the total worksites (285,400) figure will be used as part of the calculations for the burden hours.

Wage Rate

The agency determined the wage rate from mean hourly wage earnings to represent the cost of an 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 2022 [date accessed: November 28, 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 – June 2023 News Release*, released 10:00 AM (EDT), September 12, 2023, (https://www.bls.gov/news.release/archives/ecec_09122023.htm). BLS reported that fringe benefits accounted for 29.4 percent of total compensation for private workers, and wage rates accounted for 70.6 percent. The agency divided the mean hourly wage by one (1) minus the fringe benefits to calculate the loaded hourly wage.

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

affect all worksites because OSHA believes most employers will use the language OSHA has provided ("Do not start") rather than take the time to develop their own language. (See 5 CFR 1320.3(c)(2)).
https://www.census.gov/construction/nrc/pdf/newresconst_201912.pdf (US Census Housing starts)

³ Source: Dodge Constructions Potentials Bulletin, update received on January 9, 2024.

Note: This is an estimate provided by Dodge.

⁴ Source: https://www.census.gov/construction/nrc/pdf/newresconst_202211.pdf [census.gov](https://www.census.gov)

⁵ Technically, this is a slight overestimate of total single-family housing starts, as it includes some multi-family housing starts.

| Table 1 -- WAGE HOUR ESTIMATES | | | | |
|--------------------------------------|----------|------------------------------|------------------------|--|
| Occupational Title | SOC Code | Mean Hourly Wage Rate (A) | Fringe Benefits (B) | Loaded Hourly Wage Rate (C) = (A)/((1-(B))) |
| Painter, Construction, & Maintenance | 47-2141 | \$23.73 | 0.294 | \$33.61 |

It typically takes 5 minutes (5/60 hours) to post or place the warning signs, locks, tags, etc.

Burden Hours: 285,400 x 5/60 hours = 23,783 hours

Cost: 23,783 hours x \$33.61= \$799,347

As described in Item 1, OSHA determined that requirements contained in §1926.703(a)(2) and §1926.705(b) of the paperwork requirements specified by the Subpart impose no burden hours or costs as specified by the Paperwork Reduction Act of 1995.

| TABLE 2 – Estimated Annualized Respondent Hour and Cost Burden | | | | | | | | |
|---|---|--------------------|---------------------------------|------------------------|-----------------------------|--------------------|--------------------|-----------------------------|
| Information Collection Requirement | Type of Respondent | No. of Respondents | No. of Responses per Respondent | Total No. of Responses | Time per Response (In Hrs.) | Total Burden Hours | Loaded Hourly Wage | Total Burden Cost (rounded) |
| Warning signs and barriers §1926.702(a)(2), (j)(1), and (j)(2) | Painter, construction, & maintenance worker | 285,400 | 1 | 285,400 | 5/60 | 23,783 | \$33.61 | \$799,347 |

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 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.**

There are no additional costs to the respondents other than their time.

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 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 an adjustment increase in burden of 815 hours (from 22,968 to 23,783 hours). The increase in burden is due an increase in the total number of active construction sites for residential housing going from 1,378,095 to 1,427,000.

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

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the collection 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 requesting an exception to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

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