

**VERTICAL TANDEM LIFTS (VTLs) FOR
MARINE TERMINALS (29 CFR PART 1917)
OMB Control Number: 1218-0260
Expiration Date: January 31, 2025**

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENT
OF VERTICAL TANDEM LIFTS (VTLs) FOR
MARINE TERMINALS (29 CFR PART 1917)¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0260 (October 2024)**

The agency is requesting the extension of a currently approved data collection.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The main purpose of the Occupational Safety and Health Act (“OSH Act”) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the OSH Act specifically authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C 651).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published a final rule on Vertical Tandem Lifts (VTLs) in Marine Terminals. Items 2 and 12 below describe 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 collection of information required by the Standard is used by employers to ensure that employees are informed properly about the safety hazards associated with VTL operations, and the proper use of twist locks when performing a VTL. The collection of information is necessary to prevent employee injuries and fatalities associated with lifting cargo. A VTL means the lifting of two intermodal containers that are coupled together vertically (one on top of the other). The

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with the 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.

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Standard permits VTLs of two empty containers. The information collection requirements in the Standard require employers to develop and implement a terminal plan for transporting VTLs inside the terminal.

§1917.71(a)(1) – (a)(3), (b)(2)(i) and (ii) Labeling of Intermodal Containers

Paragraph (a) requires that all intermodal containers are legibly and permanently marked with the weight of the container when empty ((a)(1)); the maximum weight the container is designed to carry in pounds ((a)(2)); and the sum of the weight of the container and the cargo, in pounds ((a)(3)).

Additionally, loaded containers must display their gross weight plainly marked on the container in a way that it is visible to the crane operator or other hoisting equipment operator or signalman, or to every supervisor and foreman on the site and in charge of the operation ((b)(2)(i)), or supplied in the form of a cargo stowage plan or equivalent permanent record to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation ((b)(2)(ii)).

Purpose: The labeling of intermodal containers with the weight of the container, the maximum weight of cargo that can be packed in the container, and their sum provides the crane operator or other hoisting equipment operator or signalman, or to every supervisor and foreman on the site and in charge of the operation with a minimum and maximum range under which a container can be safely lifted. Providing the gross weight, either marked on the container or supplied in the form of a cargo stowage plan or equivalent permanent record, ensures that the containers being lifted and the cranes/derricks performing the lifting are not overloaded.

§1917.71(i)(8)(iv) through (vi) Testing, Certification, and Labeling of Interbox Connectors

Paragraph (i)(8)(iv) requires employers to ensure that the interbox connectors used in VTL operations have been certified by a competent authority authorized under §1918.11 (for interbox connectors that are part of a vessel's gear) or §1917.50 (for other interbox connectors).

Paragraph (i)(8)(v) requires employers to make the certificate, which attests that the interbox connector meets the strength criteria given in paragraph (i)(8)(iv), available for inspection. Also, paragraph (i)(8)(vi) requires that each interbox connector be clearly and durably marked with its safe working load for lifting and an identifying number or mark that will enable it to be associated with its test certificate.

Purpose: The certification is necessary to ensure that interbox connector-corner casting assemblies have adequate strength to ensure the safety of the lift. Marking of interbox connectors informs employers, workers, and OSHA that the interbox connectors have been certified.

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§§1917.71(j)(2) and (k)(2) Written Plan for Transporting VTLs and Establishing a Safe Work Zone for Employees

Paragraph (j)(2) requires that employers develop, implement, and maintain a written transport plan for vertically connected containers. This plan must establish procedures to ensure safe operating and turning speeds and address all conditions in the terminal that could affect the safety of VTL-related operations, including communication and coordination among all employees involved in these operations.

Paragraph (k)(2) requires that the written transport plan also include information regarding the safe work zone and procedures to ensure that employees are not in this zone when a VTL is in motion.

Purpose: The written plan for transporting vertically connected containers is necessary for the safe transport of VTLs in the marine terminal where the mentioned factors affect the stability of a VTL which has a higher center of gravity than a single container.

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 collection techniques or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The agency wrote the paperwork requirements of these 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 purposes described in Item A.2 above.

The requirement to collect and maintain information are specific to each employer involved, and no other source or agency duplicates the requirement or can make the required information available to OSHA (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.

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The VTL information collection requirements in the 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 the burden.

Without a VTL terminal plan, containers handled as a VTL could overturn. The safe work zone and procedures ensure employees are not in this zone when a VTL is in motion.

The agency believes that the information collection frequency required by the Standard is the minimum frequency necessary to prevent employee injuries and fatalities associated with lifting cargo. The agency believes that the failure of the employer to collect and distribute the information required by the information collection requirement in the regulation will significantly affect the cooperative effort between OSHA and the employer to ensure employee safety through controlling or reducing injuries and fatalities in marine terminal operations and longshoring. Any Federal program or policy activities or decisions that would reduce or eliminate the collections of information required in these standards would also affect OSHA's efforts to ensure employee safety and health in the workplace.

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;**

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- **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 in the manner or using the procedures specified by this item. The information collection requirement is consistent with the guidelines provided 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, 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 (PRA) (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on August 12, 2024 (89 FR 65678) soliciting comments on its proposal to extend the Office of Management and Budget's approval of the information collection requirements specified by the Vertical Tandem Lifts (VTLs) for Marine Terminals (29 CFR part 1917) under the Docket Number OSHA-2011-0066. This notice was part of a preclearance consultation program that provides the general public and government agencies with an opportunity to comment. The agency did not receive any public comments in response to this notice.

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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.

None of the information collection requirements in the standards 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 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 regulations require sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Show 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 burdens, and explain the reasons for the variance. Generally estimates should not include burden hours for customary and usual business practices.**
 - **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
 - **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories. 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.**

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Respondent Burden Hour and Cost Burden Determinations:

The estimated burden hour and cost determinations are based on the industrial profile of the VTLs’ Final Rule (73 FR 75245). OSHA updated the industrial profiles by using the 2021 County Business Patterns Data from the US Census Bureau. The industrial profile identifies 1,210 establishments affected by the VTL Standard. This includes port and harbor operations [(NAICS 488310) (349 establishments) (12,653 employees)], deep sea freight transportation [(NAICS 483111) (315 establishments) (7,216 employees)], and coastal and great lakes freight transportation [(NAICS 483113) (546 establishments) (17,928 employees) (total employees 37,797)]. However, West coast marine terminals are covered under International Longshore and Warehouse Union contracts, which discourage these employers from using VTLs. Further, agency discussions with employers indicate that East and gulf coast employers rarely use VTLs in their shore-based operations. For these reasons, the agency estimates that no more than 10 percent of marine terminals are currently using VTLs; the agency will conservatively assume 10 percent are for the purposes for calculating this ICR. The agency will retain the same percentage as the last ICR update.

Estimated Wage Rates

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, U.S. Department of Labor, *Occupational Employment and Wage Statistics (OEWS)*, May 2023 [date accessed: June 20, 2024]. (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 account for fringe benefits, the agency used the Bureau of Labor Statistics (BLS) *Employer Costs for Employee Compensation March 2024* news release text, released 10:00 AM (ET), June 18, 2024 (<https://www.bls.gov/news.release/pdf/ecec.pdf>). BLS reported that for private industry workers, fringe benefits accounted for 29.7 percent of total compensation and wages accounted for the remaining 70.3 percent. 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 – WAGE HOUR ESTIMATES				
Occupational Title	SOC Code	Mean Hourly Wage Rate (A)	Fringe Benefits (B)	Loaded Hourly Wage Rate (C) = (A)/((1-(B)))
General and Operations	11-1021	\$62.18	0.297	\$88.45

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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)))
Managers				
Maintenance Workers, Machinery	49-9043	\$28.13	0.297	\$40.01
File Clerks	43-4071	\$19.58	0.297	\$27.85

§1917.71(a)(1) – (a)(3), (b)(2)(i) and (ii) Labeling of Intermodal Containers

OSHA estimates that there are 18,806² container vessel calls processed a year between the total 49 ports. Assuming the size of each vessel is medium and carries 187 containers per call, there are 3,516,722 containers per year shipped. (18,806 x 187 = 3,516,722 containers) The total of 1,210 establishments is divided into the total number of containers (3,516,722) giving a total of 2,950 containers per establishments (3,516,722/1,210 employers/establishments = 2,906 containers per employer/establishment).

Employers are to label intermodal containers with the weight of the container, the maximum allowed weight of cargo, and the maximum combined weight of the container and allowed cargo. OSHA believes that containers are already marked with this information before arriving at the marine terminal. However, over time, container labels have the potential to become worn and become illegible. On average, OSHA estimates that there are approximately 2,906 containers processed each year per establishment/employer. Of those containers, the agency estimates that 1% (29) will be required to replace labels, which will take 30 minutes (30/60 hour) for a terminal maintenance worker to acquire and affix the label.

Burden hours: 1,210 establishments x 29 labels repaired/establishment x 30/60 hour = 17,545 hours

Cost: 17,545 hours x \$40.01 (Maintenance worker) = \$701,975

Additionally, the gross weight of loaded containers must be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation. This information can either be displayed on the container itself or supplied in the form of a cargo stowage plan or equivalent permanent record. OSHA estimates that the gross weight is primarily supplied through cargo stowage plan or equivalent

² Source: Port Performance Freight Statistics Program, 2017 Annual Report to Congress- [PDF bts-ppfsp-ar-congress-2017](https://www.bts.gov/sites/govdocs/assets/pdf/bts-ppfsp-ar-congress-2017) (page 37), Assuming each port receives at least 373.73 calls a year plus or minus one between the ports.

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permanent record, rather than marked on the container. Therefore, OSHA associates no cost with the display of the gross weight physically on the container. OSHA also estimates that there is no cost associated with the development of a cargo stowage plan/other permanent record that displays container gross weight. However, the agency presumes that burden hours are associated with ensuring the crane or other hoisting equipment operator and signalman, if any, and* every supervisor and foreman on the site and in charge of the operation have this information readily available.

OSHA estimated that 18,806 vessels carry containers annually. A list of the stowage plans is generated for each merchant vessel. The agency assumes that a manager earning \$88.45 an hour will take 10 minutes (10/60 hours) per vessel to print and supply the cargo stowage plan or other similar record to the necessary personnel.

Burden hours: 18,806 vessels per plan x 10/60 hours to print and supply each plan = 3,134 hours

Cost: 3,134 hours x \$88.45 = \$277,202

OSHA estimates it will take a file clerk 5 minutes (5/60 hours) to maintain the plan per vessel.

Burden hours: 18,806 vessels x 5/60 hours to maintain each plan = 1,567 hours

Cost: 1,567 hours x \$27.85 (Clerical worker) = \$43,641

§1917.71(i)(8)(iv) through (vi) Testing, Certification, and Labeling of Interbox Connectors

Employers must provide a certificate, attesting that the interbox connectors meet the strength criteria provided by paragraph (i)(8)(iv). Such a certificate is issued by a competent person. Additionally, each interbox connector must be clearly and durably marked with its safe working load for lifting with and an identifying number or mark that will enable it to be associated with its test certificate.

Assuming one load per establishment, OSHA estimates that it will take a maintenance worker making \$40.01 an hour 5 minutes (5/60 hours) to certify the marking of the load.

Burden hours: 1,210 establishments x 1 certification x 5/60 hours = 101 hours

Cost: 101 hours x \$40.01 = \$4,041

OSHA estimates it will take a file clerk 5 minutes (5/60 hours) to maintain the certificate.

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Burden hours: 1,210 certificates x 5/60 = 101 hours

Cost: 101 hours x \$27.85 (Clerical worker) = \$2,813

§§1917.71(j)(2) and (k)(2) Written Plan for Transporting VTLs and Establishing a Safe Work Zone for Employees

Employers must develop and implement a written plan for transporting vertically coupled containers in a terminal. OSHA estimates that 10% (121) of the 1,210 employers generate, develop, and maintain these written plans. OSHA assumes that a manager, earning \$88.45 an hour, will take four hours to develop and implement the written plan including identification of safe work zones and procedures.

Burden hours: 121 establishments x 4 hours = 484 hours

Cost: 484 hours x \$88.45 = \$42,810

Table 2 – Summary of Respondent Per Burden Hours and Cost

Information Collection Requirement	No. of Respondents	No. of Responses per Respondent	Total Responses	Time per Response (Hours)	Total Burden Hours	Loaded Hourly Wage	Total Burden Cost
§1917.71(a)(1) – (a)(3), (b)(2) (i) and (ii) Labeling of Intermodal Containers (Terminal Maintenance Worker)	1,210	29	35,090	30/60	17,545	\$40.01	\$701,975
(Manager)	1,210	15.5421488	18,806	10/60	3,134	\$88.45	\$277,202
(Clerk)	1,210	15.5421488	18,806	5/60	1,567	\$27.85	\$43,641
§1917.71(i)(8) (iv) through (vi) Testing, Certification, and Labeling of	1,210	1	1,210	5/60	101	\$40.01	\$4,041

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Information Collection Requirement	No. of Respondents	No. of Responses per Respondent	Total Responses	Time per Response (Hours)	Total Burden Hours	Loaded Hourly Wage	Total Burden Cost
Interbox Connectors (Maintenance Worker)							
(Clerical Worker)	1,210	1	1,210	5/60	101	\$27.85	\$2,813
§§1917.71(j)(2) and (k)(2) Written Plan for Transporting VTLs and Establishing a Safe Work Zone for Employees	1,210	0.1	121	4	484**	\$88.45	\$42,810
Totals	1,210*		75,243		22,932		\$1,072,482

*The number of respondents is 1,210.

**Recordkeeping is 484.

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.)

Item 12 above provides the total cost of the information collection requirements specified by the Standard. There are no additional costs to the respondent 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.

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Usually, OSHA requests access to records during an inspection. Information collected by the agency during the investigation is not subject to the PRA under 5 CFR 1320.4(a)(2). Therefore, OSHA takes no burden or cost in Items 12 and 14 of this Supporting Statement.

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

OSHA is requesting an adjustment decrease in burden from 23,256 hours to 22,932 hours, a difference of 324 hours. The decrease is due to a reduction in the number of containers per establishment, from 2,950 to 2,906. The agency is retaining the data for the 18,806 container vessel calls processed a year between the total 49 ports.

16. For collections of information whose results will be published, outline plans for tabulation, and publication, address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

OSHA will not publish the information collected under these standards.

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

OSHA lists current valid control numbers in §§1910.8, 1915.8, 1917.4, 1918.4, and 1926.5 and publishes the expiration date in the Federal Register notice announcing OMB approval of the Information collection requirement (see 5 CFR 1320.3(f)(3)). OSHA believes that this is the most appropriate and accurate mechanism to inform interested parties of these expiration dates.

18. Explain each exception to the certification statement.

OSHA is not seeking an exception to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

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