SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS OF
THE STANDARD ON RIGGING EQUIPMENT
FOR MATERIAL HANDLING
29 CFR 1926.251[1]
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0233 (October 2010)

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 (i.e., "the 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(b)). To achieve this objective, the Act authorizes "the development and promulgation of occupational safety and health standards" (29 U.S.C. 651(b)(9)).

Section 6(b)(7) of the 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." 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(b)(7)).

With regard to recordkeeping, the Act specifies that "[e]ach employer shall make, keep and preserve, and make available to the Secretary [of Labor] or the Secretary of Health and Human Services, such records . . . activities relating to this chapter as the Secretary [of Labor] . . . may prescribe by regulation as necessary or appropriate for the enforcement of this [Act]. (29 U.S.C. 657(c)(1)). The Act states further that "[t]he Secretary [of Labor] . . . shall . . . prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this [Act], including rules and regulations dealing with the inspection of an employer's establishment." (29 U.S.C. 657(g)(2)).

Under the authority granted by the Act, the Occupational Safety and Health Administration (i.e., "OSHA" or "the Agency") published at 29 CFR 1926.251 a safety standard for construction

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

regulating rigging equipment for material handling (i.e., "the Standard"). The collection of information (paperwork) provisions of the Standard specify affixing identification tags or markings on rigging equipment, developing and maintaining inspection records, and retaining proof-testing certificates. Items 2 and 12 below 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 collection of information (paperwork) requirements, depending on the type of rigging equipment. The purpose of each of these requirements is to prevent employees from using defective or deteriorated equipment, thereby reducing their risk of death or serious injury caused by equipment failure during material handling.

Paragraph (b) of the Standard covers alloy steel chains.

> Paragraph (b)(1) requires that alloy steel chains have permanently affixed durable identification stating size, grade, rated capacity and sling manufacturer. The information, supplied by the manufacturer, is typically marked on a metal tag and affixed to the sling.
>
> Paragraph (b)(6)(i) requires the employer to make a thorough periodic inspection of alloy steel chain slings in use on a regular basis, but at least once a year. Paragraph (b)(6)(ii) requires the employer to make and maintain a record of the most recent month in which each alloy steel chain sling was thoroughly inspected, and make this record available for examination.

Paragraph (c) of the Standard covers end attachments.

> Paragraph (c)(15)(ii) requires that all welded end attachments of wire rope slings be proof tested by the manufacturer at twice their rated capacity prior to initial use, and that the employer retain a certificate of the proof test and make it available for examination.

Paragraph (e) of the Standard covers synthetic webbing (nylon, polyester, and polypropylene).

> Paragraphs (e)(1)(i), (ii), (iii) requires that synthetic web slings be marked or coded to show the manufacturer's trademark or name, rated capacities for the type of hitch, and type of synthetic web material.

Paragraph (f) of the Standard covers shackles and hooks.

> Paragraph (f)(2) requires that all hooks for which no applicable manufacturer's recommendations are available be tested to twice the intended safe working load before they are put into use. The employer shall maintain a record of the dates and results of the tests.

The information on the identification tags, marking or coding, assist the employers in determining whether the rigging equipment can be used for the lifting task. The rigging inspections enable early detection of faulty equipment. The inspection and repair records provide employers with information about when the last inspection was made and about the nature of the repairs made. This information provides some assurance about the condition of the rigging equipment. These records also provide the most efficient means for an OSHA compliance officer to determine that an employer is complying with the Standard. Proof-testing certificates give employers, workers, and OSHA compliance officers assurance that the equipment is safe to use. The certificates also provide the compliance officers with an efficient means to assess employer compliance with the Standard.

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. The Agency 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 2 above.

The requirements to collect and maintain information are specific to each employer and worker involved, and no other source or agency duplicates these requirements 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.

The information collection requirements specified by 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 burden.

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to effectively regulate rigging equipment for material handling and, thereby, fulfills 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" as specified by the Act at 29 U.S.C. 651(b). Accordingly, if employers do not perform the required information collections, or delay in providing this information, workers may inadvertently use defective or deteriorated rigging equipment; thereby, increasing their probability of death and serious injury caused by equipment failure during material handling.

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 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 August 24, 2010 (75 FR 52033) requesting public comment on its proposal to extend the Office of Management and Budget's previous approval of the collection of information requirements specified by the Standard. This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment on this request. The Agency did not receive any comments on its notice.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration 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 by the Standard do not involve 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.

None of the provisions in the Standard request 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 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.**

Based on information taken from the Final Economic Analysis of the Final Rule on Cranes and Derricks in Construction, OSHA estimates that there are 122,091 cranes and derricks in the construction industry. Based on previous information provided by sling and competent manufacturers who are members of the American Society of Mechanical Engineers Subcommittee on Slings, ASME B30.9, the Agency estimates that each crane and derrick has about 10 slings, for a total of 1,220,911. In addition the Agency believes that 15% (183,137) of these slings are alloy-steel chains, 75% (915,683) are wire rope slings, 8% (97,673) are synthetic webbing, and 2 % (24,418) are shackles and hooks.

The Agency uses average hourly earnings, including benefits, to represent the cost of employee time. For the relevant occupational categories, mean hourly earnings from *June 2005 National Compensation Survey* by the *Bureau of Labor Statistics* have been adjusted to reflect the fact that fringe benefits comprise about 29.4% of total compensation in the private sector. Since wages are the remaining 70.6% of employee compensation wages are multiplied by 1.42 (1/0.706) estimate full employee hourly compensation. The costs of labor used in this analysis are therefore estimates of total hourly compensation. The hourly wage rate for a non-supervisory construction worker is $28.31.

Burden Hour and Cost Summary

Alloy Steel Chains

Paragraph (b)(1) requires that alloy steel chains have permanently affixed durable identification stating size, grade, rated capacity and sling manufacturer. The information, supplied by the manufacturer, is typically marked on a metal tag and affixed to the sling. The manufacturer provides this information as a usual and customary practice at the time of sale. However, if the tag comes off, another tag or type of marking with the required information must be affixed to the sling. OSHA estimates that only a small percentage of slings would fall into this category, perhaps as low as .1% (183), and it would take 30 minutes (.5 hour) to acquire the information, make a new tag, and another 30 minutes (.5 hour) to affix the tag to the sling. This task would be performed by a construction worker.

Burden hours:	183 slings x 1 hour = 183 hours
Cost:	183 hours x $28.31 = $5,181

Paragraph (b)(6)(i) requires the employer to make a thorough periodic inspection of alloy steel chain slings in use on a regular basis but at least once a year. Paragraph (b)(6)(ii) requires the employer to make and maintain a record of the most recent month in which each alloy steel chain sling was thoroughly inspected. It is estimated that it takes 15 minutes (.25 hour) for a construction worker to conduct the inspection, and to generate, maintain and disclose the inspection record once a year.

Burden hours: 183,137 slings x .25 hour = 45,784 hours
Cost: 45,784 hours x $28.31 = $1,296,145

Welded End Attachments

Paragraph (c)(15)(ii) requires that all welded end attachments of wire rope slings be proof tested by the manufacturer at twice their rated capacity prior to initial use, and that the employer retain the certificate of proof. OSHA estimates that 10% (91,568) of the wire rope slings have welded end attachments. There is no burden associated with the proof testing because the manufacturer, for liability reasons, and as a normal and customary practice, will test the equipment and provide a certificate to the employer. However, the employer must maintain and disclose the certificate at the time of an inspection. OSHA estimates that a construction worker spends 3 minutes (.05 hour) per sling (with welded end attachments) to complete this task.

Burden hours: 91,568 slings x .05 hour = 4,578 hours
Cost: 4,578 hours x $28.31 = $129,603

Synthetic Webbing (nylon, polyester, and polypropylene)

Paragraph (e)(1)(i), (ii), (iii) requires that synthetic web sling be marked or coded to show the manufacturer's trademark, rated capacities for the type of hitch, and type of synthetic web material. This information will be provided by the manufacturer as a usual and customary practice at the time of sale. However, if the mark or code needs to be replaced, OSHA estimates that it will take a construction worker about 30 minutes (.50 hour) to acquire the information and attach the marking or coding. OSHA estimates that few slings, about .1% (98), fall into this category.

Burden hours: 98 slings x .50 hour = 49 hours
Cost: 49 hours x $28.31= $1,387

Hooks

The paragraph specifies that where the manufacturer's recommendations are not followed, employers must test each hook to twice its working load. The employer must prepare a certification record for each test, providing the date the test was performed, the name of the person who performed the test and an identifier to the hook tested. The certification record must be maintained and disclosed upon request to OSHA.

OSHA estimates that the manufacturer's recommendations will be available and followed for 90% of the 24,418 hooks, leaving only 10% of the hooks without manufacturer's recommendations to follow. In those situations, the firm will either have to call the manufacturer and get the information or test the hook to obtain the information. OSHA bases this assumption on previous conversations with a representative of the Crosby Group (one of the largest manufacturers of hooks and other rigging equipment). The Crosby Group confirmed that the manufacturer's recommendations are

recommendations are provided at the time of sale, but a small percentage of the users lose those recommendations and must contact the manufacturer (whose ID is on the hook) to establish the working load of the hook. OSHA assumes that some of the users will choose to test the hook to twice its intended working load rather than call the manufacturer to obtain the information. Therefore, OSHA estimates that it will take about 20 minutes (.33 hour) per hook to conduct the test to determine the working load and an additional 5 minutes to develop, maintain, and disclose the certification record for a total of 25 minutes. If the user elects to obtain the information from the manufacturer instead of performing the test, it will take about 35 minutes per hook to make the necessary phone calls and get the information, according to Crosby Group. The time, thus, is averaged at 30 minutes (.50 hour). A construction worker earning $28.31 per hour will make the phones call or conduct the test.

Burden hours:	2,442 hooks x .50 hour = 1,221 hours
Cost:	1,221 hour x $28.31 = $34,567

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.

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.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of $40.66, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officer will inspect approximately 1,709 rigging equipment regulated by the Standard during each year covered by this ICR[2]. OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirement specified by the Standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

Cost: 1,709 inspections x .08 hour x $40.66 = $5,559

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

There is an adjustment decrease of 4,520 burden hours (from 56,335 hours to 51,815 hours). This decrease is a result of new data indicating a drop in the number of cranes and derricks from 132,737 to 122,091.

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 the Standard.

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.

No forms are available for the Agency to display the expiration date.

18. Explain each exception to the certification statement in ROCIS.

OSHA is not seeking an exception to the certification statement in ROCIS.

[2]The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all rigging equipment under the jurisdiction of the Act (including both Federal OSHA and approved state-plan agencies) and then multiplying the total number of cranes and derricks under the standard (122,091 cranes and derricks x .014 = 1,709).

Table 1: Requested Burden-Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
Alloy Steel Chains -- 1926.251(b)(1)	199	183	-16	$5,181	183	The decrease is a result of new data indicating a drop in the number of cranes and derricks from 132,737 to 122,091.
1926.251(b)(6)(i)	49,777	45,784	-3,993	$1,296,145	183,137	
Wire Rope Slings – Welded End Attachments -- 1926.251(c)(15)(ii)	4,978	4,578	-400	$137,340	91,568	The decrease is a result of new data indicating a drop in the number of cranes and derricks from 132,737 to 122,091.
Synthetic Webbing – 1926.251(e)(1)(i), (ii), (iii)	53	49	-4	$1,470	98	The decrease is a result of new data indicating a drop in the number of cranes and derricks from 132,737 to 122,091.
Hooks – 1926.251(f)	1,328	1,221	-107	$36,630	2,442	The decrease is a result of new data indicating a drop in the number of cranes and derricks from 132,737 to 122,091.
TOTAL	**56,335**	**51,815**	**-4,520**	**$1,476,766**	**277,428**	