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Shipbuilders Council of America

December 12, 2011

Docket Office
Docket No. OSHA–2011–0190
U. S. Department of Labor, OSHA
200 Constitution Avenue, NW, Room N-2625
Washington, D.C. 20210

Dear Docket Officer:

The Shipbuilders Council of America (SCA) appreciates the opportunity to respond to OSHA's request for comments regarding the proposed extension of OMB approval of the information collection requirements contained in the Shipyard Employment Standards (29 CFR 1915.112(a)(1), 29 CFR 1915.112(b)(1)(i), 29 CFR 1915.112(c)(1)(i), 29 CFR 1915.113(b)(1) and 29 CFR 1915.172(d)). OSHA regularly communicates that Standards Improvement Project (SIP) activities are not supposed to introduce new and substantive changes, however we are concerned that significant, substantive changes were in fact made in this case.

SCA is the national trade association representing the U.S. shipyard industry. Our members constitute the shipyard industrial base that builds, repairs, maintains and modernizes the largest and most advanced Navy and Coast Guard in the world. In addition, SCA members build, repair and service America's fleet of commercial vessels. In total, SCA is comprised of 51 companies that own and operate over 130 shipyards and directly employ over 80,000 Americans on all three U.S. coasts, the Great Lakes, inland waterways system, Alaska and Hawaii. In addition, SCA represents 72 shipyard suppliers who support the industry and provide jobs in all 50 states.

While reviewing the proposed extension of OMB approval, we recognized that substantive information collection requirements were added to Shipyard Employment Standards (29 CFR 1915.112(a)(1), 29 CFR 1915.112(b)(1)(i), 29 CFR 1915.112(c)(1)(i), 29 CFR 1915.113(b)(1) and 29 CFR 1915.172(d)) as part of a Standards Improvement Project Phase III (SIP-III) action that became effective July 8, 2011 (Federal Register 76, No. 110, dated June 8, 2011). Specifically, OSHA added new requirements for

permanently affixed and legible identification markings as prescribed by the manufacturer that indicate the recommended safe working load for various types of slings and other lifting equipment, the angle upon which it is based, and the number of legs. Prior to this change, employers referred to tables in the OSHA standard or similar information provided by the manufacturer.

Rigging and lifting are core functions of shipyards. Millions of crane lifts occur annually, and hundreds of thousands of additional lifts are made using other lifting equipment. As such, extensive formal training is provided to rigging specialists, which includes use of the OSHA and manufacturer's tables to determine the rated capacity of a sling based on the hitch, angle, number of legs and other factors. It is impractical and redundant to refer to a permanently fixed label. In some cases, slings are so large and heavy that it would be difficult for a rigger to find an attached label or uncover it if it happened to be obscured. Wire rope slings are widely used and are not conducive to labeling.

In the October 12, 2011 Federal Register Notice, OSHA indicated a particular interest in comments on the following issues:

1.) Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful.

Comment: SCA does not believe that permanently affixed labels are necessary or useful as the sole method for meeting the intent of the standard. We believe that the long standing method of referring to the OSHA and/or manufacturer tables that explain lift capacities under different conditions is equally safe and far less burdensome.

2.) The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used.

Comment: SCA does not believe that OSHA's estimate of the burden of creating, affixing and maintaining labels on thousands of slings is accurate. We believe that labels on slings, especially wire rope slings, will become worn, illegible or dislodged in the course of normal use. As previously mentioned, due to the size and weight of some slings, it may be impossible for the rigger to readily locate and read the label.

3.) The quality, utility, and clarity of the information collected; and

Comment: Permanently affixed labels are subject to weather and other industrial conditions. Maintaining the quality, utility and clarity of this information will be a constant concern. The existing method of referring to the OSHA and/or manufacturer tables is not subject to these limitations.

4.) *Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.*

Comment: Permit employers to refer to manufacturer's tables for appropriate capacities based on the conditions of use.

SCA acknowledges that OSHA published the proposed changes and requested public comment as part of SIP III before finalizing these portions of the Shipyard Employment Standards. However, we would like to reiterate that OSHA routinely communicates that SIP activities are not supposed to introduce new and substantive changes and, therefore, less attention is devoted to this type of Federal Register notices.

Additionally, SCA would like to highlight that the purpose of this Federal Register Notice is for the Department of Labor to continue its effort to reduce paperwork. We hope the Agency will carefully consider our comments and reverse the new and significant paperwork requirements that were introduced earlier this year. **We request a public hearing and submit this letter as the basis of our request.** For further information, please contact me at (202)772-5577.

Sincerely,



Ian H. Bennitt
Manager, Government Affairs