

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
FIRE PROTECTION IN SHIPYARD EMPLOYMENT STANDARD
(29 CFR 1915.501-509)¹
(OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0248) (September 2007)**

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 (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). To achieve this objective, the Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

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).

With regard to recordkeeping, the 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 [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).

¹The 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.

Therefore, under the authority granted by the Act, the Occupational Safety and Health Administration (“OSHA” or “the Agency”) published at 29 CFR part 1915, a final standard on Fire Protection in Shipyard Employment. The final standard (“the Standard”) addresses methods of protecting employees in shipyards from fire hazards. 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 a number of collections of information (paperwork) requirements. Each provision is described in detail below. In general, the Standard requires employers to develop a written fire safety plan and written statements or policies that contain information about fire watches and fire response duties and responsibilities. The Standard also requires the employer to obtain medical exams for certain employees and to develop training programs and to train employees exposed to fire hazards. The Standard also requires employers to create and maintain records to certify that employees have been made aware of the details of the fire safety plan and that employees have been trained as required by the Standard.

- **1915.501--General Provisions.**

Paragraph (d)(1)(i) of this section requires the host employer on multi-employer worksites to inform all employers (contract employers) at the worksite about the content of the host employer’s fire safety plan.

Paragraph (d)(2)(i) of this section requires that contract employers make sure the host employer is aware of fire-related hazards associated with the contract work and how the contract employer will address those hazards. In addition, paragraph (d)(2)(ii) requires the contract employer to identify hazards that arise during the course of work that were not identified as part of the information transfer required by paragraph (d)(2)(i) described above.

- **1915.502--Fire Safety Plan.**

Paragraph (a) of this section requires the employer to develop a written fire safety program covering the elements listed in paragraph (b), including the following information:

- (1) the identification of the significant potential fire risk hazard;
- (2) procedures for recognizing and reporting unsafe conditions;
- (3) alarm procedures;
- (4) procedures for notifying employees of a fire emergency;
- (5) procedures for notifying fire response organizations of a fire emergency;

- (6) procedures for evacuation;
- (7) procedures to account for all employees after an evacuation; and
- (8) names, job titles, or departments for individuals who can be contacted for further information about the plan.

Paragraph (c) requires the employer to review the fire safety plan with each affected employee at the following times:

- (1) within 90 days of the effective date of the standard;
- (2) upon initial assignment for new employees; and
- (3) when there is a change in the plan or a change of the employee's duties.

Paragraph (d) requires that the employer:

- (1) keep the fire safety plan accessible to employees, employee representatives, and OSHA;
- (2) update the plan be when necessary, but not less than annually;
- (3) document that each affected employee was informed about the plan; and,
- (4) ensure that a copy of the plan is given to outside fire response organizations that may respond to fires at the employer's worksite.

● **1915.504--Fire Watches.**

Paragraph (a) requires the employer to create and keep current a written policy specifying the following information:

- (1) the training that employees must be given;
- (2) the duties that employees are to perform;
- (3) the equipment that employees must be given; and
- (4) the personal protective equipment (PPE) that employees must be given as required in 29 CFR part 1915, subpart I, Personal Protective Equipment.

- **1915.505--Fire Response.**

Paragraph (a)(2)(i) requires employers to create, maintain, and update a written statement or policy that describes the internal and outside fire response organizations that the employer will use.

Paragraph (b)(1) lists the information to be included in the statement or policy if internal fire response is to be used. The information includes the following:

- (1) the basic structure of the fire response organization;
- (2) the number of trained fire response employees;
- (3) the fire response functions that may need to be carried out;
- (4) the minimum number of fire response employees necessary, the number and types of apparatus, and a description of the fire suppression operations established by written standard operating procedures for each type of fire response at the employer's facility;
- (5) the type, amount, and frequency of training that must be given to fire response employees; and
- (6) the procedure for use of protective clothing and equipment.

Paragraph (b)(2) lists the information to be included in the policy if outside fire response is to be used. The information includes the following:

- (1) the types of fire suppression incidents to which the fire response organization is expected to respond at the employer's facility or worksite;
- (2) the liaisons between the employer and the outside fire response organization; and
- (3) a plan for fire response functions that:
 - (A) addresses procedures for obtaining assistance from other fire response organizations;
 - (B) familiarizes the outside fire response organization with the layout of the employer's facility or worksite, including access routes to controlled areas, and site-specific operations, occupancies, vessels or vessel sections, and hazards; and
 - (C) sets forth how hose and coupling connection threads are to be made compatible and includes where the adapter couplings are kept; or

(D) states that the employer will not allow the use of incompatible hose connections.

Paragraph (b)(3) lists the information to be included in the policy where a combination of internal and outside fire response is to be used. The information includes all the information from paragraphs (b)(1) and (b)(2) as listed above and the following information:

- (1) the basic organizational structure of the combined fire response;
- (2) the number of combined trained fire responders;
- (3) the fire response functions that need to be carried out;
- (4) the minimum number of fire response employees necessary, the number and types of apparatus, and a description of the fire suppression operations established by written standard operating procedures for each particular type of fire response at the worksite; and,
- (5) the type, amount, and frequency of joint training that must be given to fire response employees.

Paragraph (a)(2)(ii) requires employers to create, maintain, and update a written policy that defines the evacuation procedures employees must follow, if the employer chooses to require a total or partial evacuation of the worksite at the time of a fire. Paragraph (b)(4) prescribes the employee evacuation information that must be included in the employer's written policy required by (a)(2)(ii). That information includes the following:

- (1) emergency escape procedures;
- (2) procedures to be followed by employees who may remain longer at the worksite to perform critical shipyard employment operations during the evacuation;
- (3) procedures to account for all employees after emergency evacuation is completed;
- (4) the preferred means of reporting fires and other emergencies; and
- (5) names or job titles of the employees or departments to be contacted for further information or explanation of duties.

Paragraph (b)(5) prescribes the rescue and emergency response information that must also be included in the employer's written policy. That information includes the following:

- (1) a description of the emergency rescue procedures; and
- (2) names or job titles of the employees who are assigned to perform them.

Paragraph (c)(2) requires that fire response employees who are required to wear respirators meet the medical requirements of the Respiratory Protection Program Standard in 1915.154. The paperwork burden for the respiratory protection requirements has been approved under OMB Control Number 1218-0099.

Paragraph (c)(3) requires annual medical exams for all fire response employees. There is no burden or cost for these medical exams because all employees affected, as a usual and customary practice, are now receiving the medical exams.

Paragraph (c)(4) requires that the medical records of fire response employees be kept as required in 1915.1020. The paperwork burden for access to medical records is approved under OMB Control Number 1218-0065.

Paragraph (d)(3) requires the employer to set up an incident management system (IMS) to coordinate and direct fire response functions, including the following:

- (1) specific fire emergency responsibilities;
- (2) accountability for all fire response employees participating in an emergency operation; and,
- (3) resources offered by outside organizations.

Paragraph (d)(4) requires the employer to provide the information to the outside fire response organization to be used.

- **1915.506--Hazards of Fixed Extinguishing Systems On Board Vessels and Vessel Sections**

Paragraph (b)(2) requires employers to ensure that employees are trained to recognize: (i) systems discharge and evacuation alarms and to recognize the appropriate escape routes; and (ii) hazards associated with the extinguishing systems and agents.

- **1915.507--Landside Fire Protection Systems**

Paragraph (c)(2) requires employers to notify employees and take the necessary precautions to make sure employees are safe from fire if for any reason a fire extinguishing system stops working, until the system is working again.

Paragraph (c)(5) requires the employer to post hazard warning or caution signs at both the entrances to and inside of areas protected by fixed extinguishing systems that use extinguishing agents in concentrations known to be hazardous to employee safety or health.

- **1915.508--Training**

Paragraph (a) of this section requires the employer to train affected employees within 90 days of the effective date of the standard for employees currently working, when they first start working, and when necessary to maintain proficiency.

Paragraph (b) of this section requires the employer to ensure that all employees are trained on the emergency alarm signals and the primary and secondary evacuation route that employees must use in the event of a fire in the workplace.

Paragraph (c) of this section specified the additional training requirements for employees expected to fight incipient stage fires.

Paragraph (d) of this section specifies the additional training requirements for employees designated to perform fire response activities.

Paragraph (d)(1) requires the employer to have a written training policy stating that fire response employees are to be trained and capable of carrying out their duties and responsibilities at all times. Because OSHA specifies the wording for the training policy, there is no burden associated with this collection of information requirement.

Paragraph (d)(2) requires the employer to keep written standard operating procedures that address anticipated emergency operations and to update these procedures as necessary. Note that operating procedures are also required in 1915.505(b)(1)(iv).

Paragraph (d)(4) requires the employer to provide training for fire response employees that ensures they are capable of carrying out their duties and responsibilities under the employer's standard operating procedures.

Paragraph (d)(5) requires employers to train new fire response employees before they engage in emergency operations and paragraph (d)(6) requires employers to train fire response employees who are expected to fight fires according to the written operating procedures at least quarterly.

Paragraphs (d)(7) to (d)(10) specify criteria for the instructors and the training methods.

Paragraph (e) specifies the additional training requirements for employees assigned to fire watch duty. Paragraph (e)(1)(i) to (iv) specify the intervals of training, including:

- (1) Before being assigned to fire watch duty;
- (2) Whenever there is a change in operation that presents a new or different hazards;
- (3) Whenever the employer has reason to believe that the fire watch's knowledge or understanding of the training previously provided is inadequate; and,

- (4) Re-training annually.

Paragraph (e)(2) specifies 12 areas on which the fire watch must be trained.

Paragraph (e)(3) specifies 4 additional areas on which the fire watch must be trained.

Paragraph (f) requires that employers keep records that demonstrate that employees have been trained as required by paragraphs (a) through (e). The records must include the following information:

- (1) the employee's name;
- (2) the trainer's name;
- (3) the types of training, and
- (4) the date(s) on which the training took place.

Paragraph (d)(2) requires the employer to keep each training record for one year from the time it was made or until it is replaced, whichever is shorter, and to make it available for inspection and copying by OSHA personnel on request.

OSHA will use the records developed in response to this Standard to determine compliance with the safety and health provisions of the Standard. The employer's failure to generate and disclose the information required in this Standard will affect significantly OSHA's effort to control and reduce injuries and fatalities related to fires in shipyard employment.

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). Advanced data processing programs permit easier accessibility to collected information during OSHA inspections. They also permit the storage of collected information at locations other than the place of inspection if the employer can deliver the data quickly to the place of inspection (i.e., e-mail, telefax, or other electronic data transfer method).

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 2 above.

The requirements in the Standard for information, plans, and programs closely match those that shipyards already have developed or provide. In some cases, smaller shipyards may not have established these policies in a written document. Since the existing information and programs are, in most cases, sufficient to satisfy the requirements of the standard, employers will not have to duplicate the same information just to satisfy the standard if they already have a program. Only those shipyard employers without programs will have to develop and document new programs and information.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe the methods used to reduce the burden.

The information collection requirements specified by the Standard do not have a significant impact on a substantial number of small entities. The final standard uses performance language whenever possible to provide compliance flexibility to employers and reduce the impact on small businesses. Performance language may require the use of a level of safety and health technical competence not always available to small business employers. To reduce this burden upon small businesses or other small entities, OSHA developed a non-mandatory appendix to this standard to provide useful compliance information and guidance to small businesses and other small entities. Further, many states, through Federal grants, provide consultation programs to assist small businesses in their compliance efforts.

6. Describe the consequence to Federal program or policy activities if the collection is or is not conducted less frequently, and any technical or legal obstacles to reducing the burden.

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to effectively regulate fire hazards in shipyard employment, and thereby, fulfill 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 in the Act at 29 U.S.C. 651.

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 July 23, 2007 (72 FR 40172, Docket No. OSHA-2007-0057) requesting public comment on its proposed extension of the information collection requirements specified by the Standard on Fire Protection in Shipyard Employment (29 CFR part 1915, subpart P). This notice was part of a preclearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the above Standard. The Agency received no comments in response to its notice to comment on this request.

9. Explain any decision to provide any payments 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 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 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 in Item 13 of OMB Form 83-I.

Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories.

Burden-Hour and Cost Determinations

Estimates of the burden hours and annual costs for each information collection requirement are shown below. Data are based upon OSHA's estimate of the time it would take an employee listed below to perform the required task. The Agency determined average wage rates using average hourly earnings for employees in Ship and Boat Building. For the relevant occupational categories, OSHA adjusted the mean hourly earnings from the *May 2006 National Industry-Specific Occupational Employment and Wage Estimates*, U.S. Department of Labor, Bureau of Labor Statistics. Occupational Employment Statistics to allow for fringe benefits, which comprise about 29.4 percent of total compensation in the private sector. With wages comprising 70.6 percent of employee compensation, the Agency multiplied wages by 1.4 (1/0.706) to derive total hourly employee compensation. Therefore, the costs of labor used in this analysis are estimates of total hourly compensation.

Manager	53.08
Employee	21.60
Supervisor	35.85
Fire Trainer	38.05 ²

Estimating the number of shipyard firms and establishments, shipyard employers, and shipyard employees

In preparing the Final Economic Analysis (FEA) of the shipyard employment rules, OSHA estimated the number of shipyards or host employers at 108³ and the universe of firms/employers at 669. However, for purposes of this ICR, OSHA estimates the number of affected firms/employers at 317 (this estimate is based on the following: (607 small firms x 50% non-compliance = 304) + (24 mid-size firms x 25% non-compliance = 6) + (29 large firms x 25% non-compliance = 7). The Agency considers the remaining 9 large firms to be in full compliance with the requirements of the final rule. The number of affected employees is 9,421 including 772 fire response employees. The 772 fire response employees are an estimate of the number of employees that may be assigned fire response duties. Note: In preparing this ICR, OSHA has based its burden hour calculation using the number of employers not currently in compliance with the rule (317). Based on information provided during the negotiated rulemaking process, it became apparent that many employers covered by the rule are already, as a usual and customary business practice, complying with the provisions of the standard.

There are a number of collections of information requirements in the rule as indicated below:

Section 1915.501--General Provisions

Paragraph (d)(1)(i) requires that the host employer on multi-employer worksites inform all employers at the worksite about the content of the host employer's fire safety plan. OSHA envisions that to comply with this provision, the host employer will provide a copy of the written fire safety plan to other employers at the worksite (identified as contract employers) and discuss its contents. OSHA believes some exchange of information about hazards on the job would be normal and customary, however, it is not normal and customary to provide written documents. OSHA estimates that it will take about 10 minutes for the host employers to make a copy of the written plan and give it to the contract employer and approximately 20 minutes will be spent exchanging information, for a total of 30 minutes for this activity. OSHA estimates that each

²The wage rate for Fire Trainer was derived from the wage rate of a Fire Inspector and Investigator. A total of 25% was added to reflect the supervisory skills needed to perform the training. This totaled \$26.80 to which benefits of 42 percent were added for a total of \$38.05 an hour.

³ The 108 host employer estimate is based on Standard Industrial Classification Codes (SIC 3731 and 4499). OSHA assumes that employers with 100 or more employees use contractors and are, therefore, host employers. Of the 669 total firms, 108 employ more than 100 employees.

NOTE: Of the 108 host employers, 46 are considered small firms (employing between 100-249 employees).

host employer will have an average of 4 contractors on their site (note: the host employer is the owner of the shipyard). OSHA estimated the number of contract employers based on the size of the firm. Thus, firms with 1-19 employees were assumed to be contractors. A supervisor would perform the duties of this requirement.

Burden hours: 108 host employers x 4 x 30 minutes (.50 hour) = **216 hours**

Cost: **216** burden hours x \$35.85 = **\$7,744**

Paragraph (d)(2)(i) requires that the contract employer make sure the host employer knows about fire hazards associated with the contract work and how the contract employer will address those hazards. In addition, paragraph (d)(2)(ii) requires the contract employer to identify hazards that arise during the course of work that are not identified as part of (d)(2)(i). OSHA considers this exchange of information about job hazards to be a normal and customary practice for employers in every industry and, thus, is not assigning a “paperwork” burden to the collection of information requirements in these paragraphs.

Section 1915.502--Fire Safety Plan

Paragraph (a) requires employers (317) to develop a written fire safety plan. The specific elements of the plan are listed in paragraph (b) of section .502. OSHA estimates that it will take employers 4-12 hours to develop the plan, depending on the size of the firm. Firms with 1-249 employees (304) incurred a burden of 4 hours the first year and 2 hours for subsequent years. Firms with 250-499 employees (6) incurred a burden of 6 hours the first year and 3 hours for subsequent years. Firms with 500 or more employees (7) incurred a burden of 12 hours the first year and 6 hours for subsequent years. OSHA estimates there is a 10 percent turnover of firms. Note: Insurers currently require shipyards to have fire prevention measures which serve as a starting point in preparing the fire safety plan. A safety and health manager would develop the plan.

Burden hours: 304 employers x .90 x 2 hours = **547 hours**
Existing 6 employers x .90 x 3 hours = **16 hours**
Firms 7 employers x .90 x 6 hours = **38 hours**

Burden hours: 304 employers x .10 turnover x 4 hours = **122 hours**
New firms 6 employers x .10 turnover x 6 hours = **4 hours**
7 employers x .10 turnover x 12 hours = **8 hours**

Cost: **735** burden hours x \$53.08 = **\$39,014**

Paragraph (c) requires employers (317) to review the fire safety plan with each affected employee within 90 days of the effective date of the standard; upon initial assignment for new employees; and when there is a change in the plan; and when the employee’s duties change. OSHA estimates that it will take 15 minutes (.25 hour) to review the plan. OSHA assumes that

all 317 employers will meet with employees in a group setting for the initial review and for subsequent reviews where the plan has changed, at least annually. OSHA assumes other reviews (due to employee turnover or new hires and when an employee's duties have changed) will be conducted with the individual, affected employee. OSHA estimates the turnover rate for employees in the shipyard industry at 24 percent. Using this percentage, OSHA estimates that a review of the plan will be held with 2,261 (9,421 affected employees x 24% turnover rate) new/turnover employees each year. In addition, OSHA assumes that each year 3 employers (1 percent of all 317 employers) will make a change to the fire safety plan and 94 employees (1 percent of all employees (9,421 x 1%) will have a change in duty triggering another review of the plan. A safety and health manager would conduct the review with each employee. Therefore, the burden is estimated as follows:

Burden hours: 317 employers x .25 hour = **79 hours**

2,261 new hires/turnover employees x .25 hour = **565 hours for initial review)**

3 employers x .25 hour = **1 hour for reviews caused by change in the fire safety plan**

94 employees x .25 hour = **24 hours due to change in employees' duties**

Cost: **669 burden hours** x \$53.08 = **\$35,511**

Note: The burden hour estimate listed for the review of the fire safety plan also includes the time to provide the general training information (1915.508(a)). The general training essentially requires the employer to ensure that employees are trained in the fire safety plan. Therefore, as noted in the FEA, OSHA assumes 15 minutes (.25 hour) will cover activities as well as the generation and maintenance of certification records for the two activities.

Paragraph (d)(1) requires employers (317) to keep the fire safety plan accessible to employees, employee representatives and OSHA. OSHA estimates it will take 5 minutes (.08 hour) to post the plan or to place it in an area where it is accessible. The plan is updated yearly; therefore, it will be a yearly burden to post the plan/make it accessible.

Burden hours: 317 employers x .08 hour = **25 hours**

Cost: **25 burden hours** x \$35.85 = **\$896**

Paragraph (d)(3) requires the employer to certify in writing that each employee was informed about the plan at the intervals dictated by paragraph (c). OSHA estimates it will take 3 minutes (.05 hour) to generate and maintain each of the required certifications. Each year the employer will have to review and update the plan, triggering a review of the plan with all employees at the

same time. A certification of this review will take 3 minutes (.05 hour). The standard also requires a certification of the review for new/turnover employees and for employees whose duties change as a result of changes to the plan made at times other than the annual updating of the plan. OSHA estimates the burden for these certifications at 3 minutes (.05 hour) *per employee*, (this review will be conducted with the individual employees). Total new and turnover employees are estimated at 2,261 and employees with a change of duty are estimated at 94, for a total of 2,355 employees receiving an individual review per year after the first year. Finally, OSHA estimates that 1% of the employers (3) will make a change to the plan, triggering an all employee review requiring another certification record (3 x .05 hour)).

Burden hours: 317 employers x .05 hour = **16 hours to certify with all employees after the plan has been updated**

2,355 employees x .05 hour = **118 hours for individual reviews with new/turnover employees**

3 employers x .05 hour = **1 hour for changes to the plan**

Cost: **135 burden hours** x \$35.85 = **\$4,840**

Note: The burden for (d)(2) the annual review and updating of the plan is shown under .502(a) above.

Paragraph (d)(4) requires employers to give the fire safety plan to the outside fire response organizations that may be expected to respond to fires at the employer's worksite. OSHA estimates it will take 10 minutes (.17) for each employer to provide the document to the outside fire response organizations. This will be an on-going activity.

Burden hours: 317 employers x .17 hour = **54 hours**

Cost: **54 burden hours** x \$35.85 = **\$1,936**

A supervisor would perform the activities required by paragraph (d).

Section 1915.504--Fire Watches

Paragraph (a) requires the employer to prepare and keep current a written policy specifying the information listed in (a)(1)-(4). OSHA estimates that it will take employers 4-12 hours to develop the policy, depending on the size of the firm. Firms with 1-249 employees (304) incurred a burden of 4 hours the first year and will incur 2 hours for subsequent years. Firms with 250-499 employees (6) incurred a burden of 6 hours the first year and will incur 3 hours for subsequent years. Firms with 500 or more employees (7) incurred a burden of 12 hours the first year and will incur a burden of 6 hours for subsequent years. OSHA estimates there is a 10 percent turnover of firms. A safety and health manager would develop the written policy.

Burden hours: 304 employers x .90 x 2 hours = **547 hours**
Existing 6 employers x .90 x 3 hours = **16 hours**
Firms 7 employers x .90 x 6 hours = **38 hours**

Burden hours: 304 employers x .10 turnover x 4 hours = **122 hours**
New firms 6 employers x .10 turnover x 6 hours = **4 hours**
7 employers x .10 turnover x 12 hours = **8 hours**

Cost: **735 burden hours** x \$53.08 = **\$39,014**

Section 1915.505--Fire Response

Paragraph (a)(2)(i) requires employers to create, maintain and update a written policy that describes the internal and outside fire response organizations that the employer will use.

Paragraph (a)(2)(ii) requires employers to create, maintain, and update a written policy that defines the evacuation procedures employees must follow. Note: The burden for this activity takes into consideration that some of the information required in the written statement or policy has already been generated and included in the fire safety plan (see 1915.502). Specifically, section 1915.502 requires the employer to include the procedures for evacuation and the procedures to account for all employees after an evacuation in the fire safety plan. OSHA estimates that employers with less than 250 employees (304) will incur a burden of 1 hour to update annually the initial two policies/statements; employers (6) with 251 to 499 employees will incur a burden of 3 hours to update yearly; and employers (7) with more than 500 employees will incur a burden of 6 hours to update the information required by paragraphs (a)(2) and (d)(2) [described below] of section 1915.505. A safety and health manager would perform the activities required in paragraph (a)(2).

Burden Hours: 304 employers x .90 x 1 hours = **274 hours**
Existing 6 employers x .90 x 3 hours = **16 hours**
Firms 7 employers x .90 x 6 hours = **38 hours**

Burden Hours: 304 employers x .10 turnover x 1 hours = **30 hours**
New firms 6 employers x .10 turnover x 6 hours = **4 hours**
7 employers x .10 turnover x 12 hours = **8 hours**

Cost: **370 burden hours** x \$53.08 = **\$19,640**

Paragraph (d)(2) requires the employer set up written administrative regulations, operating procedures, and departmental orders for fire response functions. The burden for this activity is included in the burden estimate for paragraph (a)(2) above.

Paragraph (d)(3) requires the employer to set up an incident management system to address three specific areas. The information in the incident management system is also required in the policy statements required by (a)(2) above, therefore, no additional burden is calculated for this provision.

Paragraph (d)(4) requires that the information created by paragraph (d)(2) and (d)(3) above be provided to the outside fire response organizations that will be used by the employer. OSHA estimates it will take a supervisor about 10 minutes (.17 hour) to make a copy of the documents and provide the documents to the liaison with the outside fire response organization. OSHA estimates that 304 firms (affected firms with 1-250 employees) will use an outside fire response organization. A supervisor will perform this activity.

Burden hours: 304 employers x .17 hour = **52 hours**

Cost: **52 burden hours** x \$35.85 = **\$1,864**

Section 1915.506--Hazards of Fixed Extinguishing Systems on Board Vessels and Vessel Sections

Paragraph (b)(2) requires employers to ensure that employees exposed to fixed extinguishing systems are trained to recognize: (i) systems discharge and evacuation alarms and to recognize the appropriate escape routes; and (ii) hazards associated with the extinguishing systems and agents. OSHA estimates the burden for this information collection activity at 15 minutes (.25 hour). Only new maintenance and supervisory personnel (226) will receive this training.

Burden hours: 226 employees (942 x 24% turnover rate) x .25 hour = **57 hours**

Cost: **57 burden hours** x \$35.85 = **\$2,043**

Section 1915.507--Landside Fire Protection Systems

Paragraph (c)(2) requires employers to notify employees when fixed extinguishing systems are not working. No burden is calculated for this information collection activity because it is considered normal and customary to notify employees of situations that may affect their safety.

Paragraph (c)(5) requires employers to post hazard warning signs and caution signs at both the entrance to and inside of areas protected by certain types of fixed extinguishing systems. OSHA estimates that there would be few situations (once in each of the 108 shipyards per year) where an employer would have to post hazard warning signs. In addition, it would be a usual and customary business practice for employers to have warning and caution signs readily available for posting. OSHA estimates it takes about 5 minutes (.08 hour) to post signs. The posting activity will be a one time burden unless a sign becomes damaged and needs to be replaced. OSHA estimates that each shipyard may have one instance per year where the signs initially posted will need to be replaced. A production employee would perform this task.

Burden hours: 108 shipyards x .08 hour = **9 hours (replacement posting)**

Cost: **9 burden hours** x \$21.60 = **\$194**

Section 1915.508--Training

Paragraph (a) requires the employer to train employees in the two elements specified in paragraph (b) within 90 days of the effective date of the Standard for employees currently working, when they first start working, and when necessary to maintain proficiency. OSHA specifies five general areas in which employees are to be trained. In addition, paragraph (c) requires employees to be trained in three specific elements. OSHA has included the burden for these training activities in its burden estimates in .502 (review of the fire safety plan); in the training elements of .506 and below in the training elements of .508(d) and (e). Therefore, there are no additional burdens associated with the training requirements of paragraphs (a), (b), and (c).

Paragraph (d) specifies training requirements for employees designated for fire response duties. Paragraph (d)(1) requires employers to have a written training policy; paragraph (d)(2) requires employers to keep written standard operating procedures. Paragraph (d)(6) requires that fire response employees be trained at least quarterly. OSHA believes a supervisor will prepare the written training policy, keep the standard operating procedures and conduct the training. Only those employers (13) with 250 or more employees are subject to the training requirements in paragraph (d). Based on the FEA and non-compliance assumptions on page 12, six (6) mid-sized firms will take 6 hours for the quarterly training, while the seven (7) large firms will take 12 hours to train fire response employees quarterly.

Burden hours: 6 mid-sized employers x 4 times a year x 6 hours = **144 hours**

7 large employers x 4 times a year x 12 hours = **336 hours**

Cost: 144 hours + 336 hours = **480 burden hours** x \$35.85 = **\$17,208**

Paragraph (e) specifies that employees assigned fire watch duty be trained before being assigned to a fire watch and annually thereafter ((e)(1)(iv)). The elements of the training are specified. A supervisor will conduct the training. OSHA estimates that it will take one hour to conduct the training and those employees will be trained in groups of 20.

Burden hours: 9,421 employees/20 = 471 groups x 1 hour of training = **471 hours**

Cost: **471 burden hours** x \$35.85 = **\$16,885**

Paragraph (f) requires the employer to keep a record of the training. The record must include the employee's name; the trainer's name; the type of training; the dates of training. The employer must keep the training record for one year or until replaced, whichever is shortest. OSHA

estimates that it will take 3 minutes (.05 hours) to generate and maintain the training record. Every employee will receive some type of training under this standard each year. In addition, fire response employees (772) are trained quarterly beginning in the second year on additional training elements.

Burden hours: 9,421 employees x .05 hour = **471 hours**

Cost: **471 burden hours** x \$35.85 = **\$16,885**

Burden hours: 772 fire response employees x 4 times a year x .05 hour = **154 hours**

Cost: 471 + 154 = **625 burden hours** x \$35.85 = **\$22,406**

Disclosure of Safety Plans and Certification Records

OSHA believes that approximately 9 firms/employers covered by the Standard⁴ will be subject to an OSHA inspection and be required to disclose certification records annually. OSHA routinely estimates that it takes 2 minutes (.03 hour) for an employer to disclose records, etc. However, because of the range of items which an OSHA compliance officer might request during an inspection, the Agency estimates that it will take a manager 10 minutes (.17 hour) to disclose the requested information.

Burden hours: 9 inspections x .17 hour = **2 hours**

Cost: **2 burden hours** x \$53.08 = **\$106**

Total Burden Hours: 4,635

Total Costs: \$209,301

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.)

⁴The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all employers under the jurisdiction of the OSH Act (including both Federal OSHA and approved state-plan agencies) and then multiplying the total number of all firms/employers covered by the Standard (i.e., 669 firms/employers x 1.4% = 9 inspections).

- 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.

All costs under this item for complying with the Standard are included under those costs in Item 12.

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), 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 into a single table.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$36.26, will spend about 10 minutes (.17 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will inspect about 9 firms/employers regulated by the Standard during each year covered by this ICR (see footnote 4) OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirements specified by the Standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

$$\text{Cost: } 9 \text{ inspections} \times .17 \text{ hour} \times \$36.26 = \$55$$

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

The Agency is requesting an adjustment decrease of 709 burden hours (from 5,344 hours to 4,635 hours) associated with the information collections requests contained in the Standard. The burden hours were to adjust downward to 4,788 burden hours in the second and subsequent years for the collection of information requirements in the Fire Protection in Shipyard Employment

final rule. However, there were miscalculations of 9 hours assigned to 1915.507(c)(5) and 144 hours assigned to 1915.508(d). See Table 1 for an explanation of the adjustments.

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 identified in Item 19 per "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

OSHA is not seeking an exception to the certification statement specified by Item 19 of the OMB 83-I.

TABLE 1
Fire Protection in Shipyard Employment
Proposed Burden Hour Chart

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
1. General Provisions -- Inform Contractors About the Fire Safety Plan (1915.501(d)(1)(i))	216	216	0	\$7,744	432	No change.
2. Develop Fire Safety Plan (1915.502(a))	1,336	735	-601	\$39,014	317	The times for existing firms to develop the fire safety plan decreased from 4-12 hours to 2-6 hours depending upon the size of the firm.
3. Review Fire Safety Plan w/Employees (1915.502(c))	79	669	590	\$35,511	2,675	The initial ICR only counted burden for the initial firms/employers to review the Fire Safety Plan with employees. This ICR assumes other reviews (due to employee turnover or new hires and when an employee's duties have changed) will be conducted with the individual affected employee. The Agency also assumes a turnover of 24% of the 9,421 affected employees will be new/turnover employees who will require a review of the Fire Safety Plan.
4. Post Fire Safety Plan (1915.502(d)(1))	25	25	0	\$896	317	No change.

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
5. Certification Record of Review of FSP (1915.502(d)(3))	0	135	135	\$4,840	2,675	The burden for preparing the certification record for the initial review was included in the burden hour estimate for 1915.502(c). Subsequent burden hours are now shown here.
6. Give Fire Safety Plan to Outside Fire Response Organization (1915.502(d)(4))	54	54	0	\$1,936	317	No change.
7. Fire Watch Policy (1915.504(a))	1,336	735	-601	\$39,014	317	The times for existing firms to develop the fire watch plan decreased from 4-12 hours to 2-6 hours depending upon the size of the firm.
8. Fire Response Policies (1915.505(a)(2) and (3))	424	370	-54	\$19,640	317	The times for existing firms to develop fire response policies decreased from 4-12 hours to 2-6 hours depending upon the size of the firm.
9. Fire Response Administrative Regulations, Operating Procedures and Departmental Orders. (1915.505(d)(2))	0	0	0	0	0	Burden included in Number 8 above.
10. Fire Response Incident Management. System (1915.505(d)(3))	0	0	0	0	0	Burden included in Number 8 above.
11. Fire Response -- Provide Info to Outside Fire Response Organizations (1915.505(d)(4))	52	52	0	\$1,864	304	No change.

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
12. Training on Fixed Extinguishing Systems (1915.506(b)(2))	236	57	-179	\$2,043	226	In the previous ICR (for the first year burden), burden hours were calculated for all maintenance and supervisory personnel to receive training on fixed extinguishing systems. This ICR accounts for those employees considered new based on turnover.
13. Landside Fire Protection Systems -- Posting Hazard Warning and Caution Signs (1915.507(c)(5))	18	9	-9	\$194	108	The initial posting has already been completed. The burden here is only for the signs to be replaced which is assumed to be once at shipyard annually.
14. Training --General (1915.508(a), (b) and (c))	0	0	0	0	0	Burden included with 1915.502 review.
15. Training Fire Response (1915.508(d))	624	480	-144	\$17,208	13	The previous ICR assumed that all 13 firms/employers with 250 employees or more would all take 12 hours to train fire responders quarterly. According to the FEA, the six mid-sized firms/employers would take 6 hours to perform the training while the 7 large firms would take 12 hours to perform the quarterly training.
16. Training Fire Watch (1915.508(e))	471	471	0	\$16,885	9,421	No change.
17. Training Certification Records (1915.508(f))	471	625	154	\$22,406	10,193	Fire response employees were trained beginning in the second year thus; burden hours for generating and maintaining the certification record were not included in the previous ICR.

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
18. Disclosure of Safety Plans and Certification Records	2	2	0	\$106	9	No change.
TOTALS	5,344	4,635	-709	\$209,301	27,641	