

## **A JUSTIFICATION**

### **A.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 Occupational Safety and Health Administration (OSHA) is undertaking a rulemaking effort directed toward requiring employers to establish injury and illness prevention programs (I2P2) to monitor and more effectively implement practices to mitigate workplace hazards, thereby reducing the incidence of employee injuries and illnesses. OSHA believes widespread implementation of such programs will substantially improve overall workplace safety and health conditions.

To gain information needed to support this rulemaking effort, OSHA is proposing to conduct a statistical survey of private sector establishments in non-agricultural industries. The goal of the survey is to develop industry-specific, statistically accurate estimates of current prevalence of a variety of baseline safety and health practices that may be elements of I2P2 among establishments. OSHA also proposes to conduct case study interviews with establishments in the agriculture sector to assess the prevalence of SHMS among farms with more than 10 employees. Finally OSHA proposes to conduct case study interviews with government officials in state-plan states to assess SHMS and related safety and health practices among agencies and departments operated by state and local governments in state-plan states.

### **A.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.**

OSHA will use data from the survey to estimate the costs of complying with a standard mandating establishment and implementation of I2P2 among establishments under OSHA's purview.

### **A.3 Describe whether, and to what extent, the collection 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.**

OSHA proposes a mixed-mode, Internet/mail survey with telephone reminders and encouragement. A survey invitation letter will provide the URL and password for accessing the questionnaire electronically. The web-based survey will allow respondents to complete the survey at their convenience and the survey software will permit respondents to "save" partially completed questionnaires and return later for completion.

**A.4 Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for the purposes described in Item 2 above.**

OSHA has conducted a thorough review of existing studies and other literature about I2P2 and related baseline safety and health practices. However, only limited information exists as to the prevalence of such programs and other safety and health practices among establishments under OSHA's purview. The National Institute for Occupational Safety and Health collected industry-specific safety and health information as part its National Occupational Exposure Survey conducted from 1981to 1983. Subsequently, information on selected safety and health topics was collected as part of OSHA's medical surveillance and ergonomics surveys conducted during the 1990s. These data, clearly, are seriously outdated, and no recent comprehensive safety and health-related data collection efforts have been undertaken.

**A.5 If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods to minimize burden.**

The proposed survey will cover all establishments including entities defined as small by the Small Business Administration. OSHA has developed a focused survey instrument that will limit the time required to answer the questions. Thus, the many small businesses with minimal baseline safety and health practices will have to answer fewer questions than larger firms with extensive safety and health programs. As a result, the reporting burden for small entities will be modest. No further reductions in respondent burden are possible without rendering the survey ineffective. The Agency has opted for an Internet response mode to reduce burden (time) of the traditional phone survey.

**A.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.**

Without this survey, OSHA will lack information about the current prevalence of baseline safety and health practices in occupational settings needed to continue the rulemaking effort.

This is a one-time information collection effort.

**A.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;**

This information collection will be a one-time effort.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Although respondents may submit written responses to this survey, the survey is voluntary and no time constraints are placed on respondents' responses. Respondents are encouraged to submit their responses electronically, thereby avoiding the need for a written response.

- **Requiring respondents to submit more than an original and two copies of any document:**

No copies of any documents will be requested.

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

Respondents will not be asked to retain any records in association with this information collection.

- **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;**

OSHA proposes to conduct case study interviews with 1) private sector establishments in the agriculture sector (NAICS 111000 and 112000) and with 2) government representatives in state-plan states. For both of these groups, adequate information to develop representative sampling frames is not available, thus precluding a statistical survey approach. A full discussion of OSHA's justification and approach for conducting such case studies is provided in Section B.3 below.

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

OSHA will not use any statistical data classifications that have 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;**

The survey does not include any pledges of confidentiality regarding the data provided by the respondent. All data will be collected and compiled by Eastern Research Group, Inc. (ERG), an

independent consulting firm contracted by OSHA. ERG will provide OSHA personnel with all data compiled in the course of the study. In keeping with longstanding OSHA practice, however, ERG will not provide OSHA with identifiers that would permit the association of specific responses with a given respondent. Under its contract with OSHA, ERG is precluded from releasing to the public any study data or findings without OSHA's prior approval.

- **Requiring respondents to submit proprietary trade secrets, 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.**

The survey does not solicit trade secrets or other confidential information.

**A.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.**

As required by the Paperwork Reduction Act of 1995 (U.S.C. 3506(c)(2)(A)), OSHA will publish a notice in the **Federal Register** requesting public comment on OSHA's baseline safety and health management practices survey. This notice is part of a preclearance consultation program that provides the general public and government agencies with an opportunity to comment on the request.

- **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.**

OSHA has consulted with Eastern Research Group, Inc. (ERG), an independent consulting firm specializing in the analysis of occupational health and safety topics. ERG has been performing work for several offices in OSHA for over 20 years and has managed or had major responsibilities in most of OSHA's large-scale survey efforts. ERG, therefore, is well qualified to consult on this data gathering effort.

- **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.**

This is a one-time data collection effort and this item is, therefore, not relevant.

**A.9 Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payment, gifts, or other remuneration will be offered to respondents.

**A.10 Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The survey does not include any pledges of confidentiality. All data will be collected and compiled by Eastern Research Group, Inc. (ERG), an independent consulting firm contracted by OSHA. ERG will provide OSHA personnel with all data compiled in the study, with exception of the identifiers that would permit specific responses to be associated with a given respondent. This conforms with established Agency policy.

**A.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.**

No questions of a sensitive nature will be asked.

**A.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.**

The hour burden of the information collection effort for the study is provided in Table A-1. The burden hours estimates are based on tests of the length of time each type of respondent is likely to need to respond to the survey questions. These costs will be incurred only once.

- **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.**

The hour burden of the information collection effort is for a single, one-time data collection effort.

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

The costs to respondents for hour burden of the information collection effort for the study are provided in Table A-1. These costs are for one year, as the information collection will only occur a single time. .

<b>Respondent Type</b>	<b>Number of Respondents</b>	<b>Completion Time (min)</b>	<b>Total Burden Hours</b>	<b>Respondent Costs [a]</b>
Invalid sampling frame [b]	3,550	NA	NA	NA
Nonresponse	2,652	0.5	22	\$1,123
Complete statistical survey	8,000	30	4,000	\$204,120
Case study interviews				
Agricultural Establishments	60	30	30	\$1,531
State and Local Governments	25	60	25	\$1,276
<u>Pre-test 1 of survey</u>	<u>10</u>	<u>60</u>	<u>10</u>	<u>\$510.30</u>
<u>Pre-test 2 of survey</u>	<u>10</u>	<u>60</u>	<u>10</u>	<u>\$510.30</u>
<b>Total</b>				
<b>Statistical Survey</b>	<b>14,220</b>	<b>NA</b>	<b>4,022</b>	<b>\$206,263</b>
<b>Case Studies</b>	<b>85</b>	<b>NA</b>	<b>55</b>	<b>\$2,807</b>
<b>Site visits</b>	<b>50</b>	<b>2 hrs</b>	<b>100 hrs</b>	<b>\$5,103</b>
NA = Not applicable				
[a] Based on an hourly wage of \$51.03, including fringe benefits. A 40 percent markup was added to the reported wage of \$36.45 to account for fringe benefits. The wage is				

derived from the industry-wide average hourly wage for health and safety engineers reported in Bureau of Labor Statistics, Occupational Employment Survey, 2009.

[b] Wrong mailing address, out-of-business, or otherwise invalid contact information or out-of-scope listings.

**A.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 services 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.**

All of the costs in Table A-1 are upfront costs (one occurrence) and represent the total costs to correspondents.

- **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 respondents (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.**

The cost determinations made under Item 12 account for the total cost burden to respondents resulting from this survey.

- **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.**

The cost determinations made under Item 12 account for the total cost burden to respondents resulting from this survey.

**A.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.**

The one-time cost of the information collection to the Federal Government is estimated to be \$150,000 for design and development and \$900,000 for administration and analysis of the survey for total costs to the Federal government of \$1,050,000. Table A-2 shows a detailed breakdown of these costs.

**Table A-2  
Cost of Information Collection Effort to the Federal Government**

	Labor Hours	Operational Expenses
<b><u>SHMS Survey</u></b>		
Instrument design/testing	1,667	\$150,000
Acquire sampling frame database	40	\$25,000
Send introductory letters and reminders	3,305	\$249,377
Conduct telephone reminders	4,582	\$274,890
Conduct case study interviews	1,250	\$100,000
Survey analysis and written report	1,667	\$150,000
Database management	833	\$75,000
Additional administrative costs	222	\$20,000
<b>Total</b>	13,566	\$1,044,267

**A.15 Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.**

This item is not applicable.

**A.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.**

A project schedule is presented in Table A-3.

**A.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.**

The expiration date will be displayed.

**A.18 Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.**

In the case of this survey, no such exceptions exist.

**Table A-3  
Schedule**

**I**

<b>Event</b>	<b>Date</b>
Initial public comment period closes	10/10/10
OMB approval of survey effort	<del>11/20/10</del> <u>12/28/11</u>
Begin mailing survey invitation letters to survey targets	<del>12/2/10</del> <u>12/28/11</u>
Begin telephone reminder calling	<del>12/2/10</del> <u>12/25/11</u>
Complete Internet/mail survey	<del>2/10/11</del> <u>2/28/11</u>
Begin case study interviews	<del>12/2/10</del> <u>4/10/11</u>
Complete case study interviews	<del>2/6/10</del> <u>10/11</u>
Perform data tabulations	<del>3/21/10</del> <u>7/10/11</u>
Prepare and submit final report	<del>4/28/10</del> <u>10/11</u>