

SUPPORTING STATEMENT

Employer's First Report of Injury or Occupational Disease (LS-202) Employer's Supplementary Report of Accident or Occupational Illness (LS-210)

OMB CONTROL NO. 1240-0003

This ICR seeks to extend a currently approved collection.

A. Justification.

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

The Office of Workers' Compensation Programs administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employee in loading, unloading, repairing, or building a vessel. In addition, several acts extend coverage to certain other employees.

Under Section 30(a) of the Longshore Act, an employer having knowledge of a disease or injury related to an employee's employment must file a report of the disease or injury to the Secretary of Labor within 10 days after the date of injury or death; 33 U.S.C. 930. *See also* 20 CFR 702.201. Filing of form LS-202 meets this requirement. By regulation, the form is filed with the district director in the compensation district in which the injury occurred. *See* 20 CFR 702.407. The form requests information the employer must report regarding the injury. Filing of the report is mandatory, and failure to do so is subject to a civil penalty. *See* 20 CFR 702.204. Reporting of the employee's Social Security Number is required by regulations. *See* 20 CFR 702.202.

Under Section 30(b) of the Longshore Act, the employer is required to furnish additional necessary reports regarding an employee's injury. Form LS-210 is used as a supplementary report after the employer's first report to report additional periods of lost time from work.

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.

Form LS-202 is used by employers to report injuries that have occurred under the Longshore Act and its related statutes. The form is required pursuant to Section 30 (a) of the Act and is filed with OWCP. OWCP needs the information contained on the form to ensure employers are complying with the reporting requirements of the Act and ensure that injured claimants

receive all the compensation benefits to which they are entitled. If the information were not collected, the OWCP could not fulfill its statutory obligation to monitor the payment of benefits under the Act.

Form LS-210 is a supplementary form used to report additional periods of lost time from work. OWCP collects this information to monitor the progress of a compensation case and ensure that injured claimants are properly compensated for lost time from work and are treated by their choice of physicians as the statute requires. If the information were not collected, the OWCP would not be aware of subsequent periods of disability and would be unable to determine whether a claimant has been paid proper compensation.

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.

Respondents have the option to complete and submit both forms in this collection electronically using our secure web portal (www.seaportal.dol.gov). Authorized insurance carriers and self-insured employers have been notified that the Forms LS-202 and LS-210 can now be submitted electronically (www.seaportal.dol.gov). The website address to access the forms is: <http://www.dol.gov/owcp/dlhwc/ls-202.pdf> and <http://www.dol.gov/owcp/dlhwc/ls-210.pdf>.

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

There is no duplication since the employer completes the form LS-202 only once at the time of the claimant's injury and completes the form LS-210 only when there are additional periods of lost time from work, if any. In addition, all forms in the Longshore Program have been carefully reviewed to eliminate requests for duplicate information.

5. If the of collection information impacts small businesses or other small entities, describe any methods used to minimize burden.

Burden has been minimized by limiting the collection to request only information that is essential to processing a claimant's claim. OWCP maintains periodic contact with both the physicians who evaluate injuries under the Act and insurance industry personnel to discuss the type and adequacy of medical information provided. If, during those discussions, OWCP receives any complaints or suggestions for improvements, OWCP evaluates them and takes appropriate action. This information collection does not have a significant economic impact on a substantial number of small entities.

6. Describe the consequence of 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.

All the forms associated with this clearance are only filed on occasion as the need arises. The information can therefore not be collected less frequently.

7. Explain any special circumstances.

- * 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 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.**

Since the forms are completed on occasion and only after an injury occurs, they cannot be completed on a quarterly basis. Also, in accordance with Section 30 of the law, the LS-202 must be submitted within 10 days from the date of injury and the LS-210 as soon as there is additional lost time from work.

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.

Consultations are regularly held with the industry representatives during the claim adjudication process. Representatives of self-insurers and insurance carriers meet frequently with our District Directors.

A Federal Register Notice inviting public comment was published on September 12, 2023 at 88 FR 62603. No comments were received.

In addition, OWCP and Longshore leadership invite comment and feedback on processes and forms on a continual basis with regularly scheduled meetings with stakeholders including, but not limited to: four to five conferences per year during which OWCP makes presentations to stakeholders and fields their questions, comments and concerns; annual Carrier Performance Meetings with OWCP leadership and the largest carriers; special requests for in person and/or virtual meetings with stakeholders throughout the year; outreach efforts at the District Office and National Office levels; and continual communication with all stakeholders.

The Longshore Program consulted with three internal and external representatives to the agency involved in requesting Form LS-202 Employer’s First Report of Injury or Occupational Disease and Form LS-210 Employer’s Supplementary Report of Accident or Occupational Illness. The consultation asked Longshore industry contacts for their feedback on burden estimates for information collection activities associated with requesting Forms LS-202 and LS-210. None of the three representatives had any changes or comments on the estimated burden, so the Longshore Program is proceeding with the initial estimates published in the 60-day notice. The individuals/organizations consulted about the information collection are listed in the table below. We have redacted their last names and contact information.

Table 1: List of Internal and External Representatives

Contact	Organization	Email	Phone
Lauren XXX	EB Corp.	xxx	xxx
Penny XXX	BIW	xxx	xxx
Stephanie XXX	Deputy Director Longshore	xxx	xxx

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

No payments or gifts are provided to respondents.

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

Where records pertain to specific compensation cases, the completed forms will be maintained in the claimant's case file. Thus, the information collected is covered by [Privacy Act Systems of Records, DOL/OWCP-3](#), published at 81 *Federal Register* 25765 (April 29, 2016), or as updated and republished. Otherwise, the information collected is not protected under the Privacy Act.

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.

This collection does not contain any questions of a sensitive nature.

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 reason for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**¹

*** If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**

*** Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under "Annual Cost to Federal Government."**

The burden estimates for each of the forms associated with the clearance are shown below. The number of responses for the LS-202 and LS-210 were obtained directly from OWCP

¹ The LHWCA retention period for claims is 15 years as noted in the record schedule DAA-0271-2017-0005.

Workers’ Compensation System (OWCS). The forms are Section 508 compliant. All burden estimates which have been assigned for the forms associated with this clearance are considered reasonable in relation to the amount of information which is collected.

Activity	No. of Respondents	No. of Responses per Respondent	Total Responses	Average Burden (Hours)	Total Burden (Hours)	Hourly Wage Rate	Monetized Value of Time
LS-202 Employer’s First Report of Injury or Occupational Disease	42,575	1	42,575	.25	10,644	\$24.08	\$256,307.52
LS-210 Employer’s Supplementary Report of Accident or Occupational Illness	464	1	464	.25	116	\$24.08	2,793.28
Unduplicated Total	42,575		43,039		10,760		\$259,100.80

The annualized burden cost to the respondents has been estimated to be approximately \$259,100.80. This estimate is derived from the 2024 National Average Weekly Wage (NAWW) as computed by the Bureau of Labor Statistics, <https://www.dol.gov/agencies/owcp/dlhwc/NAWWinfo> for production or non-supervisory workers on private non-agriculture payrolls in a 40 hour work week. Section 6(b) of the Act mandates the use of the NAWW in setting the maximum and minimum compensation rates under the Act and in determining the amount of annual adjustments due to permanent total disability and death benefits. See 33 U.S.C. 906(b). Since it is not possible to determine the specific occupation or wages for each person who will provide the information covered by this clearance, e.g., claims adjusters, claims managers, self-insurance administrators, secretaries, claims clerks, physicians, and other medical and office personnel, and wages can vary considerably from person to person depending on duties and length of service, use of a national average weekly wage covering all occupations appears reasonable. The FY2024 applicable NAWW is \$963.29. The computations are therefore as follows: $\$963.29 \div 40 \text{ hrs} = \$24.08/\text{hr} \times 10,760 \text{ hrs} = \$259,100.80$ annualized burden cost.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

*** 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.**

*** 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 collections 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.**

*** 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**

There are no start-up costs. The only operation and maintenance cost is for postage and envelopes, which is based on \$0.71 (\$0.68 postage and \$0.03 envelope). Based on data from FY 2023, 2% of respondents used the mail option, while 98% used the option to electronically upload/submit responses via SEAPortal.

Total mailed responses = $860.78 (43,039 \times 2\%) = 861$ rounded

Total electronic responses = $42,178.22 (43,039 \times 98\%) = 42,178$ rounded

Total $(42,178 + 861) = 43,039$

Respondent Cost using mail option for submission of both the LS-202 and LS-210

Total Cost for mailed responses = $\$611.31 [(\$0.68 \text{ (postage)} + \$0.03 \text{ (envelopes)}) \times 861 \text{ (forms)}] = \611 rounded

14. Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

The cost to the government has been estimated to be \$108,643.00. This estimate was determined by taking into consideration analysis costs associated with the review of all forms associated with this clearance. Analysis and handling costs were determined by applying the hourly rate of a GS-12, step 5 workers’ compensation claims examiner taken from the [2023 Rest of the U.S. pay chart](#) (\$44.98) to the 1 minute it takes to review each form. The annual review hours were determined by applying an estimate of .02 hours or 1 minute for the review and analysis of each form. The computations are therefore as follows:

Form	Grade/Rate	Analysis (Hours)	# of Forms	Federal Cost
LS-202	GS-12s5/\$44.98	.02	42,575	\$38,300.47
LS-210	GS-12s5/\$44.98	.02	464	\$417.41

Total cost to the government for all forms is 43,039 (responses) x .02 hrs = 860.78 x \$44.98 (grade 12, step 5) = \$38,717.88 + (\$66,000.00/10 = \$6,600) * = \$45,317.88 or \$45,318.00 rounded.

*The cost to maintain SEAPortal is \$66,000 so this has been divided over the total Information Collection Requests (ICRs) that are impacted.

15. Explain the reasons for any program changes or adjustments

Burden has increased by 4,602 hours due to an increase in the number of injuries reported under the Act.

The operation and maintenance cost decreased by \$6,532.00 from \$7,143.00 to \$611.00 due to a decrease in claims submitted by mail and the increase in submission of the forms electronically.

There was a decrease of \$45,086.12 in the cost to the government since the last clearance submission due to the forms being reviewed by GS12/5 rather than a GS13/5 and due to the cost of SEAPortal being divided over all ICR’s.

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.

Employer's First Report of Injury or Occupational Disease (LS-202)
Employer's Supplementary Report of Accident or Occupational Illness (LS-210)
OMB Control Number: 1240-0003
OMB Expiration Date: February 29, 2024

The information will not be published for statistical use.

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

The expiration date will be displayed on the form.

18. Explain each exception to the certification statement in ROCIS

There are no exceptions to the certification.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in these collections of information.