

**SUPPORTING STATEMENT FOR  
Request for State or Federal Compensation Information**

**OMB CONTROL NO. 1240-0032**

This ICR seeks an Extension revision to the currently approved version.

**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 Black Lung Benefits Act (30 U.S.C. 901, et. seq.) and its implementing regulations necessitate this information collection. The regulations at 20 CFR 725.535 authorize the collection of this information. The regulation requires benefit payments to a beneficiary for any month be reduced by any other payments of state or federal benefits for workers' compensation due to pneumoconiosis. See 30 U.S.C. 932(g). To ensure compliance with this mandate, the Division of Coal Mine Workers' Compensation (DCMWC) must collect information regarding the status of any state or Federal workers' compensation claim, including dates of payments, weekly or lump sum amounts paid, and other fees or expenses paid out for this award, such as attorney fees and related expenses associated with pneumoconiosis.

**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.**

This form is provided to Federal or state agencies for completion when the beneficiary has filed a claim for workers' compensation benefits due to pneumoconiosis or is receiving benefits that may need to be offset. State or Federal workers' compensation programs are directed to notify DCMWC of any rate changes or cessation of compensation benefits. Usually only one CM-905 is sent; however, a second CM-905 may be sent if the claims staff suspects recent activity regarding a claimant's state workers' compensation claim but has no recent CM-905 information in file. Information is used by DCMWC claims staff in determining the amounts of black lung benefits paid to beneficiaries. Benefit amounts are reduced, dollar for dollar, for other black lung related workers' compensation awards the beneficiary may be receiving from state or Federal programs.

**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 to adopt this means of collection. Also, describe any consideration of using information technology to reduce burden.**

In the OWCP Black Lung GPEA Forms Final Transformation Status report, OWCP determined that the CM-905 form should not be made available on the Internet because it is initiated by the DCMWC claims staff 100% of the time. It is not usable by the state workers' compensation official unless it contains identifying information supplied by DCMWC. It requires the signatures of both the claims staff and the state official. Because workers' compensation information is covered by the Privacy Act or similar state privacy statutes, the DCMWC claims staff's personal or digital signature is usually required for the state to release information, and an on-line or PDF form on the DCMWC website would not permit submission to the state workers' compensation agency. . The form can also be completed by hand and mailed or completed and submitted online through the COAL Mine Portal at <https://coalmine.dol.gov/>

**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 are no similarly approved forms used within the program. No other OWCP program or Federal agency has similar requirements. The collection of this information is specific for workers' compensation benefits due to pneumoconiosis.

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

No small businesses are affected by the collection of this information.

**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.**

This information is collected only at the time a beneficiary indicates that s/he has filed an occupational disease claim for pneumoconiosis with a state government or another Federal workers' compensation program. DCMWC must verify that the claimant filed for Federal or state benefits and any amount of compensation the claimant may receive due to black lung disease. Without this information, an overpayment may occur to the claimant because state benefits offset federal black lung benefits.

**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 demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances for this information collection.

**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.**

A Federal Register Notice inviting public comment was published on 12/31/2025 (90 FR 61420)  
No comments were received.

DCMWC consulted with two internal and one external representative regarding this information collection request. DCMWC asked these contacts for feedback on burden estimates. None of the three representatives had any changes or comments on the estimated burden, so DCMWC 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.

**Table 1: List of Internal and External Representatives**

Contact	Organization	Email	Phone
Natalia XXX	Management and Program Analyst	XXX	XXX
Deana XXX	Kentucky Department of Workers' Claims Representative	XXX	XXX
Marcela XXX	Claims Policy Analyst, Branch of Policy Analysis and Program Standards	XXX	XXX

**9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.**

Respondents do not receive gifts or payments to furnish the requested information.

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

Since the completed form is maintained in the beneficiary's case file, the information collected is covered by the Privacy Act System of Records, DOL/OWCP-2, published at 81 Federal Register 25765, 25858 (April 29, 2016), or as updated and republished.

**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.**

The collection contains no 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 reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.<sup>1</sup>**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **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 in Item 13.**

**Estimated Annualized Respondent Cost and Hour Burden**

<b>Activity/ Form</b>	<b>No. of Respondent s</b>	<b>No. of Responses per Responden t</b>	<b>Total Response s</b>	<b>Averag e Burden (Hours)</b>	<b>Total Burden (Hours )</b>	<b>Hourl y Wage Rate</b>	<b>Monetized Value of Responden t Time</b>
OWCP Form CM-905  (State, Local, and Tribal Governments)	3,980	1	3,980	15 minutes (0.25 h)	995	\$37.43	\$37,243

The public burden estimate of this information collection is approximately 995. The estimated burden is based on the submission of approximately 3,980 forms. This represents approximately 3,980 Black Lung claimants who have filed a workers’ compensation claim for pneumoconiosis with DCMWC. Each response averages 15 minutes per form for a total of 995 hours to collect data for 3,980 forms.

3,980 x 0.25 minutes = 995 hours (rounded up)

<sup>1</sup> Indicate the retention period for any recordkeeping requirements that pertain to the ICR.

The estimated annualized cost for respondents to provide this information is \$37,242.85 (995 hours x \$37.43 per hour). The hourly wage of \$37.43 is taken from the Establishment Data Earnings Table B-8 for September 2025 published by the Bureau of Labor Statistics, under the heading of Professional and Business Services. The table can be found at: [Table B-8. Average hourly and weekly earnings of production and nonsupervisory employees on private nonfarm payrolls by industry sector, seasonally adjusted\(1\) - 2025 M08 Results](#)

**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, 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 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.**

Respondent's cost to mail each response is estimated at ¢83 (¢78 stamp plus ¢05 for the envelope). Responses mailed will have a respondent cost of \$3,303.40 (3,980 x ¢83 = \$3,303.40).

Of the 3,980 responses that will be sent to DCMWC, it is estimated that 10% will be submitted electronically through the COAL Mine Portal (3,980 x 10% = 398). The estimated savings of the

forms submitted through the COAL mine portal is \$330.34 (398 x ¢83=\$330.34). The remaining 3,582 responses will be mailed to DCMWC with a respondent cost of \$2,973 (3,582 x ¢83 = \$2,973.06).

Therefore, the total respondent cost is **\$2,973** (rounded down) ( $\$3,303.40 - \$330.34 = \$2,973.36$ ).

There are no other known operating or maintenance costs associated with this collection.

**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), 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 into a single table.**

The estimated total cost to the Federal Government for the 3,980 forms is approximately **\$52,238**. The cost is figured as follows:

a. Estimated mailing cost: \$2,945 (¢.69 metered postage plus ¢.05 per envelope = ¢.74) 3,980 forms x ¢74 = \$2,945.20.

b. The estimated processing cost: \$49,292.30 calculated at one CE (GS-12/6) at \$49.54 per hour spending about 15 minutes completing and evaluating 4,155 forms.  
[https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/RUS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/RUS_h.pdf) (Salary Table 2025-GS was used for the hourly wages.)

$$3,980 \times 15/60 = 995$$

$$995 \times \$49.54 = \$49,292.30$$

Total cost:  $\$2,945.20 + \$49,292.30 = \$52,238$  (rounded up)

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

The estimated number of completed forms decreased as well as the respondent burden hours and cost due to a decrease in forms processed.

#### EXPLANATION OF CHANGE TOTALS

**Respondents:** The number of respondents decreased from 4,155 to 3,980. The number of respondents decreased due to a decrease in forms received.

The following also decreased due to a decrease in number of forms received/responses.

**Responses:** Responses have decreased from 4,155 to 3,980.

**Burden Hours:** Burden hours have decreased from 1,039 to 995.

**Costs:** Annual burden costs have increased from \$2,356 to \$2,973 due to postage rate increase.

**16. For collections of information whose results will be published, outline plans for tabulations, 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 of information, completion of report, publication dates, and other actions.**

There are no plans to publish this information.

**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.**

This ICR does not seek a waiver from the requirement to display the expiration date.

**18. Explain each exception to the certification statement.**

There are no exceptions to the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

Statistical methods are not used in these collections of information.