



BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2010-0056]

OSHA-7 Form (“Notice of Alleged Safety and Health Hazard”); Extension of the Office of Management and Budget’s (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget’s (OMB) approval of the information collection requirements contained in the OSHA-7 Form.

DATES: Comments must be submitted (postmarked, sent, or received) by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA

Docket Office, Docket No. OSHA-2010-0056, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3653, 200 Constitution Avenue, NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the OSHA Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the agency name and the OSHA docket number (OSHA-2010-0056) for the Information Collection Request (ICR). All comments, including any personal information you provide, such as social security numbers and dates of birth, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments, see the "Public Participation" heading in the section of this notice titled "**SUPPLEMENTARY INFORMATION.**"

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the above address. All documents in the docket (including this *Federal Register* notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at (202) 693-2222 to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Laura Seeman, Directorate of Enforcement Programs, OSHA, U.S. Department of Labor, telephone (202) 693-2100.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of a continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance process to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, the reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 et seq.) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with a minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining said information (29 U.S.C. 657).

Under paragraphs (a) and (c) of 29 CFR 1903.11 ("Complaints by employees"), employees and their representatives may notify the OSHA area director or an OSHA compliance officer of safety and health hazards regulated by the agency that they believe exist in their workplaces at any time. These provisions state further that this notification must be in writing and "shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of the employee."

In addition to providing specific hazard information to the agency, paragraph (a) permits employees/employee representatives to request an inspection of the workplace. Paragraph (c) also addresses situations in which employees/employee representatives may provide the information directly to the OSHA compliance officer during an inspection. An employer's former employees may also submit complaints to the agency.

To address the requirements of paragraphs (a), especially the requirement that the information be in writing, the agency developed the OSHA-7 Form ("Notice of Alleged Safety and Health Hazard"); this form standardized and simplified the hazard reporting process. For paragraph (a), they may complete an OSHA-7 Form obtained from the agency's website and then send it to OSHA online, or deliver a hardcopy of the form to the OSHA area office by mail or facsimile, or by hand. They may also write a letter containing the information and hand deliver it to the area office, or send it by mail or facsimile. In addition, they may provide the information orally to the OSHA area office or another party (e.g., a federal safety and health committee for federal employees), in which case the area office or other party completes the hard copy version of the form. For the typical situation addressed by paragraph (c), an employee/employee representative informs an OSHA compliance officer orally of the alleged hazard during an inspection, and the compliance officer then incorporates that information into the walk around inspection.

The information on the hard copy version of the OSHA-7 Form includes information about the employer and alleged hazards, including: the establishment's name; the site's address and telephone and facsimile numbers; the name and telephone number of the management official; the type of business; a description and the specific

location of the hazards, including the approximate number of employees exposed or threatened by the hazards; and whether or not the employee/employee representative informed another government agency about the hazards (and the name of the agency if so informed).

Additional information on the hard copy version of the form concerns the complainant, including: whether or not the complainant is an employee or an employee representative, or a member of a federal safety and health committee or another party (with space to specify the party); the complainant's name, telephone number, and address; and the complainant's signature attesting that they believe a violation of an OSHA standard exists at the named establishment; and the date of the signature. An employee representative must also provide the name of the organization they represent and their title.

The information contained in the online version of the OSHA-7 Form is similar to the hard copy version. However, the online version requests the complainant's email address (the hard copy currently does not), and does not ask for the site's facsimile number or the complainant's signature and signature date.

The agency uses the information collected on the OSHA-7 Form to determine whether reasonable grounds exist to conduct an inspection of the workplace. The description of the hazards, including the number of exposed employees, allows the agency to assess the severity of the hazards and the need to expedite the inspection. The completed form also provides the employer with notice of the complaint and may serve as the basis for obtaining a search warrant if the employer denies the agency access to the workplace.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employees who must comply—for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements relating to the OSHA-7 Form. The agency is requesting an adjustment decrease of 75 burden hours (from 19,258 to 19,183 burden hours). The difference is the result of an overall decrease in estimated complaints received annually from 70,976 complaints to 68,896.

The agency also requests an adjustment decrease in operation and maintenance costs of \$365 (from \$701 to \$336). The decrease occurred due to a decrease in the estimated OSHA-7 forms being mailed from 1,430 to 610 forms.

In addition, the ICR proposes several non-substantive editorial revisions to the hardcopy and electronic versions of the OSHA-7 Form to clarify instructions and

modernize information sharing. The minor edits are also requested in response to feedback from field management, as well as to ensure consistency with current agency policies and procedures.

The first change, to the “Instruction” field box, would add the word “health” to the sentence, “If there is any particular evidence that supports your suspicion that a hazard exists (for instance, a recent accident or physical/health symptoms of employees at your site) include the information in your description.” In addition, the agency would add to the “Hazard Description/Location” field box, which states, “Describe briefly the hazard(s) which you believe exist,” the new phrase, “and on what date you last observed the hazard(s).” The agency also proposes to include the addition of an email address with which to contact the agency. The hardcopy form would also be revised to provide the complainant an opportunity to provide their email address to the agency, as the electronic form currently provides. Other nonsubstantive editorial changes to the forms are also proposed.

A mark-up of the proposed changes to the English-language versions of the form will be available in the ICR docket for public comment. Changes made to the Spanish-language versions of the form will be identical to the English-language versions of the form. The agency does not believe that the proposed revisions to the complaint form will further impact the adjusted burden hours. The agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Revision of a currently approved collection.

Title: Notice of Alleged Safety and Health Hazards (Form OSHA-7).

OMB Control Number: 1218-0064.

Affected Public: Individuals.

Number of Respondents: 68,896.

Frequency: On occasion.

Average Time Per Response: Varies.

Estimated Number of Responses: 68,896.

Estimated Total Burden Hours: 19,183.

Estimated Cost (Operation and Maintenance): \$336.

IV. Public Participation – Submission of Comments on this Notice and Internet

Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the agency name and the OSHA docket number (Docket No. OSHA-2010-0056) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled “**ADDRESSES**”). The additional materials must clearly identify electronic comments by your name, date, and the docket number so that the agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350; TTY (877) 889-5627.

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> website to submit comments and access the docket is available at the website's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on May 5, 2020.

Loren Sweatt,

Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health.

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