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February 7, 2001

The Honorable James M. Jeffords
Chairman
The Honorable Edward M. Kennedy
Ranking Member
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable John Boehner
Chairman
The Honorable George Miller
Ranking Minority Member
Committee on Education and the Workforce
House of Representatives

Subject: Department of Labor, Occupational Safety and Health Administration:
Safety Standards for Steel Erection

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Labor, Occupational Safety and Health Administration (OSHA), entitled "Safety Standards for Steel Erection" (RIN: 1218-AA65). We received the rule on January 23, 2001. It was published in the Federal Register as a final rule on January 18, 2001. 66 Fed. Reg. 5196.

The final rule revises the construction industry safety standards that regulate steel erection. The final rule enhances protections provided to workers engaged in steel erection and updates the general provisions that address steel erection.

Enclosed is our assessment of OSHA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that OSHA complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Cindy Fagnoni, Managing

Director, Education, Workforce, and Income Security. Ms. Fagnoni can be reached at (202) 512-7215.

signed

Kathleen E. Wannisky
Managing Associate General Counsel

Enclosure

cc: Mr. Russell B. Swanson
Director, Directorate of Construction
Occupational Safety and Health
Administration
Department of Labor

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF LABOR,
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
ENTITLED
"SAFETY STANDARDS FOR STEEL ERECTION"
(RIN: 1218-AA65)

(i) Cost-benefit analysis

OSHA developed an economic analysis of the final rule that includes a discussion of the costs and benefits of the rule. OSHA projects that full compliance with the final standard will, after deducting costs incurred to achieve compliance with the existing standard, result in net annualized costs of \$78.4 million.

OSHA anticipates that the final rule will significantly reduce the number of accidents and fatalities in the steel erection industry. OSHA believes that the final standard will prevent an additional 22 fatalities and 838 injuries, which would not have been prevented even with full compliance with the current standard.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

OSHA performed a Final Regulatory Flexibility Analysis in connection with the final rule which complies with the requirements of the Act. It describes the size and number of small entities impacted by the final rule and discusses the alternatives considered to reduce the economic impact on small entities, such as minimizing recordkeeping. OSHA concluded that a phase-in compliance for small entities would not significantly reduce the economic burden and would unnecessarily delay the protection of workers.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The final rule does not impose either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The final rule was issued using the notice and comment procedures contained at 5 U.S.C. 553. On August 13, 1998, OSHA issued a Notice of Proposed Rulemaking in the Federal Register. 63 Fed. Reg. 43452. OSHA received 367 comments, including

testimony and documentary evidence in response, and an additional 55 requests to testify at a public hearing on December 1, 1998. These comments and the recommendations of the Steel Erection Negotiated Rulemaking Advisory Committee, which met over an 18-month period, are discussed in the preamble to the final rule.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The final rule contains information collections that have been approved by the Office of Management and Budget under OMB Control No. 1218-0237.

Statutory authorization for the rule

The final rule is promulgated pursuant to the authority contained in sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333); Secretary of Labor's Order No. 6-96 (62 Fed. Reg. 111), and 29 C.F.R. part 1911.

Executive Order No. 12866

The final rule was reviewed by the Office of Management and Budget and was found to be an "economically significant" regulatory action under the order.

Executive Order No. 13132 (Federalism)

OSHA has determined that the final rule does not have federalism implications under the order.