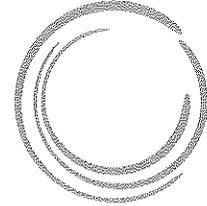


3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



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COMMISSION

TECHNICAL BULLETIN # 10-001

GUIDELINES FOR CALCULATION OF MITIGATION FOR DEVELOPMENTS OF REGIONAL IMPACT IN "OTHER" CATEGORY FOR MINIMUM PERFORMANCE STANDARD AH 3.1

Effective 6/10/10

BACKGROUND

The 2009 Regional Policy Plan (RPP) includes a requirement in Minimum Performance Standard (MPS) AH 3.1 that various types of non-residential, commercial development mitigate the impacts of the development on the need for affordable housing. The per square foot mitigation amounts are specified for DRIs that fall within the office, health and medical, retail, restaurant/food service, and warehouse/distribution categories. For non-residential DRIs that fall outside those categories, there is an "other" category that encompasses such uses as hotels/motels, health/fitness centers, scientific instrument manufacturers, etc. The per square foot mitigation amount is based upon a formula that includes a determination of the number of jobs that will pay less than the regional average wage for the use(s) in that particular development.

As the mitigation is assessed on the basis of the square footage of the building under DRI review and on the number of additional employees who will earn less than the regional average wage, buildings and/or facilities in which a calculation of building square footage is not feasible or appropriate and/or those that will result in the judgment of the Commission in fewer than three on site or contracted employees will not be required to provide mitigation in the "Other" category under AH 3.1. For example, wireless communication facilities would be exempt from this requirement.

This technical bulletin summarizes the methodology the Cape Cod Commission will use to calculate the number of jobs that will pay less than the regional average wage in the formula for "Other" in MPS AH 3.1.



Keeping a Special Place Special

INFORMATION SOURCES

For the applicant and the Commission to calculate the number of jobs that will pay less than the regional average wage in that particular development, it will need to determine 1) the overall number of jobs that will be created by that particular development or the employment density, i.e. the numbers of jobs per square feet; and 2) the percentage of those jobs that will pay less than the regional average wage.

1) Employment density- There is no publicly available regional or state-wide data on employment density. For example, the Massachusetts Executive Office of Labor and Workforce Development (EOLWD) has data for the region on the number of establishments and the amount of employment for various sectors; however, it does not have any data on the amount of space that those establishments occupy.

The only publicly available data on employment density that the Commission has identified is national data from the Commercial Buildings Energy Consumption Survey (CBECS) from the Energy Information Administration within the U.S. Department of Energy (DOE). The CBECS includes data on building characteristics, including mean and median square feet per employee for a variety of building types (see Attachment 1 for a description of building types). While the most current available data is from 2003, the DOE has collected information for the 2007 CBECS and expects to release the initial building characteristics data within the next year or so. The CBECS defines a commercial building as one in which at least half the floor space is used for a purpose that is not residential, industrial, or agricultural; therefore, it should cover all of the "other" types of DRIs except for manufacturing or industrial uses. For DRIs that are manufacturing and/or industrial, the Commission, in consultation with the applicant, will determine the most appropriate method and source of data for the employment density calculation.

2) Percentage of Workers Below the Average Wage- There is no publicly available regional or state-wide data available on the percentage of workers in any particular employment sector who earn more or less than the regional average wage. The Massachusetts EOLWD has data for the region on the number of employees and the average wage for various sectors; however, it does not publish data on the numbers of employees in various income ranges in those sectors. For example, the 2008 regional average weekly wage was \$747, while the 2008 average weekly wage for construction was \$941 and for retail trade was \$533; however, EOLWD does not provide data that would enable the Commission to determine what percentage of workers in either construction or retail trade earned less than the regional average wage.

There is national data available, however, that will enable the applicant and the Commission to make a reasonable estimate of the ranges of wages in any particular employment sector. The U.S. Department of Labor's Bureau of Labor Statistics (BLS) annually collects data from employers in all industry sectors in metropolitan and non-metropolitan areas in every state and the District of Columbia and publishes that data in its National Occupational Employment and Wage Estimates. The most current data is from May 2008 and includes data from all North American Industry Classification

System (NAICS) industry codes (see Attachment 2 for NAICS sectors and sub-classifications). The BLS collects data on the variety of occupations that comprise any particular sector or sub-classification and also calculates the national median and mean hourly wage.

METHODOLOGY TO CALCULATE NUMBER OF WORKERS EARNING LESS THAN THE AVERAGE WAGE

Step 1) Determine Employment Density and Number of Employees

The applicant should use the U.S. DOE's Energy Information Administration's most recent (currently 2003) data on employment density from the Commercial Buildings Energy Consumption Survey for the DRI's particular type of building activity or use (www.eia.doe.gov/emeu/cbecs/contents.html). The data table that will be used is that for Building Characteristics for Non-Mall Buildings- mean square foot per worker (Table B1 in the 2003 CBECS). For any DRI that includes uses from more than one building type, e.g. a hotel (lodging building type) with an attached or detached health club (public assembly building type), the applicant should perform the employment density analysis in accordance with the proposed square footage of each particular building type.

Once the employment density is determined, the applicant should calculate the projected number of employees by dividing the DRIs gross floor area for that use by the employment density. For example, a 100,000 square foot hotel is categorized as a lodging building type under CBECS, and the mean employment density for lodging is 2,074 square feet per worker. Therefore, the expected number of employees is 48 (100,000 divided by 2,074). The Commission will round up for any fraction of an employee of .50 or more.

For DRIs that are manufacturing and/or industrial and that are not included in the CBECS, the Commission, in consultation with the applicant, will determine the most appropriate method and source of data for the employment density calculation.

Step 2) Determine the Percentage of Employees Who Earn Less Than the Average Wage

The applicant should use the most recent (currently May 2008) data from the U.S. Department of Labor's Bureau of Labor Statistics (BLS) National Industry-Specific Occupational Employment and Wage Estimates (www.bls.gov/oes/current/oesrci.htm) as the data source for determining the percentage of employees who earn less than the average wage.

The first step in the analysis is to determine the most recent national average wage for all occupations. From the BLS web site listed in the above paragraph, the link to the current National Occupational Employment and Wage Estimates provides the national average wage for All Occupations (\$20.32 per hour as of May 2008).

The second step is to determine the appropriate NAICS classification for the particular DRI. A hotel, for example, is classified within the Accommodation and Food Services

sector (Sector 72) and more specifically as Traveler Accommodation (NAICS 721100). The BLS data provides the number and types of jobs that exist within this category and the average wage paid for each job. The appropriate NAICS classification(s) can be determined in the pre-application meeting between the applicant and the Commission.

The third step in the analysis involves reviewing each job and calculating whether the average wage for that job falls above or below the national average wage. If the average wage for that job is below the national average wage, then all employees within that category are considered to be below the average wage. If the average wage is above the national wage, then all employees in that job category are considered as earning above the average wage. The percentage earning less than the average wage is determined by dividing the number earning less than the national average by the total employed within that NAICS classification. For example, in May 2008 there were 1,804,280 people employed within the Traveler Accommodation sector. If the analysis determines that 1,660,000 of those people earned less than the national average wage, then the applicant should use 92% (1,660,000 divided by 1,804,280) as the percentage of employees who earn less than the average wage for that particular DRI. The Commission will round up for any fraction of .50 or more.

For any DRI that includes more than one use, e.g. a hotel (NAICS 721100) with an attached or detached health club (Fitness and Recreational Sports Centers-NAICS 713940), the applicant should perform the average wage analysis for each use.

Step 3) Calculate the Number of Jobs That Pay Less Than the Average Wage

The number of jobs that pay less than the average wage should be calculated by multiplying the number of jobs in the development (from Step 1) by the percentage of jobs that pay less than the average wage (from Step 2). In the 100,000 square foot hotel example, that number would be 44 (48 x .92). The Commission will round up for any fraction of an employee of .50 or more.

Step 4) Calculate the Affordable Housing Mitigation

Once the number of below average wage jobs is determined, then the applicant should use that number to apply to the formula for "Other" in AH 3.1.

EXAMPLE: An applicant proposes a 100,000 square foot hotel development within an Economic Center (as identified on the Regional Land Use Vision Map). Using the 44 below average wage jobs from the analysis and the 2010 adjusted "Other" mitigation amount of \$2.37 for EC's, the formula is \$2.37 PSF times (44 divided by 100 (100,000/1,000)) = \$1.04 PSF (again rounding to the nearest whole number). Therefore, the affordable housing mitigation amount would be \$104,000 (\$1.04 times 100,000).

STEPS IN ANALYSIS FOR EXAMPLE:

1) Calculate Employment Density from CBECS Data

Building Type	Building Square Footage	Mean Square Feet Per Worker	Number of Employees
Lodging	100,000	2,074	48 (100,000/ 2,074)

2) Calculate Percentage of Jobs that Pay Less than the Average Wage from BLS Data

NAICS Code	National Average Wage	Total # of Jobs	Total # of Jobs Less Than Average Wage	% of Jobs Below Average Wage
Traveler Accommodation-721100	\$20.32/hour	1,804,280	1,660,000	92% (1,660,000/ 1,804,280)

3) Calculate the total number of below average wage jobs: 48 times .92 = 44.

4) Calculate PSF mitigation: $\$2.37 \times (44 / [100,000 / 1,000]) = \1.04 PSF.

5) Calculate Total Mitigation: $100,000 \times \$1.04 = \$104,000$.

Attachment 1: Description of CBECS Building Types

Attachment 2: NAICS Sectors and Sub-Classifications

ATTACHMENT 1



Energy Information Administration

Official Energy Statistics from the U.S. Government

Glossary


[Home](#) > [Households, Buildings & Industry](#) > [Commercial Buildings Energy Consumption Survey \(CBECS\)](#) > [Description of Building Types](#)

Description of CBECS Building Types

In the Commercial Buildings Energy Consumption Survey (CBECS), buildings are classified according to principal activity, which is the primary business, commerce, or function carried on within each building. Buildings used for more than one of the activities described below are assigned to the activity occupying the most floorspace at the time of the interview. Thus, a building assigned to a particular principal activity category may be used for other activities in a portion of its space or at some time during the year. In the 1999 and 2003 CBECS, respondents were asked to place their building into a sub-category that was a more specific activity than has been collected in prior surveys. This was done to ensure the quality of the data; after data collection, the subcategories were combined into these more general building categories, which are consistent with prior CBECS surveys.

Building Types:

Education
 Food Sales
 Food Service
 Health Care
 Lodging
 Mercantile
 Office
 Public Assembly
 Public Order and Safety
 Religious Worship
 Service
 Warehouse and Storage
 Other
 Vacant

Includes These Sub-Categories from 2003 CBECS Questionnaire

	Building Type	Definition	
Top	Education	Buildings used for academic or technical classroom instruction, such as elementary, middle, or high schools, and classroom buildings on college or university campuses. Buildings on education campuses for which the main use is not classroom are included in the category relating to their use. For example, administration buildings are part of "Office," dormitories are "Lodging," and libraries are "Public Assembly."	<ul style="list-style-type: none"> • elementary or middle school • high school • college or university • preschool or daycare • adult education • career or vocational training • religious education
Top	Food Sales	Buildings used for retail or wholesale of food.	<ul style="list-style-type: none"> • grocery store or food market • gas station with a convenience store • convenience store
Top	Food Service	Buildings used for preparation and sale of food and beverages for consumption.	<ul style="list-style-type: none"> • fast food • restaurant or cafeteria
Top	Health Care (Inpatient)	Buildings used as diagnostic and treatment facilities for inpatient care.	<ul style="list-style-type: none"> • hospital • inpatient rehabilitation

Top	Health Care (Outpatient)	Buildings used as diagnostic and treatment facilities for outpatient care. Medical offices are included here if they use any type of diagnostic medical equipment (if they do not, they are categorized as an office building).	<ul style="list-style-type: none"> • medical office (see previous column) • clinic or other outpatient health care • outpatient rehabilitation • veterinarian
Top	Lodging	Buildings used to offer multiple accommodations for short-term or long-term residents, including skilled nursing and other residential care buildings.	<ul style="list-style-type: none"> • motel or inn • hotel • dormitory, fraternity, or sorority • retirement home • nursing home, assisted living, or other residential care • convent or monastery • shelter, orphanage, or children's home • halfway house
Top	Mercantile (Retail Other Than Mall)	Buildings used for the sale and display of goods other than food.	<ul style="list-style-type: none"> • retail store • beer, wine, or liquor store • rental center • dealership or showroom for vehicles or boats • studio/gallery
Top	Mercantile (Enclosed and Strip Malls)	Shopping malls comprised of multiple connected establishments.	<ul style="list-style-type: none"> • enclosed mall • strip shopping center
Top	Office	Buildings used for general office space, professional office, or administrative offices. Medical offices are included here if they do not use any type of diagnostic medical equipment (if they do, they are categorized as an outpatient health care building).	<ul style="list-style-type: none"> • administrative or professional office • government office • mixed-use office • bank or other financial institution • medical office (see previous column) • sales office • contractor's office (e.g. construction, plumbing, HVAC) • non-profit or social services • research and development • city hall or city center • religious office • call center
Top	Public Assembly	Buildings in which people gather for social or recreational activities, whether in private or non-private meeting halls.	<ul style="list-style-type: none"> • social or meeting (e.g. community center, lodge, meeting hall, convention center, senior center) • recreation (e.g. gymnasium, health club, bowling alley, ice rink, field house, indoor racquet sports)

			<ul style="list-style-type: none"> • entertainment or culture (e.g. museum, theater, cinema, sports arena, casino, night club) • library • funeral home • student activities center • armory • exhibition hall • broadcasting studio • transportation terminal
Top	Public Order and Safety	Buildings used for the preservation of law and order or public safety.	<ul style="list-style-type: none"> • police station • fire station • jail, reformatory, or penitentiary • courthouse or probation office
Top	Religious Worship	Buildings in which people gather for religious activities, (such as chapels, churches, mosques, synagogues, and temples).	No subcategories collected.
Top	Service	Buildings in which some type of service is provided, other than food service or retail sales of goods	<ul style="list-style-type: none"> • vehicle service or vehicle repair shop • vehicle storage/ maintenance (car barn) • repair shop • dry cleaner or laundromat • post office or postal center • car wash • gas station • photo processing shop • beauty parlor or barber shop • tanning salon • copy center or printing shop • kennel
Top	Warehouse and Storage	Buildings used to store goods, manufactured products, merchandise, raw materials, or personal belongings (such as self-storage).	<ul style="list-style-type: none"> • refrigerated warehouse • non-refrigerated warehouse • distribution or shipping center
Top	Other	Buildings that are industrial or agricultural with some retail space; buildings having several different commercial activities that, together, comprise 50 percent or more of the floorspace, but whose largest single activity is agricultural, industrial/ manufacturing, or residential; and all other	<ul style="list-style-type: none"> • airplane hangar • crematorium • laboratory • telephone switching • agricultural with some retail space • manufacturing or industrial with some retail space • data center or server farm

Top	Vacant	miscellaneous buildings that do not fit into any other category. Buildings in which more floorspace was vacant than was used for any single commercial activity at the time of interview. Therefore, a vacant building may have some occupied floorspace.	No subcategories collected, but a question was asked to determine whether the building was completely vacant.
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Note: These subcategories are not exhaustive lists of the types of buildings included in each category. For every general category, there are some "other" types of buildings that did not fit into any of these given subcategories.

Top

Contacts

Specific questions on this product may be directed to:

Joelle Michaels
joelle.michaels@eia.doe.gov
CBECs Manager
Phone: (202) 586-8952
FAX: (202) 586-0018

URL: http://www.eia.doe.gov/emeu/cbecs/building_types.htm

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ATTACHMENT 2

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Home Subject Areas Databases & Tables Publications Economic Releases

A - Z Index | About BLS

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Occupational Employment Statistics

OES FONT SIZE: PRINT:

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May 2008 National Industry-Specific Occupational Employment and Wage Estimates

Click on the North American Industry Classification System (NAICS) industry code and title to see national OES occupational employment and wage estimates for that industry. See the [NAICS at BLS page](#) for more information about the NAICS system.

List of NAICS sectors

- [Sector 11 - Agriculture, Forestry, Fishing, and Hunting](#)
- [Sector 21 - Mining](#)
- [Sector 22 - Utilities](#)
- [Sector 23 - Construction](#)
- [Sectors 31, 32, and 33 - Manufacturing](#)
- [Sector 42 - Wholesale Trade](#)
- [Sectors 44 and 45 - Retail Trade](#)
- [Sectors 48 and 49 - Transportation and Warehousing](#)
- [Sector 51 - Information](#)
- [Sector 52 - Finance and Insurance](#)
- [Sector 53 - Real Estate and Rental and Leasing](#)
- [Sector 54 - Professional, Scientific, and Technical Services](#)
- [Sector 55 - Management of Companies and Enterprises](#)
- [Sector 56 - Administrative and Support and Waste Management and Remediation Services](#)
- [Sector 61 - Educational Services](#)
- [Sector 62 - Health Care and Social Assistance](#)
- [Sector 71 - Arts, Entertainment, and Recreation](#)
- [Sector 72 - Accommodation and Food Services](#)
- [Sector 81 - Other Services \(except Federal, State, and Local Government\)](#)
- [Sector 99 - Federal, State, and Local Government \(OES designation\)](#)

- [Sector 11 - Agriculture, Forestry, Fishing and Hunting](#) [top](#)
- [NAICS 113000 - Forestry and Logging](#)
- [NAICS 113300 - Logging](#)

- [NAICS 115000 - Support Activities for Agriculture and Forestry](#)
- [NAICS 115100 - Support Activities for Crop Production](#)
- [NAICS 115200 - Support Activities for Animal Production](#)

- [Sector 21 - Mining](#) [top](#)
- [NAICS 211000 - Oil and Gas Extraction](#)
- [NAICS 211100 - Oil and Gas Extraction](#)

- [NAICS 212000 - Mining \(except Oil and Gas\)](#)
- [NAICS 212100 - Coal Mining](#)
- [NAICS 212200 - Metal Ore Mining](#)
- [NAICS 212300 - Nonmetallic Mineral Mining and Quarrying](#)

- [NAICS 213000 - Support Activities for Mining](#)
- [NAICS 213100 - Support Activities for Mining](#)

- [Sector 22 - Utilities](#) [top](#)
- [NAICS 221000 - Utilities](#)
- [NAICS 221100 - Electric Power Generation, Transmission and Distribution](#)
- [NAICS 221200 - Natural Gas Distribution](#)
- [NAICS 221300 - Water, Sewage and Other Systems](#)

- [Sector 23 - Construction](#) [top](#)
- [NAICS 236000 - Construction of Buildings](#)
- [NAICS 236100 - Residential Building Construction](#)
- [NAICS 236200 - Nonresidential Building Construction](#)

- [NAICS 237000 - Heavy and Civil Engineering Construction](#)
- [NAICS 237100 - Utility System Construction](#)
- [NAICS 237130 - Power and Communication Line and Related Structures Construction](#)

- [NAICS 237200 - Land Subdivision](#)
- [NAICS 237300 - Highway, Street, and Bridge Construction](#)
- [NAICS 237900 - Other Heavy and Civil Engineering Construction](#)

- [NAICS 238000 - Specialty Trade Contractors](#)
- [NAICS 238100 - Foundation, Structure, and Building Exterior Contractors](#)
- [NAICS 238110 - Poured Concrete Foundation and Structure Contractors](#)
- [NAICS 238140 - Masonry Contractors](#)
- [NAICS 238160 - Roofing Contractors](#)

- [NAICS 238200 - Building Equipment Contractors](#)
- [NAICS 238210 - Electrical Contractors and Other Wiring Installation Contractors](#)
- [NAICS 238220 - Plumbing, Heating, and Air-Conditioning Contractors](#)
- [NAICS 238290 - Other Building Equipment Contractors](#)

- [NAICS 238300 - Building Finishing Contractors](#)
- [NAICS 238310 - Drywall and Insulation Contractors](#)
- [NAICS 238320 - Painting and Wall Covering Contractors](#)

- [NAICS 238900 - Other Specialty Trade Contractors](#)

- [Sectors 31, 32, and 33 - Manufacturing](#) [top](#)
- [NAICS 311000 - Food Manufacturing](#)
- [NAICS 311100 - Animal Food Manufacturing](#)
- [NAICS 311200 - Grain and Oilseed Milling](#)
- [NAICS 311300 - Sugar and Confectionery Product Manufacturing](#)
- [NAICS 311400 - Fruit and Vegetable Preserving and Specialty Food Manufacturing](#)
- [NAICS 311500 - Dairy Product Manufacturing](#)
- [NAICS 311600 - Animal Slaughtering and Processing](#)
- [NAICS 311700 - Seafood Product Preparation and Packaging](#)
- [NAICS 311800 - Bakeries and Tortilla Manufacturing](#)

- » NAICS 311900 - Other Food Manufacturing
- » NAICS 312000 - Beverage and Tobacco Product Manufacturing
 - » NAICS 312100 - Beverage Manufacturing
 - » NAICS 312200 - Tobacco Manufacturing
- » NAICS 313000 - Textile Mills
 - » NAICS 313100 - Fiber, Yarn, and Thread Mills
 - » NAICS 313200 - Fabric Mills
 - » NAICS 313300 - Textile and Fabric Finishing and Fabric Coating Mills
- » NAICS 314000 - Textile Product Mills
 - » NAICS 314100 - Textile Furnishings Mills
 - » NAICS 314900 - Other Textile Product Mills
- » NAICS 315000 - Apparel Manufacturing
 - » NAICS 315100 - Apparel Knitting Mills
 - » NAICS 315200 - Cut and Sew Apparel Manufacturing
 - » NAICS 315900 - Apparel Accessories and Other Apparel Manufacturing
- » NAICS 316000 - Leather and Allied Product Manufacturing
 - » NAICS 316100 - Leather and Hide Tanning and Finishing
 - » NAICS 316200 - Footwear Manufacturing
 - » NAICS 316900 - Other Leather and Allied Product Manufacturing
- » NAICS 321000 - Wood Product Manufacturing
 - » NAICS 321100 - Sawmills and Wood Preservation
 - » NAICS 321200 - Veneer, Plywood, and Engineered Wood Product Manufacturing
 - » NAICS 321900 - Other Wood Product Manufacturing
- » NAICS 322000 - Paper Manufacturing
 - » NAICS 322100 - Pulp, Paper, and Paperboard Mills
 - » NAICS 322200 - Converted Paper Product Manufacturing
- » NAICS 323000 - Printing and Related Support Activities
 - » NAICS 323100 - Printing and Related Support Activities
- » NAICS 324000 - Petroleum and Coal Products Manufacturing
 - » NAICS 324100 - Petroleum and Coal Products Manufacturing
- » NAICS 325000 - Chemical Manufacturing
 - » NAICS 325100 - Basic Chemical Manufacturing
 - » NAICS 325200 - Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing
 - » NAICS 325300 - Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing
 - » NAICS 325400 - Pharmaceutical and Medicine Manufacturing
 - » NAICS 325500 - Paint, Coating, and Adhesive Manufacturing
 - » NAICS 325600 - Soap, Cleaning Compound, and Toilet Preparation Manufacturing
 - » NAICS 325900 - Other Chemical Product and Preparation Manufacturing
- » NAICS 326000 - Plastics and Rubber Products Manufacturing
 - » NAICS 326100 - Plastics Product Manufacturing
 - » NAICS 326200 - Rubber Product Manufacturing
- » NAICS 327000 - Nonmetallic Mineral Product Manufacturing
 - » NAICS 327100 - Clay Product and Refractory Manufacturing
 - » NAICS 327200 - Glass and Glass Product Manufacturing
 - » NAICS 327300 - Cement and Concrete Product Manufacturing
 - » NAICS 327400 - Lime and Gypsum Product Manufacturing
 - » NAICS 327900 - Other Nonmetallic Mineral Product Manufacturing
- » NAICS 331000 - Primary Metal Manufacturing
 - » NAICS 331100 - Iron and Steel Mills and Ferroalloy Manufacturing
 - » NAICS 331200 - Steel Product Manufacturing from Purchased Steel

- NAICS 331300 - Alumina and Aluminum Production and Processing
- NAICS 331400 - Nonferrous Metal (except Aluminum) Production and Processing
- NAICS 331500 - Foundries

- NAICS 332000 - Fabricated Metal Product Manufacturing
 - NAICS 332100 - Forging and Stamping
 - NAICS 332200 - Cutlery and Handtool Manufacturing
 - NAICS 332300 - Architectural and Structural Metals Manufacturing
 - NAICS 332400 - Boiler, Tank, and Shipping Container Manufacturing
 - NAICS 332500 - Hardware Manufacturing
 - NAICS 332600 - Spring and Wire Product Manufacturing
 - NAICS 332700 - Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
 - NAICS 332710 - Machine Shops
 - NAICS 332720 - Turned Product and Screw, Nut, and Bolt Manufacturing

 - NAICS 332800 - Coating, Engraving, Heat Treating, and Allied Activities
 - NAICS 332900 - Other Fabricated Metal Product Manufacturing

- NAICS 333000 - Machinery Manufacturing
 - NAICS 333100 - Agriculture, Construction, and Mining Machinery Manufacturing
 - NAICS 333200 - Industrial Machinery Manufacturing
 - NAICS 333300 - Commercial and Service Industry Machinery Manufacturing
 - NAICS 333400 - Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing
 - NAICS 333500 - Metalworking Machinery Manufacturing
 - NAICS 333600 - Engine, Turbine, and Power Transmission Equipment Manufacturing
 - NAICS 333900 - Other General Purpose Machinery Manufacturing

- NAICS 334000 - Computer and Electronic Product Manufacturing
 - NAICS 334100 - Computer and Peripheral Equipment Manufacturing
 - NAICS 334200 - Communications Equipment Manufacturing
 - NAICS 334300 - Audio and Video Equipment Manufacturing
 - NAICS 334400 - Semiconductor and Other Electronic Component Manufacturing
 - NAICS 334500 - Navigational, Measuring, Electromedical, and Control Instruments Manufacturing
 - NAICS 334600 - Manufacturing and Reproducing Magnetic and Optical Media

- NAICS 335000 - Electrical Equipment, Appliance, and Component Manufacturing
 - NAICS 335100 - Electric Lighting Equipment Manufacturing
 - NAICS 335200 - Household Appliance Manufacturing
 - NAICS 335300 - Electrical Equipment Manufacturing
 - NAICS 335900 - Other Electrical Equipment and Component Manufacturing

- NAICS 336000 - Transportation Equipment Manufacturing
 - NAICS 336100 - Motor Vehicle Manufacturing
 - NAICS 336200 - Motor Vehicle Body and Trailer Manufacturing
 - NAICS 336300 - Motor Vehicle Parts Manufacturing
 - NAICS 336400 - Aerospace Product and Parts Manufacturing
 - NAICS 336500 - Railroad Rolling Stock Manufacturing
 - NAICS 336600 - Ship and Boat Building
 - NAICS 336900 - Other Transportation Equipment Manufacturing

- NAICS 337000 - Furniture and Related Product Manufacturing
 - NAICS 337100 - Household and Institutional Furniture and Kitchen Cabinet Manufacturing
 - NAICS 337110 - Wood Kitchen Cabinet and Countertop Manufacturing
 - NAICS 337120 - Household and Institutional Furniture Manufacturing

 - NAICS 337200 - Office Furniture (including Fixtures) Manufacturing
 - NAICS 337900 - Other Furniture Related Product Manufacturing

- NAICS 339000 - Miscellaneous Manufacturing
 - NAICS 339100 - Medical Equipment and Supplies Manufacturing
 - NAICS 339900 - Other Miscellaneous Manufacturing

- »» [NAICS 339910 - Jewelry and Silverware Manufacturing](#)
- »» [Sector 42 - Wholesale Trade](#) [top](#)
 - »» [NAICS 423000 - Merchant Wholesalers, Durable Goods](#)
 - »» [NAICS 423100 - Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers](#)
 - »» [NAICS 423200 - Furniture and Home Furnishing Merchant Wholesalers](#)
 - »» [NAICS 423300 - Lumber and Other Construction Materials Merchant Wholesalers](#)
 - »» [NAICS 423400 - Professional and Commercial Equipment and Supplies Merchant Wholesalers](#)
 - »» [NAICS 423500 - Metal and Mineral \(except Petroleum\) Merchant Wholesalers](#)
 - »» [NAICS 423600 - Electrical and Electronic Goods Merchant Wholesalers](#)
 - »» [NAICS 423700 - Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers](#)
 - »» [NAICS 423800 - Machinery, Equipment, and Supplies Merchant Wholesalers](#)
 - »» [NAICS 423820 - Farm and Garden Machinery and Equipment Merchant Wholesalers](#)
 - »» [NAICS 423900 - Miscellaneous Durable Goods Merchant Wholesalers](#)
 - »» [NAICS 424000 - Merchant Wholesalers, Nondurable Goods](#)
 - »» [NAICS 424100 - Paper and Paper Product Merchant Wholesalers](#)
 - »» [NAICS 424200 - Drugs and Druggists' Sundries Merchant Wholesalers](#)
 - »» [NAICS 424300 - Apparel, Piece Goods, and Notions Merchant Wholesalers](#)
 - »» [NAICS 424400 - Grocery and Related Product Merchant Wholesalers](#)
 - »» [NAICS 424500 - Farm Product Raw Material Merchant Wholesalers](#)
 - »» [NAICS 424600 - Chemical and Allied Products Merchant Wholesalers](#)
 - »» [NAICS 424700 - Petroleum and Petroleum Products Merchant Wholesalers](#)
 - »» [NAICS 424800 - Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers](#)
 - »» [NAICS 424900 - Miscellaneous Nondurable Goods Merchant Wholesalers](#)
 - »» [NAICS 425000 - Wholesale Electronic Markets and Agents and Brokers](#)
 - »» [NAICS 425100 - Wholesale Electronic Markets and Agents and Brokers](#)
- »» [Sectors 44 and 45 - Retail Trade](#) [top](#)
 - »» [NAICS 441000 - Motor Vehicle and Parts Dealers](#)
 - »» [NAICS 441100 - Automobile Dealers](#)
 - »» [NAICS 441200 - Other Motor Vehicle Dealers](#)
 - »» [NAICS 441300 - Automotive Parts, Accessories, and Tire Stores](#)
 - »» [NAICS 442000 - Furniture and Home Furnishings Stores](#)
 - »» [NAICS 442100 - Furniture Stores](#)
 - »» [NAICS 442200 - Home Furnishings Stores](#)
 - »» [NAICS 443000 - Electronics and Appliance Stores](#)
 - »» [NAICS 443100 - Electronics and Appliance Stores](#)
 - »» [NAICS 443120 - Computer and Software Stores](#)
 - »» [NAICS 444000 - Building Material and Garden Equipment and Supplies Dealers](#)
 - »» [NAICS 444100 - Building Material and Supplies Dealers](#)
 - »» [NAICS 444200 - Lawn and Garden Equipment and Supplies Stores](#)
 - »» [NAICS 445000 - Food and Beverage Stores](#)
 - »» [NAICS 445100 - Grocery Stores](#)
 - »» [NAICS 445200 - Specialty Food Stores](#)
 - »» [NAICS 445300 - Beer, Wine, and Liquor Stores](#)
 - »» [NAICS 446000 - Health and Personal Care Stores](#)
 - »» [NAICS 446100 - Health and Personal Care Stores](#)
 - »» [NAICS 446110 - Pharmacies and Drug Stores](#)
 - »» [NAICS 447000 - Gasoline Stations](#)
 - »» [NAICS 447100 - Gasoline Stations](#)
 - »» [NAICS 448000 - Clothing and Clothing Accessories Stores](#)
 - »» [NAICS 448100 - Clothing Stores](#)

- [NAICS 448200 - Shoe Stores](#)
- [NAICS 448300 - Jewelry, Luggage, and Leather Goods Stores](#)
- [NAICS 451000 - Sporting Goods, Hobby, Book, and Music Stores](#)
 - [NAICS 451100 - Sporting Goods, Hobby, and Musical Instrument Stores](#)
 - [NAICS 451110 - Sporting Goods Stores](#)
 - [NAICS 451200 - Book, Periodical, and Music Stores](#)
- [NAICS 452000 - General Merchandise Stores](#)
 - [NAICS 452100 - Department Stores](#)
 - [NAICS 452900 - Other General Merchandise Stores](#)
- [NAICS 453000 - Miscellaneous Store Retailers](#)
 - [NAICS 453100 - Florists](#)
 - [NAICS 453200 - Office Supplies, Stationery, and Gift Stores](#)
 - [NAICS 453300 - Used Merchandise Stores](#)
 - [NAICS 453900 - Other Miscellaneous Store Retailers](#)
- [NAICS 454000 - Nonstore Retailers](#)
 - [NAICS 454100 - Electronic Shopping and Mail-Order Houses](#)
 - [NAICS 454200 - Vending Machine Operators](#)
 - [NAICS 454300 - Direct Selling Establishments](#)
- [Sectors 48 and 49 - Transportation and Warehousing](#) [top](#)
 - [NAICS 481000 - Air Transportation](#)
 - [NAICS 481100 - Scheduled Air Transportation](#)
 - [NAICS 481200 - Nonscheduled Air Transportation](#)
 - [NAICS 482000 - Rail Transportation](#)
 - [NAICS 482100 - Rail Transportation](#)
 - [NAICS 483000 - Water Transportation](#)
 - [NAICS 483100 - Deep Sea, Coastal, and Great Lakes Water Transportation](#)
 - [NAICS 483200 - Inland Water Transportation](#)
 - [NAICS 484000 - Truck Transportation](#)
 - [NAICS 484100 - General Freight Trucking](#)
 - [NAICS 484200 - Specialized Freight Trucking](#)
 - [NAICS 485000 - Transit and Ground Passenger Transportation](#)
 - [NAICS 485100 - Urban Transit Systems](#)
 - [NAICS 485200 - Interurban and Rural Bus Transportation](#)
 - [NAICS 485300 - Taxi and Limousine Service](#)
 - [NAICS 485400 - School and Employee Bus Transportation](#)
 - [NAICS 485500 - Charter Bus Industry](#)
 - [NAICS 485900 - Other Transit and Ground Passenger Transportation](#)
 - [NAICS 486000 - Pipeline Transportation](#)
 - [NAICS 486100 - Pipeline Transportation of Crude Oil](#)
 - [NAICS 486200 - Pipeline Transportation of Natural Gas](#)
 - [NAICS 486900 - Other Pipeline Transportation](#)
 - [NAICS 487000 - Scenic and Sightseeing Transportation](#)
 - [NAICS 487100 - Scenic and Sightseeing Transportation, Land](#)
 - [NAICS 487200 - Scenic and Sightseeing Transportation, Water](#)
 - [NAICS 487900 - Scenic and Sightseeing Transportation, Other](#)
 - [NAICS 488000 - Support Activities for Transportation](#)
 - [NAICS 488100 - Support Activities for Air Transportation](#)
 - [NAICS 488200 - Support Activities for Rail Transportation](#)
 - [NAICS 488300 - Support Activities for Water Transportation](#)
 - [NAICS 488400 - Support Activities for Road Transportation](#)

- »» [NAICS 524200 - Agencies, Brokerages, and Other Insurance Related Activities](#)
 - »» [NAICS 524210 - Insurance Agencies and Brokerages](#)
 - »» [NAICS 524290 - Other Insurance Related Activities](#)
- »» [NAICS 525000 - Funds, Trusts, and Other Financial Vehicles](#)
 - »» [NAICS 525100 - Insurance and Employee Benefit Funds](#)
 - »» [NAICS 525900 - Other Investment Pools and Funds](#)
- »» [Sector 53 - Real Estate and Rental and Leasing](#) [top](#)
 - »» [NAICS 531000 - Real Estate](#)
 - »» [NAICS 531100 - Lessors of Real Estate](#)
 - »» [NAICS 531200 - Offices of Real Estate Agents and Brokers](#)
 - »» [NAICS 531300 - Activities Related to Real Estate](#)
 - »» [NAICS 532000 - Rental and Leasing Services](#)
 - »» [NAICS 532100 - Automotive Equipment Rental and Leasing](#)
 - »» [NAICS 532200 - Consumer Goods Rental](#)
 - »» [NAICS 532300 - General Rental Centers](#)
 - »» [NAICS 532400 - Commercial and Industrial Machinery and Equipment Rental and Leasing](#)
 - »» [NAICS 533000 - Lessors of Nonfinancial Intangible Assets \(except Copyrighted Works\)](#)
 - »» [NAICS 533100 - Lessors of Nonfinancial Intangible Assets \(except Copyrighted Works\)](#)
- »» [Sector 54 - Professional, Scientific, and Technical Services](#) [top](#)
 - »» [NAICS 541000 - Professional, Scientific, and Technical Services](#)
 - »» [NAICS 541100 - Legal Services](#)
 - »» [NAICS 541200 - Accounting, Tax Preparation, Bookkeeping, and Payroll Services](#)
 - »» [NAICS 541300 - Architectural, Engineering, and Related Services](#)
 - »» [NAICS 541330 - Engineering Services](#)
 - »» [NAICS 541380 - Testing Laboratories](#)
 - »» [NAICS 541400 - Specialized Design Services](#)
 - »» [NAICS 541500 - Computer Systems Design and Related Services](#)
 - »» [NAICS 541600 - Management, Scientific, and Technical Consulting Services](#)
 - »» [NAICS 541700 - Scientific Research and Development Services](#)
 - »» [NAICS 541710 - Research and Development in the Physical, Engineering, and Life Sciences](#)
 - »» [NAICS 541720 - Research and Development in the Social Sciences and Humanities](#)
 - »» [NAICS 541800 - Advertising, Public Relations, and Related Services](#)
 - »» [NAICS 541900 - Other Professional, Scientific, and Technical Services](#)
 - »» [NAICS 541920 - Photographic Services](#)
 - »» [NAICS 541940 - Veterinary Services](#)
- »» [Sector 55 - Management of Companies and Enterprises](#) [top](#)
 - »» [NAICS 551000 - Management of Companies and Enterprises](#)
 - »» [NAICS 551100 - Management of Companies and Enterprises](#)
- »» [Sector 56 - Administrative and Support and Waste Management and Remediation Services](#) [top](#)
 - »» [NAICS 561000 - Administrative and Support Services](#)
 - »» [NAICS 561100 - Office Administrative Services](#)
 - »» [NAICS 561200 - Facilities Support Services](#)
 - »» [NAICS 561300 - Employment Services](#)
 - »» [NAICS 561400 - Business Support Services](#)
 - »» [NAICS 561420 - Telephone Call Centers](#)
 - »» [NAICS 561500 - Travel Arrangement and Reservation Services](#)
 - »» [NAICS 561510 - Travel Agencies](#)
 - »» [NAICS 561600 - Investigation and Security Services](#)
 - »» [NAICS 561610 - Investigation, Guard, and Armored Car Services](#)
 - »» [NAICS 561620 - Security Systems Services](#)

- »» [NAICS 561700 - Services to Buildings and Dwellings](#)
 - »» [NAICS 561710 - Exterminating and Pest Control Services](#)
 - »» [NAICS 561730 - Landscaping Services](#)
- »» [NAICS 561900 - Other Support Services](#)
- »» [NAICS 562000 - Waste Management and Remediation Services](#)
 - »» [NAICS 562100 - Waste Collection](#)
 - »» [NAICS 562200 - Waste Treatment and Disposal](#)
 - »» [NAICS 562900 - Remediation and Other Waste Management Services](#)
- »» [Sector 61 - Educational Services](#) [top](#)
 - »» [NAICS 611000 - Educational Services](#)
 - »» [NAICS 611100 - Elementary and Secondary Schools](#)
 - »» [NAICS 611200 - Junior Colleges](#)
 - »» [NAICS 611300 - Colleges, Universities, and Professional Schools](#)
 - »» [NAICS 611400 - Business Schools and Computer and Management Training](#)
 - »» [NAICS 611500 - Technical and Trade Schools](#)
 - »» [NAICS 611600 - Other Schools and Instruction](#)
 - »» [NAICS 611700 - Educational Support Services](#)
- »» [Sector 62 - Health Care and Social Assistance](#) [top](#)
 - »» [NAICS 621000 - Ambulatory Health Care Services](#)
 - »» [NAICS 621100 - Offices of Physicians](#)
 - »» [NAICS 621200 - Offices of Dentists](#)
 - »» [NAICS 621300 - Offices of Other Health Practitioners](#)
 - »» [NAICS 621310 - Offices of Chiropractors](#)
 - »» [NAICS 621320 - Offices of Optometrists](#)
 - »» [NAICS 621330 - Offices of Mental Health Practitioners \(except Physicians\)](#)
 - »» [NAICS 621340 - Offices of Physical, Occupational and Speech Therapists, and Audiologists](#)
 - »» [NAICS 621390 - Offices of All Other Health Practitioners](#)
 - »» [NAICS 621400 - Outpatient Care Centers](#)
 - »» [NAICS 621420 - Outpatient Mental Health and Substance Abuse Centers](#)
 - »» [NAICS 621500 - Medical and Diagnostic Laboratories](#)
 - »» [NAICS 621600 - Home Health Care Services](#)
 - »» [NAICS 621900 - Other Ambulatory Health Care Services](#)
 - »» [NAICS 621910 - Ambulance Services](#)
 - »» [NAICS 621990 - All Other Ambulatory Health Care Services](#)
 - »» [NAICS 622000 - Hospitals](#)
 - »» [NAICS 622100 - General Medical and Surgical Hospitals](#)
 - »» [NAICS 622200 - Psychiatric and Substance Abuse Hospitals](#)
 - »» [NAICS 622300 - Specialty \(except Psychiatric and Substance Abuse\) Hospitals](#)
 - »» [NAICS 623000 - Nursing and Residential Care Facilities](#)
 - »» [NAICS 623100 - Nursing Care Facilities](#)
 - »» [NAICS 623200 - Residential Mental Retardation, Mental Health and Substance Abuse Facilities](#)
 - »» [NAICS 623210 - Residential Mental Retardation Facilities](#)
 - »» [NAICS 623220 - Residential Mental Health and Substance Abuse Facilities](#)
 - »» [NAICS 623300 - Community Care Facilities for the Elderly](#)
 - »» [NAICS 623900 - Other Residential Care Facilities](#)
 - »» [NAICS 624000 - Social Assistance](#)
 - »» [NAICS 624100 - Individual and Family Services](#)
 - »» [NAICS 624120 - Services for the Elderly and Persons with Disabilities](#)
 - »» [NAICS 624200 - Community Food and Housing, and Emergency and Other Relief Services](#)
 - »» [NAICS 624300 - Vocational Rehabilitation Services](#)
 - »» [NAICS 624400 - Child Day Care Services](#)

- »» [Sector 71 - Arts, Entertainment, and Recreation](#) [top](#)
 - »» [NAICS 711000 - Performing Arts, Spectator Sports, and Related Industries](#)
 - »» [NAICS 711100 - Performing Arts Companies](#)
 - »» [NAICS 711110 - Theater Companies and Dinner Theaters](#)
 - »» [NAICS 711200 - Spectator Sports](#)
 - »» [NAICS 711300 - Promoters of Performing Arts, Sports, and Similar Events](#)
 - »» [NAICS 711400 - Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures](#)
 - »» [NAICS 711500 - Independent Artists, Writers, and Performers](#)
 - »» [NAICS 712000 - Museums, Historical Sites, and Similar Institutions](#)
 - »» [NAICS 712100 - Museums, Historical Sites, and Similar Institutions](#)
 - »» [NAICS 713000 - Amusement, Gambling, and Recreation Industries](#)
 - »» [NAICS 713100 - Amusement Parks and Arcades](#)
 - »» [NAICS 713200 - Gambling Industries](#)
 - »» [NAICS 713900 - Other Amusement and Recreation Industries](#)
 - »» [NAICS 713940 - Fitness and Recreational Sports Centers](#)
- »» [Sector 72 - Accommodation and Food Services](#) [top](#)
 - »» [NAICS 721000 - Accommodation](#)
 - »» [NAICS 721100 - Traveler Accommodation](#)
 - »» [NAICS 721120 - Casino Hotels](#)
 - »» [NAICS 721200 - RV \(Recreational Vehicle\) Parks and Recreational Camps](#)
 - »» [NAICS 721300 - Rooming and Boarding Houses](#)
 - »» [NAICS 722000 - Food Services and Drinking Places](#)
 - »» [NAICS 722100 - Full-Service Restaurants](#)
 - »» [NAICS 722200 - Limited-Service Eating Places](#)
 - »» [NAICS 722300 - Special Food Services](#)
 - »» [NAICS 722400 - Drinking Places \(Alcoholic Beverages\)](#)
- »» [Sector 81 - Other Services \(except Federal, State, and Local Government\)](#) [top](#)
 - »» [NAICS 811000 - Repair and Maintenance](#)
 - »» [NAICS 811100 - Automotive Repair and Maintenance](#)
 - »» [NAICS 811110 - Automotive Mechanical and Electrical Repair and Maintenance](#)
 - »» [NAICS 811120 - Automotive Body, Paint, Interior, and Glass Repair](#)
 - »» [NAICS 811190 - Other Automotive Repair and Maintenance](#)
 - »» [NAICS 811200 - Electronic and Precision Equipment Repair and Maintenance](#)
 - »» [NAICS 811300 - Commercial and Industrial Machinery and Equipment \(except Automotive and Electronic\) Repair and Maintenance](#)
 - »» [NAICS 811400 - Personal and Household Goods Repair and Maintenance](#)
 - »» [NAICS 812000 - Personal and Laundry Services](#)
 - »» [NAICS 812100 - Personal Care Services](#)
 - »» [NAICS 812200 - Death Care Services](#)
 - »» [NAICS 812300 - Drycleaning and Laundry Services](#)
 - »» [NAICS 812900 - Other Personal Services](#)
 - »» [NAICS 813000 - Religious, Grantmaking, Civic, Professional, and Similar Organizations](#)
 - »» [NAICS 813100 - Religious Organizations](#)
 - »» [NAICS 813200 - Grantmaking and Giving Services](#)
 - »» [NAICS 813300 - Social Advocacy Organizations](#)
 - »» [NAICS 813400 - Civic and Social Organizations](#)
 - »» [NAICS 813900 - Business, Professional, Labor, Political, and Similar Organizations](#)
 - »» [NAICS 813930 - Labor Unions and Similar Labor Organizations](#)
- »» [Sector 99 - Federal, State, and Local Government \(OES designation\)](#) [top](#)
 - »» [NAICS 999000 - Federal, State, and Local Government \(OES Designation\)](#)
 - »» [NAICS 999100 - Federal Executive Branch \(OES Designation\)](#)

- [NAICS 999200 - State Government \(OES Designation\)](#)
- [NAICS 999300 - Local Government \(OES Designation\)](#)

[About May 2008 National Industry-Specific Occupational Employment and Wage Estimates](#)

[May 2008 National Occupational Employment and Wage Estimates](#) (cross-industry estimates)

[May 2008 State Occupational Employment and Wage Estimates](#) (cross-industry estimates)

[May 2008 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates](#) (cross-industry estimates)

[List of Occupations in SOC Code Number Order](#)

[List of Occupations in Alphabetical Order](#)

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[Technical notes](#)

Last Modified Date: May 04, 2009

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-  [At a Glance Tables](#)
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-  [Databases & Tables](#)
-  [Maps](#)

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-  [Inflation](#)
-  [Location Quotient](#)
-  [Injury And Illness](#)

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-  [Glossary](#)
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-  [Contact Us](#)

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-  [Careers @ BLS](#)
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-  [Privacy & Security](#)
-  [Linking & Copyright Information](#)

 [Back to Top](#)

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