

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
STANDARD ON MECHANICAL POWER PRESSES
(29 CFR 1910.217(e)(1))¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0229 (November 2010)**

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 main objective of the Occupational Safety and Health Act of 1970 (i.e., the “Act”) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, the Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . .” (29 U.S.C. 657). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 657).

Under the authority granted by the Act, the Occupational Safety and Health Administration (i.e., “OSHA” or “the Agency”) published at 29 CFR 1910.217 a safety standard for general industry regulating the use of mechanical power presses (i.e., “the Standard”). The paperwork provisions of the Standard specify requirements for developing and maintaining inspection records. Items 2 and 12 below describe in detail the specific information collection requirements of the Standard.

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.

The Standard specifies two paperwork requirements. The following paragraphs describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to reduce workers’ risk of death or serious injury by ensuring that employers maintain the mechanical power presses used by the workers in safe operating condition.

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with a provision of this standard that contains a paperwork requirement; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, the Standard.

§§1910.217(e)(1) – Inspection, maintenance, and modification of presses -- Inspection and maintenance records.

Paragraph (e)(1)(i) requires employers to establish and follow a program of periodic and regular inspections of power presses to ensure that all their parts, auxiliary equipment, and safeguards are in safe operating condition and adjustment. Employers must maintain a certification record of inspections that includes the date of inspection, the signature of the person who performed the inspection, and the serial number, or other identifiers, of the power press that was inspected.

Paragraph (e)(1)(ii) requires employers to inspect and test each press no less than weekly to determine the condition of the clutch/brake mechanism, antirepeat feature, and singlestroke mechanism. Employers must perform and complete necessary maintenance or repair or both before the press is operated. In addition, employers must maintain a record of inspections, tests, and maintenance work. The record must include the date of the inspection, test, or maintenance; the signature of the person who performed the inspection, test, or maintenance; and the serial number, or other identifiers, of the press that was inspected, tested, or maintained.

The certification records required in 29 CFR 1910.217(e)(1)(i) and (e)(1)(ii) are necessary to ensure compliance with the requirement to inspect mechanical power presses. The inspection of mechanical power presses is critical to ensuring that employers maintain the presses in safe operating condition for workers. These records also provide the most efficient means for the compliance officers to determine that an employer is complying with the Standard.

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.

Employers may use automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The Agency wrote the paperwork requirements of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.

The requirements to collect and maintain information are specific to each employer and worker involved, and no other source or agency duplicates these requirements or can make the required information available to OSHA (i.e., the required information is available only from employers).

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

The information collection requirements specified by the Standard do not have a significant impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is or is not conducted less frequently, and any technical or legal obstacles to reducing the burden.

The Agency believes that the information collection frequencies required by the Standard are the minimum frequencies necessary to effectively regulate mechanical power presses, and thereby fulfill its mandate “to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources” as specified in the Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collections, or delay in providing this information, workers may operate mechanical power presses incorrectly and unsafely, thus increasing their risk of death and serious injury.

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

Section 1910.217(e)(1)(ii) requires the employer to inspect each press no less than weekly to determine the condition of the clutch-break mechanism, antirepeat feature, and single-stroke mechanism. The employer must prepare and maintain a certification record of each inspection.

The weekly inspection record is necessary to ensure that these critical components are inspected frequently. Failure of these mechanisms could result in amputation of the worker’s hand or arm, or possibly death.

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 before submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments. Specifically address comments received on cost and hour burdens.

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, revealed, 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 three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on August 11, 2010 (75 FR 48726) soliciting comments on its proposal to extend the Office of Management and Budget's approval of the information collection requirements specified by the Standard on Mechanical Power Presses (29 CFR 1910.217) (Docket No. OSHA-2010-0026). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency did not receive any comments in response to this notice.

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

The Agency will not provide payments or gifts to the respondents.

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

The paperwork requirements specified by the Standard do not involve confidential information.

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.

None of the provisions in the Standard request sensitive information.

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.**
- **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.**

Burden-Hour and Cost Determinations

Based on the experience of experts on the B-11 Accredited Standards Committee (Ex. OSHA-2007-0003-0017.1), the use of mechanical power presses has declined due to many stamping businesses having closed, as well as companies moving their press operations overseas. However, the experts could provide no estimate on the number of mechanical power presses covered by the Standard. Based on a lack of updated information, OSHA will continue to use its previous estimate of 295,000 mechanical power presses covered by the Standard. The Agency estimates that, of these presses, only 65% (191,750) will be operating at any given time and will require inspection; the other 35% are not in use and do not require inspection. The Agency adopted the mean wage rates from the *May 2009 National Occupational Employment and Wages*, Bureau of Labor Statistics, U.S. Department of Labor.² Total compensation for these occupational categories includes an adjustment of 30.4 percent (*Employer Costs for Employee Compensation, June 2010*) for fringe benefits; this figure represents the average level of fringe benefits in the private sector. The costs of labor used in this analysis are; therefore, estimates of total hourly compensation. These hourly wages are:

Print Press Operator	\$21.95
Supervisory Printing Operator	\$34.57

• Certification Records of Inspection (§ 1910.217(e)(1)(i) and (ii))

In complying with paragraph (e)(1)(i), OSHA assumes that employers conduct an inspection of each mechanical power press once a month (i.e., 12 times a year). In addition, the Agency estimates that a press operator takes 20 minutes (.33 hour) to inspect the parts, auxiliary equipment, and safeguards of each press to ensure that they are in safe operating condition and adjustment, and to prepare and maintain the inspection certificate for the press.

As required by paragraph (e)(1)(ii), the Agency determines that a press operator spends an average of five minutes (.08 hour) once a week assessing, through inspection and testing, the condition of the clutch-brake mechanism, antirepeat feature, and single-stroke mechanism for each press, and keeping a record of the inspections, tests, and maintenance performed. However, only 40 such weekly assessments are necessary for each press because the 12 monthly press inspections described in the previous paragraph include these required weekly assessments (i.e., 52 weekly assessments - 12 monthly inspections = 40 weekly assessments). Therefore, the total annual burden hours and cost estimates for these paperwork requirements are:

Burden hours:	191,750 presses x 12 monthly inspections x .33 hour = 759,330 hours
	191,750 presses x 40 weekly assessments x .08 hour = 613,600

²The website is http://www.bls.gov/oes/current/oes_nat.htm

Cost: (759,330 hours + 613,600 hours = 1,372,930 hours) x
\$21.95 = \$30,135,814

• Disclosure of Certification Records of Inspection

The inspection certification records are designed to ensure employers and workers that mechanical power presses are in safe operating condition and adjustment. These records also provide the most efficient means for an OSHA compliance officer to determine that an employer is complying with the Standard, and that the power presses are in safe operating condition.

OSHA believes that approximately 4,130 mechanical power presses covered by the Standard³ will be subject to an OSHA inspection and the employer required to disclose inspection certification records annually. OSHA estimates that it will take a supervisory press operator 2 minutes (.03 hour) to disclose the requested information.

Burden hours: 4,130 inspections x .03 hour = 124

Cost: 124 burden hours x \$34.57 = \$4,287

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 and 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 respondent (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.**

Item 12 above provides the total cost of the information collection requirements specified by the Standard.

³OSHA estimated the number of inspections by multiplying OSHA's inspection rate (1.4%) by the number of presses covered by this ICR (i.e., 295,000 presses x 1.4% = 4,130 inspections).

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), 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.

OSHA estimates that a compliance officer (GS-12, step 5), at an hourly wage rate of \$40.66, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will conduct about 4,130 (see footnote 2) inspections of mechanical power presses during each year covered by this ICR. OSHA considers other expenses, such as equipment, overhead, and support staff salaries, as normal operating expenses that would occur without the collection of information requirements specified by the Standard. Therefore, the annual total cost of these paperwork requirements to the Federal government is:

$$\text{Costs: } 4,130 \text{ inspections} \times .08 \text{ hour} \times \$40.66 = \$13,434$$

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

There are no program changes or adjustments associated with the information collection requirements of the Standard.

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.

OSHA will not publish the information collected under the Standard.

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

No forms are available for the Agency to display the expiration date.

18. Explain each exception to the certification statement in ROCIS.

OSHA is not seeking an exception to the certification statement in ROCIS.