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This is comment on [Notice](#): Reports of Injuries to Employees Operating Mechanical Power Presses; Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Requirement. ACTION: Request for public comments.

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Thank you for this opportunity to comment on the requirement to report injuries to employees operating mechanical power presses that is found in 29 CFR 1910.217(g). I oppose the continuation of this information collection requirement. I suggest that anyone at OSHA or OMB who seriously considers the question would also oppose continuation of this reporting requirement.

The mechanical power press injury reporting requirement is inconsistent with the OSHA injury recordkeeping and reporting requirements found in 29 CFR 1904.

Section 1904 clearly establishes injury recordkeeping and reporting requirements. Nowhere in section 1904 does it indicate that additional injury reporting requirements are found in the Mechanical Power Press Standard. If for some unaccountable reason OSHA wants to single out mechanical power press injuries for special reporting, then that requirement should be stated in the regulation that relates to injury recording and reporting (section 1904). It should not be buried in the mechanical power press standard where people are unlikely to identify the requirement and are therefore unlikely to comply.

Back in the early 1990s, I called OSHA and talked to someone who was involved in writing the Mechanical Power Press Standard in the 1970s. He told me that this injury reporting requirement was inserted into the standard by an individual who disagreed with OSHA's injury recording and reporting requirement and was trying to pressure the agency to change its policy (he reportedly believed that all injuries should be reported to OSHA in writing). If that is true, the basis for the mechanical power press injury reporting requirement is not only accidentally inconsistent with general OSHA injury recording and reporting requirements, but is actually purposefully inconsistent in a way that should offend current OSHA policy makers.

The inconsistency with section 1904 injury recording/reporting requirements creates a situation where employers are unlikely to identify the requirement and are therefore unlikely to comply. OSHA regulations should not contain unexpected requirements, hidden in unexpected places. Regulations should be consistent and explicit. It's highly unlikely that there have only been 83 injuries related to mechanical power presses (as indicated by the number of reports listed in the current OSHA request for comments). Over the course of 20 years, I personally have been involved in five reports of mechanical power press injuries (at several different companies).

There is no logical reason to single out mechanical power press injuries for special reporting. Why are injuries from mechanical power presses more important than injuries from band saws or drill presses, or injuries from lifting boxes or driving busses? This special reporting requirement makes no sense.

Because mechanical power press injuries are the only kind of injury singled out for special reporting to OSHA, there are unintended consequences. In every occasion that I am aware of, the written report of a mechanical power press injury has triggered an OSHA inspection – merely because the written report is unusual and therefore viewed as requiring action. I was involved in one such inspection that was especially frustrating. The OSHA inspector started by complimenting us for reading the regulations in the detail necessary

to identify this obscure reporting requirement. He said that until we submitted the report no one in his office was even aware of the reporting requirement! After his careful investigation of the injury, the OSHA inspector complimented us on having an excellent safety program and stated that he had found no deficiencies. However, he returned the next morning with a Notice of Violation, with a \$3500 fine. He was embarrassed and apologized several times. He said that his supervisor told him in effect, "I have one piece of paper (our report of an injury) and I need another piece of paper (an NOV) to staple to it" and required him to write the NOV. If OSHA did in fact require every injury to be reported, OSHA would set up a system to evaluate the reports in a rational manner to prompt inspections and enforcement action. But the fact that injuries from mechanical power presses are singled out as the only type of injury requiring this written report causes OSHA's inspection and enforcement program to be irrationally skewed.

OSHA's estimate of the cost of time required to submit this report is not accurate. Because this injury report is highly unusual, every report can be expected to prompt an OSHA inspection and every inspection is expected to result in an NOV and fine. I emphasize that I do not believe that these NOVs are warranted in every case – in many cases they are a consequence of the unusual nature of the report. I don't know if OSHA will take that into account in estimating the cost associated with this information collection activity, but OSHA must acknowledge that preparation of this highly unusual injury report will involve much more than a few minutes of secretarial and supervisor time. Knowing that this injury report will trigger an OSHA inspection, a company will normally refer the situation for upper management review. It's not unlikely that the company would consult an attorney during the preparation of the report.

I've stated the unintended consequences of this unusual and inconsistent injury reporting requirement. Before extending approval for continuation of this reporting requirement, I challenge OSHA and OMB to answer a simple question: **What purpose is served by this information collection activity? Does anyone actually use these injury reports for any useful purpose?**

Thank you for this opportunity to provide these comments. Please consider my comments and please do not approve continuation of this information collection activity unless it does in fact serve an identifiable useful purpose.

If OSHA does decide to continue this reporting requirement, please insert a reference to this requirement in 29 CFR 1904. Please note that the injury/illness recording and reporting requirements in 29 CFR 1904 are currently under review (with a current proposed revision). If reporting of mechanical power press injuries is in fact necessary, OSHA should take the opportunity to state that requirement in the proper section of the regulations.

Submitted by:

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