

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENT OF THE
STANDARD FOR WELDING, CUTTING, AND BRAZING
(29 CFR PART 1910, SUBPART Q)¹
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NO. 1218-0207 (September 2007)**

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 Occupational Safety and Health Act's (OSH Act) main objective 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 OSH Act specifically authorizes "the development and promulgation of occupational safety and health standards" (29 U.S.C. 651). In addition, the OSH Act specifies that "each employer shall, take, 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).

Under the authority granted by the Act, the Occupational Safety and Health Administration (i.e., "OSHA" or "the Agency") published a standard on Welding, Cutting and Brazing (29 CFR Part 1910) (the "Standard") for general industry. The Standard includes a provision requiring the testing of resistance welding equipment. Items 2 and 12 below describe the specific information-collection requirement of the Standard.

Under the authority granted by the Act, the Occupational Safety and Health Administration (i.e., "OSHA" or "the Agency") published a standard on Welding, Cutting and Brazing (29 CFR part 1910, subpart Q) (the "Standard") for general industry. The Standard includes several provisions pertaining to welding equipment. Items 2 and 12 below describe 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 information collected is used by employers and employees whenever welding, cutting and brazing are performed. The purpose of the information is to ensure that employers evaluate hazards associated with welding and ensure that adequate measures are taken to make the process safe.

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.

Section 1910.255(e) requires that a periodic inspection of resistance welding equipment be made by qualified maintenance personnel, and a certification record generated and maintained. The certification shall include the date of the inspection, the signature of the person who performed the inspection and the serial number, or other identifier, for the equipment inspected. The record shall be made available to an OSHA inspector upon request. The maintenance inspection ensures that welding equipment is in safe operating condition while the maintenance record provides evidence to employees and Agency compliance officers that employers performed the required inspections.²

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 improved information technology whenever appropriate when reporting or maintaining records. The standard only requires “what” data to record 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 information collection requirement in the Standard is specific to each employer and employee involved, and no other source or agency duplicates the requirements or can make the required information available to OSHA (i.e., the required information is only available from, or applies only to, the employers covered by the Standard).

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe the methods used to reduce the burden.

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

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

²The ICR does not account for the paperwork burden associated with several provisions of the standard either because manufacturers typically provide the required information (i.e., §§ 1910.252(b)(2)(ii)(G), (c)(1)(i)(A), (c)(1)(i)(B), (c)(1)(i)(C), 1910.253(b)(1)(ii), (d)(4)(ii), (d)(4)(iii), (e)(6)(iii), (f)(1)(i), (g)(1)(ii), and 1910.254(b)(4)(iv)); the Agency believes that the paperwork requirement was a usual and customary business practice among the industry prior to publication of the standard (i.e., §§ 1910.252(a)(2)(xiii)(D), (a)(2)(xiv)(D), 1910.253(b)(5)(iii)(G), (c)(3)(v), and (f)(7)(i)(A)); or the Agency believes that the implied training provisions are performance-oriented and, therefore, not subject to PRA-95 (i.e., §§ 1910.252(a)(2)(xiii)(C) and 1910.253(a)(4)).

The information collection frequencies specified by the Standard are the minimum frequencies that the Agency believes are necessary to assure OSHA compliance officers that employees are safe while performing welding, cutting and brazing duties.

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.**

No special circumstances exist that require employers to collect information using the procedures specified by this item. The requirements are within the guidelines set forth in 5 CFR 1320.5.

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 July 23, 2007 (72 FR 40170, Docket No. OSHA-2007-0050) requesting public comment on its proposed extension of the information collection requirements contained in the Standard on Welding, Cutting and Brazing (29 CFR part 1910, subpart Q). This notice was part of a preclearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the above Standard. The Agency received no comments in response to its notice to comment on this request.

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 requirement specified by the Standard does not require the collection of 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.

The paperwork requirement specified by the Standard does not require the collection of sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- Show 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 burdens, and explain the reasons for the variance. General 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 burdens estimates for each form and aggregate the hour burden in Item 13 of OMB Form 83-1.
- 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

Information regarding the number of employees performing welding, cutting and brazing is from the 2005 *National Occupational Employment and Wage Estimates*, Occupational Employment Statistics, U.S. Department of Labor, Bureau of Labor Statistics, SOC Codes 51-4121 and 51-4122. Based on this information, there are an estimated 403,270 welders, cutters, solderers and brazers performing welding, cutting, soldering and brazing in general industry. Of these, OSHA estimates the number of resistance welders to be 21,373 (5.3 percent of all welders).

The Agency adopted the mean wage rates from “*National Compensation Survey: Occupational Wages in the United States, June 2005*,” U.S. Department of Labor, Bureau of Labor Statistics, <http://stats.bls.gov/home.htm>. Total compensation for these occupational categories includes an adjustment of 29.5 percent (*Employer Costs for Employee Compensation, December 2006, pp.4*) 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:

- Supervisory welder or cutter: \$28.21
- Welder or cutter maintenance worker: \$22.57
- Secretary \$21.80

Inspection and Certification of Resistance Welding Equipment (§1910.255(e))

OSHA assumes that each resistance welder has one complete resistance welding unit and that it takes 5 minutes (.08 hour) to perform the inspection periodically (semi-annually), 2 minutes (.03 hour) to generate the inspection record, and 1 minute (.02 hour) to maintain the inspection certification record (this can be performed by a secretary). Therefore, the annual burden hours and cost of this paperwork requirement are:

Burden hours: 21,373 resistance welding units x 7 minutes (.12 hour) to perform inspection and generate inspection certification record x 2 times annually = 5,130

Cost: 5,130 burden hours x \$22.57 = \$115,784

Burden hours: 21,373 resistance welding units x 1 minute (.02 hour) to maintain the certification record x 2 times annually = 855

Cost: 855 burden hours x \$21.80 = \$18,639

Disclosure of Certification Record

OSHA believes that approximately 299 welding units covered by the Standard³ will be subject to an OSHA inspection and the employer of the employee operating the unit will be required to disclose inspection certification records annually (see Item 14 below). OSHA estimates that it will take a supervisor 2 minutes (.03 hour) to disclose the requested information.

Burden hours: 299 inspections x .03 hour = 9

Cost: 9 burden hours x \$28.21 = \$254

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

The estimates of the total annual cost burden to respondents or record keepers resulting from this collection of information are included in Item 12.

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), with an hourly wage rate of \$36.26, spends about 5 minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will inspect about 299 welding units regulated by the Standard during each year covered by this ICR (see footnote 2). OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirements specified by the Standard. Therefore, the total cost of the paperwork requirement to the Federal government is:

Cost: 299 inspections x .08 hour x \$36.26 = \$867

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

The Agency requests an adjustment decrease of 594 burden hours (from 6,588 burden hours to 5,994 burden hours) associated with the collections of information in the Welding, Cutting and Brazing Standard. The decrease is primarily due to new data which indicates a reduction in the number of resistance welders. Table 1 below describes the requested burden hour adjustments.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the

³OSHA estimated the number of inspections by multiplying OSHA's inspection rate (1.4%) by the number of welding units covered by this ICR (i.e., 21,373 welding units x 1.4% = 299 inspections).

entire project, including beginning and ending dates of the collection of 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 inappropriate.

The Agency is not requesting permission to avoid displaying the expiration date for OMB approval of the information collection specified by the Standard.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-1. OSHA is not seeking any exceptions.

OSHA is not seeking such an exception.

Table 1: Requested Burden Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Responses	Explanation of Adjustment
Inspection and Certification of Resistance Welding Equipment (§ 1910.255(e))	5,638	5,130	-508	\$115,784	42,746	The decrease occurred due to a reduction in the number of resistance welders.
	940	855	-85	\$18,639	42,746	The decrease occurred due to a reduction in the number of resistance welders.
Disclosure of Certification Records	10	9	-1	\$254	299	Because of a reduction in the number of resistance welders, the number of anticipated inspections decreased also.
TOTALS	6,588	5,994	-594	\$134,677	85,791	