

**SUPPORTING STATEMENT FOR  
THE INFORMATION COLLECTION REQUIREMENTS OF  
THE FORGING MACHINES STANDARD (29 CFR 1910.218)<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET  
(OMB) CONTROL NO. 1218-0228 (August 2008))**

## **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).

Section 6(b)(7) of the Act specifies that “[a]ny standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure.” This provision goes on to state that “[t]he Secretary, in consultation with the Secretary of Health and Human Services, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning . . . as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard” (29 U.S.C. 655).

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 1910.218 a safety standard for general industry regulating the use of forging machines (i.e., “the Standard”). The paperwork provisions of the

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<sup>1</sup>The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with provisions of this standard that contain paperwork requirements; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, these provisions.

Standard specify requirements for developing and maintaining inspection records, and identifying manually operated valves and switches. 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 several paperwork requirements. The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these requirements is to reduce employees' risk of death or serious injury by ensuring that forging machines used by them are in safe operating condition, and that they are able to clearly and properly identify manually operated valves and switches.

Inspection of Forging Machines, Guards, and Point-of-Operation Protection Devices (paragraphs (a)(2)(i) and (a)(2)(ii)). Paragraph (a)(2)(i) requires employers to establish periodic and regular maintenance safety checks, and to develop and maintain a certification record of each inspection. The certification record must include the date of inspection, the signature of the person who performed the inspection, and the serial number (or other identifier) of the forging machine inspected. Under paragraph (a)(2)(ii), employers are to schedule regular and frequent inspections of guards and point-of-operation protection devices, and prepare a certification record of each inspection that contains the date of the inspection, the signature of the person who performed the inspection, and the serial number (or other identifier) of the equipment inspected. These inspection certification records provide assurance to employers, employees, and OSHA compliance officers that forging machines, guards, and point-of-operation protection devices have been inspected, assuring that they will operate properly and safely, thereby preventing impact injury and death to employees during forging operations. These records also provide the most efficient means for the compliance officers to determine that an employer is complying with the Standard.

Identification of Manually Controlled Valves and Switches (paragraphs (c), (h)(3), (i)(1) and (i)(2)). These paragraphs require proper and clear identification of manually operated valves and switches on presses, upsetters, bolthead equipment, and rivet-making machines, respectively. Marking valves and switches provide information to employees to ensure that they operate the forging machines correctly and safely.

**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 employee 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 (Item 5 of OMB Form 83-I), 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 forging machines, 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, employees may inadvertently operate forging machines 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.**

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 June 23, 2008 (73 FR 35414, Docket No. OSHA-2008-0018) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in its Standard on Forging Machines (29 CFR 1910.218). This notice was part of a preclearance consultation program 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 Standard. The Agency received no comments in response to its 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 require 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 in Item 13 of OMB Form 83-I.**
- **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**

Previous ICRs estimated that there were approximately 27,700 forging machines currently in use. In attempting to provide updated estimates, the Agency spoke with the Forging Industry Association (FIA) and the Association for Manufacturing Technology (AMT), neither of which maintain information or statistics regarding the current number of forging machines in use. The Agency also contacted Forging Magazine, which publishes an Annual Census of North American Forging Operations. The Census attempts to locate and count establishments in North America that currently use forging processes in their operations, including both commercial and captive enterprises.<sup>2</sup> From 2004 to 2008, the number of forging processes at U.S. plants included in the Census decreased slightly from 398 to 389.

The Agency also examined data from the U.S. Census Bureau's County Business Patterns survey. The number of establishments listed in the North American Industry Classification System (NAICS) 332111 (iron and steel forgings) and 332112 (nonferrous forgings) has increased from 446 establishments in 2003, to 465 establishments in 2005.<sup>3</sup> The Agency also looked at employment figures included in the Bureau of Labor Statistics' Occupational Employment Survey for SOC 51-4022, Forging Machine Setters, Operators, and Tenders, Metal and Plastic. From May of 2003 to May of 2006, total employment in this occupation code has declined from 41,230 to 31,050, while employment within NAICS 332110 has declined from 5,350 to 4,690.<sup>4</sup> Despite this decline in employment, given the relative stability in the number of forging operations illustrated in the Census of North American Forging Operations and the slight increase in the number of establishments in the two primary NAICS industries comprising forging operations, the Agency is unable to determine whether the number of forging machines currently in use has changed substantially from the previous ICRs. And, in the absence of

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<sup>2</sup>Source: Huskonen, Wallace. "16<sup>th</sup> Annual Census of North American Forging Operations." *Forging Magazine*. February 15, 2008. Recent Census results are available online at <<http://www.forgingmagazine.com>>.

<sup>3</sup>U.S. Census Bureau, *2005 County Business Patterns*. 2007.

<sup>4</sup>*Occupational Employment Survey*, Bureau of Labor Statistics, 2005-2008.

updated data from the FIA and AMT, it seems reasonable to continue to use the estimate of 27,700 forging machines.

To determine the cost of the paperwork requirements specified by the Standard, the Agency used a wage rate of \$26.94 for a manufacturing employee and \$33.67 for a supervisory manufacturing employee.<sup>5</sup>

**(A) Inspection of Forging Machines, Guards, and Point-of-Operation Protection Devices (paragraphs (a)(2)(i) and (a)(2)(ii))**

OSHA believes that employers conduct an inspection of each forging machine and guard or point-of-operation protection device bi-weekly (i.e., 26 times a year). Accordingly, a manufacturing employee takes 8 minutes (.13 hour) to inspect each machine, and to generate and maintain the inspection certification record for the machine, and another 8 minutes (.13 hour) to perform the same tasks on each guard or point-of-operation protection device.<sup>6</sup> Therefore, the total annual burden hour and cost estimates for these paperwork requirements are:

**Burden hours:** (27,700 machines x 26 inspections) + (27,700 guards/devices x 26 inspections) = 1,440,400 inspections

1,440,400 inspections x .13 hour = 187,252 hours

**Cost:** 187,252 hours x \$26.94 = \$5,044,569

**(B) Disclosure of Inspection Certification Records**

OSHA believes that approximately 388 forging machines covered by the Standard<sup>7</sup> may be subject to an OSHA inspection and the employer may be required to disclose certification records annually. OSHA estimates that it will take a supervisory manufacturing employee 2 minutes (.03 hour) to disclose records.

**Burden hours:** 388 forging machines x .03 hour = 12

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<sup>5</sup>The previous ICR indicated that wage rates were obtained from the February 2004 release of the *Employer Costs for Employee Compensation (ECEC)* survey. Comparing the February 2004 release of the ECEC (*Employer Cost for Employee Compensation – December 2003*, U.S. Department of Labor, Bureau of Labor Statistics, released February 26, 2004) to the most recent version (*ECEC – December 2007*, released March 12, 2008) total compensation for private industry employees in the manufacturing industry increased by 16.7% over this time period. Wages presented here reflect this 16.7% increase from the previous ICR (from \$23.14 to \$26.94 and from \$28.93 to \$33.67).

<sup>6</sup>The Agency assumes that each forging machine has one guard or point-of-operation protection device, and that employers combine these inspections.

<sup>7</sup>The Agency estimated the number of inspections by determining the inspection rate (1.4%) for all forging machines under the jurisdiction of the Act (including both Federal OSHA and approved state-plan agencies), and then multiplied the total number of forging machines regulated under the Standard by this percentage (i.e., 27,700 forging machines x 1.4% = 388 machines inspected).

Cost: 12 burden hours x \$33.67 = \$404

**(C) Identification of Manually Controlled Valves and Switches (paragraphs (c), (h)(3), (i)(1) and (i)(2))**

The Agency has determined that it is usual and customary for manufacturers to mark<sup>8</sup> (for example, “On” and “Off,” “Open” and “Close,” etc.) all manually controlled valves and switches to meet the requirements of the American National Standards Institute’s (ANSI) standards. Therefore, OSHA is taking no burden hours or cost for these paperwork requirements.

**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.**

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

**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 \$37.89, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency has determined that its compliance officers will inspect approximately 388 forging machines regulated by the Standard during each year covered by this ICR (see (B) Disclosure of Inspection Certification Records) under Number 12 above. OSHA

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<sup>8</sup>The Paperwork Reduction Act regulations at 5 CFR 1320.3(b)(2) exempts “normal and customary” practices from the definition of “burden.”

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 Standards. Therefore, the total cost of these paperwork requirements to the Federal government is:

**Cost:** 388 inspections x .08 hour x \$37.89 = \$1,176.

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

There are no program changes or adjustments associated with this ICR.

**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 identified in Item 19 per "Certification for Paperwork Reduction Act Submission," of OMB Form 83-1.**

OSHA is not seeking an exception to the certification statement specified by Item 19 of OMB 83-1.