

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENT ON
REPORTS OF INJURIES TO EMPLOYEES OPERATING
MECHANICAL POWER PRESSES (29 CFR 1910.217(g))¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0070 (August 2012)**

A. 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 (“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 (“OSHA” or “the Agency”) published a provision at 29 CFR 1910.217(g) for general industry titled “Reports of Injuries to Employees Operating Mechanical Power Presses” (“the Provision”).² Items 2 and 12 below describe in detail the specific information collection requirement of the Provision.

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.

In the event a worker is injured while operating a mechanical power press, 29 CFR 1910.217(g) requires an employer to provide information to OSHA, or to the State agency administering a

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

²The Agency has additional collections of information with different OMB Control Numbers in its Standard on Mechanical Power Presses (e.g., inspection, maintenance, and modification of presses (29 CFR 1910.217(e) (1) (i) and (ii)) (OMB Control No. 1218-0229) and Presence sensing device initiation (PSDI) (29 CFR 1910.217(h)) (OMB Control No. 1218-0143)).

plan approved by the Assistant Secretary of Labor for Occupational Safety and Health, regarding the accident within 30 days of the accident. This information includes the employer's and worker's names, workplace address and location, injury sustained, task being performed when the injury occurred, number of operators required for the operation and the number of operators provided with controls and safeguards, cause of the accident, type of clutch, safeguard(s), and feeding method(s) used, and means used to actuate the press stroke. OSHA's Directorate of Standards and Guidance or the State agency administering a plan approved by the Assistant Secretary of Labor for Occupational Safety and Health, collects the information. These reports are a source of up-to-date information on power press machines. Particularly, this information identifies the equipment used and conditions associated with these injuries.

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 burdens.

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 reporting or maintaining records associated with the information collection requirement in 29 CFR 1910.217(g). The Agency wrote the paperwork requirement of the Standard in performance-oriented language (i.e., in terms of what data to collect, not how to record the data). Approximately one-half of the reports were received by email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

The OSHA 300 log requires employers to record the name and job title of the worker, as well as the date of injury, location of injury, and a description of the injury. It does not, however, require the employer to provide details such as the type of clutch, safeguard(s), and feeding method(s) used, and the means used to actuate the press stroke. Thus, much of the information required by 29 CFR 1910.217(g) is not otherwise required to be provided to OSHA. This additional information is particularly useful to OSHA in understanding the causes of injuries related to the operation of mechanical power presses.

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

The information collection requirement specified by the Provision does 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 not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The collection of information is for the purpose of worker safety and health in the workplace and is the minimum amount necessary and appropriate. Employers submit information when a worker is injured when operating a mechanical power press.

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 secrets, or other confidential information unless the agency can demonstrate 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 requirement is 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 prior to 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 burden.

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, disclosed, 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 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude 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 May 25, 2012 (77 FR 31396) soliciting comments on its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirement specified by 29 CFR 1910.217(g) (Reports of injuries to employees operating mechanical power presses). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received two comments in response to its notice; one from

Mr. Norbert Dickmann of Morgante Industries, Inc. (Ex. OSHA-2012-0017-0003), and the other from Mr. Mike Wentzel of Morgan Ceramics (Ex. OSHA-2012-0017-0004). Both had similar comments.

Comment:

Both commenters stated that section 1904 clearly establishes injury recordkeeping and reporting requirements and nowhere does it mention the additional reporting requirements found in the Mechanical Power Press Standard. They further indicated that OSHA should not hide reporting requirements in the Standard where people are unlikely to identify the requirements and are unlikely to comply.

OSHA's Response:

OSHA does not feel that the point-of-operation reporting requirement in the Mechanical Power Press Standard is hidden. This requirement only applies to those employers whose employees operate mechanical power presses. Therefore, it is OSHA's belief that employers whose employees using mechanical power presses adhere to the requirements of the Agency's Mechanical Power Press Standard, and will know of this particular injury reporting requirement. Furthermore, employers who do not use mechanical power presses would not need to comply with this provision and incorporating it into part 1904 would be unnecessary. However, OSHA will consider referencing the mechanical power press reporting requirement in 29 CFR part 1904 (Recording and Reporting Occupational Injuries and Illnesses).

Comment:

Both commenters asked why OSHA has singled out mechanical power press injuries for special reporting and what purpose this information serves.

OSHA's Response:

When the final rule was published, OSHA believed it was necessary to include this point-of-operation injury reporting provision in the Standard due to the limited data that was available regarding point-of-operation injuries. OSHA believes it was necessary to acquire reliable data on these injuries and to monitor the effectiveness of the Standard. In addition, the information collected in each report was extremely important in learning the causes of point-of operation injuries and how to avoid them.

Comment:

Both commenters inquired if anyone actually uses these injury reports for any useful purpose.

OSHA's Response:

Annually, OSHA compiles the reports it receives and develops a table depicting the total number of accidents, the type of injury, types of guards, and the causes of the accident along with other information. Point-of-operation injury reports are provided to OSHA area offices, which in turn may lead to an OSHA inspection.

Comment:

One commenter (Ex. OSHA-2012-0017-0003) referenced a discussion he had with OSHA staff member in the 1990's who indicated that the injury reporting requirement was inserted due to pressure from an individual pressing the Agency to change its policy that all injuries should be reported to OSHA.

OSHA's Response:

The Agency has no way to verify past conversations with staff members. OSHA develops its standards based on available data and public comments obtained during the rulemaking process. OSHA determined that this reporting requirement was necessary as there was a lack of data on point-of operation injuries to learn the causes of these accidents, and for the need to determine the effectiveness of its Standard.

Comment:

Both commenters indicated that reports submitted to OSHA would always trigger an inspection by OSHA and that OSHA's estimate of the time to submit reports of injuries is not accurate. They suggested that the time and cost involved in the inspection should also be factored into the estimate of time (i.e., informal hearing, inspection process, and use of legal counsel).

OSHA's Response:

As the Paperwork Reduction Act of 1995 does not cover ". . . the conduct of an administrative action, investigation, or audit involving an agency against specific individual or entities" (see 5 CFR 1320.4(a)(2)), OSHA does account for burden hours and costs for these activities.

Comment:

One commenter (Ex. OSHA-2012-0017-0004) stated that the Mechanical Power Press Standard's injury reporting requirement is vague. That it implies that even first-aid injuries, such as a bump on the knuckle, would require reporting. The commenter also states that the vagueness of the language has likely resulted in significant underreporting over the years. He went on to say that one could interpret this requirement to apply only to injuries that meet OSHA's criteria for recordability, and recommends the degree of injury should be defined.

OSHA's Response:

OSHA disagrees that its point-of-operation injury reporting requirement in 29 CFR 1910.217(g) is vague. The Mechanical Power Press Standard states that all point-of-operation injuries to operators or other employees of mechanical power presses shall be reported. Therefore, any employee who is injured at the point-of-operation of a mechanical power press, even a laceration, shall be reported. The Standard goes on further to mention the specifics of what needs to be included in the report. The Agency acknowledges that including a definition of the term "injury" would reinforce the stated intent and lessen possible confusion to employers.

Comment:

Mr. Norbert (Ex. OSHA-2012-0017-0003) stated that it is unlikely that there have only been 83 injuries related to mechanical power presses as OSHA has used in estimated in arriving at its burden hour estimate.

Response:

Previously, OSHA based its estimates on the actual number of reports the Agency received from employers. Upon reviewing the comments, OSHA reviewed BLS data that estimated 1,370 injuries with days away from work were caused by presses other than printing presses (356 *Presses, except printing*). U.S. Department of Labor, BLS, *Occupational Injury and Illness Classification Manual*. However, this category of injury includes presses that are not covered by the standard such as brake presses. However, the Mechanical Power Press Standard has a broader definition of "injury" than BLS'. As the Agency has no means to determine the exact number of injuries that may be reported, the supporting statement will use the 1,370 from the BLS data.

It does not exempt employers from following any other requirements in other standards such as 29 CFR part 1904. As for those employers not operating mechanical power presses, they should be following the requirements of 29 CFR part 1904.

Comment:

Both of the commenters, for the reasons they discussed above, oppose the continuation of the collection of point-of-operation injuries in the Mechanical Power Press Standard. Both commenters also indicated that if OSHA continues with the injury reporting requirement in the mechanical power press standard, that OSHA should put a reference to this requirement in 29 CFR part 1904, which is under review.

OSHA's Response:

After a thorough review of the comments received, OSHA will consider putting a reference to the requirement in 29 CFR part 1904.

9. Explain any decision to provide any payment 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 Provision 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 Provision does not require providing 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.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here; instead, this cost should be included in Item 14.**

Burden Hour and Cost Determination

Previously, OSHA based its estimates on the actual number of reports the Agency received from employers. Upon reviewing the comments, OSHA sought assistance from its Office of Statistical Analysis. Staff indicated that the Bureau of Labor Statistics (BLS) estimated that there were 1,370 injuries (which would produce reports) with days away from work caused by

presses, other than printing presses, in 2010.³ Based on this information, the Agency will use the 1,370 as the number of reports received.

OSHA estimates that it takes an employer 15 minutes (.25 hour) to obtain information and to prepare the written report; and five minutes (.08 hour) for a secretary to submit the report to OSHA. The time per response (.33 hour [.25 + .08]) is considered reasonable based on informal discussions with employers who have submitted these reports.

The Agency determined average wage rates for the Provision using the following hourly wage from the U.S Department of Labor's Bureau of Labor Statistics' *May 2011 Occupational Employment Statistics National Industry-Specific Occupational Employment and Wage Estimates*. The Agency determined the wages from the Bureau of Labor Statistics' *Employer Cost for Compensation-December 2011* news release and has been adjusted to reflect the fact that fringe benefits comprise roughly 29.5 percent of total worker compensation in the private sector. These hourly wages are:

- Blue collar supervisor: \$29.39
- Clerical worker: \$18.00

Burden hours: 1,370 reports x .25 hour = 343 hours
1,370 reports x .08 hour = 110 hours
453 hours

Cost: 343 hours x \$29.39 = \$10,081
110 hours x \$18.00 = \$ 1,980
\$12,061

13. Provide an estimate for 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 services 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 collections 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.**

³See *Injuries, Illnesses, and Fatalities; Occupational Injury and Illness Classification Manual*, Bureau of Labor Statistics, U.S Department of Labor.

- **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.**

The cost determinations made under Item 12 account for the total annual cost burden to respondents or recordkeepers resulting from this collection of information requirement.

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), and 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 Safety Specialist (GS-12, step 5), with an hourly wage rate of \$37.37, spends an average of 15 minutes (.25 hour) reviewing each injury report. Based on BLS data, there were an estimated 1,370 injuries (which would produce reports in 2010). Therefore, the total cost of these paperwork requirements to the Federal government is:

$$\text{Cost: } 1,370 \text{ reports} \times .25 \text{ hour} \times \$37.37 = \$12,799$$

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

The Agency reports an adjustment increase of 440 burden hours (from 13 to 453 hours). This increase is a result of data taken from BLS' Occupational Injury and Illness Classification Manual.

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 Provision.

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.

OSHA is not seeking an exception to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.

This supporting statement does not contain any collection of information requirements that employ statistical methods.

