

## NOTE

On November 20<sup>th</sup> 2013, OSHA published the Record Requirements in Mechanical Power Presses Standard Direct Final Rule (DFR) and a companion Notice of Proposed Rulemaking (NPRM). In direct final rulemaking, an agency publishes a direct final rule in the *Federal Register* with a statement that the rule will become effective unless the agency receives a significant adverse comment within a specified period. If the agency receives no significant adverse comment, the direct final rule becomes effective. However, should the agency receive a timely significant adverse comment the direct final rule is withdrawn and the agency addresses the comment as a submission to the proposed rule.

As the DFR/NPRM revised existing collection of information requirements contained in the Mechanical Power Press (29 CFR 1910.217(e)(1)) Information Collection Request (ICR), in accordance with U.S.C. 3507(d) OSHA prepared and submitted a revised ICR to OMB requesting approval.

In addition, in the NPRM OSHA requested OMB approval to extend an existing collection of information requirement contained in the Mechanical Power Press ICR, not impacted by the rulemaking that would expire on February 28<sup>th</sup>, 2014. The NPRM also provided the public the opportunity to comment on the extension of the collection of information requirement. The comment period closed December 20, 2013.

On December 26, 2013, OSHA published a 60-day preclearance *Federal Register* notice soliciting public comments concerning its proposal to extend OMB approval of all of the existing collection of information requirements specified in the Mechanical Power Presses Standard for General Industry (29 CFR 1910.217(e)(1)). The comment period closed on February 24, 2014.

This continued approval was necessary should the Agency receive a significant adverse comment on the direct final rule. If OSHA received a significant adverse comment, the Agency would have published a *Federal Register* notice withdrawing the direct final rule no later than 90 days after the Final's November 20<sup>th</sup> publication date. In the event OSHA withdrew the direct final, this Notice and ICR submission would ensure that the existing Mechanical Power Press collections of information would remain in effect.

On February 12, 2014 OMB approved the November 20<sup>th</sup> ICR submission, with an expiration date of August 31, 2014. The submission of this ICR is to ensure that the all of the collection of information requirements maintain OMB approval.

**EXTENSION TO THE  
SUPPORTING STATEMENT FOR THE  
INFORMATION COLLECTION REQUIREMENTS OF THE  
STANDARD ON MECHANICAL POWER PRESSES  
(29 CFR 1910.217(e)(1))<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0229 (August 2014)**

**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 (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, maintenance, and repair records.

**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.**

**Collection of Information Requirement:**

§1910.217 Mechanical power presses.

---

<sup>1</sup>The 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.

Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement

(e) *Inspection, maintenance, and modification of presses*—(1) *Inspection and maintenance records*. The employer shall establish and follow an inspection program having a general component and a directed component.

(i) Under the general component of the inspection program, the employer shall:

(A) Conduct periodic and regular inspections of each power press to ensure that all of its parts, auxiliary equipment, and safeguards, including the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism, are in a safe operating condition and adjustment;

(B) Perform and complete necessary maintenance or repair, or both, before operating the press; and

(C) Maintain a certification record of each inspection, and each maintenance and repair task performed, under the general component of the inspection program that includes the date of the inspection, maintenance, or repair work, the signature of the person who performed the inspection, maintenance, or repair work, and the serial number, or other identifier, of the power press inspected, maintained, and repaired.

(ii) Under the directed component of the inspection program, the employer shall:

(A) Inspect and test each press on a regular basis at least once a week to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism;

(B) Perform and complete necessary maintenance or repair, or both, on the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism before operating the press; and

(C) Maintain a certification record of each maintenance task performed under the directed component of the inspection program that includes the date of the maintenance task, the signature of the person .

Purpose:

The maintenance certification record provides OSHA the name of the individuals who perform maintenance and repair work on the presses. This information can verify that the employer performed the requisite maintenance and repair on presses. In addition, it will enable the Agency, during compliance inspections, to identify and interview the individuals responsible for maintaining and repairing the presses so that it can determine whether employees are operating safe equipment.

**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.**

Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement

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 purposes described in Item 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 any 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 not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing 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 a statistical data classification that has not been reviewed and approved by OMB;**

Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement

- **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.**

The information collection would not implicate any of these special circumstances.

**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 these 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 December 26, 2013 (78 FR 78395, Docket Number OSHA-2010-0026), soliciting comments from the public and other interested parties on the collection of information requirements contain in the Standard on Mechanical Power Presses (29 CFR 1910.217(e)(1)). The notice was part of preclearance consultation program that provides interested parties with an opportunity to comment on OSHA's request for an extension by OMB of a previous approval of the collection of information requirements found in the Standard. The Agency did not receive any comments in response to the Notice.

On February 12, 2014, OMB approved the November 20<sup>th</sup> NPRM ICR submission revising this ICR, with an expiration date of August 31, 2014. The revisions are reflected in this supporting statement.

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

The Agency will not provide payment 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.**

OSHA will offer no assurance of confidentiality in connection with this information collection. The requirements specified by the Standard do not involve confidential information.

Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement

**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 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. 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 13.**

### **Burden-Hours 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 is declining due to the closure of many stamping businesses, 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 be in operation and do not require inspection.

The Agency adopted the mean wage rates from the *May 2012 National Occupational Employment and Wages*, Bureau of Labor Statistics, U.S. Department of Labor.<sup>2</sup> Total compensation for the following occupational categories includes an adjustment of 30.9 percent (*Employer Costs for Employee Compensation, June 2013*) 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 (51-5112)	\$22.71
Supervisory Printing Operator (51-1011)	\$36.14

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

---

<sup>2</sup>The website is [http://www.bls.gov/oes/current/oes\\_net.htm](http://www.bls.gov/oes/current/oes_net.htm).

Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement

Paragraph (e)(1)(i) of the standard states the general component requirements for inspection and maintenance. Paragraph (e)(1)(i)(A) requires employers to conduct periodic and regular inspections of all parts of each power press including auxiliary equipment, and safeguards, including the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism. Paragraph (e)(1)(i)(B) requires employers to perform and complete any maintenance and repair, or both, before workers operate the power press. Paragraph (e)(1)(i)(C) requires employers to maintain certification of each inspection and maintenance and repair task performed on the power press.

OSHA believes it is a usual and customary practice for employers to conduct and document the inspection, maintenance, and repair of presses. However, the Agency acknowledges that some employers are not inspecting, maintaining, and repairing the mechanical power presses as proposed. Therefore, OSHA assumes that 5% of employers may not be conducting and documenting inspections, maintenance, and repairs.

Based on discussions with OSHA field staff, it is reasonable to assume 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, including the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism of each press. Included in the 20 minutes is the employer time needed to prepare and maintain the inspection certificate and to document maintenance and repair performed on a press.

**Burden hours:** 191,750 presses x 5% x 12 monthly inspections x .33 hour =  
37,967 hours

**Cost:** 37,967 hours x \$22.71 = \$862,231

### Directed Component

Paragraph (e)(1)(ii) of the standard states the directed component requirements for inspection and maintenance. Paragraph (e)(2)(ii)(A) requires that employers inspect and test each press on a regular basis at least once a week to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism. Paragraph (e)(2)(ii)(B) requires that employers perform and complete necessary maintenance or repair, or both, on the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism before operating the press, while paragraph (e)(2)(ii)(c) requires that employers maintain a certification record of each maintenance task performed under the directed component of the inspection program.

OSHA believes it is usual and customary for employers to document the maintenance and repair performed on mechanical power presses. Further, OSHA believes that employers will perform maintenance and repair tasks associated with mechanical power presses under paragraph (e)(1)(i), which requires certification of maintenance and repair task performed; paragraph (e)(1)(i), therefore, includes the burden hours and costs for these tasks.

### **Disclosure of Certification Records of Inspection**

Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement

OSHA designed the inspection certification-records requirement to ensure employers and workers that mechanical power presses are in safe operating condition and adjustment. The records covered by this requirement 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, each year, approximately 4,130 mechanical power presses covered by the Standard<sup>3</sup> will be subject to an OSHA inspection that requires the employer to disclose inspection certification records. OSHA estimates that it will take a supervisory press operator two minutes (.03 hour) to disclose the requested information.

**Burden hours:** 4,130 inspections x .03 hour = 124  
**Cost:** 124 burden hours x \$36.24 = \$4,494

**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 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 collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (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.

**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**

---

<sup>3</sup>OSHA 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).

Department of Labor  
Occupational Safety and Health Administration  
Final Supporting Statement

**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 \$37.37, 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 inspections of mechanical power presses during each year covered by this ICR (see footnote 5). 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:

$$\text{Costs: } 4,130 \text{ inspections} \times .08 \text{ hour} \times \$37.37 = \$12,347$$

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

OSHA is not requesting any program changes or adjustments to the collection of information requirements contained in the Mechanical Power Press 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 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.**

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.