

**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 (November 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).

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).

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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.

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 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 workers’ 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, workers, 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 workers during forging operations.

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 workers to ensure that they operate the forging machines correctly and safely.

Disclosure of Records. The disclosure of certification records provide the most efficient means for OSHA compliance officers to determine that an employer is complying with the Standard.

**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 A.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, 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, workers 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 (PRA-95) (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on June 30, 2014 (79 FR 36832), requesting public comments on its proposed extension of the information collection requirements contained in its Standard on Forging Machines (29 CFR 1910.218) (Docket Number OSHA-2011-0064). 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 from Mr. Aaron Adamczyk, a private citizen, in response to its notice to comment on this request. Mr. Adamczyk requested that the Agency ignore his first comment (OSHA-2011-0064-0006).

Mr. Adamczyk's second comment (ID: OSHA-2011-0064-0007) listed a number of consensus standards. OSHA recognizes that its regulations do not reflect the latest editions of consensus standards and has undertaken a multi-year project to update these standards. A notice describing the project was published in November 2004 (69 FR 68283). Additional information about this project may be found in the spring 2014 Regulatory Agenda (Regulatory Action Titled: Updating OSHA Standards Based on National Consensus Standards Eye and Face Protection, RIN: 1218-AC87).

The outdated consensus standards do not impact the collection of information requirements contained in the Standard; therefore, the Agency will retain its estimated burden hours and cost estimates.

**9. Explain any decision to provide any payments or gift to respondents, other than remuneration 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.**
- **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**

Based on previous information from industry experts, OSHA estimated that there were approximately 27,700 forging machines. The Agency has been unable to obtain updated data on the number of forging machines currently in use; thus, the Agency will 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 \$22.39 for a manufacturing worker and \$36.32 for a supervisory manufacturing worker. OSHA obtained these wage rates, which include 29.9 % in fringe benefits, from *Employer Costs for Employee Compensation*, U.S. Department of Labor, Bureau of Labor Statistics, December 2013.

**(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 worker 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>2</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 \$22.39= \$4,192,572

**(B) 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>3</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.

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

OSHA believes that approximately 388 forging machines covered by the Standard<sup>4</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 worker 2 minutes (.03 hour) to disclose records.

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

**Cost:** 12 burden hours x \$36.32 = \$436

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<sup>2</sup>The Agency assumes that each forging machine has one guard or point-of-operation protection device, and that employers combine these inspections.

<sup>3</sup>The Paperwork Reduction Act regulations at 5 CFR 1320.3(b)(2) exempts “normal and customary” practices from the definition of “burden.”

<sup>4</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).

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.
- **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), 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.

There is no cost to the Federal Government associated with this collection of information.

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

There are no program changes or adjustments associated with this ICR. The Agency is retaining its previous estimate of 187,264 burden hours (see Table 1 below).

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.**

OSHA lists current valid control numbers in §§1910.8, 1915.8, 1917.4, 1918.4, and 1926.5 and publishes the expiration date in the Federal Register notice announcing OMB approval of the information collection requirement. (See 5 CFR 1320.3(f)(3)). OSHA believes that this is the most appropriate and accurate mechanism to inform interested parties of these expiration dates.

**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**

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



**Table 1****Summary of Burden Hours and Cost**

<b>Information Collection Requirement</b>	<b>Current Burden Hours</b>	<b>Requested Burden Hours</b>	<b>Adjustments</b>	<b>Cost under Item 12</b>	<b>Responses</b>	<b>Explanation of Adjustment</b>
(A) Inspection of Forging Machines, Guards, and Point-of-Operation Protection Devices (paragraphs (a)(2)(i) and (a)(2)(ii))	187,252	187,252	0	\$4,192,572	1,440,400	No change in burden hours. Cost increase is due to the wage increase.
(B) Identification of Manually Controlled Valves and Switches (paragraphs (c), (h)(3), (i)(1) and (i)(2))	0	0	0	\$0	0	No change.
(C) Disclosure of Inspection Certification Records	12	12	0	\$436	388	No change in burden hours. Cost increase is due to the wage increase.
<b>TOTALS</b>	<b>187,264</b>	<b>187,264</b>	<b>0</b>	<b>4,193,008</b>	<b>1,440,788</b>	