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Thomas G. Grumbley XF: CSHA VISTA

To Safety Directors

Date 12-3-86

This Revised OSHA ruling on
Record keeping requirements for
certain inspections should be
reviewed for individual plant
impact. The standard starts on
page 34560.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1915

[Docket No. S-020]

Recordkeeping Requirements for Tests, Inspections, and Maintenance Checks

AGENCY: Occupational Safety and Health Administration (OSHA).

ACTION: Final rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) hereby revises certain recordkeeping requirements to minimize the paperwork burdens imposed on employers. This final rule eliminates certain requirements under which an employer must prepare and maintain detailed records. The revised provisions require, instead, that the employer simply prepare a certification record, at the time the required work is done, which includes the date the test, inspection, or maintenance check was performed; the signature of the person who performed the work; and the identity of the equipment or machinery that was inspected or tested. In addition, OSHA is revoking two recordkeeping requirements. OSHA has determined that the implementation of this final rule will minimize the paperwork burden on employers, as required by the Paperwork Reduction Act of 1980, without reducing the protection of employee safety or health.

DATE: These revisions will become effective October 29, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3637, 200 Constitution Ave., NW., Washington, DC 20210, (202) 523-8148.

SUPPLEMENTARY INFORMATION:**I. Background**

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) was enacted to minimize the Federal paperwork burden and maximize the efficiency and usefulness of Federal information gathering activities. That Act set goals for the phased reduction of Federal information gathering burdens. The Paperwork Reduction Act also required the Office of Management and Budget (OMB) to promulgate regulations which would guide Federal agencies in their compliance efforts. OMB has published implementing regulations at 5 CFR Part

1320 and has issued supplement directives.

In addition, section 8(d) of the Occupational Safety and Health Act (the OSH Act) states, "any information obtained by the Secretary . . . under this Act shall be obtained with a minimum burden upon employers . . ."

In an effort to meet these statutory goals, OSHA reviewed its safety standards to identify all recordkeeping requirements. OSHA then analyzed each of the 38 requirements identified to determine which recordkeeping burdens could be reduced.

Each requirement was reviewed to determine:

- What kind of information was required;
- How this information would be used;
- Whether this information was collected by other authorities (e.g. pursuant to state and local law or regulation);
- Whether this record would provide information that a compliance officer would not otherwise ascertain at the time of inspection; and,
- Which requirements contributed directly to employee safety and health.

On the basis of this careful review and analysis, OSHA identified 22 provisions in 29 CFR Parts 1910, 1915, and 1926 that, it believed, did not directly contribute to worker safety and health and, therefore, unnecessarily burdened employers with requirements that they prepare and maintain records of their tests, inspections, and maintenance checks.

In particular, OSHA determined that the recordkeeping requirements in question were adopted because the Agency wanted the employer to provide evidence that the required tests and inspections had been performed. Having made that determination, OSHA compared the purposes for the recordkeeping requirements with their language and found that they required more information than OSHA needed. Therefore, OSHA determined that the proposed revisions were appropriate.

OSHA also identified a duplicative recordkeeping provision and another which dealt with concerns outside OSHA's jurisdiction as appropriate for deletion.

In addition to its concern for reduction of paperwork burdens, OSHA has been concerned that many of the requirements proposed for revision were so vaguely written and ambiguous that employers may be keeping records which are much more detailed than either required by OSHA or needed for their own purposes. This vagueness and

ambiguity make it difficult for employers to determine what information OSHA wants recorded or included in an inspection report. For example, the current provisions of §§ 1910.179(j)(2)(iii), 1910.179(j)(2)(iv) and 1910.180(d)(6) require the preparation of signed reports, while §§ 1910.218(a)(2)(i), 1910.252(c)(6) and 1915.172(d) require employers to maintain records. Employers might, therefore, conclude that a report would contain details while a record would involve less information, perhaps simply noting the date the required work was done. The final rule corrects this ambiguity and makes it very clear what information is required.

On January 3, 1986, OSHA published a Notice of Proposed Rulemaking (NPRM) in the Federal Register (51 FR 312) to revise the 22 provisions in question and revoke the other 2 provisions. OSHA proposed to eliminate certain requirements for written, detailed records and reports and replace them with provisions under which employers would certify in writing, upon request of OSHA, that they had complied with the pertinent test or inspection provisions. Under this approach, OSHA anticipated that an employer operating a workplace visited by an OSHA compliance officer would be able to certify, in a signed and dated statement, that the required work had been done. The Agency believed, based on its experience with the standards in question, that the proposed certification statement would provide "evidence of compliance which is equivalent to preparing and maintaining records to be presented to OSHA upon request." [51 FR at 313].

The NPRM established a 60-day period, which ended March 4, 1986, for submission of written comments and hearing requests. The 32 comments received focused on several issues, particularly whether there was a need to retain the recordkeeping requirements, the likelihood that the proposed revisions would reduce employers' recordkeeping burdens and whether certification upon request would provide adequate assurance that an employer had complied with the testing or inspection requirements. In addition, OSHA received four hearing requests.

During this period, OSHA determined that it had not formally consulted with the Advisory Committee on Construction Safety and Health regarding the three recordkeeping requirements proposed for revision which are contained in the Construction Safety and Health Standards located in 29 CFR Part 1926. The three recordkeeping requirements in question

are found in § 1926.550(b)(2)—Cranes and derricks; § 1926.552(c)(15)—Material hoists, personnel hoists and elevators; and § 1926.903(e)—Underground transportation of explosives.

OSHA, therefore, withdrew those three recordkeeping provisions from consideration for revision in the Notice of Informal Public Hearing which it published on March 14, 1986 [51 FR 8844]. Any revision of those three construction provisions will take place as part of a separate rulemaking.

In the hearing notice, OSHA also responded to NPRM comments which stated that the proposed "certification upon request" would raise unacceptable risks of employer error or dishonesty. Several of the commenters suggested that "contemporaneous certification" would provide the necessary assurance of compliance. The Agency provided notice, through "Issue 5" of the hearing notice, that it was considering the adoption of a contemporaneous certification requirement in place of certification upon request. Under the alternative approach, the employer ensured that the employee who actually performed the pertinent test or inspection certified, at that time, that the required work has been done. The contemporaneous certification would contain the following three pieces of information: The date the inspection or test was done, the signature of the person who performed the work, and the identity of the equipment that was tested or inspected. OSHA requested that interested parties comment on the "three data point" certification approach in their notices of intention to appear and in their hearing testimony.

The public hearing was held on April 15, 1986, in Washington, DC, with Administrative Law Judge Ellin O'Shea presiding. At the close of the hearing, Judge O'Shea set a period, which ended May 30, 1986, for the submission of additional comments and information. Four post-hearing submissions were received. On August 15, 1986, Judge O'Shea certified the hearing transcript and related submissions, closing the record for this proceeding. A wide range of labor unions, businesses, trade associations, state governments, and other interested parties contributed to the development of this record. OSHA appreciates the efforts interested parties have made to help develop a rulemaking record which provides a sound basis for agency decisionmaking. The issues raised in written comments and hearing testimony will be discussed below.

II. Discussion of Issues Raised in the Comments, Testimony and Posthearing Submissions

A. General Comments

There were 32 comments in response to the Notice of Proposed Rulemaking and four post-hearing submissions. As mentioned above, OSHA requested that commenters on the NPRM and participants in the public hearing submit information to support their comments and suggestions. The supporters and opponents of the proposed revisions, however, have generally expressed their positions by invoking general principles rather than by providing evidence that a particular provision did or did not contribute to the protection of employee safety and health. Therefore, insofar as additional information has not been forthcoming, OSHA bases its decision making on its careful review of the pertinent provisions.

Eight commenters supported the proposed rule as written [Exs. 4-1, 4-3, 4-8, 4-17, 4-19, 4-23, 4-25 and 4-31]. Two of these commenters, The American Paper Institute [Ex. 4-3] and Owens-Illinois [Ex. 4-19], specifically stated that no loss in worker safety would occur as result of the contemplated reduction of recordkeeping burdens. As the American Paper Institute put it, "The Completion of burdensome paperwork that fails to enhance safety of employees in any way is simply unnecessary. . . ."

Three of these commenters [Exs. 4-1, 4-17, and 4-31] also stated that OSHA should further reduce recordkeeping burdens by revising additional provisions. The Associated General Contractors of America and the Small Business Administration [Exs. 4-17 and 4-31] provided lists of additional provisions that they felt should be considered for revision. While these additional provisions, most of which dealt with construction standards, have not been included in the Final Rule, OSHA will continue its efforts to identify provisions where the recordkeeping burdens could be reduced without reducing worker protection.

Commenters who opposed the proposal, such as the United Brotherhood of Carpenters and Joiners of America [Exs. 4-4, 4-7, and 14 and Tr. 55-56] and the International Union of Operating Engineers [Exs. 4-12 and 16 and Tr. 69-70 and 73-77], have stated that the retention of currently required records, is essential, or at least beneficial, to employee protection. The opponents stated that access to records enables workers to verify compliance with the substantive requirements of the

standards. They, however, did not document a single instance where a hazardous situation was detected and cited or abated because an employee examined records.

The International Union of Operating Engineers, for example, testified [Tr. 121-124] that having the record of a previous inspection would be beneficial to a crane operator who was inspecting equipment. However, the union witness added that, even without the record, a good inspection would be done.

As OSHA has already noted, the recordkeeping requirements in the current or revised form are intended to provide assurance that employers have complied with the pertinent requirements for tests and inspections. OSHA has determined, based on its 15 years of experience enforcing these requirements, that requiring the employer to maintain the inspection record of a piece of equipment does not add to or detract from compliance with the requirements for tests and inspections. Indeed, the Operating Engineers presented testimony at the hearing [Tr. 92-93] which indicated that a crane operator provided with inspection record information would inspect the crane anyway and not rely on the inspection record when deciding whether or not the equipment was in safe condition. Also, the Operating Engineers provided examples of "bogus" recordkeeping to explain why a written record of a test or inspection would not provide assurance that the equipment in question was safe.

The Operating Engineers testified that in at least two cases violations of recordkeeping requirements led to serious violations [Tr. 73-74 and 93], but neither their testimony nor their post-hearing submission [Ex. 16] substantiated the existence of a causal link. In any event, OSHA is aware that employers occasionally violate the provisions of the the pertinent standards which require tests or inspections, whether or not they have complied with the recordkeeping provisions. The Operating Engineers, indeed, have mistakenly characterize all violations of the pertinent standards as recordkeeping violations [Ex. 16].

OSHA has issued very few citations where the employer has only violated the recordkeeping requirements. Most of the citations which have been issued for violations of standards that contain recordkeeping provisions were issued because the employer had violated the requirements to preform tests or inspections and remove unsafe equipment from service. Indeed, OSHA does not generally cite a recordkeeping

violation if it is not already citing a violation of the requirements for tests or inspections. Based on this experience, OSHA has determined that its enforcement efforts will not be affected by the shift to certification.

In addition, the United Steelworkers of America testified that the required records are needed to establish preventive maintenance programs [Tr. 80-81]. OSHA agrees that the information generated through the work required by the pertinent standards may facilitate the operation of preventive maintenance programs, but the Agency notes, again, that it has determined that OSHA was interested solely in obtaining evidence of compliance with the work requirements when it adopted the recordkeeping provisions in question. The Agency further notes that there are only three provisions affected by this proposal which mention maintenance work, § 1910.217 (e)(1)(i), (e)(1)(ii) and § 1910.252(c)(6). Section 1910.217 (e)(1)(i) and (e)(1)(ii) require simply that the employer maintain "records of inspections and maintenance work performed." Section 1910.252(c)(6) requires that employers maintain records of periodic inspections performed by maintenance personnel. The language in those provisions is consistent with OSHA's determination that employers are only required to provide evidence that they have complied with the pertinent inspections, testing and maintenance requirements. OSHA has also determined that, aside from the provisions discussed above, any requirements for the operation of preventive maintenance programs are covered by separate regulatory provisions which are not affected by this rulemaking.

Furthermore, OSHA notes that the ANSI B11.1 Subcommittee on Safety Requirements for the Construction, Care and Use of Mechanical Power Presses, which produces the national consensus standard for power presses, has endorsed [Ex. 4-11] OSHA's proposed shift to certification of compliance with the U.S.C. requirements of § 1910.217 (e)(1)(i) and (e)(1)(ii). The B11.1 Subcommittee stated:

We appreciate the reduction in preparing and maintaining the extensive and oftentimes burdensome records of information.

Finally, as OSHA stated at the public hearing, "just because a particular piece of equipment was in safe condition 29 days ago does not mean it is in safe condition today." [Tr. 18]. Regardless of any record of a previous inspection test or maintenance check, OSHA requires the employer to conduct each scheduled test, inspection or maintenance check

with such thoroughness that it would disclose any deficiency in the equipment. The pertinent requirements that employers remove from use equipment found to be unsafe at that time or likely to pose a danger between that time and the time of the next scheduled test, inspection or maintenance check are not affected by this rulemaking. Therefore, the protection provided by maintenance programs will not be diminished.

Critics of the proposed revisions have defended the existing requirements by noting that they impose light burdens, and have not evoked complaints from the affected employers [Exs. 4-4, 4-16, Tr. 56 and 69]. They have also stated that employers will keep the pertinent records despite revisions in the requirements in order to protect themselves from lawsuits arising out of equipment accidents, to document their compliance certifications and to schedule maintenance. OSHA appreciates these concerns but notes that they do not reflect the purposes for which the recordkeeping requirements were originally promulgated. These revisions should make it clear that employers who continue to prepare and maintain detailed records are doing so for their own reasons and not to comply with OSHA requirements.

The process by which OSHA decided to revise each of the provisions covered by this rulemaking is discussed in the Summary and Explanation (see Section IV, below).

B. Contemporaneous "Three Data Point" Certification as an Alternative to Certification Upon Request

As has already been discussed in the Background section (see Section I, above), the contemporaneous "three data point" certification approach came to OSHA's attention through comments on the NPRM which pointed out the difficulty and temptation an employer would face in properly certifying, after the fact, that the required work had been done [Exs. 4-4, 4-5, 4-16 and 4-22].

Four commenters wrote that they supported the concept behind paperwork reduction [Exs. 4-2, 4-5, 4-22 and 4-30], but expressed concern that some employers would take advantage of the proposed revisions to relax or discontinue their compliance efforts. Those employers would then certify that they had complied, confident that OSHA would not discover their false certifications. For example, the Engineered Products Division of Acme Electric Corporation [Ex. 4-2] wrote, "Human behavior being what it is will create the temptation, and in many

cases the actual neglect of inspection and repair of equipment."

In addition to asserting that the proposed revision would reduce compliance and the protection of employees, as discussed above, four commenters [Exs. 4-4, 4-10, 4-16 and 4-30] who opposed the proposal also mentioned the risk of false certification as a basis for OSHA withdrawing the proposed revisions.

Four commenters [Exs. 4-15, 4-22, 4-28, and 4-29] suggested that employers be given the option to choose between maintaining detailed records as they do now and preparing certifications upon request. The American Petroleum Institute (API) [Ex. 4-22], for example, commented that the certification option would "be of greatest value to the small employer, where the certifying person would have first hand knowledge . . . that the required tests, etc., were performed." API also noted that "an interesting hybrid of the options would involve having an authorized employer representative . . . sign a certification that particular tests were done, as they were completed."

Also, five commenters [Exs. 4-6, 4-10, 4-12, 4-14, and 4-23] stated that the proposed certification upon request requirement would increase paperwork burdens for many employers. They stated that employers would continue to prepare detailed records and that, under the proposed standard, the certification statement prepared at the time of an OSHA inspection would be an additional paperwork burden because their detailed records would not be acceptable as evidence of compliance.

As stated above, under the final rule, if employers elect to continue to maintain detailed records for their own purposes, OSHA would be satisfied if the three data elements were included in their detailed records.

Three data point certification was discussed in the hearing notice as "Issue 5" and received a considerable amount of attention at the April 15, 1986, hearing [Tr. 20-21, 43-46 and 125-127] as well as in post hearing submissions [Exs. 14 and 15]. While the union comments and testimony on three data point certification echoed their general opposition to this rulemaking, OSHA notes that the United Brotherhood of Carpenters and Joiners of America has stated that contemporaneous certification would be superior to the "certification upon request" proposed in the NPRM [Exs. 4-4, 8, and Tr. 59].

Parties who favor certification, such as the American Waterways Shipyard Conference (AWS-C) and its members, responded favorably to the three data

point approach [Ex. 15]. The AWSC observed, when referring to the contemporaneous certification record, that "The proposed alternative also follows the current format being developed for the industry by OSHA in the shipyard vertical standards."

OSHA notes that this three data point approach, like the approach proposed in the NPRM, qualifies as a form of certification which, under the terms of 5 CFR 1320.7(k)(1), is excluded from the definition of "information," for the purposes of the Paperwork Reduction Act. Therefore, OSHA has determined that the certification record requirement, as promulgated, is consistent with the purposes and provisions of the Paperwork Reduction Act.

OSHA has decided, based on the comments, testimony, and other materials in the record, to reduce the paperwork burdens in question by requiring that employers prepare their certifications of compliance at the time they perform the required work, rather than by permitting employers to produce them after the fact. The Agency agrees with the commenters who expressed concern that certification upon request would create too many opportunities for error or deception. OSHA will use the term "certification record" to distinguish this new form of documentation from the detailed records previously required.

As discussed in the Background section, above, the certification record must contain the date the work was performed, the signature of the person who performed the work, and an identifier for the equipment which was tested or inspected. Employers must maintain the contemporaneous certification record and make it available for review at the time of an OSHA inspection.

The contemporaneous certification record may be kept in any way that identifies each piece of equipment inspected or tested and that contains the signature of the person who performed the work and the date the work was performed. For example, a list of the pieces of equipment which were inspected would only have to be signed and dated once if the same person performed all of the inspections and/or tests on the same date. With such a list, the person performing the inspections or tests would not have to sign and date a separate record identifying each piece of equipment.

If the employer tracks inspections and/or tests with automated data processing, then compliance could be achieved by signing and dating a printout of equipment identifiers, if, as above, the same person performed all of the inspections on the same date. The

computer printout would, of course, have to be maintained and made available for review at the time of an OSHA inspection.

Employers can comply with this certification requirement in the manner which least disrupts their operations. They may find that they need to place a tag on the equipment in question or they may find that addition of an entry to a checklist or log they already maintain will suffice. Some employers may even find that they do not need to change their recordkeeping methods to comply with these revised requirements. The certification record will be prepared and signed by the person who actually performs the test or inspection and will be completed at the time of the test or inspection.

OSHA has retained the original language of the revised paragraphs except where changes are necessary to clearly indicate the revision of the recordkeeping requirements.

C. Consistency with National Consensus Standards

Several participants in this rulemaking stated that the revised recordkeeping requirements proposed by OSHA deviate from the parallel national consensus standards. Under the terms of section 6(b)(8) of the OSH Act, the Agency must explain why an OSHA standard which differs substantially from a national consensus standard effectuates the purposes of the OSH Act better than the national consensus standard does.

The BCTD, AFL-CIO, [Ex. 4-16] commented that national consensus standards committees have retained the pertinent recordkeeping provisions in their standards and that these standards represent industry practice for the protection of employee safety and health. The BCTD further noted that employers are represented on the committees which produce national consensus standards. Therefore, given the broad basis for the consensus standards, the BCTD stated that OSHA's standards should follow the consensus standards.

In addition, the United Steelworkers of America [Ex. 4-24] stated, "... if there was no need to maintain these records, it would be reflected in the national consensus standards.

In its hearing testimony, the United Brotherhood of Carpenters and Joiners of America [Tr. 54-55] cited the requirements of section 6(b)(8) and stated, "In this case, all of the recordkeeping requirements derived from national consensus standards—ANSI, NFPA, etc.—are retained by the

current version of those consensus standards."

OSHA has determined, based on its review of the applicable national consensus standards, that the revised recordkeeping requirements adopted in this rulemaking are either consistent with the requirements imposed by the national consensus standards, or, in any event, not substantially different from them. Therefore, the section 6(b)(8) requirement that OSHA explain divergence from national consensus standards does not apply to this rulemaking. In addition, OSHA has determined that the pertinent recordkeeping provisions, as revised, effectuate the purposes of the OSH Act better than do the parallel national consensus standards, insofar as they may substantially differ, because the Agency has determined that the existing recordkeeping requirements do not directly contribute to worker safety and health and, therefore, unnecessarily burden employers.

In particular, OSHA has determined that the ANSI committees which are responsible for updating the pertinent consensus standards have, generally, eliminated the recordkeeping requirements upon which the pertinent OSHA recordkeeping requirements were based. For example, the ANSI committees covering crane and derrick operations have changed their recordkeeping requirements so that inspections performed at least every 30 days are considered "frequent" and do not carry any recordkeeping burdens. OSHA has determined that the crane and derrick equipment inspections required under the provisions proposed for revision are "frequent." Therefore, OSHA's revised recordkeeping requirements are consistent with the provisions of the parallel ANSI standards. A more detailed discussion of the actions taken by the relevant ANSI committees to reduce recordkeeping burdens follows.

The source standard for §§ 1910.179(j)(2) (iii) and (iv) is the ANSI B30.2.0-1967 Standard for Overhead and Gantry Cranes. This standard, in section 2-2.1.2 under items 4 and 5, requires monthly inspection with signed reports for both hooks and chains. This is identical to the language used by OSHA in its standard. ANSI B30.2.0 was last revised in 1983. Section 2-2.1.2 of the revised ANSI standard continues the inspection requirements, but has dropped the requirements to maintain records on these frequently inspected items. The revised ANSI B30.2.0-1983 standard retains recordkeeping provisions only for quarterly and yearly

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inspections, which are referred to as periodic inspections in section 2-2.1.3.

ANSI B30.2.0-1967 is also the source standard for §§ 1910.179(m) (1) and (2), which cover running ropes and other ropes on overhead and gantry cranes. The OSHA standard, like the original ANSI standard, currently requires that a monthly full written, dated, and signed report of rope condition (for running ropes) be kept on file where readily available to appointed personnel and that rope which has been idle for a month or more be inspected and that a written and dated report of rope condition be available.

In 1976, this ANSI standard was revised, eliminating the monthly report of rope condition for running ropes and requiring a report on rope condition of idle rope only when the rope has been idle for six months or more.

ANSI B30.2.0 was last revised in 1983. The current edition contains no recordkeeping requirements for frequently (daily, bi-monthly) inspected items. Records are only required for periodic (quarterly, bi-annual) inspections. In that case, the ANSI standard calls for "dated inspection reports or comparable records shall be made on critical items such as . . . ropes . . ."

The source for §§ 1910.180(d)(6) which requires written, dated, and signed inspection reports and records to be made monthly on critical components is section 2-2.1.5 of the ANSI B30.5-1968, Standard for Crawler, Locomotive and Truck Cranes.

The 1982 revision of the ANSI standard changes the language in section 2-2.1.5 to read "Dated records for periodic inspections shall be made . . ."

Again, OSHA notes, the ANSI standard, as revised, reflects the same concern for paperwork reduction which motivated OSHA to initiate this rulemaking.

The ANSI B30.5-1968 is also the source standard for §§ 1910.180 (g)(1) and (g)(2)(ii), which regulate running and idle ropes for crawler and locomotive cranes. Section 1910.180(g)(1), like section 5-2.4.1 of the B30.5-1968 standard, currently requires that the employer keep a monthly, full written, dated, and signed report of rope condition on file. Section 1910.180(g)(2)(ii), like the source standard, requires a written and dated report of rope condition for rope which has been idle for a month or more.

ANSI B30.5-1982, in section 5-2.4.3, paragraph (e), Inspection Records, reads as follows:

(1) *Frequent Inspection.* No record required.

(2) *Periodic Inspection.* In order to establish data as a basis for judging the proper time for replacement, a dated report of rope condition for each periodic inspection shall be kept on file . . . If the rope is replaced, only that part need be recorded.

ANSI defines frequent inspection to mean daily to monthly intervals. OSHA has determined that the inspection requirements of §§ 1910.180 (g)(1) and (g)(2)(ii) involve "frequent" inspection. Therefore, the current ANSI standard, once again, reflects the concern for reducing paperwork burdens which led OSHA to initiate this rulemaking.

The ANSI B30.6-1969 Standard for Derricks, section 6-2.4 is the source for §§ 1910.181 (g)(1) and (g)(3), which cover running and idle ropes on derricks. These paragraphs, like the crane provisions discussed above, currently require employers to prepare a full written, dated, and signed report of rope condition monthly for running ropes and a written and dated report of rope condition for ropes which have been idle a month or more.

ANSI B30.6 was last revised in 1984. Section 6-2.4 of ANSI B30.6-1984, under paragraph (e) *Inspection Records* for ropes, states that there are "no records required" for frequent inspection (daily to monthly). Records for preventive maintenance, however, are recommended "in order to establish data as a basis for judging the proper time for replacement."

ANSI B11.1-1971 is the source standard for §§ 1910.217(a)(1) (i) and (ii) on mechanical power presses. As mentioned earlier, OSHA received comment from the ANSI B11.1 Subcommittee on Mechanical Power Presses which endorsed the changes regarding recordkeeping for mechanical power presses (Ex. 4-21).

ANSI B24.1-1971, section 4.1, is the source for the provisions of §§ 1910.235(a)(2) (i) and (ii) which are covered by this rulemaking. Section 4.1 states that employers are responsible for "(1) Establishing periodic and regular maintenance safety checks and keeping records of these inspections; (2) Scheduling and recording inspection of guards and point of operation protection devices at frequent and regular intervals."

The 1985 edition of the B24.1, section 6.1, states that employers are responsible for "(1) Establishing periodic and regular maintenance safety checks; (2) inspecting the guards and point of operation protection devices regularly."

ANSI has evidently dropped the recordkeeping requirements from both of these provisions. OSHA notes that ANSI considers it good practice to keep

records, while at the same time, ANSI has eliminated the recordkeeping provision from its standard.

ANSI Z49.1-1967, Safety in Welding and Cutting, is the source for § 1910.252(c)(6), another recordkeeping requirement covered by this rulemaking. This standard, in section 5.8.1 states "Periodic inspection shall be made by qualified personnel, and records of the same maintained . . ." The latest edition of this standard is the Z49.1-1983 which states in section 12.7 that "Periodic inspections and necessary repairs shall be made by authorized personnel." Again, ANSI has eliminated the recordkeeping requirement.

D. Cost Savings

Several parties [Exs. 4-4, 4-12, 4-24, 16 and Tr. 69] disputed OSHA's calculation of the time and money saved by converting from recordkeeping to certification. The United Steelworkers of America [Ex. 4-24] commented, "The actual transcription of information to a prepared form, which is only what would be eliminated, takes only a matter of seconds per piece of equipment." In addition, the International Union of Operating Engineers [Ex. 14] stated that an employer could comply with the recordkeeping requirements related to the inspection of a manifold, § 1910.68(s)(3), "in less than a minute."

OSHA notes that its calculations for each recordkeeping requirement have been available for examination in the public docket so that any deficiencies could be brought to OSHA's attention. The critics of the proposed revisions have provided alternative calculations for only two of the 23 provisions originally proposed for revision.

As OSHA has already noted, some of these recordkeeping requirements do not necessarily impose large burdens. On the other hand, some of the recordkeeping requirements, especially when the summed burdens are calculated, impose large burdens. OSHA has determined that the recordkeeping burdens imposed by the provisions subject to this rulemaking are unnecessary, given the purposes for which they were adopted and OSHA's responsibility under the Paperwork Reduction Act and section 604 of the OSHA Act to eliminate recordkeeping burdens. The presence of divergent views regarding the burdens does not alter OSHA's determination that the burdens are not directly responsive to employee safety and health and are, therefore, unnecessary.

OSHA concedes that the calculation of time and money costs for recordkeeping requirements is not an exact science, but the Agency believes that there are substantial real world bases for its conclusions. Therefore, OSHA relies on its calculations of the savings to employers in promulgating this final rule. The SF-83 forms which were submitted to OMB, in order to quantify and justify the burdens imposed by the pertinent recordkeeping requirements, are part of the record for this proceeding [Ex. 3].

A number of other commenters, who supported a shift to certification, asserted that the proposed revisions would lead to cost savings. For example, the Air Transport Association [Ex. 4-23] commented that the revisions "to some extent, would reduce the paperwork involved." In addition, the ANSI B11.1 Committee [Ex. 4-11] stated, "We appreciate the reduction in preparing and maintaining the extensive and oftentimes burdensome records of information."

Therefore, OSHA is confident that the revisions to the recordkeeping requirements covered by this rulemaking will reduce the expense and the time required for employers to comply with those requirements to a level where the necessary information is "obtained with a minimum burden upon employers" [section 6(d) of the OSHA Act].

IV. Summary and Explanation

Section 1910.68(e)(3)—Inspection of Manlifts. The existing standard requires the employer to keep a written record of the findings from each manlift inspection. It also requires that the employer make the inspection record available to the Assistant Secretary of Labor or his duly authorized representative.

The revised standard eliminates the need to record the findings and requires instead that the record provide the date of inspection, the signature of the person who performed the inspection, and the identity of the manlift that was inspected. OSHA has determined that there will be no reduction in the protection of worker safety because §1910.68(e)(1) still requires that manlifts be inspected by a competent, designated person at intervals of not more than 30 days and that "Manlifts found to be unsafe shall not be operated until properly repaired."

In addition, §1910.68(e)(2) lists 22 components of a manlift system that are covered by this inspection requirement and also provides that other items not in the list might also require inspection to ensure the safe operation of the manlift.

OSHA believes that the requirements of §1910.68(e) as revised are stated very clearly. If an employer determines, that the manlift, while not yet unsafe, should be inspected again before 30 days have passed, the employer is responsible to have another inspection performed within the 30 day period. Therefore, if the manlift failed between inspections, it would be because the employer did not act on the results of an inspection, not because the employer failed to record that a condition requiring attention has been found.

OSHA notes that paragraph (e)(3), even before revision, did not require the employer to record what action, if any, was taken in response to the inspection findings.

Section 1910.106(g)(1)(i)(g)—Inventory of Service Station Storage Tanks. OSHA proposed to revoke this provision for service station employers to maintain and reconcile accurate inventory records on all Class I liquid storage tanks because it is designed to provide general public protection and is not directed at protection of employees. As such, OSHA believes that a requirement such as this is most appropriately imposed by local and state authorities, not by OSHA. [See Ex. 4-6.]

OSHA received two comments supporting the proposed revocation [Exs. 4-15 and 4-18] and three comments opposing revocation [Exs. 4-4, 4-16, and 4-24].

In Issue #2 of the public hearing notice, OSHA asked for information regarding the contention that the purpose of §1910.106(g)(1)(i)(g) was to protect employees from fire and explosion hazards. OSHA specifically requested information regarding any service station fires or explosions related to this recordkeeping requirement or any other information documenting the need for the requirement and appropriateness of OSHA's continuing to regulate in this area.

No information was submitted on this issue, either in the responses to the NRPM or the hearing notice, at the hearing or in the post-hearing submissions. As far as OSHA can determine, there have been no service station fires or explosions due to leaking underground tanks. In addition, OSHA notes that this is an area where state and local regulations already cover virtually all underground gasoline storage tanks. Therefore, based on its review of the record, OSHA is revoking paragraph (g)(1)(i)(g) of §1910.106.

Section 1910.157—Hydrostatic Testing of Fire Extinguishers. The revised standard differs from the original standard by eliminating the requirement

that the employer record the pressure used when fire extinguishers are hydrostatically tested. Fire extinguisher manufacturers include the test pressure information on the label which is affixed to the fire extinguisher when distributed. Thus, the employer already has the test pressure information needed to test the extinguisher, so there is no need to prepare or maintain a separate record. Therefore, the requirement to record the test pressure unnecessarily burdens the employer.

The revised standard requires that, after the periodic hydrostatic test has been performed, the employer prepare a certification record which contains the date of the test, the signature of the person who performed the test and the identity of the fire extinguisher which was tested. The requirement in §1910.157(f) that employers ensure that portable fire extinguishers are hydrostatically tested at the specified intervals remains in effect, so there will be no reduction in the protection of worker safety.

Section 1910.179(j)(2)(iii)—Inspection of Hooks on Overhead and Gantry Cranes. The existing standard requires the employer to prepare a signed report of the monthly inspection of crane hooks. The requirement is silent on what constitutes a signed report. Employers might conclude that a signed notation indicating the inspection has been performed is a signed report. Or, employers might conclude that a signed report is a detailed discussion of the condition of the equipment inspected.

The revised standard eliminates the word "report" and instead requires a certification record of the inspection which includes the date of inspection, the signature of the person who performed the inspection and the identity of the hook that was inspected. The revised standard clarifies what information is required, eliminating any burden that might previously have been imposed due to ambiguity. There will be no reduction in the protection of worker safety because the criteria for determining when to remove or replace hooks provided in paragraph (1)(3)(iii)(a) ("Crane hooks showing defects described in paragraph (j)(2)(iii) of this section shall be discarded") remain in effect.

OSHA is also correcting a typographical error in this paragraph. The reference to paragraph (j)(1)(3)(iii)(a) printed in the current standard is corrected to read paragraph (1)(3)(iii)(a).

Section 1910.179(j)(2)(iv)—Inspection of Hoist Chains on Overhead and Gantry Cranes. The existing standard

requires a monthly inspection of hoist chains with signed report. As with (j)(2)(iii), just discussed, it does not describe or explain what information is to be included in the "report." Thus, an employer may reach either of the two above mentioned conclusions in preparing the report required by this provision.

The revised standard will eliminate the "report" and require instead that a certification record be prepared which includes the date of inspection, the signature of the person who conducted the inspection and the identity of the chain inspected. As with the preceding paragraph, OSHA clearly states what the record must contain, removing uncertainty. There will be no reduction in the protection of worker safety because the requirement in paragraph (1)(3)(iii)(b) to repair or replace hoist chains which show defects described in paragraph (j)(2)(iv) remains in effect.

Sections 1910.179(m)(1); 1910.180(g)(1) and 1910.181(g)(1)—Inspection of Running Ropes on Cranes and Derricks. In the existing standards covering different types of cranes and derricks, these identical provisions require the employer to inspect running ropes monthly and prepare a full written, dated, and signed report of rope condition.

The revised standards have been rewritten for clarity and to eliminate the requirement to prepare full written, signed reports of rope condition and instead require that, after the inspection, the employer prepare a certification record which includes the date of the inspection, the signature of the person who performed the inspection and the identity of the crane or derrick which was inspected. The requirements contained in each of these provisions that the employer determine "whether further use of the rope would constitute a safety hazard" remains in effect. Therefore, OSHA has determined that the protection of employee safety will not be adversely affected by these revisions.

Sections 1910.179(m)(2); 1910.180(g)(2); and 1910.181(g)(3)—Inspection of Idle Ropes on Cranes and Derricks. In the existing standards, these three provisions require the employer to inspect ropes which have been idle for a month or more before they are placed in service and to prepare a written and dated report of rope condition.

The revised standards will eliminate the requirement to prepare reports of rope condition and instead require that after the inspections have been made, the employer prepare a certification record which includes the date of the inspection, the signature of the person

who performed the inspection and the identity of the crane or derrick which was inspected. The requirement contained in each of these provisions that the inspection be performed by an appointed or authorized person whose approval shall be required for further use of the rope has not changed, thus there will be no reduction in worker safety.

Additionally, the words "placed in service" have been replaced with "used" to clarify that the ropes are to be inspected before actual usage, whether or not the ropes had ever been used before.

Section 1910.180(d)(6)—Inspection of Critical Items on Crawler, Locomotive, and Truck Cranes. The existing standard requires the employer to prepare written, dated, and signed inspection reports and records on a monthly basis on critical items in use such as brakes, hooks and ropes. This provision could be interpreted to mean a written statement, signed and dated to verify the inspection has been performed, or it could mean a complete description of the findings of the items inspected.

The revised standard will clarify that provision by changing the language "written, dated, and signed inspection reports and records" to a requirement that a monthly certification record which includes the date of inspection, the signature of the person who performed the inspection and the identity of the crane that was inspected, be prepared.

The requirement in § 1910.180(d)(3) to perform inspections for defects at intervals defined or as specifically indicated including observation during operation for any defects which might appear between regular inspections has not been changed. There has also been no change in the requirement in paragraph (d)(3) that any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard. Thus, there will be no reduction in worker safety.

Section 1910.217(e)(1)(i)—Inspection of Power Presses. The existing standard requires the employer to establish a program of periodic and regular inspections and maintain records of these inspections and the maintenance work performed.

The revised standard will eliminate the requirement to prepare a record of the maintenance work performed and require only that a certification record be maintained which includes the date of inspection, the signature of the person who made the inspection and the identity of the power press that was

inspected. Section 1910.217(e) also requires that all parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. Compliance with this portion of the provision will ensure that no loss in safety occurs.

Section 1910.217(e)(1)(ii)—Inspection and Test of Power Press Components. The existing standard requires the employer to conduct a weekly inspection and test of certain functions on power presses and to maintain records of the inspections and the maintenance work performed.

The revised standard will eliminate the requirement to prepare a record of the maintenance work performed and instead require the employer to maintain a certification record which includes the date of inspection or maintenance, the signature of the person performing the inspection or maintenance, and the identity of the power press inspected or maintained. There will be no reduction of worker safety because the requirement that necessary maintenance or repair or both shall be performed and completed before the press is operated will remain in effect.

Section 1910.218(a)(2)(i)—Inspection of Forging Machines. The existing standard requires employers to establish periodic and regular maintenance safety checks of forging machines and to keep records of those inspections. The standard is silent regarding what constitutes a record. Employers could interpret this requirement as requiring either very little information or a considerable amount of information.

The revised standard will clarify this provision by clearly stating that the employer shall maintain a certification record which includes the date the machine was inspected, the signature of the person who inspected the machine and the identity of the forging machine that was inspected. There will be no reduction in protection of worker safety because § 1910.218(a)(2) still requires that employers "maintain" forge shop equipment in a condition which will insure continued safe operation.

Section 1910.218(a)(2)(ii)—Inspection of Guards and Point of Operation Devices on Forging Machines. The existing standard requires the employer to schedule and record inspections of guards and point of operation protection devices. Here again, the provision is silent regarding what constitutes a record. Employers could also interpret this requirement as requiring either very little information or a considerable amount of information.

The revised standard will clarify this provision and clearly state that the employer shall maintain a certification record of the date of inspection, the signature of the person who performed the inspection and the identity of the machine that was inspected. There will be no reduction in protection of worker safety because § 1910.252(a)(2) still requires that employers "maintain" forge shop equipment in a condition which will insure continued safe operation.

Section 1910.252(c)(8)—Inspection of Welding Equipment. The existing standard requires that employers periodically inspect their welding equipment and maintain records of those inspections. Again, the paragraph does not specify what information must be included in the record.

The revised standard will clarify this requirement and clearly state that the employer shall maintain a certification record of the date of inspection, the signature of the person who performed the inspection and the identity of the welding equipment. There will be no reduction of worker safety because the requirement in § 1910.252(d)(6) that "the operator shall be instructed to report any equipment defects to his supervisor and the use of the equipment shall be discontinued until safety repairs have been completed," remains in effect.

Section 1910.440(a)(1)—Diving Records. OSHA proposed to revoke this provision in the diving standard because it simply reiterates the employer's obligation to comply with the recordkeeping requirements of 29 CFR Part 1904 of the OSHA regulations and the requirements outlined in § 1910.440(a)(2). This is the only standard in 29 CFR Part 1910 that contains such cross referencing.

Section 1910.440(a)(1) was adopted in 1977 when OSHA promulgated the diving standards. The diving standard, as proposed, contained numerous recordkeeping requirements, so OSHA was concerned that some employers might conclude that their obligations under Part 1904 were being changed.

Because of this, OSHA added a provision referencing Part 1904 and explained in the preamble to the final diving standard that OSHA was adding this provision to remind employers that they must comply with both Part 1904 and § 1910.440(a)(2).

On December 28, 1982, (47 FR 57699) OSHA amended Part 1904 by adding, among other things, a new § 1904.18. This new section excluded certain employers, depending on their Standard Industrial Classification (SIC) codes, from some of the recordkeeping requirements of Part 1904. There are

some employers of divers in the excluded SIC codes.

The United Brotherhood of Carpenters and Joiners of America as well as the United Steelworkers of America [Exs. 4-4, 4-7 and 4-24] maintain that OSHA's cross reference to Part 1904 in § 1910.440(a)(1) requires employers to comply with all of Part 1904

notwithstanding the exemption provided by § 1904.18. OSHA notes that there is no basis for this contention. The reference to Part 1904 in § 1910.440(a)(1) was merely intended as a reminder to employers that, in addition to the particular recordkeeping requirements in the diving standard, they were also subject to the general recordkeeping requirements applicable to all employers contained in Part 1904. When Part 1904 was amended in December 1982, the amendment was effective for all employers covered by Part 1904, including diving industry employers. If the Carpenters and Steelworkers unions objected to the proposed amendments to Part 1904, the time for them to have raised their concerns was when OSHA was considering its revision of Part 1904.

Therefore, OSHA is revoking paragraph (a)(1) of § 1910.440.

Section 1915.113(b)(1)—Testing of hooks. The existing standard requires shipyard employers to test certain hooks (those for which the manufacturer has not specified a safe working load) and maintain a record of the test. The current standard is unclear as to what information should be included in the record of the test.

The revised standard will clarify this requirement by requiring the employer to maintain a certification record of the date of the test, the signature of the person who performed the test and the identity of the hook tested. There will be no reduction of worker safety because the requirement that the employer test the hook at twice its intended safe working load before putting it to use remains in effect. In addition § 1915.113(b)(3) requires that "Hooks shall be inspected periodically to see that they have not been bent by overloading. Bent or sprung hooks shall not be used."

Section 1915.172(d)—Inspection and Tests of Unfired Pressure Vessels. The existing standard requires shipyard employers to perform a hydrostatic test of portable unfired pressure vessels yearly and to maintain records of those tests. The existing standard also requires employers to examine certain pressure vessels quarterly. The employer is required to maintain a record of this examination. Again, OSHA has not specified what

information should be included in this record.

The revised standard will clarify that the employer must maintain a certification record of the date of the examination or test, the signature of the person who performed the test or examination, and the identity of the pressure vessel that was examined or tested. OSHA notes that the requirement to conduct the tests and examinations remains in effect. Furthermore, § 1915.172(c) still requires that relief valves on the pressure vessels be set to the safe working pressure of the vessels, or set to the lowest safe working pressure of the system, whichever is lower. Therefore, OSHA has determined that worker safety will not be diminished through the promulgation of the revised recordkeeping requirements.

V. Regulatory Impact Assessment

OSHA has determined that this rule is not a "major rule" under Executive Order 12291 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

VI. Regulatory Flexibility Analysis

One commenter, the Chief Counsel for Advocacy of the Small Business Administration, questioned whether OSHA should prepare a regulatory flexibility analysis of this rule under sections 603 and 605 of the Regulatory Flexibility Act (5 U.S.C. 603, 605) which require that such an analysis be performed unless the agency certifies that the rule will not "have a significant economic impact on a substantial number of small entities." [Ex. 4-31].

After further review of the relevant information, OSHA concludes that a regulatory flexibility analysis is not necessary. OSHA estimates that general industry (including shipyards) expends approximately 20 million dollars annually in complying with those recordkeeping provisions which will be revised by this rule. OSHA also estimates that compliance costs after this rule is promulgated will be approximately 3.5 million dollars annually, for a total economic impact differential of 16.5 million dollars

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annually. As this total economic impact will generally be distributed over a variety of numerous nonconstruction workplaces, it can be concluded that this rule will not have a significant economic impact on a substantial number of small entities.

VII. OMB Approval Under the Paperwork Reduction Act

The revisions are not subject to the Paperwork Reduction Act because they are certifications as defined in 5 CFR 1320.7(k)(1) and, therefore, are not covered by the Paperwork Reduction Act or the implementing regulations. Hence, OMB approval under the Paperwork Reduction Act is not required.

VIII. State Plan States

The 25 States and territories with their own OSHA-approved occupational safety and health plans must revise their existing standards within six months of the publication date of the final standard or show OSHA why there is no need for action, e.g., because an existing State standard covering this area is already "at least as effective" as the revised Federal standard. These 25 States and territories are: Alaska, Arizona, California, Connecticut¹, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York¹, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, and Wyoming.

Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Accordingly, pursuant to sections 8(b), 8(c), 8(d) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 657), Section 41 of the Longshoremen's and Harbor Workers Compensation Act, (33 U.S.C. 941), Secretary of Labor's Order No. 9-83 (48 FR 35736) and 29 CFR Part 1911, OSHA is amending 29 CFR Parts 1910 and 1915 as set forth below.

Signed at Washington, DC, this 23rd day of September 1986.

John A. Pendergrass,
Assistant Secretary of Labor.

¹ Plan covers only State and local government employees.

List of Subjects in 29 CFR Parts 1910 and 1915

Certification, Occupational safety and health, Recordkeeping, Safety.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The authority citation for Subpart F of Part 1910 continues to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.66, 1910.67, 1910.68 and 1910.70 also issued under 29 CFR Part 1911.

2. In § 1910.68, paragraph (e)(3) is revised to read as follows:

§ 1910.68 Manlifts.

(e)
(3) *Inspection record.* A certification record shall be kept of each inspection which includes the date of the inspection, the signature of the person who performed the inspection and the serial number, or other identifier, of the manlift which was inspected. This record of inspection shall be made available to the Assistant Secretary of Labor or a duly authorized representative.

3. The authority citation for Subpart H of Part 1910 continues to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.106, 1910.107, 1910.108 and 1910.109 also issued under 29 CFR Part 1911.

§ 1910.106 [Amended]

4. In § 1910.106, paragraph (g)(1)(i)(g) is removed and reserved.

5. The authority citation for Subpart L of Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.157, 1910.158, 1910.159, 1910.160 and 1910.161 also issued under 29 CFR Part 1911.

6. In § 1910.157, paragraph (f)(16) is revised to read as follows:

§ 1910.157 Portable fire extinguishers.

(f)
(16) The employer shall maintain and provide upon request to the Assistant

Secretary evidence that the required hydrostatic testing of fire extinguishers has been performed at the time intervals shown in Table L-1. Such evidence shall be in the form of a certification record which includes the date of the test, the signature of the person who performed the test and the serial number, or other identifier, of the fire extinguisher that was tested. Such records shall be kept until the extinguisher is hydrostatically retested at the time interval specified in Table L-1 or until the extinguisher is taken out of service, whichever comes first.

7. The authority citation for Subpart N of Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Sections 1910.177, 1910.178, 1910.180, 1910.181, 1910.183, 1910.184, 1910.189 and 1910.190 also issued under 29 CFR Part 1911.

8. In § 1910.178, paragraphs (j)(2)(iii), (j)(2)(iv), (m)(1) introductory text and (m)(2) are revised and the italicized heading of paragraph (m) is republished to read as follows:

§ 1910.178 Overhead and gantry cranes.

(j)
(2)
(iii) Hooks with deformation or cracks. Visual inspection daily; monthly inspection with a certification record which includes the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, of the hook inspected. For hooks with cracks or having more than 15 percent in excess of normal throat opening or more than 10° twist from the plane of the unbent hook refer to paragraph (1)(3)(iii)(a) of this section.

(iv) Hoist chains, including end connections, for excessive wear, twist, distorted links interfering with proper function, or stretch beyond manufacturer's recommendations. Visual inspection daily; monthly inspection with a certification record which includes the date of inspection, the signature of the person who performed the inspection and an identifier of the chain which was inspected.

(m) *Rope inspection.*—(1) *Running ropes.* A thorough inspection of all ropes shall be made at least once a month and a certification record which includes the

date of inspection, the signature of the person who performed the inspection and an identifier for the ropes which were inspected shall be kept on file where readily available to appointed personnel. Any deterioration, resulting in appreciable loss of original strength, shall be carefully observed and determination made as to whether further use of the rope would constitute a safety hazard. Some of the conditions that could result in an appreciable loss of strength are the following:

(2) *Other ropes.* All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given a thorough inspection before it is used. This inspection shall be for all types of deterioration and shall be performed by an appointed person whose approval shall be required for further use of the rope. A certification record shall be available for inspection which includes the date of inspection, the signature of the person who performed the inspection and an identifier for the rope which was inspected.

9. In § 1910.180, paragraphs (d)(6), (g)(1) introductory text and (g)(2)(ii) are revised and the italicized heading of paragraph (g) is republished to read as follows:

§ 1910.180 Crawler, locomotive and truck cranes.

(d) * * *

(6) *Inspection records.* Certification records which include the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, of the crane which was inspected shall be made monthly on critical items in use such as brakes, crane hooks, and ropes. This certification record shall be kept readily available.

(g) *Rope inspection.*—(1) *Running ropes.* A thorough inspection of all ropes in use shall be made at least once a month and a certification record which includes the date of inspection, the signature of the person who performed the inspection and an identifier for the ropes shall be prepared and kept on file where readily available. All inspections shall be performed by an appointed or authorized person. Any deterioration, resulting in appreciable loss of original strength shall be carefully observed and determination made as to whether further use of the rope would constitute a safety hazard. Some of the conditions

that could result in an appreciable loss of strength are the following:

(2) * * *

(ii) All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given a thorough inspection before it is used. This inspection shall be for all types of deterioration and shall be performed by an appointed or authorized person whose approval shall be required for further use of the rope. A certification record which includes the date of inspection, the signature of the person who performed the inspection, and an identifier for the rope which was inspected shall be prepared and kept readily available.

10. In § 1910.181, paragraphs (g)(1) introductory text and (g)(3) are revised and the italicized heading of paragraph (g) is republished to read as follows:

§ 1910.181 Derricks.

(g) *Rope inspection.*—(1) *Running ropes.* A thorough inspection of all ropes in use shall be made at least once a month and a certification record which includes the date of inspection, the signature of the person who performed the inspection, and an identifier for the ropes which were inspected shall be prepared and kept on file where readily available. Any deterioration, resulting in appreciable loss of original strength shall be carefully observed and determination made as to whether further use of the rope would constitute a safety hazard. Some of the conditions that could result in an appreciable loss of strength are the following:

(3) *Idle ropes.* All rope which has been idle for a period of a month or more due to shutdown or storage of a derrick on which it is installed shall be given a thorough inspection before it is used. This inspection shall be for all types of deterioration. A certification record shall be prepared and kept readily available which includes the date of inspection, the signature of the person who performed the inspection, and an identifier for the ropes which were inspected.

11. The authority citation for Subpart O of Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35738), as applicable.

Sections 1910.217 and 1910.218 also issued under 29 CFR Part 1911.

12. In § 1910.217, paragraphs (e)(1) (i) and (ii) are revised to read as follows:

§ 1910.217 Mechanical power presses.

(e) * * *

(1) * * *

(i) It shall be the responsibility of the employer to establish and follow a program of periodic and regular inspections of his power presses to ensure that all their parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. The employer shall maintain a certification record of inspections which includes the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, of the power press that was inspected.

(ii) Each press shall be inspected and tested no less than weekly to determine the condition of the clutch/brake mechanism, antirepeat feature and single stroke mechanism. Necessary maintenance or repair or both shall be performed and completed before the press is operated. These requirements do not apply to those presses which comply with paragraphs (b) (13) and (14) of this section. The employer shall maintain a certification record of inspections, tests and maintenance work which includes the date of the inspection, test or maintenance; the signature of the person who performed the inspection, test, or maintenance; and the serial number or other identifier of the press that was inspected, tested or maintained.

13. In § 1910.218, paragraphs (a)(2) (i) and (ii) are revised to read as follows:

§ 1910.218 Forging machines.

(a) * * *

(2) * * *

(i) Establishing periodic and regular maintenance safety checks and keeping certification records of these inspections which include the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, for the forging machine which was inspected.

(ii) Scheduling and recording the inspection of guards and point of operation protection devices at frequent and regular intervals. Recording of inspections shall be in the form of a certification record which includes the date the inspection was performed, the signature of the person who performed the inspection and the serial number, or

other identifier, of the equipment inspected.

14. The authority citation for Subpart Q of Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable.

Section 1910.252 also issued under 29 CFR Part 1911.

15. In § 1910.252, paragraph (c)(6) is revised to read as follows:

§ 1910.252 Welding, cutting and brazing.

(c) ***

(6) *Maintenance.* Periodic inspection shall be made by qualified maintenance personnel, and a certification record maintained. The certification record shall include the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, for the equipment inspected. The operator shall be instructed to report any equipment defects to his supervisor and the use of the equipment shall be discontinued until safety repairs have been completed.

16. The authority citation for Subpart T of Part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); Secretary of Labor's Order No. 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1811.

§ 1910.440 [Amended]

17. In § 1910.440, paragraph (a)(1) is removed and reserved.

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

18. The authority citation for Part 1915 continues to read as follows:

Authority: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059) or 9-83 (48 FR 35736), as applicable; 29 CFR Part 1911.

19. In § 1915.113, paragraph (b)(1) is revised to read as follows:

§ 1915.113 *Struckles and hooks.*

(b) ***

(1) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employer shall maintain and keep readily available a certification record which includes the date of such tests, the signature of the person who performed the test and an identifier for the hook which was tested.

20. In § 1915.172, paragraph (d) is revised to read as follows:

§ 1915.172 *Portable air receivers and other unfired pressure vessels.*

(d) A certification record of such examinations and tests made in compliance with the requirements of paragraphs (a) and (b) of this section shall be maintained. The certification record shall include the date of examinations and tests, the signature of the person who performed the examinations or tests and the serial number, or other identifier, of the equipment examined and tested.

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