

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. ICR 1218-0209 2000]

**Proposed Information Collection Request Submitted for Public Comment and Recommendations; OSHA Data Initiative (1218-0209)****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection request for the OSHA Data Collection System. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before August 28, 2000.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submissions of responses.

**ADDRESSES:** Comments are to be submitted to the Docket Office, Docket No. ICR 1218-0209 2000, U.S. Department of Labor, Room N-2625, 200 Constitution Ave., NW, Washington, D.C. 20210, telephone (202) 693-2350. Written comments limited to 10 pages or less in length may be transmitted by facsimile to (202) 693-1648.

**FOR FURTHER INFORMATION CONTACT:**

Dave Schmidt, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3644, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 693-1886. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Dave Schmidt at (202) 693-1886 or Todd Owen at (202) 693-2444. For electronic copies of the OSHA Data Initiative information collection request, contact OSHA's WebPage on the Internet at [http://www.osha-slc.gov/OCIS/Infor\\_coll.html](http://www.osha-slc.gov/OCIS/Infor_coll.html).

**SUPPLEMENTARY INFORMATION:****I. Background**

To meet many of OSHA's program needs, OSHA is proposing to continue its data initiative to collect occupational injury and illness data and information on number of workers employed and number of hours worked from establishments in portions of the private sector and from some state and local government agencies. OSHA will collect calendar year 2000 data from up to 136,000 employers already required to create and maintain records pursuant to 29 CFR Part 1904. These data will allow OSHA to calculate occupational injury and illness rates and to focus its efforts on individual workplaces with ongoing serious safety and health problems. Successful implementation of the data collection initiative is critical to OSHA's reinvention efforts and the data requirements tied to the Government Performance and Results Act (GPRA).

**II. Current Actions**

This notice requests public comment on an extension of the current OMB approval of the paperwork requirements for the OSHA Data Collection System.

*Type of Review:* Extension of currently approved collection.

*Agency:* Occupational Safety and Health Administration.

*Title:* OSHA Data Initiative.

*OMB Number:* 1218-0209.

*Agency Number:* ICR 1218-0209 2000.  
*Affected Public:* Business or other for-profit, farms, and State, Local or Tribal Government.

*Cite/Reference/Form/etc:* OSHA Form 196A and OSHA Form 196B.

*Total Respondents:* 136,000.

*Frequency:* Annually.

*Average Time per Response:* 30 minutes.

*Estimated Total Burden Hours:* 63,000 hours.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 22, 2000.

**Charles N. Jeffress,**

*Assistant Secretary for Occupational Safety and Health.*

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**BILLING CODE 4510-26-M**

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. NRTL-2-98]

**NSF International, Expansion of Recognition**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's final decision on the application of NSF International (NSF) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

**EFFECTIVE DATE:** This recognition becomes effective on June 28, 2000 and, unless modified in accordance with 29 CFR 1910.7, continues in effect while NSF remains recognized by OSHA as an NRTL.

**FOR FURTHER INFORMATION CONTACT:**

Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210, or phone (202) 693-2110.

**SUPPLEMENTARY INFORMATION:****Notice of Final Decision**

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of NSF International (NSF) as a Nationally

Recognized Testing Laboratory (NRTL). NSF's expansion request covers the use of additional test standards.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products "properly certified" by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of its final decision on an application.

NSF submitted a request, dated December 17, 1998 (see Exhibit 6A), to expand its recognition as an NRTL for 6 additional test standards. NSF also submitted a similar request, dated March 1, 1999 (see Exhibit 6B), for 4 other test standards. The NRTL Program staff determined that two of the standards listed in the December 17 request were not "appropriate test standards," within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing expansion requests from any NRTL. Therefore, OSHA approved 8 test standards for the expansion. The staff temporarily withheld its consideration of NSF's requests pending notification by the NRTL of the certification of its first products under the NRTL Program. The Agency imposed a condition requiring such a notification when it recognized NSF. However, NSF informed OSHA that it had not yet had an opportunity to perform such a certification. OSHA decided to grant NSF's requests, but continues to impose the condition for notification as restated in this notice.

OSHA published the required notice in the **Federal Register** (65 FR 11344, 03/02/2000) to announce the NSF expansion request. The notice included a preliminary finding that NSF could meet the requirements for expansion of its recognition, subject to the condition mentioned above, and OSHA invited public comment on the application by May 1, 2000. OSHA received no comments concerning this application.

In processing these requests, OSHA did not perform an on-site review of NSF's NRTL testing facilities. However, NRTL Program assessment staff reviewed information pertinent to the request and, in a memo dated October 21, 1999 (see Exhibit 7), recommended

the expansion of NSF's recognition to include the additional test standards.

The most recent notices published by OSHA for the NSF recognition covered its initial recognition, which OSHA announced on August 8, 1998 (63 FR 46082) and granted on December 10, 1998 (63 FR 68309).

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2625, Washington, D.C. 20210, telephone: (202) 693-2350. You should refer to Docket No. NRTL-2-98, the permanent records of public information on the NSF recognition.

The current address of the NSF facility (site) recognized by OSHA is: NSF International, 789 Dixboro, Ann Arbor, Michigan 48105.

#### Condition

As previously mentioned, OSHA included a condition in the **Federal Register** notice for the recognition of NSF, published on December 10, 1998 (63 FR 68309). The condition requires NSF to contact the NRTL Program after NSF has certified its first products under the program. The condition continues to apply as part of this expansion. We have included it below.

The condition applies solely to the NSF operations as an NRTL and solely to those products that it certifies for purposes of enabling employers to meet OSHA product approval requirements. The condition is in addition to the other conditions listed below, which OSHA normally imposes in its recognition of an organization as an NRTL. The NRTL Program staff includes these types of additional conditions on OSHA's informational web page for the NRTL. When the staff determines that a particular condition has been satisfied, not only for NSF but for any NRTL, they will remove the condition from the web page and notify the NRTL accordingly. OSHA has no requirement to publish a public notice to remove conditions it imposes as part of its NRTL recognition activities.

#### Final Decision and Order

The NRTL Program staff has examined the application and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that NSF International has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional test standards, listed below, subject to the limitations and conditions listed below. Pursuant to the authority in 29

CFR 1910.7, OSHA hereby expands the recognition of NSF, subject to these limitations and conditions.

#### Limitations

OSHA hereby expands the recognition of NSF for testing and certification of products to demonstrate conformance to the 8 additional test standards listed below. OSHA has determined that each test standard meets the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c).

The Agency's recognition of NSF, or any NRTL, for a particular test standard is always limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

UL 94 Tests for Flammability of Plastic Materials for Parts in Devices and Appliances  
UL 621 Ice Cream Makers  
UL 651 Schedule 40 and 80 PVC Conduit  
UL 651A Type EB and A Rigid PVC Conduit and HDPE Conduit  
UL 749 Household [Electric] Dishwashers  
UL 763 Motor-Operated Commercial Food Preparing Machines  
UL 1081 Swimming Pool Pumps, Filters, and Chlorinators  
UL 1821 Thermoplastic Sprinkler Pipe and Fittings for Fire Protection

Some standards listed above are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, the above list shows the designation of the standard developing organization (e.g., UL 22) for the standard, as opposed to the ANSI designation (e.g., ANSI/UL 22). Under our procedures, an NRTL that is approved for a particular test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

None of the above standards had been withdrawn by the standards developing organization (SDO) at the time of the preparation of the notice of preliminary finding.

#### Conditions

NSF International must also abide by the following conditions of the

recognition, in addition to those already required by 29 CFR 1910.7:

Within 30 days of certifying its first products under the NRTL Program, NSF will notify the OSHA NRTL Program Director so that OSHA may review NSF's implementation of procedures for testing and follow-up inspections of products covered within the scope of the above-listed test standards.

OSHA must be allowed access to the NSF facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If NSF has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the organization that developed the test standard of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

NSF must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, NSF agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

NSF must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

NSF will continue to meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

NSF will continue to meet the requirements for recognition in all areas where it has been recognized; and

NSF will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, D.C. this 20th day of June, 2000.

**Charles N. Jeffress,**

*Assistant Secretary.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-3-92]

#### TUV Rheinland of North America, Inc., Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's final decision on the application of TUV Rheinland of North America, Inc., (TUV) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7. Four standards are granted interim approval subject to review.

**EFFECTIVE DATE:** This recognition becomes effective on June 28, 2000. And, unless modified in accordance with 29 CFR 1910.7, continues in effect while TUV remains recognized by OSHA as an NRTL.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, DC 20210, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of TUV Rheinland of North America, Inc., (TUV), as a Nationally Recognized Testing Laboratory (NRTL). TUV's expansion request covers the use of the additional test standards listed below.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products "properly certified" by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of its final decision on an application.

TUV submitted a request, dated May 5, 1999 (see Exhibit 19A), to expand its recognition as an NRTL for 139

additional test standards. TUV also submitted information in support of its request with a letter, dated July 6, 1999 (see Exhibit 19B). In this submission, TUV also requested recognition for an additional 5 standards, bringing the total requested for the expansion to 144. The NRTL Program staff determined that 29 of the 144 standards were not "appropriate test standards," within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing expansion requests from any NRTL. Therefore, OSHA approved 115 test standards for the expansion. The staff temporarily withheld its consideration of TUV's expansion request due to findings noted during a review of TUV's site. TUV has provided documentation to OSHA to resolve the issues raised by the review. Although the NRTL Program staff has accepted the NRTL's resolution, we include a condition below related to this resolution. We also include a condition related to the documentation TUV submitted in support of its expansion request.

OSHA published the required notice in the **Federal Register** (65 FR 11345, 03/02/2000) to announce the TUV expansion request. The notice included a preliminary finding that TUV could meet the requirements for expansion of its recognition, subject to certain conditions, and OSHA invited public comment on the application by May 1, 2000. OSHA received no comments concerning this application.

The preliminary notice listed 119 test standards, four of which TUV had not requested and OSHA had not approved for TUV: UL 443, UL 444, UL 448, and UL 452. We exclude these standards from this final notice. However, as explained below, we include four other test standards in the list, bringing the total number of standards approved for the expansion to 119.

In processing TUV's request, OSHA performed an on-site assessment (review) of TUV's facility in Newtown, Connecticut, on July 12-14, 1999. In the final report of the on-site review (see Exhibit 20), the assessor recommended the expansion for the additional test standards.

The most recent notices published by OSHA for the TUV recognition covered an expansion of recognition, which OSHA announced on January 8, 1998 (63 FR 1127) and granted on April 2, 1998 (63 FR 16280).

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW,