

**SUPPORTING STATEMENT FOR THE  
INFORMATION COLLECTION REQUIREMENTS OF THE  
REGULATION ON DEFINITION AND REQUIREMENTS FOR  
A NATIONALLY RECOGNIZED TESTING LABORATORY (29 CFR 1910.7)  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NUMBER 1218-0147  
(August 2024)**

The agency is requesting an extension for an existing approved data collection.

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The principal objective of the Occupational Safety and Health Act (OSH Act) is to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources (29 U.S.C. 651). In fulfilling this objective, the OSH Act authorizes “the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651) and to “prescribe such rules and regulations as may [be] deem[ed] necessary to carry out [his/her] responsibilities under the Act . . .” (29 U.S.C. 657).

A number of standards issued by the Occupational Safety and Health Administration (OSHA or the agency) specify that employers use only equipment, products, or material tested or approved by a Nationally Recognized Testing Laboratory (NRTL). This requirement ensures that employers use safe equipment, products, or materials in complying with the standards. Accordingly, OSHA promulgated its Program Regulation for NRTLs, 29 CFR 1910.7 (the Regulation). The Regulation specifies procedures that organizations must follow to apply for, and to maintain, OSHA’s recognition to test and certify equipment, products, or material for safe use in the workplace.

As part of the recognition process, the Regulation requires that organizations seeking recognition submit an initial-recognition application to OSHA (29 CFR 1910.7 Appendix A (App. A)). The agency reviews the information provided in the initial-recognition application to determine if an organization meets the qualification criteria specified in the Regulation (App. A). These criteria address, among other things, an organization’s independence, and capability to test and examine equipment, products, or material for safety (including fire or electrical safety) (29 CFR 1910.7). In this regard, the agency evaluates an organization's facilities, equipment, staff training, written

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testing procedures, and calibration and quality control programs necessary to test and examine equipment, products, and material for safety.

Once recognized, an NRTL may apply to expand its current recognition to cover additional categories of NRTL testing (App. A). To do so, an NRTL must submit an expansion-of-recognition application that provides the agency with information demonstrating that it meets the testing criteria specified by the Regulation for these additional categories (App. A). An NRTL may also revise its testing procedures, such as testing methods or pass-fail criteria, provided those revisions are in conformance with an appropriate test standard for which the NRTL is recognized. OSHA may review these revisions during assessments of the NRTL (discussed below).

Recognition is site-specific. However, an NRTL may apply to expand the number of sites for which it is recognized. To do so, an NRTL must submit an expansion of recognition application that provides the agency with information demonstrating that the site for which it seeks recognition meets the qualification criteria specified in the Regulation.

Recognition by OSHA of an NRTL is valid for five years (App. A). To renew recognition for another five-year period, an NRTL must request renewal from the agency not less than nine months and not more than one year before the current recognition expires (App. A). In some cases, OSHA may dispense with this renewal requirement provided the organization certifies its continuing compliance with the Regulation (App. A).

To ensure that NRTLs are meeting the requirements of the Regulation, the agency attempts to conduct audits (assessments) of each NRTL annually. The Regulation provides for the conduct of these audits in 29 CFR 1910.7(f). OSHA also conducts assessments in conjunction with initial, expansion, and renewal applications (App. A). During assessments, an NRTL or applicant provides OSHA with standard written information to evaluate its compliance with the requirements for recognition. Assessments help ensure that equipment, products, or material used by employers to comply with OSHA's standards are safe to use.

The NRTL Program has a fee schedule associated with initial recognition, program expansion, renewals of recognition, and on-site audits (29 CFR 1910.7(f)), which can be found at <https://www.osha.gov/nationally-recognized-testing-laboratory-program/schedule>. To facilitate the payment of fees and reduce the burden on NRTLs, the agency utilizes an electronic payment mechanism on [Pay.gov](https://www.pay.gov). For each transaction on this site, users are required to complete a short payment form.

The NRTL Program schedule of fees for the NRTL Program is listed in Item 13. For more detail on how OSHA derived the schedule of fees, please see the 2019 *Federal Register* notice revising the schedule of fees, 84 FR 49336. As explained in detail in Item 13 of the supporting statement,

OSHA derives the estimated cost burden to respondents or recordkeepers resulting from the collection of information in large part from the schedule of fees.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

An initial recognition application, along with information obtained during a related assessment, allows the agency to evaluate an organization's capability to test and examine equipment, products, or material for safety, and to meet other qualification requirements specified in the Regulation. An expansion of recognition application, along with information obtained during a related assessment, permits OSHA to determine whether an NRTL can perform additional categories of NRTL testing or whether additional sites should be recognized. A request for renewal, along with information obtained during a related assessment, permits OSHA to determine whether an NRTL's recognition should be renewed. Other assessments of NRTLs (i.e., audits) permit OSHA to determine whether NRTLs continue to meet the requirements of the NRTL Program regulation. The use of electronic fee submissions through Pay.gov facilitates the payment of fees and reduces the burden on NRTLs and OSHA's administrative burden with respect to the processing of fee payments.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burdens.**

OSHA provides respondents with the opportunity to reduce burdens through the use of information technology to prepare and submit collections of information required by the Regulation. To this end, OSHA uses standardized optional forms (OMB Control No. 1218-0147), to facilitate and simplify the information collection process. The optional forms are available on OSHA's website and correspond to the application, expansion, and renewal processes described in item 1 above. The forms provide for automation such as drop-down lists to increase ease of use and reduce the information collection burden.

In some cases, OSHA supplements or replaces an on-site assessment of an NRTL with an electronic assessment using web technology and teleconferencing capabilities. This option, when used, reduces the cost burden on respondents. As explained more fully in Item 13, respondents bear costs resulting from the collections of information required by the Regulation in the form of fees paid to OSHA for the various NRTL-related services OSHA provides. These fees include payment for the time and expenses associated with OSHA personnel travel for the conduct of assessments. The use of electronic assessments reduces or eliminates these travel-related costs.

OSHA notes that, for the purpose of computing costs in Item 13, OSHA assumes that all assessments involve travel. These are conservative estimates because, again, some assessments do not involve travel or involve reduced travel.

Finally, forms posted on Pay.gov to facilitate fee collection are in an electronic format only and apply only when an NRTL is using the service to submit a fee.

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

The paperwork requirements of the Regulation involve the submission of information that is specific to each respondent involved. Therefore, no similar information is available or can be made available, to OSHA that would duplicate each respondent's information collection. For example, a respondent who chooses to voluntarily complete and submit an application for initial recognition, expansion of recognition, or renewal of recognition is the only source for the unique information that would be contained in that particular application.

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

OSHA concludes that the information collection requirements of the Regulation do not have a significant impact on a substantial number of small entities.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Without the collections of information required by the Regulation, OSHA could not effectively and efficiently determine an organization's capability to test and examine equipment, products, or materials for safety and to meet other qualification requirements specified in the Regulation. The agency believes that the five-year period for submitting a renewal-of-recognition application incentivizes NRTLs to maintain their testing and certification capabilities.<sup>1</sup> These provisions help to ensure that equipment, products, or material used by employers in complying with the agency's standards are safe.

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<sup>1</sup>The agency limits the scope of review during audits to an evaluation of some, but not all, of the testing and certification activities of an NRTL (e.g., the number of tests performed and the accuracy of testing documentation). During a few of these audits, OSHA also evaluates revisions made by the NRTL to its testing procedures. The review of renewal of recognition applications can involve a more extensive evaluation of a NRTL's testing and certification activities to ensure that it continues to meet the requirements specified by paragraph 29 CFR 1910.7(b).

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist that require respondents to collect information in the manner described in this item. While respondents may submit proprietary trade secret or other confidential information in responding to collections of information required by the Regulation, the relevant law, as well as OSHA and Department of Labor policies and procedures, fully protect that information's confidentiality to the extent permitted by law (see, e.g., 29 CFR Part 70 (Department of Labor regulations on the production or disclosure of information or materials, including Freedom of Information Act regulations); 29 U.S.C. 664 (Occupational Safety and Health Act provision protecting the confidentiality of trade secrets)).

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate consultation in a specific situation. These circumstances should be explained.**

As required by the Paperwork Reduction Act (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on August 1, 2024, 89 FR 62803, requesting public comments on its proposed extension of the information collection requirements contained in the NRTL program, Docket Number (OSHA-2010-0007). The notice is part of a pre-clearance consultation program intended to provide interested parties the opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the NRTL program. The agency will respond to any public comments received in response to this notice.

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

The agency will not provide payments or gifts to the respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The agency provides no assurance of confidentiality regarding the information included in paperwork required by the Regulation. However, while respondents may submit proprietary trade secret or other confidential information in responding to collections of information required by the Regulation, the relevant law, as well as OSHA and Department of Labor policies and procedures, fully protect that information's confidentiality to the extent permitted by law (see, e.g., 29 CFR Part 70 (Department of Labor regulations on the production or disclosure of

information or materials, including Freedom of Information Act regulations); 29 U.S.C. 664 (Occupational Safety and Health Act provision protecting the confidentiality of trade secrets)).

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

None of the provisions in the Regulation requires respondents to include sensitive information in their applications and notices.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form, and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collection of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

## **RESPONDENT HOUR AND COST BURDEN DETERMINATIONS**

Based on recent experience, OSHA estimates that each year, three organizations submit initial recognition applications, seven NRTLs submit expansion of recognition applications, and three NRTLs submit renewal of recognition applications. The expansion of recognition applications may entail the use of additional testing categories or testing or certification facilities. OSHA based the number of organizations for Electronic Fee Submissions and Assessments for this request on the current number of NRTLs (21) plus the number of organizations seeking initial recognition (3). This is a total of 24 organizations annually.

In addition, based on recent experience, the agency estimates it conducts 61 annual assessments, including 48 audits. To derive the estimate of 61 assessments, OSHA assumed that it would also conduct an assessment in conjunction with each of the three applications for initial recognition, each of the seven applications for expansion of recognition, and each of the three applications for renewal of recognition OSHA estimates respondents file annually. This is a conservative estimate. In fact, the agency knows, based on recent experience, that an assessment is only conducted in conjunction with one of the three applications for initial recognition, on average. The other two applications are usually rejected before the time for assessment arrives due to failure to comply with NRTL Program Requirements. In addition, OSHA generally does not conduct an on-site assessment for an expansion application unless the application involves a new recognized testing site, new areas of testing for the NRTL, or areas of concern to OSHA. Finally, OSHA generally does not conduct an on-site assessment in conjunction with the NRTL's application for renewal unless OSHA has not conducted an on-site assessment of the NRTL headquarters and any recognized sites with unique capabilities crucial to the NRTL's scope within the previous 18 months.

OSHA also estimates 74 electronic fee submissions per year. To derive this estimate, OSHA assumed there would be an electronic fee submission in conjunction with each of the three applications for initial recognition, each of the seven applications for expansion of recognition, and each of the three applications for renewal of recognition OSHA estimates respondents file annually, and each of the 61 assessments OSHA estimates it conducts annually.

OSHA estimates the average burden hours per transaction (i.e., per each application, fee submission, or assessment), as follows: 160 hours per each initial recognition application; 10 hours per each expansion of recognition application (additional testing categories); 24 hours per each expansion of recognition application (additional testing sites); 5 hours per each renewal of recognition application; 15 minutes (15/60 hours) per each electronic fee submission; and 16 hours per each assessment. OSHA based its estimates of burden hours for applications and assessments on projections of time, effort, or other resources needed by NRTLs or applicants to provide information needed to evaluate their applications. OSHA based its estimate of burden hours for electronic fee submissions on numerous trials it conducted during the initial testing



phases of pay.gov; OSHA concluded, based on those trials, that it takes no longer than 15 minutes (15/60 hours) to submit a fee electronically via Pay.gov. OSHA, therefore, believes its estimates of burden hours are reasonable.

Table B below provides a summary of the burden hour and cost estimates required for organizations to complete these paperwork requirements. The agency’s currently approved burden hours estimate for these requirements is 1,571 hours, and this requested revision would increase this amount by 17 hours to 1,588 hours.

Burden hours are based on not using the optional standardized forms referenced above. The agency expects that using the optional standardized forms would marginally reduce the burden hours associated with information collection.

**Wage Rates**

The agency determined the wage rate from mean hourly wage earnings to represent the cost of employee time. For the relevant Standard Occupational Classification (SOC) category, OSHA used the wage rates reported in the Bureau of Labor Statistics, U.S. Department of Labor, Occupational Employment and Wage Statistics (OEWS), May 2023 [date accessed: May 20, 2024]. (OES data is available at <https://www.bls.gov/oes/tables.htm>. To access a wage rate, select the year, “Occupation Profiles,” and the Standard Occupational Classification (SOC) code.)

To derive the loaded hourly wage rate presented in Table A below, the agency used data from the Bureau of Labor Statistics (BLS) Occupational Employment and Wage Statistics (OEWS), as described in the paragraph above. Then, the agency applied to the wage rate a fringe benefit markup based on the following BLS release: Employer Costs for Employee Compensation – December 2023 news release text; released 10:00 AM (EDT), March 13, 2024 (<https://www.bls.gov/news.release/pdf/ecec.pdf>). BLS reported that for private industry workers, fringe benefits accounted for 29.6 percent of total compensation, and wages accounted for the remaining 70.4 percent. To calculate the loaded hourly wage for each occupation, the agency divided the mean hourly wage rate by 1 minus the fringe benefits. These results are summarized in table A.

<b>TABLE A HOURLY WAGE RATE ESTIMATE</b>				
<b>Occupational Title</b>	<b>Standard Occupational Code</b>	<b>Mean Hourly Wage Rate (A)</b>	<b>Fringe Benefits Multiplier (B)</b>	<b>Loaded Hourly Wage Rate (C)=[A/(1-B)]</b>
Electrical Engineer	17-2071	\$56.58	.296	\$80.37

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**Table B: Summary of Burden-Hour and Cost Estimates to Complete Paperwork**

<b>Information Collection Requirement</b>	<b>Number of Orgs.<sup>2</sup></b> <i>A</i>	<b>Average Frequency (Average Number of Transactions<sup>1</sup> per Org.<sup>2</sup>)</b> <i>B = C/A</i>	<b>Number of Responses</b> <i>C</i>	<b>Burden Hours Per Transaction</b> <i>D</i>	<b>Total Burden Hours</b> <i>E = C x D</i>	<b>Wage/Hour Cost</b> <i>F</i>	<b>Total Burden Cost</b> <i>G = E x F</i>
Initial Recognition Applications (Form I)	3	1	3	160	480	\$80.37	\$38,578
Expansion of Recognition Applications (additional testing categories) (Form II)	5	1	5	10	50	\$80.37	\$4,019
Expansion of Recognition Applications (additional testing sites) (Form III)	2	1	2	24	48	\$80.37	\$3,858
Renewal of Recognition Applications (Form IV)	3	1	3	5	15	\$80.37	\$1,206
Electronic Fee Submission	24	3.08	74	15/60	18.50	\$80.37	\$1,487
Assessments	24	2.54	61	16	976	\$80.37	\$78,441
<b>Totals*</b>			<b>148</b>		<b>1,588</b>		<b>\$127,589</b>

\* Total number of respondents is 24.

<sup>1</sup> A “transaction” is an application, a fee submission, or an assessment.

<sup>2</sup> “Org.” and “Orgs.” refer to “Organization” and “Organizations,” respectively. For applications, an organization that engages in more than one transaction per year is counted as a separate organization for each transaction for the purpose of this analysis. OSHA based the number of organizations for Electronic

Fee Submissions and Assessments on the current number of NRTLs (21) plus the number of organizations seeking initial recognition (3).

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in item 12 and 14.)**

- **The cost estimate should be split into two components: (a) A total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**

**Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) Prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government; or (4) as part of customary and usual business or private practices.**

Respondents bear costs resulting from the collections of information required by the Regulation in the form of fees paid to OSHA for the various NRTL-related services OSHA provides. Tables 2 through 5 summarize the fees associated with respondents filing the following applications associated with NRTL recognition, as well as the hours OSHA and Solicitor of Labor personnel spend to process these applications:

Table 1	NRTL Program Staff – Hourly Rate Calculation;
Table 2	Initial Recognition Applications;
Table 3	Expansion of Recognition Applications (additional testing categories);
Table 4	Expansion of Recognition Applications (additional testing sites); and

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Table 5 Renewal of Recognition Applications.

**NOTE:** Tables 6 through 10 summarize the fees associated with the following assessments of respondents by OSHA personnel, as well as the hours OSHA personnel spend conducting these assessments:

- Table 6 Assessments for Initial Recognition Applications;
- Table 7 Assessments for Expansion of Recognition Applications (additional testing categories);
- Table 8 Assessments for Expansion of Recognition Applications (additional testing sites);
- Table 9 Assessments for Renewal of Recognition Applications; and
- Table 10 Assessments for Audits.

Table 11 derives the total annual costs to respondents resulting from the collections of information required by the Regulation, as follows: OSHA estimates the total number of annual transactions for each transaction type in Tables 2 through 10 (i.e., applications or assessments); OSHA then derives the total annual cost for each transaction type by multiplying the total estimated transactions for each type by the corresponding cost for a single transaction of that type (as derived in Tables 2 through 10, as applicable); OSHA finally tallies the total annual costs to respondents by adding together the total annual cost for each type.

Unless otherwise noted in the tables, all hours and costs are derived from OSHA’s fee schedule (84 FR 49336, Sept. 19, 2019). Where hours and costs are derived from the fee schedule, any differences between costs or hours estimated for this analysis and fees or hours in the proposed fee schedule are due to differences in rounding methodology. OSHA considers any such differences to be negligible.

**Table C: NRTL Program Fee Schedule**

Fee Category	Fee Activity	Fee
Administrative Evaluation	Initial application – Limited review	\$4,160
	Expansion application – Limited review	\$2,490
	Renewal request review	\$1,660
Technical Evaluation	Initial application – Detailed management procedures review	\$8,320
	Initial or Expansion application - Testing capability review (per standard)	\$2,490
	Initial or Expansion application - Site capability review (per site)	\$2,490
Assessment	Assessment preparation and close out (per lead auditor, per site)	\$5,610

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Fee Category	Fee Activity	Fee
	Assessment preparation and close out (per assistant auditor, per site)	\$3,320
	Assessment – per day at office, on-site, or on travel (per auditor, per site)	\$830 plus travel expenses
<i>Federal Register Notices</i>	<i>Federal Register</i> notices – initial application	\$5,500
	<i>Federal Register</i> notices – renewal or expansion application	\$3,180
Miscellaneous	Late Fees	\$210
	Other activities or services not specifically described (per hour)	\$104

Source, Table 1, 84 FR 49336, Sept. 19, 2019. <https://www.govinfo.gov/content/pkg/FR-2019-09-19/pdf/2019-20212.pdf>

**Table 1: NRTL Program Staff – Hourly Rate Calculation**

Description	
OSHA Direct Costs	\$579,383
OSHA Ancillary Costs	\$287,541
<i>OSHA Total Costs of NRTL Program, excluding travel (TPC)</i>	<i>\$866,924</i>
<i>OSHA Direct Staff Annual Hours (DSH)</i>	<i>8,352</i>
<b>OSHA Hourly rate (TPC divided by DSH)</b>	<b>\$104</b>

Source, Table 1, 84 FR 49336, Sept. 19, 2019. <https://www.govinfo.gov/content/pkg/FR-2019-09-19/pdf/2019-20212.pdf>

**Table 2: Initial Recognition Applications**

Hours and Cost per Application (i.e., Transaction):

Category	Federal Government Hours	Hourly Rate (Rounded)	Cost
Initial Application - Limited review	40	\$104	\$4,160
Initial Application - Management Procedures review	80	\$104	\$8,320
Initial Application - Testing capability review (assuming two standards per transaction, on average, based on OSHA staff experience)	48	\$104	\$4,992
Initial Application - Site capability review (assuming one site per transaction, on average, based on OSHA staff experience)	24	\$104	\$2,496
Initial Application <i>Federal Register</i> notice preparation	20	\$104	\$4,080*
Initial Application <i>Federal Register</i> notice legal review	16	\$89	\$1,424
<b>TOTALS</b>	<b>228</b>		<b>\$25,472</b>

Source, 84 FR 49336, Sept. 19, 2019, except where noted.

\* Includes estimated Office of Federal Register (OFR) processing fees: \$2,000 per initial application notice or \$810 per expansion and renewal notice, as applicable.<sup>2</sup>

**Table 3: Expansion of Recognition Applications (additional testing categories)**

Hours and Cost per Application (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Expansion Application - Limited review	24	\$104	\$2,496
Expansion Application - Testing capability review (assuming one standard per transaction, on average, based on OSHA staff experience)	24	\$104	\$2,496
Expansion Application <i>Federal Register</i> notice preparation	16	\$104	\$2,474*
Expansion Application <i>Federal Register</i> notice legal review	8	\$89	\$712
<b>TOTALS</b>	<b>72</b>		<b>\$8,178</b>

Source, 84 FR 49336, Sept. 19, 2019, except where noted.

\* Includes estimated Office of Federal Register (OFR) processing fees: \$2,000 per initial application notice or \$810 per expansion and renewal notice, as applicable.

**Table 4: Expansion of Recognition Applications (additional testing sites)**

<sup>2</sup>The OFR charges Federal agencies a per column rate for publishing *Federal Register* notices. See <http://www.archives.gov/federal-register/write/conference/publishing-billing.pdf>. OSHA derived an estimated average processing fee based on the number of columns in typical *Federal Register* notices published for the NRTL Program.

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Hours and Cost per Application (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Expansion Application - Limited review	24	\$104	\$2,496
Expansion Application - Site capability review (assuming one site per transaction, on average, based on OSHA staff experience)	24	\$104	\$2,496
Expansion Application <i>Federal Register</i> notice preparation	16	\$104	\$2,474*
Expansion Application <i>Federal Register</i> notice legal review	8	\$89	\$712
<b>TOTALS</b>	<b>72</b>		<b>\$8,178</b>

Source, 84 FR 49336, Sept. 19, 2019, except where noted.

\* Includes estimated Office of Federal Register (OFR) processing fees: \$2,000 per initial application notice or \$810 per expansion and renewal notice, as applicable.

**Table 5: Renewal of Recognition Applications**

Hours and Cost per Application (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Renewal request review	16	\$104	\$1,664
Renewal Application <i>Federal Register</i> notice preparation	16	\$104	\$2,474*
Renewal Application <i>Federal Register</i> notice legal review	8	\$89	\$712
<b>TOTALS</b>	<b>40</b>		<b>\$4,850</b>

Source, 84 FR 49336, Sept. 19, 2019.

\* Includes estimated Office of Federal Register (OFR) processing fees: \$2,000 per initial application notice or \$810 per expansion and renewal notice, as applicable.

**Table 6: Assessments for Initial Recognition Applications**

Hours and Cost, Initial Recognition Application, per Assessment (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Assessment preparation and close out, lead auditor	54	\$104	\$5,616
Assessment preparation and close out, assistant auditor(s)	32	\$104	\$3,328
Each day on-site or at office (assuming 2 auditors for 3 days, on average, see Table 2, 76 FR 10500, 02/25/2011)	48	\$104	\$4,992

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Category	Hours	Hourly Rate (Rounded)	Cost
Travel time (assuming 2 auditors, on average, see Table 2, 76 FR 10500, 02/25/2011, and 1 day travel for each auditor, on average, based on OSHA staff experience) <sup>1</sup>	16	\$104	\$1,664
Travel expenses (assuming travel for 2 auditors, on average, see Table 2, 76 FR 10500, 02/25/2011, for 3 nights, on average, based on OSHA staff experience) <sup>2</sup>	N/A		\$3,452
<b>TOTALS</b>	<b>150</b>		<b>\$19,052</b>

Source, 84 FR 49336, Sept. 19, 2019, except where noted.

<sup>1</sup> Estimates for travel time and expenses are conservative, as not every transaction involves travel.

<sup>2</sup> Travel expenses include hotel, air transportation, ground transportation, and per diem. See 84 FR 49336, Sept. 19, 2019. OSHA estimates average travel expenses of \$1,000 per auditor for air transportation, \$142 per auditor per day for hotel and per diem, and \$100 for ground transportation for each day on-site and each travel day (assuming all auditors share ground transportation).

**Table 7: Assessments for Expansion of Recognition Applications (additional testing categories)**

Hours and Cost, Expansion of Recognition Application (additional testing categories), per Assessment (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Assessment preparation and close out, lead auditor	54	\$104	\$5,616
Assessment preparation and close out, assistant auditor(s) (assuming -0- assistant auditors, on average, based on OSHA staff experience)	0		\$0
Each day on-site or at office (assuming 1 auditor, on average, based on OSHA staff experience, for 1 day, on average, see Table 4, 76 FR 10500, 02/25/2011)	8	\$104	\$832
Travel time (assuming 1 auditor, on average, based on OSHA staff experience, and 1 day travel for each auditor, on average, based on OSHA staff experience) <sup>1</sup>	8	\$104	\$832
Travel expenses (assuming travel for 1 auditor, on average, based on OSHA staff experience, for 1 night, on average, based on OSHA staff experience) <sup>2</sup>	N/A		\$1,342
<b>TOTALS</b>	<b>70</b>		<b>\$8,622</b>



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Source, 84 FR 49336, Sept. 19, 2019, except where noted.

<sup>1</sup> Estimates for travel time and expenses are conservative, as not every transaction involves travel.

<sup>2</sup> Travel expenses include expenses for hotel, air transportation, ground transportation, and per diem. See 84 FR 49336, Sept. 19, 2019. OSHA estimates average travel expenses of \$1,000 per auditor for air transportation, \$142 per auditor per day for hotel and per diem, and \$100 for ground transportation for each day on-site and each travel day (assuming all auditors share ground transportation).

**Table 8: Assessments for Expansion of Recognition Applications (additional testing sites)**  
Hours and Cost, Expansion of Recognition Application (additional testing sites), per Assessment (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Assessment preparation and close out, lead auditor	54	\$104	\$5,616
Assessment preparation and close out, assistant auditor(s) (assuming -0- assistant auditors, on average, see Table 3, 76 FR 10500, 02/25/2011)	0		\$0
Each day on-site or at office (assuming 1 auditor for 3 days, on average, see Table 3, 76 FR 10500, 02/25/2011)	24	\$104	\$2,496
Travel time (assuming 1 auditor, on average, see Table 3, 76 FR 10500, 02/25/2011, and 1 day travel for each auditor, on average, based on OSHA staff experience) <sup>1</sup>	8	\$104	\$832
Travel expenses (assuming travel for 1 auditor, on average, see Table 3, 76 FR 10500, 02/25/2011, for 3 nights, on average, based on OSHA staff experience) <sup>2</sup>	N/A		\$1,826
<b>TOTALS</b>	<b>86</b>		<b>\$10,770</b>

Source, 84 FR 49336, Sept. 19, 2019, except where noted.

<sup>1</sup> Estimates for travel time and expenses are conservative, as not every transaction involves travel.

<sup>2</sup> Travel expenses include expenses for hotel, air transportation, ground transportation, and per diem. See 84 FR 49336, Sept. 19, 2019. OSHA estimates average travel expenses of \$1,000 per auditor for air transportation, \$142 per auditor per day for hotel and per diem, and \$100 for ground transportation for each day on-site and each travel day (assuming all auditors share ground transportation).

**Table 9: Assessments for Renewal of Recognition Applications**

Hours and Cost, Renewal of Recognition Application, per Assessment (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Assessment preparation and close out, lead auditor	54	\$104	\$5,616
Assessment preparation and close out, assistant auditor(s) (assuming -0- assistant auditors, on average, based on OSHA staff experience)	0		\$0
Each day on-site or at office (assuming 1 auditor, on average, based on OSHA staff experience, for 3 days, on average, see Table 4, 76 FR 10500, 02/25/2011)	24	\$104	\$2,496
Travel time (assuming 1 auditor, on average, based on OSHA staff experience, and 1 day travel for each auditor, on average, based on OSHA staff experience) <sup>1</sup>	8	\$104	\$832
Travel expenses (assuming travel for 1 auditor, on average, based on OSHA staff experience, for 3 nights, on average, based on OSHA staff experience) <sup>2</sup>	N/A		\$1,826
<b>TOTALS</b>	<b>86</b>		<b>\$10,770</b>

Source, 84 FR 49336, Sept. 19, 2019, except where noted.

<sup>1</sup> Estimates for travel time and expenses are conservative, as not every transaction involves travel.

<sup>2</sup> Travel expenses include expenses for hotel, air transportation, ground transportation, and per diem. See 84 FR 49336, Sept. 19, 2019. OSHA estimates average travel expenses of \$1,000 per auditor for air transportation, \$142 per auditor per day for hotel and per diem, and \$100 for ground transportation for each day on-site and each travel day (assuming all auditors share ground transportation).

**Table 10: Assessments for Audits**

Hours and Cost, Audit, per Assessment (i.e., Transaction):

Category	Hours	Hourly Rate (Rounded)	Cost
Assessment preparation and close out, lead auditor	54	\$104	\$5,616
Assessment preparation and close out, assistant auditor(s) (assuming -0- assistant auditors, on average, see Table 5, 76 FR 10500, 02/25/2011)	0		\$0
Each day on-site or at office (assuming 1 auditor for 2 days, on average, see Table 5, 76 FR 10500, 02/25/2011)	16	\$104	\$1,664

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Category	Hours	Hourly Rate (Rounded)	Cost
Travel time (assuming 1 auditor, on average, see Table 5, 76 FR 10500, 02/25/2011, and 1 day travel for each auditor, on average, based on OSHA staff experience) <sup>1</sup>	8	\$104	\$832
Travel expenses (assuming travel for 1 auditor, on average, see Table 5, 76 FR 10500, 02/25/2011, for 2 nights, on average, based on OSHA staff experience) <sup>2</sup>	N/A		\$1,584
<b>TOTALS</b>	<b>78</b>		<b>\$9,696</b>

Source, 84 FR 49336, Sept. 19, 2019, except where noted.

<sup>1</sup> Estimates for travel time and expenses are conservative, as not every transaction involves travel.

<sup>2</sup> Travel expenses include expenses for hotel, air transportation, ground transportation, and per diem. See 84 FR 49336, Sept. 19, 2019. OSHA estimates average travel expenses of \$1,000 per auditor for air transportation, \$142 per auditor per day for hotel and per diem, and \$100 for ground transportation for each day on-site and each travel day (assuming all auditors share ground transportation).

**Table 11: Total Costs to Respondents Resulting from Collections of Information**

Category	Total Number of Transactions per Category <sup>1</sup>	Cost Per Transaction <sup>2</sup>	Total Cost
	<i>A</i>	<i>B</i>	<i>C = A x B</i>
Initial Recognition Applications	3	\$25,472	\$76,416
Expansion of Recognition Applications (additional testing categories)	5	\$8,178	\$40,890
Expansion of Recognition Applications (additional testing sites)	2	\$8,178	\$16,356
Renewal of Recognition Applications	3	\$4,850	\$14,550
Assessments for Initial Recognition Applications	3	\$19,052	\$57,156

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<b>Category</b>	<b>Total Number of Transactions per Category<sup>1</sup></b> <i>A</i>	<b>Cost Per Transaction<sup>2</sup></b> <i>B</i>	<b>Total Cost</b> <i>C = A x B</i>
Assessments for Expansion of Recognition Applications (additional testing categories)	5	\$8,622	\$43,110
Assessments for Expansion of Recognition Applications (additional testing sites)	2	\$10,770	\$21,540
Assessments for Renewal of Recognition Applications	3	\$10,770	\$32,310
Assessments for Audits	48	\$9,696	\$465,408
<b>TOTALS</b>	<b>74</b>		<b>\$767,736</b>

<sup>1</sup> For information on how OSHA derived the total number of transactions per category (i.e., per category of application or assessment, as applicable), please see Tables A and B and the associated text describing those tables.

<sup>2</sup> For information on how OSHA derived the cost per transaction, please see Tables 2 through 10.

Respondents bear costs resulting from the collections of information required by the NRTL Program Regulation in the form of fees paid to OSHA for the various NRTL-related services OSHA provides. Table 11, above, provides a summary of these estimated annual costs, including costs to respondents associated with OSHA’s processing initial-recognition, expansion-of-recognition, and renewal-of-recognition applications, as well as assessments associated with these applications and assessments for audits.

**14. Provide estimates of the annualized cost to the Federal Government. Also provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into single table.**

There are no costs to the Federal Government, as all costs are passed through to respondents (see Item 13).

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

OSHA requests that OMB extend the approval of the information collection requirements contained in the Definition and Requirements for a Nationally Recognized Testing Laboratory. The agency is requesting an adjustment increase in burden hours from 1,572 to 1,588, a total increase of 16 hours. This increase is due to an increase in the number of audits conducted each year from 47 to 48. Also, the total capital cost increased from \$757,440 to \$767,736.

**16. For collections of information whose results will be published, outline plans for tabulations and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of the report, publication dates, and other actions.**

OSHA will not publish tabulations or compilations of the information collected under the Regulation.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

OSHA is not seeking such approval.

**18. Explain each exception to the certification statement.**

OSHA is not seeking an exception to the certification statement.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS.**

This Supporting Statement does not contain any collection of information requirements that employ statistical methods.

**SEC. 2. Congressional Findings and Purpose**

(a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of

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its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources --

29 USC 651

- (1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions; (2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;
- (3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;
- (4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;
- (5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;
- (6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;
- (7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;
- (8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health; affecting the OSH Act since its passage in 1970 through January 1, 2004.
- (9) by providing for the development and promulgation of occupational safety and health standards;
- (10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;
- 2
- (11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by

providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

#### **SEC. 8. Inspections, Investigations, and Recordkeeping**

(a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized --  
29 USC 657

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and (2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof. (c) (1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health and Human Services, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational

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accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health and Human Services, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

The Electronic Code of Federal Regulations

Displaying title 29, up to date as of 8/06/2024. Title 29 was last amended 8/01/2024.

**§ 1910.7 Definition and requirements for a nationally recognized testing laboratory.**

(a) *Application.* This section shall apply only when the term *nationally recognized testing laboratory* is used in other sections of this part.

(b) *Laboratory requirements.* The term *nationally recognized testing laboratory* (NRTL) means



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an organization which is recognized by OSHA in accordance with appendix A of this section and which tests for safety, and lists or labels or accepts, equipment or materials and which meets all of the following criteria:

(1) For each specified item of equipment or material to be listed, labeled or accepted, the NRTL has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform:

- (i) Testing and examining of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards; or
- (ii) Experimental testing and examining of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards or performance in a specified manner.

(2) The NRTL shall provide, to the extent needed for the particular equipment or materials listed, labeled, or accepted, the following controls or services:

- (i) Implements control procedures for identifying the listed and labeled equipment or materials;
- (ii) Inspects the run of production of such items at factories for product evaluation purposes to assure conformance with the test standards; and
- (iii) Conducts field inspections to monitor and to assure the proper use of its identifying mark or labels on products;

(3) The NRTL is completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes; and,

(4) The NRTL maintains effective procedures for:

- (i) Producing creditable findings or reports that are objective and without bias; and
- (ii) Handling complaints and disputes under a fair and reasonable system.

(c) *Test standards.* An *appropriate test standard* referred to in [§ 1910.7\(b\)\(1\)\(i\)](#) and [\(ii\)](#) is a document which specifies the safety requirements for specific equipment or class of equipment and is:

(1) Recognized in the United States as a safety standard providing an adequate level of safety, and

(2) Compatible with and maintained current with periodic revisions of applicable national codes and installation standards, and

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(3) Developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, governmental authorities, and others having broad experience in the safety field involved, or

(4) In lieu of paragraphs (c) (1), (2), and (3), the standard is currently designated as an American National Standards Institute (ANSI) safety-designated product standard or an American Society for Testing and Materials (ASTM) test standard used for evaluation of products or materials.

(d) *Alternative test standard.* If a testing laboratory desires to use a test standard other than one allowed under [paragraph \(c\)](#) of this section, then the Assistant Secretary of Labor shall evaluate the proposed standard to determine that it provides an adequate level of safety before it is used.

(e) *Implementation.* A testing organization desiring recognition by OSHA as an NRTL shall request that OSHA evaluate its testing and control programs against the requirements in this section for any equipment or material it may specify. The recognition procedure shall be conducted in accordance with appendix A to this section.

(f) *Fees.*

(1) Each applicant for NRTL recognition and each NRTL must pay fees for services provided by OSHA in advance of the provision of those services. OSHA will assess fees for the following services:

(i) Processing of applications for initial recognition, expansion of recognition, or renewal of recognition, including on-site reviews; review and evaluation of the applications; and preparation of reports, evaluations and Federal Register notices; and

(ii) Audits of sites.

(2) The fee schedule established by OSHA reflects the full cost of performing the activities for each service listed in [paragraph \(f\)\(1\)](#) of this section. OSHA calculates the fees based on either the average or actual time required to perform the work necessary; the staff costs per hour (which include wages, fringe benefits, and expenses other than travel for personnel that perform or administer the activities covered by the fees); and the average or actual costs for travel when on-site reviews are involved. The formula for the fee calculation is as follows:

Activity Fee = [Average (or Actual) Hours to Complete the Activity × Staff Costs per Hour] + Average (or Actual) Travel Costs

(3)

(i) OSHA will review the full costs periodically and will propose a revised fee schedule, if warranted. In its review, OSHA will apply the formula established in [paragraph \(f\)\(2\)](#) of this section to the current estimated full costs for the NRTL Program. If a change is warranted,

OSHA will follow the implementation shown in [paragraph \(f\)\(4\)](#) of this section.

(ii) OSHA will publish all fee schedules in the Federal Register. Once published, a fee schedule remains in effect until it is superseded by a new fee schedule. Any member of the public may request a change to the fees included in the current fee schedule. Such a request must include appropriate documentation in support of the suggested change. OSHA will consider such requests during its annual review of the fee schedule.

(4) OSHA will implement periodic review, and fee assessment, collection, and payment, as follows:

Expand Table

Milestones/Dates	Action required
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I. Periodic Review of Fee Schedule

When review completed	OSHA will publish any proposed new fee schedule in the Federal Register if OSHA determines that costs warrant changes in the fee schedule.
Fifteen days after publication	Comments due on the proposed new fee schedule.
When OSHA approves the fee schedule	OSHA will publish the final fee schedule in the Federal Register, making the fee schedule effective on a specific date.

II. Application Processing Fees

Time of application	Applicant must pay the applicable fees in the fee schedule that are due when submitting an application; OSHA will not begin processing the application until it receives the fees.
Before assessment performed	Applicant must pay the estimated staff time and travel costs for its assessment based on the fees in effect at the time of the assessment. Applicant also must pay the fees for the final report and Federal Register notice, and other applicable fees, as specified in the fee schedule.

Milestones/Dates	Action required
	OSHA may cancel an application if the applicant does not pay these fees, or any balance of these fees, when due.
III. Audit Fees	
Before audit performed	NRTL must pay the estimated staff time and travel costs for its audit based on the fees in effect at the time of the audit. NRTL also must pay other applicable fees, as specified in the fee schedule. After the audit, OSHA adjusts the audit fees to account for the actual costs for travel and staff time.
On due date	NRTL must pay the estimated audit fees, or any balance due, by the due date established by OSHA; OSHA will assess a late fee if NRTL does not pay audit fees (or any balance of fees due) by the due date. OSHA may still perform the audit when an NRTL does not pay the fees or does not pay them on time.
Thirty days after due date or, if earlier, date NRTL refuses to pay	OSHA will begin processing a notice for publication in the Federal Register announcing its plan to revoke recognition for NRTLs that do not pay the estimated audit fees and any balance of audit fees due.

Note: For the purposes of [29 CFR 1910.7\(f\)\(4\)](#), “days” means “calendar days,” and “applicant” means “the NRTL” or “an applicant for NRTL recognition.”

(5) OSHA will provide details about how to pay the fees through appropriate OSHA Program Directives, which will be available on the OSHA web site.

#### Appendix A to § 1910.7—OSHA Recognition Process for Nationally Recognized Testing Laboratories

##### Introduction

This appendix provides requirements and criteria which OSHA will use to evaluate and recognize a Nationally Recognized Testing Laboratory (NRTL). This process will include the evaluation of the product evaluation and control programs being operated by the NRTL, as well as the NRTL's testing facilities being used in its program. In the evaluation of the NRTLs,

OSHA will use either consensus-based standards currently in use nationally, or other standards or criteria which may be considered appropriate. This appendix implements the definition of NRTL in [29 CFR 1910.7](#) which sets out the criteria that a laboratory must meet to be recognized by OSHA (initially and on a continuing basis). The appendix is broader in scope, providing procedures for renewal, expansion and revocation of OSHA recognition. Except as otherwise provided, the burden is on the applicant to establish by a preponderance of the evidence that it is entitled to recognition as an NRTL. If further detailing of these requirements and criteria will assist the NRTLs or OSHA in this activity, this detailing will be done through appropriate OSHA Program Directives.

## I. Procedures for Initial OSHA Recognition

### A. Applications.

1. *Eligibility.* a. Any testing agency or organization considering itself to meet the definition of nationally recognized testing laboratory as specified in [§ 1910.7](#) may apply for OSHA recognition as an NRTL.

b. However, in determining eligibility for a foreign-based testing agency or organization, OSHA shall take into consideration the policy of the foreign government regarding both the acceptance in that country of testing data, equipment acceptances, and listings, and labeling, which are provided through nationally recognized testing laboratories recognized by the Assistant Secretary, and the accessibility to government recognition or a similar system in that country by U.S.-based safety-related testing agencies, whether recognized by the Assistant Secretary or not, if such recognition or a similar system is required by that country.

2. *Content of application.* a. The applicant shall provide sufficient information and detail demonstrating that it meets the requirements set forth in [§ 1910.7](#), in order for an informed decision concerning recognition to be made by the Assistant Secretary.

b. The applicant also shall identify the scope of the NRTL-related activity for which the applicant wishes to be recognized. This will include identifying the testing methods it will use to test or judge the specific equipment and materials for which recognition is being requested, unless such test methods are already specified in the test standard. If requested to do so by OSHA, the applicant shall provide documentation of the efficacy of these testing methods.

c. The applicant may include whatever enclosures, attachments, or exhibits the applicant deems appropriate. The application need not be submitted on a Federal form.

3. *Filing office location.* The application shall be filed with: NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

4. *Amendments and withdrawals.* a. An application may be revised by an applicant at any time prior to the completion of activity under paragraph I.B.4. of this appendix.

b. An application may be withdrawn by an applicant, without prejudice, at any time prior to the final decision by the Assistant Secretary in paragraph I.B.7.c. of this appendix.

B. Review and Decision Process; Issuance or Renewal.

1. *Acceptance and on-site review.* a. Applications submitted by eligible testing agencies will be accepted by OSHA, and their receipt acknowledged in writing. After receipt of an application, OSHA may request additional information if it believes information relevant to the requirements for recognition has been omitted.

b. OSHA shall, as necessary, conduct an on-site review of the testing facilities of the applicant, as well as the applicant's administrative and technical practices, and, if necessary, review any additional documentation underlying the application.

c. These on-site reviews will be conducted by qualified individuals technically expert in these matters, including, as appropriate, non-Federal consultants/contractors acceptable to OSHA. The protocol for each review will be based on appropriate national consensus standards or international guides, with such additions, changes, or deletions as may be considered necessary and appropriate in each case by OSHA. A written report shall be made of each on-site review and a copy shall be provided to the applicant.

2. *Positive finding by staff.* If, after review of the application, and additional information, and the on-site review report, the applicant appears to have met the requirements for recognition, a written recommendation shall be submitted by the responsible OSHA personnel to the Assistant Secretary that the application be approved, accompanied by a supporting explanation.

3. *Negative finding by staff.*—a. *Notification to applicant.* If, after review of the application, any additional information and the on-site review report, the applicant does not appear to have met the requirements for recognition, the responsible OSHA personnel shall notify the applicant in writing, listing the specific requirements of [§ 1910.7](#) and this appendix which the applicant has not met, and allow a reasonable period for response.

b. *Revision of application.* (i) After receipt of a notification of negative finding (i.e., for intended disapproval of the application), and within the response period provided, the applicant may:

(a) Submit a revised application for further review, which could result in a positive finding by the responsible OSHA personnel pursuant to subsection I.B.2. of this appendix; or

(b) Request that the original application be submitted to the Assistant Secretary with an attached statement of reasons, supplied by the applicant of why the application should be approved.

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(ii) This procedure for applicant notification and potential revision shall be used only once during each recognition process.

4. *Preliminary finding by Assistant Secretary.* a. The Assistant Secretary, or a special designee for this purpose, will make a preliminary finding as to whether the applicant has or has not met the requirements for recognition, based on the completed application file, the written staff recommendation, and the statement of reasons supplied by the applicant if there remains a staff recommendation of disapproval.

b. Notification of this preliminary finding will be sent to the applicant and subsequently published in the Federal Register.

c. This preliminary finding shall not be considered an official decision by the Assistant Secretary or OSHA, and does not confer any change in status or any interim or temporary recognition for the applicant.

5. *Public review and comment period*—a. The Federal Register notice of preliminary finding will provide a period of not less than 30 calendar days for written comments on the applicant's fulfillment of the requirements for recognition. The application, supporting documents, staff recommendation, statement of applicant's reasons, and any comments received, will be available for public inspection in the OSHA Docket Office.

b. Any member of the public, including the applicant, may supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements of the definition in [29 CFR § 1910.7](#) and this appendix. Submission of pertinent documents and exhibits shall be made in writing by the close of the comment period.

6. *Action after public comment*—a. *Final decision by Assistant Secretary.* Where the public review and comment record supports the Assistant Secretary's preliminary finding concerning the application, i.e., absent any serious objections or substantive claims contrary to the preliminary finding having been received in writing from the public during the comment period, the Assistant Secretary will proceed to final written decision on the application. The reasons supporting this decision shall be derived from the evidence available as a result of the full application, the supporting documentation, the staff finding, and the written comments and evidence presented during the public review and comment period.

b. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant. Subsequently, a notification of the final decision shall be published in the Federal Register. The publication date will be the effective date of the recognition.

c. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

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7. *Action after public objection*—a. *Review of negative information.* At the discretion of the Assistant Secretary or his designee, OSHA may authorize Federal or contract personnel to initiate a special review of any information provided in the public comment record which appears to require resolution, before a final decision can be made.

b. *Supplementation of record.* The contents and results of special reviews will be made part of this record by the Assistant Secretary by either:

(i) Reopening the written comment period for public comments on these reviews; or

(ii) Convening an informal hearing to accept public comments on these reviews, conducted under applicable OSHA procedures for similar hearings.

c. *Final decision by the Assistant Secretary.* The Assistant Secretary shall issue a decision as to whether it has been demonstrated, based on a preponderance of the evidence, that the applicant meets the requirements for recognition. The reasons supporting this decision shall be derived from the evidence available as a result of the full application, the supporting documentation, the staff finding, the comments and evidence presented during the public review and comment period, and written to transcribed evidence received during any subsequent reopening of the written comment period or informal public hearing held.

d. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant, and a notification will be published in the Federal Register subsequently announcing the decision.

e. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

C. Terms and Conditions of Recognition.

1. The following terms and conditions shall be part of every recognition:

a. *Letter of recognition.* The recognition by OSHA of any NRTL will be evidenced by a letter of recognition from OSHA. The letter will provide the specific details of the scope of the OSHA recognition, including the specific equipment or materials for which OSHA recognition has been granted, as well as any specific conditions imposed by OSHA.

b. *Period of recognition.* The recognition by OSHA of each NRTL will be valid for five years, unless terminated before the expiration of the period. The dates of the period of recognition will be stated in the recognition letter.

c. *Constancy in operations.* The recognized NRTL shall continue to satisfy all the requirements or limitations in the letter of recognition during the period of recognition.



d. *Accurate publicity.* The OSHA-recognized NRTL shall not engage in or permit others to engage in misrepresentation of the scope or conditions of its recognition.

2. [Reserved]

## II. Supplementary Procedures.

### A. Test standard changes.

A recognized NRTL may change a testing standard or elements incorporated in the standard such as testing methods or pass-fail criteria by notifying the Assistant Secretary of the change, certifying that the revised standard will be at least as effective as the prior standard, and providing the supporting data upon which its conclusions are based. The NRTL need not inform the Assistant Secretary of minor deviations from a test standard such as the use of new instrumentation that is more accurate or sensitive than originally called for in the standard. The NRTL also need not inform the Assistant Secretary of its adoption of revisions to third-party testing standards meeting the requirements of [§ 1910.7\(c\)\(4\)](#), if such revisions have been developed by the standards developing organization, or of its adoption of revisions to other third-party test standards which the developing organization has submitted to OSHA. If, upon review, the Assistant Secretary or his designee determines that the proposed revised standard is not “substantially equivalent” to the previous version with regard to the level of safety obtained, OSHA will not accept the proposed testing standard by the recognized NRTL, and will initiate discontinuance of that aspect of OSHA-recognized activity by the NRTL by modification of the official letter of recognition. OSHA will publicly announce this action and the NRTL will be required to communicate this OSHA decision directly to affected manufacturers.

### B. Expansion of current recognition

1. *Eligibility.* A recognized NRTL may apply to OSHA for an expansion of its current recognition to cover other categories of NRTL testing in addition to those included in the current recognition.

2. Procedure. a. OSHA will act upon and process the application for expansion in accordance with subsection I.B. of this appendix, except that the period for written comments, specified in paragraph 5.a of subsection I.B. of this appendix, will be not less than 15 calendar days.

b. In that process, OSHA may decide not to conduct an on-site review, where the substantive scope of the request to expand recognition is closely related to the current area of recognition.

c. The expiration date for each expansion of recognition shall coincide with the expiration date of the current basic recognition period.

### C. Renewal of OSHA recognition

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1. *Eligibility.* A recognized NRTL may renew its recognition by filing a renewal request at the address in paragraph I.A.3. of this appendix not less than nine months, nor more than one year, before the expiration date of its current recognition.

2. Procedure. a. OSHA will process the renewal request in accordance with subsection I.B. of this appendix, except that the period for written comments, specified in paragraph 5.a of subsection I.B. of this appendix, will be not less than 15 calendar days.

b. In that process, OSHA may determine not to conduct the on-site reviews in I.B.1.a. where appropriate.

c. When a recognized NRTL has filed a timely and sufficient renewal request, its current recognition will not expire until a final decision has been made by OSHA on the request.

d. After the first renewal has been granted to the NRTL, the NRTL shall apply for a continuation of its recognition status every five years by submitting a renewal request. In lieu of submitting a renewal request after the initial renewal, the NRTL may certify its continuing compliance with the terms of its letter of recognition and [29 CFR 1910.7](#).

3. *Alternative procedure.* After the initial recognition and before the expiration thereof, OSHA may (for good cause) determine that there is a sufficient basis to dispense with the renewal requirement for a given laboratory and will so notify the laboratory of such a determination in writing. In lieu of submitting a renewal request, any laboratory so notified shall certify its continuing compliance with the terms of its letter of recognition and [29 CFR 1910.7](#).

D. Voluntary termination of recognition.

At any time, a recognized NRTL may voluntarily terminate its recognition, either in its entirety or with respect to any area covered in its recognition, by giving written notice to OSHA. The written notice shall state the date as of which the termination is to take effect. The Assistant Secretary shall inform the public of any voluntary termination by Federal Register notice.

E. Revocation of recognition by OSHA.

1. *Potential causes.* If an NRTL either has failed to continue to substantially satisfy the requirements of [§ 1910.7](#) or this appendix, or has not been reasonably performing the NRTL testing requirements encompassed within its letter of recognition, or has materially misrepresented itself in its applications or misrepresented the scope or conditions of its recognition, the Assistant Secretary may revoke the recognition of a recognized NRTL, in whole or in part. OSHA may initiate revocation procedures on the basis of information provided by any interested person.

2. *Procedure.* a. Before proposing to revoke recognition, the Agency will notify the recognized

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NRTL in writing, giving it the opportunity to rebut or correct the alleged deficiencies which would form the basis of the proposed revocation, within a reasonable period.

b. If the alleged deficiencies are not corrected or reconciled within a reasonable period, OSHA will propose, in writing to the recognized NRTL, to revoke recognition. If deemed appropriate, no other announcement need be made by OSHA.

c. The revocation shall be effective in 60 days unless within that period the recognized NRTL corrects the deficiencies or requests a hearing in writing.

d. If a hearing is requested, it shall be held before an administrative law judge of the Department of Labor pursuant to the rules specified in [29 CFR part 1905, subpart C](#).

e. The parties shall be OSHA and the recognized NRTL. The Assistant Secretary may allow other interested persons to participate in these hearings if such participation would contribute to the resolution of issues germane to the proceeding and not cause undue delay.

f. The burden of proof shall be on OSHA to demonstrate by a preponderance of the evidence that the recognition should be revoked because the NRTL is not meeting the requirements for recognition, has not been reasonably performing the product testing functions as required by [§ 1910.7](#), this appendix A, or the letter of recognition, or has materially misrepresented itself in its applications or publicity.

3. *Final decision.* a. After the hearing, the Administrative Law Judge shall issue a decision stating the reasons based on the record as to whether it has been demonstrated, based on a preponderance of evidence, that the applicant does not continue to meet the requirements for its current recognition.

b. Upon issuance of the decision, any party to the hearing may file exceptions within 20 days pursuant to [29 CFR 1905.28](#). If no exceptions are filed, this decision is the final decision of the Assistant Secretary. If objections are filed, the Administrative Law Judge shall forward the decision, exceptions and record to the Assistant Secretary for the final decision on the proposed revocation.

c. The Assistant Secretary will review the record, the decision by the Administrative Law Judge, and the exceptions filed. Based on this, the Assistant Secretary shall issue the final decision as to whether it has been demonstrated, by a preponderance of evidence, that the recognized NRTL has not continued to meet the requirements for OSHA recognition. If the Assistant Secretary finds that the NRTL does not meet the NRTL recognition requirements, the recognition will be revoked.

4. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant, and a notification will be published in the Federal Register announcing the

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decision, and the availability of the complete record of this proceeding at OSHA. The effective date of any revocation will be the date the final decision copy is sent to the NRTL.

5. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

[[53 FR 12120](#), Apr. 12, 1988; [53 FR 16838](#), May 11, 1988, as amended at [54 FR 24333](#), June 7, 1989; [65 FR 46818](#), [46819](#), July 31, 2000; [76 FR 10515](#), Feb. 25, 2011; [85 FR 8732](#), Feb. 18, 2020]