



DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2007-0039]

Intertek Testing Services NA, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards.

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Intertek Testing Services NA, Inc. for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application. Additionally, this notice proposes to add a new recognized testing standard to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before [INSERT DATE 15 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit comments by any of the following methods:

1. **Electronically:** Submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.
2. **Facsimile:** If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693-1648.
3. **Regular or express mail, hand delivery, or messenger (courier) service:** Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No.

OSHA-2007-0039, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone: (202) 693-2350 (TTY number: (877) 889-5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m. - 4:45 p.m., e.t.

4. Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA-2007-0039). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at <http://www.regulations.gov>. Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. Docket: To read or download submissions or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. Extension of comment period: Submit requests for an extension of the comment period on or before [INSERT DATE 15 DAYS AFTER PUBLICATION IN THE

FEDERAL REGISTER] to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210, or by fax to (202) 693-1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3647, Washington, DC 20210; telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210; phone: (202) 693-2110 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that Intertek Testing Services NA, Inc. (ITSNA), is applying for expansion of its current recognition as an NRTL. ITSNA requests the addition of thirty (30) test standards to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in 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. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the Federal Register in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including ITSNA, which details the NRTL's scope of recognition. These pages are available from the OSHA web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

ITSNA currently has fourteen facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: Intertek Testing Services NA, Inc., 545 East Algonquin Road, Suite F, Arlington Heights, Illinois 60005. A complete list of ITSNA's scope of recognition is available at <https://www.osha.gov/dts/otpca/nrtl/its.html>.

II. General Background on the Application

ITSNA submitted an application, dated June 3, 2015 (OSHA-2007-0039-0020), to expand its recognition to include 30 additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information and preliminarily determined that OSHA should grant the application to expand ITSNA’s recognition to include twenty-eight (28) of the 30 requested standards. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists the appropriate test standards found in ITSNA’s application for expansion for testing and certification of products under the NRTL Program.

Table 1

**Proposed List of Appropriate Test Standards for Inclusion in
ITSNA’s NRTL Scope of Recognition**

Test Standard	Test Standard Title
ISA 60079-0	Explosive Atmospheres – Part 0: Equipment – General Requirements
UL 60079-0	Explosive Atmospheres – Part 0: Equipment – General Requirements
ISA 61241-0	Electrical Apparatus for Use in Zone 20, Zone 21, and Zone 22 Hazardous (Classified) Locations – General Requirements
ISA 60079-1	Explosive Atmospheres – Part 1: Equipment Protection by Flameproof Enclosures “d”
UL 60079-1	Explosive Atmospheres – Part 1: Equipment Protection by Flameproof Enclosures “d”
ISA 60079-2	Explosive Atmospheres – Part 2: Equipment Protection by Pressurized Enclosures “p”
UL 60079-2	Explosive Atmospheres – Part 2: Equipment Protection by Pressurized Enclosures “p”
NFPA 496	Purged and Pressurized Enclosures for Electrical Equipment
ISA 61241-2	Electrical Apparatus for Use in Zone 21 and Zone 22 Hazardous (Classified) Locations – Protection by Pressurization “pD”
ISA 60079-5	Explosive Atmospheres – Part 5: Equipment Protection by Powder Filling “q”

Test Standard	Test Standard Title
UL 60079-5	Explosive Atmospheres – Part 5: Equipment Protection by Powder Filling “q”
ISA 60079-6	Explosive Atmospheres – Part 6: Equipment Protection by Liquid Immersion “o”
UL 60079-6	Explosive Atmospheres – Part 6: Equipment Protection by Liquid Immersion “o”
ISA 60079-7	Explosive Atmospheres – Part 7: Equipment Protection by Increased Safety “e”
UL 60079-7	Explosive Atmospheres – Part 7: Equipment Protection by Increased Safety “e”
ISA 60079-11	Explosive Atmospheres – Part 11: Equipment Protection by Intrinsic Safety “i”
UL 60079-11	Explosive Atmospheres – Part 11: Equipment Protection by Intrinsic Safety “i”
ISA 60079-25*	Explosive Atmospheres – Part 25: Intrinsically Safe Electrical Systems
ISA 60079-28	Explosive Atmospheres – Part 28: Protection of Equipment and Transmission Systems Using Optical Radiation, Edition 1.1
ISA 61241-11	Electrical Apparatus for Use in Zone 20, Zone 21, and Zone 22 Hazardous (Classified) Locations – Protection by Intrinsic Safety “iD”
ISA 60079-15	Explosive Atmospheres – Part 15: Equipment Protection by Type of Protection “n” (Edition 4)
UL 60079-15	Explosive Atmospheres – Part 15: Equipment Protection by Type of Protection “n”
ISA 60079-18	Explosive Atmospheres – Part 18: Equipment Protection by Encapsulation “m”
UL 60079-18	Explosive Atmospheres – Part 18: Equipment Protection by Encapsulation “m”
ISA 61241-18	Electrical Apparatus for Use in Zone 20, Zone 21, and Zone 22 Hazardous (Classified) Locations – Protection by Encapsulation “mD”
ISA 60079-26	Explosive Atmospheres – Part 26: Equipment for Use in Class I, Zone 0 Hazardous (Classified) Locations
ISA 60079-31	Explosive Atmospheres – Part 31: Equipment Dust Ignition Protection by Enclosure “t”
ISA 61241-1	Electrical Apparatus for Use in Zone 21 and Zone 22 Hazardous (Classified) Locations – Protection by Enclosures “tD”

*Represents the standard that OSHA proposes to add to the NRTL Program’s List of Appropriate Test Standards

III. Proposal to Add New Test Standard to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL Program's List of Appropriate Test Standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the Agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by an NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards to consider adding to the NRTL Program's List of Appropriate Standards by: (1) monitoring notifications issued by certain SDOs; (2) reviewing applications by NRTLs or applicants seeking recognition to include a new test standard in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add a new test standard to the NRTL Program's List of Appropriate Test Standards. Table 1, below, lists the test standard that is new to the NRTL Program. OSHA preliminarily determined that this test standard is an appropriate test standard and proposes to include it in the NRTL Program's List of Appropriate Test Standards. OSHA seeks public comment on this preliminary determination.

Table 1

**Test Standards OSHA Is Proposing to Add to the NRTL Program's
List of Appropriate Test Standards**

Test Standard	Test Standard Title
UL 60079-25	Explosive Atmospheres – Part 25: Intrinsically Safe Electrical Systems

IV. Preliminary Findings on the Application

ITSNA submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that ITSNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of these 28 test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of ITSNA's application.

OSHA welcomes public comment as to whether ITSNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL.

Comments sent in response to this notice should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N-2625, Occupational Safety and Health

Administration, U.S. Department of Labor, at the above address. These materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2007-0039.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant ITSNA's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the Federal Register.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on September 9, 2016.

David Michaels,
Assistant Secretary of Labor for Occupational Safety and Health.

BILLING CODE: 4510-26-P

[FR Doc. 2016-22085 Filed: 9/13/2016 8:45 am; Publication Date: 9/14/2016]