



DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2010-0039]

Portable Fire Extinguishers (Annual Maintenance Certification Record); Extension of the Office of Management and Budget's (OMB) Approval of the Information Collection (Paperwork) Requirements

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

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirement contained in the Portable Fire Extinguishers Standard (Annual Maintenance Certification Record).

DATES: Comments must be submitted (postmarked, sent or received) by [INSERT DATE 60 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES:

Electronically: You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648. Mail, hand

delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0039, Occupational Safety and Health Administration ,U.S. Department of Labor, Room N-3653, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10 a.m. to 3:00 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number for the Information Collection Request (ICR) (OSHA-2010-0039). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled "SUPPLEMENTARY INFORMATION".

Docket: To read or download comments or other materials in the docket, go to <http://regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this Federal Register notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publically available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION, CONTACT: Todd Owen or Theda Kenney,
Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609,
200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et. seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires OSHA to obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Paragraph (e)(3) of the Standard specifies that employers must subject each portable fire extinguisher to an annual maintenance inspection and record the date of the inspection. In addition, this provision requires employers to retain the inspection record for one year after the last entry or for the life of the shell, whichever is less, and to make the record available to OSHA on request. This recordkeeping requirement assures workers and Agency compliance officers that portable fire extinguishers located in the workplace will operate normally in case of fire; in addition, this requirement provides evidence to OSHA compliance officers during an inspection that the employer performed the required maintenance checks on the portable fire extinguishers.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary

for the proper performance of the Agency's functions, including whether the information is useful;

- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and

Ways to minimize the burden on employers who must comply-for example, by

Using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Portable Fire Extinguishers Standard (Annual Maintenance Certification Record) (29 CFR 1910.157(e)(3)). OSHA is requesting an adjustment increase of 4,489,161 responses (from 1,380,750 to 5,869,911), and an increase of 224,458 burden hours (from 69,038 to 293,496 burden hours). The increased estimate for the number of responses stems from a reconsideration of how this figure should be calculated. Prior estimates fully accounted for all time and cost burden but only counted responses imposing a time burden as a response for reginfo.gov database purposes. Employers who contract for an inspection also are making a response under the PRA, and this ICR adjusts the analysis. This ICR's adjustment increase is also a result of the number of portable fire extinguishers increasing from 1,380,750 to 5,869,911 (see explanation under Item 12). In addition, there is an increase in the cost under Item 13 from \$8,583,559 to \$9,538,604 (an increase of \$955,045). This cost increase is the result of

updated data indicating a decrease in the number of establishments; thus, the Agency estimates an increase in the number of portable fire extinguishers inspected by outside contractors. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

<u>Type of Review:</u>	Extension of a currently approved collection.
<u>Title:</u>	Portable Fire Extinguishers (Annual Maintenance Certification Record (29 CFR 1910.157(e)(3))).
<u>OMB Control Number:</u>	1218-0238
<u>Affected Public:</u>	Business or other for-profits.
<u>Number of Responses:</u>	5,869,911
<u>Frequency of Responses:</u>	On occasion
<u>Average Time per Response:</u>	Approximately 30 minutes (.50 hour) to perform and record the required maintenance inspection.
<u>Estimated Total Burden Hours:</u>	293,496
<u>Estimated Cost (Operation and Maintenance):</u>	\$9,538,604

IV. Public Participation - Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at <http://regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other materials must identify the Agency name and the OSHA docket number for the ICR

(Docket No. OSHA-2010-0039). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled “ADDRESSES”).

The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350, (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions comments about submitting personal information such as Social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publically available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and Access the docket is available at the Web site’s “User Tips” link.

Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Dorothy Dougherty, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et. seq.) and Secretary of Labor’s Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on April 13, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor
for Occupational Safety and Health

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