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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2007-0042]

TUV Rheinland of North America, Inc.: Grant of Expansion of Recognition and Notice of Voluntary Reduction in Scope

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

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for TUV Rheinland of North America, Inc. as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the voluntary removal of a test standard from TUV Rheinland of North America, Inc.'s scope of recognition.

DATES: The expansion of the scope of recognition becomes effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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; telephone: (202) 693-2110; email: robinson.kevin@dol.gov. OSHA's web page
includes information about the NRTL Program (see
<http://www.osha.gov/dts/otpca/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TUV
Rheinland of North America, Inc. (TUVRNA) as a NRTL. TUVRNA's expansion
covers the addition of one test standard to its scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements
specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization
can perform independent safety testing and certification of the specific products covered
within its scope of recognition and is not a delegation or grant of government authority.
As a result of recognition, employers may use products properly approved by the NRTL
to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by a NRTL for initial recognition, or for
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 and, 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 that details its scope of recognition. These pages are available from the Agency's Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

TUVRNA submitted an application, dated September 30, 2015, (OSHA-2007-0042-0022) to expand its recognition to include one additional test standard. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing TUVRNA's expansion application in the *Federal Register* on July 27, 2017 (82 FR 34980). The Agency requested comments by August 11, 2017, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVRNA's scope of recognition.

To obtain or review copies of all public documents pertaining to TUVRNA's application, go to www.regulations.gov or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210. Docket No. OSHA-2007-0042 contains all materials in the record concerning TUVRNA's recognition.

II. Final Decision and Order

OSHA staff examined TUVRNA's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant TUVRNA's scope of recognition. OSHA limits the expansion of TUVRNA's recognition to testing and

certification of products for demonstration of conformance to the test standard listed in Table 1 below.

Table 1
Appropriate Test Standard for Inclusion in TUVRNA’s
NRTL Scope of Recognition

Test Standard	Test Standard Title
UL 2202	Electric Vehicle (EV) Charging System Equipment

Additionally, TUVRNA submitted a voluntary withdrawal letter on April 7, 2017, (OSHA-2007-0042-0025) to reduce its scope of recognition by one test standard. Table 2 below lists the recognized test standard that will be removed from TUVRNA’s scope of recognition.

Table 2
Appropriate Test Standard for Removal from
TUVRNA’s NRTL Scope of Recognition

Test Standard	Test Standard Title
UL 913	Standard for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, III, Division 1, Hazardous (Classified) Location

OSHA’s recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL’s scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standard listed above in Table 1 as an American National Standard. However, for convenience, we may use the designation of the standards-developing organization for the standard as

opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1-0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVRNA must abide by the following conditions of the recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. TUVRNA must continue to meet the requirements for recognition, including all previously published conditions on TUVRNA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVRNA, subject to the limitation and conditions specified above. Additionally, pursuant to the authority in 29 CFR 1910.7, OSHA further reduces the scope of recognition of TUVRNA per its request of voluntary withdrawal by removing the standard outlined in Table 2 above. TUVRNA has notified the NRTL clients for which TUVRNA certified products conforming to UL 913 of this reduction in NRTL scope.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 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 October 12, 2017.

Loren Sweatt,
Deputy Assistant Secretary of Labor for Occupational Safety and Health.

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