DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2007-0041]

FM Approvals LLC: Grant of Expansion of Recognition and 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 final decision to expand the scope of
recognition for FM Approvals LLC for expansion of recognition as a Nationally
Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the final
decision to modify the NRTL Program’s List of Appropriate Test Standards to include
one additional test standard.

DATES: The expansion of the scope of recognition become 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, 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, phone: (202) 693-2110 or email: robinson.kevin@dol.gov.

SUPPLEMENTARY INFORMATION:
I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of FM Approvals LLC (FM) as a NRTL. This expansion covers the addition of five test standards to FM’s NRTL scope of recognition, one of which will be added to the NRTL Program’s List of Appropriate Test Standards.

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 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 a preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL’s scope of recognition or modifications of that scope. OSHA maintains an informational webpage for each NRTL, including FM, which details the NRTL’s scope of recognition. These pages are available from the OSHA website at


FM submitted an application to OSHA to expand recognition as a NRTL to include five additional test standards on May 16, 2019 (OSHA-2007-0041-0014). OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.
OSHA published the preliminary notice announcing FM’s expansion application in the *Federal Register* on February 26, 2021 (86 FR 11794). The agency requested comments by March 15, 2021, but it received no comments in response to this notice. OSHA is now proceeding with this final notice to grant expansion of FM’s scope of recognition.

To obtain or review copies of all public documents pertaining to FM’s application, go to [www.regulations.gov](http://www.regulations.gov) or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor; (202) 693-2350. Docket No. OSHA-2007-0041 contains all materials in the record concerning FM’s recognition. **Please note:** While OSHA’s Docket Office is continuing to accept and process submissions by regular mail, due to the COVID-19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the docket by hand, express mail, messenger, and courier service.

## II. Final Decision and Order

OSHA staff examined FM’s expansion application, their capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that FM meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitations and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant FM’s scope of recognition. OSHA limits the expansion of FM’s recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

### Table 1

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

<table>
<thead>
<tr>
<th>Test Standard</th>
<th>Test Standard Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>*ANSI FM 3265</td>
<td>Spark Detection and Extinguishing Systems</td>
</tr>
<tr>
<td>UL 268</td>
<td>Smoke Detectors for Fire Alarm Systems</td>
</tr>
<tr>
<td>UL 1971</td>
<td>Signaling Devices for the Hearing Impaired</td>
</tr>
</tbody>
</table>
In this notice, OSHA also announces the addition of a new test standard to the NRTL Program’s List of Appropriate Test Standards. Table 2 below lists the standard that is new to the NRTL Program. OSHA has determined that this test standard is an appropriate test standard and will add it to the NRTL Program’s List of Appropriate Test Standards.

**Table 2**

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

<table>
<thead>
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</tr>
</tbody>
</table>

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 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, FM must abide by
the following conditions of the recognition:

1. FM 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. FM must meet all the terms of its recognition and comply with all OSHA policies
pertaining to this recognition; and

3. FM must continue to meet the requirements for recognition, including all
previously published conditions on FM’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 FM, subject to the limitations and conditions specified above. OSHA also adds one standard to the NRTL Program’s List of Appropriate Test Standards.

III. Authority and Signature

James S. Frederick, Acting 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. 8-2020 (85 FR 58393, September 18, 2020) and 29 CFR 1910.7.

Signed at Washington, DC, on May 4, 2021.

James S. Frederick,

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2021-09800 Filed: 5/7/2021 8:45 am; Publication Date: 5/10/2021]