



February 16, 2017

OSHA Docket Office
Docket No. OSHA-2010-0007
Technical Data Center
Room N-3508
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: NRTL Program Regulation; Revision of OMB Approval of Information Collection (Paperwork) Requirements

Dear OSHA:

On behalf of Curtis-Straus LLC, I am responding to OSHA's request for comments concerning the agency's proposed revision of the information collection requirements specified by its regulations at 29 C.F.R. § 1910.7, "definition and requirement for a nationally recognized testing laboratory" (the Regulation). 81 Fed. Reg. 95650 (Dec. 28, 2016). 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.

Curtis-Straus has been a testing laboratory for consumer products since 1996. It has had OSHA recognition as a Nationally Recognized Testing Laboratory (NRTL) since 2000.

Curtis-Straus commented positively on a previous OSHA proposed revision of the information collection requirement specified by the Regulation. See letter to OSHA dated October 16, 2013. It has also been a strong supporter of OSHA's plans to revise the Regulation in other ways. This is reflected in its October 3, 2016 and November 11, 2014 letters to OSHA, in which it commends the agency for seeking to update the NRTL Program and "position it for today's demands and future growth."

The Paperwork Reduction Act of 1995, 44 U.S.C. § 3506(c)(2)(A), and the Occupational Safety and Health Act of 1970, 29 U.S.C. § 657, provide that information collection is to be done in a way as to minimize burden. To that end, OSHA has asked for comment on ways to minimize the burden on organizations that must comply with its information collection requirements. It gives as an example of minimizing such burden, "using automated or other technological information transmission techniques." 81 Fed. Reg. at 95651. OSHA proposes to include optional standardized forms to facilitate and simplify the information collection process as part of its information collection process. The optional forms correspond to the application, expansion, and renewal processes defined in the NRTL Program. Where practicable, the forms

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will provide for automations such as drop down lists to increase ease of use and reduce the information collection burden.

We believe that using automated or other technological information techniques, including in conjunction with optional standardized forms,¹ can be an appropriate way to reduce such burden. The use of such techniques would, among other things:

- Support OSHA's commitment to interact more frequently with NRTLs;
- Assist in the preparation for on-site audits;
- Facilitate better and more effective use of OSHA's limited resources;
- Increase ease and timeliness of review of NRTL documents transmitted to OSHA; and
- Allow for quicker feedback and response to both OSHA and NRTLs.

While optional, the standardized forms nonetheless should be carefully designed in order to facilitate their usefulness. We look forward to working with OSHA to that end.

OSHA has also asked whether the proposed information collection requirements are necessary and useful for the proper performance of the agency's functions. We are generally supportive of OSHA's efforts in relation to the NRTL Program and would tend to defer to the agency as to whether the information collection requirements are necessary and useful. If issues arise, we would work with the agency to achieve a satisfactory resolution.

In addition, OSHA has asked for comment on the accuracy of its estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used. The estimate seems reasonable.

Finally, OSHA has asked for comment on the quality, utility, and clarity of the information collected. Curtis-Straus has no adverse comments in this regard.

¹ The forms are optional because, as acknowledged by OSHA, "the Regulation does not allow OSHA to mandate the use of an application form." 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 121800147 (Jan. 2010).

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We appreciate OSHA's request for comment on this important matter and look forward to continued cooperation with the agency.

Sincerely,



Michael Buchholz, P.E., NCE
General Manager