

**SUPPORTING STATEMENT FOR
THE INFORMATION COLLECTION REQUIREMENTS OF
THE HYDROSTATIC TESTING PROVISION OF THE PORTABLE FIRE
EXTINGUISHERS STANDARD (29 CFR 1910.157(f)(16))¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0218 (October 2010)**

JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The main objective of the Occupational Safety and Health Act of 1970 (i.e., “the Act”) is to “assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651). To achieve this objective, the Act authorizes “the development and promulgation of occupational safety and health standards” (29 U.S.C. 651).

With regard to recordkeeping, the Act specifies that “[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . .” (29 U.S.C. 657). The Act states further that “[t]he Secretary . . . shall prescribe such rules and regulations as [he/she] may deem necessary to carry out [his/her] responsibilities under this Act, including rules and regulations dealing with the inspection of an employer’s establishment” (29 U.S.C. 657).

Under the authority granted by the Act, the Occupational Safety and Health Administration (i.e., “OSHA” or “the Agency”) published at 29 CFR 1910.157 a safety standard for general industry regulating portable fire extinguishers (i.e., “the Standard”). The Standard includes a provision requiring hydrostatic testing of portable fire extinguishers at intervals specified by the Standard (§ 1910.157(f)(2) and Table L-1).

The hydrostatic testing provision (§ 1910.157(f)(16)) requires employers to certify that portable fire extinguishers have been hydrostatically tested as prescribed by the Standard by preparing a certification record upon completion of the test. The record must be maintained on file and made available to OSHA compliance staff. Items 2 and 12 below describe in detail the specific information collection requirement of 1910.157(f)(16), hereafter “the provision.”

¹The purpose of this Supporting Statement is to analyze and describe the burden hours and costs associated with the hydrostatic testing provision of the Standard on Portable Fire Extinguishers; this Supporting Statement does not provide information or guidance on how to comply with, or how to enforce, the Standard.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection.

The following section describes who uses the information in the certification record, as well as how they use it. The purpose of the requirement is to reduce workers' risk of death or serious injury by ensuring that portable fire extinguishers are in safe operating condition.

Test records (§ 1910.157(f)(16))

Paragraph (f)(16) requires employers to develop and maintain a certification record of hydrostatic testing of portable fire extinguishers. The certification record must include the date of inspection, the signature of the person who performed the test, and the serial number (or other identifier) of the fire extinguisher that was tested.

Disclosure of Test Certification Records

The certification record must be made available to the Assistant Secretary or his/her representative upon request. The certification record provides assurance to employers, workers, and OSHA compliance officers that the fire extinguishers have been hydrostatically tested in accordance with and at the intervals specified in § 1910.157(f)(16); thereby, ensuring that they will operate properly in the event workers need to use them. Additionally, these records provide the most efficient means for the compliance officers to determine that an employer is complying with the hydrostatic testing provision.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Employers may use automated, electronic, mechanical, or other technological information collection techniques, or other forms of information technology (e.g., electronic submission of responses) when establishing and maintaining the required records. The Agency wrote the paperwork requirements of the provision in performance-oriented language (i.e., in terms of what data to collect, not how to record the data).

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in 2 above.

The requirement to collect and maintain information is specific to each employer and employee involved, and no other source or agency duplicates the requirement or can make the required information available to OSHA (i.e., the required information is available only from employers).

5. If the collection of information impacts small businesses or other small entities, describe the methods used to reduce the burden.

The information collection requirement specified by the provision does not have a significant impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is or is not conducted less frequently, and any technical or legal obstacles to reducing the burden.

The Agency believes that the information collection frequency required by the provision is the minimum frequency necessary to fulfill its mandate “to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources” as specified in the Act at 29 U.S.C. 651. Accordingly, if employers do not perform the required information collection, or delay in providing this information, employees may inadvertently attempt to operate fire extinguishers that are not in proper working order, thus increasing their risk of death or serious injury.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can prove that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Paragraph (f)(16) of 1910.157 requires employers to keep the most recent certification record verifying that hydrostatic testing of fire extinguishers has been performed at intervals specified in Table L-1 of the Standard. Table L-1 requires testing of fire extinguishers at intervals varying between 5 to 12 years, depending on the type of fire extinguisher. Employers who test fire extinguishers only at these intervals will be required to retain testing certification records for longer than 3 years.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection before submission to OMB. Summarize public comments received in response to that notice and describe actions

taken by the agency in response to those comments specifically address comments received on cost and hour burdens.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, revealed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that mitigate against consultation in a specific situation. These circumstances should be explained.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on August 11, 2010 (75 FR 48728, Docket No. OSHA-2010-0025) requesting public comment on its proposed extension of the information collection requirements contained in the Standard on the Hydrostatic Testing Provision of the Portable Fire Extinguishers Standard (29 CFR 1910.157(f)(16)). This notice was part of a preclearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the above Standard. The Agency received no comments in response to its notice to comment on this request.

9. Explain any decision to provide any payments or gift to respondents, other than reenumeration of contractors or grantees.

The Agency will not provide payments or gifts to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The paperwork requirements specified by the provision do not involve confidential information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The provision does not involve collection of sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**

- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories.**

Burden-Hour and Cost Determinations

The number of portable fire extinguishers covered by this ICR is based on the number of establishments covered. The Agency used data available from *Table 1, Covered establishments, employment, and wages in the 335 largest counties, third quarter 2009* of the Economic News Release, Bureau of Labor Statistics, U.S. Department of Labor. The data indicates that there are 9.06 million establishments in the United States and; therefore, estimates that 9.06 million portable fire extinguishers will be subject to hydrostatic testing at intervals of 5 to 12 years.

The Agency adopted the mean wage rates from May 2009 *National Occupational Employment and Wages*, U.S. Department of Labor, Bureau of Labor Statistics.² Total compensation for these occupational categories includes an adjustment of 30.4 percent (*Employer Costs for Employee Compensation, June 2010*) for fringe benefits; this figure represents the average level of fringe benefits in the private sector. The costs of labor used in this analysis are, therefore, estimates of total hourly compensation. These hourly wages are:

Precision Inspector, Tester, Grader	\$21.84
Supervisory Inspector	\$34.57

Generating and/or Maintaining the Certification Record of the Hydrostatic Testing of Portable Fire Extinguishers – § 1910.157(f)(16).

Paragraph (f)(16) requires employers to assure that the required hydrostatic testing of fire extinguishers (the “extinguisher”) has been performed in accordance with, and at the time intervals, specified in Table L-1 of the Standard. The evidence must be in the form of a certification record which includes the date of the test, the signature of the person who performed the test, and the serial number, or other identifier, of the extinguisher that was tested. The records must be kept until the extinguisher is hydrostatically retested as specified by Table L-1 of the Standard or until the extinguisher is taken out of service.

OSHA estimates that 85 percent of all extinguishers (7,706,100) are sent to an outside contractor for the necessary testing. The Agency estimates that it will take 1 minute (.02 hour) to maintain each record. OSHA estimates the remaining units (1,359,900) are tested in the workplace where they are used. There is a cost for the contracted maintenance service listed in #13 below.

²The website is http://www.bls.gov/oes/current/oes_nat.htm#

For the extinguisher tested at the workplace, OSHA estimates the time involved is 30 minutes (.50 hour) plus an additional 3 minutes (.05 hour) to generate and maintain the record. Based on Table L-1 below, OSHA is using an average test interval of 7.5 years for each extinguisher (105 years divided by 14 types of extinguishers = 7.5 years). Therefore, the total annual burden hours and cost estimates for this paperwork requirement are:

Burden hours: 7,706,100 extinguishers x .02 hour/7.5 years = 20,550

Cost: 20,550 hours x \$21.84 = \$448,812

Burden hours: 1,359,900 extinguishers x .55 hour/7.5 years = 99,726

Cost: 99,726 hours x \$21.84 = \$2,178,016

Disclosure of Test Certification Records

The inspection certification records assure employers and employees that portable fire extinguishers have been hydrostatically tested. These records also provide the most efficient means for an OSHA compliance officer to determine that an employer is complying with the Standard, and that the portable fire extinguishers are in safe operating condition.

OSHA believes that approximately 129,924 portable fire extinguishers covered by the Standard³ will be subject to an OSHA inspection where the employer will be required to disclose inspection certification records annually (see Item 14 below). OSHA estimates that it will take a supervisory inspector 2 minutes (.03 hour) to disclose the requested information

Burden hours: 126,924 inspections x .03 hour = 3,808

Cost: 3,808 burden hours x \$34.57 = \$131,643

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

The cost estimate should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

³OSHA estimated the number of inspections by multiplying OSHA's inspection rate (1.4%) by the number of portable fire extinguishers covered by this ICR (i.e., 9,066,000 portable fire extinguishers x 1.4% = 126,924 inspections).

- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondent (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

The cost to hydrostatically test a portable fire extinguisher ranges from \$10.00 to \$22.50⁴ depending on the type of test and the size of the extinguisher. Therefore, for calculating cost, the Agency is using an average of \$16.25. As discussed in #12 above, about 7,706,100 extinguishers are tested through contract with a fire extinguisher maintenance service. Using the same time interval of 7.5 years for testing, the cost per year is estimated at \$16,696,550 annually (7,706,100 x \$16.25/7.5 years).

Table L-1⁵

Type of Extinguishers	Test interval (years)
Soda acid (stainless steel shell)	5
Cartridge operated water and/or antifreeze	5
Stored pressure water and/or antifreeze	5
Wetting agent	5
Foam (Stainless Steel)	5
Aqueous film forming foam (AFFF)	5
Loaded stream	5
Dry chemical with stainless steel	5
Carbon dioxide	5
Dry chemical, stored pressure, with mild steel,	12

⁴SOURCE: <http://sterlingfire.vicbc.com/extinguishers.htm>

⁵Table has been modified to remove soda acid (soldered brass shells) and foam (soldered brass shells). These extinguishers should have been removed from service on January 1, 1982.

Type of Extinguishers	Test interval (years)
brazed brass or aluminum shells	
Dry chemical, cartridge or cylinder operated, with mild steel shells	12
Halon 1211	12
Halon 1301	12
Dry powder, cartridge or cylinder operated with mild steel shells	12

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

OSHA estimates that a compliance officer (GS-12, step 5), with an hourly wage rate of \$40.66, spends about five minutes (.08 hour) during an inspection reviewing the documents required by the Standard. The Agency determines that its compliance officers will inspect about 126,924 certification records of portable fire extinguishers regulated by the Standard during each year covered by this ICR (see footnote 2). OSHA considers other expenses, such as equipment, overhead, and support staff salaries, to be normal operating expenses that would occur without the paperwork requirements specified by the provision. Therefore, the total cost of these paperwork requirements to the Federal government is:

$$\text{Cost: } 126,924 \text{ certification records} \times .08 \text{ hour} \times \$40.66 = \$412,858$$

15. Explain the reasons for any program changes or adjustments.

OSHA is requesting a decrease in the burden hours of the information collection requirements in the Standard from 125,952 hours to 124,084 hours for a total decrease of 1,868 burden hours. The decrease is a result of the decrease in the growth rate of the number of establishments per portable fire extinguishers in the workplace from 9,202,500 to 9,066,000 that would be subjected to the requirement that they be hydrostatically tested at intervals of 5 to 12 years. In addition, there is an increase in the cost from \$16,687,200 to \$16,696,550 for those employers who use an outside source for the testing of portable fire extinguishers. This increase is due to an increase in the average price of the testing ranging from \$10.00 to \$22.50 per extinguisher.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

OSHA will not publish the information collected under the provision.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be appropriate.

No forms are available for the Agency to display the expiration date.

18. Explain each exception to the certification statement in ROCIS.

OSHA is not seeking an exception to the certification statement in ROCIS.

Table 1: Requested Burden-Hour Adjustments

Information Collection Requirement	Current Burden Hours	Requested Burden Hours	Adjustment	Cost Under Item 12	Cost Under Item 13	Responses	Explanation of Adjustment
Generating and/or Maintaining the Certification Record of the Hydrostatic Testing of Portable Fire Extinguishers (29 CFR 1910.157(f)(16))	20,859	20,550	-309	\$448,812	\$16,696,550	1,027,480	A decrease in burden hours and cost occurred due to a decrease in the number of portable fire extinguishers based on a decrease in the number of establishments. In addition, there is an increase in the cost (from \$16,687,200 to \$16,696,550) for those employers who use an outside source for the testing of portable fire extinguishers.
	101,228	99,726	-1,502	\$2,178,016	0	181,320	A decrease in burden hours and cost occurred due to a decrease in the number of establishments per portable fire extinguishers in the workplace.
Disclosure of Test Certification Records	3,865	3,808	-57	\$131,643	0	126,924	An increase in burden hours and cost occurred due to a decrease in the number of portable fire extinguisher which may be subject to an OSHA inspection.
TOTAL	125,952	124,084	1,868	\$2,758,471	\$16,696,550	1,335,724	