

**THE PORTABLE FIRE EXTINGUISHERS STANDARD  
(ANNUAL MAINTENANCE CERTIFICATION RECORD)  
OMB Control Number: 1218-0238  
Expiration Date: July 31, 2024**

**SUPPORTING STATEMENT FOR  
THE INFORMATION COLLECTION REQUIREMENTS OF  
THE PORTABLE FIRE EXTINGUISHERS STANDARD  
(ANNUAL MAINTENANCE CERTIFICATION RECORD)  
(29 CFR 1910.157(e)(3))<sup>1</sup>  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0238 (July 2024)**

The agency is seeking an extension of a currently approved data collection.

**A. 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 annual maintenance inspection ensures that portable fire extinguishers are in safe operating condition in case of a fire, while the maintenance record provides evidence to workers and agency compliance officers that employers performed the required inspections. Items 2 and 12 below describe in detail the specific information collection requirements of the Standard.

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<sup>1</sup>The 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.

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**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 purpose of this requirement is to reduce workers' risk of death or serious injury by ensuring that portable fire extinguishers are in a safe operating condition.

**§1910.157(e)(3) --Portable Fire Extinguishers--Inspection, maintenance, and testing.**

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.

**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 under 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 A.2 above.**

The requirement to collect and maintain information is specific to each employer and worker 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.

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**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, workers may inadvertently attempt to operate fire extinguishers that are not in a 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.**

This information request is consistent with the guidelines provided in 5 CFR 1320.5.

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**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 prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**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, disclosed, 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 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude 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* (89 FR 25672) on April 11, 2024 soliciting comments on its proposal to extend the Office of Management and Budget's approval of the information collection requirements contained in the Portable Fire Extinguishers (Annual Maintenance Certification Record Standard (29 CFR 1910.157(e)(3)) under Docket No. OSHA-2010-0039. This notice was part of a preclearance consultation program that provided 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 did not receive any public comments in response to this notice.

**9. Explain any decision to provide any payments or gifts to respondents, other than remuneration 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.**

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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.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

**Respondent Burden-Hour and Cost Burden Determinations**

The agency determined the wage rate from mean hourly wage earnings to represent the cost of an employee's time. For the relevant Standard Occupational Classification (SOC) category, OSHA used the wage rates reported in the Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Employment and Wage Statistics (OEWS), May 2022* [date accessed: February 8, 2024].<sup>2</sup>

To derive at the loaded hourly wage rate, the agency used data from the Bureau of Labor Statistics' (BLS) *Occupational Employment Statistics (OES)*, as described in the paragraph above. Then, the agency applied to the wage rate a fringe benefit markup based on the following BLS release: *Employer Costs for Employee Compensation – September 2023* news release text; released 10:00 AM (EDT), December 15, 2023 (<https://www.bls.gov/news.release/pdf/ecec.pdf>). BLS reported that for private industry workers, fringe benefits accounted for 29.4 percent of total compensation and wages accounted for the remaining 70.6 percent. To calculate the loaded hourly wage for each occupation, the agency divided the mean hourly wage by 1 minus the

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<sup>2</sup> (OES data is available at <https://www.bls.gov/oes/tables.htm>. To access a wage rate, select the year, "Occupation Profiles," and the Standard Occupational Classification (SOC) code.)

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fringe benefits as shown in Table 1.

<b>Table 1 -- WAGE HOUR ESTIMATES</b>				
<b>Occupational Title</b>	<b>(SOC) Code</b>	<b>Mean Hourly Wage Rate (A)</b>	<b>Fringe Benefits (B) <sup>3</sup></b>	<b>Loaded Hourly Wage Rate (C) = (A)/((1-(B)))</b>
Precision Instrument and Equipment Repairers, All Other	49-9069	\$30.76	.294	\$43.57

Source: <https://www.bls.gov/oes/current/oes499069.htm>

Using Field’s Fire Protection manual, the agency estimates that there is, on average, one portable fire extinguisher for every 11,250 square feet of building space. Based on that, OSHA estimates in Table 3 that there are 63,785,650 fire extinguishers in service in the United States.

Table 3 was derived from Tables 4 and 5. As demonstrated in Table 4, the agency estimates that there are 62,681,516 extinguishers in non-manufacturing establishments, based on the Commercial Building Energy Consumption Survey. OSHA estimates that there are an additional 1,104,134 extinguishers, as shown in Table 5, in manufacturing establishments, based on information from the U.S. Energy Information Administration, Office of Energy Consumption and Efficiency Statistics. These two numbers were derived by multiplying the average square foot per building (for each type of building), as reported by the aforementioned surveys, times the estimated 11,250sq.ft. per extinguisher estimate, to determine the total number of fire extinguishers present, on average, per building. That number is multiplied by the total number of buildings (for non-manufacturing), or the total number of establishments (for manufacturing), to determine the total number of portable fire extinguishers needed for each sector.

**§1910.157(e)(3) -- Portable Fire Extinguishers -- Inspection, maintenance, and testing.**

OSHA believes that a large number of establishments will subject their fire extinguishers to the annual maintenance inspection as a usual and customary business practice to meet local fire codes and/or to reduce fire insurance premiums. From table 3, there are 63,785,650 portable fire extinguishers in the United States. Based on past information from a senior fire prevention engineer, it was estimated that approximately 85 percent of the (63,785,650) portable fire extinguishers (54,217,803) will undergo the annual maintenance inspection as a usual and customary business practice. Therefore, OSHA is not including these inspections and associated records in determining the burden hours and cost of the information collection requirement

<sup>3</sup> Source: Employer costs for Employee Compensation Supplementary Table 2. U.S. Department of Labor, Bureau of Labor Statistics, March 2020. <https://www.bls.gov/news.release/ecec.nr0.htm>

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specified by paragraph (e)(3) of the Standard. Based on this determination, this burden hour estimate only covers the remaining 15 percent (i.e., 9,567,848) of the portable fire extinguishers.

Past discussions by the agency with a leading fire extinguisher servicing company indicate that they collect and test, under contract, about 90 percent of the 9,567,848-portable fire extinguishers (i.e.,8,611,063) covered by 29 CFR 1910.157(e)(3). Accordingly, employers perform their own inspections and recordkeeping on the remaining 10 percent (956,785) of these extinguishers.

For employers who perform their own inspections, OSHA estimates that an inspector will take approximately 30 minutes (30/60) to perform and record the required maintenance inspection on each portable fire extinguisher (this estimate is based on information from staff familiar with the inspection testing). The inspector typically records the inspection date on a readily-visible tag attached to the extinguisher; therefore, disclosure of the recorded information to OSHA compliance officers imposes no burden on employers. The estimated burden hours and cost associated with performing and recording the required maintenance inspections are:

<b>Burden hours:</b>	956,785 fire extinguishers x 30/60 hour = 478,393 hours
<b>Cost:</b>	478,393 hours x \$43.57= \$20,843,583

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<b>Table 2: Estimated Annualized Respondent Cost and Hour Burden</b>								
<b>Collections of Information</b>	<b>Type of Respondent</b>	<b>No. of Respondents</b>	<b>No. of Responses per Respondent</b>	<b>Total No. of Responses</b>	<b>Burden Per Response (In Hrs.)</b>	<b>Total Burden Hours</b>	<b>Loaded Hourly Wage Rate</b>	<b>Total Burden Cost (rounded)</b>
§1910.157(e)(3) -- Portable Fire Extinguishers -- Inspection, maintenance, and testing.	Precision Instrument and Equipment Repairer	956,785	1	956,785	30/60	478,393	\$43.57	\$20,843,583
<b>TOTAL</b>		<b>956,785</b>	<b>--</b>	<b>956,785</b>	<b>--</b>	<b>478,393</b>	<b>--</b>	<b>\$20,843,583</b>



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**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.**
- **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 conduct the annual inspection of a portable fire extinguisher ranges from \$42.00 to \$59.00<sup>4</sup> depending on the size of the extinguisher; therefore, for calculating cost, the agency is using an average of \$50.50. As discussed in Item 12, about 9,567,848 extinguishers are tested through contract with a fire extinguisher maintenance service. The total cost associated with performing the required annual maintenance inspections under contract on 8,611,063 portable fire extinguishers is:

$$\text{Cost: } 8,611,063 \text{ fire extinguishers} \times \$50.50 = \$434,858,682$$

**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**

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<sup>4</sup>Source: <https://connectedfire.com/documents/ExtinguisherPricing.pdf>

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**hours, operational expenses (such as equipment, overhead, printing, and support staff), and 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.**

There is no cost to the Federal Government.

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

The agency is requesting an adjustment increase in burden from 293,496 to 478,393 hours, a difference of 184,897 hours. The increase in burden is due to an increase in the number of in-service portable fire extinguishers going from 39,132,742 to 63,785,650. The total cost for employers to conduct annual inspections for the 8,611,063 portable fire extinguishers as required by the standard is \$434,858,682. The cost increase is due an increase in the number of portable fire extinguishers and the cost per inspection going from \$17.28 to \$50.50.

**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.**

**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.**

OSHA lists current valid control numbers in §§1910.8, 1915.8, 1917.4, 1918.4, and 1926.5 and publishes the expiration date in the Federal Register notice announcing OMB approval of the information collection requirement (See 5 CFR 1320.3(f)(3)). OSHA believes that this is the most appropriate and accurate mechanism to inform interested parties of these expiration dates.

**18. Explain each exception to the certification statement.**

OSHA is not seeking an exception to the certification statement.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This supporting statement does not contain any collection of information requirements that employ statistical methods. We do, however, show the calculations of the number of portable fire extinguishers for manufacturing and non-manufacturing establishments.

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**Table 3: Total Number of Portable Fire Extinguishers  
(Estimated)**

<b>Source</b>	<b>Number of Fire Extinguishers</b>
Non-Manufacturing Establishments	62,681,516
Manufacturing Establishments	1,104,134
<b>Total</b>	<b>63,785,650</b>

Using Field’s Fire Protection manual, the agency estimates that there is, on average, one portable fire extinguisher for every 11,250 square feet of building space. Based on that, OSHA estimates in Table 3 that there are 63,785,650 fire extinguishers in service in the United States.

Table 3 was derived from Tables 4 and 5. As demonstrated in Table 4, the agency estimates that there are 62,681,516 extinguishers in non-manufacturing establishments, based on the Commercial Building Energy Consumption Survey. OSHA estimates that there are an additional 1,104,134 extinguishers, as shown in Table 5, in manufacturing establishments, based on information from the U.S. Energy Information Administration, Office of Energy Consumption and Efficiency Statistics. The steps to calculate these estimates are:

1. Each of these estimates were derived by multiplying the average square foot per building (for each type of building), as reported by the aforementioned surveys, times the estimated 11,250 sq.ft. per extinguisher estimate, to determine the total number of fire extinguishers present, on average, per building.

That number is multiplied by the total number of buildings (for non-manufacturing), or the total number of establishments (for manufacturing), to determine the total number of portable fire extinguishers needed for each sector.

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<b>Table 4: Fire Extinguishers in Non-Manufacturing Establishments</b>					
<b>Principal Building Activity</b>	<b>Avg. Sq. Footage per Building (a)</b>	<b>Square feet per Extinguisher (b)</b>	<b>No. of Fire Extinguishers per Building</b>	<b>Total Buildings (a)</b>	<b>Total No. of Fire Extinguishers</b>
Education	150,583	11,250	13.4	437,486	5,855,824
Enclosed mall	975,429	11,250	86.7	940	81,531
Food sales	31,805	11,250	2.8	162,912	460,578
Food service	6,784	11,250	0.6	286,467	172,745
Inpatient health care	582,578	11,250	51.8	8,529	441,655
Laboratory	236,548	11,250	21.0	10,837	227,872
Lodging	224,198	11,250	19.9	169,453	3,376,988
Nonrefrigerated warehouse	176,738	11,250	15.7	1,000,919	15,724,528
Nursing	116,285	11,250	10.3	37,551	388,146
Office	214,527	11,250	19.1	970,303	18,502,793
Other	128,842	11,250	11.5	102,396	1,172,705
Outpatient health care	92,232	11,250	8.2	128,540	1,053,820
Public assembly	139,128	11,250	12.4	488,199	6,037,546
Public order and safety	202,211	11,250	18.0	81,218	1,459,835
Refrigerated warehouse	219,109	11,250	19.5	3,451	67,217
Religious worship	33,832	11,250	3.0	438,606	1,319,010
Retail other than mall	95,464	11,250	8.5	350,357	2,973,013
Service	25,430	11,250	2.3	866,880	1,959,501
Strip shopping mall	95,497	11,250	8.5	165,658	1,406,209
<b>Grand Total</b>					<b>62,681,516</b>

(a) Commercial Buildings Energy Consumption Survey (CBECS) building characteristics public use microdata files (2018 data released September 2021)

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<b>Table 5: Fire Extinguishers in Manufacturing Establishments</b>						
<b>NAICS Code</b>	<b>Subsector and Industry</b>	<b>Average Enclosed Floorspace per Establishment (sq ft) (a)</b>	<b>Square feet per Extinguisher (b)</b>	<b>No. of Fire Extinguishers per Establishment</b>	<b>Establishments (a)</b>	<b>Total No. of Fire Extinguishers</b>
311	Food	78,245	11,250	7.0	15,842	110,183
312	Beverage and Tobacco Products	75,622	11,250	6.7	3,938	26,471
313	Textile Mills	99,458	11,250	8.8	1,360	12,023
314	Textile Product Mills	30,538	11,250	2.7	4,116	11,173
315	Apparel	12,893	11,250	1.1	3,856	4,419
316	Leather and Allied Products	29,088	11,250	2.6	655	1,694
321	Wood Products	61,482	11,250	5.5	9,435	51,563
322	Paper	223,239	11,250	19.8	3,009	59,709
323	Printing and Related Support	28,686	11,250	2.5	12,614	32,164
324	Petroleum and Coal Products	78,328	11,250	7.0	1,883	13,110
325	Chemicals	117,387	11,250	10.4	8,902	92,887
326	Plastics and Rubber Products	108,548	11,250	9.6	8,317	80,248
327	Nonmetallic Mineral Products	49,801	11,250	4.4	12,035	53,276

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<b>Table 5: Fire Extinguishers in Manufacturing Establishments</b>						
<b>NAICS Code</b>	<b>Subsector and Industry</b>	<b>Average Enclosed Floorspace per Establishment (sq ft) (a)</b>	<b>Square feet per Extinguisher (b)</b>	<b>No. of Fire Extinguishers per Establishment</b>	<b>Establishments (a)</b>	<b>Total No. of Fire Extinguishers</b>
331	Primary Metals	202,492	11,250	18.0	3,226	58,066
332	Fabricated Metal Products	43,876	11,250	3.9	37,949	148,004
333	Machinery	72,187	11,250	6.4	14,919	95,729
334	Computer and Electronic Products	67,171	11,250	6.0	6,646	39,682
335	Electrical Equip., Appliances, and Components	92,694	11,250	8.2	3,295	27,149
336	Transportation Equipment	176,604	11,250	15.7	7,103	111,504
337	Furniture and Related Products	53,379	11,250	4.7	8,347	39,605
339	Miscellaneous	29,175	11,250	2.6	13,679	35,475
	<b>Total</b>	<b>69,062</b>			<b>181,126</b>	<b>1,104,134</b>

(a) Source: U.S. Energy Information Administration, Office of Energy Consumption and Efficiency Statistics, Form EIA-846, '2010 Manufacturing Energy Consumption Survey.'

(b) Field's Fire Protection Inc. (2017). [How Many Extinguishers are Required?](http://www.fieldsfire.com/how-many-extinguishers-are-required) Available at <http://www.fieldsfire.com/how-many-extinguishers-are-required>. (Accessed March 9, 2017).