

its continuing compliance with the terms of its letter of recognition and 29 CFR 1910.7.

3. *Alternative procedure.* After the initial recognition and before the expiration thereof, OSHA may (for good cause) determine that there is a sufficient basis to dispense with the renewal requirement for a given laboratory and will so notify the laboratory of such a determination in writing. In lieu of submitting a renewal request, any laboratory so notified shall certify its continuing compliance with the terms of its letter of recognition and 29 CFR 1910.7.

D. Voluntary termination of recognition.

At any time, a recognized NRTL may voluntarily terminate its recognition, either in its entirety or with respect to any area covered in its recognition, by giving written notice to OSHA. The written notice shall state the date as of which the termination is to take effect. The Assistant Secretary shall inform the public of any voluntary termination by FEDERAL REGISTER notice.

E. Revocation of recognition by OSHA.

1. *Potential causes.* If an NRTL either has failed to continue to substantially satisfy the requirements of § 1910.7 or this appendix, or has not been reasonably performing the NRTL testing requirements encompassed within its letter of recognition, or has materially misrepresented itself in its applications or misrepresented the scope or conditions of its recognition, the Assistant Secretary may revoke the recognition of a recognized NRTL, in whole or in part. OSHA may initiate revocation procedures on the basis of information provided by any interested person.

2. *Procedure.* a. Before proposing to revoke recognition, the Agency will notify the recognized NRTL in writing, giving it the opportunity to rebut or correct the alleged deficiencies which would form the basis of the proposed revocation, within a reasonable period.

b. If the alleged deficiencies are not corrected or reconciled within a reasonable period, OSHA will propose, in writing to the recognized NRTL, to revoke recognition. If deemed appropriate, no other announcement need be made by OSHA.

c. The revocation shall be effective in 60 days unless within that period the recognized NRTL corrects the deficiencies or requests a hearing in writing.

d. If a hearing is requested, it shall be held before an administrative law judge of the Department of Labor pursuant to the rules specified in 29 CFR part 1905, subpart C.

e. The parties shall be OSHA and the recognized NRTL. The Assistant Secretary may allow other interested persons to participate in these hearings if such participation would contribute to the resolution of issues ger-

mane to the proceeding and not cause undue delay.

f. The burden of proof shall be on OSHA to demonstrate by a preponderance of the evidence that the recognition should be revoked because the NRTL is not meeting the requirements for recognition, has not been reasonably performing the product testing functions as required by § 1910.7, this appendix A, or the letter of recognition, or has materially misrepresented itself in its applications or publicity.

3. *Final decision.* a. After the hearing, the Administrative Law Judge shall issue a decision stating the reasons based on the record as to whether it has been demonstrated, based on a preponderance of evidence, that the applicant does not continue to meet the requirements for its current recognition.

b. Upon issuance of the decision, any party to the hearing may file exceptions within 20 days pursuant to 29 CFR 1905.28. If no exceptions are filed, this decision is the final decision of the Assistant Secretary. If objections are filed, the Administrative Law Judge shall forward the decision, exceptions and record to the Assistant Secretary for the final decision on the proposed revocation.

c. The Assistant Secretary will review the record, the decision by the Administrative Law Judge, and the exceptions filed. Based on this, the Assistant Secretary shall issue the final decision as to whether it has been demonstrated, by a preponderance of evidence, that the recognized NRTL has not continued to meet the requirements for OSHA recognition. If the Assistant Secretary finds that the NRTL does not meet the NRTL recognition requirements, the recognition will be revoked.

4. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant, and a notification will be published in the FEDERAL REGISTER announcing the decision, and the availability of the complete record of this proceeding at OSHA. The effective date of any revocation will be the date the final decision copy is sent to the NRTL.

5. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

[53 FR 12120, Apr. 12, 1988; 53 FR 16838, May 11, 1988, as amended at 54 FR 24333, June 7, 1989; 65 FR 46818, 46819, July 31, 2000]

§ 1910.8 OMB control numbers under the Paperwork Reduction Act.

The following sections or paragraphs each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.

§ 1910.11

29 CFR Ch. XVII (7-1-07 Edition)

29 CFR citation	OMB control No.
1910.7	1218-0147
1910.23	1218-0199
1910.66	1218-0121
1910.67(b)	1218-0230
1910.68	1218-0226
1910.95	1218-0048
1910.111	1218-0208
1910.119	1218-0200
1910.120	1218-0202
1910.132	1218-0205
1910.134	1218-0099
1910.137	1218-0190
1910.142	1218-0096
1910.145	1218-0132
1910.146	1218-0203
1910.147	1218-0150
1910.156	1218-0075
1910.157(e)(3)	1218-0210
1910.157(f)(16)	1218-0218
1910.177(d)(3)(iv)	1218-0219
1910.179(j)(2)(iii) and (iv)	1218-0224
1910.179(m)(1) and (m)(2)	1218-0224
1910.180(d)(6)	1218-0221
1910.180(g)(1) and (g)(2)(ii)	1218-0221
1910.181(g)(1) and (g)(3)	1218-0222
1910.184(e)(4), (f)(4) and (i)(8)(ii)	1218-0223
1910.217(e)(1)(i) and (ii)	1218-0229
1910.217(g)	1218-0070
1910.217(h)	1218-0143
1910.218(a)(2)(i) and (ii)	1218-0228
1910.252(a)(2)(xiii)(c)	1218-0207
1910.255(e)	1218-0207
1910.266	1218-0198
1910.268	1218-0225
1910.269	1218-0190
1910.272	1218-0206
1910.420	1218-0069
1910.421	1218-0069
1910.423	1218-0069
1910.430	1218-0069
1910.440	1218-0069
1910.1001	1218-0133
1910.1003	1218-0085
1910.1004	1218-0084
1910.1006	1218-0086
1910.1007	1218-0083
1910.1008	1218-0087
1910.1009	1218-0089
1910.1010	1218-0082
1910.1011	1218-0090
1910.1012	1218-0080
1910.1013	1218-0079
1910.1014	1218-0088
1910.1015	1218-0044
1910.1016	1218-0081
1910.1017	1218-0010
1910.1018	1218-0104
1910.1020	1218-0065
1910.1025	1218-0092
1910.1026	1218-0252
1910.1027	1218-0185
1910.1028	1218-0129
1910.1029	1218-0128
1910.1030	1218-0180
1910.1043	1218-0061
1910.1044	1218-0101
1910.1045	1218-0126
1910.1047	1218-0108
1910.1048	1218-0145
1910.1050	1218-0184
1910.1051	1218-0170
1910.1052	1218-0179
1910.1096	1218-0103

29 CFR citation	OMB control No.
1910.1200	1218-0072
1910.1450	1218-0131

[61 FR 5508, Feb. 13, 1996, as amended at 62 FR 29668, June 2, 1997; 62 FR 42666, Aug. 8, 1997; 62 FR 43581, Aug. 14, 1997; 62 FR 65203, Dec. 11, 1997; 63 FR 13340, Mar. 19, 1998; 63 FR 17093, Apr. 8, 1998; 71 FR 38086, July 5, 2006]

Subpart B—Adoption and Extension of Established Federal Standards

AUTHORITY: Secs. 4, 6, and 8 of the Occupational Safety and Health Act, 29 U.S.C. 653, 655, 657; Walsh-Healey Act, 41 U.S.C. 35 *et seq.*; Service Contract Act of 1965, 41 U.S.C. 351 *et seq.*; Sec.107, Contract Work Hours and Safety Standards Act (Construction Safety Act), 40 U.S.C. 333; Sec. 41, Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 941; National Foundation of Arts and Humanities Act, 20 U.S.C. 951 *et seq.*; Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 1911), 9-83 (48 FR 35736), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable.

§ 1910.11 Scope and purpose.

(a) The provisions of this subpart B adopt and extend the applicability of, established Federal standards in effect on April 28, 1971, with respect to every employer, employee, and employment covered by the Act.

(b) It bears emphasis that only standards (i.e., substantive rules) relating to safety or health are adopted by any incorporations by reference of standards prescribed elsewhere in this chapter or this title. Other materials contained in the referenced parties are not adopted. Illustrations of the types of materials which are not adopted are these. The incorporations by reference of parts 1915, 1916, 1917, 1918 in §§1910.13, 1910.14, 1910.15, and 1910.16 are not intended to include the discussion in those parts of the coverage of the Longshoremen's and Harbor Workers' Compensation Act or the penalty provisions of the Act. Similarly, the incorporation by reference of part 1926 in §1910.12 is not intended to include references to interpretative rules having relevance to the application of the Construction Safety Act, but having no relevance to the application to the Occupational Safety and Health Act.