

Agreement between OSHA and the Michigan State Plan to clarify Michigan's coverage of marine construction.

**DATES:** *Effective Date:* January 23, 2017.

**FOR FURTHER INFORMATION CONTACT:**

For press inquiries, contact Francis Meilinger, Director, Office of Communications, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

For general and technical information, contact Douglas J. Kalinowski, Director, Directorate of Cooperative and State Programs, Room N-3700, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-2200; email: [kalinowski.doug@dol.gov](mailto:kalinowski.doug@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667 (OSH Act), provides that states that wish to assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting and obtaining federal approval of a State Plan. State Plan approval occurs in stages that include initial approval under Section 18(c) of the Act and, ultimately, final approval under Section 18(e).

The Michigan State Plan was initially approved under Section 18(b) of the OSH Act and 29 CFR part 1902 on September 24, 1973 (38 FR 27388, October 3, 1973). The Michigan State Plan is administered by the Michigan Department of Licensing and Regulatory Affairs, Michigan Occupational Safety and Health Administration (MIOSHA). On January 6, 1977, an Operational Status Agreement was entered into between OSHA and the Michigan State Plan agency whereby concurrent federal enforcement authority was suspended with regard to most federal occupational safety and health standards in issues covered by the state's OSHA-approved occupational safety and health plan. Federal OSHA retained its authority over safety and health in private sector maritime employment, with regard to federal government employers and employees, and employees of the U.S. Postal Services (effective June 9, 2000), and employers who are enrolled members of Indian tribes and who own or operate businesses located within the boundaries of Indian reservations.

MIOSHA has covered construction since the Plan's inception. A legal issue has arisen as to whether employees engaged in marine construction are covered by the Longshore and Harbor Workers' Compensation Act (33 U.S.C.

901 *et seq.*) and thus were included in Federal OSHA's coverage of maritime employment. MIOSHA requested that its coverage be clarified to explicitly include coverage over marine construction. OSHA and MIOSHA have agreed to amendments to the State Plan's Operational Status Agreement (OSA) that clarify that the exclusion of private sector maritime employment from the State Plan does not include marine construction, and the State Plan's coverage of construction includes marine construction. The amendment was signed on July 25, 2016. All other terms of the OSA remain in effect.

**Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, authorized the preparation of this notice. OSHA is issuing this notice under the authority specified by Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Secretary of Labor's Order No. 1-2012 (77 FR 3912), and 29 CFR parts 1902 and 1953.

Dated: January 9, 2017.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health*

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. OSHA-2009-0026]

**Curtis-Strauss LLC: Grant of Expansion of Recognition**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces its final decision to expand the scope of recognition for Curtis-Strauss LLC, as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on January 23, 2017.

**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, 200 Constitution Avenue NW., Room N-3647, Washington, DC 20210; telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto: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, 200 Constitution Avenue NW., Room N-3655, Washington, DC 20210; telephone: (202) 693-2110; email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov). OSHA's Web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpca/nrtl/index.html>).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition of Curtis-Strauss LLC (CSL), as an NRTL. CSL's expansion covers the addition of sixteen (16) test standards to its scope of recognition.

OSHA recognition of an 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 an NRTL for initial recognition, or for 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 its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

CSL submitted four applications, each dated December 29, 2015 (OSHA-2009-0026-0065; OSHA-2009-0026-0066; OSHA-2009-0026-0069; OSHA-2009-0026-0068), to expand its recognition to include 16 additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent

information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing CSL's expansion application in the **Federal Register** on October 31, 2016 (81 FR 75446). The Agency requested comments by November 15, 2016, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of CSL's scope of recognition.

To obtain or review copies of all public documents pertaining to the

CSL'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, 200 Constitution Avenue NW., Room N-3508, Washington, DC 20210. Docket No. OSHA-2009-0026 contains all materials in the record concerning CSL's recognition.

**II. Final Decision and Order**

OSHA staff examined CSL's expansion application, its capability to meet the requirements of the test standards, and other pertinent

information. Based on its review of this evidence, OSHA finds that CSL meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant CSL's scope of recognition. OSHA limits the expansion of CSL'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 CSL'S NRTL SCOPE OF RECOGNITION**

Test standard	Test standard title
UL 60745-1 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 1: General Requirements.
UL 60745-2-1 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 2-1: Particular Requirements for Drills and Impact Drills.
UL 60745-2-11 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 2-11: Particular Requirements for Reciprocating Saws.
UL 60745-2-2 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 2-2: Particular Requirements for Screwdrivers and Impact Wrenches.
UL 60745-2-3 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 2-3: Particular Requirements for Grinders, Polishers and Disk-Type Sanders.
UL 60745-2-4 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 2-4: Particular Requirements for Sanders and Polishers Other Than Disk Type.
UL 60745-2-5 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 2-5: Particular Requirements for Circular Saws.
UL 60745-2-6 .....	Hand-Held Motor-Operated Electric Tools—Safety—Part 2-6: Particular Requirements for Hammers.
UL 1741 .....	Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources.
UL 1778 .....	Uninterruptable Power Systems.
UL 1083 .....	Household Electric Skillets and Frying-Type Appliances.
UL 153 .....	Standard for Portable Electric Lights.
UL 1598 .....	Luminaires.
UL 1993 .....	Self-Ballasted Lamps and Lamp Adapters.
UL 8750 .....	Standard for Light Emitting Diode (LED) Equipment for Use in Lighting Products.
UL 935 .....	Fluorescent-Lamp Ballasts.

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, an NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. 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, CSL must abide by the following conditions of the recognition:

1. CSL 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 an NRTL, and provide details of the change(s);
2. CSL must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. CSL must continue to meet the requirements for recognition, including all previously published conditions on CSL'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 CSL, subject to the limitation and conditions specified above.

**III. Authority and Signature**

David Michaels, Ph.D., MPH, 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. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

**David Michaels,**  
*Assistant Secretary of Labor for Occupational Safety and Health.*

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**DEPARTMENT OF LABOR**

[Docket No. OSHA-2017-0004]

**Occupational Safety and Health Administration Maritime Advisory Committee for Occupational Safety and Health (MACOSH)**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of renewal of the MACOSH charter.