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January 30, 2014

OSHA Portable Fire Extinguisher Standard (Annual Maintenance Certification Record)  
29 CFR 1910.157 (e)(3)  
Docket Number: OSHA-2010-0039

**COMMENTS OF:  
THE INTERNATIONAL CODE COUNCIL (ICC)  
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The International Code Council (ICC) offers the following comments on OSHA's proposal to extend the Office of Management and Budget's (OMB) approval of the information collection standards contained in the Portable Fire Extinguisher Standard (Annual Maintenance Certification Record) 29 CFR 1910.157 (e)(3).

It is the belief of the International Code Council (ICC) that the continued collection of this information is vital for ensuring worker safety through properly installed and maintained portable fire extinguishers in the workplace.

The ICC is a membership association dedicated to building safety, fire prevention, energy conservation and sustainability. The ICC develops the model building codes used to construct residential and commercial buildings and a model fire code to ensure buildings remain safe throughout their useful life. Most U.S. cities, counties and states that adopt codes, choose the International Codes (*I-Codes*) developed by the ICC. The *I-Codes* are currently adopted at the state or local level in all 50 States, the District of Columbia, Guam, Puerto Rico, the US Virgin Islands and the Northern Marianas Islands. It is the mission of the ICC to provide the highest quality codes, standards, products, and services for all concerned with the safety and performance of the built environment.

The ICC publishes the *International Fire Code* (IFC) which contains specific requirements for the installation, maintenance and inspection of portable fire extinguishers in accordance with

the National Fire Protection Association (NFPA) Standard 10 – Portable Fire Extinguishers. Specifically, the 2012 IFC Section 906 (Portable Fire Extinguishers), via reference to NFPA 10 (2010 edition), requires 30-day inspections and annual inspections by service personnel that possess a valid certificate issued by an approved governmental agency or other approved organization for the type of work performed. This requirement is essential in ensuring technical competency of the service personnel entrusted with the inspection, maintenance, service and/or testing of portable fire extinguishers. These information collection requirements are consistent with Paragraph (e)(3) of the Standard and the associated recorded keeping that services as a verification of compliance with the OSHA Standard as well as compliance with the 2012 IFC and NFPA 10-2010. Such verification is essential for audit of portable fire extinguisher inspection and maintenance during the compliance inspections conducted by OSHA and/or the local fire code official.

**Special Issues for Comment:**

*Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful:*

The ICC believes the collection of this information is absolutely necessary as a verification of compliance with the OSHA Standard concerning Portable Fire Extinguishers.

ICC further suggests that OSHA consider amending the Standard record keeping requirements and the information collection requirements to include a requirement for certification of all fire extinguisher service personnel for consistency with the 2012 International, Fire Code and NFPA 10-2010. This will further improve work place safety by ensuring the technical competency of the service personnel entrusted with the inspection, maintenance, service and/or testing of portable fire extinguishers

*Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques:*

ICC notes that the requirement of the 2012 IFC, Sec. 906.2 requires fire extinguishers be selected, installed and maintained in accordance with NFPA 10-2010 IFC section 906.2.1 requires Service Personnel providing or conducting maintenance possess a valid certificate for the type of work performed. ICC recommends that for employers who are in compliance with the 2012 IFC Sec. 906 requirement, through inspections conducted by either qualified local government or third party inspectors, that proof of such inspections, maintained by the employer for the same time periods as required under 29 CFR 1910.157(e)(3), will meet the employer requirement of this section, without any additional inspections or record-keeping burden. There is precedent for such acceptance of the inspection report of the local jurisdiction, in OSHA's acceptance of proof of compliance with Emergency Exit requirements for proof of compliance with Sec. Sec.1910.35 (subpart E)

ICC also supports the use of technology to lessen the regulatory burden of inspection documentation and recordkeeping for portable fire extinguishers. The 2012 International Fire Code (Section 906.2 Exception 2) allows the use of a listed and approved electronic monitoring device (with specific reliability requirements), be permitted for supervising portable fire extinguishers and the elimination of 30-day inspections. ICC suggests that OSHA consider this technology application as a further amendment to the Portable fire Extinguisher Standard and the required recording keeping and information collection requirements under current regulations.