

## U.S. Federal Register Update: August 15 – August 19, 2022

The U.S. Federal Register Update contains summaries of entries in the U.S. Federal Register that may be of particular interest to the standards and conformity assessment community. This update is provided on a weekly basis by ANSI as a service to its members as part of the Institute's e-newsletter, *What's New?*

### [Eurofins Electrical and Electronic Testing NA, Inc. a/k/a MET Laboratories, Inc.: Grant of Expansion of Recognition](#)

**Published** 8/19/2022

**Reference** ANSI, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for Eurofins Electronic Testing NA, Inc. a/k/a MET Laboratories, Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on August 19, 2022.**

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### [Agency Information Collection Activities; Proposed Collection; Comment Request; Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form](#)

**Published** 8/17/2022

**Reference** ANSI, ASME

As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC) requests comments on a proposed extension of approval of a collection of information regarding a form used to verify whether pools and spas are in compliance with the Virginia Graeme Baker Pool and Spa Safety Act. The Office of Management and Budget (OMB) previously approved the collection of information under OMB Control No. 3041-0142. CPSC will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from OMB. **Submit written or electronic comments on the collection of information by October 17, 2022.**

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### [Medical Devices; Ear, Nose, and Throat Devices; Establishing Over-the-Counter Hearing Aids](#)

**Published** 8/17/2022

**Reference** ANSI, ISO

The Food and Drug Administration (FDA, we, or the Agency) is establishing a regulatory category for over-the-counter (OTC) hearing aids and making related amendments to update the regulatory framework for hearing aids. Specifically, we define OTC hearing aids and establish applicable requirements; amend existing rules for consistency with the new OTC category; repeal the conditions for sale applicable to hearing aids; amend the existing labeling requirements for hearing aids; and update regulations relating to decisions on applications for exemption from Federal preemption that will become obsolete as a result of changes to the hearing aid requirements. In creating a regulatory category for OTC hearing aids and amending existing rules, we intend to provide reasonable assurance of safety and effectiveness for these devices as well as foster access to, and innovation in, hearing aid technology, thereby protecting and promoting the public health. **This rule is effective October 17, 2022.**

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### [Hazardous Materials: Notice of Applications for New Special Permits](#)

**Published** 8/15/2022

**Reference** ANSI, ISO

In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. **Comments must be received on or before September 14, 2022.**

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### [Energy Conservation Program: Test Procedure for Ceiling Fans](#)

**Published** 8/16/2022

**Reference** ANSI, ASHRAE, IEC, UL

The U.S. Department of Energy ("DOE") is amending the test procedures for ceiling fans to include a definition for "circulating air" for the purpose of the ceiling fan definition; include ceiling fans greater than 24 feet within the scope of the test procedure; include certain belt-driven ceiling fans within the scope of the test procedure; specify that certain very small-diameter ceiling fans are not required to be tested; maintain applicability of the standby power test procedure to

large-diameter ceiling fans; specify instructions for testing ceiling fans with certain accessories or features; clarify test voltage for large-diameter ceiling fans; amend the low speed definition and increase low speed tolerance for stability criteria; permit an alternate set-up to collect air velocity test data and provide greater specificity regarding sensor orientation; amend the blade thickness measurement requirement; update instrument measurement resolution, represented values, rounding instructions, and enforcement provisions; and codify current guidance on calculating several values reported on the EnergyGuide label. DOE is also updating references to an industry test standard to reference the latest version. **The effective date of this rule is September 15, 2022. The final rule changes will be mandatory for product testing starting February 13, 2023. The incorporation by reference of certain material listed in this rule is approved by the Director of the Federal Register as of September 15, 2022. The incorporation by reference of certain other material listed in this rule was approved by the Director of the Federal Register as of August 24, 2016 and May 27, 2021.**

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### [Safety Standard for Sling Carriers](#)

**Published** 8/19/2022

**Reference** ANSI, ASTM

In January 2017, the U.S. Consumer Product Safety Commission (CPSC) published a consumer product safety standard for sling carriers under section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). The standard incorporated by reference the 2015 ASTM voluntary standard for sling carriers that was in effect at the time and supplemented it with an additional requirement for warning label attachment. The CPSIA sets forth a process for updating mandatory standards for durable infant or toddler products that are based on a voluntary standard when the voluntary standards organization revises the standard. Consistent with the CPSIA's update process, the Commission issued a direct final rule in April 2020, that revised the incorporation by reference for the mandatory standard for sling carriers to reflect ASTM's revised 2019 voluntary standard, while retaining the additional requirement for warning label attachment. In November 2021, ASTM approved a revision to the voluntary standard for sling carriers, ASTM F2907-21. However, ASTM delayed notification to the CPSC until a revised version of the standard was published in April 2022, ASTM F2907-22. On June 3, 2022, through publication in the Federal Register, the Commission provided notice of the availability of the revised standard and sought comments on the effect of the revisions on the safety of the standard for sling carriers. No comments were received. Consistent with the CPSIA's update process, this direct final rule again updates the mandatory standard for sling carriers to incorporate by reference ASTM's 2022 version of the voluntary standard, while retaining the additional requirement for warning label attachment. **The rule is effective on November 19, 2022, unless CPSC receives a significant adverse comment by September 19, 2022. If CPSC receives such a comment, it will publish a notice in the Federal Register, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of November 19, 2022.**

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### [Energy Conservation Program: Test Procedure for External Power Supplies](#)

**Published** 8/19/2022

**Reference** AHAM, CSA, IEC, IEEE, NEMA, UL

This final rule amends the current U.S. Department of Energy test procedure for external power supplies by clarifying the scope of the test procedure more explicitly, providing more specific instructions for testing single-voltage external power supplies with multiple-output busses and external power supplies shipped without an output cord, providing instructions allowing for functionality unrelated to the external power supply circuit to be disconnected during testing so long as the disconnection does not impact the functionality of the external power supply itself, specifying test requirements for adaptive external power supplies that conform to the industry-based Universal Serial Bus Power Delivery specifications consistent with current test procedure waivers that DOE has already granted for these products, and reorganizing the test procedure to centralize definitions, consolidate generally applicable requirements, and better delineate requirements for single-voltage, multiple-voltage, and adaptive external power supplies. **The effective date of this rule is September 19, 2022. The final rule changes will be mandatory for product testing starting February 15, 2023. The incorporation by reference of certain other publications listed in this rule was approved by the Director of the Federal Register on September 24, 2015.**

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### [Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act: Analysis and Sampling Procedures](#)

**Published** 8/17/2022

**Reference** ASTM

This action announces the Environmental Protection Agency's (EPA's) approval of alternative testing methods for use in measuring the levels of contaminants in drinking water to determine compliance with national primary drinking water

regulations. The Safe Drinking Water Act authorizes EPA to approve the use of alternative testing methods through publication in the Federal Register. EPA is using this streamlined authority to make seven additional methods available for analyzing drinking water samples. This expedited approach provides public water systems, laboratories, and primacy agencies with more timely access to new measurement techniques and greater flexibility in the selection of analytical methods, thereby reducing monitoring costs while maintaining public health protection. **This action is effective August 17, 2022.**

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#### [CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition](#)

**Published** 8/19/2022

**Reference** CSA, UL

In this notice, OSHA announces the final decision to expand the scope of recognition for CSA Group Testing & Certification Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on August 19, 2022.**

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#### [Hazardous Materials: Notice of Actions on Special Permits](#)

**Published** 8/15/2022

**Reference** ISO

In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations, notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. **Comments must be received on or before September 14, 2022.**

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#### [Implementation of Certain 2021 Wassenaar Arrangement Decisions on Four Section 1758 Technologies](#)

**Published** 8/15/2022

**Reference** ISO, SAE

The Bureau of Industry and Security (BIS) maintains, as part of its Export Administration Regulations (EAR), the Commerce Control List (CCL), which identifies certain items subject to Department of Commerce (Commerce) jurisdiction. Commerce is revising the CCL, as well as corresponding parts of the EAR, to implement controls on four technologies. These changes reflect certain controls decided by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA) at the December 2021 WA Plenary meeting. These four technologies meet the criteria of Section 1758 of the Export Control Reform Act (ECRA) pertaining to emerging and foundational technologies. Accordingly, BIS is accelerating their publication in this interim final rule and will publish the remaining WA-agreed controls in a later rule. These technologies are two substrates of ultra-wide bandgap semiconductors (Gallium Oxide (Ga<sub>2</sub>O<sub>3</sub>) and diamond), Electronic Computer Aided Design (ECAD) software specially designed for the development of integrated circuits with any Gate-All-Around Field-Effect Transistor (GAAFET) structure, and pressure gain combustion (PGC) technology for the production and development of gas turbine engine components or systems. **This rule is effective August 15, 2022, except for instruction 5, concerning the addition of Export Control Classification Number (ECCN) 3D006, which is effective October 14, 2022.**

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#### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Tillamook South Jetty Repairs in Tillamook Bay, Oregon](#)

**Published** 8/18/2022

**Reference** ISO

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued two incidental harassment authorizations (IHAs) to the U.S. Army Corps of Engineers (USACE)—Portland District (Corps) to incidentally harass, by Level A and Level B harassment only, marine mammals during construction activities associated with a Tillamook South Jetty Repairs in Tillamook Bay, Oregon. **The Year 1 IHA is effective from November 1, 2022 through October 31, 2023. The Year 2 IHA is effective from November 1, 2024 through October 31, 2024.**

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#### [Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys Off New Jersey and New York in the Area of the Atlantic Shores Lease Area \(OCS-A 0541\)](#)

**Published** 8/16/2022

**Reference** ISO

In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Atlantic Shores Offshore Wind Bight, LLC (Atlantic Shores Bight) to incidentally harass marine mammals during site characterization surveys off New Jersey and New York in the area of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf Lease Area (OCS-A 0541). There are no changes from the proposed authorization in this final authorization. **This Authorization is effective August 10, 2022 to August 9, 2023.**

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**[60-Day Notice of Proposed Information Collection: Memorandum of Understanding/Information Security Agreement](#)**

**[Signature Page, OMB Control No.: Pending](#)**

**Published 8/17/2022**

**Reference NIST**

HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this Notice is to allow for 60 days of public comment. **Comments Due Date: October 17, 2022.**

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**[UL LLC: Application for Expansion of Recognition](#)**

**Published 8/19/2022**

**Reference UL**

In this notice, OSHA announces the application of UL LLC for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. **Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before September 6, 2022.**

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**[FM Approvals LLC: Grant of Expansion of Recognition](#)**

**Published 8/19/2022**

**Reference UL**

In this notice, OSHA announces the final decision to expand the scope of recognition for FM Approvals LLC, as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on August 19, 2022.**

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**[Intertek Testing Services NA, Inc.: Grant of Expansion of Recognition](#)**

**Published 8/19/2022**

**Reference UL**

In this notice, OSHA announces the final decision to expand the scope of recognition for Intertek Testing Services NA, Inc., as a Nationally Recognized Testing Laboratory (NRTL). **The expansion of the scope of recognition becomes effective on August 19, 2022.**

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