

**ARCHITECTURAL AND
TRANSPORTATION BARRIERS
COMPLIANCE BOARD**

[Docket No. ATBCB–2012–0003]

RIN 3014–AA40

**Proposed Information Collection;
Comment Request; Wheelchair Seat
Height Survey**

AGENCY: Architectural and
Transportation Barriers Compliance
Board.

ACTION: Notice and request for
comments.

SUMMARY: The Architectural and
Transportation Barriers Compliance
Board (Access Board or Board), as part
of its continuing efforts to reduce public
burden and maximize the utility of
government information, invites the
public and other Federal agencies to
comment on a proposed, new
information collection, as required by
the Paperwork Reduction Act of 1995
(PRA). With this notice, the Access
Board solicits comments on its proposal
to survey adult wheelchair users to
gather data on their wheelchair seat
heights and related demographics.
Following review of comments received
in response to this 60-day notice, the
Access Board intends to submit a
request to the Office of Management and
Budget for approval of this information
collection.

DATES: Submit Comments by August 27,
2018.

ADDRESSES: You may submit comments
by any one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* marshall@access-board.gov. Include docket number ATBCB–2012–0003 in the subject line of the message.
- *Fax:* 202–272–0081.
- *Mail or Hand Deliver/Courier:* Wendy Marshall, Office of General Counsel, U.S. Access Board, 1331 F Street NW, Suite 1000, Washington, DC 20004–1111.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this notice. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

Docket: To review submitted comments or other materials in the docket, go to <http://www.regulations.gov>, insert docket number “ATBCB–2012–0003” into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT:
Wendy Marshall, Attorney Advisor, U.S.
Access Board, 1331 F Street NW, Suite
1000, Washington, DC 20004–1111.
Telephone: (202) 272–0043; Email
address: marshall@access-board.gov.

SUPPLEMENTARY INFORMATION: Under the
PRA and its implementing regulations,
Federal agencies must obtain approval
from the Office of Management and
Budget (OMB) for each “collection of
information” they conduct or sponsor.
See 44 U.S.C. 3501–3520; 5 CFR part
1320. “Collection of Information,”
within the meaning of the PRA,
includes agency-sponsored surveys that
pose identical questions to ten or more
persons, regardless of whether
responses are mandatory or voluntary.
See 44 U.S.C. 3502(3); see also 5 CFR
1320.3(c). Before seeking clearance from
OMB, agencies are generally required to,
among other things, publish a 60-day
notice in the **Federal Register**
concerning any proposed information
collection and provide an opportunity
for comment. See 44 U.S.C.
3506(c)(2)(A); 5 CFR 1320.8(d)(1).
Accordingly, the Access Board is
publishing notice of the proposed PRA-
covered information collection
discussed below.

**A. Background: Access Board Final
Rule Establishing Accessibility
Standards for Medical Diagnostic
Equipment**

In January 2017, the Access Board
issued a final rule that established
accessibility standards for medical
diagnostic equipment (MDE) used by
health care providers—such as,
examination tables, examination chairs,
weight scales, mammography
equipment, and other imaging
equipment—to ensure that such
equipment is accessible to, and usable
by, persons with disabilities. 82 FR
2810. See Final Rule—Standards for
Accessible Medical Diagnostic
Equipment, 82 FR 2810 (Jan. 9, 2017)
(codified at 36 CFR part 1195)
(hereafter, “MDE Standards”).

Among other things, the MDE
Standards establish accessibility criteria
relating to the height and adjustability
of transfer surfaces on medical
diagnostic equipment. Diagnostic
equipment used by patients in supine,
prone, side-lying or seated positions
generally must have height-adjustable
transfer surfaces with at least six
specified positions: A low transfer
height position (at 17–19 inches), A
high transfer height position (at 25
inches), and four intermediate positions
(separated by at least 1 inch). See 36
CFR 1195.1, Appendix, M301.2,

M302.1. Height adjustability is critical
for diagnostic equipment because
research studies have shown that level
(or near-level) transfer—that is, transfer
to/from a wheeled mobility device to a
surface that is at or near the same level
vertically as the seat/seat cushion of that
device—are easiest and require less
exertion compared with “uphill” or
“downhill” transfers. Specification of a
height-adjustable range for transfer
surfaces in the MDE Standards thus
facilitates independent and semi-
independent transfer to and from
medical diagnostic equipment by
patients with disabilities, enhances
patient safety, and reduces the risk of
injury for medical staff and caregivers.

Notably, as stated in the preamble to
the final rule, the 17-to-19-inch height
range for the low transfer height
position is intended to be an interim
standard only. See Final Rule, 82 FR at
2816 & 2831. The Access Board
established an interim height-range
specification for the low transfer
position—as compared to a height-
specific standard such as that specified
for the high transfer height position—
due to divergent views expressed by
commenters (including disability
advocates, academics, medical
equipment manufacturers) concerning
the appropriate minimum height for the
low transfer position for medical
diagnostic equipment. *Id.* at 2814–16 &
2831. Several academics and disability
advocates opined that a 17-inch low
height would provide the greatest
number of individuals the opportunity
to transfer independently. *Id.* at 2814–
15. Manufacturers of medical diagnostic
equipment, on the other hand,
expressed a strong preference for a 19-
inch low height because this transfer
height was viewed as cost effective and
consistent with the Board’s other
existing accessibility guidelines. *Id.* The
advisory committee empaneled by the
Access Board to provide
recommendations for final MDE
Standards also failed to reach consensus
on a recommendation for a specific low
transfer height. *Id.* at 2815–16.

Therefore, in the final rule, the Access
Board declined to specify a single
minimum-low-height requirement in the
MDE Standards, explaining that “there
is insufficient data on the extent to
which and how many individuals
would benefit from a transfer height
lower than 19 inches.” *Id.* at 2816.
Consequently, the MDE Standards
specify a 17-to-19-inch height range as
a “temporary solution” for the low
height transfer position, with this
height-range specification “sunsetting”
five years after publication of the final
rule (*i.e.*, January 2022). *Id.* at 2816 &

2831. We also noted, at that time, our intent to use this intervening period to commission research studies or otherwise garner additional information aimed at better elucidating the number of wheelchair users for whom a transfer surface positioned at a height less than 19 inches would likely provide improved access relative to higher transfer surfaces. *Id.* Informed by this additional information, the Access Board intends to initiate rulemaking—before the end of the sunset period—to revise the existing provisions in the MDE Standards that specify minimum height ranges for the low transfer position on medical diagnostic equipment. *Id.*

B. Wheelchair Seat Height Survey

The Access Board is authorized under section 510 of the Rehabilitation Act to develop (and periodically revise, as needed) minimum technical criteria for accessible medical diagnostic equipment used in healthcare settings. *See* 29 U.S.C. 794f. More generally, section 502 of the Rehabilitation Act also tasks the agency with promoting accessibility throughout society, as well as investigating and examining alternative approaches to various types of barriers confronting Americans with disabilities. *Id.* §§ 792(b)(4) & (b)(5).

In keeping with its statutory responsibilities under the Rehabilitation Act, the Access Board intends to conduct a national survey of adult wheelchair users to gather data on the seat height of their respective wheelchairs, as well as related demographic information. Data from this survey will be used to help inform the Board's subsequent rulemaking to update the MDE Standards through establishment of a minimum low transfer height position for medical diagnostic equipment. Additionally, the data and other information garnered from this survey will give the agency a better understanding of the adult, wheelchair-using population in the United States, and, thereby, aid our efforts to promote accessibility throughout American society and provide leadership in accessible design. To our knowledge, no published research or statistical compilations exist that examine adult wheelchair users' respective seat heights on a nationally-representative basis. The Access Board's wheelchair seat height survey aims to address this knowledge and statistical gap.

The Access Board has contracted with the Center for Inclusive Design and Environmental Access (IDeA Center) at the State University of New York at Buffalo to administer this wheelchair

seat height survey and analyze the resulting data. The survey instrument is designed to capture the compressed seat height of each respondent's wheelchair, as well as basic demographic information about each respondent (*e.g.*, age, gender, geographic location, wheelchair type, nature of disability). The IDeA Center will use the results from this survey to, among other things, complete a cross-sectional study designed to estimate the prevalence of wheelchair users in the United States with seat heights below 19 inches.

The survey instrument will be distributed primarily via electronic mail, with an embedded link to a web-based survey. (Email and/or regular mail will be used to follow-up with individuals who have not completed the survey.) Targeted field studies may also be employed, as needed, to supplement the pool of survey respondents. Electronic invitations to participate in the survey will be sent to approximately 20,000 self-identified wheelchair users around the country using email addresses from a commercial database. Participation in the survey will be completely voluntary, and individuals may complete the survey at their own convenience. All survey responses will be anonymous.

C. Burden Estimates

The Access Board estimates that it will take respondents approximately 15 minutes to complete the brief, one-time survey instrument. This estimate includes the needed for reviewing survey instructions, locating a measuring device and helper/assistant, measuring seat height, and completing the survey instrument. We project that about 2,000 individuals will submit responses to this survey. Total estimated annual burden hours for this survey is, therefore, 500 hours (.25 hours × 2,000).

D. Request for Comments

The Access Board seeks comment on any aspect of its proposed wheelchair seat height survey, including: (a) The necessity of this survey to the Access Board's performance; (b) the accuracy of our burden estimates; (c) methods of minimizing this burden without reducing the quality of the collected data; and (d) suggestions to enhance the quality, utility, or clarity of the survey instrument. All relevant comments submitted to the Access Board will be summarized and included in our request for OMB approval of this

information collection, as required under the PRA.

David M. Capozzi,
Executive Director.

[FR Doc. 2018-13625 Filed 6-25-18; 8:45 am]

BILLING CODE 8150-01-P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: July 11, 2018, 1:00 p.m. EDT.

PLACE: U.S. Chemical Safety Board, 1750 Pennsylvania Ave. NW, Suite 910, Washington, DC 20006.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on Wednesday, July 11, 2018 at 1:00 p.m. EDT in Washington, DC, at the CSB offices located at 1750 Pennsylvania Avenue NW, Suite 910. The Board will discuss open investigations, the status of audits from the Office of the Inspector General, financial and organizational updates, and a review of the agency's action plan. New business will include the release of the 2018–2021 Human Capital Plan.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the **CONTACT PERSON FOR FURTHER INFORMATION**, at least three business days prior to the meeting.

A conference call line will be provided for those who cannot attend in person. Please use the following dial-in number to join the conference:

Dial-In: (888) 862-6557

Confirmation Number: 47179969

The CSB is an independent federal agency charged with investigating incidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their