## 2. Acceptance of Testing Data From Independent Organizations, Other Than NRTLS

As was noted previously in reference to the preamble to the final rule, OSHA anticipated that most testing by an NRTL would be done in-house, but did not make this a requirement of the standard. Subcontracting out of some of the tests was anticipated by OSHA, when it noted that the laboratory actually doing the work must have the necessary capability to conduct the tests, and the laboratory applying for recognition would retain primary responsibility for fulfilling the requirements of the standard and complying with the procedures set out in Appendix A.

An NRTL may accept testing conducted by an independent organization provided the following criteria are complied with:

The NRTL shall retain control of, and responsibility for, all aspects of the product certification scheme.

• The NRTL shall review each test package and complete the product evaluations required by the test standards.

• The NRTL shall ensure that all data in the test data package originated with an organization that the NRTL qualified.

The NRTL shall ensure that each organization providing testing data is capable of conducting the test and that the relationship between the NRTL and the organization does not compromise the NRTL's independence.

• The NRTL shall have a written program for assessing the qualification of the organization to perform testing for each product type it may be required to test.

• This qualification program shall include procedures for evaluating the organization's independence, facilities, utilities, environmental controls, personnel, testing and calibration equipment, written testing procedures, calibration procedures, quality assurance program, and other elements as outlined in the appropriate national concensus standards and international guides.

3. Acceptance of Product Evaluations From Independent Organizations, Other Than NRTLS

Although no clear distinction between testing and evaluation is made in the final rule (29 CFR 1910.7), such distinction exists.

Many NRTLs utilize outside organizations for specific or unique tests. In these instances, the NRTL stipulates the tests and defines the testing procedures to be utilized and, finally, evaluates the test results to determine conformance of the product to the product standard and certifies the product where it does conform.

In this type procedure, the outside organization both tests and evaluates the results of the tests to determine conformance of a product to a standard, and them issues a test and evaluation report to the NRTL. The NRTL, in return, weighs the report for validity and conformance of the product to the product standard in order to decide whether the product is certifiable.

Authorization for an NRTL to accept product evaluations significantly expands the scope of the services which may be provided to the NRTL from an outside source. Acceptance of product evaluations will require the NRTL to establish a more formalized, long-term relationship with the independent organization to acquire confidence in its evaluation procedures.

An NRTL may accept product evaluations prepared by an independent organization provided the following criteria, in addition to the requirements in Procedure 1, are complied with:

The NRTL shall retain control of, and responsibility for, all aspects of the product certification scheme.

• The NRTL shall review each evaluation package, and complete the product evaluations required by the test standards before the product certification is issued.

• The NRTL shall ensure that evaluations are obtained from an organization which it has qualified.

• The NRTL shall ensure that data relied upon have been developed under the program established by the NRTL.

• The NRTL shall require the organization to establish and maintain a system to document technical correspondence and test standard interpretations.

• The NRTL shall assure that the organization, in preparing the evaluation package, follows the written procedures established by the NRTL.

The NRTL shall ensure that each organization providing product evaluations is capable of conducting the tests and performing the evaluations, and that the relationship between the NRTL and the organization does not compromise the NRTL's independence.

• The NRTL's qualification program shall be used to assess the organization's procedures and personnel to determine its qualifications relative to each product type it may be asked to evaluate.

• The qualification program shall establish a minimum period and level of mutual effort between the NRTL and the organization for confidence-building. During this period the NRTL will witness evaluations, verify the evaluations through inter-organizational comparisons, and validate the competence of personnel to perform product evaluations.

## 4. Acceptance of Witnessed Testing Data

This procedure involves technical personnel from the NRTL witnessing product testing generally carried out at a location other than that of the NRTL. The organization carrying out the tests may or may not be independent.

The majority of testing witnessed by representatives of the NRTL is consistent with the statement in the preamble to the final rule that \* \* \* in some cases, laboratories may wish to subcontract out the testing of a certain product or aspect thereof due to unique or special testing needs.

Representatives of an NRTL may witness testing provided the following criteria are complied with:

The NRTL shall retain control of, and responsibility for, all aspects of the product certification scheme.

• The NRTL shall train its own personnel to take an active role in witnessing each phase of the tests.

• This training shall include specific testing procedures for each product type the trainees may witness.

The NRTL shall assure that the organization providing the testing data is capable of conducting the tests and that the relationship between the NRTL and the organization does not compromise the NRTL's independence.

• The NRTL shall have a written program for assessing the qualification of the organization to perform testing for each product type it may be required to test.

• This qualification program shall include procedures for evaluating the outside organization's facilities, utilities, personnel, testing and calibration equipment, written testing procedures, calibration procedures, environmental controls, and other elements as outlined in the appropriate national consensus standards and international guides.

• The NRTL shall qualify the outside organization using the NRTL's own staff.

## 5. Acceptance of Testing Data From Non-Independent Organizations

This program involves test data generated by an organization that has a vested interest in the outcome of the test results.

Data submitted under this program shall not include products intended for use in hazardous (classified) locations