

National Cooperation for Laboratory Accreditation

Comments on OSHA Program – Appendix A

October 22, 2014

A) OSHA Using the Private Sector to Increase the Efficiency of the NRTL Program

#1 NACLA supports a model that uses the private-sector accreditation as evidence of conformance to ISO/IEC 17025 and ISO/IEC 17065 to facilitate process application and performing on-site assessments. This process is one that most certification bodies and laboratories currently involved in the OSHA program have been using to provide assurance of their competence, consistency and impartiality.

Most NRTLs are currently accredited by nationally and internationally recognized third-party accreditation bodies in support of other conformity assessment activities. If OSHA adopts the ISO/IEC 17025 and ISO/IEC 17065 framework this should reduce the burden of accreditation both in terms of time spent to maintain the programs, and costs of maintaining multiple programs.

This model also could have the added assurance of national and international recognition programs operating under ISO/IEC 17011:2004 – General Requirements for Accreditation Bodies Accrediting Conformity Assessment Bodies. These programs offer a review process that evaluates an accreditation body's ability to perform assessments in accordance with the standard; i.e. ISO/IEC 17025 or ISO/IEC 17065, with a view to stating that the assessed conformity assessment and approved bodies are competent.

NACLA supports a high level approach that is clear and easily understood. We support a model that is described above, with the details lying with the well established methodology that has been successfully used world-wide to standardize conformity assessment programs. This will be the most effective method to assure consistent performance, with the least burden for the conformity assessment bodies (CABs).

NACLA believes OSHA should work with NACLA to develop a recognition scheme based on the NRTL Program-specific requirements to replace the on-site assessments by OSHA. OSHA would work with NACLA and the accreditation bodies, certification bodies, and laboratories implementing the NRTL program-specific requirements by formally recognizing accreditation bodies who have the technical expertise to accredit laboratories and certification bodies under the recognized program.

With OSHA working within the NACLA framework they would be shifting their responsibilities to an oversight role saving a large amount of resources while increasing their ability to manage the NRTL Program. Under the NACLA framework OSHA and the NACLA recognized AB's to the NRTL Program would pass contractual agreements to the NRTL's through the voluntary conformity assessment process. Disclosure of assessment reports/documents would be agreed upon during the application process.

Short of working within the NACLA cooperative framework, NACLA cautions that the roll out and implementation of the NRTL program details be clear and easily understood to assure as smooth a transition as possible. Without clear details the program can cause interpretation problems that

may be applied inconsistently between auditors. This will increase the burden of the NRTL to maintain compliance with the varying interpretations of the requirements.

#2 NACLA supports the concept of open competition within the framework defined in #1. This will have the added benefit of assuring consistency of outcome for both OSHA and the CAB. NACLA believes that only nationally and internationally recognized accreditation bodies who are recognized to ISO/IEC 17011 should be considered as competent to perform assessments. NACLA supports a third party accreditation programs to be specified at a minimum requirement for conformity assessment bodies to assure consistency.

#3 NACLA does not support the use of independent technical experts to perform the functions for the NRTL Program. This model could add another layer to the burden for maintaining multiple programs for conformity assessment, without the benefit of the assurance of consistency as defined in the model supported in #1. NACLA supports the use of the Third-Party Accreditation Bodies as commented in #1 above. Model 3 approach does not have the check and balance provided by the approach described above in #1. NACLA believes OSHA will add cost to the process spending funds with additional oversight and administration of such a program. Independent technical experts can be utilized as needed to support the accreditation function.

#4 NACLA supports a process that would require NRTLs to have the capability of testing within an ISO/IEC 17025 scope of accreditation, and certification within an ISO/IEC 17065 scope of accreditation. NACLA would also support the use of testing laboratories that have demonstrated competence through accreditation to ISO/IEC 17025 and NRTL Program specific policies as defined by OSHA by a nationally and/or internationally recognized accreditation body.

NACLA believes OSHA should work with NACLA to develop a recognition scheme based on the NRTL Program-specific requirements to assure the accreditation(s) of the laboratories and certification bodies meet the technical rigor required by the NRTL program. OSHA would work with NACLA and the accreditation bodies, certification bodies, and laboratories implementing the NRTL program-specific requirements by formally recognizing accreditation bodies who have the technical expertise to accredit laboratories and certification bodies under the recognized program.

B) Certification Marks for the NRTL Program

NACLA believes that within the framework of NACLA's recognition program it can continue to develop and implement a program for the use and control of the mark.

NACLA believes that OSHA should provide a much clearer explanation on how marks would be used in amended regulations.

Regardless of what OSHA requires, NRTLs will be required to meet ISO/IEC 17065 requirements that certification marks should not be used in a misleading manner.

Any specific changes that OSHA mandates outside of ISO/IEC 17065 will be very costly to manufacturers, requiring re-tooling, so considerable thought needs to be given to the changes proposed in this section.

C) Factory Inspections

NACLA has no comment in this area other than by utilizing the NACLA cooperation they will have additionally resources.

D) Field Inspections

NACLA has no comment in this area other than by utilizing the NACLA cooperation they will have additionally resources.

E) Fees

NACLA has no comment in this area other than by utilizing the NACLA cooperation they will have additionally resources.

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