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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2013-0030]

International Association of Plumbing and Mechanical Officials EGS: Grant of Recognition as a Nationally Recognized Testing Laboratory

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to grant recognition to International Association of Plumbing and Mechanical Officials EGS as a Nationally Recognized Testing Laboratory (NRTL).

DATES: Recognition as an NRTL becomes effective on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3647, Washington, DC 20210; telephone: (202) 693-1999; email:

Meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Acting Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210; telephone: (202) 693-2110; email: robinson.kevin@dol.gov. OSHA's web

page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpca/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:

I. Background

Many of OSHA's workplace standards require that an NRTL test and certify certain types of equipment as safe for use in the workplace. NRTLs are independent laboratories that meet OSHA's requirements for performing safety testing and certification of products used in the workplace. To obtain and retain OSHA recognition, NRTLs must meet the requirements in the NRTL Program regulations at 29 CFR 1910.7. More specifically, to be recognized by OSHA, an organization must: (1) have the appropriate capability to test, evaluate, and approve products to assure their safe use in the workplace; (2) be completely independent of employers subject to the tested equipment requirements, and manufacturers and vendors of products for which OSHA requires certification; (3) have internal programs that ensure proper control of the testing and certification process; and (4) have effective reporting and complaint handling procedures. Recognition is an acknowledgement by OSHA that the NRTL has the capability to perform independent safety testing and certification of the specific products covered within the NRTL's scope of recognition, and is not a delegation or grant of government authority. Recognition of an NRTL by OSHA also allows employers to use products certified by that NRTL to meet those OSHA standards that require product testing and certification.

The Agency processes applications for initial recognition following requirements in Appendix A of 29 CFR 1910.7. This appendix requires OSHA to publish two notices in the Federal Register in processing an application. In the first notice, OSHA announces

the application, provides its preliminary finding, and solicits comments on its preliminary findings. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition.

II. Notice of Final Decision

OSHA hereby gives notice of the Agency's decision to grant recognition to International Association of Plumbing and Mechanical Officials EGS (IAPMO), as an NRTL. According to public information (see <http://www.iapmoegs.org/Pages/default.aspx>), IAPMO states that it performs independent testing and listing for the pool, spa and bathtub industries. In its application, IAPMO lists the current address of its headquarters as: IAPMO EGS, 5001 E. Philadelphia Street, Ontario, California 91761.

Each NRTL's scope of recognition has three elements: (1) the type of products the NRTL may test, with each type specified by its applicable test standard; (2) the recognized site(s) that have the technical capability to perform product-testing and product-certification activities for the applicable test standards within the NRTL's scope of recognition; and (3) the supplemental program(s) that the NRTL may use, each of which allows the NRTL to rely on other parties to perform activities necessary for testing and certification. IAPMO applied for initial recognition as an NRTL on April 7, 2009. In its application, IAPMO requested recognition for six test standards, one site, and two supplemental programs (OSHA-2013-0030-0002, Exhibit 14-1 – IAPMO Initial Application for Recognition). OSHA published the preliminary notice announcing IAPMO's application for recognition in the Federal Register on August 29, 2014 (79 FR 51618). The Agency requested comments by September 29, 2014.

OSHA received one anonymous comment in response to this notice (OSHA-2013-0030-0003). The comment (OSHA-2013-0030-0003) asked how OSHA ensures the applicant maintains its technical qualifications as well as the financial resources necessary to ensure only compliant products are certified. OSHA's NRTL regulations (29 CFR 1910.7(b)(1)) require OSHA to verify that the applicant "has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs)" to perform testing and certification activities. As part of the application process, OSHA reviewed IAPMO's procedures and conducted an on-site assessment of IAPMO's facility. OSHA determined that IAPMO had the necessary capabilities and resources to perform testing and certification activities. OSHA will conduct periodic on-site assessments, just as it does with all NRTLs, to ensure that IAPMO maintains the capability to perform testing and certification activities in accordance with OSHA NRTL regulations and policies.

To obtain or review copies of all public documents pertaining to IAPMO's application, go to www.regulations.gov or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210. Docket No. OSHA-2013-0030 contains all materials in the record concerning IAPMO's recognition.

III. Final Decision and Order

OSHA staff performed a detailed analysis of IAPMO's application packet and reviewed other pertinent information. OSHA staff also performed a comprehensive on-site assessment of IAPMO's testing facilities on February 27-28, 2014. Based on its review of this evidence, OSHA finds that IAPMO meets the requirements of 29 CFR 1910.7 for recognition as an NRTL, subject to the limitations and conditions listed below.

OSHA, therefore, is proceeding with this final notice to grant recognition to IAPMO as an NRTL. The following sections set forth the scope of recognition included in IAPMO's grant of recognition.

A. Standards Requested for Recognition

OSHA limits IAPMO's scope of recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

Table 1

List of Appropriate Test Standards for Inclusion in IAPMO's NRTL Scope of Recognition

Test Standard	Test Standard Title
UL 778	Motor-Operated Water Pumps
UL 1081	Swimming Pool Pumps, Filters, and Chlorinators
UL 1431	Personal Hygiene and Health Care Appliances
UL 1563	Electric Spas, Equipment Assemblies, and Associated Equipment
UL 1795	Hydromassage Bathtubs
UL 1951	Electric Plumbing Accessories

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1-0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard

may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

B. Sites Requested for Recognition

OSHA limits IAPMO's scope of recognition to include the site at IAPMO EGS, 5001 E. Philadelphia Street, Ontario, California 91761. OSHA's recognition of this site limits IAPMO to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in IAPMO's scope of recognition. This limitation is consistent with the recognition that OSHA grants to other NRTLs.

C. Supplemental Programs

OSHA limits IAPMO's scope of recognition to include the following supplemental programs:

Program 2: Acceptance of testing data from independent organizations, other than NRTLs.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents (for calibration services only).

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, IAPMO also must abide by the following conditions of the recognition:

1. IAPMO must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as an NRTL, and provide details of the change(s);

2. IAPMO must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. IAPMO must continue to meet the requirements for recognition, including all previously published conditions on IAPMO's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby grants recognition to IAPMO as an NRTL, subject to the limitations and conditions specified above.

IV. Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on December 15, 2014.

David Michaels,
Assistant Secretary of Labor for Occupational Safety and Health.

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