

U.S. Department of Labor Occupational Safety & Health Administration (OSHA)

Directorate of Science, Technology and Medicine Nationally Recognized Testing Laboratories (NRTL)

Frequently Asked Questions (FAQs)

http://www.osha.gov/dts/otpca/nrtl/faq_nrtl.html

What requirements does OSHA have regarding NRTLs?

OSHA Safety Standards, which are US law, contain requirements for "approval" (i.e., testing and certification) of certain products by a Nationally Recognized Testing Laboratory (NRTL). These Safety Standards are found in Title 29 of the Code of Federal Regulations (29 CFR), and the provisions for NRTL certification are generally in Part 1910 (29 CFR Part 1910). See [Specific References to OSHA Standards](#) for the provisions in Part 1910. The requirements help protect workers by ensuring products are designed for safe use in the workplace. An NRTL generally certifies products for a manufacturer.

OSHA Safety Standards contain general requirements for workplace safety. Many of these requirements pertain to equipment for which OSHA does not require an NRTL certification. The only products covered under the NRTL Program are those for which OSHA regulations require certification by an NRTL. Whether or not OSHA requires NRTL certification, an employer subject to OSHA's requirements must assure it complies with the provisions of the Safety Standards applicable to its operations.

What types of products must an NRTL approve (i.e., test and certify)?

See [Type of Products Requiring NRTL Approval](#) for a general listing of types of products that an NRTL must certify. Electric products covered in subpart S - Electrical, of 29 CFR Part 1910, are examples of equipment requiring certification for safety. The requirement for NRTL approval is just one, and not the only, requirement in subpart S.

What is an NRTL, and what is the significance of OSHA recognition?

An NRTL is an organization that OSHA has "recognized" as meeting the legal requirements in 29 CFR 1910.7. In brief, these requirements are the capability, control programs, complete independence, and reporting and complaint handling procedures to test and certify specific types of products for workplace safety. This means, in part, that an organization must have the necessary capability both as a product safety testing laboratory and as a product certification body to receive OSHA recognition as an NRTL.

OSHA's recognition is not a government license or position, or a delegation or grant of government authority. Instead, the recognition is an acknowledgment that an organization has necessary qualifications to perform safety testing and certification of the specific products covered within its scope of recognition. As a result, OSHA can accept products "properly

certified" by the NRTL. "Properly certified" generally means: 1) the product is labeled or marked with the registered certification mark of the NRTL, 2) the NRTL issues the certification for a product covered within the scope of a test standard for which OSHA has recognized it, and 3) the NRTL issues the certification from one of its sites (i.e., locations) that OSHA has recognized.

(Note: In terms of OSHA's usage, "NRTL" is not treated as an acronym but just as a group of initials. As such, the indefinite article "an" precedes these initials in singular usage.)

What process does OSHA follow in recognizing an NRTL?

In general, OSHA follows the "Procedures for Initial OSHA Recognition" found in Appendix A to 29 CFR 1910.7. In summary, when an organization submits its application materials, OSHA staff thoroughly reviews those materials for completeness and adequacy. For applications from foreign-based organizations, OSHA must consider the "reciprocity" of the foreign government (see I.A of Appendix A). When the NRTL Program staff determines that the application is complete and adequate, the staff performs an in-depth on-site review of the applicant's organization, programs, and facilities. The staff then prepares a report and recommendation on the review.

Based mainly on the on-site review report and the application review, OSHA makes a "preliminary finding" on the application. The Agency publishes a notice of this finding in the Federal Register to allow for public comment. Following a 30(formerly 60)-day comment period, OSHA publishes a second notice of its final decision and response to any comments received, making the recognition official for successful applicants (or denying the recognition for unsuccessful applicants). After publication of the decision, the Assistant Secretary of Labor for Occupational Safety and Health (OSH), the head of OSHA, sends a formal notification to the applicant. This notification sets forth the specific scope and other terms of the recognition. The recognition remains in effect for a five-year period. At the end of the initial period, the NRTL must apply for renewal of recognition.

Does OSHA charge any fees to applicants or to NRTLs already recognized?

Yes. The fees first went into effect on October 1, 2000. See [Federal Register 7/31/00](#) for rule establishing the fees. See [Program Fees](#) to obtain the current fee schedule and instructions for submitting fees.

What is an NRTL's scope of recognition?

The specific safety test standards for which an NRTL applies for recognition, and that OSHA approves, define one area of its scope of recognition. The other areas are the specific testing locations (sites) and the [supplemental programs](#) that OSHA has recognized for the NRTL. OSHA does not specify which test standards an NRTL must use. Instead, when an organization applies for recognition, it submits a list of test standards for which it seeks recognition, and OSHA determines which of these standards are "appropriate" as defined in 29 CFR 1910.7. After the initial recognition, an NRTL may seek to expand its scope of recognition, such as by requesting recognition for additional test standards. An NRTL may only certify products to the specific product safety test standards included in its scope of recognition.

What does it mean when OSHA "accepts" a product certified by an NRTL?

OSHA's acceptance of a product certified by an NRTL generally occurs during the workplace inspections performed by OSHA compliance officers. However, this acceptance does not mean the product is "OSHA-approved." It means the NRTL has tested and certified the product to designate conformance to a specific product safety test standard(s). It also means the employer has complied with one requirement in OSHA Safety Standards.

What product safety test standards can an NRTL use in certifying products?

An NRTL must use "appropriate" product safety test standards in certifying products for workplace safety (see Test Standard Approval Criteria in the NRTL Program Directive). These test standards contain technical requirements that products must meet for workplace safety. OSHA does not develop these test standards but defined the specific requirements of an appropriate test standard in its regulation. Organizations such as the American National Standards Institute (ANSI) and the American Society for Testing and Materials (ASTM) publish many of these standards (see [Current List of Standards Approved Under the NRTL Program](#)). The product safety test standards recognized for an NRTL must be consistent with, but are different from, OSHA Safety Standards, which are US law.

Are NRTLs that OSHA has recognized for the same test standards equal in ability?

Given that each NRTL has met the same requirements for recognition, OSHA considers NRTLs recognized for the same product safety test standard to be equivalent in their **capability** to certify to that standard. For example, any NRTL recognized for ANSI Z21.16, a test standard for gas unit heaters, can certify such units for a manufacturer. However, even if recognized for the same test standards, each organization has different **abilities** depending on its experience, personnel, facilities and equipment, testing methods, and other aspects of its operations for testing and certifying products. OSHA only recognizes organizations as NRTLs and, under its regulations, cannot dictate how an NRTL must operate. An organization decides the detailed aspects of its own NRTL operations, although OSHA has some general policies with which NRTLs must comply.

How do I know whether an NRTL has certified a product?

Each NRTL uses its own unique, registered certification mark(s) to designate product conformance to the required product safety test standards. Each NRTL must register its certification mark(s). In the US, this is done with the US Patent and Trademark Office. See [sample of the certification mark\(s\)](#) used by each NRTL. The manufacturer physically places these marks on those products that the NRTL has certified as meeting the requirements of the test standard. In accordance with OSHA policy, an NRTL must ensure that its registered certification mark is applied to each unit, or if not feasible, to the smallest package of the product the NRTL certifies. For purpose of meeting this policy, an NRTL's generic listing of a product does not signify that the NRTL has certified a unit of that product.

Currently, OSHA does not have, and does not mandate the use of, an "NRTL" mark. Some NRTLs have voluntarily included the acronym "NRTL" with their regular certification marks, a practice that OSHA does not currently require. However, with or without the use of "NRTL,"

the product marking of NRTLs recognized for the same product safety standard is equivalent in designating product conformance to that standard.

Does OSHA accept the "CE" mark or accept equipment certified by foreign testing organizations?

The CE mark is unrelated to the requirements for product safety in the US. It is a generic mark used in the European Union (EU) to indicate that a manufacturer has declared that the product meets requirements in the EU for product safety. In the US, under OSHA's NRTL requirements, the product must have the specific mark of [one of the NRTLs](#) recognized to test and certify these types of products.

Does OSHA participate in mutual recognition or similar agreements?

At this time, OSHA only participates in the Mutual Recognition Agreement (MRA) between the United States (US) and the European Union (EU). Under the terms of this MRA, European laboratories may submit applications to OSHA for recognition as an NRTL. OSHA processes these applications just as it would applications it normally receives from organizations seeking recognition. The US/EU MRA does not change OSHA's NRTL application process but only provides a mechanism to address a provision in our regulations that requires OSHA consider policies on "reciprocity," in determining the eligibility of foreign-based organizations for recognition. You can find the provision in paragraph I.A.1.b of Appendix A to [29 CFR 1910.7](#).

Does OSHA subsidize or indemnify NRTLs?

NRTLs are private organizations or companies that operate businesses. They are **not** financially or otherwise supported, subsidized, or indemnified by the Government in their capacity as an NRTL. These organizations maintain the risks and liabilities for their actions when testing and certifying products in this capacity.

Can an NRTL use others to do part of the work necessary in testing and certifying products? (pertains to March 9, 1995 Federal Register notice)

OSHA permits an NRTL to use outside parties to perform certain activities involved in testing and certifying products, provided the NRTL has met certain criteria. OSHA has broadly grouped these activities into nine "programs" and included the description and criteria for each program in a Federal Register notice published on [March 9, 1995 \(60 FR 12980\)](#).

The first or basic program stipulates that the NRTL that will certify the product must perform all product testing and evaluation itself. An NRTL's initial recognition will always include this first program. The other eight, called "supplemental programs," involve the NRTL's acceptance of testing and evaluation data or services, or certain contract services, from outside parties. An NRTL must apply for recognition to use any of the supplemental programs. OSHA will grant the request if the NRTL has met the criteria for the specific program.

One issue that often surfaces is whether an NRTL must accept the product testing, certifications, or approvals of another NRTL. OSHA has no authority to require such

acceptance. An NRTL may accept the work output of another NRTL. However, this is solely a business decision of each NRTL.

Who is affected by the NRTL Program?

29 CFR Part 1910 generally contain the requirements for "NRTL approval" products. However, some Safety Standards in Parts 1915, 1918, and 1926 also require "approval" by an NRTL. These standards apply to workplaces under OSHA's jurisdiction that other standards do not cover. In general, they apply to the great majority of private employers in the U.S. and its territories. They also apply to most Federal workplaces, and to state and municipal workplaces in states that administer an occupational safety and health program approved by OSHA. The Occupational Safety and Health (OSH) Act of 1970 provides the legal authority to impose these standards and imposes an employer's legal obligation to comply with these standards.

How does OSHA enforce the requirements for NRTL approval?

OSHA primarily enforces the requirements for NRTL approval by: 1) recognizing NRTLs to assure itself that qualified organizations test and certify the safety of products used in the workplace, 2) auditing each NRTL annually to verify that it sustains the quality of its operation and continues to meet requirements for recognition, and 3) performing workplace inspections during which OSHA compliance officers (CSHOs) review specific products to check whether they contain the certification mark of an NRTL. OSHA may cite an employer and impose penalties if the officer finds improperly certified products for which OSHA requires certification.

Does OSHA have alternatives to NRTL "approval" of products?

OSHA Safety Standards for electrical equipment (subpart S of 29 CFR Part 1910) define the word "approved" as **acceptable** to the Assistant Secretary of Labor for Occupational Safety and Health. In addition, equipment is **acceptable** under this subpart if it is: 1) certified by an NRTL; 2) of a kind that no NRTL will certify and it is inspected or tested by another Federal agency, or by a state, municipal, or other local authority responsible for enforcing and assuring compliance with occupational safety provisions of the National Electrical Code; or 3) custom-made equipment, i.e., equipment designed, fabricated for, and intended for use by a particular customer, and determined to be safe by the manufacturer for its intended use.

OSHA considers the two alternatives to be minor exceptions to the requirements for NRTL approval of specific types of equipment. An NRTL can and must certify the vast majority of products requiring "approval."

Do OSHA requirements supersede any code or other requirements imposed by local code authorities?

Employers must comply with OSHA requirements applicable to their operations. These requirements are US law. To the extent these requirements may conflict with local (including state) requirements, US law prevails. However, many OSHA requirements and local code requirements are based on the same national consensus standards, which mitigates potential conflicts. In addition, requirements that local code authorities may impose on products are

primarily installation or "field labeling" requirements, whereas OSHA's requirement for NRTL approval primarily affect the manufacturing of products. While an NRTL certifies products for a manufacturer, this certification may also meet requirements of local code authorities. These authorities determine the nature and extent of their acceptance of an NRTL's certification of products.

Do state OSH programs have to accept products certified by an NRTL?

Many states have received OSHA's approval to operate an occupational safety and health (OSH) program in their state. This transfers the responsibility for enforcing OSHA's requirements from the Federal Government to the individual state. Such states (called State-Plan States by OSHA) must adopt standards that are at least as effective as the Federal standards. While many do adopt Federal standards verbatim, a number have what they consider to be more effective standards. However, OSHA reviews such additional requirements to determine that there is a compelling local interest for them and that they do not pose a burden on interstate commerce.

For workplaces under its jurisdiction, a state OSH program must accept products properly certified by an NRTL where the state standards are the same as Federal standards. If a state were to adopt its own NRTL program, the recognition it grants to its NRTLs would only apply within that state.

OSHA's approval of a state OSH program imposes no direct obligation on the code enforcement requirements and efforts of local authorities in the state. Local authorities, whether or not in a State-Plan State, determine the nature and extent of their acceptance of NRTL certifications for their code enforcement efforts.