

## Draft Initial and Expansion Application Processing Summary

OSHA's NRTL Program regulation, 29 CFR 1910.7, contains the requirements that an organization must meet to obtain and retain its status as an OSHA Nationally Recognized Testing Laboratory (NRTL). Appendix A to 29 CFR 1910.7 provides the requirements and framework for processing applications. The NRTL Program Directive, Directive Number CPL 01-00-003, provides further guidance on application processing in chapters 3, 4, and 5. OSHA is considering possible changes to its current initial and expansion application process, and is developing two timelines that reflect these possible changes. These timelines would describe the major phases of each process, the stages (or major steps) of each phase, and the target time(s) for each stage. Here is a summary description of the timelines, and the changes we are currently considering:

- 1) The two timelines would be identical in terms of the phases and stages of the process, with the exception of the independence audit, which is not part of the expansion process. In addition, the on-site review stage of an expansion application may be unnecessary if OSHA staff determines that the expansion would involve capabilities comparable to those already in the NRTL's scope of recognition.
- 2) We would establish mandated time frames for all stages of each phase of the process. The time frames of some stages differ between the timelines. The overall targeted time frame would be 17 to 19 months for an initial application, and, for an expansion application, 13 to 14 months, if an on-site review is required, and 7.5 to 8.5 months, if no on-site is required.
- 3) The application process would be divided into several different phases.
  - a) Preliminary Review to include an Administrative Review and Independence Audit;
  - b) Full Review to include a Full Technical Review, Applicant Corrections Period, and Supplemental Information Review;
  - c) An On-Site Review to include the On-Site Audit, Applicant Corrective Action Period and Corrective Action Review; and
  - d) Notice and Final Approval
- 4) OSHA is also considering developing guidelines for rejection of an application based on incompleteness or deficiencies. Under these guidelines, an application would be rejected without prejudice for the following reasons:
  - a) Phase I - Administrative Review: if the application is substantially incomplete.
  - b) Phase I - Independence Audit: if the applicant is unable to resolve any independence issues that OSHA Program staff find during the independence audit.
  - c) Phase II - Full Technical Review: after completing an exhaustive review, if OSHA staff finds that the application is frivolous or grossly incomplete or inadequate.
  - d) Phase II - Supplemental Information Review: if the applicant's response to deficiencies and questions asked during the Full Technical Review does not fully correct any minor deficiencies in the application.
  - e) Non-compliance with deadlines during any phase: if an applicant does not meet the deadlines provided for a response. Requests for extensions of deadlines may be granted at OSHA's discretion, for good cause, and if requested prior to the expiration of the deadline.

**Note:** This draft summary contains concepts OSHA may ask NRTLs and NRTL applicants to follow if OSHA revises its NRTL application policy. OSHA intends that the regulated community use this draft summary solely to get an idea of the general direction OSHA may be heading in terms of its policy. The regulated community should not rely on the draft summary for any other purpose, and should not assume that any of the draft concepts will be implemented, or, that if a concept is implemented, that it will be in the form, or even contain identical substantive material, as that contained in the draft summary. OSHA is still developing its thoughts on a new application policy, and views its sharing of the draft summary with the regulated community as one step in that process. The draft summary has no legal effect, nor is it an expression of OSHA policy.

- 5) If OSHA rejects an application prior to performing the full review, any application fees paid by the applicant that are unearned would be returned to the applicant. After the full review, no application fees would be refunded. In addition, if OSHA moves to the On-Site Review phase of the application process, other fees that the applicant pays would not be refunded.
- 6) If the applicant withdraws their application or expansion request before OSHA publishes its preliminary finding via a notice in the Federal Register, OSHA would refund only the unearned fees. Note: The preliminary finding is OSHA's preliminary determination of whether the applicant meets the requirements for recognition or expansion.
- 7) Once an application moves to the On-Site Review phase, the application would no longer be returned or rejected, except for non-compliance with deadlines during or after this phase.

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