



July 12, 2021

MEMORANDUM FOR: REGIONAL ADMINISTRATORS
EXECUTIVE STAFF

FROM: JAMES S. FREDERICK
Acting Assistant Secretary

SUBJECT: Further Extension of Some Deadlines to Comply with Revised Nationally Recognized Testing Laboratory (NRTL) Program Policies, Procedures and Guidelines Directive

This memorandum rescinds and replaces the July 2, 2020 memorandum, “Extension of Some Deadlines to Comply with Revised Nationally Recognized Testing Laboratory (NRTL) Program Policies, Procedures and Guidelines Directive.” In addition to implementing other policies, the memorandum OSHA rescinds today implemented dates by which existing NRTLs would need to comply with OSHA’s revision of the NRTL Program, Policies and Guidelines Directive, CPL 01-00-004 (NRTL Program Directive), effective October 1, 2019 (revised NRTL Program Directive or revised Directive, as distinguished from the prior NRTL Program Directive or old Directive). This memorandum extends some of those dates because of the continuing impact of the COVID-19 global pandemic. The policies in this memorandum are otherwise the same as those contained in the rescinded memorandum. OSHA notes, however, that its policies for transition to the termination of the Satellite Notification and Acceptance Program (SNAP) supersede the policies contained in this memorandum, to the extent that there is a conflict. *See* 85 FR 75042 (Nov. 24, 2020) (final policy for transitioning to SNAP termination, available at <https://www.osha.gov/sites/default/files/laws-regs/federalregister/2020-11-24.pdf>); July 12, 2021 memorandum, “Revisions to the Nationally Recognized Testing Laboratory (NRTL) Policy for Transitioning to Satellite Notification and Acceptance Program (SNAP) Termination,” available at <https://www.osha.gov/nationally-recognized-testing-laboratory-program>.

The revised Directive contains some major modifications to OSHA NRTL Policies and Procedures including:

- A revision to OSHA’s policy on how NRTLs can comply with the requirement in the NRTL Program regulation at 29 CFR 1910.7(b)(3) that NRTLs be “completely independent” of employers subject to the tested equipment requirements and of any manufacturers or vendors of equipment or materials being tested for these purposes. The revised policy focuses on the NRTL’s ability to effectively identify, eliminate and control any risk to its impartiality.
- A revision to OSHA’s policies and procedures on supplemental programs and SNAP. OSHA no longer refers to procedures and criteria for specific programs as “supplemental programs.” Instead, OSHA permits supplemental program activities (e.g., acceptance of witnessed test data, acceptance of test data from non-independent organizations) to be part of the NRTL’s management system,

- unless such activities are specifically excluded by the NRTL's procedures. OSHA has also eliminated SNAP (see OSHA's policies for transition to the termination of SNAP, discussed above).
- New procedures for the acceptance of inspections and test data from organizations that function as part of the International Electrotechnical Commission System for certification to standards relating to equipment for use in Explosive Atmospheres (IECEX Scheme).
 - A revision to OSHA's policy on calibration to include new policies for external and internal calibration laboratories used by applicant organizations or NRTLs.

Effective immediately, OSHA is implementing two policies governing how organizations OSHA recognizes or organizations seeking OSHA recognition as a NRTL will apply for or maintain current NRTL recognition:

POLICY PERTAINING TO ORGANIZATIONS APPLYING FOR INITIAL RECOGNITION:

- OSHA will evaluate pending initial applications under the revised NRTL Program Directive. Depending on the status of an application, OSHA may, in its discretion, waive certain fees associated with the application to the extent accrual of those fees are due solely to OSHA's transition to the revised NRTL Program Directive. Assuming OSHA grants the initial application, the new NRTL will need to be in full compliance with the revised NRTL Program Directive immediately (i.e., on the date the final decision on the application is published in the *Federal Register*).

POLICY PERTAINING TO EXISTING NRTLs APPLYING FOR EXPANSION OF RECOGNITION:

- Existing NRTLs (each organization OSHA recognizes as a NRTL on October 1, 2019) must comply with the requirements of the revised NRTL Program Directive no later than October 1, 2022. Existing NRTLs may comply with the requirements of the prior NRTL Directive (CPL-01-00-003) until September 30, 2022.
- OSHA will evaluate pending expansion applications for existing NRTLs under the prior NRTL Program Directive to the extent final decisions on those applications are published in the *Federal Register* prior to October 1, 2022. Assuming OSHA grants the expansion application, the NRTL will need to be in full compliance with the revised NRTL Program Directive, with respect to its entire scope of recognition, no later than October 1, 2022. For example, if OSHA publishes a final decision on an expansion application in the *Federal Register* on September 30, 2022, then the NRTL will have to be in full compliance with the revised NRTL Program Directive, with respect to its entire scope of recognition, no later than October 1, 2022.
- OSHA will evaluate pending expansion applications for existing NRTLs under the revised NRTL Program Directive to the extent final decisions on those applications are published in the *Federal Register* on or after October 1, 2022. Depending on the status of the application, OSHA may, in its discretion, waive certain fees associated with the application to the extent accrual of those fees are due solely to OSHA's transition to the revised NRTL Program Directive. Assuming OSHA grants the expansion application, the NRTL will need to be in compliance with the revised NRTL Program Directive with respect to its expanded scope immediately (i.e., on the date the final decision on the expansion application is published in the *Federal Register*).

- Audits and assessments of existing NRTLs conducted on or after October 1, 2019, will be conducted under the revised NRTL Program Directive. However, until October 1, 2022, items that OSHA would normally note as nonconformances with the revised NRTL Program Directive requiring timely response and correction will be noted as observations or long term corrective actions. While such observations and long term corrective actions will not require a response and correction in connection with the relevant audit or assessment, existing NRTLs will need to comply with the revised NRTL Program Directive no later than October 1, 2022.

If you have questions about complying with the revised NRTL Program Directive, please contact Thomas Hannigan, Acting Director, Office of Technical Programs and Coordination Activities at 202-693-2110 or hannigan.thomas@dol.gov.