

(29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products "properly certified" by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on an application. These notices set forth the NRTL's scope of recognition or modifications of this scope.

UL submitted an application, dated November 8, 2001 (*see* Exhibit 27), to expand its recognition to include a site in Seoul, Korea, and another application, dated March 15, 2002 (*see* Exhibit 27-1), to expand its recognition to include a site in Neu-Isenburg, Germany, and a site in Veenendaal, Netherlands. The NRTL Program staff performed an on-site review (assessment) of the Korea facility on March 11-14, 2002. In the on-site review report, dated May 23, 2002 (*see* Exhibit 28), the program staff recommended a "positive finding," which means a positive recommendation on the recognition to the Assistant Secretary. However, the Agency delayed consideration of the application in order to combine it for processing purposes with the application that had by then been received for the two additional sites listed above. The NRTL Program staff performed an on-site review (assessment) of the Netherlands facility on June 11-14, 2002, and an on-site review (assessment) of the Germany facility on June 18-21, 2002. In each on-site review report, dated September 27 and 30, 2002 (*see* Exhibits 28 and 28-1), respectively, the program staff recommended a "positive finding." OSHA published the notice of its preliminary findings on the expansion request in the **Federal Register** on January 6, 2003 (68 FR 583). The notice requested submission of any public comments by January 21, 2003. OSHA did not receive any comments pertaining to the application.

The previous notice published by OSHA for UL's recognition covered a

renewal and expansion of recognition, which became effective on May 8, 2002 (67 FR 30966).

The current addresses of the UL facilities (sites) already recognized by OSHA are:

Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.

Underwriters Laboratories Inc., 1285 Walt Whitman Road, Melville, Long Island, New York 11747.

Underwriters Laboratories Inc., 1655 Scott Boulevard, Santa Clara, California 95050.

Underwriters Laboratories Inc., 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, North Carolina 27709.

Underwriters Laboratories Inc., 2600 NW. Lake Road, Camas, Washington, 98607.

UL International Limited, Veristrong Industrial Centre, Block B, 14th Floor, 34 Au Pui Wan Street, Fo Tan Sha Tin, New Territories, Hong Kong.

UL International Services, Ltd., Taiwan Branch, 4th Floor, 260 Da-Yeh Road, Pei Tou District Taipei City, Taiwan.

UL International Demko A/S, Lyskaer 8, P.O. Box 514, DK-2730, Herlev, Denmark.

Underwriters Laboratory International (U.K.) Ltd., Womersley House, The Guildway, Old Portsmouth Road Guildford, Surrey GU3 1LR, United Kingdom.

Underwriters Laboratory International Italia S.r.l., Via Archimede 42, 1-20041 Agrate Brianza, Milan, Italy. Testing facility: Z.I. Preda Niedda st. 18, I-07100, Sassari, Italy.

Underwriters Laboratories of Canada, 7 Crouse Road, Scarborough, Ontario, Canada M1R 3A9.

UL Japan Co., Ltd., Shimbashi Ekimae Bldg.—1 Gohkan, 4th floor, Room 402, 2-20-15 Shimbashi Minato Ku, Tokyo 105-0004, Japan.

The current addresses of the three additional UL sites covered by the expansion are:

UL Korea, Ltd., #805, Manhattan Building 36-2, Yeouidong, Yeoungdeungpo-gu, Seoul 150-010, Korea.

UL International Germany GmbH, Frankfurter Strasse 229, D-63263 Neu-Isenburg, Germany.

UL International (Netherlands) B.V., Landjuweel 52, NL-3905 PH Veenendaal, Netherlands.

#### Final Decision and Order

The NRTL Program staff has examined the applications, the assessor's reports, and other pertinent information. Based upon this examination and the assessor's

recommendation, OSHA finds that Underwriters Laboratories Inc. has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the above additional sites subject to the limitation and conditions, listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of UL, subject to this limitation and these conditions.

#### Limitation

##### *Recognition of Facilities*

The applications contain sufficient information demonstrating the testing capabilities of the Korean, German, and Netherlands sites listed above. OSHA's recognition of the additional sites would not be limited to any particular test standards. However, recognition of these sites would be limited to performing product testing only to the test standards for which each site has the proper capability and programs, and for which OSHA has recognized UL. This treatment is consistent with the recognition that OSHA has granted to other NRTLs that operate multiple sites. In addition, OSHA would permit the sites to use all eight of the "supplemental" programs, although not all programs would necessarily be used in the near future. UL's scope of recognition already includes these programs.

OSHA developed the programs to limit how an NRTL may perform certain aspects of its work and to permit the activities covered under the programs only when the NRTL meets certain criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, these programs help to define the scope of that recognition.

#### Conditions

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

OSHA must be allowed access to UL's facility and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If UL has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based;