

there are adequate procedures, equipment, and personnel to perform product safety testing. Those procedures are in general use throughout ITSNA's testing operations. Also, the application information shows that Lexington is wholly-owned and operated by ITSNA.

The NRTL Program staff performed an on-site review (assessment) of the facility on October 15–17, 2001. In the on-site review report, dated December 10, 2001 (see Exhibit 40), the program staff recommended a “positive finding,” which means a positive recommendation on the recognition to the Assistant Secretary. However, the Agency delayed processing of the applications pending resolution of certain findings made by OSHA during its audits of other ITSNA sites already recognized. The NRTL Program staff obtained information in October 2002, which resolved these findings, and determined that OSHA may proceed with processing the application.

OSHA's recognition of the additional site would not be limited to any particular test standards. However, recognition of this site would be limited to performing product testing only to the test standards for which the site has the proper capability and programs, and for which OSHA has recognized ITSNA. This treatment is consistent with the recognition that OSHA has granted to other NRTLs that operate multiple sites. The Agency would not recognize the site to issue certifications under ITSNA's NRTL operations. Currently, ITSNA issues such certifications only at specific sites listed above, and OSHA must review and accept the Lexington site before ITSNA issues certifications there. In addition, OSHA would permit the site to use all eight of the “supplemental” programs. ITSNA's scope of recognition already includes these programs.

OSHA has described the “supplemental” programs referred to above in a March 9, 1995, **Federal Register** notice (60 FR 12980, 3/9/95). This notice described nine (9) programs and procedures (collectively, programs), eight of which (the “supplemental programs”) any NRTL may use to control, audit, and accept the data relied upon for product certification. Such data is not normally generated at the NRTL's facility or by NRTL personnel. The notice also includes the criteria for the use by the NRTL of these eight, or supplemental, programs. Any NRTL's initial recognition will always include the first or basic program, which provides that all product testing and evaluation be performed in-house by the NRTL that will certify the product. OSHA does not consider these programs

in determining whether any NRTL meets the requirements for recognition under 29 CFR 1910.7. However, these programs help to define the scope of that recognition.

#### *Expansion for Additional Standards*

ITSNA also seeks recognition for testing and certification of products for demonstration of conformance to the following 41 test standards, and OSHA has determined the standards are “appropriate,” within the meaning of 29 CFR 1910.7(c).

ANSI A17.5 Elevators and Escalator Electrical Equipment  
ANSI C37.23\* Metal Enclosed Bus and Calculating Losses in Isolated-Phase Bus  
ANSI ICS 2 Industrial Control Devices, Controllers and Assemblies  
ANSI S82.02.02 Electrical Equipment for Measurement, Control, and Laboratory Use  
ANSI Z8.1 Commercial Laundry and Dry-cleaning Operations-Safety Requirements  
ANSI Z21.1b Household Cooking Gas Appliances  
ANSI Z21.19 Refrigerators Using Gas Fuel  
ANSI Z21.22 Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems  
ANSI Z21.41 Quick-Disconnect Devices for Use with Gas Fuel  
ANSI Z21.42 Gas-Fired Illuminating Appliances  
ANSI Z21.45 Flexible Connectors of Other Than All-Metal Construction for Gas Appliances  
ANSI Z21.54 Gas Hose Connectors for Portable Outdoor Gas-Fired Appliances  
ANSI Z21.61 Gas-Fired Toilets  
ANSI Z21.66 Automatic Vent Damper Devices for Use With Gas-Fired Appliances Electrically Operated  
ANSI Z21.69 Connectors for Movable Gas Appliances  
ANSI Z21.73 Portable Type Gas Camp Lights  
ANSI Z21.74 Portable Refrigerators for Use With HD–5 Propane Gas  
ANSI Z21.76 Gas-Fired Unvented Catalytic Room Heaters for Use With Liquefied Petroleum (LP) Gases  
UL 14B Sliding Hardware for Standard, Horizontally Mounted Tin-Clad Fire Doors  
UL 14C Swinging Hardware for Standard Tin-Clad Fire Doors Mounted Singly or In Pairs  
UL 142 Steel Aboveground Tanks for Flammable and Combustible Liquids  
UL 147 Hand-Held Torches for Fuel Gases  
UL 155 Tests of Fire Resistance of Vault and File Room Doors

UL 305 Panic Hardware  
UL 331 Strainers for Flammable Fluids and Anhydrous Ammonia  
UL 555 Fire Dampers  
UL 636 Holdup Alarm Units and Systems  
UL 746A Polymeric Materials—Short Term Property Evaluations  
UL 746B Polymeric Materials—Long Term Property Evaluations  
UL 746E Polymeric Materials—Industrial Laminates, Filament Wound Tubing, Vulcanized Fibre, and Materials Used in Printed Wiring Boards  
UL 896 Oil-Burning Stoves  
UL 1010 Receptacle-Plug Combinations for Use in Hazardous (Classified) Locations  
UL 1034 Burglary Resistant Electric Locking Mechanisms  
UL 1088 Temporary Lighting Strings  
UL 1241 Junction Boxes for Swimming Pool Lighting Fixtures  
UL 1242 Intermediate Metal Conduit  
UL 1610 Central-Station Burglar-Alarm Units  
UL 1637 Home Health Care Signaling Equipment  
UL 2200 Stationary Engine Generator Assemblies  
FMRC3260 Flame Radiation Detectors for Automatic Fire Alarm Signaling  
UL 603351 Safety of Household and Similar Electrical Appliances, Part 1; General Requirements

- This standard is approved for equipment or materials intended for use in commercial and industrial power system applications. This standard is not approved for equipment or materials intended for use in installations that are excluded from the provisions of Subpart S in 29 CFR 1910 by 1910.302(a)(2).

OSHA's recognition of ITSNA, or any NRTL, for a particular test standard is limited to equipment or materials (*i.e.*, products) for which OSHA standards require third party testing and certification before use in the workplace. Consequently, any NRTL's scope of recognition excludes any product(s) that fall within the scope of a test standard, but for which OSHA standards do not require NRTL testing and certification.

Many of the UL test standards listed above also are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization (*e.g.*, UL 1004) for the standard, as opposed to the ANSI designation (*e.g.*, ANSI/UL 1004). Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version