

BRIEFLY...

Highlights of Report Number: 05-05-002-10-001, a report to the Assistant Secretary for Occupational Safety and Health. March 31, 2005

WHY READ THE REPORT

OSHA safety standards require that specified equipment and materials (products) be tested and certified for safety by an OSHA-recognized organization. The Nationally Recognized Testing Laboratory (NRTL) program identifies organizations that meet OSHA requirements for testing and certifying equipment and materials. To be recognized as an NRTL, an organization must meet OSHA's requirements. Initial recognition, valid for 5 years and for a specific scope of recognition, is granted if the application and onsite review of the organization demonstrate the applicant meets four elements described in 29 CFR 1910.7 (b).

WHY OIG DID THE AUDIT

Educated Design and Development, Inc. (ED&D), submitted an application for NRTL recognition in October 1996. ED&D filed a hotline complaint with the OIG regarding its application for NRTL recognition. ED&D alleged that OSHA failed to fulfill its NRTL recognition responsibilities.

The OIG conducted a performance audit of OSHA's NRTL recognition process to determine if ED&D's claims were valid with respect to negligence or misconduct by OSHA. Our audit covered NRTL procedures from the date of ED&D's application until its closure (May 2003), relating, but not limited to, the processing of ED&D's application.

READ THE FULL REPORT

To view the report, including the scope, methodology, and full agency response, go to:

<http://www.oig.dol.gov/public/reports/oa/2004/05-05-002-10-001.pdf>

MARCH 2005

OSHA Correctly Denied ED&D's Incomplete NRTL Application

WHAT OIG FOUND

OSHA's decision to deny ED&D NRTL recognition and close its application was justified because ED&D did not meet all the elements required for recognition.

OSHA's records adequately supported its decision to grant recognition to several organizations ED&D alleged were given recognition inappropriately. However, OSHA permitted some applicants to self-certify they were independent and did not later verify the independence statements.

OSHA did not appropriately handle ED&D's application in two areas. However, these deficiencies did not adversely impact the outcome of ED&D's application.

WHAT OIG RECOMMENDED

We recommended that the Assistant Secretary for Occupational Safety and Health direct staff to:

1. Make independence reviews a mandatory part of application reviews and periodic audits.
2. Modify current policy to ensure that all areas related to an NRTL's recognition, including independence, are reviewed at least once during each 5-year recognition period.
3. Review two NRTLs' current business practices to ensure conformance with the independence requirement.
4. Ensure that incomplete applications are closed.
5. Maintain a log of contacts with the applicants and NRTLs.
6. Develop procedures to acknowledge all requests for feedback.

OSHA agreed with, and plans to implement, our recommendations.