

Mr. John Hart
manager, Intertek Portland
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Dear Mr, Hart:

I am responding to your letter to Marilyn Schuster of the Oregon Occupational Safety & Health Division (OR-OSHA), received by them on August 10, 1998. Your letter was forwarded to my office for a response. I am providing a general response that should address your request for information concerning any OSHA requirements on "field labeling," and the additional information you requested in your recent phone conversation with my staff.

OSHA's recognition of a Nationally Recognized Testing Laboratory (NRTL), and OSHA requirements that equipment (i.e., products) be "approved" by an NRTL, is primarily intended to cover certification of products for a manufacturer. Currently, the recognition does not cover "field labeling," that is, certification of products for a user or at the time of installation. As we understand it, field labeling is generally a requirement of local authorities, that is, city or county code authorities. These local authorities, and not OSHA, determine the codes or standards to use for this field labeling.

OSHA's safety standards in Part 1910 of Title 29, Code of Federal Regulations (29 CFR Part 1910) contain the requirements for "approval" (i.e., certification) of certain products by an NRTL. Those safety standards require certification of only certain, and not all, type of products by an NRTL. For example, nearly all electrical products must be certified, but not "machines." Those standards also contain other requirements specific to certain types of equipment. An employer subject to OSHA's jurisdiction must comply with all those requirements applicable to its business. Field labeling, installation, or other requirements of local authorities supplement, but do not replace. OSHA's requirements- In terms of compliance, OSHA must assure employers comply with all of OSHA's requirements but not with those of local authorities, However, some coordination with those authorities may occur on specific cases or on general issues.

Perhaps you are aware that many states, such as Oregon, have received OSHA's approval to operate the OSHA program in their state. This transfers the responsibility for enforcing OSHA's requirements from the Federal Government to the individual state. These states must adopt standards that are at least as effective as the Federal standards. While many do adopt Federal standards verbatim, a number have what they consider to be more effective standards. However, to our knowledge, none of these states have a separate requirement for field labeling as part of their OSHA program.

An NRTL is free to perform field labeling if it chooses to do so. Since the labeling is not

necessarily done to meet OSHA's requirements, an NRTL doing the labeling is not restricted to using the specific test standards or to testing the type of products covered in its recognition from OSHA. However, the NRTL must not represent this field labeling as part of its recognition as an NRTL. A field label or mark that includes the logo or abbreviation "NRTL" would misrepresent that recognition.

I hope this response gives you the information you need. If you have any questions regarding this matter, you may contact me at (202) 219-7056, or by e-mail at jennifer.silk@osha-no.osha.gov

Sincerely,

Jennifer C. Silk
Director
Office of Technical Programs and Coordination Activities

Copy to: Marilyn Shuster, Manager of Standards and Technical Resources
Oregon Occupational Safety & Health Division