

laboratories, including the larger organizations, have historically contracted for certain activities. Most common are activities such as repair and calibration of test and measurement instrumentation, security services, and quality system accreditation. Assuming proper controls for such activities by the NRTL, they should not affect the ability of the NRTL to produce credible findings. It was never OSHA's intent to discourage or limit activities such as the use of national or international standards for quality assurance qualification and registration of a manufacturer by organizations other than the NRTL. Such accreditation and services can be useful tools for an NRTL as long as the NRTL retains ultimate control and responsibility.

The NRTL shall retain control of, and responsibility for, all aspects of the product certification scheme.

- The NRTL shall assure that subcontractors or agents performing service which may affect the certification of a product have been assessed and qualified by the NRTL.
- The NRTL shall assure that subcontractors agents use the follow-up procedures established by the NRTL.
- The NRTL shall maintain records of the results of the follow-up visits.

The NRTL shall assure that each agent or subcontractor providing a service is capable of performing that service and that the relationship between the agent or subcontractor does not compromise the NRTL's independence.

- The NRTL shall be able to demonstrate that all subcontractors and agents are capable of providing services equivalent to that provided by the NRTL.

The NRTL shall have written procedures to qualify subcontractors or agents, to monitor their performance, to communicate effectively with them, and to maintain manufacturer confidentiality.

- The NRTL's qualification procedures shall include: qualification requirements; the subcontractor's or agent's quality assurance and self-auditing programs; the NRTL's monitoring program; and the documentation requirements for both the NRTL and the subcontractor or agent.

The NRTL's records shall include documentation to demonstrate that the subcontractor or agent complies with the NRTL's program.

- The NRTL shall use its own staff to qualify the subcontractor or agent.
- The NRTL shall have the means to ensure that only follow-up inspectors who are qualified for the task are utilized.

- The NRTL's surveillance program shall include routine audits of the facilities, staff, and procedures involved in its follow-up program.

- The follow-up procedures in foreign countries shall be as stringent as those required in the US.

- The follow-up program shall include an initial assessment of the manufacturers' procedures, the quality control system, maintenance procedures, recordkeeping and other elements from the appropriate national standards and international guides.

- The follow-up program shall have the capability to identify variations in the manufacturers' ability to control the quality of production.

- The NRTL shall periodically inspect samples of products for compliance.

#### **The Use of An "NRTL" Certification Mark for Products Tested and Certified In Accordance With OSHA's Requirements**

OSHA has received requests from several NRTL participants to initiate action that would implement a requirement for the use of a unique mark for the NRTL certified products. As a result of these requests, OSHA will publish a separate document in the **Federal Register** explaining how such a program may be implemented, as well as describing the requirements which are considered to be part of such a program.

In this separate document, OSHA will request comments on the advantages and disadvantages of implementing such a program and invite suggestions as to the proper approach OSHA should take. The document will include the concerns of the Agency and will seek public information that will enable it to determine the appropriate action.

#### **Authority**

Section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1-90 (55 FR 9033).

Signed at Washington, DC, this 3rd day of March 1995.

**Joseph A. Dear,**

*Assistant Secretary.*

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#### **Maryland State Standards; Notice of Approval**

##### **1. Background**

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational

Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of subpart O to part 1952 containing the decision.

The Maryland State plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated September 9 and October 7, 1994, from Henry Koellein, Jr., Commissioner of the Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to: (1) Amendments, corrections, additions and revisions to 29 CFR 1910.132, 1910.133, 1910.136, and 1910.138, pertaining to the Personal Protective Equipment Standard for General Industry, as published in the **Federal Register** of April 6, 1994 (59 FR 16360); (2) amendments, corrections, and additions to 29 CFR 1910.146, pertaining to the Permit-Required Confined Spaces Standard for General Industry, as published in the **Federal Register** of May 19, 1994 (59 FR 26115); and (3) an amendment to 29 CFR 1926.62, pertaining to the Lead in Construction Standard for the Construction Industry, as published in the **Federal Register** of May 4, 1993 (58 FR 26627). These standards are contained in COMAR 09.12.31. Maryland Occupational Safety and Health Standards were promulgated after public hearings on April 15 and July 22, 1994. These standards became effective on August 29 and September 26, 1994, respectively.

##### **2. Decision**

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and, accordingly, are approved.

### 3. Location of the Supplements for Inspection and Copying

A copy of the standards supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, Pennsylvania 191204; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202; and the OSHA Office of State Programs, U.S. Department of Labor, Room N3700, 3rd Street and Constitution Avenue, NW., Washington, DC 20210.

### 4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Maryland State plan as proposed changes the making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting the requirements for public participation.

b. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 9, 1995.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Philadelphia, Pennsylvania, this 26th day of January 1995.

**Linda R. Anku,**

*Regional Administrator.*

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### Maryland State Standards; Notice of Approval

#### 1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator), under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1593.4), will review

and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of subpart O to part 1952 containing the decision.

The Maryland State plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated January 10 and January 30, 1995, from Henry Koellein, Jr., Commissioner of the Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to amendments, corrections, and revisions to: (1) amendments, corrections, additions and revisions to 29 CFR 1910.137 and 1910.269, pertaining to the Electric Power Generation, Transmission and Distribution Standard and the Electrical Protective Equipment Standard for General industry, as published in the **Federal Register** of June 30, 1994 (59 FR 33660); (2) amendments, corrections, additions and revisions to 29 CFR 1910.120, pertaining to the Hazardous Waste Operations and Emergency Response Standard for General Industry, as published in the **Federal Register** of August 22, 1994 (59 FR 43270); (3) amendments, corrections, additions and revisions to 29 CFR 1910.132, 1910.133, 1910.136, and 1910.138, pertaining to the Personal Protective Equipment Standard for General Industry, as published in the **Federal Register** of July 1, 1994 (59 FR 33910); (4) amendments to 29 CFR 1910.1201, 1926.21, and 1928.21, pertaining to the Retention of Department of Transportation Markings, Placards and Labels, as published in the **Federal Register** of July 19, 1994 (59 FR 36700); (5) amendments, corrections, additions and revisions to 29 CFR 1926.1101, including Appendices A, B, D, F, H, I, and K, pertaining to the Occupational Exposure to Asbestos Standard for General Industry, as published in the **Federal Register** of August 10, 1994 (59 FR 41131); and (6) amendments to 19 CFR 1926.500-.503, including Appendices A-E, Safety Standards for Fall Protection in the Construction Industry, and related amendments, corrections, additions and revisions to 29 CFR 1910.169(g)(2)(i); 1926.104; 1926.753; 1926.105; 1926.107 (b), (c) and (f); 1926.250(b)(2); 1926.550 (c)(2)

and (g)(4)(i)(C); 1926.651(l); 1926.701(f)(2); and 1926.951(b)(4)(i), as published in the **Federal Register** of August 9, 1994 (59 FR 40729). These standards are contained in COMAR 09.12.31. Maryland Occupational Safety and Health Standards were promulgated after public hearings on September 8 and October 28, 1994. These standards became effective on January 2 and January 30, 1995, respectively.

#### 2. Decision

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and, accordingly, are approved.

### 3. Location of the Supplements for Inspection and Copying

A copy of the standards supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202, and the OSHA Office of State Programs, U.S. Department of Labor, Room N3700, 3rd Street and Constitution Avenue NW., Washington, DC 20210.

### 4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 9, 1995.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Philadelphia, Pennsylvania, this 8th day of February 1995.

**Linda R. Anku,**

*Regional Administrator.*

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