



Setting Standards for Excellence

KYLE PITSOR

Vice President, Government Relations

December 11, 2008

The Honorable Thomas M. Stohler
Acting Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Washington, DC 20210

Dear Assistant Secretary Stohler:

I am submitting the attached on behalf of the National Electrical Manufacturers Association (NEMA) and many other organizations in response to the Occupational Safety and Health Administration's (OSHA) Request for Information on "Nationally Recognized Testing Laboratories; Supplier's Declaration of Conformity" (OSHA-2008-0032).

NEMA and the other signatories have significant concerns about the safety implications of moving away from third-party certification for electrical products used in workplaces in the United States. We appreciate your willingness to consider our position and to work together to ensure that the U.S. electrical safety system remains the best in the world.

Thank you for your leadership in protecting America's workforce. Please do not hesitate to contact me with any questions or concerns regarding these comments.

Respectfully,

A handwritten signature in black ink that reads "Kyle Pitsor". The signature is written in a cursive, flowing style.

Kyle Pitsor
Vice President, Government Relations

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The Honorable Thomas M. Stohler
Acting Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
200 Constitution Avenue, N.W.
Washington, DC 20210

Dear Assistant Secretary Stohler:

Now that OSHA has released its October 20 *Federal Register Notice* request for public comment on "Nationally Recognized Testing Laboratories; Supplier's Declaration of Conformity", the undersigned members of a coalition of concerned organizations wish to thank your organization for issuing such a detailed, informative *Notice* and to assure you that our organizations are diligently preparing individual responses to meet the 90 day deadline.

Nevertheless, we feel it is appropriate to provide some preliminary comments. First, we are troubled by the fact that OSHA was requested, after only two years, to again explore the adoption of Supplier's Declaration of Conformity as an alternative to the Nationally Recognized Testing Laboratories (NRTLs) product-approval process. At this time of global toy, food, and financial concerns, such a change seems especially inappropriate.

Second, the U.S. electrical safety system, which is principally based on third-party certification, is regarded as one of the most effective systems in the world for successfully ensuring workplace safety, while at the same time allowing for free and open market access for products and services, with minimal cost to the taxpayer.

Third, and to clarify, we do not oppose the use of SDOC in certain situations where the market has found it effective, but, we have significant concerns about moving away from third-party certification in the electrical product safety sector. Indeed, those who now wish to institutionalize SDOC must accept that the checks-and-balances of our current system have played a fundamental role in driving U.S. electrical products to be the safest in the world. Further, at a time when the safety and competitive threats posed by substandard and counterfeit products in general are markedly rising, opening the door to uncertified products would seem to exacerbate this problem.

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Again, we look forward to submitting our formal comments. However, we want to stress as a group of concerned organizations that we believe a decision to adopt SDOC in place of third party safety certification will negatively impact workplace safety in general, and electrical safety in particular.

Respectfully,

Association of Home Appliance Manufacturers
American Council of Independent Laboratories
CSA International
Consumers Union
Automotive Lift Institute
Electrical Safety Foundation International
International Association of Electrical Inspectors
International Brotherhood of Electrical Workers
Independent Electrical Contractors
International Code Council
Intertek
MET Laboratories
National Association of State Fire Marshals
National Electrical Contractors Association
National Electrical Manufacturers Association
National Fire Protection Association
National Joint Apprenticeship and Training Committee
Safety Equipment Institute
Underwriters Laboratories