



National Electrical Manufacturers Association

May 30, 2012

SUBMITTED ELECTRONICALLY VIA REGULATIONS.GOV

The Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Re: Request for Information: Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities (FR Doc. No. 2012-7602; FR 19357, March 30, 2012)

The National Electrical Manufacturers Association (NEMA) initially submitted comments on April 30, 2012, in response to the Office of Management and Budget's (OMB) Request for Information (RFI) on "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities." NEMA also participated in the public workshop sponsored by OMB that was hosted by the National Institute of Standards and Technology (NIST) on May 15, 2012.

Pursuant to the discussion at the public workshop on the issue of the U.S. Occupational Safety and Health Administration's (OSHA) decision not to accept Supplier's Declaration of Conformity (SDoC) as an alternative to the Nationally Recognized Testing Laboratories (NRTL) product-approval process, NEMA is submitting these additional comments.

Conformity assessment systems should be pursued in a manner that ensures the safe installation and use of products in accordance with relevant electrical installation and product safety standards. Conformity assessment systems should not be discriminatory in nature. Where appropriate, product acceptance should be by means of one standard and one test, ideally capable of being conducted anywhere. Acceptance should be based on SDoC or third-party certification as determined by market requirements and recognizing compatibility with the electrical safety concepts and practices represented within the installed infrastructure. The U.S. electrical equipment industry sees no reason to change this country's present market-based approach to electrical safety.

While NEMA does not categorically oppose the use of SDoC in certain situations where the market has found it to be effective, we have significant concerns about the potential for moving away from third-party certification for electrical products used in the workplace and other parts of the U.S. electrical distribution system, currently subject to OSHA's well-established NRTL approval process. The U.S. electrical safety system, which has been in place for over a hundred years and is based primarily on third-party certification, is the most effective system in the world for successfully ensuring workplace safety.

NEMA raised our concerns about SDoC to OSHA in response to a Request for Information issued by OSHA in 2008. OSHA has thoroughly reviewed this issue through two RFIs (2005 and 2008) and has determined that "the evidence...does not support a conclusion that SDoC is appropriate for U.S. workplaces..." (FR 79036, December 17, 2010).

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Conformity assessment issues are important to NEMA and NEMA members, so we appreciate the opportunity to provide additional comments in response to the RFI. If you have any further questions or have an interest in seeing the detailed comments we provided to OSHA on SDoC in 2009, please do not hesitate to contact us.

Respectfully,

A handwritten signature in black ink, appearing to read "Kyle Pitsor". The signature is written in a cursive style with a large, stylized initial "K".

Kyle Pitsor

Vice President, Government Relations