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TESTIMONY OF

ROGER J. AMOROSI

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AMERICAN COUNCIL OF INDEPENDENT LABORATORIES

BEFORE THE

NATIONAL INSTITUTE FOR OCCUPATIONAL

SAFETY AND HEALTH

PUBLIC MEETING ON THE TESTING AND

CERTIFICATION PROGRAM

July 29, 1980

My name is Roger J. Amorosi, President of Roger J. Amorosi Associates, Inc., of Alexandria, Virginia. I am testifying today in my capacity as President-Elect of the American Council of Independent Laboratories, better known as ACIL.

ACIL, established in 1937, is a professional association of independent engineering and scientific laboratories. Its membership includes leading testing, materials engineering, research, development and inspection firms in the United States. An "independent laboratory" is a tax-paying corporation or proprietorship, unaffiliated with any private manufacturing or other company, governmental institution or academic organization in any manner which might affect its capability to conduct investigations, reports or give professional counsel objectively and without bias.

Each laboratory has special fields of experience and expertise. These include sampling, inspection, physical or non-destructive testing and chemical analyses or microbiological testing of raw, intermediate and finished materials and products; research and development; the improvement of products and processes; the quality control of materials composition and product performance; the professional consultation in various fields of scientific technology.

On the matter at issue, the restructuring of the NIOSH testing and certification program, ACIL strongly recommends

that alternative three in the June 13, 1980 notice be adopted and private-sector resources be used to the maximum feasible extent in the future operation of the NIOSH program. This approach is mandated by the requirements of Office of Management and Budget Circular A-76 entitled "Policies for Acquiring Commercial or Industrial Products and Services for Government Use", published in the Federal Register on April 5, 1979 (pp. 20556 ff.). The policy circular "reaffirms the government's general policy of reliance on the private sector for goods and services, while recognizing that governmental functions must be performed by government personnel and that proper attention must be given to relative cost." Testing and certification are not inherently governmental functions and a number of Federal agencies, such as HUD and the Coast Guard, presently rely on the private sector to implement certain of their testing and certification programs.

Additionally, under the new A-76 cost comparison procedures, we believe that it is demonstrable that it would be more economical for NIOSH to purchase these services from the private sector. General analytical data in support of this conclusion has recently been compiled in a special study prepared for the National Federation of Independent Business. The report, entitled "Tax Reduction Without Sacrifice: Private Sector Production of Public Sector Services," demonstrates the efficiency and cost effectiveness of govern-

mental purchase of services from the private sector.

In the time that remains, I want to discuss in summary fashion how and where NIOSH might locate within the private sector the full range of services needed for an effective testing and certification program.

First, a significant capacity exists in the private independent laboratory community to provide needed testing and certification services for personal protective devices, including respirators. As an example of the private sector's capabilities, I would like to submit for the record a copy of the ACIL's 1980 directory of member firms and the scope of their activities. This listing represents, of course, only part of the total number of private independent firms qualified to serve the needs NIOSH has identified.

Despite the reference on page 26 of the consultants' report to liability considerations as deterring private laboratories from assisting NIOSH, ACIL is satisfied that qualified laboratories are available for this purpose.

Further, once NIOSH determines that it is appropriate and advisable to rely on qualified private laboratories to undertake needed testing and certification services, the OSHA Part 1907 procedure to accredit laboratories for this purpose should be utilized. We understand that OSHA is in a position to implement its accreditation procedure in the near future. In this connection, we urge that the language

used by NIOSH and its consultants be clarified. ACIL suggests laboratories be "accredited" not "certified" and products be "certified".

Proper standards are also an important element in a testing and certification program. ACIL members, through years of direct involvement on technical committees of private-sector standards organizations have developed an understanding of the important role performed by organizations such as the American Society for Testing and Materials (ASTM), the American National Standards Institute (ANSI). We suggest that organizations like ASTM and ANSI be effectively utilized in the standards-development part of this NIOSH program.

The safety equipment industry might also contribute to a successful program for testing and certification of respirators and other personal protective equipment. The Industrial Safety Equipment Association (ISEA) is a primary spokesman for that industry. We recommend that NIOSH explore the possibility of a certification program sponsored by ISEA which relies on qualified third party laboratories.

Thank you for the opportunity to present these brief remarks on behalf of ACIL today. Once we have had the opportunity to review the full record of these hearings, ACIL expects to submit on or before August 29 more detailed and comprehensive written comments on the issues raised by NIOSH.