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JULY 30, 1980 PRESENTATION GIVEN BY C.A. DUPRAZ ON BEHALF OF RACAL AIRSTREAM AT THE NIOSH PUBLIC HEARING ON TESTING AND CERTIFICATION

I would like to elaborate a little on one of Ken's comments. During this hearing, or at least the part of it I have attended, positions have been stated by a number of participants against NIOSH testing of prototype equipment. I would like to suggest that NIOSH should accept for testing at least two types of prototype equipment:

- non-production items, as fabricated and after field use, for which no certification criteria or performance test methods yet exist
- production items as fabricated, with a successful use history outside the U.S.

Submissions of prototypes should be accompanied by documentation which demonstrates that the product provides adequate protection and in-service reliability. Priority might be given to products which are claimed to meet an emerging end-use need. Prototype submissions for which no certification protocols yet exist could be accompanied by suggestions for appropriate approval criteria and performance test methods.

Requests by actual or potential users for NIOSH examination of these classes of prototypes might also be made a condition of submission.

NIOSH might specially encourage submission of untried prototypes which purport to offer needed protection against newly identified or identifiable hazards, and in particular, those end uses for which the market potential may be small or unprofitable, if a manufacturer has to bear the entire product development burden.

In accepting and reviewing product prototypes NIOSH might also provide guidance to manufacturers who may be trying to select one of several experimental products to be marketed for a specified end use. Certainly input from a certifying agency with experience in testing and approving occupational health and safety products would be invaluable - to all concerned.

By examining prototypes which are in fact production items with a successful history of use outside the U.S., NIOSH might be able to accelerate the product approval process, while still assuring that products used in this country measure up to U.S. requirements.

For new types of occupational health and safety products NIOSH prototype

testing could serve as the basis for establishing which test methods and what performance criteria should be used for developing pre-approval submission data - the functional basis on which certification would be based.

Finally, if only manufacturers and NIOSH were to have experienced personnel and appropriate test facilities - as would be the case under options 1, 2 and 4 - there would be no opportunity for a manufacturer or marketing organization to confirm its proprietary technical evaluations of product performance unless NIOSH were to accept prototype submissions for testing.

The value of product prototype testing by NIOSH would certainly be severely undermined if no discussion of NIOSH prototype test results were possible. Furthermore, since at least some portion of prototype submissions would be products for which no certification criteria or test methods then existed, detailed discussion of the results of the NIOSH evaluation seems an inescapable, natural consequence.

There is a second area on which I would like to offer comment - one that does not seem to have been touched on at all in these hearings, at least thus far - publication of test results.

There are at least three types of test results for which publication of some sort deserves consideration:

Publication of the results of prototype testing conducted by a certifying agency should be voluntary and mutually agreeable to both the agency and the party making the submission - in both content and publication vehicle. Since the organization making the submission may very well consider the results of prototype testing proprietary - and will have paid for the service, the submitter should initiate any proposal for publication of test data.

In the interest of providing users of occupational health and safety products a higher level of confidence in certified equipment, approval test data should be published by the certifying agency. However, applicants must be given the opportunity to review, contest and/or appeal data prior to publication. Data publication should occur within the same time frame in which product approvals are granted, but certifications should not be delayed until data is published. Certification might, however, include a date no later than which test data would be published. There does not appear to be any special value in automatically publishing test results for submittals in which certification is denied. However, there may be implications here beyond the U.S. market which need closer examination.

Field audit data based on standard performance criteria and test methods should be published regardless of the outcome, after manufacturers and/or users have had an opportunity to review, contest and/or appeal the findings. Results of any portions of field audits which utilize tentative test methods or proposed criteria should be handled as prototype test data - that is, published by mutual agreement only.

Nowhere has NIOSH or other interested parties indicated, in connection with this hearing at least, what mode of data publication is envisioned. The range is quite broad - Federal Register notices, Journal articles, NIOSH documents or bulletins, industry Newsletters, trade magazine features, periodic Testing and Certification reports (similar to the Certified Equipment and Approval Number publications) or even press releases with computer print-outs of test data attached.

The publication mode or modes which will best serve users is probably yet to be identified. Furthermore the most appropriate publication route may depend on whether data relates to prototype, approval or field audit test results.

The form of published data should also be considered. Publication of raw test data would be meaningful to a very limited number of users while publication of results only in terms of pass/fail does not really add much to certification credibility. However, since certifications are issued on the basis of minimum performance criteria, publication of qualitatively descriptive results which indicate significant differences in end-use performance could be very helpful to users in making equipment selections. Devices would be evaluated for certification against a battery of performance criteria. Using qualitative ratings would serve to highlight strong or marginal performance characteristics of particular products. Also, these qualitative ratings would be directly related to a specified range of quantitative values obtained in standard performance tests.

This approach would be a step forward in educating users and in increasing their confidence in certified occupational health and safety products.

Thank You.