

Tennessee Rule Case Request Recognized Certification Mark(s)

Statement of need: The Tennessee Board of Boiler Rules require electrically heated boilers to bear the “Underwriters Laboratory” label. This inquiry is to request the Board to review this requirement and update the Boiler Rules to be consistent with other boiler codes such as the National Board Inspection Code (NBIC).

- Tennessee Boiler Rule 0800-03-03-.3 Construction Standards (3) limits all boilers to bear the “Underwriter Laboratory” certification label.
- Several other certification bodies (CSA, Intertek-ETL, Factory Mutual, NSF International) have the same qualifications as Underwriters Laboratories and are recognized and/or accredited throughout the United States as OSHA Nationally Recognized Testing Laboratories (NRTL’s) and accredited by the ANSI National Accreditation Board.

Inquiry: Will the Tennessee Board of Boiler Rules accept the proposed change of 0800-03-03-03 (3) to allow for other OSHA nationally recognized testing laboratories to bear their stamp on electrically heated boilers?

Reply: yes, the Board of Boiler Rules will recognize any OSHA nationally recognized testing laboratory.

Background:

Prior to 1987 the US Code of Federal Regulations required products used in the workplace to be tested and certified by either Underwriters Laboratories (UL) or Factory Mutual (FM). Pursuant to legal action the Occupational Safety and Health Administration (OSHA) revised the CFR workplace safety rules and created the Nationally Recognized Testing Laboratory (NRTL) program, see 29 CFR 1910.399. Initially UL and FM were grandfathered into the NRTL Program for five years. Other existing testing laboratories were permitted to apply for OSHA NRTL recognition. Intertek-ETL was granted NRTL recognition in 1989.

[OSHA's Nationally Recognized Testing Laboratory \(NRTL\) Program | Occupational Safety and Health Administration](#)

Intertek Testing Services NA Inc., previously known as Electrical Testing Laboratories Inc., was founded in 1896 by Thomas Edison. ETL was the lamp testing bureau of the Edison Illuminating Company. In the 1930's the Edison Illuminating Company was divested into separate companies and ETL Testing Laboratories, Inc. was formed and continues to operate today as globally accredited testing and certification body. ETL was considered (and continues to be) the prominent energy efficiency testing laboratory for heating and cooling equipment, boilers, water heaters, lamps, and similar products until the 1970's when industry and cities such as Chicago and Los Angeles approached ETL and requested we compete with UL and offer product safety certification. After extensive work with

authorities having jurisdiction, obtaining revisions to the major building codes including the National Electrical Code and approval by OSHA as a Nationally Recognized Testing Laboratory (NRTL), Intertek-ETL certifies products for more than 10,000 manufacturers. Intertek-ETL earned recognition from the State of Tennessee, various cities, and the Tennessee Valley Authority in the 1980's (see attached letters).

We were recently informed of the Tennessee Board of Boiler Rules which this request is based on. We recognize the current boiler rule unnecessarily limits the installation of medical and heating devices needed for the development new health care and surgical centers.

Intertek (which provides the ETL Certification Mark) and UL have equivalent accreditations (use the same testing standards) from Accreditation Bodies such as the American National Standards Institute (ANSI), the Standards Council of Canada (SCC) and the International Accreditation Service (IAS). In the US, 29 CFR 1910.399 requires a Certification Body to be an OSHA Nationally Recognized Testing Laboratory (NRTL) and, in Canada products are required to bear a Certification Mark of an SCC-Accredited Certification Body. Both Intertek and UL have equivalent recognitions from OSHA and SCC to support product certification in the United States and in Canada. From an accreditation and acceptance standpoint, Intertek is entitled to receive the same recognition from AHJs as other NRTLs or Certification Bodies. Today there are more than 85,000 product families from over 10,000 global manufacturers that feature

the ETL Certification Mark on a broad range of products that are eligible for sale in the US and Canada. These products can be found in Intertek's online directory of listed products at www.intertek.com/ETLdirectory.