

RULES AND REGULATIONS FOR RECOGNITION OF TESTING AGENCIES

GENERAL

This bulletin establishes the basic rules and regulations to recognize Testing Agencies by the Department of Building and Safety as required in Section 98.0503(a) of the Los Angeles Municipal Code (LAMC).

No Testing Agency is permitted to approve appliances, fixtures, equipment, building components, certify materials or fabricated assemblies. Approval can only be granted by the authority having jurisdiction (Department of Building and Safety), hereby referred to as Department (Sections 110.2 and 402 of Los Angeles Electrical Code (LAEC), Section 101.11.6.4. of Los Angeles Plumbing Code (LAPC), Section 109.0 of Los Angeles Mechanical Code (LAMEC), Section 104.2.7.1 of Los Angeles Building Code (LABC)).

DEFINITIONS

Approved - Acceptable to the code official or authority having jurisdiction.

Approved Testing Agency - An agency approved by the enforcing agency, except as otherwise provided by law, to have adequate personnel, expertise, facility (as applicable), and equipment to carry out testing or listing of building systems, materials types of construction, manufactured equipment, appliances, or fixtures or certifies building materials, soils or fabricated assemblies.

Authority Having Jurisdiction - An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, material, an installation, or a procedure.

Certified - Building materials, systems, soils or fabricated assemblies that are tested and found acceptable by approved testing agencies.

Equipment - A general term, including material, fittings, devices, appliances, luminaires, apparatus, machinery, and the like used as part of, or in connection with, an electrical installation.

Labeled - Equipment or material to which has been attached a label, symbol, or other accepted identifying mark (i.e., embossed laboratory logo) of a recognized (approved) testing agency (see definition) and concerned with product evaluation, that maintains periodic inspection of production of labeled equipment or materials, and by whose labeling the manufacturer indicates compliance with recognized national safety standards.

Listed - Equipment or material included in a list published by an organization that is acceptable to the authority having jurisdiction (i.e., a recognized testing agency) and concerned with evaluation of products, that maintains periodic inspection of production of listed equipment or material that the equipment or material complies with recognized safety standards provided that such equipment or material bears the symbol, label or other accepted identifying mark (i.e., embossed laboratory logo) of a recognized testing agency.

Nationally Recognized Testing Agency - Is an approved testing agency that is available for use by manufacturers, using standards issued by U.S. Standards organizations recognized by the Department and complies with the requirements of this information bulletin based on each trade (i.e., Building, Electrical and Mechanical).

CATEGORIES

The testing agencies may be recognized under one or more of the following categories:

CATEGORY A: Testing Agencies which, in addition to testing, provide factory follow-up inspection and listing of products, as defined in Section I-12 and 13, falling under building, plumbing, mechanical, elevator or electrical code requirements, for which the Department only requires evidence of current listing or certification of a product for acceptance (Article 100 of LAEC, Section 214.0 of LAPC, Section 214.0 of LAMeC, Section 98.0502 and 98.0503(a) of the LAMC).

CATEGORY B: Testing Agencies which perform testing only for building, plumbing and mechanical products and whose reports are submitted by vendors, or manufacturers to the City for completion of general approval research reports, laboratory, or field approval for product acceptance (Section 203.0 of LAPC, Section 203.0 of LAMeC and Section 98.0503 of the LAMC).

CATEGORY C: Testing Agencies which perform testing and labeling of product materials, or soils testing for conformance with the applicable standards adopted by the Los Angeles Municipal Code.

CATEGORY D: Testing Agencies which perform inspection and/or field-testing services, and maintain a testing laboratory facility (i.e., third party inspection of materials required by the Los Angeles City Building Code, in-place shear or torque testing conducted entirely at the building site, or electrical testing agencies performing field services as specified in IB P/EC 2014-002).

Exception: Testing Agencies that qualify under Category "D" may be exempted from maintaining a testing laboratory, if the Department determines that the required tests, inspections, or standards do not necessitate maintenance of a testing laboratory.

In order to begin the testing agency approval review process, the information indicated in Section I "Initial Application" of this bulletin must be submitted to the Department. The list of requirements in this bulletin are presented in detail, but should not be considered all inclusive.

I - INITIAL APPLICATION (Section 98.0503 of LAMC)

1. Application Form

Application shall be submitted on an appropriate application forms provided by the Department as follows:

a. For Building Testing Agency seeking approval for life safety, structural or material products:

1. By contacting:

Department of Building and Safety
Materials Control Section
221 N. Figueroa St. #100
Los Angeles, CA 90012
(213) 482-0385

2. Or use the following link at the LADBS web site:

http://ladbs.org/LADBSWeb/LADBS_Forms/Inspection/IN-App09TestAgencyApp.pdf

b. For Electrical Testing Agency seeking approval for Electrical equipment, or appliances:

1. By contacting:

Department of Building and Safety
Electrical Testing Laboratory
221 N. Figueroa St. #500
Los Angeles, CA 90012
(213) 482-6721

2. Or use the following link at the LADBS web site:

http://ladbs.org/LADBSWeb/LADBS_Forms/TestLab/ElecLabCertApp.pdf

c. For Mechanical Testing Agency seeking approval for mechanical (HVAC), plumbing or fire protection equipment or fixtures:

1. By contacting:

Department of Building and Safety
Mechanical Testing Laboratory
201 N. Figueroa St. #880
Los Angeles, CA 90012
(213) 482-0412

2. Or use the following link at the LADBS web site:

http://ladbs.org/LADBSWeb/LADBS_Forms/PlanCheck/PC-MECH-App.24.pdf

The application shall be completed, signed by the applicant and owner or corporate officer, and returned with the appropriate fee, as shown on the application, to the appropriate office. A separate application is required for each discipline: mechanical, plumbing, fire protection, electrical, and building.

2. Organization

a. History and Description - Provide a brief history of the organization including the nature of the products being tested. If it is a nonprofit organization, provide evidence of such recognition by the appropriate state agency for the state in which the organization is located or incorporated. Provide an organization chart showing the names and titles of the principal and responsible employees.

b. Affiliations - If the organization is a subsidiary or division of a larger organization, provide information concerning the relationship to the larger organization including the organization chart of the larger organization.

c. Accreditation and Certification -

i. Electrical -

Testing Agencies seeking acceptance in Categories A, and C shall be "Nationally Recognized."

The requirements of Nationally Recognized electrical Testing Agency laboratories (NRTL) must be met by showing approval by Federal OSHA as an NRTL (Title 29 Code of Federal Regulations - Section 1910.7(b)).

Such applicants must provide material from the Federal Register to verify details of the OSHA recognition. In addition, applicants must also provide copies of recognition letters from other major enforcement jurisdictions in the United States as determined by the Department.

Testing Agencies seeking acceptance in Categories D, need not meet the requirements of "Nationally Recognized Agencies."

ii. Building and Mechanical -

Testing agencies seeking acceptance in Category A shall be nationally recognized. "Nationally Recognized" status for building and mechanical Testing Agency laboratories must be shown by providing copies of recognition letters from other major enforcement jurisdictions in the United States as determined by the Department.

Mechanical Testing Agencies seeking acceptance in Categories B, or C need not meet the requirement of "Nationally Recognized."

Building Testing Agencies seeking acceptance in Categories B, C, or D need not meet the requirement of "Nationally Recognized."

d. Personnel - Provide a description of the job responsibilities and qualifications for the following:

i. Each principal and responsible employee including the tester.

ii. Each technician or engineer involved in the particular types of testing for which approval is being sought.

iii. Each person responsible for follow-up field review or control.

iv. The owner, president or responsible officer of the company, etc.

This requirement may be modified for very large organizations with the approval of the Department. If the company is owned by a large organization, provide additional descriptions of personnel in the

chain of command of the organization. Emphasis shall be placed on engineering, testing and inspection experiences. Indicate all engineers that are professionally registered, their registered discipline and State of their license. At least one registered engineer in the appropriate discipline for each general area of testing, or other personnel with appropriate credentials, shall be responsible for testing or test report review. The foregoing provision shall be satisfied at each branch laboratory.

Agencies seeking acceptance in Category D are required to employ a California registered professional engineer who is competent in his/her particular discipline for each general area of testing. This engineer is required to review, stamp and sign the test report(s) with a statement that he or she has reviewed the complete report(s), observed or performed the test(s) and attests to its accuracy and contents.

Exception: The Department may accept other personnel with appropriate credentials / qualifications if the Department determines them to be acceptable.

3. Conflict of Interest

The Testing Agency shall be an independent third party testing organization, or testing and inspection organization with no organizational, managerial or financial affiliation with manufacturers, suppliers or vendors of products under its testing, or testing and certification program. The Testing Agency shall provide a notarized statement, signed by the president or corporate officer of the agency, concerning the below listed areas:

- a. The Testing Agency shall not be owned by manufacturers or vendors.
- b. The Testing Agency administration shall not be controlled by manufacturers or vendors.
- c. The Testing Agency shall have a policy of non-conflict of interest covering all employees. A copy of the policy shall be submitted with the application.
- d. The Testing Agency shall have a policy of not acting as an advocate or consultant for a client whose products or material products or materials are under review by the City. The Testing Agency's role must be limited to third-party safety testing in the area for which recognition is requested and granted.

This section shall not apply to Testing Agencies in conjunction with cement producing mills where only cement testing is performed.

4. Facility

The Testing Agency facility must comply with the following:

- a. Testing Agencies in all categories shall have a suitable facility of the appropriate size in order to perform the required testing.
- b. Testing Agencies in Category D may be exempt by the Department from having a testing laboratory when the required tests or inspections do not necessitate the maintenance of a testing laboratory.
- c. Testing by employees of a manufacturer (self-certification) in lieu of testing or control and audit by any, other than the recognized Testing Agency, is not acceptable.
- d. The facility shall have ample supplies of electricity, water, gas, etc., in order to perform specific evaluation and testing.

- e. The laboratory and its facilities shall demonstrate good housekeeping practices.
- f. The facility shall be appropriately equipped to prevent undue conditions of temperature extremes or fluctuations, dust, moisture, steam, vibration, electromagnetic disturbances, interference, etc., and shall be maintained accordingly so as not to invalidate test results by their presence.
- g. The applicant shall provide a scaled layout of facility indicating offices and specific testing areas.
- h. For electrical testing, indicate the type of electrical service to the building, i. e., voltage, phase, capacity and available fault current. Indicate the rating of distribution transformers and the largest branch over current devices and the voltage served by those devices.
- i. For plumbing testing indicate available gas and water supply (flow and pressure).

The Testing Agency branch laboratories shall be included in the initial application s ubmittal for approval, unless the required list ing label or certificate indicates the name and location(s) of the approved Testing Agency or the applicant is able to provide approved alternate equivalent method of identifying the location(s) of the approved Testing Agency labora tory. A separate application is required for all branch laboratories seeking recogni tion as a Testing Agenc y in the categories of Building, Soils and Fire Life Safety.

5. Test Standards

The Testing Agency shall use nationally recognized American National Standards, other standards recognized by the code adopted or approved by the Department as part of their recognition (Sections 203.0, 214.0, 401.0 of LAPC, Sections 203.0, 214.0, 302.0 of LAMeC, Sections 98.0502(a) and 98.0502(f) of the LAMC). The Testing Agency shall maintain a library or file of standards that are kept up to date. The Testing Agency must also keep a current copy of the applicable Los Angeles City Codes, i. e., Building, Mechanical, Electrical, Plumbing (gas, fire protection included), appropriate City of Los Angeles Information Bu lletins for building materials labs, and the Building Code Standards. A copy of the current standards shall be available to the personnel conducting the tests.

6. Test Equipment

The Testing Agency shall comply with the following:

- a. Provide a list of test equipment which can measure the parameters required by the standards.
- b. Maintain an inventory list of all test equipment at their facilities indicating the type of equipment, manufacturer, model, serial number, and intended use of the test equipment.
- c. Notify the Department in writing, and shown as part of the test report when it uses an applic ant testing facility test equipment or a test equipment not shown on its inventory record.
- d. The test equipment list shall be updated annually.
- e. It shall not lease or rent test equipment for doing required testing, unless prior approval has been obtained from the Department and may be limited to a one-time temporary measure.

7. Calibration

The agency shall provide evidence of a calibration program to assure accuracy of instruments and adherence of traceability to th e National Institute of Standards and Tec hnology. The program should include a list of all instruments, gauges and other test equipment, calibration procedures ,

schedules, standards, stickers on an equipment indicating date of the last calibration or current status, and the due date of the next required calibration, record of calibration reports and maintenance of test equipment, a method of tracking and reminder of those equipment needing a periodic calibration.

8. Quality Control

The agency shall provide a quality control manual outlining its current program which demonstrates a minimum acceptable level of accountability in the following areas:

- a. Supervision and responsibility.
- b. Accuracy of test equipment.
- c. Appropriate use of specific test equipment to conduct testing to a specific standard.
- d. Establishment of procedures for conducting testing, both general and specific.
- e. Training in testing, both general and specific procedures.
- f. Review of actual testing to be in conformance with the test standard procedure.
- g. Feedback and retraining where specific guidelines or test procedures have not been followed.
- h. Delineation of job limitations and areas of responsibility of each employee involved in testing or review of testing.
- i. Security measures for protection of proprietary rights and confidential information.
- j. Sample selection and protection information, including rules for receipt, retention and disposal of the material, sample or equipment tested.

9. Testing

All testing shall be done to the entire standard unless otherwise approved by the Department. Should a test be omitted by "engineering decision," complete details of the reasons for the omission by the responsible engineer in charge shall be available for review in the report by the Department. Safety tests shall not be omitted, unless, the responsible engineer in charge is able to show to the Department that equal means of safety compliance or testing is obtained through the application of "engineering decision." When a test is omitted by "engineering decision," the report is required to explain the criteria and reasoning behind the decision by the engineer. This report shall be stamped and signed by a California registered professional engineer, who had made the engineering decision. This engineer must have been determined by the State of California to be competent in his/her particular area of expertise and hold a current State of California registration as a professional engineer (Title 16 Division 5, Article 4, Section 461 of California Code of Regulations).

When a test can only be done at a location other than the Testing Agency facility, or in the case of Category D, at the site where the equipment is permanently installed, the Testing Agency must comply with the following:

- a. Notify the Department as to Testing Agency intend and indicate the location, date, time and the individual who will perform the test. In addition, provide the name and contact phone number of the equipment owners' representative who will be present at the job site during the tests.
- b. The tests shall be performed under strict control of the Testing Agency.
- c. The test reports shall reference the calibration of utilized testing equipment according to quality control and calibration described in the guideline.
- d. Requirements specified in IB P/EC 2014-002 for electrical testing agencies under Category D.

10. Test Reports

The information gathered from testing and evaluation of the product shall be formalized in a written report. The report shall include the following minimum requirements and additional required data as per approved standard.

- a. The name of the laboratory and address where testing was performed.
- b. Report identification number
- c. Client identification: name and address.
- d. Test item description including how selected and dates received.
- e. Date(s) of testing, and test setup.
- f. The standard(s) to which testing is done, including the method and procedures used. The latest approved standard(s) shall be used unless otherwise required by the Department.
- g. Any omissions, modifications or additions to the standard test procedures and justification for such changes.
- h. Collected data: measurements, examinations, construction, photographs, and the results.
- i. Installation Instructions as required per approved standard.
- j. Utilized Test equipment and their calibration date.
- k. The test results and final test report shall be reviewed and signed by the person(s) responsible for testing and/or review in addition to other individuals as required by this guideline.

11. Factory Follow-up Inspection

The testing agency factory follow-up (periodic) inspections as required under Category A shall provide the following (Article 100 of LAEC, Section 214.0 of LAPC, Section 214.0 of LAMeC, Section 98.0502(a) of LAMC):

- a. Evidence of a minimum of four unannounced (periodic) factory follow-up inspections per year for continuously manufactured electrical, heating, and plumbing products manufactured in any quarter. In no case shall listed or certified products have a factory follow-up inspection for non-continuously manufactured products less than once per year.
- b. Factory inspection procedures which assure compliance with latest standard unless otherwise required by the Department.
- c. Examples of reports which have been signed by the factory follow-up inspector or engineer.
- d. Guidelines for products that are not in compliance with the standard are handled by the factory follow-up inspector or engineer.
- e. Information on the background, training, follow-up training and chain of command of follow-up inspectors or engineers.
- f. Guideline of how equipment calibrations are verified at the factory.

12. Listing or Certification

The testing agency that has a listing or a certification program shall provide the following (Article 100 of the LAEC, Section 110.3(b) of the LAEC, Section 214.0 of LAPC, Section 214.0 of LAMeC, and Section 98.0502(a) of LAMC):

- a. A listing or certification published catalog (or approved equivalent) showing all listed or certified products. This catalog (or approved equivalent) shall be updated at least annually and several copies of the directories may be required for distribution to the Department's inspection staff at no cost. The descriptive name and type of product or category shall be included in the directory.

A method of identification of the branch laboratory where the testing is performed should be included in the product directory if applicable.

- b. Procedures to de-list or de-certify when a product fails to meet factory follow-up standards once accepted.
- c. Instruction in the listing or certification published catalog where special requirements of installation are addressed.

13. Labeling

The testing agency with the required factory follow-up inspection program and a listing or certification service under Category A or without factory follow-up under Category D (when applicable), shall provide evidence of a labeling program to identify listed or certified products in the field (Article 100 and Section 402 of LAEC, Section 214.0 of LAPC, Section 214.0 of LAMeC, and Section 98.0502(a) of LAMC). Such a program shall show the following:

- a. Samples of each type of label used with the evidence of information required by this guideline and the respective codes.
- b. A listing or certification mark or logo unique to the organization.
- c. A program of tracking proper label use for correct products and of recall where the labels have been found to be in violation of product acceptance conditions or use with the wrong products.
- d. A procedure of legal action where there is fraudulent or improper use of labels.
- e. The label should indicate the name or location or alternate equivalent approved identification method of the recognized laboratory that performed the evaluation, testing and listing. If the label does not indicate the name, location, or alternate equivalent approved identification of the laboratory which performed the evaluation, testing and listing, the Testing Agencies must obtain approval for all of their laboratories, or the Test Agency cannot be approved.

14. Experience

The Department generally recognizes those laboratories that can demonstrate specific and substantial experience in the area of safety testing for listing, labeling and follow-up inspections as permitted in Section 98.0503(d) of the LAMC. This requirement will especially impact on items listed in Section I- 2, -9, -10, -11, -12, -13, and, Section II of this bulletin.

Specific experience requirements for the area of Electrical Testing shall be as follows:

- a. Three years of testing, listing and providing follow-up inspection services on a national basis for a minimum of ten items or families of items not less than three non-related manufactures.
- b. Engineers/Testers/Inspectors. A minimum of three engineers, testers and inspectors shall have not less than three continuous years of experience, for at least 20% of their employed time, working on such equipment. Trade-offs may be acceptable for these requirements, i.e., six people with 20% for two years or two people with 80% for two years of demonstrable qualified experience on equipment for which recognition is requested.
- c. Special categories. Hazardous area, intrinsically safe, medical and dental patient intrusive and high voltage equipment requires two additional years of experience, i.e., five years for those categories. This requirement may be waived for previously unlisted new categories of equipment.
- d. Retroactivity. These requirements are not retroactive to existing electrical recognitions, but additional categories to be added would have to satisfy the criteria.

- e. Branch Laboratories. The minimum number of personnel in Section I, item 14(b) above for a non-special category electrical testing may be reduced in small branch laboratories where the main laboratory is recognized for testing the subject equipment and the main laboratory reviews the branch laboratory's test reports before they are released.

II - ON-SITE LABORATORY EVALUATION

After a review of the information submitted above, a review of the Testing Agency laboratory and associated facilities by Department personnel shall be conducted (Section 98.0503(d) of LAMC). The inspection must validate the information presented in this Bulletin and shall provide the opportunity for an in-depth review of personnel, reports and procedures. The cost of this review, in excess of the processing time allowed by the Municipal Code, is in addition to the initial application fee. These costs, including travel, shall be reimbursed to the Department by the applicant agency as required by Section 98.0503 and 96.204(i) of the Los Angeles Municipal Code.

III - CERTIFICATION OF APPROVAL

After the successful review of the application and the facilities (Sections I and II), and evidence of payment for all additional costs, the Department shall issue a Certificate of Approval, signed by the Superintendent and General Manager of the Department of Building and Safety or his/her designee (Section 98.0503 of LAMC). This Certificate or an accompanying approval letter shall indicate the categories of testing and acceptance and shall include any limitations of the approval. The approval and acceptance are effective for 12 months, at which time it shall be subject to renewal. Every twelve months, thereafter, it shall be subject to renewal for the life of the approval.

IV - RENEWALS

An application for renewal of the Testing Agency's License should be submitted to the Department 60 days prior to the expiration date. The application shall be accompanied by the renewal fee prescribed by ordinance and indicated on the application (Section 98.0503(b) of LAMC). Overdue renewals may be reinstated if the application for renewal is made within 30 days after the expiration date. After this period, renewals shall be processed as a new application and a fee shall be as specified for new applications.

Renewal of any testing agency certificate of approval is contingent upon continued compliance with the requirements of this information bulletin.

The Testing Agency branch laboratories are subject to annual renewal (Section 98.0503(b) of LAMC). Fees for renewal of the branch laboratories are prescribed in section 98.0503 of LAMC and indicated on the application.

V - MODIFICATIONS (Section 98.0503(b))

1. **Major Modification.** Any major changes in the approval shall require an application for a major modification. Such changes might include change of responsible personnel, the addition of new or different testing categories or capabilities, the addition of new branch laboratories (except where a separate application as a branch laboratory is required), the relocation of the laboratory to new facilities, etc. The fees for a technical modification shall be as prescribed by ordinance and indicated on the application. Any additional costs such as on-site review, etc., shall be reimbursed to the Department.
2. **Clerical Modification.** Any minor changes in the approval shall require an application for a clerical modification. Such changes might include rewording of approval letters or conditions of acceptance, or other changes not requiring additional research and review by the Department. The fees for a clerical modification shall be as prescribed by ordinance and indicated on the application.

VI - AUDITS (Section 98.0503(d))

The Department may conduct audits of testing facilities, examine listed equipment and require a complete test report from the testing agency or manufacturer for the listed equipment at appropriate intervals to verify compliance with original conditions of acceptance. All costs incurred in such audits, including travel, shall be reimbursed to the Department by the applicant agency as required by Section 98.0503 and 96.204(i) of the Los Angeles Municipal Code.

VII - SUSPENSION, REVOCATION, AND LIMITATION OF RECOGNITION (Sections 98.0502(k) and 98.0503(c) of LAMC)

The Department may suspend, revoke or limit the scope of any testing agency's recognition for sufficient cause. Sufficient cause to revoke, suspend, or a limit shall include, but not be limited to, any of the following reasons:

1. Non-compliance with any of the conditions or provisions of these rules and regulations.
2. For any reason set forth in Article 8, Chapter 9 of the Los Angeles Municipal Code.
3. Deviation from any of the conditions of a Testing Agencies approval.
4. Failure or deviation from compliance with the recognized test standard(s) in evaluating and testing of equipment, fixtures, materials, and devices without obtaining prior Department approval or permission.
5. Appliances, fixtures, equipment, preassembled building components, or materials or fabricated assemblies that are determined to be dangerous or unsuitable for the intended purpose, or is of a quality of material or workmanship not equivalent to that required by the Code or standards adopted by the Department.
6. Listed or certified appliances, fixtures, equipment, preassembled building components, materials or fabricated assemblies by an approved Testing Agency that are in violation of the Department adopted building, plumbing, mechanical, elevator, or electrical codes or recognized standards.