



# AUTOMOTIVE LIFT INSTITUTE, INC.

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ExSC\_033G\_2019



R.W. O’Gorman  
President

**TO:** ANSI Executive Standards Council

**FROM:** Automotive Lift Institute, Inc. (ALI)

**DATE:** April 1, 2019

**SUBJECT:** March 1, 2019 ANSI Standards Action, ExSC\_033\_2019

The Automotive Lift Institute, Inc. (ALI) is an ANSI Accredited Standards Developer (ASD) and an ANSI Accredited Certification Organization (CO). ALI supports the intent and efforts put forth in attempting to strengthen clause 3.2 within the Essential Requirements. However, as a standards developer and industry watchdog advocating daily for the health and safety of those people working underneath or around automotive lifts in North America, it is important to bring to the forefront the points that we believe are being overlooked as the effort for global standardization moves forward.

ANSI is a leader in accreditation and ongoing quality activities for a vast number of industries in North America. ANSI has appropriately attempted to address the health and safety issues associated with product and process safety standards. ALI is supportive of ANSI in these activities but believes that negative implications will develop as a result of weakening safety and health standards. Permitting the term “*or the equivalent*” to be used when referencing third-party, nationally-accredited, independent conformity assessment, testing, and training services. We believe the same holds true for accreditation services.

ALI’s concern comes is related to both how, and by whom, a determination of “equivalent” will be made. What criteria will be used in determining “equivalence”? For example, the commercial or industrial equipment installed in the U.S. work place must comply with the electrical requirements mandated by the Code of Federal Regulations for such equipment to be listed by an OSHA Accredited - Nationally Recognized Testing Laboratory (NRTL). We frequently see claims that CE marked equipment for use in the workplace is “equivalent” to NRTL listed equipment. Unsuspecting purchasers can end up with equipment that does not meet the health and safety requirements. The term “*or equivalent*” should state what specific criteria is used to determine equivalence when health and safety standards make such reference. Otherwise, ALI feels very strongly that the repercussions to several industries would result in the loss of life or serious injury.

We have undertaken to modify the “text with proposed revisions incorporated” to render the text acceptable to ALI where necessary. We have also included our rationale for the modifications.

## **ANSI/ALI Proposed Text**

### 3.2 Commercial terms and conditions

Except as otherwise permitted by these Essential Requirements, ANS shall not include terms or conditions that are purely commercial in nature, such as contractual requirements (3.2.1); endorsements of brand-name or proprietary products or services (3.2.2); or use of particular conformity assessment bodies, testing facilities or training organizations (3.2.3).

#### **Rationale**

No proposed change. ALI subscribes to these ideals as articulated in the proposed language.

## **ANSI/ALI Proposed Text**

### 3.2.1 Contractual Requirements

Except as provided below, ANS shall not contain contract terms relating to the use of particular products or services such as guarantees warranties, indemnities, buybacks, and the like.

#### **Rationale**

No proposed change. ALI subscribes to these ideals as articulated in the proposed language.

## **ANSI Proposed Text**

### 3.2.2 Endorsements of Products or Services

ANS shall not endorse, or require the purchase or use of, brand-name or proprietary products or service providers as a condition of implementing the standard. For example, an ANS may not endorse or require the purchase or use of brand-name tools or components, copyrighted user manuals, labels or licenses. Nor may an ANS include manufacturer lists, service provider lists, and the like.

However, where a sole source exists for the products or services necessary to comply with the standard, it is permissible to supply the name and address of the source in a footnote as long as the source is reasonably available and the words “or the equivalent” are added to the reference.

## **Rationale**

No proposed change. However, numerous product standards set forth life safety requirements for the design, construction, operation, inspection and maintenance of the products covered. These standards are important to standards users for the mitigation of hazards and the preservation of life in the use of the products. To the extent that there exist Government groups, consumer groups, manufacturer groups, or other groups that are concerned enough to underwrite the sometimes-large costs associated with selection of “Products and Services” necessary to assure the mitigation of such hazards, the requirements for use of such lists should be allowed.

ALI has no objection to setting forth generic requirements for the development of such “Products and Services” with the caveat “or equivalent” as it has done in the past and will continue to do in the future for **health** and **safety purposes** unless the Essential Requirements mandate a change. However, ALI urges ANSI to allow the designation of groups of qualified providers as long as specific providers are not designated. In this way qualified providers of “Products and Services” can be relied upon instead of questioned when health and safety is at risk.

## **ANSI Proposed Text (with ALI modification)**

### 3.2.3 Conformity Assessment, Testing and Training

In connection with ANS that relate to the determination of whether products or services conform to one or more standards, the process or criteria for determining conformity can be standardized as long as the description of the process or criteria is limited to technical and engineering concerns and does not include what would otherwise be a commercial term.

Where a sole source exists for products or services necessary to determine compliance with the standard, it is permissible to supply the name and address of the source in a footnote as long as the source is reasonably available and the words “or the equivalent” are added to the reference.

It is permissible for health, ~~safety or environmental protection~~ and safety protection reasons to include a generic requirement for third-party, *i.e.* nationally- accredited, independent, conformity assessment, testing or training. It is also permissible to provide a reference to a website listing nationally-accredited, third-party conformity-assessment bodies, testing facilities or training organizations. ~~as long as the words “or the equivalent” are added to the reference and any such reference does not appear as an endorsement. ANS shall not dictate the use or non-use of a particular conformity-assessment body, testing facility or training organization.~~



## **Rationale**

ANSI should know that ALI has encountered in the past, and no-doubt will continue to encounter in the future, circumstances wherein: conformity is claimed where none exists; fake standards are presented; and, substandard or outright defective and dangerous products are introduced into the stream of commerce by irresponsible or unscrupulous sellers. Such sellers have in the past invented sham organizations that sound legitimate but: falsely claim to meet minimum requirements; falsely claim to offer product "certification"; falsely claim to offer "approved" inspection services; and, falsely claim to have "tested" their products. Such organizations often have no design function; perform no testing; provide defective labelling and documentation; have no insurance; and, dissolve or return to their domestic or off-shore home when problems arise, accidents occur, and lawsuits result.

It is unacceptable to ALI that ANSI facilitate the proliferation of unqualified assessors, testers and trainers.

Regards,



R.W. (Bob) O'Gorman  
President

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