

VERIFICATION UNITS: MEXICO IMPLEMENTS A NEW THIRD-PARTY HEALTH AND SAFETY COMPLIANCE STRATEGY

Mexico's Secretariat of Labor and Social Security (STPS for its Spanish language acronym) published an announcement in the "Diario Oficial" (Mexico's Federal Register) last October 13, accepting applications for accreditation and approval of Verification Units.

Verification Units (VU) are third-party, individuals or private companies accredited and approved to conduct compliance assessments and monitoring of workplace conditions for private and public employers. The results of these assessments have compliance status before STPS, and can be used to meet regulatory requirements for the particular standards they evaluate.

Private individuals or companies can now apply to become VUs for up to 19 of the current STPS standards regulating workplace health and safety conditions. The standards, also known as NOMs for Official Mexican Norms, have been grouped into four categories for purposes of obtaining accreditation and approval as a VU.

Group I standards, including NOMs 001 through 006, as well as 009, 017, 026 and 114, do not require measurement instrumentation or laboratories. This means that a qualified individual may be approved based on education, experience, testing and presentation of an application. Examples of these NOMs are general building safety issues (aisles, means of egress), fire safety, machine guarding, material handling, personal protection and safety labeling and marking.

Group II covers standards 003, 121 and 122, which refer to agricultural and mine safety as well as pressurized vessel testing. Approval for this group requires presentation of specific evaluation methodology applicable to these activities.

Group III Verification Units require the use of calibrated instrumentation or analytical results from approved industrial hygiene laboratories, which may be the property of the applicant or subcontracted from other accredited sources. The standards covered by Group III include NOM-011, 015, 022, 025 and 080. These refer to noise studies, heat stress, static electricity and lighting.

Only one standard is covered by Group IV accreditation, namely NOM-010-STPS-1999, related to health and safety conditions from handling and storage of chemical substances. This standard is the equivalent of the OSHA Permissible Exposure Limits, listing the concentrations of chemicals in the work place to which workers may become exposed. In order to become a VU for this NOM, applicants require the use of an analytical

laboratory approved for the specific chemical agent being tested. Laboratories are accredited under a separate section of the verification standard.

Becoming a VU is a two-step process involving accreditation by the Mexican Accreditation Entity (EMA), a non-governmental institute, followed by approval by STPS. The requirements for accreditation in any of the above-mentioned groups include the following:

- A completed application to the Mexican Accreditation Entity (EMA). Payment of 50% of the accreditation fee is required at the time of application. The application form and fee is available at EMA in Mexico City.
- For companies, proof of incorporation under Mexican law including the name and power of attorney of the company's legal representative. For individual applicants, only a birth certificate and the Conflict of Interest declaration are required.
- A Conflict of Interest declaration signed by the individual or company's legal representative stating under penalty of law that the applicant has no interest, participation, capital or administrative links to any facility or equipment subject to verification. It also states that the applicant will abstain from verification activities where a conflict of interest might exist.
- A signed Code of Ethics statement
- The approval application for STPS. The form is available through the STPS web site at www.stps.gob.mx/312/proyecto/conv2000.html.
- A copy of the Quality Assurance manual, including policy statements of quality, organizational structure, procedures, verification checklists, instructions, and formats used in the verification services. These manuals must be compatible with current Mexican quality systems and specific to the health and safety standards being evaluated.
- An organization manual describing in detail the organizational structure of the applicant, including an organizational chart, job descriptions, duties and responsibilities of technical staff, as well as supervision mechanisms.
- Proof of adequate technical, material and human resources to guarantee technical competence and reliability of services to be provided. This includes educational degrees, a Professional Credential issued by the Secretariat of Education, a minimum of three years of professional experience in the specific NOM, as well as a letter from the company assuming responsibility for technical personnel under its supervision.
- A confidentiality statement, including the procedures in place to ensure confidentiality of information obtained by the VU's personnel to guarantee the impartiality of its findings.
- A training program for all personnel participating in verification activities, including coursework in related subjects, a training quality assurance program, and evaluation procedures. Personnel must have the education, refresher training and technical knowledge and experience for its assigned duties.
- Proof of adequate facilities and equipment to successfully verify the activities under review, according to the specific standard. For Groups II and III, the instruments and equipment must have a calibration certificate from an accredited testing laboratory

affiliated with the National Metrology Center. Group IV applicants must own or have subcontracts with an accredited laboratory.

Applicants meeting all requirements will be subject to an evaluation visit by a member of the accreditation body after the remaining 50% fee has been paid. Applicants who satisfactorily meet all the requirements will be issued the Verification Unit accreditation in the applicable standards.

Once accreditation has been obtained, approval by STPS will be granted after attending an induction course offered by an STPS approved institution and passing the test with an 80% score or higher. The score and accreditation letter must be presented to STPS. Approvals will have the same valid period as accreditation.

This application process takes effect on January 13, 2001. The announcement does not indicate how long EMA may take to evaluate applicants and conduct site visits. Anecdotal information from applicants suggests that the process will experience typical bureaucratic delays. As of this date, there are approximately 56 approved Verification Units from a previous process. Most of them are located in Mexico City and are only approved for one or a few standards. There are also a few accredited testing laboratories in operation.

STPS regulations do not mandate the use of third-party VUs for compliance verification, although a number of recently issued standards do present it as an option to employers. Companies that rely on internal staff or outside consultants to provide industrial hygiene and safety services for routine internal testing and monitoring will be able to continue using these services. However, VU accreditation will be required in order for employers to use these reports to fulfill compliance requirements.

The use of private Verification Units for regulatory compliance has drawn criticism from some quarters due to the apparent conflict of interest from having VUs hired by the same companies they are supposed to evaluate. However, the very low level of enforcement inspections normally conducted by STPS makes it difficult to assess the effects of this new compliance approach on health and safety conditions in the work place.

If you have questions or comments about this article please contact us at (619) 297-8060 or send us at email members@mexregs.com.

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