



March 1, 2016

The Honorable Richard K. Impallaria
Lowe House Office Bldg.
Annapolis, MD 21401-1991

Dear Delegate Impallaria:

I am writing on behalf of NSF International to express NSF's opposition and concerns with Maryland House Bill 1258. NSF International is a 70-year-old independent public health and safety organization that certifies a wide range of products including automotive aftermarket parts as well as commercial and residential food equipment, drinking water treatment products, plumbing components, etc. These are just some of the products Maryland residents depend on everyday to protect both their health and safety. Specific to automotive parts, NSF is one of only two organizations accredited by ANSI (American National Standards Institute) to write protocols by which automotive parts are certified.

Aftermarket Parts Certification

NSF International launched its automotive aftermarket parts certification program in 2010 to help repairers and consumers identify high quality aftermarket parts. To ensure both the quality and the consistency of parts, all aftermarket auto part manufacturers certified by NSF are verified to be ISO 9001 compliant, requiring these manufacturers to use a high quality management system is also required by manufacturers of OEM service parts. In addition to NSF's facility certification, the aftermarket parts themselves are compared by NSF engineers against the Original Equipment Manufacturer (OEM) service counterparts to ensure that aftermarket parts are equivalent to the OEM service parts in form, fit and function, including a fit test of the aftermarket part to vehicles. Certified parts include sheet metal components, lamps, bumpers, fascias, rebars, step bumpers, plastic components and absorbers among other collision parts. All NSF certified parts come with a limited lifetime warranty. Using certified aftermarket parts assists Maryland residents in purchasing a quality part for their vehicle, often at a much more affordable price point than an OEM service part.

Extensive and Ongoing Testing

As NSF certified aftermarket parts are tested to ensure they are equivalent in like, kind and quality to OEM service parts, NSF feels that prohibiting insurers from providing consumers the choice of using such parts for a two-year period after the manufacture of a vehicle will result in higher repair costs and increased insurance premiums for residents of Maryland.

ANSI Accreditation

NSF is also concerned about the use of the term "nationally accredited developer of standards" and the proscriptions that the legislation places on how standards are developed. As an ANSI-accredited Standards Development Organization (SDO), NSF complies with internationally recognized ANSI Essential Requirements for openness, balance, consensus and due process: www.ansi.org. Requiring SDOs to be ANSI-accredited to certify aftermarket automotive parts for equivalency to the OEM service part would create a much stricter standard for the conduct of a standards developer than the bill currently provides without creating specific proscriptions that while well intended, may not ensure a fair, open and balanced standards development process.

Traceability

And finally, we are concerned about how the bill mandates the traceability of parts. All NSF parts are fully traceable and are required to be marked with the part number, production lot number and manufacturer name and / or logo. A two-part tamper-proof NSF sticker on a part ensures that it is fully traceable from the point of final inspection back to the raw material from which the part was made. However, it would appear from the wording of the bill's language that NSF parts, while fully traceable, would not be in compliance unless each sticker included a unique serial number. Furthermore, this level of specificity in how parts are to be tracked would potentially stifle innovation. As technology improves, new methods allowing for easier tracking of parts may be developed, i.e. RFID tags, but would be prohibited from use in Maryland without a change in law. Wording should simply state that all parts are traceable back to the manufacturer, certifier and all data used in the certification of the part.

Considering these concerns, NSF requests that you reconsider your support for this bill. As an alternative approach, if you have received comment from constituents who prefer OEM service parts be used on their vehicles, we would suggest language be developed requiring insurers to disclose when certified aftermarket parts are to be used to repair a vehicle and give the consumer the option of specifying the use of OEM service parts. This would ensure the rights of consumers to choose to use quality certified parts at a potentially great cost savings while providing the option for those who prefer OEM service parts to do so.

Thank you for your attention to this matter. Please feel free to contact me to discuss further.

Sincerely,



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