



September 23, 2019

MEMORANDUM FOR APPROVAL APPLICANTS

FROM: DENNIS FERLICH
Chief, MSHA Approval and Certification Center

SUBJECT: Approval Application Evaluation Process

MSHA has recently received many comments regarding the approval process in place for processing applications from equipment manufacturers. To address your concerns we are instituting changes to improve the efficiency and effectiveness of the application review process.

Effective October 1, 2019, the Approval and Certification Center (A&CC) will no longer continue the current practice of issuing multiple discrepancy letters for individual approval applications. After an applicant approves a fee estimate, we will conduct a thorough review of the complete application and conduct or observe any required performance tests. If we do not find any discrepancies and your product passes the performance tests, we will issue you an approval.

If we find discrepancies or your product fails the required performance tests, we will issue a letter of disapproval and provide a full list of discrepancies and/or test failures. The disapproval letter will state, "Your application has been canceled for failure to meet the requirements as detailed in the enclosed list of discrepancies. You may reapply after discrepancies have been addressed. Your application will be treated as a new application, and the order of precedence for investigation and testing will be based on the date you resubmit your application."

These changes in procedures will improve the efficiency and effectiveness of our approval application evaluation process. It will also result in quicker assignment and review of all applications, ensure equal and fair treatment of all applicants, and place a higher level of responsibility on the applicants to provide complete and accurate initial packages. We will no longer be providing multiple reviews and repeated feedback on applications.

The A&CC offers free consultation prior to submission of an application where you may discuss your proposed design and obtain assistance in understanding the approval application evaluation process. We recommend that you take advantage of this free service to help you avoid making common errors that we typically find during the technical evaluation process.