



U.S. Department of Justice

Office of Justice Programs

National Institute of Justice

Office of the Director

Washington, D.C. 20530

NIJ 2005 Interim Requirements for Bullet-Resistant Body Armor

Effective Date

September 26, 2005

Purpose and Scope

These requirements modify and supplement National Institute of Justice (NIJ) Standard 0101.04 (Ballistic Resistance of Personal Body Armor). They are promulgated on an interim basis to address recent NIJ research findings that indicate that certain body armor models previously found by NIJ to be compliant with earlier NIJ requirements for ballistic resistance of new body armor (including NIJ Standard 0101.04) may not adequately maintain ballistic performance during their service life. In keeping with their interim character, these requirements rely in significant part on specific certifications from manufacturers of body armor. To help ensure the accuracy of the certifications, NIJ intends to implement a plan to conduct random or other assessments of the certifications and the evidence that underlies them. Also, in furtherance of these efforts, from time to time, NIJ may issue Body Armor Standard Advisory Notices, among other things to identify to the public body armor materials that, based on NIJ review, appear to create a risk of death or serious injury as a result of degraded ballistic performance. Such Advisory Notices will be made available at: <https://vests.ojp.gov/index.jsp>.

NIJ recommends that those who purchase new bullet-resistant body armor after the effective date hereof select body armor models that comply with these interim requirements. A list of models that comply with these requirements will be made available at: <http://www.justnet.org/>. NIJ will no longer publish lists of models found by NIJ (prior to the effective date hereof) to be compliant with earlier NIJ requirements for ballistic resistance of new body armor (including NIJ Standard 0101.04).

NIJ's efforts to ensure the safety of public safety officers are ongoing; NIJ intends to promulgate future modifications to these interim requirements as appropriate in light of its continued research and comments from the law enforcement and manufacturing communities. Comments and suggestions should be directed to the Director, Office of Science and Technology, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, N.W., Washington, D.C. 20531.

Requirements

Any body armor model submitted by a manufacturer to the NIJ Voluntary Compliance Testing Program on or after the effective date hereof or otherwise not subject to the Transition Provision (below) shall be subject to the following requirements:

1. Satisfaction, as determined by NIJ, of all of the requirements of NIJ Standard 0101.04 (including Addendum B), except as such requirements may be modified hereby;
2. Either –
 - (a) Submission of evidence (*e.g.*, design drawings and specifications, lists of materials of construction of each component of the model, research, ballistic testing, descriptions of performance characteristics of critical components or materials, *etc.*) that demonstrates to the satisfaction of NIJ that the model will maintain ballistic performance (consistent with its originally declared threat level) over its declared warranty period; or
 - (b) Submission, by an officer of the manufacturer who has the authority to bind it, of a written certification, the sufficiency of which shall be determined by NIJ, that –
 - (1) The model contains no material listed in an NIJ Body Armor Standard Advisory Notice in effect at the time of submission;
 - (2) Lists the materials of construction of each component of the model;
 - (3) The officer, on behalf of the manufacturer –
 - (A) Reasonably believes that the model will maintain ballistic performance (consistent with its originally declared threat level) over its declared warranty period;
 - (B) Has objective evidence to support that belief; and
 - (C) Agrees to provide NIJ, promptly on demand, that evidence;
3. Submission, by an officer of the manufacturer who has the authority to bind it, of a written certification, the sufficiency of which shall be determined by NIJ, that labeling of armor shall be in accordance with NIJ Standard 0101.04, except that any references to such standard thereon shall instead be to the “NIJ 2005 Interim Requirements”; and
4. Submission, by an officer of the manufacturer who has the authority to bind it, of a written acknowledgment, the sufficiency of which shall be determined by NIJ, that –
 - (a) Recent NIJ research findings indicate that certain body armor models that were found by NIJ to be compliant with earlier NIJ requirements for

Pinnacle Armor, Inc. v. U.S. No. 08-16209 archived on June 16, 2011

ballistic resistance of new body armor (including NIJ Standard 0101.04) may not adequately maintain ballistic performance during their service life;

- (b) NIJ recommends that those who purchase new bullet-resistant body armor select body armor models that comply with the NIJ 2005 Interim Requirements;
- (c) NIJ will no longer publish lists of models found by NIJ to be compliant with earlier NIJ requirements for ballistic resistance of new body armor (including NIJ Standard 0101.04); and
- (d) Any list or database of compliant body armor models published or sponsored by NIJ will include only models that are found by NIJ to comply with the NIJ 2005 Interim Requirements.

NIJ will issue to the manufacturer an NIJ Notice of Compliance upon determination that these Requirements have been satisfied.

Transition Provision

Any body armor model that was submitted by a manufacturer to NIJ and was found by NIJ to be compliant with NIJ Standard 0101.04 prior to the effective date hereof shall, if made by the same manufacturer, be deemed to comply with the NIJ 2005 Interim Requirements upon issuance to the manufacturer of an NIJ Notice of Compliance. To obtain an NIJ Notice of Compliance, the manufacturer shall submit, with respect to the body armor model –

1. Either –
 - (a) The evidence described in Requirements ¶ 2(a); or
 - (b) The certification described in Requirements ¶ 2(b)(1) & (2);
2. With respect to armor manufactured more than ten days after the date of the NIJ Notice of Compliance, the certification described in Requirements ¶ 3; and
3. The acknowledgment described in Requirements ¶ 4.

In the event the manufacturer submits a certification pursuant to this Transition Provision ¶ 1(b), the manufacturer also must submit to NIJ, within 90 days of the date of the NIJ Notice of Compliance, the certification described in Requirements ¶ 2(b)(3); if the manufacturer fails to submit this certification, the body armor model shall be deemed no longer to be in compliance with the NIJ 2005 Interim Requirements (and shall be removed from any NIJ list of models that comply with the Requirements) until the manufacturer submits it and NIJ issues a new NIJ Notice of Compliance.

Loss of Compliance Status

A body armor model that is the subject of an NIJ Notice of Compliance shall be deemed no longer to be in compliance with the NIJ 2005 Interim Requirements (and shall be removed from any NIJ list of models that comply with the Requirements) if –

1. NIJ issues an NIJ Body Armor Standard Advisory Notice that identifies a material contained in the model;
2. NIJ determines that any certification or acknowledgment submitted with respect to the model is insufficient or inaccurate;
3. The manufacturer fails to provide NIJ promptly on demand the evidence described in Requirements ¶ 2(b)(3); or
4. NIJ determines, at any time, that the evidence provided to NIJ as described in Requirements ¶ 2(b)(3) and/or in connection with the model is insufficient to demonstrate to the satisfaction of NIJ that the model will maintain its ballistic performance (consistent with its originally declared threat level) over its declared warranty period.

Once a body armor model loses compliance status under this provision, the model will remain out of compliance unless and until NIJ issues a new NIJ Notice of Compliance, following the submission of such evidence (*e.g.*, evidence described in Requirements ¶ 2(a)), documentation, information, or other material as NIJ may require.

Labeling after Loss of Compliance Status

Armor manufactured during a period in which the armor model does not comply (or is deemed not to comply) with the NIJ 2005 Interim Requirements shall not be labeled as compliant with them.