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Congress of the United States  
House of Representatives  
Washington, D.C. 20515

February 3, 1988

The Honorable Otis R. Bowen, MD  
Secretary  
Department of Health and Human Services  
Hubert Humphrey Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Bowen:

I have been contacted by several constituents who have brought to my attention the National Institute for Occupational Safety and Health has proposed to modify the process by which respirators are certified. My constituents have several concerns about 42 CRF 84 which is reported in the August 27, 1987 Federal Register.

I am not an expert in the area of respirator certification, however, am extremely interested in worker safety and the proposal's impact on Pennsylvania labor and industry. I would appreciate it if you could carefully review and analyze my constituent's complaints of the proposal.

First of all I was informed implementation of the proposed rule would cost the industry up to \$700,000,000 annually. According to Executive Order 12291 a "minor rulemaking" must be limited to an impact of \$100,000,000 or less. Also, this could create a substantial hardship on manufacturers and end users without necessarily providing any meaningful improvement.

I understand the proposal requires testing in a mining or simulated mining environment even though over ninety percent of the respirators used today are in an industrial or construction environment. I would not like to see the safety and health needs of the vast majority of users ignored.

Another concern of my constituents about the proposed regulations is the lack of protocol on how testing should be done. The companies involved feel it would be impossible to exercise their right to comment on the procedure in a meaningful way in advance.

I hope you would carefully review these issues and give them your most serious consideration. Do not hesitate to contact me if you wish to discuss this further or if you have any questions.

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Honorable Otis R. Bowen  
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I look forward to hearing from you on this matter which is of utmost concern to me and several of my constituents.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Murtha", with a long horizontal flourish extending to the right.

John P. Murtha  
Member of Congress

JPM/jag