

Docket File

DEPARTMENT OF HEALTH AND HUMAN SERVICES

84-174

JAN 25 1988

The Honorable John M. Spratt, Jr.  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Spratt:

Thank you for your letter of December 10 regarding the proposed regulations governing the certification of respirators.

The current regulations under which the Mine Health and Safety Administration and the National Institute for Occupational Safety and Health test and certify respirators (30 CFR Part 11) were originally promulgated in 1972. During the last several years, there has been a growing consensus among the respirator manufacturers and user community that these requirements needed to be revised to reflect the technical advances in the field and the more complex environments of today's workplace. Some of the steps taken to develop the proposed rule are outlined in the enclosed preamble (52 FR 32402).

We are, of course, anxious to receive comments on both the technical and policy elements of this proposed rule. Toward that end, in October we expanded our original comment period and announced two public hearings (52 FR 37639). The first will take place in San Francisco on January 20, 1988, and the second is scheduled for January 27-28, 1988, in Washington, D.C. We look forward to hearing from all parties concerned, and I assure you that all comments received will be placed into the record and will be carefully taken into account before final rulemaking.

Sincerely,

BR

Otis R. Bowen, M.D.  
Secretary

Enclosure

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OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
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COMMITTEES:

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

December 10, 1987

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

Dear Secretary Bowen:

I am writing to express my concerns regarding a proposal by the National Institute for Occupational Health and Safety (NIOSH) to modify existing regulations governing the certification of respirators.

I have been informed that the proposed rule, which could cost industry up to \$700 million, is procedurally unworkable because it contains no protocol regarding respirator testing. In addition, opponents to the rule claim it would increase safety risks in the workplace because it requires use of a heavy and unwieldy respirator which workers are less likely to wear. Many varied groups including organized labor, respirator manufacturers and industries which use the respirators have all expressed opposition or reservations regarding the rule. While they recognize the need for updating the regulations now in effect, they believe the proposed rule contains serious flaws. In light of the diversity of the dissent, I urge you to encourage NIOSH to meet with all the affected parties in order to find a fair and reasonable compromise which addresses valid concerns with the rule.

Thank you for your consideration.

Respectfully,

  
John M. Spratt, Jr.  
Member of Congress

JMS:tsk

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