

84-213

MAR 16 1988

The Honorable Jesse Helms  
United States Senate  
Washington, D.C. 20510

Dear Senator Helms:

Thank you for your inquiry of February 9 on behalf of Ms. Harriet James 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 need revision to reflect the technical advances in the field and the increased knowledge regarding environmental factors in the 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 announced two public hearings (52 FR 37639). The first took place in San Francisco on January 20, 1988, and the second was January 27-28, 1988, in Washington, D.C. Enclosed is a copy of the opening statement from those hearings which clarifies many of the misunderstandings of this regulation. We have also extended the comment period until March 28, 1988 (53 FR 5595).

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 considered in any final rulemaking decision.

Sincerely yours,

*James O. Mason*  
James O. Mason, M.D., Dr.P.H.  
Assistant Surgeon General  
Director

Enclosures



Page 2 - The Honorable Jesse Helms

cc:

OD

NIOSH

NIOSH/W

✓NIOSH/Docket Office

FMO

CDCW

ES/PHS

ASL/OS

CLO/OS

CDC:NIOSH:LSparks

PHS Tracer No. T92203; CDC ID #D41800; NIOSH #3288

Prepared by Larry Sparks, 3061

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Direct to the attention of:

ALICE D. FUGUA

Office of Senator Jesse Helms  
402 Dirksen Office Building  
Washington, D.C. 20510  
[202] 224-6342

# United States Senate

February 9, 1988

Respectfully referred to:

Health and Human Services  
Office of Congressional Affairs

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

**TRACER**  
T92203

CDC ID: D	41800
DATE:	MAR - 8 1988
Correspondence Unit, CD	
Ext. 3322	

*Jesse Helms*  
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U.S.S.



*back.*



Mine Safety Appliances Company • 3988 White Street • Jacksonville, North Carolina 28540-6797

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January 21, 1988

The Honorable Jesse Helms  
United States Senate  
402 Dirksen Office Building  
Washington, D.C. 20510

Dear Senator Helms:

In my position as production supervisor, I've become aware of a NIOSH proposal which would affect respirator certification and therefore affect our company (MSA).

The National Institute for Occupational Safety and Health wants to limit respirator testing and certification to mining applications at the expense of general industry and construction.

This proposal (42 CFR 84, Federal Register) is a bad one, and I'm writing to ask you to use your influence to have NIOSH withdraw it.

In my nine years with MSA, the company has been strongly committed to selling only approved products.

The costs of changing the design of respirators to meet the peculiar requirements of the NIOSH proposal will be staggering to MSA alone, not to mention our competitors. Additionally, the requirements will be changed to require a heavy, bulky product for which there is little support in the professional and user community. We're going to have to pass the high testing costs along to the consumer who will pay a lot of money for a respirator that will probably be too large, too unwieldy, and too uncomfortable for most workers. The underground miner works in relatively cool surroundings, compared to the refinery or construction worker. Yet, under the NIOSH proposal, they all must wear the same respirator designed for specific mining requirements.

Why is NIOSH trying to make such fundamental changes to a system that's working?

Please talk to Dr. Otis Bowen, Health and Human Services Secretary, and let me know what he says.

Sincerely,

*Harriet E. James*

Harriet E. James

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