

MAR 18 1988

84-219

The Honorable John Breaux
United States Senate
Washington, D.C. 20510

Dear Senator Breaux:

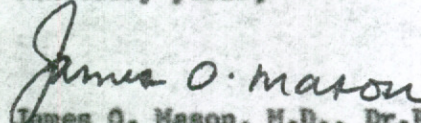
Thank you for your letter on behalf of Mr. Clyde Wilson regarding the proposed regulations governing the certification of respirators.

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, M.D., Dr.P.H.
Assistant Surgeon General
Director

Enclosures

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cc:

OD

NIOSH

NIOSH/W

NIOSH/Docket Office

FMO

CDCW

ES/PHS

ASL/OS

CLO/OS

CDC:NIOSH:LSparks

PHS Tracer No. T92208; CDC ID #D41801; NIOSH #3287

Prepared by Larry Sparks, 3061

Contact Diane Porter, 3061

[Handwritten initials]

United States Senate

WASHINGTON, D.C. 20510

ASH

January 29, 1988

Mr. Ronald Docksay
Department of Health and
Human Services
200 Independence Ave. SW, 416G
Washington, D.C. 20201

Dear Mr. Docksay:

Enclosed to you is a copy of information sent to me by
Mr. Clyde Wilson.

Please investigate the information and provide me with a
report. Your comments should be forwarded to my
Washington, D.C. office to the attention of Laird Burnett.

Thank you for your attention and assistance.

Sincerely,

John Breaux

JOHN BREAUX
United States Senator

JB/lbj
Enclosure

CDC ID: D	<u>41801</u>
DATE:	<u>MAR - 8 1988</u>
Correspondence Unit, CD	
Ext. 3088	

TRACER
T92208

C&W FIRE and SAFETY, INC.

WHERE SAFETY EXCELS

P. O. Box 6215
Bossier City, Louisiana 71010
Phone: 747-1463

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January 12, 1988

Senator John Breaux
SH516 Hart Senate Office Building
Washington, D.C. 20510

Dear Honorable Senator John Breaux,

The National Institute for Occupational Health and Safety (NIOSH) currently certifies respirators for use in general industry, mining and construction. On August 27, 1987, NIOSH proposed (42 CFR 84, Federal Register) regulations which will have a disastrous impact on worker safety and on our industry.

The Safety Equipment Distributors Association, of which C & W FIRE AND SAFETY, INC. of Bossier City, Louisiana is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocols, nor specific requirements, so it is impossible for us to exercise our right to comment on it in a meaningful way. This denies us due process.

While our industry recognizes the value of regulation and, by and large, has little problem with the concept of workplace testing, the fact of the matter is that the technology is not available to conform to the proposed change. This is not the way to improve a process; it will, in fact, destroy a process which works but needs tuning.

Even though 90 percent of the respirators in use today are used for non-mining (industrial and construction) purposes, the proposal requires that we test all respirators under mining conditions thereby ignoring the safety interest of the majority of workers who use respirators.

Finally, the proposed changes will cost our industry up to \$700,000,000 which will threaten the very viability of the industry as well as worker safety.

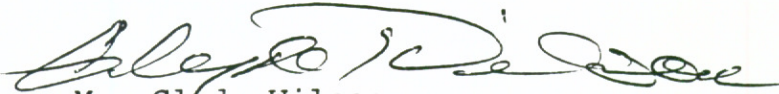
The management and employees of C & W FIRE AND SAFETY, INC., trust that we can count on your support in this matter of critical interest to Louisiana, to the Fourth District, and to labor and industry. We urge you to immediately contact Health and Human Services Secretary, Dr. Otis Bowen, to request that the proposed ruling be withdrawn.

Enclosed is a fact sheet which outlines the proposal, our objections and recommendations.

Thank you in advance for your assistance on this matter and I look forward to hearing from you once you have contacted Secretary Bowen as we are very anxious about the resolution of this problem.

Sincerely,

C & W FIRE AND SAFETY, INC.

A handwritten signature in cursive script, appearing to read "Clyde Wilson".

Mr. Clyde Wilson
President

CW:bc

encl.