

MAR 21 1988

84-229

The Honorable Bill Goodling
House of Representatives
Washington, D.C. 20515

Dear Mr. Goodling:

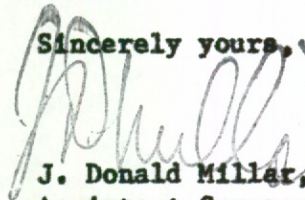
Thank you for your inquiry on behalf of Ms. Susan Miller regarding the proposed regulations governing the certification of respirators.

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,



J. Donald Miller, M.D.
Assistant Surgeon General
Director

Enclosure

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cc:

NIOSH/W

NIOSH/Docket Office

CDC:NIOSH:LSparks

NIOSH #3285

Doc. 3195C

CONGRESSMAN BILL GOODLING
19th District — Pennsylvania

February 23, 19 88

Respectfully referred to:

OSHA
Office of Intergovernmental Affairs
US Department of Labor
Room N3641
200 Constitution Avenue, NW
Washington, DC 20210

The attached communication is forwarded to you for your review, consideration, and comment.

I ask that you kindly return the enclosed correspondence with your reply.

Thank you in advance for your assistance.

Sincerely,



BILL GOODLING
Member of Congress

Please respond to:

Congressman Bill Goodling
2263 Rayburn H.O.B.
Washington, D.C. 20515

contact: GREG WADDELL
202-225-5836

Susan Miller
RD #3, Box 284
Felton, PA 17322

February 2, 1988

House of Representatives
P.O. Box 34
Main Capital Building
Harrisburg, PA 17120-0028

OSHA CCU 1
40753

Attention: Representative Gregory Snyder

Dear Representative Snyder:

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 Industrial Safety Equipment Association, of which Mine Safety Appliances Company of Pittsburgh, Pennsylvania, is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocol, 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.

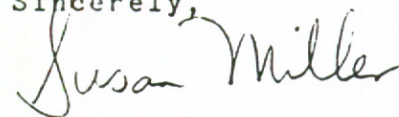
Finally, the proposed changes will cost our industry up to \$700,000,000 which will threaten the very viability of the industry as well as worker safety.

The management and employees of MSA trust that we can count on your support in this matter of critical interest to Pennsylvania 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.

Thanks for your assistance on this matter.

Sincerely,



Susan Miller