

84-221

MAR 21 1988

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

Dear Senator McCain:

Thank you for your letter on behalf of Mr. Alonzo Prince and Mr. Thomas Flynn 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 Millar, M.D.
Assistant Surgeon General
Director

Enclosure

Page 2 - The Honorable John McCain

cc:
NIOSH/W
NIOSH/Docket Office

CDC:NIOSH:LSparks
NIOSH #3284
Doc. 3195C

JOHN McCAIN
ARIZONA

United States Senate

WASHINGTON, D.C. 20510

March 8, 1988

Center for Disease Control
NIOSH
1600 Clifton Road, N.E.
Building 1, Room 3106
Atlanta, Georgia 30333

Dear Sir:

I have enclosed an inquiry which I have recently received from Alonzo Prince and Thomas Flynn of Phoenix, Arizona.

I would greatly appreciate it if you would review this material and provide me with a prompt response addressing this issue.

PLEASE MARK THE ENVELOPE TO THE ATTENTION OF: Katy McGregor in my Washington office, 111 Russell Senate Office Building, Washington, D.C. 20510. Thank you very much for your kind assistance and cooperation.

Sincerely,



John McCain
United States Senator

JM/kmd
Enclosure

1987 DEC 28 PM 4: 09

7514 N. 17th Drive
Phoenix, AZ 85021
December 21, 1987

MS
[Handwritten initials]

The Honorable John McCain
Senate Office Building
Washington, DC 20510

KATY
[Handwritten signature]

Dear Senator McCain:

I am writing to express my concern and seek your help with regard to proposed changes in certifying respirators for use in general industry, mining and construction by the National Institute for Occupational Safety and Health (NIOSH).

I am employed by the Safety Products Division of American Optical Corporation and take pride in the safety and protection provided to workers in industry through the manufacture and distribution of our products.

It has come to my attention that the new proposals issued in August by NIOSH (42 CFR part 84, Federal Register) will severely limit it's certification of respirators to a "mining workplace" environment only. This proposal would require manufacturers of respirators used in general industry and construction, such as American Optical, to essentially do their own certifying. All respirators currently in use will have to be re-certified under the new process and manufacturers will be required to re-test any respirators which are modified in the most minor way.

It is my understanding that 90% of the respirators in use today are used for non-mining purposes, and this proposal requires that manufacturers test all respirators under mining conditions. This would ignore the safety interests of the majority of workers who use respirators in industry and construction.

The costs, the modifications, the requirements for workplace testing will place a tremendous burden, some \$700,000,000 upon manufacturers and will threaten worker safety.

May I count on you to contact Dr. Otis Bowen, Health and Human Services Secretary, to request withdrawal of this proposed ruling? Please let me know as soon as you have contacted Secretary Bowen as to his response.

Sincerely,

Alonzo H. Prince
Alonzo H. Prince

563 West Pantera
Mesa, AZ 85202
December 21, 1987

1987 DEC 28 PM 1:23

U.S. Dist

KATY

*3061
Darey
Baker*

The Honorable John McCain
Senate Office Building
Washington, DC 20510

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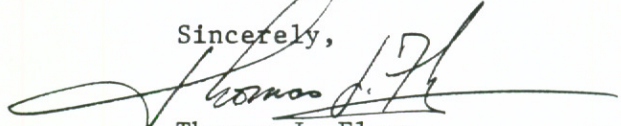
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Thomas J. Flynn

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