

84-227

MAR 2 1 1988

The Honorable Henry J. Nowak
House of Representatives
Washington, D.C. 20515

Dear Mr. Nowak:

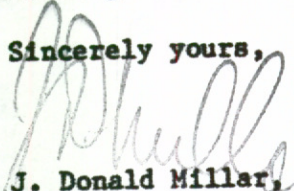
Thank you for your letter on behalf of Mr. L. M. Kennedy and Mr. Lincoln Bailey regarding the proposed regulations governing the certification of respirators.

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 Henry J. Nowak

cc:

NIOSH/W

NIOSH/Docket Office

CDC:NIOSH:LSparks

NIOSH #3271

Doc. 3195C

HENRY J. NOWAK
33rd DISTRICT, NEW YORK

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Washington, DC 20515

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December 22, 1987

Dr. Nelson Liedell
NIOSH Docket Office
Mail Stop E23
1600 Clifton Rd., N.E.
Atlanta, GA 30333

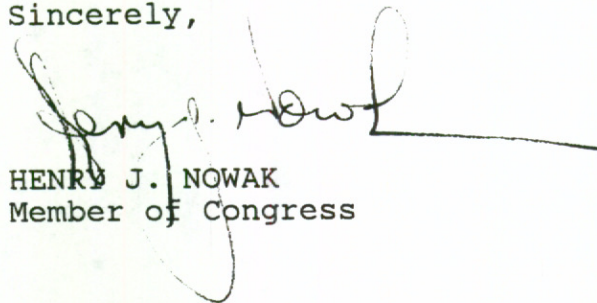
Dear Dr. Liedell:

Enclosed are copies of two letters that were sent to me concerning NIOSH's proposed change in respirator certification regulations.

I hope that you will give these comments every due consideration when evaluating whether or not to change this rule.

With best wishes and kindest regards,

Sincerely,



HENRY J. NOWAK
Member of Congress

NIOSH

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99 WALES AVENUE • TONAWANDA, NEW YORK 14151-5104 • (716) 695-8300
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December 11, 1987

Representative Henry J. Nowak
2240 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman:

The National Institute for Occupational Health & Safety (NIOSH) currently certifies respirators for use in the general industry, mining, and construction. On August 27, 1987, NIOSH proposed (42CFR84 Federal Register) regulations which will have a disastrous impact on workers safety and our industry as a whole. The Industrial Safety Equipment Association, of which American Allsafe Company of Tonawanda, New York is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocols nor specific test requirements, so it is impossible for us to exercise our right to comment in a meaningful way. This denies us do process. While our industry recognizes the value of regulations, and by and large has little problem with the concept of workplace testing, the fact of the matter is the technology is not available to conform with 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% of the respirators in use today are for non-mining (industrial and construction) purposes, the proposal requires that we test all respirators under mining conditions, thereby ignoring the safety interests of the majority of workers who use respirators. Finally, the proposed changes will cost our industry over \$700 million which will threaten the very viability of the industry as well as workers safety. The management and employees of American Allsafe Company trust that we can count on your support in this matter of critical interest to both labor and industry.

American Allsafe Company employs over 135 people in Western New York, and although we do not manufacture respiratory equipment, we do distribute it and feel that the proposed regulation would produce products that would be exorbitant to produce and purchase, resulting in a number of marginal applications for respirators which would be, probably, ignored due to the increased cost. Additionally, devices which we envision that could be produced to meet the proposed standards, would be cumbersome, and in and of themselves, produce safety hazards to the wearer.

Representative Henry J. Nowak
December 11, 1987
Page 2

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 in this matter. We, again, urge you to assist us in obtaining a withdrawal by NIOSH of the proposed ruling. We believe that this is in the best interest of all concerned at the present time.

Very truly yours,

AMERICAN ALLSAFE COMPANY

A large, stylized handwritten signature in black ink, appearing to read 'D. M. Kennedy', is written over the typed name.

D. M. Kennedy
Vice President and General Manager

LMK:pjm



DEC 15 1987

December 11, 1987

Representative Henry J. Nowak
2240 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Nowak,

→ 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 Scott Aviation of Lancaster, New York is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocol, nor specific test 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 Scott Aviation trust that we can count on your support in this matter of critical interest to New York State 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.

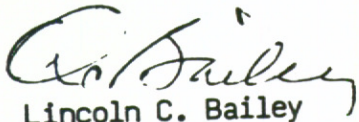
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Representative Henry J. Nowak
December 11, 1987
Page 2

I look forward to hearing from you once you have contacted Secretary Bowen as we are very anxious about the resolution of this problem.

Thanks for your assistance on this matter.

Sincerely,



Lincoln C. Bailey
Vice President
Sales & Marketing
Health/Safety Products

LCB:ck
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