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NIOSH

84-269

Dr. Nelson A. Leidel, Docket Officer
NIOSH Docket Office
Mail Stop D-37
Building 1 - Room 3120
1600 Clifton Road N.E.
Atlanta, GA 30333

Re: Post-Public Meeting Comments on
Proposed Rule 42 CFR Part 84
Meeting Date 1/27/88

Gentlemen:

Siebe North, Inc., and, in particular, its North Safety Equipment Division, submits the following comments on matters now contained in the Docket of this rulemaking:

1. In the Siebe North statement presented for the record at the public meeting held on January 27, 1988, we made the following statement, in contrasting the text of proposed Part 84 with that of 30 CFR Part 11:

"By contrast, neither 'mines' nor 'mining' appears anywhere in 30 CFR Part 11."

This statement is not entirely correct. The word "mine" does appear in 30 CFR §11.2, which provides, among other things, that respirators which have been approved as meeting Part 11 are approved for appropriate applications in hazardous mine atmospheres. However, there is nothing in §11.2 which limits the use of Part 11 to the approval of respirators for only "mine" and "mining" applications. Therefore, the conclusion to be drawn from our comparison between Part 84 and Part 11 continues to be valid.

2. In Section 2 of the NIOSH "Statement for the Record" issued at the 1/27 public meeting, NIOSH stated that the \$700-\$900 million industry cost estimate was "based on two critical, but incorrect, assumptions. First, all workplace

Siebe North, Inc.

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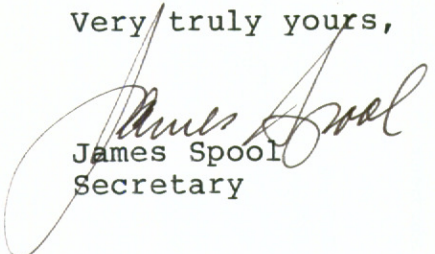
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testing must be performed 'in mines'; and, second each exposure agent for which the respirator would provide protection (eg., hundreds of organic vapor compounds) must be tested individually."

NIOSH is in error on both counts. The industry cost estimate made neither assumption. First, the assumptions made to estimate the cost of obtaining 126 usable data points per respirator test were independent of test site. Second, the number of substances to be tested per respirator class was assumed to be three, plus one additional for formaldehyde approvals. Both points are obvious from ISEA Bulletin No. 87-R-16, dated 10/21/87, which solicited the cost estimate information from the members of ISEA's Respiratory Protection Group. A copy of that Bulletin members, is enclosed herewith.

Please enter the foregoing and the attachments into the record of this rulemaking.

Very truly yours,



James Spool
Secretary

/lw

Enc.



Industrial Safety Equipment Association

S. N. I.
JAMES SPOOL
OCT 26 1987

GENERAL COUNSEL

October 21, 1987

BULLETIN NO. 87-R-16

TO MEMBERS AND COMPANY PRINCIPALS OF
THE RESPIRATORY PROTECTION GROUP:

WORKPLACE TESTING COST ESTIMATES

42 CFR 84, the proposed rule recently issued by NIOSH, requires each manufacturer to perform workplace or simulated workplace testing prior to certification. After discussing the economic impact of this requirement, the Standards Committee of the Respiratory Protection Group has requested that an industry total cost of compliance be developed. Each ISEA Member Company is asked to provide the ISEA staff with their best estimate of the total cost of compliance with the field test requirements for their existing line of certified respirators. This information will be handled in total confidentiality and only an industry total will be released.

NIOSH does not plan to provide the public with their proposed protocols for workplace or simulated workplace testing. The Standards Committee developed a set of reasonable assumptions which each company is asked to follow in calculating their costs.

Don Wilmes represents ISEA on the Peer Review Committee for the NIOSH project to develop workplace test protocols. Based on his understanding of NIOSH expectations and 3M experience in field testing, he has provided the attached set of assumptions which each manufacturer will use in developing cost estimates. The Committee also adopted the attached list of examples of test environments for specific types of respirators which was provided by Bill Newcomb.

In the preamble to the proposed rule, 42 CFR 84, it was stated that the anticipated economic impact of this rule was under \$100 million dollars. The Standards Committee, however, has made preliminary estimates that would put the cost of compliance with the workplace testing requirement alone at well over \$100 million dollars for the industry. In order to substantiate this estimate, it is necessary that every Member

of the Respiratory Protection Group provide the ISEA staff with the requested cost estimate. Please use the attached form to send your total cost of compliance so that it reaches the ISEA Office no later than Friday, October 30th.

Very truly yours,

Catherine J. Morin
Catherine J. Morin
Technical Director

Attachments

cc: Board of Trustees (w/o Attachments)
Standards Committee of the
Respiratory Protection Group

/kms

ASSUMPTIONS FOR DETERMINING COSTS
FOR WORKPLACE TESTING

Testing Costs

126 good samples per substance per industry are required. To obtain this, one needs 200 "good" tests in the field. This does not include those samples rejected in the field because of pump failure, respirator removal, etc.

People weeks

35 "good" tests	5
200 "good" tests	30 (or 1,200 people hours)

Non-Testing Costs

Scouting "good site"	3
Preparing equipment for shipping	1
Cleaning equipment	1
Preparing samples	1
Tabulating results	4
Writing reports	4
Administration	3
	<u>17</u> people weeks non-testing or (680 people hours)
TOTAL	1,880 people hours/200 "good" tests or 9.4 people hour/test or 14.92 people hours per usable data point

Other Direct Costs

\$2.50/sample for collection media, 800 needed	\$ 2,000
\$30/sample analytical costs, 600 needed	18,000
\$1,000/people week travel costs, 33 needed	<u>33,000</u>
TOTAL	\$53,000 or \$265 per test or \$421 per usable data point

Cost of Respirators - additional direct cost

Indirect Costs

Reusable equipment	\$80,000
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Grand Total = 1,800 people hours + \$53,000 + indirect costs per substance to get 126 usable data points

EXAMPLES OF TEST ENVIRONMENTS
FOR SPECIFIC TYPES OF RESPIRATORS

NIOSH states 3 substances are needed per class of respirators.

With specific approvals such as formaldehyde, one additional substance is required.

For an organic vapor respirator
- 3 organic vapors

For an acid gases respirator
- 3 acid gases

For an ammonia, methyamine respirator
- 3 only

For a low efficiency filter
- 3 dusts
- 3 fumes
- 3 mists

For a medium efficiency filter
- 3 dusts
- 3 fumes
- 3 mists

For a high efficiency filter
- 3 dusts
- 3 fumes
- 3 mists
- 3 radon daughters
- 3 radionuclides
- 3 asbestos

For a combination to be used for paint lacquer and enamel
- 3 lacquers and/or enamels

For a combination to be used for pesticides
- 3 pesticides

For any combination of chemical cartridges and filters
- 3 of any combination

For any airline or combination airline egress
- 3 atmospheres

For an SCBA, ESCBA or combination airline SCBA
- 3 atmospheres per duration

For a PAPR
- as per filters

PLEASE RETURN BEFORE OCTOBER 30, 1987

TO:

Catherine J. Morin
Technical Director
Industrial Safety Equipment Association
1901 North Moore Street, Suite #501
Arlington, Virginia 22209

FAX: (703) 528-2148

Workplace Testing Cost Estimate

We have used the assumptions outlined in the attached ISEA Bulletin 87-R-16 to calculate our cost of compliance with the workplace testing requirement of 42 CFR 84. The calculation was based on all our respirator models currently approved by NIOSH/MSHA. We understand that this cost estimate will be treated in confidence by ISEA staff and will be used to provide total industry cost of compliance.

\$ _____

SIGNATURE _____

COMPANY _____

DATE _____