

## Arizona Public Service Company

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OD, DSR, NIOSH

December 24, 1987

*Rec'd  
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Docket Office*

Mr. John Moran  
Director, Division of Safety Research  
National Institute for Occupational  
Safety and Health  
944 Chestnut Ridge Road  
Morgantown, West Virginia 26505

Dear Mr. Moran:

Re: Proposed Rule 42 CFR Part 84 and Removal of Rules in 30 CFR Part 11

The following comments are being provided on behalf of Arizona Public Service Company (APS), concerning the referenced proposed rules and a copy of this correspondence is also being provided to the Mine Safety and Health Administration (MSHA).

APS is a large utility providing electric service to many users in the State of Arizona. We are committed to providing a safe and healthful work environment and rely, in some cases, on appropriately designed respirators in this effort. As with any business subject to review by stockholders, we are also concerned with the cost of conducting our operations and thus, the cost of providing respirators to our employees.

New Rule - Not Necessary For Industry

Based on standard safety and health protocols, present certification requirements for respirators are adequate for our uses and, we believe, for general industrial use. This proposed rule would basically invalidate all of the present respirator certification and require extensive and costly changes in the design and manufacture of respirators which would, ultimately, be passed on to users including APS. We object to this because it would not buy an increase in safety for our operations.

Workplace Testing

We agree with the need for workplace testing as part of the respirator certification protocol, but feel it unfair to require comment on protocols which are not provided for review. If they are as voluminous as indicated, they should be provided and the proposed rule comment period should be extended appropriately. This will likely require cancellation of the proposed rule, and reissuing it when the protocols are ready.



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#### NIOSH Withdrawal

Another concern we have is that NIOSH is withdrawing from certifying of respirators in use for industries other than mining. It seems obvious to us that NIOSH intends to relinquish this area of responsibility which we think is unwise allowing respirator manufacturers to have no specification to meet for general industrial use respirators. When considering the number of American workers being affected by this change, NIOSH will be protecting many fewer workers in its' remaining role (miners) than it presently protects ( all workers). If NIOSH could get OSHA or some other appropriate agency to accept this responsibility, we would not object.

If there is a significant need for certification changes requiring redesign and upgrading of protection requirements in mining, then make changes for mining. But, do not relinquish your responsibility to all other workers. For this reason we feel that 30 CFR 11 should be modified (not removed) to apply to respirators for industrial users (excluding miners), thereby continuing NIOSH's efforts to protect all workers with appropriately certified respirators.

#### Anthropometric Panel Not Appropriate

An additional concern is NIOSH's intention to use an anthropometric panel to size and insure the fit of respirators. Los Alamos National Laboratory has developed such a panel for research but opposes the use of such a panel in respirator certification. Our own experience indicates that the only way to be assured of proper fit is to conduct either qualitative or quantitative fit testing on each user. Use of such a panel to determine face-piece configurations would presuppose that fit could be assured without appropriate fit tests and we strongly disagree.

In conclusion, it is our informed opinion that:

- o 42 CFR Part 84 should be rescinded until workplace protocols are available for review. If they are as voluminous as indicated, the comment period should be extended to provide for adequate review.
- o NIOSH should reconsider relinquishing their role in certification of respirators for general industry and construction, and retain responsibility to American workers in these areas.

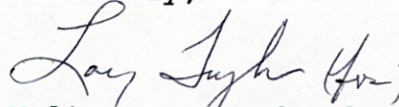


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- o 30 CFR Part 11 should be retained and modified if necessary, to provide respirator certification for users in general industry and construction. Modifications could include a workplace testing requirement, and removal of MSHA from the process.

If you have any questions concerning these comments, please let us know.

Sincerely,



Walter L. Bouchard, Manager  
Environmental Department

WLB/LT/nf  
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