## Miller, Diane M. (CDC/NIOSH/EID)

**From:** Antunes, Will [wantunes@scicomposites.COM]
**Sent:** Monday, October 19, 2009 4:34 PM
**To:** NIOSH Docket Office (CDC)
**Subject:** 083-B - Supplied Air Respirators (SAR)
**Attachments:** SCI Docket 083B submission 10-19-09.pdf

**To: NIOSH Docket Office**
**RE: Docket 083-B – SAR**

On behalf of Robert L. Beck – Director of Technical Services – please accept the attached comments from Structural Composites Industries (SCI) with respect to NIOSH's proposal on this subject.

Sincerely,

*Will Antunes*

National Sales Manager – SCBA
503-530-1430 (office)
503-816-0582 (cell)
Email: Wantunes@SCIcomposites.com
www.SCIfireandsafety.com

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*A Worthington Cylinders Company*

325 Enterprise Place
Pomona, CA 91768-3245 USA
Tel: 909-594-7777 Fax: 909-594-3939
Web: www.scicomposites.com

Thursday, October 15, 2009

NIOSH Docket Office
Robert A. Taft Laboratories, M/S C 34
Supplied Air Respirators (SAR) – NIOSH Docket # 083B
4676 Columbia Parkway
Cincinnati, OH 45226
Email: niocindocket@cdc.gov

Dear Sir or Madam,

After reviewing NIOSH's proposal to change 42 CFR part 84, Subpart J, SCI opposes inclusion of the Cylinders and Cylinder Valves ("Cylinders") as part of the approval process for Supplied Air Respirators (SAR's & SAR/SCBA). We respectfully request NIOSH not include the cylinder in the revision of Subpart J and maintain the existing method of approval that does not include the Cylinder. NIOSH's proposal to include the Cylinder which is a component part not produced by SAR manufacturers has not been substantiated and is without merit based upon many years of successful usage by end users. Furthermore, inclusion of the Cylinder into the approval process fails to address any of the concerns stated in NIOSH's own Abbreviated Draft Preamble for 42 CFR Part 84 Subpart J.

Historically, NIOSH has never regulated cylinders as part of the SAR. During that time, they've performed without failure or injury to users. These Cylinders are rigorously regulated by the Department of Transportation (DOT) and Compressed Gas Association (CGA). Additional regulatory considerations proposed by NIOSH that incorporate cylinders into the SAR will not improve worker safety. If sufficient concerns exist regarding the quality of Air Source systems (whether fixed or portable), NIOSH should consider separate approvals for Air Sources instead of integrating Air Sources with the Respirator. Doing so would allow end users to choose the appropriate combination of Approved Respirators and Approved Air Sources.

The inference by NIOSH that inclusion of the Cylinder will result in a situation where ***"the user will be afforded many more options to address expanding needs in the workplace"*** is false. Such inclusion will in fact, result in increased costs and decreased options for SAR users. Inclusion of the Cylinder will have negative results for end users in the following ways;

1. Increased cost of Cylinders
    a. By creation of a de facto restraint of trade favoring SAR approval holders resulting in a reduction in competitive pricing scenarios
    b. Additional regulatory requirement resulting in non value added expenses

2. Fewer cylinder choices for users
    a. Approval holders choose cylinders rather than end users thereby restricting more durable or longer life cylinders
    b. Approval Holders will provide the least quality cylinder that meets the requirements
    c. SAR users are not likely to have the option of utilizing longer life cylinders, which could otherwise result in substantial economic benefits

3. Reduced Cylinder innovation
    a. SAR manufacturers typically incorporate low cost, low quality cylinders and will have little or no interest in bringing cylinder improvements to market
    b. SAR manufacturers are in no position to develop cylinder improvements since they do not manufacturer cylinders

4. Interchangeability of cylinders made difficult
    a. Creates a proprietary system which could restrict the ability of user to interchange cylinders
    b. Closed & proprietary systems do nothing to mitigate safety concerns – current system is flexible, proven and cost effective

5. Additional economic hardships
    a. NIOSH's proposal would likely result in tens of thousands of existing cylinders being rendered non compliant
    b. Existing systems would need to be replaced at significant and unnecessary costs to user

With regard to quality control concerns NIOSH may have, DOT approved cylinders manufactured under 49 CFR parts 106, 107, 171-180 are required to have independent third party systematic inspection which should be sufficient as a quality control requirement. However, if further concern exists with regard to quality, NIOSH could as an alternative, require all DOT approved cylinders for use with SAR's to be manufactured under ISO 9001 certification.

In as much as SAR cylinders are to meet SCBA level Chemical, Biological, Radiological and Nuclear (CBRN) requirements, it should be noted that cylinders used in SAR applications are manufactured to the same specifications as SCBA cylinders that meet the CBRN criteria. Cylinder design, materials and quality requirements need not be changed in order to meet CBRN certification.

In summary, the premise that inclusion of the Cylinder into the NIOSH test and approval process somehow benefits the end user is not substantiated and is incorrect.

SCI urges NIOSH to refrain from including cylinders into the approval process as it provides no real added benefits and in fact results in severe economical and operational hardships for end users.

Sincerely,

Robert L. Beck

Robert L. Beck
Director of Technical Services
Structural Composites Industries