

DEPARTMENT OF HEALTH AND HUMAN SERVICES

84-264

MAR 21 1988

The Honorable Barbara F. Vucanovich
 House of Representatives
 Washington, D.C. 20515

Dear Ms. Vucanovich:

Thank you for your letter of March 4 to Secretary Bowen on behalf of Interstate Safety and Supply, Incorporated 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 in Washington, D.C., on January 27-28, 1988. 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,

/s/ Robert E. Windom

Robert E. Windom, M.D.
 Assistant Secretary for Health

Enclosures

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BARBARA F. VUCANOVICH
2ND DISTRICT, NEVADA

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS

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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

March 4, 1988

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The Honorable Otis R. Bowen, M.D.
Sec. of Health and Human Services
Dept. of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Bowen:

Please find enclosed a copy of a letter from Interstate Safety and Supply, Incorporated, which addresses their concern about the National Institute for Occupational Health and Safety's (NIOSH) proposed regulations (42 CFR 84, Federal Register) concerning respirators for use in general industry, mining, and construction. I urge you to consider their concerns when you finalize regulations.

Thank you for your assistance in this matter.

Sincerely,

Barbara

BARBARA F. VUCANOVICH
Member of Congress

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Interstate Safety & Supply, Inc. ^{DH}

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January 20, 1988 *

COLO TO BY

Congresswoman Barbara Vucanovich
RM 312 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Vucanovich,

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 Safety Equipment Distributors Association, of which Interstate Safety & Supply, Inc. of Reno, Sparks and Las Vegas is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocols, nor specific 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 per-cent 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.

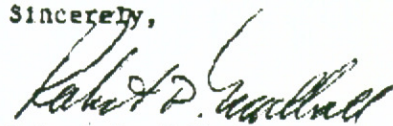
The management and employees of Interstate Safety & Supply, Inc. trust that we can count on your support in this matter of critical interest to Nevada labor and industry, as well as mining. We urge you to immediately contact Health and Human Services Secretary, Dr. Otis Bowen, to request that the proposed ruling be withdrawn.

Enclosed is a fact sheet which outlines the proposal, our objections and recommendations.

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Thank you in advance for your assistance on this matter and I look forward to hearing from you once you have contacted Secretary Bowen as we are very anxious about the resolution of this problem.

Sincerely,



Robert D. Mulhall
President

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