

DEPARTMENT OF HEALTH AND HUMAN SERVICES

84-262

MAR 21 1988

The Honorable Bill Archer
House of Representatives
Washington, D.C. 20515

Dear Mr. Archer:

Thank you for your letter of March 2 to Secretary Bowen on behalf of Mr. Butch Hutton and Mr. Cliff Myers 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

FILE
COPY

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE
CDC/...	Archer	3/16/88						

CDC

Page 2 - The Honorable Bill Archer

cc:

OD

NIOSH

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ES/PHS

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H Official File

CDC Official File (Return to CDC, Atlanta)

CDC:JOMason;dc 03/15/88 FTS 236-3291 (M/03/15)

OS No. 8803080031; Tracer 92489; CDC ID D41882; Doc 3696E

BILL ARCHER
7TH DISTRICT, TEXAS

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Congress of the United States
House of Representatives

Washington, DC 20515
March 2, 1988

Hon. Otis R. Bowen
Secretary
Department of Health and Human
Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Secretary:

The attached letters are from my constituents, Mr. Butch Hutton and Mr. Cliff Myers, regarding their opposition to the National Institute for Occupational Health and Safety's proposed rule to limit its certification activities for respirators used in mining.

As representatives from the safety supply industry, they believe this particular proposal will cost their industry as much as \$700,000,000 and will result in major changes for them. I personally believe their arguments make a great deal of sense and that they should be concerned. Furthermore, I see no reason why they should have to test all respirators under mining conditions, when in fact, only 10% are used for such purposes.

Please consider either modifying this proposal or withdrawing it completely. I would appreciate your office letting me know the final outcome in this matter.

With best regards,

Sincerely,

Bill Archer
Member of Congress

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BA/cc

Enclosures (2)

CA0023

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DATE: MAR 14 1988
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792489 4803080031

Vallen Safety Supply Company
13333 Northwest Freeway (77040)
P.O. Box 3587
Houston, Texas 77253
(713) 462-8700

Vallen

071 Camp

DATE	<i>FEB 11 1988</i>	REC #	
FA:	<i>Butch</i>		
CO:			
PARA:			

February 5, 1988

The Honorable W.R. "Bill" Archer
U.S. Representative
1135 Longworth House Office Bldg.
Washington, DC 20515

Dear Representative Archer:

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 Vallen Safety Supply Company of Houston, Texas, 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.

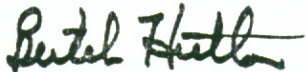
The management and employees of Vallen Safety Supply Company trust that we can count on your support in this matter of critical interest to Texas labor and industry. We urge you to immediately contact Health and Human Services Secretary, Dr. Otis Bowen, to request that the proposed ruling be withdrawn.

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

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,

VALLEN SAFETY SUPPLY COMPANY



Butch Hutton
President

BH/jm

Enclosures

Vallen Safety Supply Company
13333 Northwest Freeway (77040)
P.O. Box 3587
Houston, Texas 77253
(713) 462-8700

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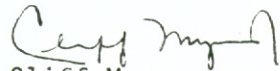
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Sincerely,

VALLEN SAFETY SUPPLY COMPANY



Cliff Myers
Product Manager - OH

CM/jm

Enclosures