

STATEMENT BY THE OCCUPATIONAL
SAFETY AND HEALTH ADMINISTRATION OF THE NIOSH
NOTICE OF PROPOSED RULEMAKING FOR REVISION OF TESTS
AND REQUIREMENTS FOR CERTIFICATION OF RESPIRATORY
PROTECTIVE DEVICES

We would like to congratulate NIOSH for its hard work and dedication to the revision of the certification program for respirators. Revision of the program as it now stands in 30 CFR 11 is badly needed and a sound certification program is one of the most important foundation blocks for maximizing the effectiveness of the use of respirators--especially in the presence of truly hazardous air contaminants. For these reasons, OSHA believes that the NIOSH proposal and the program it recommends are of extreme significance to the field of respiratory protection. Contrary to some positions that have been stated, we believe that this project should continue to completion under the present process.

However, as much as we support the activity and encourage its completion, we believe very strongly that the proposal as published in the Federal Register has some serious problem areas that need to be addressed--provisions that need to be changed in order to make the certification program an effective tool for OSHA to use in its own standards and enforcement activities. We have submitted our comments regarding those problems to the NIOSH docket and I will not comment on them any further except with regard to how some of the issues were addressed in the NIOSH opening statement.

First, if indeed the intention of NIOSH is to allow workplace testing and simulated workplace testing to be performed elsewhere than in mines, that intention should be stated explicitly within the standard. However, even then, OSHA's position remains, as stated in our written comments, that in view of the variability and lack of controllability of workplace testing, such testing is entirely inappropriate for certification purposes. The NIOSH statement pointed out that field testing is not new or untried and that it has been occurring for 15 years. What was not said is that the results of those field tests illustrate exactly why they are unsuitable. One need only look at NIOSH's own primary lead smelter study to see a variation in protection factors from 10 to 2200 for negative pressure air purifying half masks and from 23 to 1600 for powered air purifying half masks. Compare these results to the Du Pont study for negative pressure air purifying half masks, the results of which ranged from 94 to 27,000--three orders of magnitude variation, one order of magnitude higher than the NIOSH results. Then there's the University of Utah measurement at a copper smelter which produced protection factors from about 3 to 83 for negative pressure air purifying half masks--compared to NIOSH's 10 to 2200 for the same type of respirator, and Dupont's 99 to 27,000. Clearly, if workplace testing has been going on for 15

years, it seems to boil down to 15 years of confusion. A history like that is certainly no testimonial for the reliability of the testing.

Finally, I would like to address the need for a well defined specific test protocol. Although NIOSH points out that a protocol will be published later for comment in the Federal Register, it is further stated that NIOSH intends to permit any "scientifically valid methodology that will appropriately reflect work conditions representative of places and conditions in which the respirator will be used". In the first place, NIOSH should define what it means by "scientifically valid methodology." That means a set of specific criteria needs to be established. Moreover, with all due respect, the function of a protocol is to standardize a procedure so that it can be repeated, and one set of results can be compared to another set. Thus, if two different respirators have been certified for the same performance, it needs to be clear to the user that they have both been subjected to the same criteria. The protocol must also be independent of specific workplace conditions unless the certification will only be good for use in the kind of workplace where it was tested. It seems to OSHA that these points are self evident. For any certification program to be meaningful it is absolutely essential that all testing be done according to the same protocol and that the protocol be well defined and mandatory.

The issues I have addressed in these remarks do not cover the entire range of problems we addressed in our written comments. There are others such as, for example, our objection to the sliding scale of achievable protection factors, which we consider of equal concern. We urge NIOSH to give serious consideration to all comments we have submitted to the record and hopefully to modify the proposal accordingly.

In summary, OSHA applauds the NIOSH effort to revise the certification program and we hope that this rarely occurring opportunity to have really constructive impact on the effectiveness of respiratory protection not be lost or diluted.

Thank you.