DEPARTMENT OF HEALTH AND HUMAN SERVICES JAN 25 1988

84-183

The Honorable Strom Thurmond United States Senate Washington, D.C. 20510

Dear Senator Thurmond:

Thank you for your letter of December 17 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 needed to be revised to reflect the technical advances in the field and the more complex environments of today's 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 expanded our original comment period and announced two public hearings (52 FR 37639). The first will take place in San Francisco on January 20, 1988, and the second is scheduled for January 27-28, 1988, in Washington, D.C. 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 taken into account before final rulemaking.

Sincerely,

Otis R. Bowen, M.D. Secretary

Enclosure

cc:

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Prepared by Larry Sparks, CDC, FTS 236-3061, 12/29/87

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STROM THURMOND SOUTH CAROLINA COMMITTEES

ARMED SERVICES
JUDICIARY
VETERANS' AFFAIRS
LABOR AND HUMAN RESOURCES

United States Senate Received

WASHINGTON, DC 20510

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December 17, 1987

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

Dear Mr. Secretary:

This letter is in reference to proposed regulations published by the National Institute for Occupational Health and Safety (NIOSH) regarding certification requirements for respirators.

I have been contacted by both industry and labor groups which have expressed serious concern with these regulations. The major concerns include 1) the economic impact of these regulations could amount to \$700 million, and; therefore, the proposed regulations should come under the "major" rulemaking process; 2) the testing requirements called for in the regulations are unreasonable, because the protocols for the prescribed "workplace" testing are not currently available; and 3) these regulations could make the actual design of respirators so bulky and uncomfortable that the use of respirators in "borderline" occupations may actually decline.

While I am committed to improving safety in the workplace, I believe that the very vocal opposition to these regulations have received from not only manufacturers but also labor unions reveals that the proposed regulations certainly must be gravely flawed. It is my understanding that NIOSH has scheduled a public meeting to entertain comments from interested parties. I urge you to assign the highest level officials in NIOSH to attend this meeting to ensure that the hearing is as productive as possible.

I think there is general agreement that the existing regulations need to be changed, but it seems that the new regulations proposed by NIOSH may worsen rather than improve the certification of respirators. Therefore, I hope you will carefully consider this matter to either withdraw or significantly amend the proposed regulations.

Thank you for your careful consideration of this matter, and I look forward to hearing from you.

With kindest regards and Greetings of the Season,

Sincerely,

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