

84-171

JAN 26 1988

The Honorable Robert Dole
United States Senate
Washington, D.C. 20510

Dear Senator Dole:

Thank you for your inquiry of December 31 on behalf of Ms. Susan LePard regarding the proposed regulations governing the certification of respirators. Please excuse the delay in responding.

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 extended our original comment period and announced two public hearings (52 FR 37639). The first took 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 considered in any final rulemaking decision.

Sincerely yours,

James O. Mason

James O. Mason, M.D., Dr.P.H.
Assistant Surgeon General
Director

Enclosure

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cc:

OD

NIOSH

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CDC:NIOSH:LSparks

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Prepared by Larry Sparks, 3061

Contact Diane Porter, 3061

ASH

United States Senate

December 31, 1987

Respectfully referred to:

Ronald Docksai
Assistant Secretary for Legislation
Room 416 G
Hubert Humphrey Building
Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

CDC ID: D 41097
DATE: JAN 22 1988
Correspondence Unit, OD
Ext. 3322

R. S. S.

ATTN: Janeal Cabbage
224-8954

6630 Halsey
Shawnee KS
December 21, 1987

009702

The Honorable Robert Dole
SH 141 Hart Senate Office Building
Washington, DC 20510

Dear Senator Dole:

I am writing to express my concern and seek your help with regard to proposed changes in certifying respirators for use in general industry, mining and construction by the National Institute for Occupational Safety and Health (NIOSH).

I am employed by the Safety Products Division of American Optical Corporation and take pride in the safety and protection provided to workers in industry through the manufacture and distribution of our products.

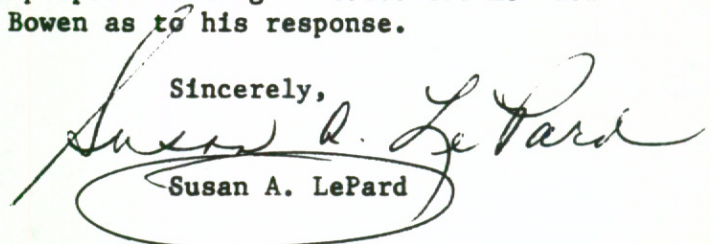
It has come to my attention that the new proposals issued in August by NIOSH (42 CFR part 84, Federal Register) will severely limit it's certification of respirators to a "mining workplace" environment only. This proposal would require manufacturers of respirators used in general industry and construction, such as American Optical, to essentially do their own certifying. All respirators currently in use will have to be re-certified under the new process and manufacturers will be required to re-test any respirators which are modified in the most minor way.

It is my understanding that 90% of the respirators in use today are used for non-mining purposes, and this proposal requires that manufacturers test all respirators under mining conditions. This would ignore the safety interests of the majority of workers who use respirators in industry and construction.

The costs, the modifications, the requirements for workplace testing will place a tremendous burden, some \$700,000,000 upon manufacturers and will threaten worker safety.

May I count on you to contact Dr. Otis Bowen, Health and Human Services Secretary, to request withdrawal of this proposed ruling? Please let me know as soon as you have contacted Secretary Bowen as to his response.

Sincerely,


Susan A. LePard