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Congress of the United States
House of Representatives
Washington, DC 20515

01

December 22, 1987

Dr. Nelson Liedell
NIOSH Docket Office
Mail Stop E23
1600 Clifton Rd., N.E.
Atlanta, GA 30333

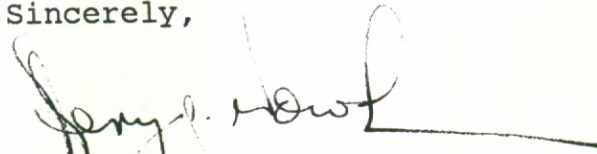
Dear Dr. Liedell:

Enclosed are copies of two letters that were sent to me concerning NIOSH's proposed change in respirator certification regulations.

I hope that you will give these comments every due consideration when evaluating whether or not to change this rule.

With best wishes and kindest regards,

Sincerely,



HENRY J. NOWAK
Member of Congress

12/30/87
original ltr +
attachments given to
Dr. Liedell

NIOSH
1987 DEC 29 PM 3:17
RECEIVED

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99 WALES AVENUE • TONAWANDA, NEW YORK 14151-5104 • (716) 695-8300
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December 11, 1987

Representative Henry J. Nowak
2240 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman:

The National Institute for Occupational Health & Safety (NIOSH) currently certifies respirators for use in the general industry, mining, and construction. On August 27, 1987, NIOSH proposed (42CFR84 Federal Register) regulations which will have a disastrous impact on workers safety and our industry as a whole. The Industrial Safety Equipment Association, of which American Allsafe Company of Tonawanda, New York is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocols nor specific test requirements, so it is impossible for us to exercise our right to comment in a meaningful way. This denies us do process. While our industry recognizes the value of regulations, and by and large has little problem with the concept of workplace testing, the fact of the matter is the technology is not available to conform with 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% of the respirators in use today are for non-mining (industrial and construction) purposes, the proposal requires that we test all respirators under mining conditions, thereby ignoring the safety interests of the majority of workers who use respirators. Finally, the proposed changes will cost our industry over \$700 million which will threaten the very viability of the industry as well as workers safety. The management and employees of American Allsafe Company trust that we can count on your support in this matter of critical interest to both labor and industry.

American Allsafe Company employs over 135 people in Western New York, and although we do not manufacture respiratory equipment, we do distribute it and feel that the proposed regulation would produce products that would be exorbitant to produce and purchase, resulting in a number of marginal applications for respirators which would be, probably, ignored due to the increased cost. Additionally, devices which we envision that could be produced to meet the proposed standards, would be cumbersome, and in and of themselves, produce safety hazards to the wearer.

Representative Henry J. Nowak
December 11, 1987
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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 in this matter. We, again, urge you to assist us in obtaining a withdrawal by NIOSH of the proposed ruling. We believe that this is in the best interest of all concerned at the present time.

Very truly yours,

AMERICAN ALLSAFE COMPANY



D. M. Kennedy
Vice President and General Manager

LMK:pjm



DEC 15 1987

December 11, 1987

Representative Henry J. Nowak
 2240 Rayburn House Office Building
 Washington, D.C. 20515

Dear Representative Nowak,

→ 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 Industrial Safety Equipment Association, of which Scott Aviation of Lancaster, New York is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocol, nor specific test 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 percent 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 Scott Aviation trust that we can count on your support in this matter of critical interest to New York State 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.

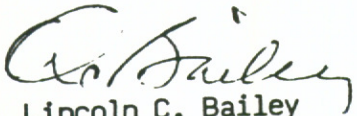
Enclosed is a fact sheet which outlines the proposal, our objections and recommendations.

Representative Henry J. Nowak
December 11, 1987
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I look forward to hearing from you once you have contacted Secretary Bowen as we are very anxious about the resolution of this problem.

Thanks for your assistance on this matter.

Sincerely,



Lincoln C. Bailey
Vice President
Sales & Marketing
Health/Safety Products

LCB:ck
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