

94-278



E.D. Bullard Company
The Human Side of Safety.® Since 1898.

July 20, 1994

Honorable Donna E. Shalala, Secretary
Department of Health and Human Services
NIOSH
Docket Office
Robert A. Taft Laboratories
Mail Stop C34
4678 Columbia Parkway
Cincinnati, Ohio 45226

RE: Public comment on the notice of proposed rulemaking for 42 CFR part 84 - Respiratory Protective Devices.

Madam Secretary:

On behalf of the E.D. Bullard Company I am submitting the following comments pertaining to the proposed regulation for respiratory protective devices:

DELETION OF ABRASIVE BLASTING TESTS

On page 26853, under the heading of *IV. Discussion of Proposed Rule - Testing of Particulate Filters*, NIOSH indicates that the existing test requirements in 11.124-21 through 11.124-24 have been deleted from the proposed regulation. NIOSH states that the tests to determine the adequacy of protection provided in an abrasive blasting environment have been replaced administratively and that this policy will remain in effect until these regulatory requirements are addressed in a later module.

The deletion of four entire sections of subpart J, *Supplied-Air Respirators*, constitutes a major change outside the scope of the first module. If a change such as this is to be proposed then the deleted sections should be replaced with those requirements currently being used that were substituted "administratively". The regulation continually finds its way into product liability cases and since the type class of "CE" designates abrasive blasting applications, some form of additional performance criteria is needed. Therefore, NIOSH must properly document its policy and now is the time to do this. Otherwise, subpart J should be left alone until a later date.

POWERED AIR-PURIFYING RESPIRATORS (PAPRs)

The proposed rule inappropriately includes systems tests for powered air purifying respirators (PAPRs) within the first module, section 84.185. Simply applying filter penetration tests for PAPRs neglects the unique and complex aspects of these types of

JUL 22 1994

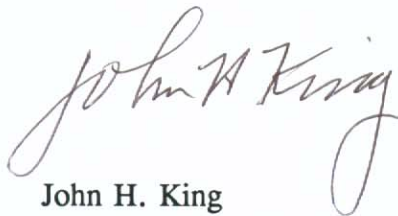


devices. The classification concept of **loose-fitting facepiece** must be added to any module dealing with PAPRs. E.D. Bullard Company fully supports the Industrial Safety Equipment Association's (ISEA) position that PAPRs need to be addressed with a separate module.

With regard to sound level requirements, the wording of section 84.179 shows up in subparts J,K and L but not in the other subparts, undoubtedly since NIOSH can not envision a hood or helmet being applicable to the other subparts. This is a prime example of how 30 CFR 11 has stifled product innovation and continues to do so. The goal here is to assure that respirators do not create a noise hazard to the wearer and as such sound level requirements/limitations should be applied to all respirators uniformly. Hoods or helmets should not be discriminated against by virtue of their design class. All respirators should be subjected to the same performance test requirements with regard to sound levels. Currently, the wording is; "**Noise levels generated by the respirator will be measured inside the hood or helmet at maximum airflow obtainable and shall not exceed 80 dBA**". Clearly this requirement only applies to constant airflow hoods and helmets. It should apply to all respirators. The wording "**measured inside the hood or helmet**" is most troubling. Again, the goal should be to protect the wearer from excessive noise not simply measure noise levels inside the respiratory inlet covering.

Given the nature of the proposed regulatory change with regard to particulate filtering respirators I can't help but wonder why the definitions for such things as DUST, FUME, MIST still remain in section 84.2 *Definitions*.

Sincerely yours,

A handwritten signature in cursive script that reads "John H. King". The signature is written in dark ink and is positioned above the typed name and title.

John H. King
Technical Director