



Memorandum

Date December 29, 1994

From Director, NIOSH

Subject Proposed Regulation, 42 CFR 84, Meeting with Mine Safety Appliances (MSA) and National Institute for Occupational Safety and Health (NIOSH)

To The Record

At the request of MSA, on September 28, 1994, I met with Mr. Wade Miller, Vice President and Director, Product Planning and Engineering, and his associate. This meeting was held in the Office of the Director of NIOSH in the Humphrey Building, Washington, DC. Joining by ENVISION from Morgantown NIOSH were Drs. Thomas K. Hodous, Donald L. Campbell, and John E. Parker.

MSA's stated they requested the meeting in response to public statements by the Director of NIOSH that the rule would not be withdrawn as suggested by the submittal of Nelson Leidel.

In the course of the meeting MSA expressed:

- Their general concern that the proposed rule is technically flawed, for the reasons they have indicated in their testimony at the public hearing and that the issues raised by Dr. Leidel should prompt consideration of withdrawing the rule.
- Their concern that TB respirator issues were an inappropriate driving force for the rulemaking process and concern about a potential 4th efficiency level (90%) that some had suggested.

NIOSH emphasized that the rulemaking is proceeding because it is in the best interest of workers safety and health. NIOSH stated that most of Leidel's comments do not apply to the rulemaking and that NIOSH is reviewing the need to notify workers of potential deficiencies in respirators currently certified by NIOSH.

Linda Rosenstock, M.D., M.P.H.