

Page 2 - The Honorable Tom Harkin

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CDC:JOMason;dc 02/10/88 FTS 236-3291 (M/02/10)

OS No. 8802040042; Tracer 91557; CDC ID D41356; Doc 3538B

1591-CDC

Thursday
August 27, 1987

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Part II

**Department of
Health and Human
Services**

Public Health Service

**42 CFR Part 84
National Institute for Occupational Safety
and Health; Revision of Tests and
Requirements for Certification of
Permissibility of Respiratory Protective
Devices Used In Mines and Mining;
Notice of Proposed Rulemaking**

United States Senate

WASHINGTON, D.C. 20510

January 26, 1988

Secretary Otis Bowen, MD
Department of Health
and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Bowen:

Enclosed is a letter from one of my constituents who has a concern over the administration's policy on proposed regulations which would limit the certification respirators. I respectfully ask you to review the administration's policy on this issue and send me a clarification so that I might be able to respond to my constituent's questions.

Thank you in advance for your assistance on this matter.

Sincerely,



Tom Harkin
United States Senator

TH/kb
Enclosure

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REGISTRATION
REQUIREMENTS
FOR
RESPIRATORY
PROTECTIVE
DEVICES

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**Department of
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42 CFR Part 84

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United States Senator

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165
3934 Roxbury Lane, NW
Cedar Rapids, IA 52405

December 21, 1987
1987 DEC 30 11 10 40

The Honorable Thomas Harkin
Senate Office Building
Washington, DC 20510

Dear Senator Harkin:

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.

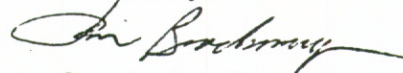
It has come to my attention that the new proposals issued in August by NIOSH (42 CFR part 84, Federal Register) will severely limit it's certification of respirators to a "mining workplace" environment only. This proposal would require manufacturers of respirators used in general industry and construction, 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,


Jan A. Brockmeyer