

DEPARTMENT OF HEALTH AND HUMAN SERVICES

84-180

JAN 25 1988

The Honorable Edward P. Boland
House of Representatives
Washington, D.C. 20515

Dear Mr Boland:

Thank you for your letter of January 7 on behalf of Mr. John P. Flanagan 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,

Otis R. Bowen, M.D.

Otis R. Bowen, M.D.
Secretary

Enclosure

FILE

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE

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NIOSH

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CDC Official File (Return to CDC, Atlanta)

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Prepared by Larry Sparks, CDC, FTS 236-3061, 12/29/87

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EDWARD P. BOLAND
SECOND DISTRICT, MASSACHUSETTS

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COMMITTEE
APPROPRIATIONS

Congress of the United States
House of Representatives
Washington, D. C.

January 7, 1988

Honorable Otis R. Bowen
Secretary
Department of Health and Human Services
200 Independence Avenue, S. W.
Washington, D. C. 20201

Dear Mr. Secretary:

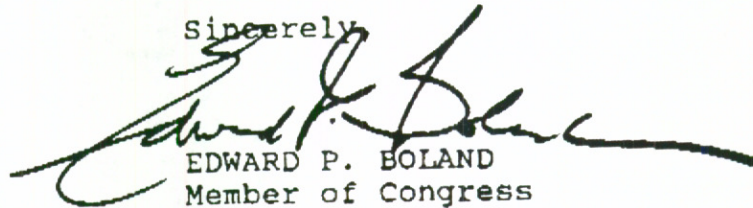
I am writing on behalf of my constituent, Mr. John P. Flanagan, President of the American Optical Corporation in Southbridge, Massachusetts.

I would appreciate your investigation of the statements contained in Mr. Flanagan's letter which I have enclosed and your forwarding me the necessary information for reply.

Thank you for your assistance in this matter.

With every good wish, I am

Sincerely,


EDWARD P. BOLAND
Member of Congress

EPB:lds

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CDC ID: D 41001
DATE: JAN 14 1988
Correspondence Unit, OD
Ext. 3322

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JOHN P. LAMAGAN
PRESIDENT
SAFETY BUSINESS

December 9, 1987

Representative Edward P. Boland
2426 Rayburn House Office Building
Washington, DC 20515

Dear Representative Boland:

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 American Optical Corporation of Southbridge, Massachusetts is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocol nor specific 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 American Optical Corporation trust that we can count on your support in this matter of critical interest to Massachusetts's 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.

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,

John P. Flanagan
John P. Flanagan

Enclosure