DEPARTMENT OF HEALTH AND HUMAN SERVICES

84-245

FEB | 0 1988

The Honorable Villiam Donald Schaefer Governor of Maryland State House Annapolis, Maryland 21401

Dear Governor Schaefer

Thank you for your letter of January 18 to Secretary Fowen regarding the proposed regulations governing the certification of respirators.

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 was in Washington, D.C., on January 27-28, 1988.

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 yours,

191 Robert E Windom

Robert E. Windom, M.D. Assistant Secretary for Health

Enclosure

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# Official File
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OFFICE OF THE GOVERNOR

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IN REPLY REFER TO G-ES

January 18, 1988

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WILLIAM DONALD SCHAEFER GOVERNOR

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

Dear Dr. Bowen:

I am writing to you about the major change in regulations that the National Institute for Occupational Safety and Health (NIOSH) is proposing in the certification process for respirators. The notice of this change appeared in the August 27, 1987 Federal Register.

I am very concerned about the detrimental impact the proposed change would have on one of our Maryland companies. Over a five year period, it will cost the company in question about \$100 million to comply with your new regulation. This company employs about 100 workers, has an annual payroll of about \$1.4 million and sales of approximately \$18 million. After the company learned about your new regulation, it cancelled plans for a new \$3 million facility. This new facility would have increased the company's employment in Maryland by another 20 percent.

Complying with the proposed regulation could bankrupt the company. Workers would lose their jobs, and all levels of government would lose tax revenue.

Consequently, considering the high cost of implementing this proposed regulation -- between \$700 million to \$1 billion for the industry -- and the negative economic impact it would have on Maryland, I respectfully request that the intent and the economic impact of this proposed regulation, 42 CFR Part 84, be re-examined.

Sincercly,

covernor

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DATE: FEB 0 4 1988

Correspondence Unit, OD

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