DEPARTMENT OF HEALTH AND HUMAN SERVICES

MAR 4 1988

84-256

The Honorable Timothy E. Wirth United States Senate Washington, D.C. 20510-4702

Dear Senator Wirth:

Thank you for your letter of February 10 to Secretary Bowen on behalf of Mr. Dorwin Wehmeyer 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,

/s/ Nobert E. Window

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

Enclosures

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TIMOTHY E. WIRTH

United States Senate

WASHINGTON, DC 20510-4702

COMMITTEES:

ARMED SERVICES

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NATURAL RESOURCES

February 10, 1988

Dr. Otis R. Bowen
Secretary
Hubert H. Humphrey Building
Room 615F
Department of Health and Human Services
Washington, D.C. 20201

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Dear Dr. Bowen:

I am writing to enlist your assistance in responding to the concerns of fellow Coloradan, Dorwin Wehmeyer. The enclosed letter reflects his concern about changes in certifying respirators for use in general industry, mining and construction by the National Institute for Occupational Safety and Health. Any help you can offer in this matter will be greatly appreciated. Please direct any correspondence on this inquiry to my Washington office: 380 Russell Senate Office Bldg.

Thank you in advance for your cooperation in this matter.

Sincerely yours.

Im Wirth

Timothy E. Wirth

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791939 TRACE 8802 190039

1290 S. Clay St. Denver, CO 80219 December 21, 1987

The Honorable Timothy E. Wirth Senate Office Building Washington, DC 20510

Dear Senator Wirth:

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,