Docket

DEPARTMENT OF HEALTH AND HUMAN SERVICES

84-179

JAN 25 1988

The Honorable Robert K. Dornan House of Representatives Washington, D.C. 20515

Dear Mr. Dornan:

Thank you for your letter of January 7 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,

Otts R. Bowen, M.D. Otts R. Bowen, M.D.

Otis R. Bowen, M.D. Secretary

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Prepared by Larry Sparks, CDC, FTS 236-3061, 12/29/87
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ROBERT K. DORNAN

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

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INTERNATIONAL ECONOMIC POLICY
AND TRADE



## Congress of the United States House of Representatives

January 7, 1988

PERMANENT OBSERVER TO GENEVA ARMS TALKS

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

Dear Dr. Bowen,

I am disturbed by regulations (42 CFR part 84, Federal Register) proposed by the National Institute for Occupational Health and Safety (NIOSH) on August 27, 1987 that concern the certification of respirators for use in general industry, mining and construction. I believe such regulations may have a disastrous impact on worker safety and the respirator industry.

The proposed regulations limit the certification activities of NIOSH to respirators used in mining, thereby requiring manufacturers of respirators used in general industry and construction to "self-certify" their products. Manufacturers will be required to test their own respirators in the workplace or simulated environment. However, the proposed "workplace" stipulation requires that all testing be conducted in mining operations. Moreover, all respirators now in use will have to be re-certified under the new process and manufacturers will have to re-test any respirators which are modified even slightly.

It is my understanding that 90 percent of respirators in the U.S. are for non-mining use. By limiting respirator testing to mining, it seems NIOSH may be ignoring the needs of the vast majority of respirator users. Furthermore the costs of developing new standards, re-certifying existing respirators, and workplace testing may have a devastating economic impact on both manufacturers and end users. I have been informed that it may cost manufacturers up to \$700 million annually to make the proposed changes.

I would therefore urge your office to consider alternatives that would allow for certification of respirators used in all industrial applications. Please let me know your views on this subject.

Robert K. Dornan Member of Congress

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