## **DEPARIMENT OF HEALTH AND HUMAN SERVICES**

84-176

JAN 25 1988

The Honorable Andy Jacobs Jr. House of Representatives Washington, D.C. 20515

Dear Mr. Jacobs:

Thank you for your letter of January 13 on behalf of Timothy McNamara 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

OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE	OFFICE	SURNAME	DATE

Page 2 - The Honorable Andy Jacobs Jr.

CC:

OD

NIOSH

PMO

CDCW

ES/PHS

ASL/OS

CLO/OS

H Official File

CDC Official File (Return to CDC, Atlanta)

OS No. 8801190039

PHS Tracer No. T91086

CDC ID #D41088; NIOSH #3125; Doc 3474B

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

Contact Karen Lindauer, CDC, FTS 236-3322

CONGRESS

of the

United States of America

Andy Jacobs, Jr.

January 13, 1988

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

Dear Mr. Secretary:

Enclosed are comments by my constituent, Timothy McNamara, concerning (42 CFR part 84, Federal Register 10-8-87).

I would be grateful if you and your staff would give due consideration to Mr. McNamara's views.

Warm best wishes,

ANDY LIACOBS JR. Jawbs Dow

АЈ/рс

Enclosure

Dictated by Congressman Jacobs. Signed in his absence.

3474B

CDC ID: 0 41088

DATE: JAN 2.2 1888

Correspondence Unit.
Ext. 3522

TRACER

THE ROAD TO PEACE IS PAVED WITH JUSTICE.

8301170039

9230 Haverstick Road Indianapolis, IN 64240 December 21, 1987

The Honorable Andrew Jacobs, Jr. House Office Building Washington, DC 20515

DEC 23 1987

46240

Dear Congressman Jacobs:

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,

Timothy K. McNamara