DEPARTMENT OF HEALTH AND HUMAN SERVICES

JM 25 1988

84-181

The Honorable Claudine Schneider House of Representatives Washington, D.C. 20515

Dear Ms. Schneider:

Thank you for your letter of December 10 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 needed to be revised to reflect the technical advances in the field and the more complex environments of today's 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 expanded our original comment period and announced two public hearings (52 FR 37639). The first will take 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 taken into account before final rulemaking.

Sincerely,

151

Otis R. Bowen, M.D. Secretary

Enclosure

400

SURNAME

		DATE OFFICE	OFFICE	SURNAME	DATE	OFFICE	
151111 15	OFFICE	SURNAME	DATE	OFFICE			
	COCI	Y. ~~	P/30 157				
	1000	A CONTRACTOR OF THE PARTY OF TH	77-7				

Page 2 - The Honorable Claudine Schneider

```
CC:

OD

NIOSH

FMO

CDCW

ES/PHS

ASL/OS

CLO/OS

H Official File

CDC Official File (Return to CDC, Atlanta)

OS No. 8712150018

PHS Tracer No. T90441

CDC ID #D40749; NIOSH #3125; Doc 3401B

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

Contact Karen Lindauer, CDC, FTS 236-3322
```

CLAUDINE SCHNEIDER

WASHINGTON OFFICE:
SUITE 1512
CONGWORTH HOUSE OFFICE BUILDING
WASHINGTON DC. 20818
PHONE: (202: 228-2728

DISTRICT OFFICE: 30 ROLFE SQUARE CRANSTON SKODE ISLAND 02910-2093 PHONE: 528-9030



Congress of the United States

House of Representatives Washington, D.C. 20515

December 10, 1987

MERCHANT MARINE

SUBCOMMITTEES:
FISHERIES AND WILDLIFE
GONSERVATION AND THE
ENVIRONMENT
OCEANOGRAPHY

SCIENCE AND TECHNOLOGY
BUBERHMITTERS:
ENERGY DEVELOPMENT
AND APPLICATIONS

NATURAL RESOURCES AGRICULTURAL RESEARCH. AND ENVIRONMENT

AGING
SUBCOMMITTEE
MEALTH & LONG THIM GARE
TREASURER, NORTHEAST
MIDWEST CONGRESSIONAL
COALITION

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

Dear Otis,

Let me share with you a concern that I have already addressed to Jim Miller at OMB concerning proposed regulations for respirators. I recently was in contact with Mr. James Spool, General Counsel to Siebe North, Inc., a manufacturer of respirators in my district. Mr Spool brought it to my attention that the National Institute for Occupational Safety and Health has proposed to modify the process by which respirators are certified. It seems to me that Mr. Spool, and all respirator manufacturers, have cause to object to these proposed regulations.

My major concern about the NIOSH proposal 42 CRF 84, as released in the August 27 Federal Register, is that it appears to be inconsistent with the history of federal regulation. Before manufacturers can be required to "self-certify" their products, it would seem reasonable to develop industry-wide consensus standards and procedures. The federal government should not require self- certification without providing adequate guidelines and directions to the industry. The NIOSH proposal puts the cart before the horse; it requires workplace testing for which the technology has yet to be developed. Furthermore, there appears to be no set focus of responsibility to develop such technology.

in light of the above, I would respectfully request that 42 CRF 84 be withdrawn and reconsidered. If further regulation is required for the respirator industry, it should begin at the beginning, with an industry-wide consensus on necessary standards. Thank you for your attention to this matter.

Sincerely,

Claudine Schneider Member of Congress CDC ID: 0 40749

DATE: DEC 1 7 1987

Correspondence Sait, 03

CS:eeg cc: Mr. James Spool

INACER

an intrant