84-242

The Honorable Helen Delich Bentley House of Representatives Washington, D.C. 20515

Dear Mrs. Bentley:

Thank you for your letter on behalf of your constituents 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 announced two public hearings (52 FR 37639). The first took place in San Francisco on January 20, 1988, and the second was January 27-28, 1988, in Washington, D.C. Enclosed is a copy of the opening statement from those hearings which clarifies many of the misunderstandings of this regulation. We have also extended the comment period until March 28, 1988 (53 FR 5595).

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

J. Donald Millar, M.D. Assistant Surgeon General

Director

Enclosure

Page 2 - The Honorable Helen Delich Bentley

cc: NIOSH/W NIOSH/Docket Office

CDC:NIOSH:LSparks NIOSH #3262 Doc. 3195C

HELEN DELICH BENTLEY 2D DISTRICT, MARYLAND

WASHINGTON OFFICE: 1610 LONGWORTH BUILDING WASHINGTON, DC 20515 202-225-3061

DISTRICT OFFICES: 200 East Joppa Road Towson, MD 21204 301-337-7222

7458 GERMAN HILL ROAD DUNDALK, MD 21222 301-285-2726

115 FULFORD ROAD, BEL AIR, MD 21014 301-838-7758

Tongress of the United States House of Representatives Washington, DC 20515

February 19, 1988

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

SUBCOMMITTEES:
WATER RESOURCES
ECONOMIC DEVELOPMENT
OVERSIGHT AND INVESTIGATION

COMMITTEE ON
MERCHANT MARINE
AND FISHERIES
SUBCOMMITTEES:
MERCHANT MARINE
PANAMA CANAL/OUTER
CONTINENTAL SHELF
OVERSIGHT AND INVESTIGATIONS
SELECT COMMITTEE ON AGING

SUBCOMMITTEE ON HEALTH AND LONG TERM CARE TASK FORCE ON WOMEN AND SOCIAL SECURITY

Mr. John Moran Director of the Division of Safety Research NIOSH 944 Chestnut Ridge Road Morgantown, West Virginia 26505

Dear Mr. Moran:

I have taken the liberty of sending to your attention copies of letters received in my Washington office concerning the revision of tests and requirements for certification of permissibility of respiratory protective devices used in mining.

These letters are being submitted for your review during the public hearing comment period. I request that you and your staff carefully examine the full implications of the comments. Your full consideration of this matter is respectfully requested.

Thank you for your prompt attention. If I may be of assistance to you, please feel free to call.

Sincerely,

Helen Delich Bentley Member of Congress

Steven P. Wicelinski, Ph.D. 29 Cherry Manor Court Reisterstown, MD 21136

January 29, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

The National Institute for Occupational Health and Safety (NIOSH) currently certifies respirators for use in general industry, mining, and construction. On August 27, 1987, NIOSH proposed (42 CFR 84. Federal Register) regulations which will have a disastrous impact on worker safety and on our industry.

The Industrial Safety Equipment Association, of which Mine Safety Appliances Company of Pittsburgh, Pennsylvania, is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocol, nor specific requirements, so it is impossible for us to exercise our right to comment on it in a meaningful way. This denies us due process.

While our industry recognizes the value of regulation and, by and large, has little problem with the concept of workplace testing, the fact of the matter is that the technology is not available to conform to the proposed change. This is not the way to improve a process; it will, in fact, destroy a process which works but needs tuning.

Even though 90 percent of the respirators in use today are used for non-mining (industrial and construction) purposes, the proposal requires that we test all respirators under mining conditions thereby ignoring the safety interest of the majority of workers who use respirators.

Finally, the proposed changes will cost our industry up to \$700,000,000 which will threaten the very viability of the industry as well as worker safety.

The management and employees of MSA trust that we can count on your support in this matter of critical interest to Pennsylvania labor and industry.

We urge you to immediately contact Health and Human Services Secretary Dr. Otis Bowen to request that the proposed ruling be withdrawn.

Thanks for your assistance on this matter.

Sincerely, Heren Y. Wicelinski

Steven P. Wicelinski, Ph.D.

Young Choi 921 Beaverbank Circle Towson, MD 21204

February 2, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

The National Institute for Occupational Health and Safety (NIOSH) currently certifies respirators for use in general industry, mining, and construction. On August 27, 1987, NIOSH proposed (42 CFR 84. Federal Register) regulations which will have a disastrous impact on worker safety and on our industry.

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We urge you to immediately contact Health and Human Services Secretary Dr. Otis Bowen to request that the proposed ruling be withdrawn.

Thanks for your assistance on this matter.

Sincerely,

Young Choi

Franklyn G. Greene 112 Glyndon Drive Reisterstown, MD 21136

January 27, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

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We urge you to immediately contact Health and Human Services Secretary Dr. Otis Bowen to request that the proposed ruling be withdrawn.

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Sincerely,

Franklyn G. Greene

5 Ravens Nest Court Glen Arm, Maryland 21057 February 4, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of the Catalyst Research Division of Mine Safety Appliances Company (MSA) in Baltimore County. I am writing to request your help in repealing proposed regulations (42CFR84) which were issued for comment on August 27, 1987, by the National Institute of Occupational Safety and Health (NIOSH).

My employer, MSA, is the world's leading manufacturer of respiratory protective equipment. MSA believes these proposed regulations to be ill-conceived. They will result in increased risk to workers and will damage the competitive posture of US manufacturers. Specific problems with these proposed regulations are as follows:

- 1. 42CFR84 will result in bulkier and less comfortable respirators. As a result, workers will resist wearing this protective equipment. This may lead to an increased incidence of workplace injuries.
- 42CFR84 requires certification testing in mines. However, 90% of respirator users do not work in mining environments. Consequently, most respirators will be certified in occupational environments alien to their intended workplaces. Such a practice could place the majority of workers using respirators at risk.
- 3. 42CFR84 will cost our industry \$700 million to implement. This cost will have to be passed down to our customers. This will increase the cost of many domestic products.

From a personal viewpoint, I worry that anything resulting in higher costs may jeopardize my job. Please lend your support in fighting these regulations. I need my job, US workers need cost effect protective equipment, and goods produced in the US must remain competitive with products produced in other countries.

Thank you for your help.

Sincerely,
Andrew J. Olert

2303 Pentland Drive Baltimore, Maryland 21234 February 4, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of the Catalyst Research Division of Mine Safety Appliances Company (MSA) in Baltimore County. I am writing to request your help in repealing proposed regulations (42CFR84) which were issued for comment on August 27, 1987, by the National Institute of Occupational Safety and Health (NIOSH).

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Thank you for your help.

Sincerely, Leardy amil

Leander A. Daniel

Nancy R. Mobberly 2625 E. Joppa Road Baltimore, MD 21234

February 2, 1988

House of Representatives House Office Building Washington, DC 20515

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Finally, the proposed changes will cost our industry up to \$700,000,000 which will threaten the very viability of the industry as well as worker safety.

The management and employees of MSA trust that we can count on your support in this matter of critical interest to Pennsylvania labor and industry.

We urge you to immediately contact Health and Human Services Secretary Dr. Otis Bowen to request that the proposed ruling be withdrawn.

Thanks for your assistance on this matter.

Sincerely,

Nancy R. Mobberly

Manay on Mittely

Andrew Peltz 2106 Flintshire Road Apartment 301 Baltimore, MD 21237

February 3, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of Catalyst Research in Owings Mills, MD, and live within your jurisdiction. We are a part of the Instrument Division of Mine Safety Appliances Company in Pittsburgh, PA. I've become aware of a NIOSH proposal which would affect respirator certification and could affect my job as a Technician, at Catalyst Research.

The National Institute for Occupational Safety and Health wants to limit respirator testing and certification to mining applications at the expense of general industry and construction.

This proposal (42 CFR 84, Federal Register) is a bad one, and I'm writing to ask you to use your influence to have NIOSH withdraw it.

In my 3.5 years with MSA, the company has been strongly committed to selling only approved products.

The costs of changing the design of respirators to meet the peculiar requirements of the NIOSH proposal will be staggering to MSA alone, not to mention our competitors. Additionally, the requirements will be changed to require a heavy, bulky product for which there is little support in the professional and user community. We're going to have to pass the huge testing costs along to the consumer who will pay a lot of money for a respirator that will probably be too large, too unwieldy, and too uncomfortable for most workers. The underground miner works in relatively cool surroundings, compared to the refinery or construction worker. Yet, under the NIOSH proposal, they all must wear the same respirator designed for specific mining requirements.

Why is NIOSH trying to make such fundamental changes to a system that's working?

Please talk to Dr. Otis Bowen, Health and Human Services Secretary, and let me know what he says.

Thanks for your help.

Sincerely,

Thomas Lentz 4000 Marjeff Place Baltimore, MD 21236

January 22, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of Catalyst Research in Owings Mills, MD, and live within your jurisdiction. We are a part of the Instrument Division of Mine Safety Appliances Company in Pittsburgh, PA. I've become aware of a NIOSH proposal which would affect respirator certification and could affect my job as a Mechanical Engineer, at Catalyst Research.

The National Institute for Occupational Safety and Health wants to limit respirator testing and certification to mining applications at the expense of general industry and construction.

This proposal (42 CFR 84, Federal Register) is a bad one, and I'm writing to ask you to use your influence to have NIOSH withdraw it.

In my 5 years with MSA, the company has been strongly committed to selling only approved products.

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Thanks for your help.

Sincerely,

Thomas Lentz

Thomas a feet

Allen E. Bayer 1338 Mantle Street Baltimore, MD 21234

January 21, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of Catalyst Research in Owings Mills, MD, and live within your jurisdiction. We are a part of the Instrument Division of Mine Safety Appliances Company in Pittsburgh, PA. I've become aware of a NIOSH proposal which would affect respirator certification and could affect my job as a Materials Control Manager, at Catalyst Research.

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Thanks for your help.

Sincerely,

Allen E. Bayer

Relin E Sayer

Vincent V. Dobbs 2611 Ebony Road Baltimore, MD 21234

January 22, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

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Thanks for your help.

Sincerely.

Vincent V. Dobbs

Thurst 1/ Saffin

Paul M. Bachman 11606 Terrytown Drive Reisterstown, MD 21136

February 3, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

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We urge you to immediately contact Health and Human Services Secretary Dr. Otis Bowen to request that the proposed ruling be withdrawn.

Thanks for your assistance on this matter.

Sincerely

Paul M. Bachman

228 Highfalcon Road Baltimore, Maryland 21136 February 3, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of the Catalyst Research Division of Mine Safety Appliances Company (MSA) in Baltimore County. I am writing to request your help in repealing proposed regulations (42CFR84) which were issued for comment on August 27, 1987, by the National Institute of Occupational Safety and Health (NIOSH).

My employer, MSA, is the world's leading manufacturer of respiratory protective equipment. MSA believes these proposed regulations to be ill-conceived. They will result in increased risk to workers and will damage the competitive posture of US manufacturers. Specific problems with these proposed regulations are as follows:

- 1. 42CFR84 will result in bulkier and less comfortable respirators. As a result, workers will resist wearing this protective equipment. This may lead to an increased incidence of workplace injuries.
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- 3. 42CFR84 will cost our industry \$700 million to implement. This cost will have to be passed down to our customers. This will increase the cost of many domestic products.

From a personal viewpoint, I worry that anything resulting in higher costs may jeopardize my job. Please lend your support in fighting these regulations. I need my job, US workers need cost effect protective equipment, and goods produced in the US must remain competitive with products produced in other countries.

Thank you for your help.

Sincerely,

Tom Shutt

7706 Chapman Road Kingsville, Maryland 21087 February 4, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

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Thank you for your help.

Sincerely,

Kenneth L. Julleston Kenneth Fullerton

9485 Seven Court Drive Baltimore, Maryland 21236 February 4, 1988

House of Representatives House Office Building Washington, DC 20515

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Thank you for your help.

Sincerely, Salin Fampe

Sue Lampe

Joan A. Sheubrook P.O. Box 20902 Baltimore, MD 21209

February 5, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

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The National Institute for Occupational Safety and Health wants to limit respirator testing and certification to mining applications at the expense of general industry and construction.

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Why is NIOSH trying to make such fundamental changes to a system that's working?

Please talk to Dr. Otis Bowen, Health and Human Services Secretary, and let me know what he says.

Thanks for your help.

Sincerely,

Joan A. Sheubrook

William Groom 37 Colleton Court Baltimore, MD 21236

January 27, 1988

House of Representatives House Office Building Washington, DC 20515

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Sincerely

William Groom

Christie D. Price 12K Windmill Chase Sparks, MD 21152

February 2, 1988

House of Representatives House Office Building Washington, DC 20515

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Christie D. Price

Marcell J. Foxwell 207 Leslie Avenue Baltimore, MD 21236

February 1, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of Catalyst Research in Owings Mills, MD, and live within your jurisdiction. We are a part of the Instrument Division of Mine Safety Appliances Company in Pittsburgh, PA. I've become aware of a NIOSH proposal which would affect respirator certification and could affect my job as an Electronic Technician, at Catalyst Research.

The National Institute for Occupational Safety and Health wants to limit respirator testing and certification to mining applications at the expense of general industry and construction.

This proposal (42 CFR 84, Federal Register) is a bad one, and I'm writing to ask you to use your influence to have NIOSH withdraw it.

In my 10 years with MSA, the company has been strongly committed to selling only approved products.

The costs of changing the design of respirators to meet the peculiar requirements of the NIOSH proposal will be staggering to MSA alone, not to mention our competitors. Additionally, the requirements will be changed to require a heavy, bulky product for which there is little support in the professional and user community. We're going to have to pass the huge testing costs along to the consumer who will pay a lot of money for a respirator that will probably be too large, too unwieldy, and too uncomfortable for most workers. The underground miner works in relatively cool surroundings, compared to the refinery or construction worker. Yet, under the NIOSH proposal, they all must wear the same respirator designed for specific mining requirements.

Why is NIOSH trying to make such fundamental changes to a system that's working?

Please talk to Dr. Otis Bowen, Health and Human Services Secretary, and let me know what he says.

Thanks for your help.

Sincerery,

Marcell J. Foxwell

Marcell f. Forwell

Vivian L. Freeman 132 S. Ritters Lane Owings Mills, MD 21117

January 21, 1988

House of Representatives House Office Euilding Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

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Thanks for your help.

Sincerely,

Juran of Freeman

Vivian L. Freeman

3201 Seiter Lane Jarrettsville, Maryland 21084 January 26, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of the Catalyst Research Division of Mine Safety Appliances Company (MSA) in Baltimore County. I am writing to request your help in repealing proposed regulations (42CFR84) which were issued for comment on August 27, 1987, by the National Institute of Occupational Safety and Health (NIOSH).

My employer, MSA, is the world's leading manufacturer of respiratory protective equipment. MSA believes these proposed regulations to be ill-conceived. They will result in increased risk to workers and will damage the competitive posture of US manufacturers. Specific problems with these proposed regulations are as follows:

- 1. 42CFR84 will result in bulkier and less comfortable respirators. As a result, workers will resist wearing this protective equipment. This may lead to an increased incidence of workplace injuries.
- 2. 42CFR84 requires certification testing in mines. However, 90% of respirator users do not work in mining environments. Consequently, most respirators will be certified in occupational environments alien to their intended workplaces. Such a practice could place the majority of workers using respirators at risk.
- 3. 42CFR84 will cost our industry \$700 million to implement. This cost will have to be passed down to our customers. This will increase the cost of many domestic products.

From a personal viewpoint, I worry that anything resulting in higher costs may jeopardize my job. Please lend your support in fighting these regulations. I need my job, US workers need cost effect protective equipment, and goods produced in the US must remain competitive with products produced in other countries.

Thank you for your help.

Sincerely,

Richard C. Levin

Patrick Rissmiller 1312 Walker Road Freeland, Maryland 21053 January 25, 1988

House of Representatives House Office Building Washington, DC 20515

Attention: Representative Helen Bentley

Dear Representative Bentley:

I am an employee of the Catalyst Research Division of Mine Safety Appliances Company (MSA) in Baltimore County. I am writing to request your help in repealing proposed regulations (42CFR84) which were issued for comment on August 27, 1987, by the National Institute of Occupational Safety and Health (NIOSH).

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Sincerely,

Patrick Rissmiller

Kenneth R. Harp 3512 Pleasant Plains Drive. Reisterstown, MD 21136 January 25, 1988

House of Representatives House Office Building Washington, DC 20515

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Sincerely,

Kenneth R. Harp

Creig Weat 1253

2107 Graythorn Road Baltimore, Maryland 21220 January 29, 1988

House of Representatives House Office Building Washington, DC 20515

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Thank you for your help.

Varnell Bentle

Varnell Gentle

Tracy Wolf 6C Queensbridge Court Cockeysville, MD 21030

January 28, 1988

House of Representatives House Office Building Washington, DC 20515

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Why is NIOSH trying to make such fundamental changes to a system that's working?

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Thanks for your help.

sincerely,

Tracy Delan Walf

8304 Nunley Drive, Apt. E Baltimore, Maryland 21234 January 27, 1988

House of Representatives House Office Building Washington, DC 20515

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Sincerely,

Mary an Oremen
Mary Ann Cremen

214 Eastspring Road Timonium, Maryland 21093 January 25, 1988

House of Representatives House Office Building Washington, DC 20515

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Vis Klasons

(15 a)

318 Blackburn Court Joppa, Maryland 21085 January 27, 1988

House of Representatives House Office Building Washington, DC 20515

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Sincerely,

Charles & Spencer

Bernard Codd 1029 Kingsbury Road Reisterstown, MD 21136

January 29, 1988

House of Representatives House Office Building Washington, DC 20515

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