

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MAR 21 1988

84-265

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510-6225

Dear Senator McConnell:

Thank you for your letter of February 26 to Secretary Bowen 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 in Washington, D.C., on January 27-28, 1988. 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,

rw Robert E. Windom

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

Enclosures

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<i>ca/w</i>	<i>R. E. Windom</i>	<i>3/16/88</i>						

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CDC:JOMason;dc 03/09/88 FTS 236-3291 (M/03/09)

OS No. 8803030070; Tracer 92327; CDC ID D41833; Doc 3660B

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20540-3226

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February 26, 1988

The Honorable Otis R. Bowen
U.S. Department of Health and Human Services
200 Independence Avenue
Washington, DC 20201

Dear Otis:

Recently I received a number of inquiries from some of my constituents in Kentucky in regard to regulations proposed by the National Institute for Occupational Health and Safety (NIOSH) (42CFR 84, Federal Register) on August 27, 1987 concerning the certification of respirators.

Respirators are currently certified by NIOSH for use in general industry, mining and construction. The majority of respirators are used for non-mining purposes, yet the proposed regulations would require that all respirators be tested under mining conditions, thereby ignoring the safety of most of those workers who use respirators. Additionally, some feel that the added expense would be almost too much for the industry to bear. Others think that the technology is not readily available to conform to the proposed change. Another concern indicates that while NIOSH has issued proposed standards for certification, it has not released information outlining the requirements and procedures for the required workplace testing, and therefore industry members cannot fairly comment on these proposals.

I would appreciate it if your office could reexamine these proposed regulations. Thank you in advance for your time and consideration of this matter.

Sincerely,

MITCH McCONNELL
UNITED STATES SENATOR

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DATE: MAR - 9 1988
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