

84-170

FEB 02 1988

The Honorable Alan J. Dixon
United States Senate
Washington, D.C. 20510-1301

Dear Senator Dixon:

Thank you for your letter of January 11 on behalf of Mr. Gregory Larson 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 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 was 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 yours,

James O. Mason

James O. Mason, M.D., Dr.P.H.
Assistant Surgeon General
Director

Enclosure

Page 2 - The Honorable Alan J. Dixon

cc:

OD

NIOSH

NIOSH/W

NIOSH/Docket Office

FMO

CDCW

ES/PHS

ASL/OS

CLO/OS

CDC:NIOSH:LSparks

PHS Tracer No. T91275; CDC ID #D41203; NIOSH #3182; Doc. 3160C

Prepared by Larry Sparks, 3061

Contact Diane Porter, 3061

ALAN J. DIXON
ILLINOIS

25
United States Senate

WASHINGTON, DC 20510-1301

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND
URBAN AFFAIRS
SMALL BUSINESS

January 11, 1988

AJH

Mr. Bob Moffit
Congressional Liaison Office
Department of Health and Human Services
Room 416 G
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Moffit:

Enclosed is an inquiry I received from one of my constituents.

Because of my desire to be responsive to all communications, your consideration of the matter is requested.

Your findings and views, in duplicate form along with the return of this correspondence, will be appreciated. Please mark your reply to the attention of Hedy Lieberman on the envelope only.

Thanks very much for your help.

Sincerely,

Alan J. Dixon
Alan J. Dixon

Enclosure

CDC ID: D <u>41203</u>
DATE: <u>JAN 28 1988</u>
Correspondence Unit, OD
Unit 123

791275
TRACER

#1E

6707 N. Sheridan Rd., Apt.

Chicago, IL
December 21, 1987

The Honorable Alan Dixon
SH 331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Dixon:

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,


Gregory T. Larson