

**SAFETY
EQUIPMENT
INSTITUTE**

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December 18, 1987

NIOSH Docket Office
Mailstop E23
1600 Clifton Road, NE
Atlanta, GA 30333

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1987 DEC 28 AM 10:17
NIOSH

Dear Sir or Madam:

Pursuant to your Federal Register announcements of August 27, 1987 and October 8, 1987 we wish to submit the following comments on proposed 42 CFR Part 84.

The Safety Equipment Institute is a private, non-profit organization established in 1981 to administer the first non-governmental, third-party certification programs to test and certify a broad range of safety equipment products. Our Certification Programs are built around on-going product testing and quality assurance audits.

First, we do not support the proposed rulemaking and feel it should be recalled because it does not provide any test protocols for the proposed workplace testing of respirators. Because of this it is impossible for us to exercise our right to comment on the rulemaking in a meaningful way. This denies us due process.

Second, we take exception to the proposed rule which indicates that all respirators will be tested under mining conditions thereby ignoring the safety interest of the majority of workers who use respirators. While the Mine Safety and Health Act requires NIOSH to approve and certify respirators for mines and mining, the Act does not prevent NIOSH from approving and certifying respirators for non-mining use. More than 90% of the NIOSH approved respirators in use today are used in non-mining applications, and other regulatory agencies such as EPA, OSHA and NRC require NIOSH certified respirators for non-mining use. NIOSH should expand the scope of its respirator certification program to address the needs of the vast majority respirator users.

Finally, we are opposed to this proposal which permits respirator manufacturers to do their own product testing. If NIOSH is going to back out of the testing of respirators we feel this should be turned over to a

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non-profit third-party certification organization such as the Safety Equipment Institute. This could be readily accomplished through the development of a consensus standard, and we feel confident this approach would have the support of labor organizations, respirator manufacturers, and user groups.

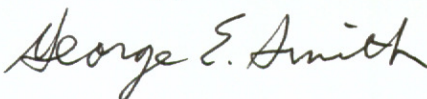
The Safety Equipment Institute offers a number of unique advantages including:

1. Non-profit organization with 6 years experience now administering 6 certification programs for safety equipment.
2. Managed by a cross-section of interests, including corporate users, a labor organization, the insurance industry, and a safety equipment manufacturer.
3. Offers third-party certification, which provides greater assurances to users than self-certification by manufacturers.
4. Testing by the best qualified independent laboratories.
5. Separate and comprehensive quality assurance audits of manufacturing facilities.
6. Products tested to the most comprehensive standards, be they ANSI, OSHA, NIOSH, NFPA, ASTM, etc.
7. Voluntary and mandatory recalls.
8. Formalized appeals procedure through the American Arbitration Association.
9. Costs borne by participating manufacturers.
10. Maintenance and circulation of a current list of certified product models.

We are committed to the goal of protecting American workers with safety equipment in keeping with recognized standards and the current state-of-the-art. We would like to work with NIOSH to achieve a meaningful certification program for respiratory protection equipment.

Thank you for the opportunity for presenting these comments.

Sincerely,



George E. Smith
Chairman of the Board

cc: Board of Directors