

Miller, Diane M. (CDC/NIOSH/EID)

From: Gary Dreyer [dreyer_gm@hotmail.com]
Sent: Friday, October 16, 2009 10:43 PM
To: NIOSH Docket Office (CDC)
Subject: 083-B - Supplied Air Respirators (SAR)

Thursday, October 15, 2009

NIOSH Docket Office
Robert A. Taft Laboratories, M/S C 34
Supplied Air Respirators (SAR) – NIOSH Docket # 083B
4676 Columbia Parkway
Cincinnati, OH 45226
Email: niocindocket@cdc.gov

Dear Sir or Madam,

After reviewing NIOSH's proposal to change 42 CFR part 84, Subpart J, Crockery Township Fire Department opposes inclusion of the Cylinders and Cylinder Valves ("Cylinders") as part of the approval process for Supplied Air Respirators (SAR's & SAR/SCBA). We respectfully request NIOSH not include the cylinder in the revision of Subpart J and maintain the existing method of approval that does not include the Cylinder. . NIOSH's proposal to include the Cylinder which is a component part not produced by Supplied Air Respirators manufacturers has not been substantiated and is without merit based upon many years of successful usage by end users. In fact as an end user our department has done comparisons on the cylinders supplied by the manufacturers of the SARs and those supplied by independent cylinder manufacturers, in fact the units supplied by the SAR manufacturer and independent cylinder manufacturers. As a result of these comparisons it was learned that the cylinders supplied by the SAR/SCBA manufacturer contained the name of the Independent cylinder manufacturer as well as the SAR manufacturers name, the model and spec number were exactly the same, the only difference was that the one with the SAR manufacturers name was 2.5 times more money and could only be purchased exclusively through the SAR suppliers distributors which have exclusive territory. As a governmental entity our department must by policy obtain at least three quotes on all purchases over \$300.00 under the current rule this is possible, however, the proposed change in 42 CFR Part 84 Subpart J would create a sole source and therefore monopoly on the supply of cylinders. Also learned in this comparison was that the manufacturers periodically bid out the supplier contract for cylinders, this creates a situation where the bidders are competing to keep the cost low and may cut corners on the final product to keep the cost per unit as low as possible while maintaining a minimum standard. The SAR/SCBA manufacturers purchase these cylinders from the vendor then make a substantial mark-up on the cost, add their own valve and packaging then ship them out to their distributors which sell the cylinders to end users. As a tax supported entity we have obtained bids from three sources of new cylinders over the

last month.

SAR Distributor: \$1275.00 ea.

Dalmatian Fire and Safety \$725.00 ea.

Structural Composites \$525.00 ea.

Each of the above cylinders were manufactured to the SAR manufacturers specifications and DOT approved carbon fiber cylinders the lower cost units were purchased without passing through the hands of the SAR builder, the only difference in these units were the price. Many fire departments with shrinking budgets will be forced to forego upgrades in other safety equipment to purchase cylinders at inflated prices. A change in this policy would render thousands of cylinders currently in service useless which were purchased under the current ruling forcing public safety entities to spend dollars they do not currently have. If the rule is changed to only allow cylinders provided by the SAR manufacturer to be used with a SAR it will negatively affect the national interoperability plan suggested by the Department of Homeland Security, SAR suppliers could change valving and connections to be proprietary. Without interchangeable fittings disaster responses will not operate efficiently.

I have had the opportunity to tour one of the SAR manufacturers facility and I have seen the pallets of cylinders arrive from the supplier, I have also heard personnel from that company state that all testing is done at the cylinder manufacturer, and the SAR builders only add the valve to the cylinder before shipping units out to the end users.

Furthermore, inclusion of the Cylinder into the approval process fails to address any of the concerns stated in NIOSH's own Abbreviated Draft Preamble for 42 CFR Part 84 Subpart J.

Historically, NIOSH has never regulated cylinders as part of the SAR. During that time, they've performed without failure or injury to users. These Cylinders are rigorously regulated by the Department of Transportation (DOT) and Compressed Gas Association (CGA). Additional regulatory considerations proposed by NIOSH that incorporate cylinders into the SAR will not improve worker safety. If sufficient concerns exist regarding the quality of Air Source systems (whether fixed or portable), NIOSH should consider separate approvals for Air Sources instead of integrating Air Sources with the Respirator. Doing so would allow end users to choose the appropriate combination of Approved Respirators and Approved Air Sources.

Should NIOSH adopt rules limiting the Cylinder as part of the SAR and only to be provided by the SAR manufacturer many of the new innovations in cylinder production may cease. New materials which are in research and development and product enhancements being researched by the Cylinder providers will nearly cease leaving the technology stagnant. This stagnant technology may eventually lead to increased injuries deaths having the opposite result as hoped for through this process.

In summary, the premise that inclusion of the Cylinder into the NIOSH test and approval process somehow benefits the end user is not substantiated and is incorrect.

The Crockery Township Fire Dept. urges NIOSH to refrain from including cylinders into the approval process as it provides no real added benefits and in fact results in severe economical and operational hardships for end users. As a small end user I would hope that this letter will help to provide you with a view from an end users opinion, and the concerns which would result from the change of this rule.

Sincerely,

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