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My name is William Gadol of Robertshaw Controls Company. My company offers the following comments on NIOSH's role in testing as outlined in the Federal Register of Wednesday, June 18, 1980:

ITEM 1. The "Quality Control" section states that "used" units would be obtained from the field, tested for performance per Title 30, and results published. There is no control over the condition of the units once they are in the field. Unless the units are properly maintained by the user, the units could fail due to improper handling, storage, maintenance, or repair. Therefore, proper evaluation of used units can only be accomplished by the manufacturer.

Regarding the publishing of results, this should be limited to pass-fail notations and not include data that could be used by competition. Further, the procedure does not include a method of appeal from NIOSH findings. Some method of appealing test results should be included.

ITEM 2. Witnessing of Approval Tests. This particular specification conflicts with the June 20, 1980, document issued by NIOSH entitled "To All Manufacturers of NIOSH MSHA Certified Products" and signed by J. A. Oppold. In this document, manufacturers are allowed to pre-arrange their appearance in witnessing of their products being tested. Further, it is possible that the manufacturer, because of his complete knowledge of his own product, could see what to him is an obvious error in test procedure that would falsely fail the unit. This could, and probably would, result in considerable

3

unnecessary delay in approval and would require additional and unnecessary time by NIOSH personnel to retest.

ITEM 3. Duration of Approval. It is felt that a five-year reapproval requirement is not needed. Since Robertshaw favors Number 4 for the testing and certification program, the manufacturer could be required to periodically conduct testing to verify that the product still meets the requirement for NIOSH recertification. If every approved device requires recertification by NIOSH, what percentage of NIOSH time would this consume? It is conceivable that, in time, NIOSH would be spending full time merely recertifying. It is slow and cumbersome enough under the current program to get certification of a new or modified product.

ITEM 4. Testing of Prototype Respirators. It is felt that this clause should be entitled "Testing of Development Respirators." This assistance could be requested by a small company which does not have the financial capability of buying exotic engineering test equipment involved in programs. This paragraph should not be confused with pre-production "prototypes" being submitted for certification tests.

ITEM 5. Approval Tests. It is felt that this clause should be deleted completely or rewritten to permit samples of respirators to be supplied with machined parts in lieu of parts which would be made on expensive production tooling, such as production molds, mask molds, die casting, etc. This equipment could cost $25,000 to $100,000.

ITEM 6. Group Testing of Respirators. This paragraph restricts marketing of new products to the industry. It is not acceptable because of

this restriction and could involve considerable losses to the manufacturer. The manufacturer could have equipment ready to submit, yet be required to wait for NIOSH to schedule that type of device for submittal.

ITEM 7. Publication of Test Data. Publication of data should not be allowed because it permits competitive companies to use comparison literature, which is detrimental to good business--particularly if the company is unethical in its marketing practices. Test data should be published only as to whether it failed or passed.