

84-205

FEB 29 1988

The Honorable Chic Hecht
United States Senate
Washington, D.C. 20510

Dear Senator Hecht:

Thank you for your letter of January 27 on behalf of Mr. Robert Mulhall 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. Enclosed is a copy of the opening statement from those hearings which clarifies many of the misunderstandings of this regulation.

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

Enclosures

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cc:

OD

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CDC:NIOSH:LSparks

PHS Tracer No. T91562; CDC ID #D41380; NIOSH #3236

Prepared by Larry Sparks, 3061

Contact Diane Porter, 3061

CHIC HECHT
NEVADA

COMMITTEES:
BANKING, HOUSING, AND URBAN AFFAIRS
ENERGY AND NATURAL RESOURCES
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United States Senate
WASHINGTON, DC 20510

STATE OFFICES:
CARSON CITY OFFICE:
308 NORTH CURRY STREET
(702) 885-9111
LAS VEGAS OFFICE:
300 LAS VEGAS BLVD., SOUTH
(702) 388-6605
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300 BOOTH STREET
(702) 784-5007

January 27, 1988

ASH

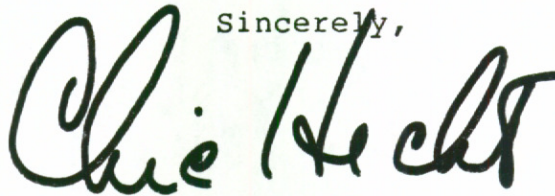
Department of Health and Human Services
Office of the Assistant Secretary
for Legislation
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Sir:

Enclosed is a copy of the communication I received from Robert Mulhall, President, Interstate Safety and Supply regarding his request for the withdrawal of proposed NIOSH regulations (42 CFR part 84, Federal Register). I would appreciate any information you could provide regarding this matter.

Please forward your reply, in duplicate, to the attention of my office assistant, Craig Simmons, Room SH-302, Hart Senate Office Building, Washington, D.C., 20510. PLEASE REFER TO THE ABOVE NAMED CONSTITUENT IN ALL CORRESPONDENCE REGARDING THIS MATTER.

Sincerely,



Chic Hecht

CH/ces
Enclosure

CDC ID: D 41380
DATE: FEB 10 1988
Correspondence Unit, OD
Ext. 3522

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Interstate Safety & Supply, Inc.

P.O. Box 947, Sparks, Nevada 89432-0947 (702) 359-6474

January 20, 1988

Senator Chic Hecht
SH302 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hecht,

The National Institute for Occupational Health and Safety (NIOSH) currently certifies respirators for use in general industry, mining and construction. On August 27, 1987, NIOSH proposed (42 CFR 84, Federal Register) regulations which will have a disastrous impact on worker safety and on our industry.

The Safety Equipment Distributors Association, of which Interstate Safety & Supply, Inc. of Reno, Sparks and Las Vegas is a part, feels strongly that this proposal must be withdrawn.

The proposal provides no protocols, nor specific requirements, so it is impossible for us to exercise our right to comment on it in a meaningful way. This denies us due process.

While our industry recognizes the value of regulation and, by and large, has little problem with the concept of workplace testing, the fact of the matter is that the technology is not available to conform to the proposed change. This is not the way to improve a process; it will, in fact, destroy a process which works but needs tuning.

Even though 90 per-cent of the respirators in use today are used for non-mining (industrial and construction) purposes, the proposal requires that we test all respirators under mining conditions thereby ignoring the safety interest of the majority of workers who use respirators.

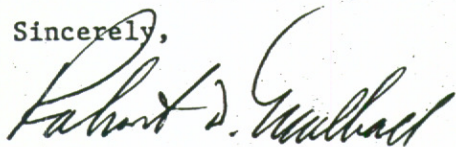
Finally, the proposed changes will cost our industry up to \$700,000,000 which will threaten the very viability of the industry as well as worker safety.

The management and employees of Interstate Safety & Supply, Inc. trust that we can count on your support in this matter of critical interest to Nevada labor and industry, as well as mining. We urge you to immediately contact Health and Human Services Secretary, Dr. Otis Bowen, to request that the proposed ruling be withdrawn.

Enclosed is a fact sheet which outlines the proposal, our objections and recommendations.

Thank you in advance for your assistance on this matter and I look forward to hearing from you once you have contacted Secretary Bowen as we are very anxious about the resolution of this problem.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Mulhall". The signature is written in dark ink and is positioned above the typed name.

Robert D. Mulhall
President

RDM/kam