

84-209

MAR 16 1988

The Honorable Jesse Helms  
United States Senate  
Washington, D.C. 20510

Dear Senator Helms:

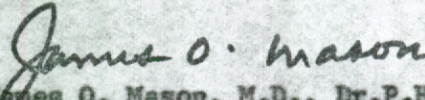
Thank you for your inquiry of February 9 on behalf of Mr. Alan L. DiGiovanni regarding the proposed regulations governing the certification of respirators.

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 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 have also extended the comment period until March 28, 1988 (53 FR 5595).

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, M.D., Dr.P.H.  
Assistant Surgeon General  
Director

Enclosures

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cc:

OD

NIOSH

NIOSH/W

NIOSH/Docket Office

FMO

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ES/PHS

ASL/OS

CLO/OS

CDC:NIOSH:LSparks

PHS Tracer No. T92248; CDC ID #D41816; NIOSH #3294

Prepared by Larry Sparks, 3061

Contact Diane Porter, 3061

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ASH

Direct to the attention of:

ALICE D. FUGUA

Office of Senator Jesse Helms  
402 Dirksen Office Building  
Washington, D.C. 20510  
[202] 224-6342

**United States Senate**

February 9, 1988

Respectfully referred to:

Health and Human Services  
Office of Congressional Affairs

CDC ID: D	<u>41816</u>
DATE:	<u>MAR 09 1988</u>
Correspondence Unit, OD	
Ext. 3322	

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

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Duck*



Mine Safety Appliances Company • 352 White Street • Jacksonville, North Carolina 28540-6797

1988 JAN 28 PM 4:54  
January 21, 1988

The Honorable Jesse Helms  
United States Senate  
402 Dirksen Office Building  
Washington, D.C. 20510

Dear Senator Helms:

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.

We urge you to immediately contact Health and Human Services Secretary Dr. Otis Bowen to request that the proposed ruling be withdrawn.

The proposal provides no protocol, 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 percent 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 Industrial Safety Equipment Association, of which Mine Safety Appliances Company is a part, feels strongly that this proposal must be withdrawn. Mine Safety Appliances operates a manufacturing plant employing 50 people in Jacksonville, North Carolina. The management and employees of MSA trust that we can count on your support in this matter of critical interest to North Carolina labor and industry.

Sincerely,

*Alan L. DiGiovanni*  
Alan L. DiGiovanni  
Plant Manager

Telephone: (919) 353-1540