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December 23, 1987
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*Rec'd
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Docket Office*

Mr. John Moran
Director
Division of Safety Research
NIOSH
944 Chestnut Ridge Road
Morgantown, West Virginia 26505

Dear Mr. Moran:

We have evaluated the proposed NIOSH revisions of tests and requirements for respirator certification, and would like to comment. Our major grievance is that NIOSH does not offer detailed information to support some of its proposals. As examples:

1. In the Supplementary Information of 42 CFR Part 84 (p. 32402), NIOSH claims that it

has repeatedly observed and been advised by mining personnel and others, of hazardous problems existing in the design and/or performance of respirators that have been certified for approval by MSHA and NIOSH, but have not been used under field conditions. These problems, which the performance requirements of the present 30 CFR Part 11 often cannot identify, may become apparent only after the certified respirator is put into actual use in strenuous mine and other operations.

NIOSH should provide documentation describing the identity of the complainants, the exact nature of the problems, and how NIOSH verified that problems did indeed exist. They should substantiate that the regulations need revision.

2. In the same section (p. 32402), NIOSH has determined that the proposed changes "... will provide greater safety and reliability for respirators ..." NIOSH should provide documentation in regard to reaching this conclusion.

3. In the Regulatory Impact Analysis (p. 32404), NIOSH states that this rule will not "... cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions ..." In contrast, some manufacturers have suggested that the new requirements will increase the cost of respirators. Again, NIOSH should state how they arrived at their determination.

4. In subpart V of the Supplementary Information (p. 32404), NIOSH proposes using a "superior" sodium chloride aerosol test to replace the present silica and lead aerosol test. NIOSH should detail why this test is superior and why it is necessary to change the old test. NIOSH's suggestion that the sodium chloride aerosol test is more severe does not indicate why a more severe test is necessary or relevant for protection from silica and lead.

Our final concern pertains to the possibility of design changes in respirators necessitated by the new regulations. If respirators become bulkier due to modifications, workers may be less inclined to wear them regularly. A perfect respirator offers zero protection if it is not worn.

We can provide further comments if NIOSH disseminates more complete information concerning 42 CFR Part 84. Thank you for your consideration in this matter.



Director, Research & Tests

RES/jnh

cc: Mr. Michael J. Rush