

NATIONAL INSTITUTE
FOR OCCUPATIONAL SAFETY AND HEALTH
NATIONAL PERSONAL PROTECTIVE TECHNOLOGY LABORATORY
PUBLIC MEETING
COMMENTS ON PROPOSED RULES FOR:
APPROVAL TESTS AND STANDARDS FOR
CLOSED-CIRCUIT ESCAPE RESPIRATORS (CCERS)

Monday, March 16, 2009

Commencing at 9:05 a.m. at the Denver Tech
Center Marriott, 4900 S. Syracuse Street, Denver,
Colorado.

1 MR. HEARL: Well, good morning and welcome
2 to our public meeting held here at the Denver
3 Technical Center Marriott Hotel.

4 My name is Frank Hearl. I'm the NIOSH
5 Chief of Staff working in the Washington DC office.
6 And we are here today to discuss proposed rules to
7 modify Title 42 Code of Federal Regulations, Part
8 84, approval tests and standards for closed-circuit
9 escape respirators, which we will refer to as
10 CCERs.

11 Just to start out with, I wanted to do
12 little bit of housekeeping information for the group
13 and let you know that, as an escape route, if there
14 should be a reason to have to leave the room by
15 emergency alarm, you leave through this door. And
16 to your left you will see a stairwell that goes down
17 to the lobby. And you will see there are there two
18 doors that you can go to the outside.

19 Restrooms are located outside this door
20 and to the right. And just go past the elevators,
21 and you will see the restrooms there.

22 So the purpose of this meeting is to seek

1 public input and comment on the proposed rules as
2 published on December 10, 2008. The meeting --
3 there will be a meeting today. It will also be
4 followed by a similar meeting next Monday in
5 Adelphi, Maryland at 1 p.m.

6 The comment period for this particular
7 rulemaking closes on April 10, 2009. We extended
8 that because we were unable to hold this meeting a
9 couple of weeks ago when we originally intended.

10 And so comments will be accepted through
11 April 10, 2009 by mail, by email to the address
12 niocindocket@cdc.gov, or you can also submit
13 comments through the federal e-rulemaking portal,
14 which is located at www.regulations.gov.

15 So for today's meeting, I want to give you
16 a little bit of logistics as to how we are going to
17 do the meeting.

18 First off, we have sign-in sheets outside
19 the room. I ask you to all please sign in as
20 present.

21 If you are interested in making a
22 presentation in today's meeting, please also sign in

1 on the sheets, and we will take comments from
2 individuals as they are signed up in order, giving
3 approximately 20 minutes for each person who wants
4 to make a presentation.

5 And then with any additional time
6 remaining until the planned close time of the
7 meeting at 12, we will allow additional comments as
8 appropriate.

9 The meeting is being recorded, and it will
10 be transcribed for the docket.

11 A question-and-answer period will follow
12 the presentations, and I would ask that when people
13 come up to the front or you can actually stand --
14 this is a small enough room. We don't need to use
15 the microphone. But please state your name and the
16 organization that you are with, and we will be able
17 to have that on the record that way.

18 Joining me today on the NIOSH panel is Jon
19 Szalajda, and Jon is the Branch Chief for the Policy
20 Standards and Development Branch at the National
21 Personal Protective Technology Laboratory, which we
22 will refer to as NPPTL, at NIOSH.

1 As the Branch Chief, Jon leads the
2 multidisciplinary technical personnel for laboratory
3 and field evaluation and is responsible for the
4 development of new standards and standard operating
5 test procedures.

6 Tim Rehak is also here with me. He is a
7 professional engineer with the Policy and Standards
8 Development Branch and is the project officer and
9 team leader in the development of the CCER testing
10 and certification standard.

11 Ted Katz is also here with me from Atlanta
12 with NIOSH, and he is a public health analyst in
13 NIOSH director's office. He is the principal
14 regulatory writer and coordinator for NIOSH.

15 Jeff Peterson is also here today, and he
16 is the lead engineer at the NIOSH's NPPTL Technical
17 Evaluation Branch.

18 As the lead general engineer in the
19 technology evaluation branch, he provides leadership
20 and support for all internal projects related to the
21 certification activities mandated by Title 42 Part
22 84.

1 And also with me is Charles Wolfe, who is
2 a general engineer with NIOSH's NPPTL Technology
3 Evaluation Branch, and he performs the final
4 engineering evaluation of respirator certification
5 applications submitted to NIOSH for approval,
6 assuming 42 CFR regulations are met, for all classes
7 of respirators.

8 So with this, we have pulled out our A
9 team for you, and we are all here and ready to take
10 comments. Checking the sign-in logs, we have no one
11 signed up, so we will leave the floor open for
12 anyone who would like to make comments.

13 Actually, I think we have an opening
14 presentation too from our panel. I'm sorry. I got
15 out of order here.

16 So Tim Rehak will make some remarks.

17 MR. REHAK: Good morning. Just a little
18 background information on the CCER module.

19 Again, NIOSH, in consultation with MSHA,
20 developed these proposed rules for on performance
21 and reliability requirements for the closed-circuit
22 escape respirator.

1 The goals and objectives when we set forth
2 in developing these regulations were, first off, was
3 to provide safe apparatus.

4 We focused the rule on consistent behavior
5 on the devices. We wanted a standard to avoid any
6 ambiguities.

7 Developed a standard predicated on
8 certification and not on use deployment. We wanted
9 to avoid as much as possible test subjects
10 controlling the outcome of the certifications.

11 We wanted shared responsibility between
12 the government, the manufacturers, and the users.
13 We wanted to make sure that the units were safer --
14 or easier to inspect for the users.

15 And we wanted pass-fail indicators for
16 temperature and mechanical shock of the devices.

17 And the philosophy we followed all along
18 in developing the standards was we wanted to be able
19 to approve the simplest of designs that meet
20 appropriate performance requirements. Simplicity in
21 design leads to ease and confidence in use and
22 greater reliability of the product.

1 Continuing on, the following sections of
2 42 CFR Part 84 will still apply to the standard.
3 Subpart A through E, from general provisions to
4 quality control.

5 The entire subparts are still part of the
6 standards for the CCER, along with Subpart G, which
7 covers general construction and performance
8 requirements.

9 And then in Subpart F, paragraphs 80.50,
10 .51 and 52 will also still apply.

11 And then with this slide up here, an
12 overview of the CCER requirements that are new.

13 Basically, the ones that I wanted to point
14 out is where you have a difference -- the big
15 differences from the existing standards.

16 We have implemented a capacity and
17 performance test. The capacity test will be --
18 units will be tested on computer simulated breathing
19 devices to test it, and it will be -- we will be
20 testing units at 1.35 liters per minute.

21 The performance requirements will be
22 tested at a low, medium, and high work rates.

1 We also added wearability requirements.
2 We have environmental treatments to ensure the
3 ruggedness and durability of the product. We added
4 postcertification testing requirements to evaluate
5 CCERs after they are in use and they are -- you
6 know, go through the damage that they will encounter
7 in the field. And also we added regulations for a
8 voluntary registration of the products.

9 And from that point, we move on to if
10 anyone wants to present.

11 MR. HEARL: Well, since we don't have
12 anyone signed up and there is no one stepping
13 forward to present at the moment, why don't we just
14 move this meeting into recess until such time to
15 allow other individuals who may show up and wish to
16 make comments between now and the estimated closing
17 time of around noon today.

18 We will keep the meeting open, and we see
19 what happens.

20 In the meantime, we will go off the record
21 and declare the meeting in recess momentarily.

22 (A recess was taken.)

1 MR. HEARL: Well, checking my watch, I see
2 that it's is now 5 to 12. And with -- if there is
3 no further comments from the audience -- and seeing
4 none, I want to thank everyone for coming today to
5 this public meeting discussing the rule for
6 closed-circuit escape respirators, modifying 42 CFR
7 Part 84.

8 Thanks for coming. And at this point, we
9 will close the meeting out and wish everyone safe
10 travels back home. Thank you.

11 (Whereupon, the proceedings in the
12 above-captioned matter were concluded at 11:55 a.m.)

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CERTIFICATE OF REPORTER

I, Joseph A. Inabnet, do hereby certify that the transcript of the foregoing proceedings was taken by me in Stenotype and thereafter reduced to typewriting under my supervision; that said transcript is a true record of the proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Joseph A. Inabnet
Court Reporter