

**Litton**

## Instruments &amp; Life Support

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June 20, 1994

Roland J. Berry Ann  
Certification & Quality Assurance Branch  
Division of Safety Research NIOSH  
944 Chestnut Ridge Rd  
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Dear Sir:

Thank you for returning my call and explaining NIOSH's position regarding the content of 42 CFR Part 84 as it was published in Federal Register dated May 24, 1994.

I am going to restate my understanding of NIOSH's position and then raise our concerns and offer an alternative approach.

A decision was made not to modify or include in 42 CFR Part 84 any of the policy changes or modifications that have appeared in the Federal Register which have effected 30 CFR Part 11 in the past. Instead, it is NIOSH's position that all policy changes or modifications to 30 CFR Part 11 which have been in effect as a result of changes appearing in the Federal Register will apply to 42 CFR Part 84.

To emphasize my point, I refer to the policy change relating to positive pressure closed circuit SCBA's which appeared in the Federal Register/ Vol. 50. No. 222; Monday, November 18, 1985/Notices (see attachment).

42 CFR Part 84 in sub-Part H - Self Contained Breathing Apparatus PP 84.70 states the following description:

(1) Closed Circuit Apparatus. An apparatus of the type in which the exhalation is rebreathed by the wearer after the carbon dioxide has been removed and a suitable oxygen concentration restored from sources composed of:

- (i) compressed oxygen; or
- (ii) chemical oxygen; or
- (iii) liquid - oxygen

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The preceding paragraph excludes the use of mixed gas. How would anyone designing a positive pressure closed circuit SCBA know that there is another gas source option if 42 CFR Part 84 does not contain the information? This is like printing a dictionary which does not contain all of the definition.

In addition, the November 18, 1985 Notices stated the limitations placed on the 100% positive pressure O<sub>2</sub> type systems "do not use this apparatus when there is direct exposure to open flame, or in high radiant heat".

By not including these and other changes in 42 CFR part 84 or attaching them as a addendum, you will lose the rationale NIOSH used to make the changes initially. I believe we all know that when we forget or lose the history behind any change we risk repeating our mistakes. We strongly recommend that NIOSH reconsider their position and include all changes or modifications in 42 CFR Part 84 or attach them as an addendum.

Sincerely yours,



P.J. (Pat) McLaughlin  
Assistant Director Business Development  
/mam

cc: John Henneman  
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Chris Moellers  
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