



National Stone Association

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July 22, 1994

NIOSH Docket Office
Robert A. Taft Laboratories
Mail Stop C34
4676 Columbia Parkway
Cincinnati, Ohio 45226

Dear Docket Officer:

On behalf of the National Stone Association's 550 member companies, I am pleased to submit the following comments on the proposed rule for certification of respiratory protective devices, as published at 59 Fed. Reg. 26850 (May 24, 1994). The National Stone Association (NSA) consists of producers of crushed stone and other aggregate materials, manufacturers of mining equipment, and providers of services to the aggregates industry. Our producer members operate both surface quarries and underground mines and are regulated by the Mine Safety and Health Administration.

The proposed rule would transfer authority for regulation of respiratory protective devices from MSHA to NIOSH, with MSHA assisting in the regulation of those devices unique to mining. NSA strongly supports keeping MSHA closely involved in this process -- especially with respect to filter self-rescuers, self-contained self-rescuers and emergency rescue equipment -- because of the agency's longstanding expertise in this area. Because the transfer of authority will necessitate the creation of a new Memorandum of Understanding between MSHA and NIOSH, NSA requests an opportunity to provide input on the MOU and relations between the agencies.

With respect to the proposed revision of certification criteria, disposable respirators have a protection factor of at least five times the permissible exposure limit (PEL). This is more than adequate for the typical exposures in mines. If the proposal is adopted, the use of these disposable respirators could become cost prohibitive. As a Moldex Metric, Inc. representative testified at the June 23 public hearing in Washington, DC, their cost would increase from \$1.00 each to between \$5.00 and \$10.00 each. The alternative to disposable respirators are nondisposable ones. Because typical mine sites have only 15 to 20 employees and nondisposable respirators require a formal maintenance, sanitation, and inspection program, their use is impractical and infeasible. Because current disposable respirators that are available are adequate for the exposures encountered, any proposed rule prohibiting or discouraging their use is unjustified. By discouraging the use of disposable respirators, the agency will discourage the use of respirators.

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NSA generally supports the modular approach to rulemaking that has been proposed by NIOSH, and agrees with those testifying at the June 23-24 public hearing that a module should be added to specifically address powered air purifying respirators (PAPRs). It is appropriate for NIOSH to separately consider airflow, filter efficiency and fit testing of these devices.

NSA supports the recommendations of the Industrial Safety Equipment Association (ISEA) presented at the June 23-24 public hearing with respect to assigned protection factors (APFs) for filter efficiencies, specifically:

- * Changing the designation of "Type A" to "Class 3, and setting the efficiency factor at 99.97%;
- * Changing the designation of "Type B" to "Class 2, setting the efficiency factor at 96% and allowing APFs of 25; and,
- * Changing the designation of "Type C" to "Class 1," setting the efficiency factor at 90% and allowing APFs of 10.

These changes from the proposal will assist manufacturers in achieving global harmony, and the recommendation for "Type C" is more stringent than current standards under 30 CFR 11. As noted above, NSA does not believe that PAPRs should be included in this rulemaking module; consequently, current 30 CFR 11 specifications should be retained until a separate rulemaking on PAPRs is completed.

NSA strongly opposes decertification of respirators that have already been certified by NIOSH and are in use. NSA believes any such devices manufactured before the effective date of a NIOSH final rule should be "grandfathered" as long as they satisfy current 30 CFR 11 requirements. Language to this effect should be included at Section 84.1, Subpart A of the proposed rule.

This concludes the comments of the National Stone Association. We appreciate having the opportunity to participate in this important rulemaking and will be happy to provide any additional information on the above-mentioned issues that may be useful in promulgating a rule that is based on sound science and will advance the safety and health of workers in an economically feasible manner.

Sincerely,



Adele L. Abrams
Director of Government Affairs