

DEPARTMENT OF HEALTH AND HUMAN SERVICES

84-263

MAR 21 1988

The Honorable Joseph A. Petrarca  
 Chairman  
 Mines and Energy Management Committee  
 Commonwealth of Pennsylvania  
 House of Representatives  
 Harrisburg, Pennsylvania 17120-0028

Dear Mr. Petrarca:

Thank you for your letter of March 9 to Secretary Bowen 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 in Washington, D.C., on January 27-28, 1988. 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,  
 /s/ Robert E. Windom

Robert E. Windom, M.D.  
 Assistant Secretary for Health

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CDC Official File (Return to CDC, Atlanta)

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House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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GOVERNOR'S ENERGY COUNCIL

March 9, 1988

Otis Bowen, M.D.  
United States Secretary of  
Health and Human Services  
Room 613F  
Hubert Humphrey Building  
Washington, D.C. 20201

Dear Secretary Bowen:

I have been notified by employees of a local company which manufactures mine safety appliances concerning their opposition to proposed NIOSH regulations regarding respirator testing and certification (42 CFR 84, Federal Register).

I am advised that a new design will result in heavy, bulky and more expensive respirators that, while suitable for miners, are not suitable for refinery or construction workers who would be required to use them.

I would appreciate hearing from you regarding the reasons this new design is being considered (i.e., are currently approved products unsafe or defective?).

Thank you for your advice and assistance in this matter.

Sincerely,

Joseph A. Petrarca, Chairman  
Mines and Energy Management Committee  
55th Legislative District

JPA/sg/js

Enclosure

cc: Edward Kubica

CDG ID: D 41932  
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Writers Direct Dial No.

February 22, 1988

Representative Joseph A. Petrarca  
210 Longfellow Street  
Vandergrift, PA 15690

COPY

Dear Representative Petrarca:

In my position as Industrial Engineer, I've become aware of a NIOSH proposal which would affect respirator certification and therefore affect our company (MSA).

The National Institute for Occupational Safety and Health wants to limit respirator testing and certification to mining applications at the expense of general industry and construction.

This proposal (42 CFR 84, Federal Register) is a bad one, and I'm writing to ask you to use your influence to have NIOSH withdraw it.

In my nine years with MSA, the company has been strongly committed to selling only approved products.

The costs of changing the design of respirators to meet the peculiar requirements of the NIOSH proposal will be staggering to MSA alone, not to mention our competitors. Additionally, the requirements will be changed to require a heavy, bulky product for which there is little support in the professional and user community. We're going to have to pass the huge testing costs along to the consumer who will pay a lot of money for a respirator that will probably be too large, too unwieldy, and too uncomfortable for most workers. The underground miner works in relatively cool surroundings, compared to the refinery or construction worker. Yet, under the NIOSH proposal, they all must wear the same respirator designed for specific mining requirements.

Why is NIOSH trying to make such fundamental changes to a system that's working?

Please talk to Dr. Otis Bowen, Health and Human Services Secretary, and let me know what he says.

Thanks for your help.

Sincerely,

Edward Kubica  
Industrial Engineer