The Honorable Claudine Schneider
House of Representatives
Washington, D.C. 20515

Dear Ms. Schneider:

Thank you for your letter of December 10 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 needed to be revised to reflect the technical advances in the field and the more complex environments of today’s 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 expanded our original comment period and announced two public hearings (52 FR 37639). The first will take place in San Francisco on January 20, 1988, and the second is scheduled for January 27-28, 1988, in Washington, D.C. 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 taken into account before final rulemaking.

Sincerely,

Otis R. Bowen, M.D.
Secretary

Enclosure
cc:
OD
NIOSH
FHO
CDCW
ES/PHS
ASL/OS
CLC/OS

H Official File
CDC Official File (Return to CDC, Atlanta)
OS No. 8712150018
PHS Tracer No. T90441
CDC ID #D40749; NIOSH #3125; Doc 3401B
Prepared by Larry Sparks, CDC, FTS 236-3061, 12/29/87
Contact Karen Lindauer, CDC, FTS 236-3322
December 10, 1987

The Honorable Otis R. Bowen, MD
Secretary
Department of Health and Human Services
Hubert Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Otis,

Let me share with you a concern that I have already addressed to Jim Miller at OMB concerning proposed regulations for respirators. I recently was in contact with Mr. James Spool, General Counsel to Siebe North, Inc., a manufacturer of respirators in my district. Mr Spool brought it to my attention that the National Institute for Occupational Safety and Health has proposed to modify the process by which respirators are certified. It seems to me that Mr. Spool, and all respirator manufacturers, have cause to object to these proposed regulations.

My major concern about the NIOSH proposal 42 CRF 84, as released in the August 27 Federal Register, is that it appears to be inconsistent with the history of federal regulation. Before manufacturers can be required to "self-certify" their products, it would seem reasonable to develop industry-wide consensus standards and procedures. The federal government should not require self-certification without providing adequate guidelines and directions to the industry. The NIOSH proposal puts the cart before the horse; it requires workplace testing for which the technology has yet to be developed. Furthermore, there appears to be no set focus of responsibility to develop such technology.

In light of the above, I would respectfully request that 42 CRF 84 be withdrawn and reconsidered. If further regulation is required for the respirator industry, it should begin at the beginning, with an industry-wide consensus on necessary standards. Thank you for your attention to this matter.

Sincerely,

Claudine Schneider
Member of Congress

cc: Mr. James Spool