

84-201

FEB 29 1988

The Honorable Alan J. Dixon
United States Senate
Washington, D.C. 20510-1301

Dear Senator Dixon:

Thank you for your letter of January 27 on behalf of Mr. Donald Schoen and Ms. Carole Lieberman 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 extended our original comment period and announced two public hearings (52 FR 37639). The first took place in San Francisco on January 20, 1988, and the second was January 27-28, 1988, in Washington, D.C. Enclosed is a copy of the opening statement from those hearings which clarifies many of the misunderstandings of this regulation.

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,


James O. Mason, M.D., Dr.P.H.
Assistant Surgeon General
Director

Enclosure

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cc:

OD

NIOSH

NIOSH/W

NIOSH/Docket Office

FMO

CDCW

ES/PHS

ASL/OS

CLO/OS

CDC:NIOSH:LSparks

PHS Tracer No. T91560; CDC ID #D41378; NIOSH #3241

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ALAN J. DIXON
ILLINOIS

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND
URBAN AFFAIRS
SMALL BUSINESS

4

United States Senate
WASHINGTON, DC 20510-1301

January 27, 1988

ASH

Mr. Ronald Docksai
Assistant Secretary for Legislation
Room 416 G
Hubert Humphrey Building
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Docksai:

Enclosed is a copy of an inquiry I received from Mr. Donald Schoen and Ms. Carole Lieberman, both of Chicago. Mr. Schoen and Ms. Lieberman both express concern over the proposed regulations issued by the National Institute for Occupational Health and Safety.

I have sent similar inquiries to you on this subject in the past, and send these along for your records.

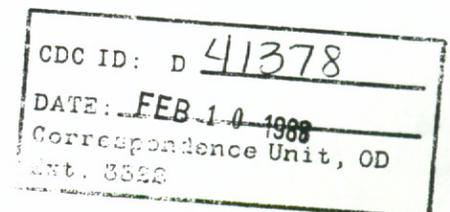
Thank you for your assistance.

Kindest personal regards,

Sincerely,


Alan J. Dixon

Enclosure



T91560
TRICER

GUARDIAN EQUIPMENT

660 North Union Street
Chicago, Illinois 60610
Phone: 312/733-2626
Fax: 312/666-8597

January 14, 1988

Senator Alan Dixon
SH331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator:

The National Institute for Occupational Health and Safety (NIOSH) currently certifies respirators for use in general industry, mining and construction. On August 27, 1987, NIOSH proposed (42 CFR 84, Federal Register) regulations which will have a disastrous impact on worker safety and on our industry.

The Safety Equipment Distributors Association, of which Guardian Equipment of Chicago, Illinois is a part, feel strongly that this proposal must be withdrawn.

The proposal provides no protocols, nor specific requirements, so it is impossible for us to exercise our right to comment on it in a meaningful way. This denies us due process.

While our industry recognizes the value of regulation and, by and large, has little problem with the concept of workplace testing, the fact of the matter is that the technology is not available to conform to the proposed change. This is not the way to improve a process; it will, in fact, destroy a process which works but needs tuning.

Even though 90 percent of the respirators in use today are used for non-mining (industrial and construction) purposes, the proposal requires that we test all respirators under mining conditions thereby ignoring the safety interest of the majority of workers who use respirators.

Finally, the proposed changes will cost our industry up to \$700,000,000 which will threaten the very viability of the industry as well as worker safety.

The management and employees of Guardian Equipment trust that we can count on your support in this matter of critical interest to Illinois labor and industry. We urge you to immediately contact Health and Human Services Secretary, Dr. Otis Bowen, to request that the proposed ruling be withdrawn.

Enclosed is a fact sheet which outlines the proposal, our objections and recommendations.

Thank you in advance for your assistance on this matter and I look forward to hearing from you once you have contacted Secretary Bowen as we are very anxious about the resolution of this problem.

Sincerely,


Donald Schoen



MANUFACTURERS & DISTRIBUTORS OF
INDUSTRIAL PROTECTION EQUIPMENT

THE HOUSE OF SAFETY, INC.

4416 W. DIVERSEY AVENUE CHICAGO, ILLINOIS 60639

TELEPHONES (312) 545-4665

January 13, 1988

Senator Alan Dixon
SH331 Hart Senate Office Building
Washington, DC 20510

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(NIGER)

Sincerely,



Carole Lieberman, President
The House of Safety, Inc.

CL/rl

encl.