The Honorable Paul Simon  
United States Senate  
Washington, D.C. 20510-6300

Dear Senator Simon:

Thank you for your letter of January 25 on behalf of your constituents 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

Enclosures
cc:
OD
NIOSH
NIOSH/W
NIOSH/Docket Office
PMD
CDCW
ES/PHS
ASL/OS
CLO/OS

CDC:NIOSH:LSparks
PHS Tracer No. T91803; CDC ID #D41474; NIOSH #3250
Prepared by Larry Sparks, 3061
Contact Diane Porter, 3061
Ronald Docksai  
Assistant Secretary for Legislation  
Room 416G  
Hubert Humphrey Building  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201  

Dear Mr. Docksai:  

I have enclosed copies of letters from a number of my constituents regarding a proposed change in the standard for certifying respirators at NIOSH.  

I hope that you will be able to answer their specific concerns when the agency has made its decisions in that regard.  

Thank you for your assistance.  

My best wishes.  

Cordially,  

Paul Simon  
United States Senator  

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PS: I am attached.
January 13, 1988

Senator Paul Simon
SD462 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Simon,

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, Federal Register) regulations which will have a disastrous impact on worker safety and on our industry.

The Safety Equipment Distributors Association, of which The House of Safety, Inc. is a part, feels 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 per-cent 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 The House of Safety, Inc. 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,

Carole Lieberman, President
The House of Safety, Inc.

CL/rl
encl.
Senator Paul Simon  
SD462 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Simon:

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 Mettam Safety Supply Company of Danville, Illinois is a part, feels 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 per-cent 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 Mettam Safety Supply Company trust that we can count on your support in this matter of critical interest to the 19th Congressional District of 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,

Curt Mettam
January 11, 1989

Senator Paul Simon
S1062 Dirksen 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 hinders our 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 changes. This is not the way to improve a process; it will, in fact, destroy a process which works and needs refining.

Functionally, 90 percent of the respirators in use today are used for non-mining (industrial and constructional) 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 and 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. Louis Brower, 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 Brower as we are very anxious about the resolution of this problem.

Sincerely,

[Signature]
Donald Schoen