

**Miller, Diane M.**

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**From:** Jay Parker [jay\_parker@bullard.com]  
**Sent:** Tuesday, September 30, 2003 2:18 PM  
**To:** NIOSH Docket Office  
**Subject:** Docket No. NIOSH-010

The NIOSH Letter to All Interested Parties dated Sept. 24, 2003 states that the powered air-purifying respirator CBRN concept paper dated Sept. 15, 2003 is available on the NPPTL web site, but as of this moment this document is nowhere to be found on the NPPTL web site.

The Federal Register Notice dated Sept. 17, 2003, Vol. 68, No. 180, pages 54459-54460, announcing the same meeting also refers to the concept paper on the web site.

The NPPTL web site, in its description of the Oct. 16, 2003 meeting on PAPRs for CBRN inaccurately states that the meeting will cover escape respirators for CBRN.

We are concerned as a respirator manufacturer that we are not being given an opportunity to review this concept paper before the meeting. Even if it gets posted soon, we will not have as much time to review this document as the Letter and the Federal Register announcement indicate. This means that the Letter and the Federal Register announcement are incorrect and misleading and both should be corrected so as to not mislead the public on the availability of this information.

In addition, NIOSH has undertaken such standards development for respirators for CBRN without going through the rulemaking procedures covered by the Administrative Procedures Act, claiming that they have the right to do this under existing clauses of 42 CFR 84. At the same time, NIOSH has taken the position that the public is being offered numerous opportunities to comment on these standards –setting activities. But in this case, it appears that the public is not being given such an opportunity.

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