

**Respirator Certification Fees**  
**Questions and Answers**  
February 4, 2015

**1. Why is the National Institute for Occupational Safety and Health (NIOSH) modifying respirator certification fees?**

Until the publication of the final rule, the fees charged by NIOSH for certification testing and approval had not changed since they were implemented in 1972. The fee structure, implemented in 1972, charged a set fee for the examination, inspection, and testing of eight broad groups of respirators. A single fixed-fee was specified for each type of respirator without regard to the complexity of the respirator or the number of specific tests which are required. This fee structure favored those companies that demand extensive services and disadvantaged companies that have fairly simple, easily executed requests (these companies tend to be smaller businesses). Further, this fee structure limited NIOSH's ability to recover the majority of costs for respirator testing and certification.

We are increasing the certification fees because we have only been collecting \$500,000 of the \$2,500,000 annual cost of the respirator certification program. The \$2 million shortfall has been funded with annual appropriations and by the shifting of NIOSH funds budgeted for research and standards development.

**2. How is the revised fee schedule different from the old fee schedule?**

The final rule establishes a new fee structure designed to enable NIOSH to fully recover the costs associated with the examination, inspection, and testing of complete respirator assemblies. Unlike the former fee structure, the new fee structure takes into account the complexity of the class of respirator and the amount of testing required, as well as the work and resources required to perform the testing. Also, the new fee structure charges applicants for the costs of issuing, modifying, and maintaining certificates of approval, production facility inspection (site qualification fee), and for verification of ongoing quality system compliance and commercial product performance.

**3. How is the revised fee schedule organized?**

The revised fee schedule is divided into two parts: (1) Fee Schedule A comprises annual (fixed) fees; and (2) Fee Schedule B comprises application-based fees, including fees for individual test procedures. The fee schedules are included in Appendices A and B to the regulatory text in part 84, and on the NPPTL website.

**4. When will the new fees be assessed?**

The new fee schedules go into effect on May 26, 2015. Beginning on that date, manufacturers will be charged for any new application, approval, approval modification, site qualification, or certification test performed. These application-based fees are detailed in Fee Schedule B.

Annual fees, including records maintenance, quality assurance maintenance, maintenance of testing and approval facilities, and maintenance of test equipment, will be invoiced beginning in 2015. NIOSH will send invoice previews to manufacturers for maintenance fees in July 2015 (previews will only be provided for the first year of implementation) and final invoices in September 2015, with a payment expected no later than October 30, 2015. These annual, or fixed, fees are detailed in Fee Schedule A.

**5. How will NIOSH administer the new fee requirements?**

Each approval application submitted will be accompanied by the required application fee of \$200.00. Prior to finalizing the Initial Review of each project, a cost estimate will be created and sent to the application representative for acceptance. Once the application representative accepts the estimate, the project will continue in the approval process. At the beginning of the Final Review process, an invoice will be created and submitted to the applicant for payment. Payment must be received within 30 days of the invoice date.

The details of changes to the administrative process and Standard Application Procedures will be provided at the March 18, 2015 workshop/webinar.

**6. When will Pay.gov be available to accept online payments?**

Until further notice, the preferred method of payment will be via check; however, Pay.gov is available to domestic manufacturers making ACH and credit card payments less than \$200,000 per transaction.

**7. How will NIOSH use the revenues generated by the increased fees?**

NIOSH has historically used retained fees within the certification program to maintain and improve current operations (e.g., to replace equipment and supplies), and intends to continue using the collected fees to augment certification activities. NIOSH is

committed to working with manufacturers to maintain efficient turnaround times and expeditiously process the certification applications.

**8. How will future revisions be made to the respirator certification fee schedule?**

NIOSH will propose future fee schedule revisions in the Federal Register, subject to public comment. Accordingly, the fee schedules are added to 42 CFR part 84 in a new Appendix A (annual fees) and a new Appendix B (application-based fees).

**9. How frequently will the respirator certification fee schedule be modified?**

NIOSH has established a two-year minimum interval for fee schedule revisions. The fees will be revised as needed based on a biennial review.