

84-151

H. MARTIN LANCASTER
3d DISTRICT, NORTH CAROLINA
AT LARGE DEMOCRATIC WHIP
COMMITTEES:
PUBLIC WORKS AND TRANSPORTATION
INVESTIGATIONS AND OVERSIGHT
PUBLIC BUILDINGS AND GROUNDS
SURFACE TRANSPORTATION
SMALL BUSINESS
PROCUREMENT, INNOVATIONS AND
MINORITY ENTERPRISE DEVELOPMENT
EXPORTS, TOURISM, AND
SPECIAL PROBLEMS



WASHINGTON OFFICE:
ROOM 1408
LONGWORTH HOUSE OFFICE BUILDING
202-225-3415

DISTRICT OFFICE:
ROOM 103
FEDERAL BUILDING
GOLDSBORO, NC 27530
919-736-1844

Congress of the United States
House of Representatives
Washington, DC 20515

January 28, 1988

Director, National Institute for
Safety and Health
Docket Office
1600 Clifton Road, NE
Atlanta, GA 30333

RE: 52 FR 32402
Federal Register: August 27, 1987
42 CFR Part 84
Revision of Tests and Requirements
for Certification of Respiratory
Protective Devices

Dear Sir:

I have been contacted by a constituent concerning the above-referenced NIOSH regulatory proposal.

I am enclosing a copy of a letter I have received from my constituent, Mr. Alan L. DiGiovanni, expressing his concerns about the regulation.

Would you please be so kind as to insert his letter in the docket of public comment about this matter?

Thank you for your assistance.

Sincerely,

H. Martin Lancaster
Member of Congress

Enclosure
HML/fep

HSOIN

1988 FEB -4 PM 7:18

RECEIVED



Mine Safety Appliances Company • 352 White Street • Jacksonville, North Carolina 28540-6797

January 21, 1988

The Honorable H. Martin Lancaster
United States House of Representatives
1632 Longworth House Office Building
Washington, D.C. 20515

JAN 25

Dear Mr. Lancaster:

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.

We urge you to immediately contact Health and Human Services Secretary Dr. Otis Bowen to request that the proposed ruling be withdrawn.

The proposal provides no protocol, 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 Industrial Safety Equipment Association, of which Mine Safety Appliances Company is a part, feels strongly that this proposal must be withdrawn. Mine Safety Appliances operates a manufacturing plant employing 50 people in Jacksonville, North Carolina. The management and employees of MSA trust that we can count on your support in this matter of critical interest to North Carolina labor and industry.

Sincerely,

Alan L. DiGiovanni
Plant Manager

NIOSH

1988 FEB -4 PM 7:19

RECEIVED

Telephone: (919) 353-1540