

84-202

FEB 29 1988

The Honorable Howell Heflin  
United States Senate  
Washington, D.C. 20510

Dear Senator Heflin:

Thank you for your inquiry of January 26 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*

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

Enclosure



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cc:

OD

NIOSH

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CDC:NIOSH:LSparks

PHS Tracer No. T91564; CDC ID #D41382; NIOSH #3239

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ASH

January 26, 1988

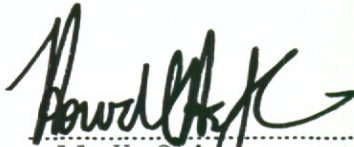
**United States Senate**

Re: One of similar letters.

**Respectfully referred to:**

Ron Docksai  
Assistant Secretary for Legislation  
U.S. Department of Health and Human  
Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by



Howell Heflin, U.S.S.
CDC ID: D 41382
DATE: FEB 10 1988
Correspondence Unit, OD
Ext. 3322

HH/fjd  
Form #2

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**TRACER**



The Honorable Howell He.....  
Senate Office Building  
Washington, DC 20510

Dear Senator Heflin:

I am writing to express my concern and seek your help with regard to proposed changes in certifying respirators for use in general industry, mining and construction by the National Institute for Occupational Safety and Health (NIOSH).

I am employed by the Safety Products Division of American Optical Corporation and take pride in the safety and protection provided to workers in industry through the manufacture and distribution of our products.

It has come to my attention that the new proposals issued in August by NIOSH (42 CFR part 84, Federal Register) will severely limit it's certification of respirators to a "mining workplace" environment only. This proposal would require manufacturers of respirators used in general industry and construction, such as American Optical, to essentially do their own certifying. All respirators currently in use will have to be re-certified under the new process and manufacturers will be required to re-test any respirators which are modified in the most minor way.

It is my understanding that 90% of the respirators in use today are used for non-mining purposes, and this proposal requires that manufacturers test all respirators under mining conditions. This would ignore the safety interests of the majority of workers who use respirators in industry and construction.

The costs, the modifications, the requirements for workplace testing will place a tremendous burden, some \$700,000,000 upon manufacturers and will threaten worker safety.

May I count on you to contact Dr. Otis Bowen, Health and Human Services Secretary, to request withdrawal of this proposed ruling? Please let me know as soon as you have contacted Secretary Bowen as to his response.

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