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Reference NIOSH Docket Number 005

To: NIOSH Docket Officer

My comments are provided in the attached file for your consideration.

Dave

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**COMMENTS ON
NIOSH Docket # 005
DHHS RIN 0920-AA10, 42 CFR Part 84
6 January 2009**

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Ref: (a) Federal Register Vol. 73 # 238, PP 75027 - 75045. 42 CFR Part 84. Approval Tests and Standards for Closed-Circuit Escape Respirators; Notice of Proposed Rulemaking of 10 Dec 2008.

Item 1, page 75030 of reference (a) - NIOSH invites comments on an alternative to the proposed closed circuit escape respirator (CCER) phase-in that would allow a specific exception for the Department of Defense (DoD) to “...*permit DoD to use the full service life of devices, which were approved under the current requirements, based on the DoD deployment plan where CCERs are retained in conditions of storage.*”

Comment: We concur with a DoD exemption and applaud NIOSH for making this recommendation.

Justification: The Navy has fielded thousands of NIOSH approved CCERs (with a 15 year service life) to the fleet. The Navy performed extensive research to purchase the best CCER available for the fleet’s application and firmly believe allowing their use until expiration or replacement by attrition serves both the individual sailor and the military as a whole.

Item 2, page 75033 of reference (a) - NIOSH seeks comments on whether a table, such as the one at the top of page 75033 relating oxygen capacity to service life in minutes, should be provided by CCER manufacturers in their user instructions.

Comment: We concur that the table on 75033 will be useful for employers during the CCER selection process. We also support having NIOSH report tested capacities of approved models to CCER manufacturers, thus allowing them to provide service life information to respirator users to assist in CCER selection.

Justification: Since the rulemaking proposes to eliminate the duration-specific approval, replacing it with a capacity rating system based on the quantity of usable oxygen supplied by the CCER versus service time at various levels of exertion will provide valuable information to ensure the best CCER selection.

Item 3, page 75044 of reference (a) - Section 84.308.(c) requires NIOSH to perform testing on the eye protection (gas-tight goggles or escape hood lens) according to “*ISO 4855,(1981-04-01), Personal eye-protectors - Non-optical test methods.*”

Comment: Require gas-tight goggles or escape hood lens to meet the high impact and flammability requirements of ANSI Z87.1-2003.

Justification: It is unlikely that flexible eye protection material will pass optical test requirements of ANSI Z87.1-2003. However, meeting the high impact and flammability requirements is critical for the fleet, especially for CCER eye protection worn during shipboard emergencies where explosions are possible and egress is limited.