



June 17, 2009

NIOSH Docket Office
Robert A Taft Laboratories
M/S C 34, CC-SCBA O² Prohibition –
NIOSH Docket # 123
4676 Columbia Parkway
Cincinnati, OH 45226

06-22-09A06:29 RCVD

This letter is in response to **Docket Number NIOSH-123**, entitled "Notice of Opportunity for Public to Provide NIOSH with Comment: Positive-Pressure Closed-Circuit Self-Contained Breathing Apparatus (CC-SCBA)", as published in the Federal Register (Volume 73, No. 17, pp. 4578-4579) dated January 25th, 2009. This document is being submitted by the Respiratory Protection Working Group, of the Hazardous Materials Subcommittee to the Metropolitan Washington Council of Governments (MWCOG) Fire Chiefs Committee.

Founded in 1957, The MWCOG is a regional organization comprised of 21 local governments surrounding our nation's capital, plus area members of the Maryland and Virginia legislatures, the U.S. Senate, and the U.S. House of Representatives. MWCOG provides a focus for action and develops sound regional responses to such issues as the environment, affordable housing, economic development, health and family concerns, human services, population growth, public safety, and transportation. Recognizing the vastness and complexities of the issues and the overall importance of our emergency responders' respiratory protection, the Hazardous Materials Subcommittee to the MWCOG Fire Chiefs Committee, established the "Respiratory Protection Working Group" in April, 2009.

The following response has been formatted based upon the questions posed by NIOSH/NPPTL in the Notice, and is submitted below.

1. Opinion on the current prohibition.

In our opinion, the current prohibition on the use of CC-SCBA for firefighting operations is warranted. Our basis for this opinion is in the following:

- the NIOSH Position Statement, as published in the Federal Register (Vol. 50, #222, pp. 47456-47457, dated November 18, 1985).
- the lack of testing & performance criteria, certification and approval requirements, by NIOSH or any other regulatory agency in the United States of America, for use in any type of firefighting environment.

2. Provide supporting data to maintain, modify or rescind the current prohibition.

As an organization representing emergency responders to incidents in the Nation's Capital and the surrounding region, the use of CC-SCBA have been limited to Mine/Tunnel Rescue (as per the NIOSH regulations) and certain types of Hazardous Materials incident operations. However, we recognize the potential for the use of CC-SCBA in other long-term emergency incident operations, provided that appropriate regulatory approvals are in place to ensure User safety. Examples of such incidents include:

- Weapons of Mass Destruction (WMD) releases/detonations
- fires in unusually large and/or limited ingress/egress structures
 - Hi-rise office/residential buildings,
 - Subway/railroad/vehicular tunnels,
 - Underground parking garages, and
 - other confined spaces (silos, storage tanks, underground reservoirs)

3. If additional research is needed to support rescinding the prohibition, what would it entail?

In addition to the testing criterion described in the Background statement, there are several concerns that we (the “End Users”) wish to have addressed as part of any new rule/regulation:

- the safety of 100% Oxygen cylinders contained within the CC-SCBA, namely
 - integrity of a cylinder after exposure to extreme heat and direct flame impingement (in the event that the CC-SCBA's outer case succumbs to failure by either of these events)
 - User safety, in the event that the cylinder's over pressurization device (i.e.: Safety Valve) activates as the result of the cylinder being exposed to high heat &/or flame, while in a high heat &/or live fire environment.
- the survivability of the User, in the event of a catastrophic failure of the CC-SCBA's outer case, resulting in various levels of compromise to the following components:
 - hoses, valves and metering devices controlling the distribution of 100% oxygen within the device;
 - “Breathing Bag”, or similar component that receives the exhaled (post-filtered) air and a metered dose of 100% Oxygen, prior to the air returning to the User;

4. Willingness to participate in a collaborative agreement with NIOSH/NPPTL to conduct research on this topic and support willing to provide.

Our group does not have the authority to enter into such an agreement. However, once NIOSH/NPPTL publishes a research Project Concept paper outlining the details of such a project, our group can forward a proposal to the MWCOG Fire Chiefs Committee. The Fire Chiefs Committee would have the authority to approve the regional participation in such a project; especially if there will be a need for financial support in any form.

5. Other comments on the subject.

While not directly related to the prohibition, there is another issue that would be of great benefit to emergency responders in the use of CC-SCBA and would be worthy of consideration by NIOSH/NPPTL. Our group is asking that NIOSH/NPPTL consider expending their research & development of testing & certification standards, to an approval of CC-SCBA for use in unknown or “suspect” Chemical, Biological, Radiological & Nuclear (CBRN) environments. The current respiratory protection equipment available to emergency responders in this type of incident is limited to Open-circuit Self-Contained Breathing Apparatus, which has a maximum operational time rating of sixty (60) minutes; which often serves to prolong an emergency incident involving suspect CBRN substances and, in turn, consuming equipment, resources and personnel beyond the capabilities of some jurisdictions.

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Thank you for the opportunity to submit our comments on this very important issue - not only for our personnel, but for emergency responders throughout the United States of America.

Respectfully Submitted,
On behalf of the MWCOG Respiratory Protection Working Group,

A handwritten signature in black ink, appearing to read 'M. B. Fetsko', with a long horizontal flourish extending to the right.

Captain Michael B. Fetsko
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