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Prepared by Larry Sparks, CDC, FTS 236-3061, 12/29/87

Contact Karen Lindauer, CDC, FTS 236-3322

CLAUDINE SCHNEIDER
2ND DISTRICT, RHODE ISLAND



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SUITE 1512
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PHONE: (202) 225-3728

Congress of the United States

HOUSE OF REPRESENTATIVES
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DISTRICT OFFICE:
30 HOLY SQUARE
CRANSTON, RHODE ISLAND 02910-2033
PHONE: 828-9030

PLEASE REPLY TO:
 WASHINGTON OFFICE
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December 10, 1987

The Honorable Otis R. Bowen, MD
Secretary
Department of Health and Human Services
Hubert Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Otis,

Let me share with you a concern that I have already addressed to Jim Miller at OMB concerning proposed regulations for respirators. I recently was in contact with Mr. James Spool, General Counsel to Siebe North, Inc., a manufacturer of respirators in my district. Mr Spool brought it to my attention that the National Institute for Occupational Safety and Health has proposed to modify the process by which respirators are certified. It seems to me that Mr. Spool, and all respirator manufacturers, have cause to object to these proposed regulations.

My major concern about the NIOSH proposal 42 CFR 84, as released in the August 27 Federal Register, is that it appears to be inconsistent with the history of federal regulation. Before manufacturers can be required to "self-certify" their products, it would seem reasonable to develop industry-wide consensus standards and procedures. The federal government should not require self-certification without providing adequate guidelines and directions to the industry. The NIOSH proposal puts the cart before the horse; it requires workplace testing for which the technology has yet to be developed. Furthermore, there appears to be no set focus of responsibility to develop such technology.

In light of the above, I would respectfully request that 42 CFR 84 be withdrawn and reconsidered. If further regulation is required for the respirator industry, it should begin at the beginning, with an industry-wide consensus on necessary standards. Thank you for your attention to this matter.

Sincerely,

Claudine Schneider
Claudine Schneider
Member of Congress

CDC ID: 40749
DATE: DEC 17 1987
Correspondence Unit, OD
Div. 7090

CS:eeg
cc: Mr. James Spool

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