

MAR 2 1 1988

84-225

The Honorable Joe Barton  
Member, U.S. House of  
Representatives  
3509 Hulen #110  
Fort Worth, Texas 76107

Dear Mr. Barton:

Thank you for your letter on behalf of Mr. Lynn Goldstein 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 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 have also extended the comment period until March 28, 1988 (53 FR 5595).

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.

A copy of this correspondence is being mailed to your Washington Office.

Sincerely yours,

  
J. Donald Millar, M.D.  
Assistant Surgeon General  
Director

Enclosure



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cc:

Congressman's Washington Office

NIOSH/W

NIOSH/Docket Office

CDC:NIOSH:LSparks

NIOSH #3219

Doc. 3195C



JOE BARTON  
6TH DISTRICT, TEXAS

COMMITTEE ON  
ENERGY AND COMMERCE

SUBCOMMITTEES:  
ENERGY AND POWER  
COMMERCE, CONSUMER PROTECTION  
AND COMPETITIVENESS



1225 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-2002

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

January 28, 1988

Mr. J. Donald Millar  
Director  
NIOSH  
Building 1, Room 3007  
1600 Clifton Road  
Atlanta, Georgia 30333

Dear Mr. Millar:


Enclosed is information from Mr. Lynn E. Goldstein concerning the National Institute of Occupational Health and Safety's proposed rule number 42 CFR 84 found in the August 27th and October 8th Federal Register.

I would appreciate any information and/or assistance you could provide in regard to this matter, and specifically, the impact this rule will have on worker safety and the industry. I would also like you to add Mr. Goldstein's comments into the public record.

Please direct any correspondence concerning this inquiry to Ms. Susan Register, 3509 Hulen #110, Fort Worth, Texas 76107.

Thank you for your interest and consideration.

Sincerely,

  
Joe Barton  
Member of Congress

JB/gw

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-have Orig. Sign



NIOSH  
Letter 631-3061

Dear Joe

DIVISION OF TEXEL INDUSTRIES, INC.

December 31, 1987

K2-49953  
9985

NIOSH  
1/12/88

JAN 06 1988

Congressman Joe Barton  
1225 Longworth HOB  
Washington, DC 20515

Dear Joe,

We would like to take this opportunity to wish you, your family and staff best wishes for the coming year.

There is a National Institute of Occupational Health and Safety (NIOSH) proposal (42 CFR 84 Federal Register) which we oppose. Even though we are not a respirator manufacturer, the ones directly affected, we still feel this is a poor proposal for the safety industry and the ultimate respirator user.

NIOSH currently certifies respirators for use in general industry, mining and construction. On August 27, 1987, NIOSH proposed regulations which will have a disastrous impact on worker safety and on our industry.

The Industrial Safety Equipment Association, in which we are active, feels strongly that this proposal must be withdrawn.

The proposal provides no prototype, nor specific requirements, so it is impossible for us to exercise our right to comment on it in a meaningful way. This denies our 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 per-cent 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 a year which will threaten the very viability of the industry as well as worker safety.

Enclosed is a fact sheet which outlines the proposal, our objections and recommendations.

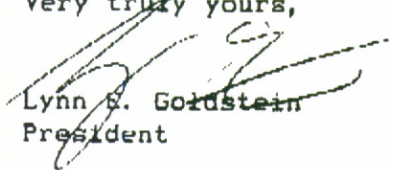
CONTINUED.....



Joe, anything your office can do to help the ISEA in their fight to get this proposal withdrawn will be greatly appreciated.

Thanks for your assistance in this matter.

Very truly yours,



Lynn E. Goldstein  
President

LEG/dr  
Enclosures