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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 23 1987

OFFICE OF  
PESTICIDES AND TOXIC SUBSTANCES

NIOSH Docket Office  
Mail Stop E-23  
1600 Clifton Road, N.E.  
Atlanta, GA 30333

Dear Sir:

The Office of Toxic Substances (OTS) of EPA supports the intent of the proposed regulations at Part 84 of Title 42 of the Code of Federal Regulations to improve the testing and certification of respirators. However we have some concern with respect to potential impacts on regulatory activities under the Toxic Substances Control Act (TSCA).

Under TSCA, EPA administers regulatory programs which include protection of workers. Approximately 2,500 new chemical Premanufacture Notifications (PMNs) are reviewed annually for potential impact on public health and the environment, including risks in the workplace. Depending on the situation, EPA may require the use of certain controls such as respiratory protection to reduce risks. We are concerned that proposed changes in respirator certification may impact this program. For example, EPA in the past has allowed manufacturers to use air-purifying respirators in lieu of air-supplied devices, provided adequate service-life information is submitted as stipulated in the NIOSH "Strategy for Recommending Respirators for Control of Exposures to Substances Undergoing PMN Review" (12/86). Based on our review of the proposed rule, it appears to us that use of an air-purifying respirator for new chemical substances may not be permitted unless Mine Safety and Health Administration approval is obtained for each new substance. This is because new chemical substances typically do not yet have established threshold limit values and do not have known "adequate warning properties". This requirement may be a significant burden on the development of new chemical products, which are frequently introduced in small quantities with limited frequency and duration of potential exposure.

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Thank you for allowing us the opportunity to comment on this important proposal. We would like to discuss our concerns in more detail with representatives of NIOSH. Please contact my office or Michael Shapiro at FTS 382-3667 to arrange such a meeting.

Sincerely,



Charles L. Elkins, Director  
Office of Toxic Substances

cc. Nancy Bollinger - NIOSH Morgantown  
Margaret Stazikowski - NIOSH Morgantown  
M. Shapiro  
W. Burch  
C. Fehrenbacher  
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