

Miller, Diane M. (CDC/NIOSH/EID)

From: Alan L. Gastler [agastler@fireprollc.com]
Sent: Tuesday, March 15, 2011 12:02 PM
To: NIOSH Docket Office (CDC)
Cc: agastler@fireprollc.com
Subject: NIOSH Docket #221 provide comment & suggestions on improving 42 CFR Part 84
Attachments: NIOSH Changes Letter 03-15-2011.pdf

Dear NIOSH Docket officer,

Please reference the attached letter for my submission to the Docket #221 which is currently open to provide comment & suggestions on improving 42 CFR Part 84.

Thanks,

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NIOSH should take immediate steps that allow for NIOSH SCBA approvals to remain in effect when First Responders purchase Cylinders & Valves that meet CFR 42 part 84 subparts 84.81 and 84.82.

NIOSH Docket Office
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Dear NIOSH Docket officer,

I'm writing to express my support for rule making changes to the National Institute for Occupational Safety & Health (NIOSH) Standard Application Process (SAP) & CFR 42 part 84 allowing SCBA cylinders and valves to be approved separately from the SCBA ensemble. Further, we request that the utilization of CFR 42 part 84, subpart H84.81 & H84.84 be sufficient when making purchases of spare & replacement cylinders. In doing so, the SCBA ensemble will remain in a configuration that is NIOSH approved.

Estimates reveal that changes to this standard, allowing cylinders and valves to be approved independent of the SCBA ensemble, could save North American first responders \$50 to \$100 million annually. This direct savings would allow Emergency Service Organizations to more adequately fund their initiatives in an environment of escalating costs & regulations. Additionally, it would spur the development of newer technology & improved safety in areas such as cylinder durability and accountability. NIOSH should better serve their constituents by providing guidance that allows for this initiative to become a reality.

Cylinders used by North American first responders' are manufactured by one of three US companies. SCBA manufacturers purchase 100% of the composite cylinders used in North America from one or more of these three companies. All of these cylinders have Department of Transportation (DOT) approvals and are rigorously regulated by the DOT. NIOSH's only technical standard for SCBA cylinders is that they be DOT approved (§84.81a).

We support guidelines that provide for first responder safety; however current guidelines prohibit fair and open competition for replacement cylinders benefiting a few SCBA manufacturers at a significant cost to First Responders, without improving safety. NIOSH should take immediate steps that allow for NIOSH approvals to remain in effect when First Responders purchase Cylinders & Valves that meet CFR 42 part 84 subpart 84.81 & 84.82.

NIOSH should adopt a program like that of the Federal Aviation Administration (FAA). The FAA has adopted a Parts Manufacturing Approval (PMA) process which has resulted in improved safety, newer technology & reduced costs to the world's airline carriers. The FAA's PMA is a standardized approval for replacement cylinders that allows airlines to save hundreds of millions of dollars on replacement cylinders. NIOSH should follow the FAA in this regard and provide a similar "PMA type process" for SCBA spare & replacement cylinders and valves.

We believe the current NIOSH guidelines pertaining to SCBA cylinders are outdated. We strongly urge NIOSH to take immediate steps to develop updated and more appropriate standards in this area.

Sincerely,

Alan L. Gastler

A handwritten signature in black ink, appearing to read "Alan L. Gastler". The signature is fluid and cursive, written over a horizontal line.

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