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Docket Office, Docket H-49
 U.S. Department of Labor
 Occupational Safety &
 Health Administration
 Room N2625
 200 Constitution Avenue, N.W.
 Washington, D.C. 20210

OSHA
 DOCKET OFFICER
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Re: Comments on 29 CFR Parts 1910, 1915 and 1926 Respiratory Protection; Notice of Proposed Rulemaking (Federal Register Vol 59, No 219 Tuesday, November 15, 1994)

Consumers Power Company is a combination gas and electric utility serving approximately 1.5 million electric and 1.4 million gas customers throughout the lower peninsula of Michigan.

Consumers Power Company supports the long overdue revision to the respiratory standard. The proposal to remove respirator program requirements from several substance specific standards into the generic respirator standard that other standards reference is appropriate. This will reduce confusion over conflicting respirator requirements. Regarding specific requirements in the proposed rulemaking, please consider the following comments:

(a)(1) **Scope and Application:** In the utility industry, use of respiratory protection is limited to sporadic maintenance operations. The question of feasibility of technology is not the issue. Therefore, it is recommended to amend the last sentence of this subpart as follows:

"When effective engineering controls are not feasible, or while they are being implemented, *or during maintenance operations*, appropriate respirators shall be used pursuant to this section." (emphasis added)

(b) **Definitions:** It is recommended that the definition of hazardous exposure level be deleted along with all references to it. The language of the proposed standard elevates NIOSH REL's and ACGIH TLV's to the same level of significance as PEL's without conducting rulemaking in accordance with the OSHAct. Furthermore it places undue burden on small employers to attempt

to keep up with not only changes to PEL's but exposure guidelines published by another government agency and an ad hoc professional association.

- (d)(2) **Selection of Respirators:** It is recommended that this subpart be deleted as it unnecessarily adds considerable cost to implementing the regulation in approximately 60 buildings, 13 hydroelectric dams, 2 nuclear power plants, 7 fossil fuel plants and numerous natural gas transmission and storage facilities. Stocking spare parts, filters and cartridges in all of these locations will not enhance respirator fit. To ensure face to facepiece seal, OSHA merely has to mandate fit testing and define what constitutes an acceptable fit. How many sizes, makes and models has nothing to do with the desired outcome.
- (d)(3) **Selection of Respirators:** It is requested that this section be simplified and/or clarified as to what documentation is necessary for compliance. Is OSHA expecting to see documentation of; the nature of hazard, physical properties, chemical properties, health effects, a description of the work process and number of minutes worn every time someone dons a respirator? This over regulation makes it impossible to design a user friendly respirator program that line management can and will use. The competitive nature of American industry does not allow for the staffing levels required to create and store unnecessary information.
- (d)(10)(i) **Selection of Respirators:** This subpart is confusing. The opening paragraph identifies the following respirators as appropriate for situations where oxygen content is less than 19.5%. Paragraph (i) talks about air-purifying respirators as being acceptable in situations where the oxygen level is above 19.5%.
- (d)(10)(iii) **Selection of Respirators:** It is recommended that the following be deleted beginning in the 8th line:
- ... "or in atmospheres where the concentration of the hazardous chemical is unknown" ...
- A dust concentration of unknown magnitude does not represent the same level of hazard as an atmosphere with less than 16% oxygen or a known IDLH atmosphere. Industrial Hygienists should be allowed by regulations to exhibit professional judgment in respirator selection, based upon experience and knowledge of the work operations. An infrequent, acute exposure to a chronic health hazard should not mandate an SCBA just because air sampling data is not available.
- (e) **Medical Evaluation:** It is recommended that OSHA publish all of the evaluation alternatives included in the preamble. The examining physician

should determine the best protocol for the circumstances. The end result is ensuring a worker can safely perform the necessary tasks while wearing a particular type of respirator. OSHA should not dictate screening exam protocols to the medical practitioner. Young healthy employees may require very little examination whereby older employees whose health may be

compromised may require a more thorough examination. Flexibility is the key to cost effective medical management.

(f) **Fit Testing:** Consolidating fit test requirements in one standard that is referenced or repeated in substance specific standards will eliminate confusion and streamline compliance efforts.

(f)(1) As stated in the comments to the definition of Hazardous Exposure Level, OSHA cannot mandate compliance with exposure guidelines published by other associations or agencies without rulemaking on those substances. It is recommended subpart (f)(1) be deleted or changed to reference permissible exposure limits.

(f)(2) It is recommended that this subpart be modified to read as follows:

"The employer shall ensure that an employee is fit tested prior to initial use of the respirator, whenever a different make, model or size of respirator is used, following significant weight change, significant facial scarring, major dental work or following difficulty obtaining a satisfactory fit check."

Requiring a fit test annually does not ensure an effective seal. One of the most stringent respirator programs in industry exists in nuclear power plants. The NRC requires fit testing every two years. At one our nuclear power plants, 441 quantitative fit tests were conducted in 1993-94. The test subjects had received fit tests two years prior. All 441 subjects passed the quantitative fit test after donning the face mask without any assistance. Fit test experience at Consumers Power Company does not support the contention that going to annual fit testing would result in improved respirator fit.

(f)(3) It is recommended that OSHA delete the requirement for fit testing of positive pressure to respirators from the final rulemaking. The preamble presents no data supporting OSHA's contention that positive pressure respirators other than demand type respirators do not maintain a positive pressure. Pressure demand or continuous flow respirators maintain a positive pressure facepiece except under extreme conditions. Current NRC respirator requirements do not include fit testing of positive pressure respirators.

The quantitative fit test protocol utilizing the Portacount instrumentation from

TSI should be included as a recognized protocol. This has become the method of choice by industry (including the nuclear industry) as well as by OSHA compliance personnel. TSI Incorporated has submitted to OSHA the results of independent studies that support the accuracy of the Portacourt. There is no justification for excluding this methodology in the final rulemaking particularly when several qualitative fit test protocols are acceptable.

- (g)(2)(iv) **Use of Respirators:** It is proposed that this subpart be deleted or modified to be required if the rescue provisions contained in (g)(2)(iii) are not sufficient to extricate the person in an IDLH situation. The Permit-Required Confined Space Standard (1910.146) strongly encourages non-entry rescue from IDLH conditions rather than risking the life of the rescuer. The respirator standard should also recognize the benefit of lifelines for rescue over the risks of mandating the rescuer don an SCBA and enter an IDLH atmosphere.

In a trench during repair of a gas main where natural gas is escaping, a proven rescue technique in the gas industry is to require the employee in the trench to wear flame retardant clothes, an air-line respirator and a body harness with attached lanyard. Any problems that may arise will result in the employee being pulled out of the trench. This is much more effective than having someone enter the tight quarters with an SCBA and attempt to carry the person up a ladder.

- (h)(3)(i)
(C)(ii)(A) **Maintenance and Care of Respirators:** A clarification is requested regarding OSHA's expectation for a "check of respirator function". Does this include opening the cylinder and discharging air into the facepiece?

- (i)(4)(ii) **Supplied air quality and use:** This subpart must be amended to allow greater flexibility in dealing with moisture in breathing air. In the natural gas industry, for repairs to leaking natural gas mains, employees enter a trench wearing air supplied respirators. This is an emergency situation under weather conditions in Michigan that may vary from -10°F to +110°F with humidity from 20% - 100%. Moisture content is not a problem with a truck mounted compressor operating at 15 psig line pressure. Since this is an emergency, taking meteorological measurements is not within the realm of possibility.

- (k)(2) **Training:** Annual training is not necessary for employees that routinely use respirators or can satisfactorily demonstrate proper use. Unnecessary annual training requirements are needlessly taxing limited budgets and staffs in health and safety programs. Employees should be allowed to 'test out' of annual training by demonstrating proper inspection, donning and maintenance of the respirator they use.

- (l)(1) **Respiratory protection program evaluation:** The constantly increasing number of compliance programs by several federal and state agencies does not leave time for "annual reviews" of a program that does not need to be changed. As an alternative, the respirator program should be reviewed and revised as necessary to reflect changes in the respirators used, training, fit test methods, storage or maintenance of the respirators in use at the facility.

Consumers Power Company appreciates the opportunity to comment on the proposed respiratory protection rules.

Sincerely,



John P Bavin
Corporate Industrial Hygienist