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Occupational Health Department
Consolidated Edison Company of New York, Inc.
30 Flatbush Avenue, Brooklyn, New York 11217

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Docket Office, Docket H-049
U. S. Department of Labor
Occupational Safety & Health Administration
Room N2625
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Gentlemen:

Consolidated Edison Company of New York, Inc. ("Con Edison") is the utility supplying electricity gas and steam to New York City and part of Westchester County. It employs approximately 17,000 employees and operates nine generating stations, four gas turbine facilities and numerous electrical substations, as well as workout locations and other facilities. It maintains over 77,000 miles of electric transmission and distribution cables, as well as over one hundred miles of steam mains and over 4,000 miles of gas mains. It is estimated that approximately 5,000 employees would be affected by the proposed changes to the Respiratory Protection Standards.

Con Edison supports OSHA's proposal to modify the Respiratory Protection Standards. While we support the proposed rulemaking in general, we offer the following comments on the portions of it we believe need to be changed in order to arrive at a standard that can effectively provide for the safety and health of workers required to wear respiratory protection while allowing companies, both large and small the ability to operate productively and effectively. We believe that the comments provide will positively enhance the current version of the standard.

Comments are provided on the following sections of the proposed standards and the preamble.

- Preamble - Part VII, (A) Scope and Application
page 58895 on required vs. voluntary respirator use.
- Preamble - Part VII, (N) Substance Specific Standards
page 58929 related to fit test frequency
- Proposed Standard 1910.134 (d) (2) - on the use of two
different respirator manufacturers

- Proposed Standard 1910.134 (e) (1) - Medical evaluation for more than five hour respirator usage per week.
- Appendix A - Fit Testing Procedures (II) (C) (4) (h) for the number of fit tests per method.

Preamble Part VII (A) (FR58895)

The scope of the respiratory standard should be restricted to "required" respirator use. Voluntary use of respiratory protection should be determined by the employer on a case by case basis, possibly addressed in a non-mandatory appendix of the standard. Those situations where work activities may create nuisance level emissions (but not exceed any PEL's) should be evaluated on site by a Health and Safety representative who can then determine the need for respiratory protection. Voluntary use of respiratory protection creates the opportunity for a worker to choose the wrong respirator or cartridge. Such a system can also create work stoppages. For example, if workers who have not been medically cleared or fit tested wish to wear a respirator that is not required, the work must stop until the necessary medical clearance and fit testing is completed. Finally the devices themselves create added stress to the wearer which can make the job more difficult, impact visibility and in some instances create heat stress concerns.

We feel strongly that OSHA should regulate the use of respiratory protection in situations where it is required (i.e., exceeding the PEL, IDLH, etc.) and allow the safety and health representatives within companies to address non-required, voluntary use of respiratory protection. As stated above, the voluntary use of respiratory protection presents many concerns which we feel can best be evaluated and implemented, where necessary, by individual companies.

Preamble Part VII (N) (FR58929).

We strongly agree with OSHA on the development of a uniform respirator protection program as presented in this proposed standard codified at 29 CFR 1910.134. OSHA's proposal addresses the generic aspects of respiratory protection which provides a core document for industry use. We would hope that in the future the substance specific standards would coincide more uniformly with the core standard for those generic parameters such as medical clearance and fit testing. We believe that an annual requirement for medical evaluation and fit testing is necessary for the safe use of respiratory protection and should be mirrored in the substance specific standards.

In addition the requirement for semi-annual fit testing for some toxic substances while annual fit testing is satisfactory for other substances which are just as toxic does not seem consistent. We agree the inclusion of specific requirements related to respirator usage must still be incorporated into the substance specific standards but items such as the frequency of fit testing should be uniformly addressed in 1910.134.

1910.134 - Paragraph (d) (2).

In this section the standard requires:

"the employer shall provide a selection of respirators from an assortment of at least three sizes for each type of facepiece and from at least two different manufacturers".

When the current standard was developed, the technology of facial seals and materials was not as advanced as it is at present. New manufacturers, technology and materials have made respirators lighter and more comfortable. In addition they offer improved visibility and improved facial seal, allowing one manufacturer to serve all the needs of a company. Manufacturers have accommodated end users by supplying a complete line of respiratory protection in response to the difficulties and incompatibilities between different manufacturers.

Providing two brands of full face respirators which will require fit testing under the proposed standard for positive pressure use will create potential safety problems for many companies. Our Company has approximately 400 SCBA units for emergency use. Providing two brands of respirators would also require an additional 400 SCBA units since facepieces of different brands cannot be interchanged. In addition, consistency between our negative pressure full face and emergency use positive pressure units is critical for emergency response and manageability for fit testing. Requiring the use of two manufacturers creates concerns in the following areas:

- maintenance of additional respirators
- increased training requirements
- potential interchanging of parts and components
- in an emergency situation having an employee select the wrong respirator or cartridge
- difficulty in maintaining adequate respirator and cartridge stock

Most new respirators are now available in silicone rubber facepieces which provide a better and more comfortable fit. Therefore, one brand in three sizes should, in most cases, be sufficient to fit all employees with respirators that rely on a tight facial seal. However, the employer always shall be responsible for supplying sufficient sizes and models necessary to provide an acceptable respirator fit.

1910.134 - Paragraph (e) (1).

The proposal to require medical evaluation only for persons who are required to wear respirators for more than five hours during the work week presents several concerns.

- It would be difficult to guarantee a worker(s) will be below the 5 hour limit. If a job is expected to be less than 5 hours but then exceeds 5 hours, it appears a medical evaluation would be required, meaning the job would have to be stopped and could not resume until the employee received a medical evaluation and fit test. This presents a situation that would be very difficult to manage.
- An individual may be required to perform a physically stressful job for less than 5 hours but under adverse environmental conditions. According to the proposal, a medical evaluation would not be required. However, we believe a medical evaluation would be necessary to determine if the individual could handle the additional stresses.
- Other than the initial employment medical exam, a respirator medical, is one of the only ways of identifying a new medical condition in this group of employees (less than 5 hours). A person with a newly developed medical condition could be put in an unsafe situation if he was not evaluated.

Additionally, as suggested in the Preamble (E) Alternative 2, having differing medical evaluation requirements dependent on age would not be justified since the stresses of wearing a respirator may affect a worker regardless of age; for example, a young person with high blood pressure, a heart condition or suffering from obesity. The cost of implementing an annual medical examination is minimal compared to overall worker safety and health.

In many cases, this yearly respiratory exam would be the only physical an employee receives. From a cost/benefit point of view, a physical examination would assure a ready work force, avoid delays of critical jobs, avoid disrupting medical scheduling and most important minimize the possibility of injury to an employee. An annual medical evaluation for all respirator use, we believe, is justified and in the best interests of overall employee health and wellness.

1910.134 - Paragraph (f) Reference to Appendix A.

Since the vast majority of all quantitative fit testing is now performed using a Portacount instrument and OSHA has recognized the method as an effective QNFT method, a QNFT protocol for this device should be part of the standard. Additionally, the requirement for three consecutive tests to be performed is unjustified in light of the fact that only one test satisfies the requirements of a qualitative fit test. OSHA states that QNFT is preferred and more accurate than QLFT, and therefore, since both methods are a pass/fail test in the proposed rule, the QNFT should not be required to go beyond that of the QLFT requirements with no added benefit. Con Edison quantitatively fit tests over 4000 employees semi-annually. Tripling the time needed would be an impossible task and would add appreciably to the time and cost of conducting fit testing without adding value to the process.

In light of the above, we strongly urge OSHA to reconsider the need for three trials when conducting QNFT.

We thank you for the opportunity to comment on the proposed modifications to the respiratory protection standards.

Very truly yours



Janet Fox, Director
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Consolidated Edison Company