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April 14, 1995

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

OSHA
DOCKET OFFICER
DATE APR 20 1995

Dear Sir/Madam:

Re. OSHA Proposed Respiratory Protection Standard
Docket H-049

The National Cotton Council (NCC) submits these comments in response to the Occupational Safety and Health Administration's (OSHA) proposed modifications to the respiratory protection standard (59 FR 58885: November 15, 1994). The NCC, with headquarters in Memphis, Tennessee, is the central organization of the American cotton industry representing producers, ginner, seed crushers, merchants, warehousemen, cooperatives, and manufacturers in the 18 cotton-producing states. Both general industry and agricultural operations, many of whom are small business, are members of NCC.

The NCC supports OSHA's efforts to update the existing respiratory protection standard in light of the technological advances made in this area and agrees that the standard is necessary to insure the continued safety and health of workers. In addition, NCC supports the comments submitted by the American Textile Manufacturers Institute and the Workplace Health and Safety Council. There are, however, several points of concern we would like to raise.

I. SCOPE

The proposed respiratory protection standard does not apply to agriculture (29 CFR 1928) and NCC opposes any expansion of the coverage of the standard without OSHA first publishing proper notice to allow comments from employers not presently affected by the proposal.

Regarding the voluntary use of respirators, companies that have an existing respirator program should continue to follow all requirements of the standard. However, for employers who go beyond minimum federal requirements by offering respirators where they are not specifically required to do so should not be punished if they do not meet all requirements of the standard as OSHA has proposed.

II. SELECTION OF RESPIRATORS

The revised standard requires employers to have two types of respirators from two different manufacturers available for employees. This is overly burdensome and costly for employers, particularly in the case of powered air-purifying and negative pressure respirators and is not related to the effectiveness of the standard. It should be only necessary to have enough sizes to fit the workforce adequately.

Paragraph (d)(5) requires the use of respirators in accordance with the assigned protection factor tables in the "NIOSH Respirator Decision Logic" published in May 1987. The NIOSH protection factor table is being changed. It would be more appropriate to use the assigned protection factor tables from ANSI Z88.2-1992.

Many disposable respirators have a useful life beyond the end of a task or shift if properly maintained and stored. Therefore, disposable respirators should be allowed to be used for their useful service life or as long as it is recommended by the manufacturer.

III. MEDICAL EVALUATION

OSHA's proposed respiratory amended standard should be consistent with other OSHA standards and also not in conflict with the Americans with Disabilities Act (ADA). The proposal also requires the use of a licensed physician if a medical evaluation is necessary. This should be changed to a "health professional" instead of licensed physician.

IV. FIT TESTING

Paragraph (f)(2) calls for an annual fit test for all respirators. This creates additional costs for an employer and does not take into consideration that many employers have other program requirements in place where data are regularly gathered and analyzed. The fit testing requirements should allow flexibility. An employee should be fit tested prior to the initial use of a respirator, whenever a different type of respirator is used, or whenever there is a change to the employee that would change the fit.

V. HAZARDOUS EXPOSURE LEVEL

NCC supports OSHA's use of permissible exposure limits (PEL) for hazardous chemicals and PELs from other OSHA standards to establish hazardous exposure levels. However, the mandatory use of threshold limit values (TLV) from the American Conference of Governmental Industrial Hygienists (ACGIH); NIOSH recommended exposure limits (REL); and "available scientific information" to define a hazardous exposure level goes beyond the OSH Act. The definition should be based only on levels established by OSHA in accordance with the OSH Act.

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NCC appreciates OSHA's consideration of our comments and the opportunity to comment on this proposal to amend OSHA's Respiratory Protection Standard. If there are questions, please call me at 202/745-7805.

Yours sincerely,



Phillip J. Wakelyn, Ph.D.
Manager, Environmental Health and Safety