

GOVERNMENT RELATIONS COMMITTEE REPORT

TO

ISEA MEMBERSHIP MEETING

Chicago, Illinois

November 18, 1980

PLAINTIFF'S EXHIBIT

SAG-49

As you are well aware from the discussion relative to the formation of the Safety Equipment Institute, the situation relative to certification of personal protective equipment has changed drastically since our meeting in Phoenix in May.

OSHA has definitely given up any plans to test and certify personal protective equipment and NIOSH has continued to be completely indecisive as to their plans. Thus, the decision of the ISEA to form the Safety Equipment Institute.

Even with the formation of SEI, NIOSH will continue to have responsibility for the testing and certification of respiratory equipment unless they decide at some time in the future to relinquish this activity in favor of the SEI. Consequently, the ISEA is continuing to negotiate with NIOSH concerning their procedures for testing and certification of respiratory protective items with particular reference to four aspects:

- A. What type of changes or modification of product requires NIOSH notification and approval prior to sale?
- B. A suitable appeals procedure
- C. A reasonable product recall procedure
- D. A revision of their restrictions on private brand labelling

This activity has been spearheaded by the Respirator Product Group Steering Committee with the Government Relations Committee being largely in a supporting role only. As Jim Spool, Chairman of the Steering Committee, will report in detail on these activities at the Respirator Product Group meeting tomorrow, I will only cite, at this time, the extent of their activities.

On May 28, the Steering Committee met with Drs. Robbins and May of NIOSH in Rockville to discuss the ISEA's dissatisfaction with their present policies

and procedures. Dr. Robbins agreed to review the ISEA's objections and respond promptly.

As NIOSH's responses of June 19-20 were not satisfactory, the Steering Committee met by conference call on June 24 to decide whether to proceed to sue NIOSH or take some other course of action. It was decided to give Robbins a noncommittal reply and to have a meeting of the principals of the Respirator Product Group in Washington on July 2.

At that meeting, it was decided not to institute a suit at the moment but rather to advise NIOSH their responses were unsatisfactory and to continue to negotiate with NIOSH relative to the matters in dispute.

At that same July 2 meeting, policy positions were developed as a basis for the preparation of the ISEA position paper to be presented by Frank Wilcher at the NIOSH public hearing on July 29-30 relative to the so-called Corn Report.

On July 18, the ISEA met again with Dr. May at Rockville to outline in person our objections to their responses to our positions as stated in the earlier May 28 meeting, and to request that NIOSH reconsider their positions.

On October 9, the Respirator Steering Committee and myself met with Dr. Robbins and most of his interested associates both from Rockville and Morgantown - which meeting was surprisingly friendly and productive. At that time, NIOSH was told of the ISEA's plans to form the Safety Equipment Institute which basically received their endorsement.

As a further matter of interest, Frank Wilcher, Bob Edmiston of the ISEA Planning Committee and I met with Jerry Purswell of OSHA on September 10 to advise OSHA of the plans of ISEA to form the SEI and obtained his support.

Last Friday, the ISEA received a letter from NIOSH responding to the ISEA's requests as expressed during the October 9th meeting. Basically, NIOSH's responses were favorable. They accepted with only minor revisions

the ISEA suggested appeals procedure and agreed to our position on private brand labelling. The other items under negotiation will, in NIOSH's opinion, require consultation with non-ISEA manufacturers and ultimately publication with related public hearings. NIOSH has promised prompt attention to each. Jim Spool will furnish more detailed information to the respirator manufacturers at their Product Group meeting tomorrow.

ISEA
QUALITY ASSURANCE REPORT
MID-YEAR MEETING
11/18/80

The Quality Assurance Committee has been requested to search out and recommend to the Board of Trustees a candidate for a quality assurance audit firm. This firm is to be engaged by the SEI (Safety Equipment Institute) to perform audits of the quality assurance programs of participating companies in the proposed third party certification system. The cost of such audits will be paid by the participant.

On October 15, 1980 the committee met at the ISEA office to be advised of the certification program and to define the audit requirements in accordance with the proposed certification manual. (See meeting minutes for detail.) The committee then selected a group of 12 potential Q.A. audit firms to be contacted. Frank Wilcher has sent an invitation to each of these firms to present a proposal, and each member agreed to contact selected candidates to answer any questions and urge their early reply. These proposals are now being received and will be reviewed by the committee. The top two or three firms selected will be personally interviewed by the committee and the top choice candidate will be recommended to the Board of Trustees for their consideration. The objective is to complete this process by the end of January, 1981.

O. R. Kronberg
Chairman