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November 25, 1985

PLAINTIFF'S EXHIBIT DUP-2407

OSHA Docket Office
Docket H-049
Room N3670
Third Street and Constitution Avenue, N.W.
Washington, DC 20210

Dear Sir:

Docket H-049
Respiratory Protection

The Occupational Safety and Health Administration recently distributed a working draft of a proposed rulemaking on respiratory protection (Proposal). The stated purpose of this rulemaking is to update the present standard in 29 CFR 1910.134. E. I. du Pont de Nemours and Company (Du Pont) submitted comments to the Advance Notice of Proposed Rulemaking on respiratory protection issued by OSHA on May 14, 1982 and continues to have a keen interest in these proceedings. In this regard, Du Pont submits these comments to the Proposal for consideration by the Administration.

Du Pont agrees with the Administration that the present standard which was adopted in 1971 is outdated and in need of revision. However, we believe that the Proposal proposed by OSHA needs substantial revision to best reflect the current data and knowledge on respirators.

First, we would like to clarify Du Pont's position on several matters. Du Pont's position on control methodologies is to maintain each employee's personal work environment at a safe exposure level. This shall be accomplished by cost effective engineering controls, augmented as necessary by personal protective equipment and/or work practice controls.

Augmentation of engineering controls with respirators may be required where engineering controls are not feasible or are not capable of reliably reducing concentrations below exposure limits, where other controls are being implemented, and for unusual events, e.g., emergencies. With the continual reduction of exposure limits, circumstances where respiratory protection is needed will become more prevalent. The safe option in such situations is not engineering controls or personal protective devices, but engineering controls and personal protective devices.

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With the circumstances requiring the use of personal protective devices on the rise, more effort is warranted in studying their performance, preferably during actual workplace use. It is to this end that we are directing our research efforts at considerable cost. We are happy to share our findings with other health professionals and regulatory agencies. Hopefully, our efforts and those of others will result in a better understanding of the capabilities and limitations of personal protective devices toward the goal of continually improving health protection.

Secondly, Du Pont's position on studies we have submitted to the docket have not been presented accurately in the Proposal. Our lead and asbestos respirator studies which were submitted to the docket and are referenced in your draft[1], support an assigned protection factor of ten for half mask negative pressure respirators for which a qualitative fit test has been performed. The studies do not support a higher assigned protection factor when quantitative or current qualitative fit tests are used.

Beyond the treatment of information submitted by Du Pont, the Proposal does not reflect an objective consideration of all evidence and data which has been submitted to the Administration. For example, the Lenhart and Campbell workplace protection factor study[2] was heavily relied upon by OSHA to set an assigned protection factor of 25 for half mask respirators when quantitative fit testing is used. On the other hand, that same study was disregarded by OSHA in establishing assigned protection factors for powered air purifying respirators.

There are other instances where pertinent data has been disregarded in favor of studies whose validity is questionable. Five studies[3] in the record present data on the performance of powered air purifying respirators in the workplace. That data was passed over in favor of laboratory (qualitative fit testing) data despite the recent work being conducted by NIOSH and others that casts doubt on the results that are obtained by quantitative fit testing. OSHA permits the assignment of higher protection factors based on quantitative fit testing despite its observation that:

> "Much controversy has been associated with the use of fit factors as determined by fit testing. Because of the uncertainties involved, OSHA takes the position that the only function a fit test can unequivocally perform is to determine whether the best-fitting respirator provides a certain minimally acceptable fit. The fit test cannot determine what level of protection is actually afforded by the respirator in the workplace". [4]

Finally, we remind the Administration that many other groups are currently working to update or write new standards with regard to respiratory protection. ANSI has two committees, the Z88.2 working on the general respiratory protection and Z88.10 on fit testing. ORC has just published a draft standard and the American Industrial Hygiene Association is providing guidance to the hygiene community through its respiratory protection committee on quantitative fit test procedures, a respirator decision logic and many other specific topics.

These groups have participation by many professionals who are outstanding in the field of respiratory protection. It is important to note that these groups have quite different views from those expressed by OSHA in the Proposal. We believe that the position of these professional groups should figure prominently in a revised respiratory protection standard.

Attached are specific comments on various portions of the draft proposed standard.

Also enclosed are comments and additional data on our workplace protection factor study on half mask respirators in asbestos-containing atmospheres. This data should be considered along with the preliminary information which was submitted to the asbestos docket (Docket No. H-0336).

Very truly yours,

James T. Williamson
Attorney
Environment Division

JTW:cmk
Att.

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