

Memorandum

Date November 27, 1984

From Director, DSDTT
Director, DSR

Subject NIOSH Policy on Respiratory Protective Device
Selection for Use Against Asbestos

To Regional Office Directors

PLAINTIFF'S EXHIBIT

ATT-355

It has come to our attention that you have been receiving many calls requesting information on NIOSH recommendations for the selection of respirators for use against asbestos. The following Institute position on this subject was provided as NIOSH's official policy during the OSHA informal public hearing concerning their proposed rule on occupational exposure to asbestos on June 21, 1984. This statement on respirators is based on a consideration of the ability of asbestos to cause cancer and other diseases in humans as we stated in our testimony. Data available to date provide no evidence for the existence of a threshold level. Virtually all levels of asbestos exposure studied to date demonstrated an excess of asbestos related disease.

Use of single-use or dust and mist respirators for protection against asbestos

Under Title 30, Code of Federal Regulations, Part 11 (30 CFR 11), NIOSH is required to test and certify respirators within the categories specified therein when such devices are submitted to NIOSH by applicants. Currently, 30 CFR 11, Subpart K defines a number of dust, fume, and mist respirators which may be used for protection against certain hazardous particulate atmospheres. Among the respirators defined in Subpart K are single-use dust respirators designed as respiratory protection against pneumoconiosis-producing and fibrosis-producing dusts, or dusts and mists. The Subpart goes on to list asbestos as one of the dusts against which the single-use dust respirator is designed to protect [Subpart K, sec. 11.130(h)]. Though at the time of the promulgation of Subpart K, it may have been assumed appropriate to list asbestos as a fibrosis-producing particulate against which the single-use disposable respirator could be reasonably expected to provide adequate protection, NIOSH is no longer confident that such an assumption is reasonable because asbestos is also potent carcinogen. The current requirements of 30 CFR 11 for approval of a single-use dust respirator or dust and mist respirator do not include any tests with a fibrous challenge.

NIOSH is currently in the process of undertaking a comprehensive revision of 30 CFR 11 and intends to address the issue of appropriate respiratory protection for use against asbestos and to require that any respirator for which such approval is sought be proven to provide effective protection against asbestos. NIOSH may change the regulations included in 30 CFR 11 only in accordance with procedures set forth in the Administrative Procedures Act. In the interim, NIOSH will continue to approve single-use and

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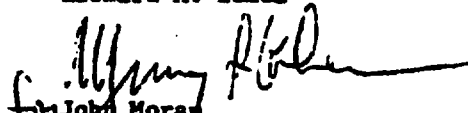
replaceable dust/mist respirators for use against asbestos when such approvals are applied for only because of the legal requirement in the current approval regulations. However, NIOSH does not recommend the use of such respirators where exposures to asbestos may occur on the basis that such is not a prudent occupational health risk.

We also want to reiterate the Institute's position that a quantitative respirator fit testing program as previously stated in comments on the proposed lead standard is more protective than a qualitative fit test program.

Finally, in our testimony, we commented on OSHA's proposal to allow high efficiency air-purifying respirators. As we stated, high efficiency air-purifying respirators, although an improvement over the respirator requirements of the existing standard, may not adequately protect exposed workers given the fact that proper respirator fit may not be possible and that a threshold level, below which asbestos-related disease does not occur, has not been found.

If you have questions, please contact either John Moran at FTS 923-4595 or Dick Lemen at FTS 684-8302.


Richard A. Lemen


for John Moran

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