Miller, Diane M. (CDC/NIOSH/EID)

From: cecolton@mmm.com
Sent: Monday, March 01, 2010 6:23 PM
To: NIOSH Docket Office (CDC)
Subject: RIN: 0920–AA33, 42 CFR Part 84
Attachments: Extension request MAR 1.pdf

(See attached file: Extension request MAR 1.pdf)

Craig E. Colton, CIH
Division Scientist
Regulatory Affairs & Technical Service
3M Occupational Health and Environmental Safety Division 3M Center Building 235 - 2E-91 St. Paul, MN 55144-1000
651-733-6297
651-736-7344 Fax
cecolton@mmm.com

3M Occupational Health and Environmental Safety Division

3M Center
St. Paul, MN 55144-1000

3M

March 1, 2010

NIOSH Docket Office
Robert A. Taft Laboratories
MS–C34
4676 Columbia Parkway
Cincinnati, OH 45226.
niocindocket@cdc.gov.

RE: RIN: 0920–AA33, 42 CFR Part 84; Total Inward Leakage Requirements for Respirators; Notice of Proposed Rulemaking

3M Company Request for Extension of Comment Period

Dear Sir/Madam:

3M Company (hereinafter "3M") is a major manufacturer of respiratory protection products, including N95 particulate filtering facepiece respirators. This is just one class of respirators affected by the proposed rule listed above. This third request by 3M for an extension is based on the fact that not only did NIOSH fail to provide data in the record supporting the claims made regarding the impact and affect of this standard on manufacturers, it appears NIOSH has never even evaluated the test protocol as proposed. We currently are conducting studies that began in November to test this protocol. The initial results do not support NIOSH's claims. As a result, we would like to thouroghly investigate this protocol in order to provide meaningful information concerning the impact and affect of this standard. More time is needed to evaluate these data. Therefore, based on these and all our prior reasons for an extension, we are requesting the comment period be extended for one year. This additional extension of time is required to adequately analyze the impact of this proposed rule on 3M as a manufacturer and the consequences to the end user. The initial indications are that this impact economically and technically, will be severe. NIOSH may also be aware that the ISEA has funded a similar investigation through an independent third party targeting the better fitting respirators on the market to evaluate the impact on other manufacturer's respirators. As a result, the extension is necessary for these studies to properly and adequately evaluate a larger number of respirator models. This is the type of assessment we believe is necessary in order to develop an appropriate test method for a proposed rule based on sound science. NIOSH indicates that this rulemaking has been identified as a top priority by NIOSH policy makers and respirator

manufacturers as far back as 2004.[1] We believe the elapsed time reflects NIOSH's commitment to get this standard right and we urge them to gather more data on this proposal to ensure that it is capable of doing "...a good job of identifying good performers and poor performers of filtering facepieces" [1] and other half facepiece respirators. Because collecting and evaluating these data is also in NIOSH's best interest, we think it is consistent with NIOSH's purposes to grant this one year extension to the comment period so these studies can be properly completed. Finally, this requested extension is reasonable compared to its impact and the amount of time NIOSH has already invested.

We thank you for considering this request for an extension to the comment period.

Sincerely,

Robert A. Weber
Manager, Regulatory Affairs, Quality Assurance and Technical Service
3M Occupational Health & Environmental Safety Division

cc: C.E. Colton

1. Occupational Safety and Health Administration, Informal Public Hearing on the Proposed Standard for Assigned Protection Factors Vol. 1-3. U.S. Department of Labor, Washington, D.C. January 28-30, 2004.