

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

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**From:** Bill Kojola [Bkojola@afcio.org]  
**Sent:** Monday, September 27, 2010 3:34 PM  
**To:** NIOSH Docket Office (CDC)  
**Subject:** RIN: 0920-AA33, 42 CFR Part 84  
**Attachments:** AFL-CIO Comments NIOSH TIL Proposal 9-27-10.pdf

To NIOSH Docket Office,

Attached find the comments submitted by the AFL-CIO on the proposed rulemaking, Total Inward Leakage Requirements for Respirators, RIN: 0920, 42 CFR Part 84 (Docket Number NIOSH-0137).

Thank you very much.

Bill Kojola

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September 27, 2010

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Robert A. Taft Laboratories  
MS-C34  
4676 Columbia Parkway  
Cincinnati, OH 45226

**RE: NIOSH RIN:0920-AA33, 42 CFR Part 84**  
**Total Inward Leakage Requirements for Respirators**

Dear Sir or Madam:

We appreciate the opportunity to provide comments on NIOSH's effort to promulgate a final rule establishing total inward leakage (TIL) requirements for half-mask air-purifying particulate respirators. In comments previously submitted to this docket, the AFL-CIO has offered our full support for this initiative and we again offer that support with this submission.

As part of the respirator certification process, we believe it is essential to identify and exclude poorly fitting respirators before they reach the market. Doing so, as the proposed TIL requirement attempts to accomplish, increases the likelihood that respirators available for purchase by employers will fit on the faces of workers in the process of conducting individual fit tests. In our view, establishing some criteria, in the form of TIL, to assess the ability of a respirator to provide adequate fit with wearers is a necessary step to add to the NIOSH certification process.

When establishing the TIL requirements for certification, we believe they should be constructed in such a fashion that poorly fitting respirator models/sizes are eliminated from certification consideration. The established criteria and thresholds for making this determination should not be so restrictive as to eliminate most or nearly all respirators submitted for certification nor should the

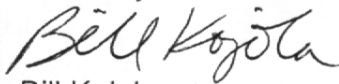
criteria be so loose that nearly all respirators submitted for certification pass the requirements. The TIL needs to function to create a floor for certification - one that eliminates the poorest fitting devices while including respirators for certification that have an increased likelihood that they will fit adequately on the face of the wearer over and above those respirators that have been eliminated.

I attended the July 29, 2010 public meeting on the NIOSH TIL proposal and listened to the industry presentations that were given. What impressed me was the evidence they presented indicating that NIOSH's current proposed pass rate and fit factor criteria are so restrictive as to essentially eliminate all filtering facepiece respirators and most elastomeric respirators from achieving certification had those criteria been in place. Surprisingly, these findings were apparently obtained with respirators that NIOSH had otherwise determined to be "well fitting" in some of its respirator research projects.

A TIL requirement that eliminates all, or most, respirators from being certified defeats the essential purpose of this rulemaking - and that is to eliminate the bottom portion of the respirator population that are not capable of fitting well on wearers faces. If this industry evidence and its conclusions holds up to the scrutiny of NIOSH scientists, then NIOSH has an obligation to alter its certification criteria to address this problem. Industry representatives have suggested several different approaches to solve the dilemma, including changing the pass/fail criteria of the fit factor and pass rate testing requirements.

In our view, NIOSH must revise and craft the testing certification pass/fail requirements so that a reasonable portion of poorly fitting respirators are rejected for certification by NIOSH. Such certification criteria will help to eliminate poorly fitting respirators from the population of all available so they do not see their way to the market. Ultimately, however, it is the OSHA requirement that fit testing be conducted on each individual worker assigned to wear a respirator that will assure that an adequate fit is achieved. We urge NIOSH to issue the TIL certification requirement as quickly as possible.

Sincerely,



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