

(Name removed)



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Directorate of Evaluation  
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January 28, 2005

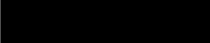
(Names and signatures have been removed in order to protect the privacy of the individuals submitting the complaint.)

**CERTIFIED MAIL**



(Name removed)

U.S. Department of Labor  
200 Constitution Av. NW  
Washington, DC 20210

Dear  (Name removed)

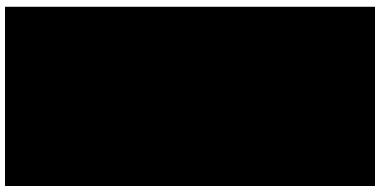
**Subject: Information correction request**

The DOL web site indicates that you are the OSHA designee for accepting correction request under the provisions of the Data Quality Act. I'm requesting your Agency make corrections for the information used to develop the proposed standard on Respirator Assigned Protection Factors (Docket H-049C).

Rationales for this request are enclosed. Please contact me at 410-721-3468 if you have any questions.

Thank you for your consideration.

Sincerely,



(Name removed)

Enclosure

## **Correction Request Under the Provisions of the Data Quality Act Regarding the OSHA APF Proposal (Docket No. H-049C)**

Under the provisions of the Data Quality Act, I request that the Occupational Safety and Health Administration (OSHA) reconsider the assigned protection factor for filtering facepieces that is a part of the proposed rulemaking of Assigned Protection Factors (APF) (OSHA Docket H-049C) because the studies selected by OSHA to support the proposed APF for the filtering facepiece fails to meet the quality criteria established under the Data Quality Act.

The October 2002 Department of Labor (DOL) Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Department of Labor states that the information used for rulemaking meets the objectives of "utility," "objectivity," and "integrity." The information be objective - "accurate, reliable, and unbiased, and presented in accurate, clear, complete and unbiased manner." Also, the selected data must also meet the standards specified in the Safe Drinking Water Act Amendments of 1996 (42 U.S.C. 300g-1(b) (3) (A) & (B)). OSHA has not followed these guidelines in developing the assigned protection factor (APF) for the filtering facepieces in the proposed standard on Assigned Protection Factors (Docket H-049C). Rationales for this request follow:

### **A. Background Information**

The term "assigned protection factor" (APF) is the ratio between the ambient concentration and the OSHA enforced air contaminant permissible exposure limit (PEL) for properly trained and fit tested respirator wearers. It is a measure of the level of protection provided by a respirator. Three types of data have been used to assign respirator protection factors: quantitative fit testing (QNFT), simulated workplace testing, and workplace testing. The QNFT is performed when the test subject performs static exercises that simulate workplace movements inside a test atmosphere. Under simulated workplace testing, the test subject performs a variety of body movement exercises that simulate the worker movements inside a controlled environment test chamber. In workplace protection factor (WPF) testing, the test is performed at a work site selected by the test conductor.

The two federal agencies are establishing the APFs for respirators are the National Institute for Occupational Safety and Health Administration (NIOSH) and OSHA. NIOSH is responsible for testing and certifying respirators used by industries under OSHA's jurisdiction. In the early 1970s, NIOSH adopted the protection factors developed by the Los Alamos Scientific Laboratory (LASL)<sup>1</sup> as the respirator APFs. These values are based on QNFT and they are listed in the NIOSH document, Respirator Decision Logic (RDL). OSHA has also adopted these APFs in the Agency promulgated health standards. In the early 1980s, after receiving respirator user complaints, NIOSH staff conducted workplace testing of certified powered air-purifying respirators (PAPRs). They found that these respirators did not achieve the APF as prescribed in the RDL. Based on the test results, the Agency revised the RDL. OSHA has accepted independent simulated workplace studies to modify Agency enforced APFs.