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March 27, 2015

The Honorable David Michaels
Assistant Secretary
Occupational Safety and Health Administration
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

By <http://www.regulations.gov>

RE: ASSE Comment on OSHA Notice of Proposed
Rulemaking *Updating Standards Based on National
Consensus Standards; Eye and Face Protection*
(OSHA Docket No. OSHA-2014-0024)

Dear Assistant Secretary Michaels:

The American Society of Safety Engineers (ASSE) has spoken out many times about the importance and necessity of referencing current national voluntary consensus standards in standards promulgated by the Occupational Safety and Health Administration (OSHA) and other federal and state agencies. ASSE's long-established policy strongly encourages their use and documents the intent of Congress to encourage their use by federal agencies:

Governmental agencies such as OSHA, MSHA, CPSC, and NHTSA should be encouraged to utilize these consensus standards – in accordance with Public Law 104-113, "The National Technology Transfer and Advancement Act of 1995," and the Office of Management and Budget in its Circular A-119, "Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities" – as they provide an efficient/effective alternative to traditional public sector rule making.

Therefore, ASSE applauds OSHA and supports the promulgation of proposed rulemaking detailed in Notice of Proposed Rulemaking

Updating Standards Based on National Consensus Standards; Eye and Face Protection (OSHA Docket No. OSHA-2014-0024). OSHA's intent to update its general industry, shipyard employment, marine terminals, longshoring and construction eye and face protections standards by referencing the three most recent versions of the ANSI/ISEA Z87.1 *American National Standard for Occupational and Educational Eye and Face Protection Devices* is consistent with ASSE and OSHA's shared goal of advancing occupational safety and health standards since Z97.1 is based on good science, sound technology, and a consensus process that gives any stakeholder an opportunity to contribute to the development of the standard.

National consensus standards like those developed under the American National Standards Institute (ANSI) reflect the overall technical expertise of participating professionals who work at all levels of the public and private sectors in technology development, safety and health, manufacturing, training, financial analysis, personnel, academia and also reflect insight from the final end user. This balanced perspective enables standards to be crafted in a way that benefits and protects users of the standard. The impact is safer and more healthful workplaces.

While ASSE applauds this investment by OSHA in helping ensure employers appropriately protect workers in ways that reflect our best knowledge about eye and face protection, we must also reiterate our repeated call for OSHA to do whatever it can to establish a new, less costly and more timely way to update references to consensus standards in its regulations. While ASSE in 2007 had specific objections to an approach to updating consensus standards suggested by OSHA in its notice of proposed rulemaking *Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment* (Docket No. OSHA-2007-0044), our comment did support the general approach as a promising:

“A new way is needed, and the performance-oriented approach based on setting a general requirement – in this case that PPE be constructed in accordance with good design standards – coupled with listing in a Non-Mandatory Appendix of those national consensus standards OSHA determines support the goal of the standard shows potential for a workable approach.” <http://www.asse.org/osha-hears-asse-comments-on-updating-consensus-standards-on-ppe/>

Once again, we urge OSHA to consider moving this idea for updating references to consensus standards forward.

Thank you for your effort in advancing eye and face protection for this nation's workers. ASSE looks forward to the promulgation of a final rule.

Sincerely,



Patricia M. Ennis, CSP, ARM
President