November 5, 2015

David Michaels, Ph.D.
Assistant Secretary for Occupational Safety and Health
US Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

Re: Occupational Exposure to Beryllium and Beryllium Compounds
Docket No. OSHA–H005C–2006–0870

Dear Dr. Michaels:

The International Safety Equipment Association (ISEA) is the association in the U.S. for companies that design, test, manufacture and supply personal protective equipment (PPE). Included in its scope are the types of PPE referenced in the proposed rule, such as respiratory protection, protective garments and hand protection. In addition, ISEA members have extensive experience in regulations governing PPE selection and use.

Respiratory Protection

On page 80 FR 47573 (third column), OSHA asks: Should the beryllium standard … require employers to provide PAPRs (instead of allowing a negative pressure respirator) when requested by the employee?

ISEA recommends that OSHA refer users back to the Assigned Protection Factor (APF) table at 29 CFR 1910.134(d)(3)(i)(A) to make respiratory protection selections based on concentration of the air contaminant. The association believes OSHA should avoid respirator type and substance-specific respirator recommendations.

OSHA should allow employers and program managers to select their preferred type of respirator with the appropriate APF, within reason. The agency should not limit the technology. For example, a worker might find that a supplied air respirator is easier to use than a PAPR.

OSHA also asks "Are there other circumstances where a PAPR should be specified as the appropriate respiratory protection?"

Again, ISEA recommends OSHA not limit the type of respiratory protection/technology. A supplied-air respirator might be a better option for a particular worker. The decision on type of respirator should be driven by performance (e.g. APF) and fit.

Dermal Protection

In question 19 (80 FR 47574), the agency first states the proposal would require PPE: (1) wherever work clothing or skin *may* become visibly contaminated with beryllium; (2) where employees' skin can *reasonably be expected* to be exposed to soluble beryllium compounds; or (3) where employee exposure *exceeds or can reasonably be expected* to exceed the TWA PEL or STEL. The agency recognizes its proposed requirement to use PPE where work clothing or skin *may* become visibly contaminated with beryllium differs from prior standards which do not require contamination to be visible in order for PPE to be required. [Emphasis added]

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Then, OSHA asks two questions:

- Is ‘‘visibly contaminated’’ an appropriate trigger for PPE?
- Is there reason to require PPE where employees’ skin can be exposed to insoluble beryllium compounds?

OSHA defines “visible” on 80 FR 47791:

> The term ‘‘visibly contaminated with beryllium’’ means visibly contaminated with any material that contains beryllium. The proposed standard does not specify criteria for determining whether work clothing or skin may become visibly contaminated with beryllium. When evaluating whether this definition is satisfied, OSHA expects that the employer will assess the workplace in a manner consistent with the Agency’s general requirements for the use of personal protective equipment in general industry (29 CFR part 1910 subpart I). These standards require the employer to assess the workplace to determine if hazards associated with dermal or inhalation exposure to a substance such as beryllium are, or are likely to be, present.

“Visible contamination” is not an appropriate trigger for PPE. This term is too subjective to be useful. For example, how much dust/particulate matter would trigger the use of PPE? Is “visible contamination” a few specks, or would a worker covered head-to-toe to trigger the use of PPE? This proposed OSHA rule will be easier for employers and employees to follow if it is consistent with similar standards, such as the Hexavalent Chromium, Lead and Cadmium rules.

These three rules call for the use of PPE when the PEL is triggered, from exposure monitoring. This method has worked and is backed by statistical data.

For example, OSHA’s lead standard 1910.1025(g)(1) states:

> If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment…

And the Cadmium standard requires PPE above the PEL:

> 1910.1027(i)(1) “If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes…”

This comment and recommendation also supports Regulatory Alternative 13 (at 80 FR 47571), which seeks to have workers use appropriate PPE wherever there is potential for skin contact with beryllium or beryllium-contaminated surfaces. In addition, as OSHA states in its discussion of Regulatory Alternative #13, “beryllium surface contamination is unlikely to be visible.” Here, ISEA assesses that “surface contamination” is equivalent to dermal exposure.

ISEA believes OSHA should remain consistent with worker protection rules for designed to protect workers from similar hazards that also expose employees to dermal and respiratory hazards.

OSHA must allow the option to use disposable garments

ISEA recommends OSHA treat disposable garments as equal to reusable garments, which require frequent laundering. The association believes OSHA must give employers and employees the flexibility to choose disposable or reusable garments. (Discussed at proposed 1910.1024(h)(3)(i) on page 80 FR 47823, and at 80 FR 47683-4)

With reusable garments, employers must clean, launder, repair, and replace the garments to maintain their effectiveness. Employers must then arrange for transporting contaminated clothing, in sealed and labeled impermeable bags, and inform any third party businesses coming in contact with the bags or garments of the risks associated with beryllium exposure.

Allowing employers and employees the option to use disposable garments provides additional flexibility, far fewer administrative steps and overall cost effectiveness.

Eating and drinking areas should be separate

Proposed rule text states that "[w]henever the employer allows employees to consume food or beverages in a beryllium work area, the employer shall …" keep surfaces as free as practicable of beryllium; keep exposures or above the action level; comply with the Sanitation standard (29 CFR 1910.141).

However, ISEA asks why should employees be allowed to eat or drink in a beryllium work area in the first place? ISEA recommends all employee eating and drinking areas be separate from areas where airborne beryllium can be generated.

Thank you for the opportunity to submit these comments. Please contact Daniel Glucksman at 703-525-1695 if you, or any other OSHA staff member, would like additional information about this submission.

Sincerely,

Daniel K. Shipp
President