

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

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**From:** Doug.Anderson@NeutronicsInc.com  
**Sent:** Thursday, August 21, 2008 11:27 PM  
**To:** NIOSH Docket Office (CDC)  
**Cc:** Chen, Jihong (Jane) (CDC/NIOSH/EID) (CTR); Doyle, Glenn (CDC/NIOSH/EID)  
**Subject:** 039-A - Subpart-Q-CC-SCBA-Concept Comments

**Name**  
Doug Anderson

**Organization**  
Biomarine Inc.

**Email**  
Doug.Anderson@NeutronicsInc.com

**Address**  
456 Creamery Way  
Exton, PA 19341  
USA

**Comments**  
Pertaining to section 84.501

Having consulted with a small number of our end users there is a strong resistance to the requirement of units already fielded being nonconformal after a period of 6-years from the date of subsection Q being enacted.

This is being perceived as any existing CC-SCBA units would not be in conformance and would require replacement with newly certified units.

Biomarine contends that any existing BioPak 240R units would easily be retrofitted (or would already comply) in the field to comply; however, existing BioPak 240LW or BioPak 240S units may not be able to be retrofitted to meet the new standards. This would require the purchase of new units to replace the current units. Thus this would cause stress on funding agencies (this could be individual mining companies or tax payer funded state organizations) to supply funds for financing.

Biomarine proposes that already fielded units should be "grandfathered" and allowed continued use after the enactment of subsection Q. It has been postulated that subsection Q would not be enacted for 1-2 years from now (August 2008). This would translate to fielded units needed to be upgraded or replaced by the year 2016. At this time it is projected that the fielded BioPak 240S or BioPak 240LW units would be 15-30 years old and past or near the projected life span of the units thus requiring natural replacement. BioPak 240R units that are already fielded are projected to already pass the requirements of subsection Q or be easily retrofitted at low cost to meet the requirements of subsection Q. Thus it should be a natural progression that existing BioPak 240S and BioPak 240LW units will be ready for retirement and replacement by subsection Q timelines. Given this fact and the fact that these units have functioned as desired for a period of 15-30 years it is the recommendation of Biomarine that the BioPak 240S and BioPak 240LW units (as well as other manufacturer's units) be "grandfathered" from the requirements of subsection Q.