



April 15, 2015

LETTER TO ALL INTERESTED PARTIES

Subject: Certification Standards for Closed-Circuit Escape Respirators

Standards for the certification of closed-circuit escape respirators (CCERs) were updated in a 2012 final rule establishing Subpart O in Title 42, *Code of Federal Regulations*, Part 84 (42 CFR 84). In the language of that final rule, manufacturers were allowed to continue to manufacture, label, and sell respirators certified to the prior Subpart H standards until April 9, 2015.

In response to concerns from manufacturers and other stakeholders, in January 2015, NIOSH published an interim final rule to extend the April 9, 2015 deadline until 6 months after the date the first approval is granted to a product in each of these categories: Cap 1 mining, Cap 3 mining, and Cap 3 non-mining. The comment period for this interim final rule closed on March 30, 2015, and NIOSH is currently considering the submissions we received to the docket. [To read the interim final rule or the public comments received, visit www.regulations.gov and search for CDC-2015-0004].

At this time:

- The interim final rule provides an extension permitting the continued manufacture, labeling, and sale of previously-approved Subpart H CCERs for a period of 6 months after the date that at least one Subpart O CCER is approved by NIOSH in the Cap 1 mining, Cap 3 mining, and Cap 3 non-mining categories, respectively.
- Any small-capacity CCER (all CCERs with rated service times less than 20 minutes) manufactured and labeled as NIOSH-approved and sold for use in non-mining applications must comply with the requirements of Subpart O.
- Small-capacity, Subpart H CCERs intended for non-mining applications may no longer be sold by the manufacturer as NIOSH-approved.

All types of CCERs approved under Subpart H, including small-capacity CCERs, that were manufactured and labeled as NIOSH-approved, and sold by April 9, 2015, may continue to be used as NIOSH-approved respirators until the end of their service life.

Sincerely yours,

David Chirdon
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