

## Dragon, Karen E. (CDC/NIOSH/EID)

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**From:** ajh3901@hotmail.com  
**Sent:** Tuesday, March 29, 2011 11:24 PM  
**To:** NIOSH Docket Office (CDC)  
**Cc:** Chen, Jihong (Jane) (CDC/NIOSH/EID) (CTR)  
**Subject:** 221 - NIOSH Regulatory Agenda for updating 42 CFR Part 84 Comments

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### Comments

As a twenty six year member of the fire / rescue service, I have had the opportunity to operate at thousands of emergency incidents and training evolutions. The most commonly used and relied upon piece of equipment in our arsenal is the self-contained breathing apparatus. The NIOSH document

42 CFR Part 84 is a very good document that has provided great safety to the end users of SCBA; however I believe there is one major flaw in this document that must be revised as soon as possible.

I know of no single SCBA manufacturer in North America who produces their own air cylinders. The document has unwittingly created an unplanned monopoly for SCBA manufacturers. This may never have been the intention of the document's authors, but the SCBA manufacturers have worked this to their benefit and to the detriment of the agencies purchasing SCBA and SCBA cylinders. The end users of SCBA cylinders receive no additional measure of safety because of this document. Interestingly enough, NIOSH approval requires DOT approval and inclusion of the cylinder into the ensemble approval adds no safety to the end users.

Due to this regulation and the lack of recognition for alternative cylinders, end users are being forced to pay exorbitant prices for cylinders. There are basically two cylinder manufacturers in North America. By following the current testing process, the free market is stunted and the agencies purchasing these units are suffering. With agencies struggling to maintain budgets and taxpayers calling for fiscal prudence, this regulation is wasting millions of dollars in the United States annually.

The time has come to revise the testing process and allow for replacement cylinders with DOT approvals be used in SCBA. This will not lower the end users level of safety and will allow for competition that will drive the costs down. I urge you to seriously consider this request and do the right thing for the fire service of America.

Respectfully Submitted,  
Aaron J. Heller  
Fire Commissioner