

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

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**From:** Gibson, Timothy W [Timothy.W.Gibson@lonestar.edu]  
**Sent:** Wednesday, March 30, 2011 11:15 AM  
**To:** NIOSH Docket Office (CDC)  
**Subject:** Docket #221

Good morning.

I am writing today to help level the playing field for agencies and tax payers. The SCBA manufacturers have attempted to block the use of alternative cylinder manufacturers for years. These SCBA manufacturers, have constantly used bully tactics and threats of not honoring warranties unless the cylinders that they market and sell, not even manufactured by them, are used. These threats have forced public safety agencies and others in our industry to use inferior products that cost our tax payers more money per cylinder. The cost per unit, far exceeds that of alternative vendors, but when faced with meeting the threats, they concede and buy the more expensive unit. Some agencies and political subdivisions have actually challenged this in court, including in Texas and Louisiana to my knowledge, and forced these manufacturers to bend. They continue however, to use the NIOSH regulations and recommendations to force other agencies to spend more money in an era of dwindling budgets, increasing taxes and increased run volume to meet the demands of our constituents.

As a Program Director of a Fire Academy, I must attempt to meet the needs for trained and skilled workforce in our community all while facing budgets that are constantly under scrutiny and slipping further behind our need to replace aging equipment. We have actually resorted to purchasing used, surplus SCBAs so we can save money on the large number of cylinders we require. Our equipment takes abuse beyond that of day to day fire services, yet the alternative manufacturers, Structural Composites for example, have far exceeded the durability and wear and tear of those more expensive units the SCBA manufacturer, Scott for example, have been attempting to force us to use.

As the Program Director of Fire Science in the second largest Community College system in the State of Texas, we are called upon to meet the educational and training needs of an entire region. We struggle to save every penny we can for our community, to give them more for each dollar spent, yet we have this stipulation of a federal agency being bent and twisted by a manufacturer. This is forcing us to take bids higher than several others to meet their interpretation of those regulations, under threat of law suit and denial of warranty coverage. Both are risks that agencies often cannot take.

Please take this under advisement and assist us in keeping this industry fair and impartial. We and our communities deserve it.

Thank you.

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