DISTRIBUTION TABLE—Continued

Old section	New section
11.110	84.130
11.111	84.131
11.112	84.132
11.113	84.133
11.114	84.134
11.115	84.135
11.116	84.136
11.117	84.137
11.118	84.138
11.119	84.139
11.120	84.140
11.121	84.141
11.122	84.142
11.123	84.143
11.124	Removed.
11.124–1	84.144
11.124–2	84.145
11.124–3	84.146
11.124–4	84.147
11.124–5	84.148
11.124–6	84.149
11.124–7	84.150
11.124–8	84.151
11.124–9	84.152
11.124–10	84.153
11.124–11	84.154
11.124–12	84.155
11.124–13	84.156
11.124–14	84.157
11.124–15	84.158
11.124–16	84.159
11.124–17	84.160
11.124–18	84.161
11.124–19	84.162
11.124–20	84.163
11.124–21	Removed.
11.124–22	Removed.
11.124–23	Removed.
11.124–24	Removed.
11.130	84.170, 84.1130
11.131	84.171, 84.1131
11.132	84.172, 84.1132
11.133	84.173, 84.1133
11.134	84.174, 84.1134
11.135	84.175, 84.1135
11.136	84.176, 84.1136
11.137	84.177, 84.1137
11.138	84.178, 84.1138
11.139	84.1139
11.140	84.1140
11.140–1	84.1141
11.140–2	84.1142
11.140–3	84.1143
11.140–4	84.1144
11.140–5	84.1145
11.140–6	84.1146
11.140–7	84.1147
11.140–8	84.1148
11.140–9	84.180, 84.1149
11.140–10	84.182, 84.1150
11.140–11	84.1151
11.140–12	84.1152
11.150	84.190
11.151	84.191
11.152	84.192
11.153	84.193
11.154	84.194
11.155	84.195
11.156	84.196
11.157	84.197
11.158	84.198
11.158–1	84.199

DISTRIBUTION TABLE—Continued

Old section	New section
11.159	84.200
11.160	84.201
11.161	84.202
11.162	84.1157
11.162–1	84.203, 84.1157
11.162–2	84.204
11.162–3	84.205
11.162–4	84.1157
11.162–5	84.1157
11.162–6	84.1157
11.162–7	84.206, 84.1158
11.162–8	84.207, 84.1157
11.170	84.1130
11.171	84.1131
11.172	84.1154
11.173	84.1154
11.174	84.1155
11.175	84.1132
11.176	84.1133
11.177	84.1134
11.178	84.1135
11.179	84.1136
11.180	84.1137
11.181	84.1138
11.182	84.1139
11.183	84.1156
11.183–1	84.1156
11.183–2	Removed.
11.183–3	84.1156
11.183–4	84.1156
11.183–5	84.1156
11.183–6	84.1156
11.183–7	84.1156
11.200	84.250
11.201	84.251
11.202	84.252
11.203	84.253
11.204	84.254
11.205	84.255
11.206	84.256
11.207	84.257
11.208	84.258

VII. Executive Order 12866 and Regulatory Flexibility Act

Section 1 of Executive Order 12866 requires that before promulgating a new regulation, an agency must weigh many competing factors. In particular, the agency must assess the need for the regulation, identify and assess alternatives, determine whether the regulation is designed to achieve the agency's objectives in the most cost-effective manner, and, to the extent feasible, use performance standards. In addition, Section 5 of the Order requires an assessment of the burden imposed by existing regulations, to identify those that have become unjustified or unnecessary as a result of changed circumstances. The Regulatory Flexibility Act (the Act) also requires that the agency periodically review existing regulations and consider reforming those that burden small entities, taking into account the degree to which technology or other factors have changed in the area affected by the rule. NIOSH is promulgating these regulatory changes in compliance with both sections of the Executive Order and the Act.

Dose-response data are inadequate to permit a quantitative description of the risks that would be faced by American workers if respirators were not used. Neither are there dose-response data that can support a quantitative description of the risk reduction that will be achieved by the revised filter performance standards in 42 CFR part 84. Employers frequently lack the economic means or the technical expertise to make detailed workplace hazard assessments. For the great majority of occupational settings, environmental data on the airborne concentrations of toxic materials are completely lacking. When exposure data are available, they tend to be limited at best. Consequently, it is difficult to establish quantitative exposure-response relationships. Most often, occupational exposure data demonstrate the association between exposure and response, but do not support a precise exposure-response curve. Extrapolation from exposure to dose is subject to even greater uncertainty. The variability in exposure between and within workplaces, exposures over long working lifetimes, possibly inconsistent or improper use of respiratory protection, and undetected episodes of substandard respirator performance, among other factors, all make it very difficult to determine what a worker's dose may be even if there are measured exposure levels.

Employers, both large and small, rely upon respirators to protect their employees from airborne toxic contaminants. The preferred and most effective means of protecting workers is to prevent hazards entering their breathing zone in the first place, but it is not technologically or economically feasible in all instances to reduce airborne concentrations to safe levels. In those workplaces, respiratory protection is required to minimize workers' risks of acute and chronic health effects. Although the incremental risk reduction associated with this rulemaking cannot be quantified, it is evident that increased filtering efficiency and enhanced filter reliability must increase the margin of safety for respirator users.

As the last, and occasionally the only, defense against some acute and chronic health hazards at work it is important that respirators be reliable and that they perform in the manner and to the extent the user and employer expect. If respirators fail to perform as expected, the user will be at greatly increased risk of suffering serious, sometimes fatal,