

An Emerging Requirement - Respiratory Protection for Healthcare Workers

The Occupational Safety and Health Administration, U.S. Department of Labor has published OSHA 3328-05, 2007 “Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Healthcare Employers”. Among other things the Guidance directly addresses the need for healthcare employers to establish a comprehensive respiratory protection program that includes all of the elements specified in 29 CFR 1910.134. Although, the Guidance does not technically carry the weight of a regulatory standard, OSHA may use its enforcement authority under the General Duty Clause, (Section 5(a) (1) once exposure has been shown.

Regulatory Enforcement

OSHA can do this because the General Duty Clause requires employers to provide their employees with a workplace free from recognized hazards that are likely to cause death or serious physical harm. Citations may result when there is a recognized hazard and employers fail to take reasonable control actions. Pandemic influenza is a recognized hazard that will eventually materialize and there are reasonable steps that may be taken to control the spread of the disease. However, steps that are reasonable prior to a pandemic may nearly become insurmountable obstacles during a pandemic.

Preparation is Essential

For instance, according to OSHA and respirator manufacturers, there will be a **worldwide shortage of respirators** when a pandemic occurs. Surgical masks are not a substitute for respirators because they are not designed to prevent inhalation of airborne contaminants. On the other hand, bacteria and viruses are particles and can be filtered by particulate respirators. OSHA’s Respiratory Protection standard requires the use of a NIOSH (National Institute for Occupational Safety and Health) certified respirator, as well as, the implementation of a comprehensive respiratory protection program.

However, there are three things that must occur before an employee uses a respirator.

1. Employees must be medically evaluated and approved to wear a respirator.

Medical evaluations can be performed by using a medical questionnaire or by performing an initial medical evaluation that obtains the same information as the medical questionnaire. The evaluation may be completed electronically through an online medical evaluation service. The evaluation must be conducted during normal working hours or at a time that is convenient to the employee and employers are responsible for paying for the service.

2. The employee must be fit tested to ensure that the respirator is working effectively.
3. The employee needs to be trained to use the respirator.

References:

29 CFR 1910.134

“Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Healthcare Employers”, The Occupational Safety and Health Administration, U.S. Department of Labor OSHA 3328-05, 2007