

## Cal-OSHA Provides Clarification on ATD Standard Related to Respirators

January 2010

Cal-OSHA has provided Keenan with some clarifying information regarding K-12 schools and the new Aerosol Transmissible Disease (ATD) Standard, as well as use of the N95 respirators being distributed by the County Offices of Education.

Cal-OSHA has confirmed that K-12 schools are considered “referring employers” under the new ATD standard, as a result of school Nurses and Health Technicians providing outpatient healthcare to students. As a referring employer, Districts have *two options* in regards to controlling occupational exposure to aerosol transmissible disease respiratory hazards:

### Option 1

Provide N95 respirators to Nurses, Health Technicians, and any other employee identified as working in an area where an occupational respiratory hazard exists. N95’s are “tightly-fitting respirators”, requiring a Respiratory Protection Plan be implemented, along with medical evaluations and fit testing for all employees that have been identified as having exposure to a respiratory hazard. Requirements for a Respiratory Protection Plan, Fit Testing Procedures, and Medical Evaluations can be found here:

- Respiratory Protection Plan Requirements— <http://www.dir.ca.gov/title8/5144.html>
- Fit Testing Procedures – <http://www.dir.ca.gov/title8/5144a.html>
- User Seal-Check Procedures - [http://www.dir.ca.gov/title8/5144b\\_1.html](http://www.dir.ca.gov/title8/5144b_1.html)
- Medical Evaluation Questionnaire - <http://www.dir.ca.gov/title8/5144c.html>
- Alternate Medical Evaluation Questionnaire (Appendix B) <http://www.dir.ca.gov/Title8/5199.html>

That being said, Cal-OSHA emphasized the importance of actually getting the respirators to the employees first and foremost, even if the plan documents, medical evaluations and fit testing procedures are not yet in place. A District should not deny a respirator to these identified employees solely because the proper procedures have yet to be implemented.

Cal-OSHA also clarified that an employee simply accompanying a student to the health office would likely not be considered at risk of a respiratory hazard, as long as they maintain a six-foot distance.

### Option 2

As stated in Section (c)(5)(C) of the ATD Standard (5199), a referring employer is not required to provide respirators to the above-defined occupations, *if* the District has implemented source control measures where the person requiring referral is located, and can verify that all source control measures as described in section (c)(2) of the ATD standard are working, as outlined below:

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“The employer shall establish, implement, and maintain effective written source control procedures. For fixed health care and correctional facilities, and in other facilities, services, and operations to the extent reasonably practicable, *these procedures shall incorporate the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings*. These procedures shall include the method of informing persons with whom employees will have contact of the employer’s source control measures.”

“**Respiratory Hygiene/Cough Etiquette in Health Care Settings**. Respiratory Hygiene/Cough Etiquette in Health Care Settings, CDC, November 4, 2004, which is hereby incorporated by reference for the sole purpose of establishing requirements for source control procedures.”

In other words, as long as you can implement and verify the procedures from the CDC’s Respiratory Hygiene/Cough Etiquette in Healthcare Settings Fact Sheet, found here <http://www.cdc.gov/flu/professionals/pdf/resphygiene.pdf> then you do not have to provide N95 respirators to employees.

### **Voluntary Respirator Use**

You may discover that other employees not identified as having exposure to a respiratory hazard still want to don an N95 or similar respirator. If you have evaluated the employees concerns, and have determined that a respiratory hazard does not exist (either because there is no exposure or because you have implemented source control measures), you are not required to provide an N95 to that employee. However, the employee may voluntarily wear a respirator regardless. In that case, you should provide that employee the following information (from <http://www.dir.ca.gov/title8/5144d.html>):

1. Read and heed all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designated to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors or very small solid particles of fumes or smoke.
4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.

### **Cal-OSHA Update**

On January 4, 2010, Cal-OSHA issued a news bulletin stating that the California Department of Public Health (CDPH) is ordering a recall of a specific type (3M 8000 series) of N95 respirator and Cal/OSHA is advising employers not to use the respirators if employees cannot pass fit-tests on them. The news article can be found here: <http://www.cal-osha.com/State-Recalls-Respirators-Bad-Fit-Tests.aspx>

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