

# OSHA issued updated enforcement guidance for respiratory protection due to the shortage resulting from the pandemic

On April 3, OSHA issued updated enforcement guidance for respiratory protection due to the shortage resulting from the pandemic. Extended use, reuse and use of expired N-95s may be allowed under certain circumstances. A summary is supplied here and further detail is available at the OSHA website link below.

## *Citation guidance:*

OSHA will, on a case-by-case basis, exercise enforcement discretion when considering issuing citations under 29 CFR § 1910.134(d) and/or the equivalent respiratory protection provisions of other health standards in cases where:

- The employer has made a good faith effort to obtain other alternative filtering facepiece respirators, reusable elastomeric respirators, or PAPRs appropriate to protect workers;
- The employer has monitored their supply of N95s and prioritized their use according to CDC guidance ([www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html](http://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html); [www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy/index.html](http://www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy/index.html));
- Surgical masks and eye protection (e.g., face shields, goggles) were provided as an interim measure to protect against splashes and large droplets (note: surgical masks are **not** respirators and do not provide protection against aerosol-generating procedures); and
- Other feasible measures, such as using partitions, restricting access, cohorting patients (healthcare), or using other engineering controls, work practices, or administrative controls that reduce the need for respiratory protection, were implemented to pro

## *All employers:*

- **Extended use or reuse of N95s:**

In the event extended use or reuse of N95 FFRs becomes necessary, the same worker is permitted to extend use of or reuse the respirator, as long as the respirator maintains its structural and functional integrity and the filter material is not physically damaged, soiled, or contaminated (e.g., with blood, oil, paint).[7] Employers must address in their written RPPs the circumstances under which a disposable respirator will be considered contaminated and not available for extended use or reuse. Extended use is preferred over reuse due to contact transmission risk associated with donning/doffing during reuse. When respirators are being re-used, employers should pay particular attention to workers' proper storage of the FFRs in between periods of reuse.

  - Users should perform a user seal check each time they don a respirator and should not use a respirator on which they cannot perform a successful user seal check. See 29 CFR § 1910.134, Appendix B-1, *User Seal Check Procedures*. [8]
  - Employers should train workers to understand that if the structural and functional integrity of any part of the respirator is compromised, it should be discarded, and that if a successful user seal check cannot be performed, another respirator should be tried to achieve a successful user seal check.
  - If reuse of respirators is necessary, an appropriate sequence for donning/doffing procedures should be used to prevent contamination, and training needs to address appropriate donning/doffing procedures. See [www.cdc.gov/niosh/npptl/pdfs/PPE-Sequence-508.pdf](http://www.cdc.gov/niosh/npptl/pdfs/PPE-Sequence-508.pdf).
- **Use of expired N95s:**

In the event that N95s are not available and the employer has shown a good faith effort to acquire the respirators or to use alternative options, as outlined below, CSHOs should exercise enforcement discretion for the use of N95 FFRs beyond the manufacturer's recommended shelf life, including surgical N95s. [9]

- Employers may use only previously NIOSH-certified expired N95 FFRs found at [www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html](http://www.cdc.gov/coronavirus/2019-ncov/release-stockpiled-N95.html). Workers should be notified that they are using expired N95s.
- Purchasers and users of personal protective equipment should not co-mingle products that are past their manufacturer's recommended shelf life (i.e., expired) with items that are within their shelf life.
- Employers should visually inspect, or ensure that workers visually inspect, the N95 FFRs to determine if the structural and functional integrity of the respirator has been compromised. Over time, components such as the straps, nose bridge, and nose foam material may degrade, which can affect the quality of the fit and seal.
- Where an employer has expired N95s available from their own stored cache (i.e., not from the U.S. Strategic National Stockpile), the employer should seek assistance from the respirator manufacturer or independent lab regarding testing of those stored respirators prior to use.

**Healthcare employers only:**

- Expired N95s generally must **not** be used when HCP:
  - Perform surgical procedures on patients infected with, or potentially infected with, SARS-CoV-2, or perform or are present for procedures expected to generate aerosols or procedures where respiratory secretions are likely to be poorly controlled (e.g., cardiopulmonary resuscitation, intubation, extubation, bronchoscopy, nebulizer therapy, sputum induction).
    - In accordance with CDC guidance for optimizing the supply of respirators, employers should prioritize the use of N95 respirators by activity type. When HCP perform or are present for aerosol-generating procedures or procedures where respiratory secretions are likely to be poorly controlled, use respirators (including N95 FFRs; other FFRs; non-disposable, elastomeric respirators; and PAPRs) that are still within their manufacturer's recommended shelf life, if available, before using respirators that are beyond their manufacturer's recommended shelf life. See [www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy/contingency-capacity-strategies.html](http://www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy/contingency-capacity-strategies.html). The CDC guidance also addresses scenarios in which other crisis standards of care may need to be considered, but this enforcement guidance is not intended to cover those scenarios.

<https://www.osha.gov/memos/2020-04-03/enforcement-guidance-respiratory-protection-and-n95-shortage-due-coronavirus>

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