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Legislative Affairs & Advocacy Update: September

by Donna Zankowski MPH RN FAAOHN, Legislative Affairs Chairperson

This month, we have an important issue to share with you and are asking for your input. In July, the Department of Labor announced amendments to certain health and safety standards and posted a proposed rule to eliminate the requirement that a medical evaluation be administered before an employee can be fit-tested for a FFP – filtering facepiece respirator (like an N95 respirator) or a PAPR – powered air-purifying respirator. See the announcement in the Federal Register [here](#).

Our initial reaction is that this would eliminate an important step in ensuring that an employee is fully capable of correctly and safely wearing their PPE (personal protective equipment) for the entire duration of their assigned work. On further review of the documentation that OSHA has provided in its background and discussion of the proposed rule, this action appears to be based on a lack of evidence, rather than on new evidence or a careful examination of the issue.

Since administering a medical evaluation questionnaire for safely fit-testing is a core skill of our professional practice, the occupational health and safety community is seeking guidance, and we are looking to you, our members, for help and expertise. Please take a few minutes to think about the following questions and send your responses to info@AAOHN.org by Friday October 3. We are aware that the Federal Register page for this issue lists September 2 as the comment due date, but a 60-day extension has been granted.

Please answer the following questions:

- How do you use the medical evaluation questionnaire in your practice?
- What would you say is the most valuable information you learn from the medical evaluation?

- Do you think it would be safe or sensible to eliminate the medical evaluation prior to fit testing?
- What potential harm do you think might occur if the medical evaluation is eliminated for FFPs and PAPRs?
- What do you think of the DOLs argument that a medical evaluation is not needed since they did not document any negative effect from the elimination of the requirement to fit test (and give a medical evaluation) for employees NOT Required to wear PPE, but who voluntarily chose to wear PPE during the COVID-19 pandemic?
- As AAOHN prepares its comments to enter into the Federal Register, what would you want us to be sure to emphasize?

Thank you for your willingness to help us advocate for our professional practice!