

October 15, 2007

The Honorable Robert C. Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, DC, 20510

The Honorable Thad Cochran
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC, 20510

The Honorable Tom Harkin
Chairman
Subcommittee on Labor, Health and
Human Services, Education and
Related Agencies
Committee on Appropriations
United States Senate
Washington, DC, 20510

The Honorable Arlen Specter
Ranking Member
Subcommittee on Labor, Health and
Human Services, Education and
Related Agencies
Committee on Appropriations
United States Senate
Washington, DC, 20510

Dear Chairmen Byrd and Harkin and Ranking Members Cochran and Specter:

On behalf of the first responders, nurses, public health professionals, and occupational safety and health professionals represented by our organizations, we strongly urge you to oppose any effort to add a provision to the FY 2008 Labor, Health and Human Services (HHS) and Education Appropriations bill to prohibit or limit the Occupational Safety and Health Administration (OSHA) from enforcing the annual fit testing provision of its respirator standard as it relates to the hazard of tuberculosis (TB). This exception in the enforcement of the OSHA respirator standard puts health care workers and first responders at unnecessary risk of contracting TB, which is of heightened concern given the emergence of a new deadly, extensively drug-resistant strain of the disease (XDR-TB).

The House-passed FY 2008 Labor-HHS Appropriations bill does not include such a prohibition. An amendment offered in the House Appropriations Committee in July 2007, to add this prohibition failed. The Senate has never proposed or included such a prohibition in past funding bills and should not do so now.

No respirator will provide adequate protection if it leaks due to poor fit. When developing the respirator standard, OSHA considered extensive comments and evidence on the frequency of fit testing. Based upon that extensive record, OSHA determined that an annual fit test was necessary in part due to changes in a worker's weight, dental work and other factors that affect the necessary facial seal of the respirator. The annual fit test also serves to remind workers how to properly don their respirator.

In a July 9, 2007 letter that provides a detailed review of the scientific evidence on respirator fit testing, the Centers for Disease Control and Prevention (CDC) National Institute for Occupational Safety and Health (NIOSH) reaffirmed the scientific basis for an annual fit test as required by OSHA's existing respirator standard. The director of NIOSH concluded: "**NIOSH believes that there is sufficient scientific evidence demonstrating the need for fit testing to ensure effective worker protection, as well as scientific evidence to support the regulatory requirement of annualized follow-up respirator fit testing promulgated by OSHA in its Respiratory Protection Standard.**" We believe that the views of NIOSH, the lead agency within the federal government with expertise on occupational respiratory disease and respiratory protection, should be given great weight.

Properly fitted respirators not only safeguard against TB, but provide protection against other airborne hazards such as avian flu, Severe Acute Respiratory Syndrome (SARS) and other biological agents that could be released in a terrorist attack. Annual fit testing against TB will ensure that nurses and responders are prepared in advance for many airborne biological threats.

The middle of a public health crisis is not the time to determine which among many respirators properly fits an individual employee. The time for fit testing and planning for exposure protection is best done annually and in advance of the urgency of a medical situation. The need for a properly fitted respirator and effective infection control measures was demonstrated in Toronto during the 2003 SARS outbreak, when 169 health care workers contracted SARS, three of whom died, because they were not adequately protected from exposure.

While many states have made progress against TB infection rates since the early 1990s, it is still a serious threat to many nurses and first responders. Indeed, 20 states reported increases in the number of TB cases with 17 reporting an increase in the rate of infection in 2006. Furthermore, the CDC and the World Health Organization (WHO) have recently warned about a growing number of cases of a virulent form of TB that is extremely drug resistant and highly lethal. There is great concern that this new TB strain could lead to a new epidemic.

The annual fit testing requirement is not unique to TB. The OSHA respirator standard requires all employers to provide respiratory protection to protect workers exposed to any airborne hazard that threatens health and to conduct an annual fit test to ensure that the respirator fits properly. Indeed, health care facilities are required to conduct annual fit testing when the presence of other contaminants, such as ethylene oxide and formaldehyde, require the use of respirators. First responders and nurses exposed to TB should be afforded the same protections. Moreover, the annual fit test serves the public interest by reducing the possibility that first responders and nurses will become vectors of TB and other diseases. The OSHA requirement is consistent with guidelines on TB issued a year ago by the CDC, which recommend fit testing for healthcare workers exposed to TB be conducted periodically in accordance with federal, state and local regulations.

For all of these reasons, we strongly urge you to oppose any amendment that would prohibit or limit OSHA from enforcing the annual fit testing requirement for respirators as it applies to TB and to help protect first responders and nurses from unnecessary and serious health risks.

Sincerely,

American Industrial Hygiene Association (AIHA)
American Nurses Association (ANA)
American Public Health Association (APHA)
American Federation of Government Employees (AFGE)
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Communications Workers of America (CWA)
International Association of Firefighters (IAFF)
International Brotherhood of Teamsters (IBT)
International Union, United Auto Workers (UAW)
Service Employees International Union (SEIU)
The Department for Professional Employees, AFL-CIO
United American Nurses (UAN)
United Food and Commercial Workers International Union (UFCW)
United Steelworkers (USW)