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FOR EMPLOYEES

Thank you for interest in educating yourself about the facts regarding masks. I am happy to provide you with information to educate yourself and others as to masks and their application in the workplace. All information obtained in these documents is easily verifiable and publicly available.

It is important to note, I'm not an attorney and am simply sharing the information I've compiled from my experience in Occupational Health and Safety (workplace safety), as well as basic pathophysiology as an EMT and EMS Instructor.

I cannot guarantee the outcome of any given situation you may encounter; but am providing you with tools. Any actions you decide to take or policies you decide to implement, must be your decision and you are solely responsible. Please read all the documents I've provided which explain, summarize and clearly show how current Pennsylvania mask mandate, in the workplace, directly violates established and recognized OSHA regulations. Knowledge and understanding is powerful, especially when put into action.

Based on the publicly available information, OSHA regulations and manufacturer information I've provided it is my professional opinion that REQUIRING face coverings, that are not certified respirators for a respiratory hazard (that you cannot test for or prove the presence of) in your workplace may leave you liable for workplace injury or illness.

If I wanted to talk to my Employer about their mask mandate, I would:

- Document all interactions including the date, time, who you spoke with and request communication from them in writing in response to my safety concerns.
- Remind them that I'm protected from retaliation for reporting workplace safety concerns under the Whistleblower Protection Act
- Ask them if masks / face coverings are required due to the respiratory hazard COVID-19.
- Provide them with the materials I have
- Provide them with OSHA's own COVID-19 guidance which states they are "not a standard or regulation, and it creates no new legal obligations" and that the Employer should conduct its own "hazard assessment..."
- Ask them if they have conducted air sampling testing (in accordance with NIOSH's guidelines) for the presence of the respiratory hazard COVID-19 in their workplace; and provide me with a copy of the results.
- Ask them for a copy of their written Respiratory Protection Program and when they will be sending me to an independent physician for medical evaluation and fit testing of an OSHA certified respirator, since they are stating there is a respiratory hazard in the workplace. I would let them know I will be sending a copy of their Respiratory Protection Program to OSHA for compliance review.

- Provide them with OSHA PPE guidelines which state the PPE must be adequate to address the hazard; only NIOSH approved respirators (N95) are approved for respiratory protection.
- Provide them with 3M manufacturer information showing that surgical masks (and certainly not homemade ones) are not acceptable protection for respiratory hazards.
- **IF THIS PERTAINS** - Explain to my employer that I have a pre-existing condition that has been aggravated by their requirement of face coverings and or reduced airflow. I would NOT disclose what that condition is, as it's not required, but I would tell them what my symptoms are if they ask. I would tell them what is affecting me (headaches, shortness of breath, anxiety, dizziness, palpitations, skin allergy, acne, oral infections, confusion, etc.). I would ask to be sent to a doctor under worker's compensation to have my issue(s) evaluated and treated. I would be open and honest with the physician.

If I didn't have a pre-existing condition but felt that the face coverings / reduced airflow are affecting my health, I would do the same things I listed above.

- I would inform my Employer that they are violating the OSHA regulations you have presented them with by requiring ineffective PPE (masks / face coverings) and remind them that OSHA COVID-19 guidance are recommendations, and that the decisions are solely that of each employer.
- I would inform my Employer that I prefer to resolve these issues with them directly and without having to contact OSHA to complain, but that I am prepared to do so, and am protected from retaliation.
- I would inform my Employer that when OSHA responds to complaints, they usually do more than investigate the specific complaint. OSHA Inspectors, when called to a facility, usually inspect the entire facility for violations / citations that can be costly.
- I would be prepared to file a complaint with OSHA at www.osha.gov and cite the regulations I have gathered and documented. (I would cut and paste the information I've already listed in these documents.)
- I would ask for a response in writing from OSHA regarding the use of ineffective PPE for a respiratory hazard (that has no testing values and cannot be tested for) and that I'm prepared to share their response with the media should they decide to allow Employers to require ineffective and possibly health damaging PPE. (Would they allow a baseball cap instead of a hard hat for impact resistance?)
- I would be professional and submit the facts, however I would NOT back down. I would inform my Employer they are putting my health at risk by reducing my air flow while having zero affect on any respiratory hazard, and if they decide to fire me for these concerns I will take action with a Labor Law Attorney.

These are the actions I would take to fight for my right to be safe in the workplace. I cannot decide what is right for you or guarantee the outcome. I do believe if more employees of large retailers brought this to their attention and followed through with complaints, OSHA would have to stand behind their own REGULATIONS. We won't know unless we try!!!