

# Kelly L. Miller

Occupational Health and Safety Educator

Certified Ophthalmic Assistant, Advanced Emergency Medical Technician (Instructor), ASHI Certified CPR/AED Instructor

## FOR EMPLOYERS

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 document 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.

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. The current Pennsylvania mask mandate, in the workplace, directly violates established and recognized OSHA regulations.

If after conducting your own hazard assessment, you choose to make face masks/coverings optional for your staff instead of mandatory (or not allow them at all), I believe in and support your right to do so.

If I owned a business and decided to not require face coverings, I would:

- Share the reasons for my decision with my staff and make all the materials I used for this decision available to them to review.
- Document the time, date as well as the attendees of that meeting. (Including printed name and signature).
- Ask that any staff member that decides to use face coverings please use only clean ones, be mindful about touching them and wash their hands after doing so (cross contamination concerns) and for everyone to practice good hygiene.

I would also follow all of OSHA's other regulations for workplace safety. This way if OSHA responded to a complaint and wanted to perform an inspection, I would be prepared. I would be professional and polite and inform an OSHA Inspector:

- The current Pennsylvania mask mandate, in the workplace, directly violates established and recognized OSHA regulations per the documents I've provided and regulations cited.
- That I want their response in writing and am prepared to share it with the media should they decide to support Employers to require ineffective and possibly health damaging PPE. (Would they allow a baseball cap instead of a hard hat for impact resistance?)

- I respect any employees right to contact OSHA, as that is protected under OSHA's Whistle blower Act, and not retaliate against them.

I would have all the materials I used to make this decision readily available to show any Inspector (OSHA, Health Dept., etc.) Employee or Customer to address their concerns about my decision. I would stress that the consequences of wearing facemasks in the general public and or reduced airflow is not known and that every person's body is different. I would educate them that as an Employer, I am not allowed to ask staff about pre-existing medical conditions that may be aggravated by face masks and or reduced air flow; yet could be responsible for causing work-place injury or illness that is aggravated by them.

Again, I cannot guarantee any outcomes. I have worked with Business owners who had OSHA Inspectors cite them (minimally) for things that weren't regulated or mandated. Some of them paid those fines as they were small and didn't want to be bothered to fight them.