

Aug. 12, 2010

## **Surgical masks should not be used against infectious diseases, ISEA tells OSHA**

ISEA responded with [comments](#) Aug. 4 to an OSHA request for information on protecting workers from infectious diseases. One of ISEA's key points was that surgical masks should never be used to protect workers from airborne exposures. ISEA contends workers need to be protected from all three likely exposure routes of large droplets, contact and aerosols. This includes use of gloves, gowns and faceshields. The Service Employees International Union responded, too, with its strong and unequivocal support for an OSHA rule on infectious diseases. In other comments, the Food and Drug Administration (FDA) acknowledged that surgical masks are designed to protect a wearer from splashes, and from "pathogens spread by droplet rather than aerosol transmission." The FDA also noted the "2009 H1N1 pandemic highlighted the need for a better coordinated effort by the federal government to provide more useful, scientifically based recommendations."

## **ISEA comments will highlight fall-arrest technologies not included in OSHA's proposed walking-working surfaces rule**

ISEA's Fall Protection Product Group met Aug. 9 to continue its work on comments for [OSHA's proposed walking-working surfaces rule](#), which addresses slips, trips and falls, including falls to lower levels. Overall, members agree the proposed rule brings OSHA into alignment with modern industry practices. An important element of ISEA's comments will be a discussion of current fall-arrest technologies, such as twin-leg lanyards, fall arrest systems for fixed ladders and solutions to protect workers from falls when there are no overhead anchors. Comments are due Aug. 23.

## **NIOSH to get more info from ISEA on economic impact of TIL rule**

At the request of NIOSH, ISEA Respiratory Product Group members are creating charts and a report to illustrate the economic impact of the proposed [Total Inward Leakage \(TIL\) rule](#), which would change the way half-mask respirators are tested and marketed. Members presented ISEA-sponsored research at a July 29 public meeting, but NIOSH requested additional information.

## **Government relations committee meets to develop action plans for key issues**

The ISEA government relations committee held a conference call on Aug. 11 to discuss implications of a likely Injury and Illness Prevention Program rule, government programs that could create jobs that require PPE and develop topics for a survey ISEA members about key government issues that effect or benefit their business. For more information, please contact [Dan Glucksman](#), ISEA public affairs director.

## **New cranes and derricks rule includes section on fall protection**

OSHA published the ["Cranes and Derricks" final rule](#) on Monday, Aug. 8. Fall protection is covered in Section 1926.1423, requiring compliance with most of OSHA's regulations for fall protection in construction. One exception allows employers and employees to use fall protection during assembly and disassembly of lattice booms only when the distance to the ground is 15 feet, not six feet, as is standard in most construction regulations.

## **House and Senate recommend FY11 fire fighting grant amounts**

A House-Senate conference on grants for firefighters may not take place until after the fall elections. The Senate Homeland Security Committee has recommended \$390 million for firefighter assistance grants (also known as the FIRE Act, which helps fire departments

purchase PPE, vehicles and other fire fighting equipment), and \$420 million for firefighter staffing grants (the SAFER Act). The House Homeland Security Appropriations Committee has recommended \$420 million for both firefighter assistance grants and firefighter staffing grants.

On a related topic, the FY09 FIRE Act grant round is wrapping up. \$390 million was made available for the FY10 FIRE Act cycle.

### **Required reporting of MSD/ergonomic injuries coming soon**

OSHA-required reporting of ergonomic injuries and musculoskeletal disorders (MSD) is expected to soon be a reality. After hearings earlier this year to craft the proposal expanding the illness and injury reporting program, OSHA sent the text of a final rule on this [proposal](#) to the White House for a final review in July. A rule could be published in October with a likely effective of January 2011.

### **Looking ahead ...**

- Aug. 23 – Comments due on [OSHA's proposed walking-working surfaces rule](#), which addresses slips, trips and falls, including falls to lower levels.
- Sept. 30 – Report/info due on NIOSH's proposed [Total Inward Leakage \(TIL\) rule](#).
- The House of Representatives returns from its August recess on September 14. The Senate returns on September 13. Key legislative issues include MSHA/OSHA enforcement reforms and various annual funding programs.

*For more information about any of the activities mentioned in the Washington Report and/or about ISEA's public affairs program, [contact Dan Glucksman](#).*

*Check out "[ISEA on the Issues](#)," the new site on the association's web page for position statements, and comments to state and federal dockets and policymakers.*